The House met at 12 o'clock noon.
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

_Let the beauty of the Lord our God be upon us._—Psalms 90: 17.

God of grace and God of goodness, in the name of the gentleman from the death of our beloved friend and colleague, the gentleman from Ohio (Mr. Kirwan). Mike Kirwan died early this morning at Bethesda Naval Hospital after a long illness.

Funeral arrangements have not been completed and will be announced when finalized.

Mr. Speaker, in order that all Members may have an opportunity to participate in extending to the gentleman from Ohio, John Kunkel, and his family, the sympathy of the House, I ask unanimous consent that the House be adjourned for 1 hour.

The Speaker. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE LATE HONORABLE JOHN KUNKEL

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

Mr. Schneebeli. Mr. Speaker, it is my sad duty to inform the House of the death early this morning of our colleague, John Kunkel, of Harrisburg, Pa.

John served nine terms in the Congress, beginning with the 76th Congress in 1939, and then, after a break between 1951 and 1960, he returned with the 87th Congress in 1961 and served through the 86th Congress until January 1967, when he retired. John Crain Kunkel was the grandson of a Member of the 34th and 35th Congresses, great-grandson of two Members of the 19th century, and was a great-great-grandson of Jonathan Dickinson Sergeant, a Member of the Continental Congress.

There are few Members of Congress who have had such a rich tradition of service to their country in the Halls of Congress. John attended the Phillips Academy at Andover, Yale University, and Harvard Law School. In his native Harrisburg, he served in almost all the positions of civic responsibility, and has been for many years, one of its outstanding and leading citizens. The name John Kunkel inspires tremendous confidence and great respect in Harrisburg, where he was active to the end.

John was one of the leading life masters in contract bridge and he maintained an active interest and participation in this game. He was recognized nationally as one of the country's top experts.

John Kunkel was a kind man who was totally committed to being a benefactor to his community. His "open door" policy was well known to all his constituents, whether they were visiting in the Washington area during congressional sessions, or at home in Harrisburg over weekends. He was most sympathetic to the needs and complaints of those whom he represented. Politically, he was an enthusiastic champion of civil service employees and put forth much effort toward improving salaries, working conditions, and other benefits for the many employees working and living in his congressional district. His legion of friends is proper testimony to his concern for the welfare of his fellow man, and he lived a good and full life. His community, the State of Pennsylvania, and the Nation have all suffered from his passing, and thousands of friends mourn his death.

To his wife, Kitty, and to his family, Mrs. Schneebeli and I express our deep sympathy in this tragic loss.

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

Mr. Schneebeli. I yield to the gentleman from Arizona.

Mr. Rhodes. I wish to join my colleague and friend from Pennsylvania in the sympathy which has been expressed for the Kunkel family over the death of John Kunkel.

As a distinguished Representative in this House, John Kunkel earned an enviable reputation for integrity and industry in the service of his people.

He earned the friendship and the esteem of his colleagues. The memory of his association with John Kunkel will be cherished by those who enjoyed that privilege.

The life and service of John Kunkel was a tribute to all who invested him with their confidence.

So, while we share in genuine sorrow at his passing, and in sincere sympathies to his loved ones, we would also acknowledge the worthy works of this noble public servant, and rejoice that we were permitted to walk a brief way with him.

(Mr. Rhodes asked and was given permission to revise and extend his remarks.)

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

Mr. Schneebeli. I yield to the distinguished majority leader.

Mr. Albert. Mr. Speaker, I was saddened to learn of the death of John Kunkel, who was a very good friend of mine. I knew him as a very intelligent and distinguished colleague, one of the brightest men in the House. His keen intellect was further evidenced by the fact that he was probably the best bridge player ever to serve in Congress. He was my friend, and I join the gentleman from Pennsylvania in extending sympathy to his loved ones.

Mr. Schneebeli. I thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. Schneebeli. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the life, character, and service of our late colleague, John Kunkel.

The Speaker. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.
DIRECTING SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 2601


S. CON. RES. 75
Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2601), to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 29 of the District of Columbia Code, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In the third sentence of the proposed section 11-1527(a)(5) of the District of Columbia Code (as contained in section 111 of the bill), strike out "subsection (a) and (b)" and insert in lieu thereof "subsection (a)".

(2) In section 144 of the bill, renumber the paragraphs which follow the first paragraph (12) of such section as paragraphs (13), (14), (15), (16), and (17), respectively.

(3) In section 145(f) of the bill, renumber the paragraph which follows paragraph (13) of such section as paragraph (14).

(4) In section 166 of the bill, reletter the subsections of such section which follow subparagraph (g) as subsections (1) and (2), respectively.

(5) In section 177(c) of the bill, designate the undesignated paragraph that follows paragraphs (1) and (2) of such section as paragraph (3).

(6) In section 143 of the bill, strike out subsections (1) and (2), respectively.

(7) In the proposed section 29-561(b)(1) of the District of Columbia Code (as contained in section 210(a) of the bill), strike out "subsection (a) of the last sentence." and insert the same as such section.

(8) In section 29-561 (as contained in section 210(a) of the bill), strike out "No" at the beginning of such section and insert in its place "If.

Mr. Harsha. Mr. Speaker, will the gentleman yield.

Mr. McMillan. I yield to the gentleman from Ohio.

Mr. Harsha. Mr. Speaker, I thank the gentleman from South Carolina for yielding.

Mr. Speaker, I have asked the gentleman to yield in order that I may inquire about a point of information. As I understand the resolution, only provisions for technical changes that are necessary to make the conference report adopted by the House and the other body conform to the Senate. Is that correct?

Mr. McMillan. The conclusion is correct. These are technical amendments necessary to the enrollment of the bill.

Mr. Harsha. Mr. Speaker, if the gentleman will yield further, there are no substantive changes in the legislation as passed the House on adoption of the conference report.

Mr. McMillan. No changes whatsoever.

Mr. Harsha. I thank the gentleman.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CARLISLE SENIOR HIGH SCHOOL BAND WINS NETHERLANDS WORLD MUSIC FESTIVAL

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

Mr. Goodling. Mr. Speaker, we hear too much about the deadend kids in America today and not enough about the good guys. I would like to read a telegram that came to my office just a few minutes ago.

Honored to inform you that Carlisle Senior High Band, Carlisle, Pennsylvania, representing the United States at the World Music Festival in Kerkrade, The Netherlands, has won first place in all three divisions entered.

Eighty-four youngsters from Carlisle raised $70,000 to make this trip, which to my way of thinking is a remarkable achievement. By some strange coincidence, the Boeing 707 on which they departed was the Carlisle Clipper.

They appeared in three different divisions. The first was a concert division, then the parade division, and then the show competition. In the show competition, out of a possible 180 points, this Carlisle band scored 175½ points, the highest ever made in this festival.

I will be having more to say on this particular achievement when I get more details, but as I said at the beginning, I think it is time we start playing up some of the good things rather than the bad things that are happening in America today.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17548, INDEPENDENT OFFICES AND HUD APPROPRIATIONS, 1971

Mr. Evins of Tennessee. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 17548, the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1971.

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

There was no objection.

THE LATE HONORABLE MICHAEL J. KIRWAN

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

Mr. Mahon. Mr. Speaker, America has lost a great and good man in the passing this morning of the Honorable Michael J. Kirwan, of Ohio.

The Committee on Appropriations, of which he was a distinguished member for almost a quarter of a century, as a Member of the House of Representatives, has lost a valued and great friend.

The committee met at noon today and adopted a resolution on the life, service, and character of our late and beloved friend, Mike Kirwan.

I include a copy of the resolutions for printing in the Congressional Record.

RESOLUTION OF THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES ON THE LATE HONORABLE MICHAEL J. KIRWAN, OF OHIO

Whereas on July 27, 1970, the Honorable Michael J. Kirwan, full of years and full of honors and in his 84th consecutive year as a Member of the United States House of Representatives, answered the last roll call and joined the Congress of the Hereafter;

Whereas Mr. Kirwan was one of the most devoted, respected, and beloved Members ever to serve in the Halls of the House of Representatives, and

Whereas Mr. Kirwan, through his nearly 28 years as a Member of the Committee on Appropriations, recognizing the serious neglect of the precious and priceless natural resources of our Nation, became America's leading spokesman for the protection of our wilderness, our parks and forests, our nation's fisheries, our national monuments, our national parks, our national wildlife refuges, and our national forests, which he was a distinguished member for almost 28 of his nearly 34 years as a Member of this body;

Whereas throughout his 27 years of service on the Subcommittee on Appropriations for Public Works for War, Pollution Control and Power Development, and Atomic Energy Commission, including the last 6 years as its chairman, Mr. Kirwan vigorously and successfully supported legislation requiring a continuing national policy of expanding our natural resources, and especially in expanding the essential water resources development of the country, including flood control, pollution control, water supply, power generation, recreation, and recreation; and

Whereas the thousands of completed public works projects of Mr. Kirwan, yielding immeasurable benefits to this and coming generations, are living testimony to the foresight, perseverance, and persuasion of Mr. Kirwan;

Whereas Mr. Kirwan, a deeply religious man, prided of his humble beginnings and epitomizing what Emerson had in mind when he said that America was but another name for opportunity, was possessed of those qualities of honesty, simplicity, candor, and genuine goodness of character which gained him the respect and love of his colleagues and a national circle of friends; and

Whereas Mr. Kirwan, upon his long years of ceaseless effort and dedication, contributed mightily and lastingly to the building of a better America;

Whereas surely time will surround the work of his hands with a lasting veneration;

Resolved, That we, the members of the Committee on Appropriations, sharing the universal feeling of grief over the loss of this truly great American and legislative champion who has crossed the river to rest in the shade, extend our deepest sympathy to Mrs. Kirwan and other members of the family, to his relatives, and of that wide circle of admiration and universal respect; and, be it further

Resolved, That these resolutions be entered in the journal of the committee, a copy sent...
There are encouraging prospects that our efforts may be successful. We all hope and pray that they will be.

On the other hand, I am sure we all sympathize with the delicacy and the difficulty of the problem that the people of Israel face, and have to contend with in view of the fact that the Russians are now in the area helping the Egyptians not only with their own matériel but with their own personnel, and there is always the possibility that the Egyptians with the assistance of the Russians will take advantage of a cease-fire to prepare for, or to bring further aggression against, the Israelis in the future.

So while our Government is carrying on these efforts I am sure we are aware of the responsibilities we must face if, having induced the Israelis to give up their present policies they should suffer some gross danger or disaster. We would be wise, I believe, while hoping and working for the best to be prepared for the worst in case there is duplicity or deceit on the part of the Egyptians and the Russians.

PRESIDENT NIXON VISITS NORTH DAKOTA

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

Mr. KLEPPE. Mr. Speaker, North Dakotans are proud that President Nixon and four members of his Cabinet including Secretaries Hardin, Hickel, Romney, and Staggs just arrived. Top members of his White House staff came to North Dakota last Friday. The President came to visit and hear from area leaders about rural problems and rural development. The candidness of the discussion was exemplified by those who attended. Good morning, Mr. Speaker.

We are proud to have had you in our State.

Thank you for coming.

LEGISLATIVE REORGANIZATION ACT OF 1970

Accordingly the House resolved itself into the Committee of the Whole on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole on the State of the Union for the further consideration of the bill (H.R. 17654), with Mr. NICHOLS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Monday, July 20, 1970, the Clerk had read any section 116 ending on page 35, line 20 of the bill. If there are no further amendments to this section, the Clerk will read.

The Clerk read as follows:

COMMITTEE MEETINGS DURING SESSIONS OF THE HOUSE

Sec. 117. (a) Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190) is amended to read as follows:

"(c) Except as otherwise provided in this subsection, no standing committee of the Senate shall sit, without special leave, while the Senate is in session. The prohibition contained in this subsection shall not apply to the Committee on Appropriations of the Senate. Any other standing committee of the Senate may sit during general debate when the Senate is in session if consent theretofore has been obtained from the majority leader and the minority leader of the Senate. In the event of the absence of either of such leaders, the consent of the absent leader may be given by a Senator designated by such leader for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 5 of rule XXV of the Standing Rules of the Senate."

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the first portion of section 11 be dispensed with. Mr. Speaker, North Dakotans are proud that President Nixon and four members of his Cabinet including Secretaries Hardin, Hickel, Romney, and Staggs just arrived. Top members of his White House staff came to North Dakota last Friday. The President came to visit and hear from area leaders about rural problems and rural development. The candidness of the discussion was exemplified by those who attended. Good morning, Mr. Speaker.

We are proud to have had you in our State.

Thank you for coming.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read the remainder of this section.

The Clerk read as follows:

Mr. SISK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take 5 minutes, but I would like to call to the attention of the Committee and concerned Members that this does represent some change in procedure. Heretofore, for a committee to sit during general debate, unanimous consent had to be obtained on the floor of the House at the time that they sought to sit.

This language, of course, in a change in rule XI, does make it possible for any committee to sit during general debate without the permission of the House.

It does make it impossible, of course, without special leave, for any committee to sit when the House is proceeding under the 5-minute rule; that is, during the time we are in the amending stage of a bill, such as we are at the present time.

Mr. HALL. Mr. Chairman, will the gentleman yield?
Mr. SISK. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Did I correctly understand the distinguished gentleman from California to say that the amendment would alter the ruling of the Chair for any committee to sit without unanimous consent during the amendatory process; that is, under the 5-minute rule?

Mr. SISK. I did not feel that impression. I think I corrected it. They could not sit while the House is operating under the 5-minute rule or during the time the bill was under amendment, but the amendment would provide for that opportunity when the House was in general debate only.

Mr. HALL. I thank the gentleman for clarifying his statement.

The CHAIRMAN. The Clerk will read the amendment offered by Mr. ERLENBORN.

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

"Amendment offered by Mr. ERLENBORN:

Page 39, immediately below line 4, insert the following:

"DEBATE TIME FIVE-MINUTE RULE FOR AMENDMENTS"

"Sec. 119. Amend clause 6 of Rule XXIII of the Rules of the House of Representatives to read as follows:

"6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon a pending amendment to any section or paragraph of a bill, close all debate only upon the pending amendments, or upon any other amendments thereto (which motion shall be decided without debate); but this shall not preclude further amendments, to be decided without debate."

And ask unanimous consent that appropriate technical and conforming changes be made in the table of contents and other provisions of H.R. 17684.

Mr. ERLENBORN. Mr. Chairman, my amendment would amend the present rules of the House relating to limiting debate on amendments. I believe that we have all had experience during deliberations on the floor of the House when a motion was made to limit to a particular period of time—20 minutes, 30 minutes, whatever might be included in the motion—the amount of time that could be spent on entire sections or titles of bills, and then often we would find that there are many amendments offered to that section or title. As a result the ridiculous situation would occur where a Member had an amendment that he had worked on, that he was serious about, and did not even have an opportunity to explain the amendment. I know; it has happened to me. It has happened to many Members where your amendment would then only be read and you did not have an opportunity to explain it or have any debate.

The pending amendment would provide that the motion to limit debate would not apply to an entire section or an entire title but only to the pending amendment. By unanimous consent we could limit debate as to an entire section or title, but by motion we could limit it only to the pending amendments.

In this way any Member who had an amendment to offer would have an opportunity to explain his amendment. If there were no sufficient interest in it to continue with the debate, the time could be limited, but at least the Member offering the amendment would have 5 minutes and would have an opportunity to explain his amendment.

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

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

Mr. PUCINSKI. I rise in support of the gentleman.

I remind the Members that a number of years ago we were caught in a situation like this—debate on a minimum wage bill. An amendment was offered by the gentleman from Missouri, Mr. Smith, to make technical changes. He never had an opportunity even to discuss the amendment, nor was there an opportunity even to ask about the amendment. We adopted the amendment. Then we found that we had excluded millions of workers who were covered by the minimum wage law from the law by the amendment, and we had to cure that action in the other body.

The gentleman has a good point. We have seen this happen. Let us not do it again.

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

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

Mr. CONTE. I certainly want to join the gentleman from Illinois. Later on I will offer an amendment. I am just getting into the section which deals with Members offering motions to table. This is a non-debatable issue. Recently I was clobbered in the press because, on the civil rights issue, I offered amendments, when the gentleman from California (Mr. COHELAN) offered the amendment I wanted to speak on the amendment, and some Member moved to table. There is no way in the world one can establish any legislative history in that manner.

I believe this is a very good amendment. I will support it. I will offer an amendment later on, in respect of the motion to table.

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

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

Mr. SISK. I should like to ask the gentleman, with reference to the statement made by the gentleman from Massachusetts, whether there is anything in this amendment that has to do with a motion to table.

Mr. CONTE. This is an amendment offered to the gentleman with respect to an amendment offered by some Member of the House when the Member cannot speak on his amendment. How can he explain the amendment? At that
point he may have to submit something under a unanimous consent agreement, which I interpret as an abuse of the rules of the House.

Mr. ERLENBORN. In explanation, the gentleman from Massachusetts explained that he intended later to offer an amendment concerning the motion to table. This is not included in my amendment.

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

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

Mr. FRASER. After reading the amendment, I am not certain how it is intended to operate. The gentleman suggested that a motion would be in order to close all debate only upon the pending amendments; that is, those amendments which had already been offered, is that right?

Mr. ERLENBORN. Yes; and it goes on to say, "or pending amendments there to".

Mr. FRASER. When the word "or" is used, does the gentleman mean to say that is not an alternative possibility?

In other words, one could close debate only on the pending amendments to the amendment? I am not clear as to how the language will work.

Mr. ERLENBORN. It is my intention, as is the practice now, in respect to an amendment which is pending, to which there may be offered a substitute amendment, or amendments to the pending amendment, which are also pending and under debate, that debate as to all of them could be limited by the motion in respect to the pending amendment and amendments there to.

Mr. FRASER. But this would not enable the House by a majority vote to cut off debate on a paragraph or upon a section.

Mr. ERLENBORN. That is the intent, to prohibit a limitation of debate by motion as to a paragraph, a section, or a title, so that each amendment would have an opportunity to be explained and debated.

Mr. FRASER. In effect, this would permit at least 5 minutes of debate on every amendment, since it would not be in order to cut off debate until after debate started on the amendment; is that right?

Mr. ERLENBORN. That is correct.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

I am not altogether sure that I fully understand the intent of the gentleman on the amendment. I should like to have the attention of the gentleman from Illinois (Mr. ERLENBORN) in connection with this.

I think we are all interested in being given proper time to discuss subjects that are of importance in debate on any legislation. However, in our attempts to make certain of that, we certainly do not wish to bring about a situation where dilatory tactics could be carried on and make it impossible to proceed expeditiously with legislation.

As I understand it—and I will be glad to yield to the gentleman to answer this question—once an amendment has been offered, after a section has been read, then no motion would be in order to set a time certain to close debate on this section or paragraph. Is that what this language means to say?

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

Mr. SISK. Yes. I am glad to yield to the gentleman.

Mr. ERLENBORN. Yes. That is exactly what this language is intended to say. The motion to limit debate would be effective only as to an amendment and not to an entire section, paragraph, or title. So that every amendment would have, as the gentleman from Minnesota properly stated, at least 5 minutes of debate.

Mr. SISK. I recognize that we sometimes have occasions where a series of amendments may be desired to be offered or be on the Clerk's desk regarding a section, a paragraph, or a title. If the majority votes to close debate, we do not have the opportunity to debate each amendment individually. Again we must keep in mind that the most important matter here is to give the majority the right to work its will at all times. I believe, in view of that, we are taking what I say is a rather dangerous step. I recognize and sympathize with what the gentleman is trying to do. However, let me say that I could visualize all kinds of dilatory tactics by the offering of a whole series of amendments where, for example, it would become almost impossible to close off debate simply by providing for amendments at the Clerk's desk in great numbers.

Of course, as the gentleman well knows, he remembers that not too long ago we had a bill where there were 30 or 40 amendments at the Clerk's desk. That is the only reason why I oppose it at this time. It is not a matter that has been brought to the subcommittee's attention. I saw the amendment for the first time a couple of minutes ago. I will say, with no criticism of the gentleman, with the amendments, or many of them, have been submitted to us and we have had an opportunity to make some study of them.

Unfortunately, we have had no opportunity to read or study this amendment, and it involves a change in the rules of the House, which are very delicately balanced, and brings into focus some of the real questions and concerns that the subcommittee has. On that basis, without further study, I would oppose the amendment and hope that the committee will vote down the amendment.

Mr. ERLENBORN. Will the gentleman yield further?

Mr. SISK. Yes. I yield to the gentleman.

Mr. ERLENBORN. Let me say that I recognize that there are abuses both ways. This is why it seems to me this subject is worthy of study. I hope that the committee will not be overly hasty in adopting this kind of an amendment, because it is not an amendment that would give the committee the opportunity to study heretofore. I am very fearful that we could get into real dilatory tactics. Though I sympathize with the gentleman and do not want to have to look at it again, I do not agree with it.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I respect the argument made by the distinguished gentleman from California, the chairman of the subcommittee, and surely there is merit to it, but I believe that the other side of the coin deserves as much discussion. As we have said earlier here, this may be one of the most important amendments to this bill, because we have seen time and time again when Members who have made an extensive study of a subject and have found that it is not dilatory or designed to obstruct the operations of the House have been prevented from debating it.

I believe this amendment that the Member has carefully worked out and he attempts to get recognized, but under our procedure here he cannot get recognized very often until the amendments on the bill are recognized because they have priority.

So as a result, the work which a Member has put into an amendment and one believes that the legislation goes down the drain and is lost.

Mr. Chairman, I would think every Member of this House who respects his own rights as a Member of this House to make whatever contribution or contributions he wishes to make to this legislation, should indeed support this amendment. I say this because as I stated earlier I recall very well here during the discussion of the amendment which the gentleman from Missouri, Mr. Smith, who is now a member of the TVA, offered an amendment. There was no opportunity whatsoever to discuss this amendment under the rules of the House and in haste the House adopted the amendment. However, I also recall the next day very vividly the red-faced gentleman standing in the well and denying that it was his intention to take from coverage or to exclude 14 million workers who had been covered for many years under the minimum wage law. This is the kind of thing that happens around here more often than we want it to happen.

Mr. Chairman, I believe this amendment would cure that type of situation. With reference to dilatory tactics, the House has many ways in dealing with those who want to be dilatory and obstruct the House in working its will. I think there are other tools available to the minimum wage amendment which would deal with that problem.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Wisconsin, Mr. STEIGER of Wisconsin. I am
sympathetic with the gentleman with reference to the offering of this amendment, but I would hope that the amendment would be defeated.

Mr. Chairman, there is an amendment which will be offered later on which will go in the nature of the Erlenborn amendment. But I think the chairman of the subcommittee, the gentleman from California (Mr. Sisk), has made a very valid point about the abuse that could spring from this result of dilatory tactics if the pending amendment is adopted. Therefore, I would hope that the concept embodied in the amendment which will be offered at a later time and on which any deal of thought has been given, to the effect that an amendment which has been printed in the Record in advance would be granted time would be a better method of attempting to achieve the goal which I am sure the gentleman from Illinois (Mr. Erlenborn) is attempting to achieve and will also permit the House to work its way through the year.

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

Mr. PUCINSKI. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I want to echo the sentiments which have been expressed by our colleague from Wisconsin. There are two problems with reference to this proposed amendment. It seems to me that it would not enable the House to move effectively when it needs to and it opens the way to dilatory tactics.

There is a more carefully drawn amendment which will seek to provide for amendments when they are placed in the Record at least 1 day before which would deal with this problem more effectively.

Moreover, I think this is probably going too far too fast without enough consideration having been given to the pending amendment.

I think the problem is clear. However, I do not think that is the wisest solution.

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

Mr. Chairman, I rise to echo the thoughts which have been expressed by our colleague from Wisconsin (Mr. Steiger) and the gentleman from Minnesota (Mr. Fransen) to the effect that there is an amendment that will be coming up under a different section of this bill which states if a Member does have an amendment in which he is interested, he can have that amendment printed in the Record the day before the bill is to be taken up, and if that amendment has been printed in the Record at the direction of the Clerk, that amendment is then guaranteed a minimum of 10 minutes debate. In this way only those amendments which have been placed in the Record before would qualify to be allotted time during debate.

I hope, therefore, we will defer this amendment and the up amendment which would guarantee limited debate time on any given amendment.

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

Mr. REES. I yield to the gentleman.

Mr. PUCINSKI. What would the gentleman do in the case of an amendment which develops as a result of an amendment that has been adopted?

In other words, very often we have here on the floor of the House a very fluid situation where a piece of legislation takes a sudden turn in a different direction because an amendment has been adopted.

Then a Member of the Congress wants to offer another amendment to that amendment that has been adopted. He would be foreclosed and precluded because he would not have anticipated the amendment being needed and, therefore, was unable to have the amendment printed in the Congressional Record in sufficient time.

Mr. REES. But they could do so with a little thought to have it prepared ahead of time and printed in the Record and, therefore, they could have sufficient debate on it. But I think the gentleman will agree that in every parliamentary body you have to have some kind of a motion to shut off debate, and if we do away with it, I believe we will be on this floor morning until midnight all the way through the year.

I think the amendment to be proposed is a reasonable compromise.

Amendment offered by Mr. Railsback as a substitute for the amendment offered by Mr. Erlenborn:

On page 3 of the bill, at the end of line 4 add the following:

Clause 6 of Rule XXIII of the rules of the House of Representatives is amended by adding at the end thereof the following new sentence:

"However, if debate is closed on any section or paragraph under this clause before there has been debate on any amendment which any Member shall have been caused to be printed in the Record after the filing of the bill by the Committee but at least one day prior to floor consideration, the Member who caused such amendment to be printed in the Record shall be given five minutes in which to explain such amendment, after which the first person to obtain the floor shall be given five minutes in opposition to it, and there shall be no further debate thereon; provided, that such time for debate shall not be allowed when the offering of such amendment is dilatory."

And make the appropriate and necessary technical changes in the bill.

Mr. RAILSBACK. Mr. Chairman, this is the amendment that was referred to by my colleague, the gentleman from California (Mr. Rees), to the amendment, and that was referred to by my colleague, the gentleman from Minnesota (Mr. Steiger), it directs itself to the same problem that I believe my friend and colleague from Illinois was addressing. It is clear that there should be an opportunity when a person serves advance notice, and then offers an amendment, to at least have the assurance of a minimum of time to explain the amendment. He should have 5 minutes to explain it, and then there would be 5 minutes guaranteed to an opponent to debate the amendment.

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

Mr. RAILSBACK. Let me just finish my statement, and then I will be glad to yield to the gentleman.

I think the difference between our amendment and that offered by my colleague, the gentleman from Illinois (Mr. Erlenborn), is that we provide some assurance against any kind of an amendment, no matter what kind, delaying tactics, and we do this in a twofold way.

No. 1, we require that in order to be given this privilege and this assurance of 5 minutes that it shall be printed in the Record at least 1 day in advance of action by the Committee of the Whole House on the State of the Union. In addition to that, there is now further language that would permit the Speaker or the chairman of the Committee of the Whole House on the State of the Union in his discretion to rule that an amendment of this type is dilatory.

In this mind I believe we have provided some assurances that a meaningful, constructive amendment will at least be assured of 5 minutes of explanation by the sponsor of that amendment, and that he will have the opportunity to do with being dilatory.

As I understand the language, this procedure would be followed unless the amendments were found to be dilatory.

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

Mr. RAILSBACK. I am glad to yield to the distinguished gentleman.

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

Mr. RAILSBACK. There is a double requirement here. I think personally the first requirement is very useful which requires that the Member offering the amendment providing that it shall be printed in the Record also at least on the day before. Then if he complies with that requirement he will have available this procedure so long as it is not dilatory. It would be up to the Speaker to determine if it is dilatory.

Mr. SISK. As I said, I understood the amendment was to be proposed granting this privilege for amendments that have been placed in the Congressional Record, which means at least that there was 24 hours notice given.

But the thing that concerns me really is this phrase—provided that such time for debate shall not be allowed when the offering of such an amendment is dilatory.

Would the gentleman agree that this places a responsibility upon the Speaker or upon the chairman of the Committee of the Whole House on the State of the Union, what he would assume to be dilatory in concept.

Would the gentleman assume, if some
Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. FRASER. I was interested in the gentleman's remarks about the power conferred on the Speaker to find that the author of an amendment is dilatory. I wonder if the gentleman is familiar with rule XVI, paragraph 10, of the current rules of the House which provides that "No dilatory motion shall be entertained by the Speaker." The power conferred in the rules goes to the making of the motion itself and provides no authority for the finding that the offer of a series of amendments is dilatory. It would not cut off the amendment, but would only cut off the debate time which is current­cut off the debate time which is cur­rently cut off altogether. I wonder if you might rather consider the broad power now given to the Speaker under the current rule before you worry too much about striking off debate time on such an amendment.

Mr. PUCINSKI. Rule 16 does not apply to proceedings when the House is setting as a Committee of the Whole House and it is a matter for the Speaker as presiding. I had hoped that the legislation before us now, and upon which we have spent so many days, was designed to improve the operations of the House. It does not seem that the substitute amendment would make any significant contribution. If anything, it would tighten the noose more tightly. I was hopeful that when we get through with this pro­ceedings the State of the House, finally, will emerge as such as to make the House more responsive, more effective, and more democratic. That was our hope. I do not agree with my friend from Minneso­ta.

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

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I would like to ask the gentleman what he proposes we do if some Member, for one reason or another, should decide to delay the progress of legislation.

Mr. PUCINSKI. We have often heard on the floor, when a Member through amendments tries to move in a dilatory manner, the cry of "Vote, vote, vote, vote, vote!" But if we are to delay the matters that might otherwise be entertained under the current rules of the House which provides that "No dilatory motion shall be entertained by the Speaker."

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

Mr. GIBBONS. Mr. Chairman, I rise in support of the Railsback amendment, and move to strike the requisite number of words.

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

Mr. ERLENBORN. Mr. Chairman, the Railsback amendment is a good substitute to the amendment offered by the gentleman from Illinois (Mr. ERLEN­BORN). Mr. ERLENBORN's amendment would subject the House to the power of the Speaker to declare a tactic to be dilatory—and I doubt that it would ever happen here—to a less dilatory tactic, particularly by sub­mitting an amendment after amendment. But Mr. RAILSBACK's amendment, so clearly drawn, I believe, to protect the House from dilatory tactics. It would be in the decision of the Chair, but it would allow a Member, if he wished to do so and had the opportunity, to object to what he considered the dilatory motion of the Speaker. It is an entirely different direction as a result of which, I believe, we would have ample precedents for the finding that the offer of a series of amendments is dilatory. It would not cut off the amendment, but would only cut off the debate time which is current­cut off the debate time which is cur­rently cut off altogether. I wonder if you might rather consider the broad power now given to the Speaker under the current rule before you worry too much about striking off debate time on such an amendment.

Mr. ERLENBORN. Mr. Chairman, the members of the subcommittee which dealt with this matter are going to have to make a decision at some point as to whether to be very blunt or not. I think all of us are prepared to favor amend­ments that have not been considered by the committee, and I think we have some kind of choice as to whether to be extraordinarily kind about all the offer­ings that come along in the process. I am not sure that this will be of any partic­ular value to the House. So I propose to be fairly blunt. Clearly, the substitute is a great improvement over the original pro­posal.

The maker of that original proposal conceded in the debate of his own free will that it did lend itself to dilatory tac­tics. It does not lend itself to dilatory tactics. That is all that the Railsback amendment would do. It is a good, sound amendment, and I think it ought to be accepted.

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

The CHAIRMAN. The gentleman from Missouri is recognized.

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I believe it is very clear that it is important to preserve to the majority the right to act. If the substitute of the gentleman from Illinois (Mr. RAILSBACK) only puts that burden on a series of chairmen; but that is a great burden.

The truth of the matter is that if a majority feels that an individual should have the right to act. The proposal of the majority feels that an individual should have the right of a majority to hear something. We start adopting amendments which were not considered by the committee. I want to say, first of all, I agree with the substitute or with the original version. Clearly this is an attempt in good faith, I know, by both gentlemen to improve the bill, to improve the process. But I do not know of any person who desire to see this bill so loaded that it cannot possibly pass. I fear that this is the kind of amendment which will lend itself to the argument that the bill is too loaded to justify its passing.

I hope that the amendment and the substitute will be defeated.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I will not take 5 minutes. I want to say, first of all, I agree with much of what the gentleman from Missouri says. I believe before we change the procedures of the House on a matter of this kind, we ought to look fairly carefully at what we are proposing to do.

But I want to make the point again that there are two safeguards in the substitute and not in the original proposals. One is that the amendment must have been printed in the Record at least the day before. If there is to be a dilatory tactic pursued, it means that someone who is trying to pursue a dilatory tactic must spread a series of amendments in the Record where they can be examined. I believe, on their face, one can ordinarily tell if they are going to be dilatory. If they are, the Chairman of the Committee of the Whole can rule out of order, not the amendment, but the debate.

Now, Mr. Chairman, the other point I want to make is that in our effort to loosen slightly some of the restraints that fall on Members who work very hard and conscientiously to prepare amendments and suddenly find themselves working on a single word or a single minute to explain their amendments—in our efforts to try to deal with that problem we ought not to be so busy doing it that we may miss the problem all. If it should turn out that even this very limited enlargement of the right of a conscientious Member at least to explain an amendment on which he worked hard and diligently, it turns out that problems arise, then I for one would support an action by the Committee on Rules and the adoption of further restraints on that right. In other words, this is not the end of the story but is a limited encouragement to protect the right of a majority which would turn out that at least we had safeguards there is an assurance that develops. I do not think this will happen, but if it should, the Committee on Rules can come back and say that we tried all other means possible, that we have, and therefore we propose to go back to the original procedure or to put other restraints on it. But let us not hold the line too tightly here where it is clear that there is a real problem.

In the substitute, I want to protect the right of a Member to explain an amendment which he has worked very hard on for a long time.

Mr. RAILSBACK. Mr. Chairman, I rise in opposition to the Railsback substitute amendment. I will not take the 5 minutes. I think the House is ready to vote on it. I recognize the fact of what is being said, but I do not want to stay with this. I recognize that we are trying what I understand is an experiment in working on the rules of the House. There was a good deal of discussion many months ago about the possibility of bringing amendments to the floor under a closed rule on the basis that the rules of the House were delicately balanced and there was real concern about how good a job we might do in amending a bill. It is quite obvious that the House rules, as delicately balanced as they are, on the floor of the House. It was decided by the Committee on Rules to bring this here under an open rule somewhat as an experiment. Again I wish to say, as I have said before, your subcommittee, as well as the Committee on Rules, certainly does not possess all wisdom. I am sure that there are many improvements that could be made that we did not consider or did not suggest, but I do raise the question here that this is in an area that affects the operations and procedures of the House, and the House, with its own rules, could tend to cause a substantial delay in the procedures of the House in considering legislation. I think the very fact that the matter has been brought here under the open rule would lead us in this case to vote down both the substitute and the original amendment offered by the gentleman from Illinois (Mr. ERLENBORN). Then we can proceed to look at these problems at some later date and see what might be done in a way which I think would not bring as great concern to the House. Therefore, Mr. Chairman, I ask for a no vote on both amendments.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out just very briefly that the vice of the present situation, which the bills attempt to correct, is that right now we can close the debate on an amendment which has not ever been offered or voted on, and I submit that we have no idea what the author of the amendment has in mind or even wants to do. It does not seem to me that it is very drastic to correct that.

I see the problems with the amendment which has been offered by the gentleman from Illinois (Mr. ERLENBORN) and the substitute amendment which has been offered by the gentleman from Missouri (Mr. RAILSBACK). If a Member thinks enough of his amendment to print it ahead of time that at least he will get 5 minutes to talk it over, that is and after he has done that and there has been one-minute reply thereto, that is the end of that debate. But at least when we vote, we will know what is contained in the amendment.

So I suggest that the substitute is a rather limited and mild attempt to correct the situation which is really pretty bad as matters now stand.

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

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

Mr. BOLLING. If the gentleman listens to the amendment as it is being read, presumably, the gentleman will be able to tell what is sought to be accomplished through the adoption of the amendment.

Mr. DENNIS. The gentleman from Missouri is undoubtedly much more capable than the gentleman from Indiana, but I will confess to the fact that I have listened to the amendment and not only do I believe that it is being read and still have had only the foggiest notion as to what they were about.

Mr. BOLLING. Mr. Chairman, if the gentleman will yield further, the amendments are reported by the reading clerks in a very clear manner.

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

Mr. DENNIS. I yield to the gentleman from Indiana.

Mr. JACOBS. If what the gentleman from Missouri says is true, then we do not need to have any debate on any amendment. I might add that the arguments which have been made against the substitute and the amendment say, in effect, that the minority should be able to hold out for what they want without any understanding of what the Constitution says and to the rules of the House. This is supposed to be a country where it is safe to be unpopular and where the minority does not want it to speak with reference to an amendment. I thought that this is what this country was all about.

Mr. DENNIS. I will say that it is most agreeable to me to hear my colleague from Indiana say that, because it is on rather rare occasions that we agree. I will say further to the Committee that when you have a situation where the gentleman from Indiana and I agree, then it almost has to be right.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Missouri (Mr. RAILSBACK) for the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The substitute amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN), as amended.

The amendment, as amended, was agreed to.
Mr. ROGERS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogers of Florida: Beginning on page 38, after line 4, insert the following:

"Sec. 119. That Rule XXI of the Rules of the House of Representatives is amended by adding a subclause as follows:

No bill or joint resolution of a public character making an appropriation shall be finally passed, and no amendment of the Senate to, or report of a committee of Conference on, such a bill or resolution shall be agreed to, unless the vote of the House is determined by yeas and nays."

Mr. ROGERS of Florida. Mr. Chairman, I shall not have to take 5 minutes to explain this amendment. It is a very simple amendment.

This amendment will provide that every appropriation bill voted on in the House will be passed by a rollcall vote so that the people at home will know how every Member in this House votes on every appropriation bill. I think this will assure that great shadow which and thorough canvass will be made of every appropriation bill by each Member.

Mr. Chairman, when one looks at the record one will find that billions of dollars have been passed by this House and the Congress without a record vote. I think that emphasizes the necessity for this amendment.

I remember when I introduced this bill in the 91st Congress, I checked into it and in the last session some $50 billion had been appropriated without a single record vote. And I daresay this session will not be much better because of the five bills already passed that I have found.

So, Mr. Chairman, I would hope that those who are interested in modernizing our rules and making it possible for the people at home to have a record of what we do, will vote in favor of this amendment.

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

Mr. ROGERS of Florida. I yield to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman, I have done a little research into this matter, and it is a very interesting study indeed to see what we have done with respect to nonrecord votes on appropriation bills.

For instance, in the second session of the 91st Congress, we passed with nonrecord votes appropriations for the legislative branch, the Office of Education, independent offices, and HUD, Interior, Transportation, District of Columbia, Agriculture, Public Works, continuing 1970 and continuing 1971. As I say, all of these were passed with nonrecord votes.

As a matter of fact, in the past four years the House of Representatives has taken action on appropriation bills. Of these, 30 were passed by nonrecord votes for a total of approximately $59.4 billion.

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for his con-
 rozwiązania, to which we would have been 22 roll call votes that would have been required that afternoon on that conference report and on those amendments. Needless to say, we would have been here until midnight.

Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. HAYES. I would just like to point out further, and I do not know where the gentleman from Oregon (Mr. DELLENBACK) has gone—but he made a point that there were 10 votes on appropriation bills which were not roll call votes.

I do not recall each one of them, but I recall three or four in which no Member, including the gentleman who spoke so eloquently for the amendment, asked for a roll call. Obviously if nobody asked for it, there is apparently no one who is really making a pitch for a roll call, for they are not even interested enough to be here, Mr. Speaker. I ask the gentleman if he really wanted one, they should have been here and have at least said so. Then if the House had turned them down, they would have had something to complain about.

But not having asked for the rollcall, they really have nothing to complain about.

Mr. SMITH of Iowa. The gentleman is quite right. If on any one of the amendments there was not a single Member who wanted a roll call and who would attempt to get 20 percent to agree, he must not think it had great national interest.

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

Mr. SMITH of Iowa. I yield to the gentleman from Minnesota.

Mr. Speaker, I am a bit in doubt as to what the gentleman has said. It seems to me that when we are concerned about the public's right to know, what we are trying to do is to determine whether enough Members have a real interest in the matter to ask for a roll call. In that event, there should be access to a record of how Members voted. If there is not that much concern about the matter, then to propose that this House spend an additional half hour on a roll call in which nobody has any concern is simply to burden the legislative process.

I would hope that the amendment would not be accepted, because it seems to me it would not add anything.

Mr. SMITH of Iowa. It would mean a half hour for each roll call. If there were 20 roll calls that would be 10 hours.

Mr. FRASER. I agree with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. ROGERS).

AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'NEILL of Massachusetts, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL of Massachusetts: On page 39, immediately below line 4, insert the following:

"RECORDING TELLER VOTES"

"Clause 5 of Rule I of the Rules of the House of Representatives is amended to read as follows:

"He shall rise to put a question, but may state it sitting, and shall put questions in such manner and form as are in favor of the question (as the question may be), say "Aye;" and after the affirmative voice is expressed, "As many as are in opposition, say "No;" if the affirmative vote is a majority, the question then shall stand decided; but if the negative vote is a majority, the question shall be deferred until the next day.""

"Mr. Chairman, I offer an amendment to the amendment I am offering today in behalf of myself and Mr. Gussler of California and also 180 other sponsoring Members of this Congress to provide for a roll call vote in the Committee of the Whole.

Mr. Chairman, I offered this amendment when we were having the markup of the bill and it did not prevail. We lost by a vote of 6 to 6. At that time I served notice that when the legislation came to the floor of the House I intended to offer it again. I am happy that Mr. Gussler has joined with me and that we have had the adequate response from our colleagues. At this point I would like to list all the cosponsors of my amendment:

SPONSORS OF THE O'NEILL-GUSSLER AMENDMENT TO PERMIT RECORDING OF TELLER VOTES

Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Andrews of North Dakota, Mr. Ashley, Mr. Beall, Mr. Bennett, Mr. Blassingame, Mr. Blugham, Mr. Blatnik, Mr. Boggs, Mr. Boland, Mr. Brademas, Mr. Briscoe, Mr. Broomfield, Mr. Brotzman.

Mr. Brown of California, Mr. Burke of Florida, Mr. Burton of California, Mr. Button, Mr. Chappell, Mr. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Donnelly, Mr. Cohen, Mr. Conlon, Mr. Conte.

Mr. Conyers, Mr. Corman, Mr. Couglan, Mr. Cramer, Mr. Crane, Mr. Culver, Mr. Dadario, Mr. Daniels, Mr. Dellenback, Mr. Denny, Mr. Dennis, Mr. Diggs, Mr. Donohue, Mr. Dwyer, Mr. Eckhardt.

Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Eschenbach, Mr. Evans of Colorado, Mr. Evans of Tennessee, Mr. Farberstein, Mr. Fassell, Mr. Findley, Mr. Fogleman, Mr. Ford, Mr. Foley, Mr. Friedman, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Guerre, Mr. Gutiérrez, Mr. Hamilton, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hathaway.

Mr. Hawkins, Mr. Hecht, Mr. Helstoski, Mr. Hefner, Mr. Hendricks, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Karth, Mr. Kastenmeier, Mr. Keith, Mr. Koch, Mr. Kuykendall, Mr. LaFon, Mr. Leggett, Mr. Lyons, Mr. Lowenstein, Mr. Lujan, Mr. McCarthy, Mr. McCluskey, Mr. McClure, Mr. McDade, Mr. McFall, Mr. McCarthy, Mr. Matsunaga, Mr. May, Mr. Mayne, Mr. Meadows, Mr. Melcher, Mr. Meinke, Mr. Mikva, Mr. Minish, Mr. Mike, Mr. Mollyhan, Mr. Moorhead, Mr. Morse, Mr. Moats, Mr. Moss, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. O'Konski, Mr. O'Neill, Mr. Olsen, Mr. Oleszewski.

Mr. Patton, Mr. Pepper, Mr. Petris, Mr. Philbin, Mr. Pike, Mr. Pirmle, Mr. Podell, Mr. Pryor, Mr. Quie, Mr. Rabalais, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Riegle, Mr. Robison, Mr. Rodino, Mr. Rogers of Florida, Mr. Roe.

Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roth, Mr. Royal, Mr. Ryan, Mr. Saylor, Mr. Schackberg, Mr. Schneebeeker, Mr. Schucker, Mr. Schwenck, Mr. Shriver, Mr. Stafford, Mr. Steiger of Arizona.

Mr. Steiger of Wisconsin, Mr. St. Germain, Mr. Stokes, Mr. Smyth, Mr. Talcott, Mr. Teague of California, Mr. Thompson of New Jersey, Mr. Tunney, Mr. Udall, Mr. Van Deemel.

Mr. Vander Jagt, Mr. Vanik, Mr. Waggoner, Mr. Walde, Mr. Weicker, Mr. Whalen, Mr. Widmer, Mr. Wink, Mr. Charles Wilson, Mr. Bob Wilson, Mr. Wold, Mr. Wolff, Mr. Wyder, Mr. Yatron, Mr. Zwahlen.

The record teller vote is a simple thing, conducted much like regular teller votes only with a record printed of how each Member voted.

When I proposed this in the Rules Committee, I said it was a controversial measure. It is. But it is a very necessary and very fair measure.

Every Member knows of the important work done in the Committee of the Whole.

Often the most important parts of a bill—and usually the most controversial sections—are decided upon in amendment form. And there is no record of how Members vote.

The ABM, the SST, the invasion of Cambodia, were all dealt with in the Committee of the Whole, in no recorded teller votes.

This is not a good system. It is not fair; and it subverts the integrity and reputation of the House and its Members.

This is a public body a representative body. But because of habits and customs—many of them outdated—through the years, the decisions of this body have been hidden from the very people we represent.

The secrecy of the Committee of the Whole has allowed too many Members to duck issues, to avoid the perils of controversial votes. But that is not in the spirit of this Nation, nor of this Congress.

Our duties to the Nation and to the people we represent make this amendment necessary. We are primarily and duty to the Nation and to the people we represent make this amendment necessary. We are primarily and
During the year 1968 there were 63 teller votes. If one had been able to ask for teller votes with clerks during the year 1968, I say they would have only been asked for about 15 times. There were 15 really national, earth-shaking decisions on which the people at home should have known how you felt about them and how I voted and how you voted. But there is no record, for these issues the amendments were disposed of.

During the last year, on the division votes that we took, 28 amendments were approved and 85 were rejected. On the teller votes we took last year, 53 were approved and 17 were rejected. That is the way it is. The 73 teller votes were not recorded.

If we were recording these votes, if the people at home knew how we actually voted, I believe we probably would have had some different results. Probably we would have passed more pieces of legislation.

We have a habit here, through our rules and regulations and our habits of protecting each other. But this can be to the detriment of the Nation. This amendment seeks to avoid that.

For example, there are Cambodia, Vietnam, the war, the army, and things of that nature. In my particular area they would like to know how we stood on the Dickey-Lincoln project. That is only a local matter, but to the people of the New England area, it is important. I have announced how I voted on it, despite the fact that we had teller votes, and there was no record on it.

To this amendment, I believe the people are entitled to know how we vote on legislation, not just on the entire bill, but on the all-important amendments.

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During the year 1968 there were 63 teller votes. If one had been able to ask for teller votes with clerks during the year 1968, I say they would have only been asked for about 15 times. There were 15 really national, earth-shaking decisions on which the people at home should have known how you felt about them and how I voted and how you voted. But there is no record, for these issues the amendments were disposed of.

During the last year, on the division votes that we took, 28 amendments were approved and 85 were rejected. On the teller votes we took last year, 53 were approved and 17 were rejected. That is the way it is. The 73 teller votes were not recorded.

If we were recording these votes, if the people at home knew how we actually voted, I believe we probably would have had some different results. Probably we would have passed more pieces of legislation.

We have a habit here, through our rules and regulations and our habits of protecting each other. But this can be to the detriment of the Nation. This amendment seeks to avoid that.

For example, there are Cambodia, Vietnam, the war, the army, and things of that nature. In my particular area they would like to know how we stood on the Dickey-Lincoln project. That is only a local matter, but to the people of the New England area, it is important. I have announced how I voted on it, despite the fact that we had teller votes, and there was no record on it.

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you made about secrecy is, does not the gentleman have any amendment or can we get an amendment that will enable us to get tax bills up here where we can vote on the amendments and have some record votes? That is now they come out of the Committee on Ways and Means with record votes and come here under a gag rule and you cannot get an amendment up let alone get a recorded vote. You can lose these are the most important pieces of legislation of all. I do not know how the gentleman votes in the Committee on Rules because, again, that would be a gag rule and with gag votes to send them here under a gag rule I do not know, but it seems to me that is the basic place to start if we are really out to abolish secrecy in this body.

Mr. O'NEILL of Massachusetts. To answer the gentleman, I have voted through the years, excepting on the last bill, I have voted through the years for a closed rule at that time.

Mr. Chairman, the real crux of the matter, to be honest with your constituency and to yourself, is to vote on the issues. And that is done in the Committee of the Whole.

Mr. Chairman, we are talking about unrest in this country today and in my opinion a great deal of that unrest is caused by the fact that the people feel this Congress is not living up to the expectations which they have of the Congress and they feel that the Congress constantly protects itself.

How do you deal with a young fellow, for example, if you say that when we argued the question of Cambodia we were given 43 seconds to address the House. Or there may have been a teller vote and we all walk through the middle aisle, but he says, "I do not know how you voted because there was no record vote."

It is hard for the people of America to understand that on the great problems of this Nation they do not know how their Congressmen vote in the Congress.

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

Mr. O'NEILL of Massachusetts. Yes, I am glad to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. As one of the co-sponsors of this amendment, I certainly support it. I have heard one criticism which I think has some validity and that is that there might be some Members who would not be apprised as to precisely what the amendment contained which would be subject to a teller vote.

So, my amendment to your amendment to simply require that it would be printed at least 1 day in the Record prior to a vote thereon. The big ticket vote, the big issues of the day, I think, can be printed 1 day in the Record and that is the kind of amendment on which we all feel we should be recorded could certainly be covered by amendments published at least 1 day prior to the expected day of the vote, I think this would protect the Members so they would be sure of knowing more precisely what they were going to be recorded on.

Therefore, I would very much hope that the gentleman from Massachusetts and other sponsors of this amendment would accept such an amendment. Just as the public has a right to know how we vote, I think in votes like that it would be apprised in writing as to what we are being recorded on.

Mr. CLEVELAND. Mr. Chairman, I do not know how the gentleman from Massachusetts has again expired.

Mr. O'NEILL of Massachusetts. As I have watched the development of this amendment, the more I wonder how the Congress of the United States got away with it all the years that they did without being forced to report back to their people on the legislation.

Mr. Chairman, I do not know how they stood on the vital questions which they served in the Congress of the United States, excepting on the last bill, I have voted through the years for a closed rule in the United States, I do not know how they stood on the vital questions which they served in the Congress of the United States, one would have to surmise or guess how they stood on the vital questions of the day, because there would be no record, unless they put something in the Record themselves as to how they stood.

The history that we make here, believe me, is just a shallow portrayal of what is being done because all you can do is vote on motions to recommit or on final passage.

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Mr. Chairman, I have expired.

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Mr. CLEVELAND. Mr. Chairman, I do not know how the gentleman from Massachusetts has again expired.
Rules, and I join him today in supporting the proposition that he now advances. In the name of the gentleman in the well who is being far too modest when he disclaims the title of a reformer, I think that the gentleman in the well and the gentleman from Massachusetts (Mr. O'Grady) both showed an amendment which attracted a number of cosponsors. For this reason, I think it is very interesting in that they said that it is going to be pretty hard to dramatize or to make much of an impression upon the minds of the public—and it seems to me that very comment says something about our present procedures in the House, and that we, therefore, ought to be willing to do the things that will make the things we do in the House more intelligible, more understandable and more meaningful to the people of this country.

I think that will be the net effect of what the gentleman proposes, and that is why I support it.

Mr. O'Neill of Massachusetts. I thank the gentleman.

Mr. Thompson of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. O'Neill of Massachusetts. I yield to the gentleman from New Jersey.

Mr. Thompson of New Jersey. Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from Massachusetts (Mr. O'Neill). I do not see, really, the analogy between a closed rule on a bill of which I am one of those who are in favor and an amendment to an historic bill.

As truth disappears, the vacuum that is left is filled with varying degrees of despotism. Can anyone point out a free nation which lost its liberty under circumstances where the truth prevailed under the absolute sense? Right at this moment the basic institutions of this Nation itself, and especially the Congress, face a crisis which, in my opinion, is more serious than any foreign or domestic enemy ever presented.

It is not, as American youth that has been with the Congress. Our press corps, both privately and in print, show disdain for this great parliamentary body. The executive branch often considers the Congress as a bride. The taxpayers are up in arms. The poor, the rich, men of all races and almost every view the Congress with a minimum of high regard—to borrow a phrase from one of our departed colleagues.

Now good arguments can be found to rebut the opinion and the views of each group. But one point they all make, and one for which there is no rebuttal is the absence of the full truth in teller votes. If truth is the voice of freedom, it falls silent when the House votes by tellers. The body politic today needs some strong medicine. Anyone point out a free nation which lost its liberty under circumstances where the truth prevailed under the absolute sense?

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

Mr. Gubser. I yield to the gentleman from California.

Mr. Smith of California. Mr. Chairman, will the gentleman yield?

Mr. Gubser. I yield to the gentleman from California.

Mr. Smith of California. I think the gentleman may be a little misapprehension that the substitute which the distinguished gentleman is talking about will not be offered. It happens, that is, the one which would require defeated amendments to be voted on in the House. That will not be offered at this point because it is not germane. Another substitute will be offered on electronic voting. I want to be certain that you are not talking about my substitute when you are talking about that substitute for one.

Mr. Gubser. No. I am happy to learn that the substitute I was referring to will not be offered. However, I shall continue to address myself to some of the issues involved in the basis of the very arguments which are being used against the O'Neill amendment.

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

Mr. Gubser. I must warn the gentleman that if I yield, I will have to ask for an extension of time.

Mr. Boggs. Mr. Chairman, I will have to object if the gentleman so requests.

Mr. Gubser. Then I cannot yield.

Mr. Hays. I just wanted to correct the record, if the gentleman will give me a second.

Mr. Gubser. Surely, I yield to the gentleman from Ohio.

Mr. Hays. Just to say that a substitute with a roll call was offered. I have it and I am going to offer it.

Mr. Gubser. With the substitute we would have an impossible parliamentary complication of matters before the House because the O'Neill amendment was defeated in the Committee. Suppose subsequently another amendment were adopted which was contradictory to the defeated amendment. Then suppose you...
go into the House and the House reverses the Committee of the Whole and adopts the amendment which was previously rejected. Then you would have a situation of a bill containing two contradictory provisions. The only thing you could do would be to pull up stakes and go right back into the Committee and straighten the whole mess out. The O'Neill amendment would bring a clean bill to the House. It would contain a finished product and in which all parts would be consistent with other parts. So I do not believe we should unnecessarily complicate the O'Neill amendment.

I believe that the gentleman from Louisiana requests unanimous consent support of the amendment, and I ask

Mr. BOGGs. Mr. Chairman, I rise in support of the amendment, and I ask unanimous consent to proceed for an additional 5 minutes. Mr. HAYs. Mr. Chairman, I reserve the right to object in order to inquire of the gentleman if I did not see him on his feet saying he was going to object to the gentleman from California (Mr. CONGRESSIONAL RECORD—July 27, 1970

Mr. BOGGs. Mr. BOGGs. I may have said that. Mr. HAYs. In that case, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Louisiana is recognized for 5 minutes in support of the amendment.

Mr. BOGGs. Mr. Chairman, I might say to my good friend, the gentleman from Ohio, that the gentleman from California had already had 10 minutes, but I appreciate the gentleman's courtesy.

The CHAIRMAN. In my judgment this is indeed a historic day. This is a day which will make the House of Representatives truly relevant.

As is the case with so many of the rules of this Chamber, the procedure known as teller voting is deeply rooted in the legislative process. Its origin can be traced centuries ago when the British Parliament devised it as a method of voting the will of the people while escaping the wrath of a powerful and vengeful monarch. One hundred and thirty-eight years ago, when Parliament no longer had reason to fear the Crown, the system was reformed to permit a public record of votes. Unfortunately, with never a King to fear and only the public to serve, the rule has been retained in the House of Representatives. We did so because we said it helped expedite the often slow legislative process. Unfortunately, it has also been used as a shelter from public scrutiny. The O'Neill amendment would make a clean bill of health of the record of each Member on the great issues of our time. We cannot ask our people to respect our institutions unless the institutions themselves are self-critical and self-reforming. As majority whip, it is my responsibility to inform Members of legislation pending on the floor and to encourage their attendance whenever votes are taken. That is the mission of this record of each Member on the great issues of our time. We cannot ask our people to respect our institutions unless the institutions themselves are self-critical and self-reforming. As majority whip, it is my responsibility to inform Members of legislation pending on the floor and to encourage their attendance whenever votes are taken. That is the mission of this amendment which was proposed by the gentleman from Michigan, Mr. HAYs. Mr. Chairman, I reserve the right to object in order to inquire of the gentleman if I did not see him on his feet saying he was going to object to the gentleman from California (Mr. CONGRESSIONAL RECORD—July 27, 1970

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Mr. HAYs. Mr. Chairman, I reserve the right to object in order to inquire of the gentleman if I did not see him on his feet saying he was going to object to the gentleman from California (Mr. ...
years ago, proposals to lengthen the term of office for Members of the House to 4 years were forwarded with some vigor. One of the chief arguments against that movement was the notion that a 4-year term was not long enough designed to keep the Congress responsive to the people by forcing the Members to stand for election frequently. Fears were raised that 4-year terms in the House coupled with the 6-year terms in the Senate would cut off a significant means of popular control over the Government. Those arguments carried the day then. The logic behind them applied to teller voting as much as anyone in this body. You can go ahead and have a record vote on the House floor. I am not sure that passing between tellers and having the Clerk write down the names of the Members voting in the regular way with a rollcall vote is a minor detail.

Mr. CHAIRMAN. The gentleman from Massachusetts?

Mr. O'NEILL. Well, I do not care if he were to ask for a vote, if anyone else asking for a vote on it. That is a minor detail.

Mr. O'NEILL. I have consulted the best legal counsel I can around here, and they say that this is what we should do at the time of the vote. If, after the amendment is rejected, the House the same treatment as the Committee of the Whole has given to defeated amendments. If, in the interest of accuracy with respect to this matter.

I yield to the gentleman.

Mr. HAYS. Well, I do not know. Maybe we should legislate every year.

Mr. CHAIRMAN (Mr. NATCHER). The point of order is sustained.

Mr. HAYS. I yield to the gentleman.

The point of order is sustained.

Substitute Amendment offered by Mr. Smith of California for the amendment offered by Mr. O'NEILL of Massachusetts:

Mr. SMITH of California. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Massachusetts.

The Clerk reads as follows:

"Sec. 122. Rule XXXII of the Rules of the House of Representatives is amended by adding at the end thereof the following new rule:"

"Sec. 122. Rule XXXII of the Rules of the House of Representatives is amended by adding at the end thereof the following new rule:"
Mr. SMITH of California. Mr. Chairman, I had to offer this in the nature of a substitute because it was impossible for me to place it within the language of the amendment offered by the gentleman from Massachusetts [Mr. O'NEILL] and the gentleman from California (Mr. Gussett) and that so many of the Members are in support of.

It simply provides, in my opinion, a better system than the teller vote, and a more accurate way. It does add, in addition to it, to the previous amendment, the recording of those voting in the negative so that those affirmative would vote those in the negative would vote, and those not present would be recorded.

It will require you to be on the floor of the House, where we should be if we have a teller vote. This I have no objection to, and I am perfectly pleased to record any vote, but that is where we should be, and that is the purpose of our being here.

The subcommittee considered a number of suggestions along this line, and we came to the conclusion at the particular time that probably the best would be adoption of the Mr. Gussett amendment, because the House Committee on Administration had been working quite diligently on this overall electronic situation. But as time developed on the subject, it became clear that apparently a majority of the Members wished to be recorded on a teller vote.

So I made a study of this subject, and obtained information. Here is how my proposal would work:

Upon the demand for a recorded teller vote, the Members would file up the center aisle the same as they do now. We can have one of two things. Two machines, as I understand it, are available. I have not had the time to see them, but I am told they are available.

We could have one machine on one side that would record the "yes" votes, and another machine on the other side that would record the "no" votes; or we could have a machine on both sides that would record the "yes" and "no" votes.

Now, let me explain it to you in this way: You will have a magnetic type card, the same as the card that is made for a teller vote, but you would just have your number that you have now, just below your license plate. That can all be recorded with the machine. It could have the number and will record your name such as for me, Smirr, California, with my number, and the "yes" or "no." If we do not have the "yes" or "no" we can have the name and number, and then have the machine for "yes" on one side, and the machine for "no" on the other side. But if you have a "yes" or "no" machine on both sides, then one end of the card will have to be "yes" and the other card will be "no." I think the simplest way would be to have one machine on each side.

Mr. O'NEILL of Massachusetts, Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of California. I yield to the gentleman.

Mr. Chairman, I think there is considerable merit in the proposal of the gentleman from California in coming up with an up-to-date procedure of electronic voting. I wonder if the gentleman from California intends to propose also an advance on electronic voting on the record rollcall of the House in addition to the use of the device for the teller votes?

Mr. SMITH of California. First of all, I think that it should be done. The Committee on House Administration has been looking into the matter, and I think they were out to see it in operation in California, where we have it in the California State Assembly, and where we had it at the time I was there some 14 years ago.

Of course, we only had 80 members instead of 435. But I think you have to come to electronic rollcall voting and teller voting.

Incidentally, I might say to the gentleman from Massachusetts that I made a rather flip answer that a Congressman who forgets his card could not vote. I really think he should have the card with him, and he should vote, which is really what the whole thrust of this is. But I do think it probably could be worked as this is, a Member who had forgotten his card could have his name recorded. But this just provides for a record vote by a card. Frankly, I had not thought of this, but it would be an interesting thing to happen in the event of a card being lost. He would probably have to be issued a second one, with an "X" on it to show that it was a second card.

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

Mr. SMITH of California. I yield to the gentleman.

Mr. CHAIRMAN. Mr. Chairman, I think there should be a committee on the recommendation of the gentleman from California, and if a Member lost his card he would go up and pick up the card and vote and return it.

Mr. SMITH of California. So in every event, this card would be on the side and Members would go through and vote and on a computer it would be counted and tallied and immediately available at the desk to show how many and who voted for or against. This would provide accuracy in teller counts.

The actual cost, as best I can estimate of the two types, one is a small type to handle only the electronic teller voting system and does not go into the overall rollcall vote and the like. They are about the size of a breadbox—two of them. This cost runs approximately $750 per month. But I think it would come down if a general system and have a machine on each side.

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

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

Mr. SMITH of California. I yield to the gentleman.

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Mr. BOLLING. I yield to the gentleman from Minnesota for a question.

Mr. FRASER. The question I would like to address to the gentleman from Minnesota is this: If an electronic voting procedure is not only for teller votes, but for any voting procedure in which Members are recorded. But what I would like to ask the gentleman is about the failure of the O'Neill-Gubser amendment to provide any minimum time in which Members can get to the floor to participate in a teller vote. The O'Neill-Gubser amendment does provide a minimum of 12 minutes.

So far as the pending amendment intended, in effect, to force Members to stay on the floor if they want to participate, or what is the reason for failing to provide in the amendment a minimum time period?

Mr. BOLLING. I will yield to the gentleman from California to answer that question.

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

Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

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

Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

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

Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

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

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Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

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

Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

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

Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

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

Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

Mr. SMITH. Mr. Chairman, will the gentleman yield?
clerk in seeing to it that he is absolutely 100-percent accurate.

Personally, I favor a complete move to electronic voting. I am not proposing such an amendment, because it carries with it so many complexities. If one goes to electronic voting in toto, there is absolutely no justification for perpetuating the Committee of the Whole House and its quorum of 100, because pretty inevitably we are going to arrive at the time when Members will know that we will be voting on amendments; they will be on the floor of the House waiting the recorded votes on amendments, and the whole method of the operation of the institution will change.

I believe we should come to that. I believe that it is time that we dis­ sively change the way in which this institution works. But I so strongly favor that we be on record on any amendments offered that I have not offered such a proposition from California (Mr. Moss) pointed out, there is no alternative method, because it says:

In lieu of a teller vote conducted under paragraph (a) of this clause, a recorded teller vote should be the cause of its equipment.

That leaves no alternatives. Then every Member of this body knows that you are on committees and tied up in committees that are meeting in violation of the rules of the House, where they may not get, even by unanimous consent, the right to meet when we are in debate under the 5-minute rule, but nevertheless they do meet.

I have had the experience of the gentleman from Louisiana in attempting to bring Members to this floor. I know how it is that they are. That is necessary to permit the Members to come over and vote on a teller vote that is going to occur very rapidly.

I think underlying both of the proposals is the fact that they are aimed up to the need, the gentleman from Missouri (Mr. Bolling) said, the right of the people to know. But there is a need for the people to know, also. There is a lot of mischief under the Constitution. But I think there is a need to know how we vote in order that an honest evaluation of our effectiveness as a Representative may be made, and we must know that the electorate will think it would give more body and more substance to the dialogue in election campaigns if the people had the knowledge of what we actually do in our workshop. The Committee of the Whole is the workshop of the House.

Just 3 years ago Congress passed an act which is called the Freedom of Information Act, which applies to the executive departments and to the independent agencies, but it does not apply to the Congress.

I think there is no sort of information in this area and there is a greater need or a firmer right to know about what happens than the votes that we cast individually here in the Committee of the Whole House on the State of the Union, when we march down the teller line. That is where a lot of mischief is done legislatively. That is where it is possible to confuse the folks back home. It is the vote that you cast there. Your record goes back to the constituent, and it is possible to confuse the folks by the vote when you go back into the Committee of the Whole House a different complexion is taken on by the Member. That is a form of duplicity. This body is too great to resort to duplicity in dealing with the people it represents.

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

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

Mr. MOSS. Mr. Chairman, I rise to speak in support of the Gubser-O'Neill amendment and to point out the fact that in my judgment there are two failures in the Smith substitute. One gives to the very nature of the equipment and the high potential, even among the most sophisticated of electronic gear, to break down. As my colleague from California (Mr. Gubser), Gubser-O'Neill amendment, because I believe the issue is the issue of having a record vote on all amendments, and I believe that is an issue of importance to them. The best way we can do that is to adopt the Smith of California substitute.

I do not believe that any amount of how that vote will satisfy all Members. I believe that we can very well be expected to be here on the floor in the amendment stage of an important bill, as we have not been on the floor bill. I believe we are expected to give it serious consideration.

Therefore, I propose to vote for the Smith of California substitute. If it passes, we are sure that what I have just said in some way, I hope, will have a lot of weight with the people who are meeting in violation of the rules of the House, where they may not get, even by unanimous consent, the right to meet when we are in debate under the 5-minute rule, but nevertheless they do meet.

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

Mr. MOSS. Mr. Chairman, I rise to speak in support of the Gubser-O'Neill amendment and to point out the fact that it is my judgment, however desirable it is that we go to electronic voting, there is a greater need or a firmer right to know about what happens than the votes that we cast individually here in the Committee of the Whole on the State of the Union, when we march down the teller line. That is where a lot of mischief is done legislatively. That is where it is possible to confuse the folks back home. It is the vote that you cast there. Your record goes back to the constituent, and it is possible to confuse the folks by the vote when you go back into the Committee of the Whole House a different complexion is taken on by the Member. That is a form of duplicity. This body is too great to resort to duplicity in dealing with the people it represents.

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

Mr. MOSS. I am pleased to yield to my colleague.

Mr. GUBSER. Mr. Chairman, I will ask the gentleman's opinion on this point. As I read the O'Neill-Gubser amendment I see nothing in the language which would prevent the use of an electronic device as an aid to the clerks in taking these teller votes electronically. Does the gentleman agree with me?

Mr. MOSS. I agree with you completely.

Mr. GUBSER. Therefore, the Smith substitute is unnecessary.

Mr. MOSS. I think it is unnecessary, however desirable it is that we go to electronic voting. I hope that we do at the earliest possible moment not only for teller votes but for the entirety of the business of the House.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I ask the gentleman to state the requisite number of words.

Mr. Chairman, the written record shows that the amendment I offered in the Committee on Rules was defeated by a vote of 6 to 6. There was no offer at that time, as I recall it, of any electronic voting or anything of that nature. I am fearful of the fact that there are those among us who would like to have a recorded vote but they are not going to think twice about this entire matter when they leave here this afternoon. We are probably not going to finish this bill for at least a few days and perhaps not by the end of the session. We will start thinking about the fact that, certainly we are elected to legislate, but we also run a public service agency, we also try to take care of the economy of our average taxpayer. I hope we take a different approach for our districts, I know that I have a thousand and one problems that confront me as a Congressman.

You have a thousand and one problems that confront you as a Congressman. It is absolutely impossible to be on this floor at all times. I do try to get on the floor when the important issues are pending, whether they be the ABM or the MiRV or the SST, or other issues of national importance or something in which I am interested that affects my district. I am on the floor as much as possible, but I am an average Congressman and all of you act exactly in the same manner as I do.

Mr. Chairman, on the 73 teller votes that we had last year, we only had an average of 180 votes. That is my recollection as against the teller votes on the floor the year before when we had an average of 203.

Mr. Chairman, I say to you that this amendment, the amendment which was offered by the gentleman from California (Mr. Gusske and myself, gives you time to get on the floor. It gives you at least 12 minutes to get over here. I am at the farthest end of the building in the Rayburn Building and I can time myself to get over in time to vote.

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

Mr. O'NEILL of Massachusetts. Yes; I yield to the gentleman from California.

Mr. GUBSER. The gentleman heard me, as his coauthor, a moment ago state that it was my opinion that the language of your amendment would allow the employment of an electronic device. Could I ask the gentleman, as the principal author of the amendment, is that the gentleman's point of view?

Mr. O'NEILL of Massachusetts. Would our language permit that?

Mr. GUBSER. Your language as it is written, could, if the House saw fit to do so, use an electronic device as a substitute.

Mr. O'NEILL of Massachusetts. Would you restate your question?

Mr. GUBSER. The point I am trying to make is that the clarification and becomes a part of the rules of the House as it is now, the Committee on House Administration could forthwith authorize an electronic device and we could, under your amendment.

Mr. O'NEILL of Massachusetts. The gentleman is right. Our amendment allows for any method of recording the votes.

There is a passage contained in this bill providing for a way to be made into the question of the use of electronic
Mr. CLEVELAND. Mr. Chairman, I support the O'Neill amendment. I am offering it in an attempt on my part to improve their amendment.

I think a point of departure in discussing this bill, if you look at the remarks just made by the gentleman from Massachusetts (Mr. O'NEILL). The gentleman spoke eloquently in support of his amendment and the need of the 12 minutes clause is drafted on the Member who has other things to do for his constituency, time to get to the floor. And this is quite true.

But I hope the gentleman from Massachusetts will consider the plight of the Member who is working for his constituency in his office, or in an agency downtown, or in a committee room, I hope the gentleman will consider the plight of the Member when he arrives on the floor.

The whole purpose of his amendment, so far as I understand it, and as I support it, is that the public has a right to know how a Congressman stands on an important issue. And it is because of this that I support his amendment. I feel strongly that the public should know, and I am glad to take that position.

But I do think it fair to point out to my friend and colleague, the gentleman from Massachusetts (Mr. O'NEILL), that there are times when some of these amendments are drafted on the back of a piece of paper, and they are floating around somewhere here on the floor, and it is not always possible for all Members to know precisely the amendment they are voting on. I simply require, by my amendment, that if somebody feels that this procedure is important enough and invokes it, then there must be an opportunity to have a recorded teller vote, and have it printed in the Record where all can see it.

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

Mr. CLEVELAND. I want to conclude my remarks, and then I will be glad to yield to the gentleman.

The whole purpose is to protect the Congressmen and to protect the public as well. If the public wants to have the right to know how all the Congressmen voted, and as I have said they should have that right, then as a corollary is the right to have in writing the precise issue.

So I feel that if there is an amendment on which there is a recorded vote, then certainly it is important to prepare it in time, and put it in the Congressional Record for all to see.

Mr. WAGGONNER. Mr. Chairman, what the gentleman from New Hampshire is attempting to do is certainly a good idea, but it is totally unwieldy and impractical because one amendment provokes another amendment.

While you are in the process of legis­

ating, as we are now, the need for a file time to be added to the Smith substitute, it cannot be done, as the gen­

tleman proposes, because when you are trying to amend an amendment you do not have 24 hours' advance notice.

Mr. O'NEILL of Massachusetts, Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gen­

tleman from Massachusetts.

Mr. O'NEILL. Mr. Chairman, let me say this to you: That the trivial things of today are the imp­

ortant things of tomorrow. I do not think it is right that we should not have an opportunity to record votes on amendments that we have not known of 24 hours in advance, because although it may appear trivial today, it may actu­

ally be very, very important, but, by vir­

tue of the fact that we did not have access to it 24 hours in advance, we could not have a recorded vote. I think this would be wrong.

Mr. Chairman, I hope that none of the amendments I have seen so far will be adopted.

Mr. EVANS of Colorado. Mr. Chair­

man, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentle­

man from Colorado.

Mr. EVANS of Colorado. Mr. Chair­

man, I sympathize with what the gentle­

man is trying to do, but I submit that what he is attempting to do cannot be done.

Supposing you submit an amendment, but you do not feel that it is sufficiently important to warrant a recorded teller vote, and you propose it to the commit­

tee. Then let us suppose that all the Members who feel it is sufficiently im­

portant to have a recorded teller vote, and so, perhaps, do the majority of the Members of the Committee. Since it had not been printed then, under your amendment, I am afraid that it would be impossible to have a recorded teller vote, even though the majority of the Com­

mittee wish to have a recorded teller vote.

I regret to tell the gentleman that I have to oppose the amendment.

Mr. THOMPSON of Georgia. Mr. Chair­

man, I move to strike out the last word.

Mr. Chairman, we speak of the public's right to know. The gentleman who just preceded me spoke of the right of Con­

gress to know.

I had proposed to offer an amendment, but because of the parliamentary pro­

cedure, I could not offer it at this time because I think we have had too many amendments so I could not do it. But I think my amendment will provide an answer and satisfy both parties in this issue.

Should the recorded teller vote amend­

ment carry, I will offer an amendment which will provide that before any vote is taken which is a recorded vote, on the day prior to the vote, it shall be distributed to the Members of the House of Representatives a printed copy of the amendment or the substitute be­

ing voted upon.

I hope you will emphasize this point to you. If you are in your office and you are talk­

ing to constituents, you get over here and you come over here at the 11th min­
Mr. THOMPSON of Georgia, I yield to the gentleman.

Mr. THOMPSON of Georgia. I do not know when the vote was going to stay in our offices and make it over to Illinois. If the O'Neill-Gubser amendment does not carry, there would be no record vote. The basic O'Neill-Gubser amendment is a sound amendment. It would permit a good deal of latitude for working out the various technical problems that have been suggested by the gentleman from Maryland. I yield to the gentleman from California, if the O'Neill amendment were passed, the many problems to which attention has been called will be resolved.

Mr. THOMPSON of Georgia. May I answer the gentleman in this way. To be perfectly frank with you, the proposal that we would have in the Maryland Legislature and I see no need for the present problem. The electronic equipment can be used without further amendment to the rules. The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the O'Neill of Massachusetts-Gubser amendment and in opposition to the electronic equipment working itself.

I am fearful that such dependence is one of the deficiencies in the draft before us known as the Smith of California substitute. If the O'Neill of Massachusetts-Gubser amendment is adopted and we get electronic equipment, there will be no problem. The electronic equipment can be used without further amendment to the rules.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the O'Neill of Massachusetts-Gubser amendment and in opposition to the electronic equipment working itself. If the O'Neill of Massachusetts-Gubser amendment is adopted and we get electronic equipment, there will be no problem. The electronic equipment can be used without further amendment to the rules.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHWENGEL).

Mr. O'NEILL. Mr. Chairman, I propose to cut off debate. Mr. WHITE. I thank the Chair.

Mr. WHITE. I have an amendment which is germane to the amendment.

Mr. WHITE. I have an amendment which is germane to the amendment. Mr. CHAFFMAN. The Chair informs the gentleman that an amendment to the pending amendment would not be in order at this time.

Mr. WHITE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. If I wished to amend the Smith of California amendment, what position to the other amendments.

The CHAIRMAN. A germane amendment could be offered to the O'Neill amendment after the Cleveland amendment. The CHAIRMAN. A germane amendment to the Cleveland amendment could now be in order.

Mr. WHITE. I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I respectfully oppose the Cleveland amendment. It seems to me that we want to avoid burdening this very important amendment to the Rules Committee bill with too many technicalities and additional problems for the Members to achieve a recorded teller vote. The basic O'Neill-Gubser amendment is a sound amendment. It would permit a good deal of latitude for working out the various technical problems that have been suggested by the gentleman from Maryland. I yield to the gentleman from California, if the O'Neill amendment were passed, the many problems to which attention has been called will be resolved.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I merely want to take this time to say that I am opposed to the Cleveland amendment. I intend to offer an amendment later that will clarify the O'Neill-Gubser Amendment. My amendment would include a list of absentee Members who do not want to list absentee Members, but if we are going to be honest about it, if we are going to have courage, if we are going to be fair, I would like to see if we can get an indication as to how many Members would like to speak on the Cleveland amendment. I am referring now only to the Cleveland amendment, because I AM S. I. To get unanimous consent that we reach some agreement on time on that amendment if we can.

Mr. CHAFFMAN. There is objection to the request of the gentleman from California.

The CHAIRMAN. There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I have an amendment to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman that an amendment to the pending amendment would not be in order at this time.

Mr. WHITE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. If I wished to amend the Smith of California amendment, what position to the other amendments.

The CHAIRMAN. A germane amendment could be offered to the O'Neill amendment after the Cleveland amendment. The CHAIRMAN. A germane amendment to the Cleveland amendment could now be in order.

Mr. WHITE. I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I respectfully oppose the Cleveland amendment. It seems to me that we want to
Amendment offered by Mr. Hays to the substitute amendment offered by Mr. Smith of California: On page 42, immediately below line 20, insert the following:

"RECORDED TELLER VOTES IN THE HOUSE THROUGH THE USE OF ELECTRONIC EQUIPMENT

'SEC. 122. (a) Clause 5 of Rule I of the Rules of the House of Representatives is amended—

"(1) by inserting "(a)" immediately after "5;" and

"(2) by adding at the end thereof the following new paragraph.—

"(b) a random teller vote through the use of electronic equipment or other means to record the names of the Members voting in the affirmative, the names of those Members voting in the negative may be required on any question by the Speaker, in his discretion, or by any party officer of the House, or the Speaker, or the majority leader, or the minority leader, or the majority floor leader, or the minority floor leader, and the names of those Members not voting. Said voting period shall not terminate until the expiration of a sufficient time for Members to get to the floor, or any other time prescribed by the Speaker, or the majority leader, or the minority leader, or the majority floor leader, or the minority floor leader, in which the names of those Members not voting may be required on any question by the Speaker, in his discretion, or by any party officer of the House. Such list shall be entered on the Journal and published in the daily or weekly conference report to the Senate, as required by law.

"(b) The contingent fund of the House of Representatives is made available to provide the electronic equipment necessary to carry out the purposes of the amendment made by subsection (a) of this section. Notwithstanding the rules of the House, the provisions of this subsection shall become effective on the date of enactment of this Act."

Mr. HAYS. Mr. Chairman, I announced I would offer this amendment. The gentleman from Texas (Mr. Whitt) subsequently showed me an amendment which was almost identical. We merged the two amendments, and I offer this both in my name and in his.

What this does very simply is to put in the 12-minute period that is in the O'Neill-Gubser amendment. It allows the Smith amendment to stand as it is for electronic equipment. We put in the words "or by other means," which we thought it would be unrealistic to require it as being basically for electronic equipment. We put in a 12-minute period so that Members will have time to get over here. Now, this does not require it to be printed or anything else, but it operates exactly, as the O'Neill-Gubser amendment would operate except that we have, in our opinion, in the Smith substitute a much more accurate system for recording votes.

Somebody has objected by saying that this would be too complicated. It seems to me it would be less complicated, because each person would have a coded card, which as he went through the no box or the yes box, as the case may be, he would slide in and it would instantaneously record that he voted either yes or no. In any instance, if he could not vote, his name would be on his card and it would be printed with it, so there would be no possibility of error. It would work, and you could have a printout. I believe they would print 12,000 or more of these things. So the names of all those people voting one way or the other would be recorded.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?
would it be possible to have a record teller vote by any means other than electronic means? Mr. HAYS. I think it would be because we have the language "by other means," and that is put in there in case the electronic equipment breaks down. In other words, you could substitute something in a hurry.

AMENDMENT OFFERED BY MR. BURKE OF MASSACHUSETTS TO THE AMENDMENT OFFERED BY MR. O'NEILL. Mr. BURKE of Massachusetts. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. BURKE of Massachusetts to the amendment offered by Mr. O'NEILL of Massachusetts: In the amendment offered by Mr. O'NEILL of Massachusetts before the words "shall be entered in the Journal" insert the following: "and the names of the absentees".

Mr. BURKE of Massachusetts. Mr. Chairman, this is a very simple amendment. I believe that the sponsors of the O'NEILL of Massachusetts and Gubser amendment inadvertently neglected this proviso in their amendment. It merely calls attention to those who are absent and not voting. This is in the amendment offered by the gentleman from California (Mr. Smith).

Mr. Chairman, I realize we have a lot of reformers, a lot of "do-gooders" and a lot of crusaders but I do not believe I fall into either of those categories. However, I believe there is one thing we should be here and that is as capable and honest as we can possibly be. If this amendment which has been offered by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. Gubser) is adopted, at least let us list the names of those absent and not voting, because on every teller vote which I have seen around here there have been possibly 200 to 250 Members absent and I have people present and not voting in even the particular issue but would be those who are present and voting.

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

Mr. BURKE of Massachusetts. Mr. Chairman, I yield to the gentleman from Texas.

Mr. WHITE. Does the gentleman's amendment state "those Members absent"?

Mr. BURKE of Massachusetts. Absentees.

Mr. WHITE. Now presently the Record is recorded as to Members "not voting." It does not say "absent and not voting." A Member could be present and not vote on that particular issue but would be recorded as not voting.

Mr. BURKE of Massachusetts. I would like to study further the amendment which the gentleman has offered.

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

Mr. BURKE of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. As I understand the parliamentary situation, if the amendment that I offered to the Smith amendment prevails and then if the Smith amendment which the gentleman has offered, is that right?

Mr. BURKE of Massachusetts. That is right.

Mr. HAYS. I think the simple way to handle this is go ahead and vote on my amendment and pass it and then pass the Smith substitute, as amended, and then pass the Gubser-O'Neill amendment, as amended by the Smith amendment.

Mr. BURKE of Massachusetts. The only trouble with that is that if the Smith substitute is defeated and the Gubser-O'Neill amendment is defeated then the gentleman will have an opportunity to offer his amendment.

Mr. BURKE of Massachusetts. I think once it is defeated, that is it. I do not think you can offer the amendment twice for the same purpose.

Mr. HAYS. It seems to me the time the gentleman should offer his amendment is after we have a vote on the Smith amendment.

Mr. BURKE of Massachusetts. I have had difficulty getting the floor all afternoon.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. In view of the colloquy between the gentleman in charge of the amendment from Texas (Mr. White), I ask unanimous consent that permission be given to the gentleman from Massachusetts to change his amendment to strike the words "those absent" and insert in lieu thereof the words "those not voting."

The CHAIRMAN. The amendment is defeated, then I will not have the opportunity to offer my amendment.

Mr. HAYS. Will the gentleman yield at that point?

Mr. BURKE of Massachusetts. Yes, I yield further to the gentleman.

Mr. HAYS. If the Smith substitute is defeated and the Gubser-O'Neill amendment is defeated then the gentleman will have an opportunity to offer his amendment.

Mr. BURKE of Massachusetts. I have had difficulty getting the floor all afternoon.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. In view of the colloquy between the gentleman in charge of the amendment from Texas (Mr. White), I ask unanimous consent that permission be given to the gentleman from Massachusetts to change his amendment to strike the words "those absent" and insert in lieu thereof the words "those not voting."

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

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. BURKE of Massachusetts to the amendment offered by Mr. O'NEILL of Massachusetts: In the amendment offered by Mr. O'NEILL of Massachusetts before the words "shall be entered in the Journal" insert the following: "and the names of those not voting."

Mr. MAYNE. Mr. Chairman, I move to strike the requisite number of words. Mr. BURKE of Massachusetts (Mr. Gubser) in proposing to permit record teller votes in the Committee of the Whole, I am pleased to be a cosponsor of this important amendment, and strongly support its adoption.

We have before us this week the first comprehensive proposals to reform the Congress, and to modernize its machinery and strengthen its role in over two decades. The enactment of this legislation, including such amendments as may be added, will substantially improve our ability to represent our constituents more efficiently. H.R. 17654 reflects the dedication of people on both sides of the aisle, by such groups as the Republican Task Force on Congressional Reform, the Joint Committee on the Organization of Congress, the Members and staff of the Members Rules Committee, and by many other concerned Congressmen and individuals seeking to improve this branch of Government.

In my view it was most unfortunate that the House Rules Committee did not incorporate into this bill the vital language proposed by the distinguished Member from Ohio (Mr. Hays). I hope the Committee will consider proposing to permit rollcall votes in the House on amendments defeated on teller votes in the Committee of the Whole. We have been happy to join the Republican Study Group (Mr. Gubser) and many other colleagues, in introducing this compromise amendment which is now before the House. It will permit recording of teller votes if sufficient Members so request, by submitting a request to permit record votes on major votes while retaining the present nonrecord teller system in the Committee of the Whole on important amendments. Upon one-fifth of a quorum of the Members—supporting a call for a record teller vote, Members would walk through one of two teller lines which would record the names of the Member as being for or against the motion or amendment. The lines would be open for at least 12 minutes, assuring Members in their offices or elsewhere on the Hill an opportunity to assert their positions recorded. The result of the record teller vote, including the names of those voting for and against the motion, question, would be reported in the Congressional Record.

Recording teller votes in this fashion would take but 12 to 15 minutes, compared to 6 to 12 minutes for nonrecord teller votes and 30 to 45 minutes for rollcall votes. This would certainly encourage greater voting participation as the names of absentees became a matter of public record.

The public is surely entitled to know how elected Representatives vote in Congress, including their position on major amendments. An informed electorate is America's best guarantee for the future of our constitutional system, and the cornerstone of our democratic processes. Failure of the Congress to make such amendments will foreclose the possibility, of public confidence in the Congress as an institution and in its ability to relate and respond to the problems of this generation and of the future.

The historic reason for the secrecy of...
The exact language of the amendment

We can proceed expeditiously with this picture-taking?

7 o'clock, either tonight or tomorrow

We have taken care of the problem of the tee to continue past

It would be out of order for the

Gentleman yield?

I have discussed the situation with the gentleman from California (Mr. Sisk) and with the gentleman from Missouri (Mr. Boling), and they both tell me that if I would say that we were willing to agree to the amendment .

I move to strike the requisite number of words.

I take this time of point to again seek some unanimous consent in connection with this matter that is before us. We all recognize that this matter of teller votes and a recording of the votes is an important matter. However, we are now approaching 4 o'clock. As some of you may or may not recall my indications of last Thursday that we have today and tomorrow to debate this bill and that the bill has not been completed by tomorrow afternoon or evening, the indications are that we will be here in September or later on to take care of the matter. All I am suggesting is that we have an agreement to cut off debate so we can complete this bill by tomorrow. So I would hope that we could get some unanimous accord for when we strike off the amendments and the substitute and amendments thereto.

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

Mr. SISK. I yield to the gentleman from Indiana.

Mr. SISK. Mr. Chairman, the gentleman has mentioned that we are approaching 4 o'clock, and I wonder if it would be out of order for the Committee to continue past 4 o'clock now that we have taken care of the problem of the picture-taking?

Mr. SISK. If the gentleman will again refer to my remarks made last Thursday, I indicated that I would hope that no Member would expect dinner until after 7 o'clock, either tonight or tomorrow night, and I am still hoping—although I do not want to be left here alone—that we would proceed expeditiously with this matter.

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

Mr. SISK. I yield to the gentleman from Minnesota.

Mr. SISK. Mr. Chairman, I think that there are some uncertainties about the exact language of the amendment offered by the gentleman from Ohio (Mr. Hays) and that if a parliamentary inquiry might be presented to clear that up?

Mr. FRASER. Mr. Chairman, will the gentleman yield for the purpose of a parliamentary inquiry?

Mr. SISK. I yield to the gentleman.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. FRASER. Mr. Chairman, in the Hays amendment, as it is found at the desk, the first line of paragraph (b) appears to be stricken, plus several additional words on the following line. But in checking with the Clerk, he did not read that matter stricken, and I understand from the gentleman from Ohio (Mr. Hays) that he did not intend that it should be stricken.

Mr. Chairman, I simply want to find out what the status of the amendment is in that respect.

The CHAIRMAN. Without objection, the record teller vote amendment offered by the gentleman from Ohio (Mr. Hays) to the substitute amendment offered by the gentleman from California (Mr. Smrtt).

The Clerk read the amendment.

Mr. FRASER. Mr. Chairman, will the gentleman from California (Mr. Sisk) yield for a further parliamentary inquiry?

Mr. SISK. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I would defer to the author of the amendment.

Mr. SISK. Mr. Chairman, I yield to the gentleman from Ohio (Mr. Hays) to make comment.

Mr. HAYS. Mr. Chairman, it is my understanding, and again, this is the situation you get into, on the very technical matter of changes in the rules when this is done hurrledly. But it is my understanding, you do not have this in lieu of a teller vote but you have it upon demand. You can have a teller vote and if somebody is not satisfied, you can have a record vote. Or if before you have an optional teller vote someone demands a recorded vote, you can get unlimited say so and if enough people support you—you get that.

So the words "in lieu of" seem to be unnecessary because this gives some flexibility, that you can have a vote either way. But it makes sure that you can have a record vote if anybody wants a record vote.

Mr. FRASER. Mr. Chairman, will the gentleman from California yield?

Mr. SISK. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, the purpose of this inquiry is that originally the intention, I believe, of the authors of these various amendments has been that you could have only one vote—one teller vote and either it is going to be a non-record teller vote or, if before the teller vote is started somebody demands a recorded vote, you can get unlimited say so and if enough people support you—you get that.

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So the words "in lieu of" seem to be unnecessary because this gives some flexibility, that you can have a vote either way. But it makes sure that you can have a record vote if anybody wants a record vote.
Frankly, my objection to the amendment offered by my distinguished colleague of the Rules Committee, the gentleman from California (Mr. SMITH), is that it goes into too much detail to prescribe the electronic aids that will be used to tabulate the vote. As I read and understand the amendment, even though it may imply a manual recording of the vote because it makes reference to clerks, certainly there is enough latitude within that amendment that they could employ electronic aids of any kind to assist them, to assist the clerks in carrying out their assigned function of recording the teller vote.

Mr. Chairman, I supported the O'Neill-Gubser amendment when it was offered in the Committee on Rules many weeks ago by the gentleman from Massachusetts (Mr. O'NEILL). It is absolutely vital to take this opportunity to demonstrate to the American people that we are willing to be recorded on the important issues that confront the Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise in support of the Gubser-O'Neill of Massachusetts amendment. I concur with the gentleman from Illinois (Mr. AXELROD) who just spoke as to the Gubser-O'Neill of Massachusetts amendment appears to offer everything necessary to accomplish the same objectives as the clarifying amendments just cited. It raises a question as to whether those amendments are actually necessary and thus I believe they ought to be respected.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON. Mr. Chairman, I yield back my time.

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

Mr. ROSENTHAL. Mr. Chairman, I rise to support the amendment by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. SMITH) regarding the teller votes in the House of Representatives.

I am in support of this amendment and opposed to other amendments to this amendment above all because at the present time the method in which the Members of the House vote on amendments frustrates the public's right to know.

When the House sits as a Committee of the Whole to consider legislation, no roll calls can be obtained on any amendment that does not pass. That means a Member can vote for any number of amendments which may cripple a water pollution bill, or render ineffective a civil rights bill or fail to provide adequate funding for hospital construction or programs for the elderly, and then he can thereafter pose as a champion of environmental protection, of the elderly and of the sick; he has in fact voted against the public's right to know.

The fact is that the least meaningful vote a Member casts is often the one on final passage. This isn't right, it is not healthy and it should be changed.

This amendment may seem like a radical departure for the House of Representatives, a legislative body which has voted in secret on teller votes since the establishment of our Republic and the creation of the House itself. I can understand also that many Members of the Congress may find it easier to legislate in secret. I do not believe this is so.

Before my election to the House just over a year ago, I was a member of the Wisconsin State Legislature for 7 years. During my service there, I got used to its practice of holding open public meetings on everything except personnel matters or land purchases—markup sessions on bills, public hearings on all legislation, meetings of the joint finance committee, and debate on all matters which came to the assembly floor.

This system did not cripple the Wisconsin legislative process. And although many politicians did not consider it particularly convenient, it certainly is the best system for the press, which must report the public business and for the public itself if it is to have any accountability toward those it elects to public office.

The amendment now before this House would open windows for public view of the legislative process. I believe the public wants its institutions to be more open and candid and honest. If the House hopes to regain the public confidence without which no institution can long endure, then it must recognize the public's desire for an open legislative process and it must accept this amendment.

Mr. Chairman, the amendment that does not pass. That is all there is to it.

The CHAIRMAN. The gentleman requests for time the Chair might put the question before 5 o'clock. Mr. BURKE of Massachusetts. Why does the gentleman want to protect the absentees? Mr. GIBBONS. I do not want to protect the absentees. I am not really opposed to the amendment; I just do not believe it adds anything to this.

The gentleman says that you can use electronic equipment under the Gubser-O'Neill of Massachusetts amendment. Would the gentleman comment on that? Mr. GIBBONS. It is just not necessary. We are going to record who voted "aye" or "no," not vote either "aye" or "no," he must have not voted. That is all there is to it.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Why does the gentleman want to protect the absentees?

Mr. GIBBONS. I do not want to protect the absentees.

The gentleman says that you can use electronic equipment under the Gubser-O'Neill of Massachusetts amendment. I do not see how, because it says "clerks." But then he objects to electronic equipment because he says you can't use a card to vote with that. If you have electronic equipment, you will probably have to carry something to identify you to the electronic machines. If you don't do it under the Gubser-O'Neill of Massachusetts amendment, you will not vote either "aye" or "no," he must have not voted. That is all there is to it.
Mr. GIBBONS. Yes, I am sure we can. There will be other amendments offered here that will clear up any doubt in anybody's mind, but I am sure you can do it under the Gubser amendment now. It is entirely clear.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I support the Gubser amendment. It is an alternative that allows a Member on the floor to rise and make a motion for a recorded teller vote by electronic system or other means. If, the electronic system is not working, the committee can devise an alternative method that will be efficient. It takes care of the problems in the original Smith amendment as to time. There is a 12-minute period to allow Members to come to vote. Seven minutes is all that is required for any Member to come from any building on the Hill.

Mr. Chairman, I support the amendment because I think it is the answer to the House's present problem.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

PARLIAMENTARY INQUIRY.

Mr. ECKHARDT. Mr. Chairman, I support the Gubser amendment. I should like to use my time by way of parliamentary inquiry to attempt to establish whether or not if the Smith amendment as amended by the amendment by Mr. Hays could not be offered as an alternative or an additional amendment after the passage of the O'Neill amendment. If it adds an alternative and additional means of recording votes it would appear to me that it would be a matter that is in addition and not in conflict with the O'Neill-Gubser approach, and that we might resolve this matter without placing these two amendments in conflict with each other.

The CHAIRMAN. Is the gentleman stating a parliamentary inquiry?

Mr. ECKHARDT. I should like to state it as a parliamentary inquiry, which is as follows: As I understand the Smith amendment as it is sought to be amended by the Hays amendment, all it would do is say that in addition to providing a manually recorded type of vote by the method that is provided in the O'Neill amendment, it would also provide an electronic record type of vote. Now, if I am correct in that assumption, would it not be in order, if we should vote down the Hays amendment, to try to get the Smith amendment, to offer this as an additional provision subsequent to the passage of the O'Neill amendment?

The CHAIRMAN. The Chair would like to instruct the Clerk in this event. If his parliamentary inquiry that if the amendment offered by the gentleman from Ohio (Mr. HAYS) is voted down and the substitute offered by the gentleman from California (Mr. GUBSER) is voted down, then another germane substitute would be in order.

Mr. ECKHARDT. Then, may I ask further that in the event this course of events occurs and instead of offering a germane substitute we should pass the O'Neill-Gubser amendment, would it be in order to offer as an additional section a provision for electronic equipment as an alternative, that is, as a supplementary means of recording the vote?

The CHAIRMAN. The Chair would like to indicate that if it is not in order to add a substitute we should pass the O'Neill-Gubser amendment, it would not be in order, if we should vote down the O'Neill amendment, then another germane substitute from the gentleman from Ohio (Mr. SMITH) would be in order as new sections of the bill.

Mr. ECKHARDT. Would that include an addition that might embrace the present content of the Smith amendment?

The CHAIRMAN. The Chair will not be able to pass upon that inquiry at this time.

The time of the gentleman from Texas has expired.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER) for 2 minutes.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise to indicate my own support for the original O'Neill-Gubser amendment that is now pending with various recorded substitutes and amendments thereon.

I am sympathetic to the amendment offered by the distinguished gentleman from California (Mr. GUBSER). But I feel very strongly that there is a weakness in that amendment; namely, the failure to provide that there is no time period during which a Member could get from his office or elsewhere to the floor. It seems to me this is the largest single reason why the Smith substitute ought not to be adopted.

Mr. Chairman, the Hays amendment, which comes somewhat closer because it contains a time element, I am also concerned about.

Thus I will vote in opposition to the substitutes that are pending to the O'Neill-Gubser amendment—and support the amendment offered by the gentleman from Massachusetts and the gentleman from California in the O'Neill-Gubser amendment.

This has to be counted as a highwater mark in this House in an effort to assure our constituents their right to know how their Representatives have voted on the important issues pending before the Congress.

Mr. Chairman, while there have been objections to the voting procedures in the Committee of the Whole for a long time, these have gained in intensity during the past year. Presently, groups have taken to sitting in the galleries seeking to identify which Members voted on various teller votes. Several Representatives have come in later than those spotters and have made mistakes in their tallies. This is to be expected, given the distance between the spotters and the tellers, the fact that members cannot see, and the hurry with which the votes are taken. The press, which presumably would be one of the groups most interested in determining who voted how on these votes, is located in another room, and does not know how the vote was taken.

There is no question that the fact that teller votes are not recorded is beneficial to some Representatives on certain issues. Anonymity is assured and they can vote without fear of interest groups or constituents finding out. While this may allow the Member to vote his conscience without fear of retribution, I think on the whole the system is a bad one. For one thing, it discourages participation.

The turnout rate for teller votes is significantly below that of rollcall votes. Teller votes are not counted in any interest group's voting tallies. Not only does the present system discourage participation, it encourages secrecy and decides Members can vote one way in the Committee of the Whole and another in the full House without their constituents knowing. Some will say that the teller system enables the Member to vote his conscience and avoid pressures which would be placed upon him if a vote were recorded. I think this is false for two reasons. In the first place, any amendment which passes the Committee of the Whole is subject to a rollcall vote in the full House and so the Member's position can be determined at that stage. But more importantly, I believe that the philosophy and conduct such a subterfuge contrary to what I perceive to be the job of the Congressman. We are paid by our constituents to stand up and be counted.

As Harry Truman once said: "If you can't stand the heat, get out of the kitchen.

As for the specifics of the O'Neill-Gubser amendment, I recognize that there have been numerous proposals about how to obtain the desired objective. After a great deal of discussion, bipartisan group of members concluded that the pending amendment was the best approach. The amendment provides for the retention of nonrecord votes, as it exists now, but it allows one-fifth of a quorum to get a record teller vote. A record teller vote would take precedence over nonrecord votes, but in any case only teller votes would be taken on a given proposition.

The proposed amendment allows the Clerks of the House flexibility in how they think the change can best be carried out. I believe that whatever method is to be used, no additional clerical staff would be required.

The teller lines would remain open for 12 minutes, thus insuring that a Member who was in his office would have sufficient time to vote over the teller line. Because the names of those voting for and against the amendment as well as those not present would be recorded in the Congressional Record, as is presently the case with rollcall votes, I believe that participation in teller votes would increase markedly. This would encourage Members to take more interest in the rollcall vote and also take a further interest in the Committee of the Whole, and perhaps foster greater attendance during debate in the committee.

Adoption of this amendment would end the practice of various private groups using the motion to recommit as an inditement of a Member's position on a given issue. Many Representatives have been inaccurately portrayed as for or against some measure solely on the basis of their vote on the previous question on the motion to recommit. I, myself, have had this experience. To remedy this situation and to allow our constituents to know how we stand on the major issues of the day, I urge acceptance of this
amendment. It is time we pulled up the curtain of secrecy that covers too much, far too much, of the House’s operations. If the Members of the Senate and the members of nearly all State legislatures can stand the heat of being recorded on the key issues of the day, I think the Members of this body can do no less.

Mr. Chairman, I rise in support of the O’Neill-Gubser amendment and hope it is adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HONIGATE).

Mr. HONIGATE. Mr. Chairman, if the Hays amendment to the Smith substitute to the O’Neill-Gubser amendment as possibly amended by the Burke of Massachusetts amendment means what it looks as though it will mean, then the only amendment that is possible is the O’Neill-Gubser amendment. It provides a method to make it more certain.

The gentleman from California could have offered a teller vote with clerks. I think that perhaps we have had an inopportune moment. Perhaps we ought to let the bill go down the drain.

I have great respect for the gentleman from Dallas. I know he has evidently the best of motives. I wish to record my vote for the amendment, but I do not want to see happen.

To be perfectly truthful, let me say this to you, so everybody in the House will understand, if a Member wants to have a teller vote he stands and asks for a teller vote. If he gets 20 people to stand, we are in the Committee of the Whole, he can have that teller vote. Now, if he wants a teller vote with clerks, he asks for a teller vote with clerks.

I said earlier that I believe there were 73 teller votes last year. Surely there will be a number of objectionable amendments, but it will only be recorded votes on about 15 or 17. So there is not this great fear that we will lose anything, because with every teller vote that will be rejected, there will be sufficient time for Members to reach the floor and this will not occur on every amendment. There will be recorded teller votes only when the individual asks for clerks.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Rosen­thal yielded his time to Mr. O’Neill of Massachusetts.)

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

Mr. O’NEILL of Massachusetts. I yield to the gentleman from California (Mr. Smith) as amended by the amendment offered by the gentleman from Ohio.

Mr. HARRINGTON. Mr. Chairman, I would ask the gentleman from Massachusetts if I am correct in my analysis of what could take place under the par­lamentary question that if the amend­ment offered passes without an amend­ment—-and I hope it will pass without an amendment—that if that passes there is still the opportunity of the O’Neill-Gubser amendment, because if the amendment passes there is good likelihood that some­one is going to ask for a recorded vote when we go back into the House.

Mr. O’NEILL of Massachusetts. Oh, yes, certainly, I would say “Yes.”

Mr. ROSENTHAL. If that assumption is correct, then there will be a record vote so that then the best thing we can do is have the amendment in its simplest terms so the public can understand exactly what amendment we are voting on when the recorded vote comes up. And if we cannot solve the problem of electronic vot­ing a Member might be able to say “I was in sympathy with the O’Neill-Gubser amendment, but voted against it because I had some question about the feasibility of that electronic voting system.”

Mr. O’NEILL of Massachusetts. The gentleman has hit it right on the head. The point that I tried to make in the four and a half minutes I had, he has very succinctly stated it in the 30 sec­onds time he had.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. O’NEILL of Massachusetts. I yield to the gentleman from Ohio.

Mr. BURKE of Massachusetts. Do you not also believe that Members will have an opportunity to vote against the Gubser amendment? If that amend­ment does not prevail, I would ask of those who are absent and not voting?

There are many Members of this House who feel that there has been too much underground opposition to my amend­ment.

Mr. O’NEILL of Massachusetts. Mr. Chairman, I must say that once my col­league gets his teeth into something, he digests it very quickly.

The CHAIRMAN. The Chair recognizes the gentlewoman from Massachu­setts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I would ask the gentleman from Ohio...

I had some question about the feasibility of the electronic voting system.

Mr. O’NEILL of Massachusetts. Mr. Chairman, it seems to me that the affairs of Congress have been the subject of de­bate for years. What is most encouraging here today is that the Congress, specif­ically the House of Representatives, is being led by the gentle­‎woman from Indiana.

While there are differences of opinion and dif­ferent points of view and different pro­posals, I think they are all motivated by the desire to achieve meaningful re­form.

In the last analysis, however, it seems to me that the amendment which pro­vides the simplest and surest route for that reform is the O’Neill-Gubser amendment. I feel strongly that the public has a right to know. But I also feel that the Member has great difficulty achiev­ing a clarity of position that the Member wishes and deserves to achieve, I strong­ly support it.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Harrington).

Mr. HARRINGTON. Mr. Chairman, I
have been in this Chamber a very short time. I rise in support of what I consider to be a most significant step in the direction of better informing the public that this body has taken.

The lack of information of the local press and between them and those who cover them from a national view in the public part of our activities is appalling. We would be more adequate in describing it.

I think the effort being made by Representatives of O'Neill-Gubser this afternoon, which I support in its simplest form as an ample start in the right direction.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois (Mr. Mikva).

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts (Mr. Harrington)?

There was no objection.

The CHAIRMAN recognizes the gentleman from Illinois (Mr. Mikva) for one-half minute.

Mr. MIKVA. Mr. Chairman, I rise in support of the O'Neill-Gubser amendment. It will make all representative records on record on the issues on which the people have a right to know and judge. An end to the secrecy of votes on amendments is a perfecting of the legislative process that is long overdue.

The CHAIRMAN. The Chairman recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, there is only one issue of substance before the committee this afternoon and that is—are we for or against the proposition of being recorded on the teller votes, which, generally speaking, are some of the most important. This will make a great improvement in the way that we cast here in this body.

There is one easy, simple way to be recorded in favor of being counted as present, to use the teller votes, and to vote for the O'Neill-Gubser amendment and to vote all the other amendments down.

Mr. Chairman, the Hays-Smith substitute at best accomplishes absolutely nothing that cannot be accomplished under the O'Neill-Gubser amendment because the O'Neill-Gubser amendment will permit electronic voting if later we so desire, and it provides for a time element in which to get to the House and vote, which is the added feature provided in Mr. Hay's amendment.

At worst, however, the Smith-Hays amendment can confuse the issue and keep us from seeing the very simple point. The thing to do here, if you are in favor of being recorded on teller votes, is to keep it simple and keep it straightforward, and to vote for the Gubser-O'Neill amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Jacobson).

Mr. JACOBS. Mr. Chairman, I am pleased to announce that things are back to normal, because I disagree with my colleague from Indiana on this.

First, I would like to say, Mr. Chairman, that this is a committee and this is a House of great patriots who would do anything at all for their country—except work late tonight, except work last Friday, except give up picture-taking sessions and work the night before or the night before that. If I am once prepared to stay here until midnight tonight, members who are not willing to work until say, 11 or 12 o'clock tonight on this bill, which everybody has described as so important, stand up and let us see who they are.

Is there anyone here who would not be willing to work until midnight tonight? Four, five, six, seven—that is, by the way, a nonrecorded vote.

Mr. Chairman, it pleases me that the majority wants to work late tonight, so I am sure we shall.

Everybody knows that the gentleman from Massachusetts and the gentleman from California, for both of whom I have tremendous admiration, are the authors and caused this amendment to come to this floor. And I congratulate them both.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Fraser).

Mr. FRAZER. Mr. Chairman, I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRAZER. Would it be in order that we make a vote now on the Burke amendment?

The CHAIRMAN. If there are no other speakers on the Burke amendment to the amendments offered by the gentleman from Massachusetts (Mr. O'NEILL), they could be heard, at this time.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. The Chair means if there are no further speakers on the Burke amendment, does he not?

The CHAIRMAN. That is correct: on the Burke amendment. In order to clarify the question, are there other speakers on the Burke amendment to the amendments offered by the gentleman from Massachusetts (Mr. O'Neill), they could be heard, at this time.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. The Chair means if there are no further speakers on the Burke amendment, does he not?

The CHAIRMAN. That is correct: on the Burke amendment. In order to clarify the question, are there other speakers on the Burke amendment to the amendments offered by the gentleman from Massachusetts (Mr. O'Neill), they could be heard, at this time.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. O'Neill), as modified, to the amendment offered by the gentleman from Massachusetts (Mr. O'Neill).

The question was taken; and the Chairman, being in doubt, the Committee divided, and there were—yes 52, noes 22.

So the amendment, as modified, to the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Chairman, they say there is nothing so powerful as an idea that has found its time, and I think that time has arrived that happen in this House—a revolutionary and most desirable change to which practically everyone is agreed. We are truly striking a blow to improve our democratic system.

The only question that remains is how this is to be done. It seems to me that the case has not been made for the Smith substitute, that is for going beyond provisions for recorded votes and taking the further step at this time to electronic voting.

I see no need for the complications surrounding the Smith of California substitute, that is for going beyond provisions for recorded votes and taking the further step at this time to electronic voting.

A question has been raised about whether the count on a recorded teller vote can be accurate without that. Surely there are ways which can be devised to have an accurate count. Surely in any case a Member who says he was wrongly counted will have the privilege—just as he now has as to a rollcall vote—of coming to the Chair and ask unanimous consent to have the Record corrected. That gives full protection against any inaccuracy.

The purpose is to assure that the record on a teller vote be accurate would be to have a clerk stand behind each teller with a tape recorder, and the Members could state their names on the tape recorder as they go through.

In any case the simple amendment is the best approach in this case. I hope the O'Neill of Massachusetts-Gubser amendment will be resoundingly adopted.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Holifield).

By unanimous consent, Mr. Holifield yielded his time to Mr. O'Hara.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'Hara).

AMENDMENT OFFERED BY MR. O'HARA TO THE AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'Hara. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. O'Neill).

The Clerk read as follows:

"Amendment offered by Mr. O'Hara to the amendment offered by Mr. O'Neill of Massachusetts: Strike out "shall be entered in the
Journal" and insert "shall be recorded by clerks or by electronic device and shall be entered in the Journal.

Mr. O'NEILL of Massachusetts, Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. I shall be happy to accept that amendment to the amendment offered by the gentleman from New York (Mr. Arens) and at the direction of the House.

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

Mr. O'HARA. I yield to the gentleman from California.

Mr. GUBSER. The gentleman's amendment is exactly compatible with the intent of the gentleman from Massachusetts (Mr. O'Neill) and myself, and I certainly am willing to accept the amendment.

Mr. O'HARA. Thank the gentleman.

Mr. O'NEILL of California. Mr. Chairman, does not in effect frustrate the amendment but improves upon it.

Mr. O'NEILL. The Chair recognizes the gentleman from New York (Mr. Brophy).

Mr. BROPHY of North Carolina. Mr. Chairman, I see nothing wrong with recording teller votes by electronic means. That is why I shall now support the O'Neill-Gubser amendment as amended by your gentleman from Montana.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of California. Mr. Chairman, any amendment that has been adopted, the amendment and one-third will be recorded by clerks manually or by electronic device at the option of the House.

Mr. SMITH of California. I should like to have that amendment read again.

The CHAIRMAN. Is there objection to the request of the gentleman from California that the amendment be reread?

There was no objection.

The Clerk read the amendment.

Mr. O'HARA. Mr. Chairman, this amendment is designed to make explicit the clear implication of the O'Neill amendment, that the teller votes provided for under the amendment can be recorded by electronic device, if that is the method provided by the House. My amendment makes it clear that the names are recorded. Tellers can be recorded by clerks manually or by electronic device at the option of the Speaker and at the direction of the House.

The CHAIRMAN. Are there any Members that would like to speak to the O'Hara amendment to the amendment offered by the gentleman from Massachusetts (Mr. O'Neill)?

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. O'Hara) to the amendment offered by the gentleman from Massachusetts (Mr. O'Neill). The amendment to the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Podell).

Mr. PODELL. Mr. Chairman, I should like to extend my congratulations to the Committee and to the gentleman from Massachusetts (Mr. O'Neill), and to the gentleman from California (Mr. Gubser) who have come up with what I believe is an important and monumental change in the rules of the House.

I think, however, it is unfair to label any amendment for improvement as mere an attempt to frustrate the bill or the amendment itself. I spoke to the requestors tellers (Mr. O'Hara) on many occasions. He indicated to me his desire to improve upon the Gubser amendment. I think his amendment does, in fact, improve upon it, because it will give those Members an opportunity actually to cast their vote in 12 minutes should a recorded vote be required and be necessary.

I think it is important at this time also to note that under the chairmanship of the gentleman from Louisiana (Mr. Wasko), we have been investigating electronic voting for the past month, and all electronically possible, by the time this bill is finally passed in its completed form, we will be able to report to the House a complete program for electronic voting.

So, Mr. Chairman, I think the amendment offered by the gentleman from Ohio (Mr. Hays) does not in effect frustrate the amendment but improves upon it.

Mr. O'NEILL. The Chair recognizes the gentleman from North Carolina (Mr. Brophy).

Mr. BROPHY of North Carolina. I see nothing wrong with recording teller votes by electronic means. That is why I shall now support the O'Neill-Gubser amendment as amended by your gentleman from Montana.

Mr. O'HARA. Mr. Chairman, does not in effect frustrate the amendment but improves upon it.

Mr. O'NEILL. The Chair recognizes the gentleman from New York (Mr. Arens) immediately after the adoption of the O'Neill amendment, if such is adopted, I want to offer an amendment adding the sentence that when we go back into the House from the Committee of the Whole any amendment that has been adopted by a teller vote or defeated by a teller vote in this respect: On the adoption of the amendment it take 20 percent or one-fifth to ask for a recorded vote, but on any defeated amendment that a vote is requested the majority leader of the minority shall rise in order to get a vote. I believe we ought to make a distinction between an approved or disapproved teller vote amendment.

I hope this will have the consideration of the House, and I want to offer this at the present time.

The CHAIRMAN. Does the gentleman from Illinois desire to offer this amendment at this time?

Mr. ARENS. Yes, Mr. Chairman, I offer the amendment.

AMENDMENT OFFERED BY MR. ARENS TO THE AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

The Clerk read as follows:

Amendment offered by Mr. Arens to the amendment offered by Mr. O'Neill of Massachusetts. After the last sentence of the O'Neill-Gubser amendment add the following new language: "When any measure is reported from a Committee of the Whole House, it shall be in order, immediately after the order for the engrossment and third reading of the message and before consideration of the question of final passage, for any Member with respect to any amendment which has been defeated or approved to vote, by roll call, to order the reconsideration of that amendment by roll call vote taken in the manner provided by Rule XV. Such action is of the highest privilege and shall be decided without debate. If, upon reconsideration by roll call vote the amendment is adopted, then the amendment shall be deemed to have been read in the third reading, and shall be included in the engrossment of that measure."

Mr. O'NEILL of Massachusetts. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. O'NEILL of Massachusetts. I do not think the gentleman has clearly in mind what my amendment does. My amendment—actually, the only change in the present rules that we have is that if before tellers are named any Member requests tellers and I emphasize "with clerks"—then the amendment says as follows: "and that request is supported by at least one-fifth of a quorum, the names of those voting and each side of the question shall be entered in the Journal. Members shall have not less than 12 minutes from the naming of tellers with clerks to be counted."

There is nothing in my amendment that says anything contrary to what the gentleman says. We just follow the regular rules. Unless in the Committee of the Whole an amendment is adopted, you cannot have a roll call vote. If it is defeated, you cannot have a roll call vote.

Mr. ARENS. I am not changing the gentleman's amendment, but I am adding to it so that we may differentiate between an adopted amendment and a rejected amendment by teller votes, and if a rejected amendment is one-fifth will stand to get a vote on an adopted amendment and one-third will be required to stand to get a vote on a defeated amendment by a teller vote.

I am attempting to differentiate between the two because I feel there should be some addition made in the language.

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

Mr. ARENS. Of course I yield to the distinguished majority leader.

Mr. ALBERT. The gentleman it seems is confusing the meaning of the amendment. The amendment does not change the rule about voting in the House on defeated amendments.

Mr. ARENS. I added new language to the amendment.

Mr. ALBERT. Mr. Chairman, if the gentleman will yield further, does the gentleman want to put that language in the bill at this point?

Mr. ARENS. Yes, I think that is the best thing to do.

Mr. ALBERT. The gentleman wants to require votes on defeated amendments.

Mr. ARENS. Yes. If one-third of the Members stand and ask for it, I do not think we should have one-fifth standing for a vote on an accepted amendment as
against one-third standing for a nonac­cepted amendment.

Mr. O’NEILL of Massachusetts. Mr. Chairman, further pursuing my point of order, I wish to call the attention of the House to the fact that the rule as printed in the "House Rules and Manual" under that section of the Constitution of the United States it says:

"* * * and the Yeas and Nays of the Mem­ber or Members of either House on any question shall, after the Desire of one-fifth of those Pres­ent, be entered on the Journal."

Mr. Chairman, the gentleman from Illinois is trying to change the Constitu­tion.

Mr. GIBBONS. Mr. Chairman, in sup­port of the point of order, which has been made by the gentleman from Massa­chusetts (Mr. O’Neill), and if the Chair has not made up its mind, I would say that the gentleman from Illinois’ amendment is subject to the same point of order that the Chair sustained on the amendment which was offered by the gentleman from Illinois (Mr. HAYES).

Mr. ARENDS. I would say that this amendment is slightly different to the amendment offered by Mr. Hays.

The CHAIRMAN (Mr. NATCHER). The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Insofar as the constitutional question raised by the gentleman from Massa­chusetts is concerned, of course, the Chair would rule in the affirmative.

The amendment offered by the gentle­man from Illinois (Mr. ARENDS) provides for the recording of telle r votes. The pending amendment offered by the gentleman from Massachusetts also provides for the recording of telle r votes. There­fore, the Chair overrules the point of order and recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I am simply trying to say to the House that when there is an adopted amendment by a telle r vote there is the requirement that the one-third of the membership of the House must rise on that telle r vote, but on a defeated amendment, I think that one-third should be required to obtain a vote on such defeated amend­ments.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I favor the O'Neill-Gubser amendment. I think it is a practical amendment. I do not think, however, there is anything wrong with the Hays amendment. In fact, if you were going to pass the Smith amend­ment, you could do it in a real bad way without the Hays amendment. So I hope no one turns down the Hays amendment on the theory that it is going to be something that is not constructive. I say this because turning down the Hays amendment might mean you would have no vote. You might be on the telephone or you might be having a sandwich and you would be unable to cast your vote. The Hays amendment is certainly a good amendment to the Smith amendment. I favor the O'Neill-Gubser as the best approach on page 28 of the publication "House Rules and Manual" under that section of the Constitution of the United States it says:

"* * * and the Yeas and Nays of the Mem­ber or Members of either House on any question shall, after the Desire of one-fifth of those Pres­ent, be entered on the Journal."

Mr. CHAFFMAN. Mr. Chairman, I am simply trying to say to the House that the voting that the Chair has sustained on the amendment which was offered by the gentleman from Illinois (Mr. HAYES).

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. FLYNT).

Mr. FLYNT. Mr. Chairman, I really have no objection to either approach which has been made, but it seems to me that the substitute amendment offered by the gentleman from California, as amended by the amend­ment of the gentleman from Ohio (Mr. HAYES).

From time to time we have seen Mem­bers rise in the well of the House to ask that a certain rollcall be corrected. If you want to see confusion take place, and the arena opened up for mistake after mistake in recorded votes on the votes of any Member on any given issue, the method of letting the tellers with the help of clerks record those votes will prob­ably cause confusion and more errors in the tallying of votes than any method yet devised.

With the addition of the amendments offered by the gentleman from Massachu­setts (Mr. BURKE) and the gentleman from Michigan (Mr. OR'HARA) to the O'Neill-Gubser amendment, the difference between the two approaches seems to be the difference between tweedle­dee and tweedle-dum. I think that to further expedite sessions of Congress that, in those bygone days, lasted only a few months. If the telle r vote was, in fact, intended to be a secret, then I submit it was one of the more poorly kept secrets ever conceived.

Instead, the main thrust of this amendment, in my judgment, is to strip away the outgrowth of suspicion, doubt, and contempt that the teller vote by revealing the whole truth about what is actually being voted on and how each Member was recorded on the measure. In addition, I believe passage of this amendment will speed up this outmoded voting procedure and permit the people of this country to know exactly what is being considered.

The much maligned telle r vote has been the subject of continuing contro­versy, distortion and exploitation for many years, and the reform offered by this amendment is long overdue. I strongly support the O'Neill amendment as a better method of recording votes so that there cannot be any further misrepresentation of the votes cast.

I strongly believe in the American principle that holds to the view that elected representatives be held in strict accountability to the people they are privileged to serve. At a time when peo­ple demand to know, and rightly so, what their Government is doing and how they are being represented, it is our duty and responsibility to clear away any and all obstacles which surround. The fact is, for this reason that I believe this distinguished body will respond to that challenge here today and pass this much-needed reform amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii (Mr. Matsu­naga).

Mr. MatsuNAGa. Mr. Chairman. I rise in support of the O'Neill-Gubser amend­ment. Speech after speech has con­demned the current practice of un­recorded telle r votes in the Committee of the Whole House. Indeed, a stranger to the
these Chambers might wonder how so detestable a practice, and one so widely denounced, could survive so long.

As a declared cosponsor of the amendment, now under consideration, I find this display of near unanimity in support of the amendment a striking and a disturbing anomaly with which the House shrouded itself earlier this session on such important issues as the supersonic transport, anti-Bell telephone incursion, and school desegregation.

There is an old law school truism, the Latin version of which I will not attempt, to the effect that when the reason for a law change, the law also should change. As I understand it, the practice of nonrecorded toller voting in the Committee of the Whole was first adopted by the British Parliament so that its Members could vote their consciences without incurring the wrath of the King. For some reason or other, while no such fear of King, Queen, or President now exists, the guiding principle of the work of the Nation's people; and the way their business is being conducted and by whom.

Mr. Chairman, there are those who would argue that the O'Neill-Gubser amendment, if adopted and implemented, would make it more difficult for a Member to consider national, as opposed to district, interests, when he casts his votes. Certainly it would mean that a Member of Congress has a duty to look beyond the opinion polls in determining what is best for this country. As Edmund Burke told the electors of Bristol almost 200 years ago: "Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

But even if we assume that Burke was right and voters chose their representatives on the basis of their capacity for wise judgment, the voters must at least know of the instances in which that judgment has been exercised. The O'Neill-Gubser amendment would provide a record of such instances in the Committee of the Whole House, where today there is none.

Speaking now on the substitute amendment, I must say I was fully prepared to support the Hays amendment, which would remove the objectionable features of the Smith Substitute. I was least prepared to support the Smith amendment if the Hays amendment to it, is, I must say I was fully prepared to support the Hays amendment, which would remove the objectionable features of the Smith substitute. I was least prepared to support the Smith amendment if the Hays amendment to it were adopted. However, now that the O'Hara amendment has been adopted, there is little, if no, difference which I can see between the O'Neill amendment, as amended by the O'Hara amendment, and the Smith substitute, as amended by the Hays amendment.

I intend, therefore, to support the O'Neill-Gubser amendment, as amended by the O'Hara amendment, and to vote against all other amendments. I urge my colleagues to do likewise on legislation before it is finally voted up or down.

If this amendment ultimately becomes law, I believe it will be one of the more significant acts of the 91st Congress, and will mark a new era in the history of the Congress, and that our Members will be able to have the courage to stand behind legislation thereafter enacted.

The Chairman, The Chairman recognizes the gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, I rise in support of this amendment offered by our distinguished colleagues (Mr. O'Neill and Mr. Gubser). That amendment would require that the voting be recorded so that names of Members voting and how they voted would appear in the Congressional Record, and be available to the public. At the present time, as we all know, many amendments are killed in the Committee of the Whole House on the State of the Union in unrecorded toller votes—which oftentimes would have been adopted had they been subjected to a recorded vote.

The nonrecorded toller voting among us who refuse to vote for strengthening amendments to a bill, and then when voting for the weaker bill on final passage protest that the bill is not as strong as they would like. I think we have an opportunity in this session to do away with such a practice and abolish this practice of nonrecorded toller voting. Why then do we here in this body continue this archaic practice?

There are those among us who refuse to vote for strengthening amendments to a bill, and then when voting for the weaker bill on final passage protest that the bill is not as strong as they would like. I think we have an opportunity in this session to do away with such a practice and abolish this practice of nonrecorded toller voting.

We have come along with a plethora of different positions—each of us is going to be voting his conscience, and he will make a recommendation about a change in the method of voting in this session of the Congress. Give us a chance to produce a system which can be used, and used successfully, not just recording those votes for the record, but all other votes that might occur, whether they be on final passage or whatever. We can do something that will be better than many of us dared hope. I believe the House will benefit from it. I believe the mood of the House is to move from the present system of voting. And I think we should.

The Chairman, The Chair recognizes the gentleman from California (Mr. Leigert).

Mr. LEGGETT. Mr. Chairman, I am very pleased to hear the statement by the gentleman from Louisiana (Mr. Wagonner), that his committee is going to report an electronic voting procedure in this session of the Congress. As I look at the Raccoon, we had measures that were introduced in the 64th Congress and the 75th, 77th, 79th, and 88th Congresses.

I think it is time we moved ahead from the covered wagon days to the 20th-century. I personally am going to support the Hays-White amendment to the Smith substitute in place of the O'Neill-Gubser amendment as modified by the Burke-O'Hara amendment.

The Chairman, The Chair recognizes the gentleman from California (Mr. Corman) for 1 minute.

Mr. CORMAN. Mr. Chairman, I urge support of the O'Neill-Gubser amendment. We have all had it in writing for a long time and we understand it. I doubt that anyone knows the full impact of the Smith substitute with all its proposed amendments.

I would like to call the attention of the House to something that happened in California during the last primary. A member of the 61st Congress and a Member of this House. He spent much of that money misinforming the constituents about what that man had voted on a bill. We have the audacity to offer a $5,000 reward to any one who could prove in writing that he was wrong. This is the kind of misinformation we find ourselves con-
O'HARA amendment is clear. We heard one member say that the amendment was not necessary because it did not address the issue of negative votes. This amendment was introduced to ensure that the House would have a clear record of how each member voted on important legislation. The amendment states that all votes in committee and on the floor of the House shall be recorded so as to give a Member a clear record of how he or she voted.

Mr. O'NEILL-Gubser amendment is clear, it would permit the electronic recording of all votes in the House, including negative votes on amendments. This amendment would also require the electronic voting of the Members of the House on the state of the Union, the precedence of having votes recorded in the House of Commons in England hundreds of years ago when the House of Commons had to meet in secret to keep the speaker from telling the members how they voted on revenue bills. The precedent of having unrecorded votes in the House of Commons was abolished in 1957, and the House of Commons has had a record of all votes since that time. The amendment to the amendment to permit negative teller votes now. Moreover, the O'Neill-Gubser amendment allows 13 minutes for one to go through the line and be recorded so as to give a Member a clear record of how he or she voted.

I hope that the House Committee on Administration will soon report to the House a rule which will make due provision for the use of electronic equipment in voting in the House such as we have in our State legislature, with appropriate safeguards for the Members. The O'Neill-Gubser amendment as amended now would permit the electronic recording of teller votes if that procedure is provided for by the Speaker. So the O'Neill-Gubser amendment is clear, it is right, it is feasible. I hope, therefore, it will be adopted and will give my hearty support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ARENS) to the amendment offered by the gentleman from Massachusetts (Mr. O'Neill). The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYES) to the substitute
amendment offered by the gentleman from California (Mr. SMITH). The amendment to the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment. The nature of a substitute amendment offered by the gentleman from California (Mr. SMITH) to the amendment offered by the gentleman from Massachusetts (Mr. O’Neill). The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. O’Neill) as amended. The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MCCLOY

Mr. MCCLOY. Mr. Chairman, I offer an amendment.

The amendment, as read as follows:

Amendment offered by Mr. McCLOY: On page 30, immediately below line 4, insert the following:

"RECORDING OF ROLLCALLS AND QUORUM CALLS UNDER ELECTRONIC EQUIPMENT. "Sec. 119. (a) Rule XV of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause: "(b) In lieu of the calling of the names of Members in the manner provided for under the preceding provisions of this rule, upon any roll call or quorum call, the names of such Members voting or present may be recorded through the use of appropriate electronic equipment. In any such case, the Clerk shall enter in the Journal and publish in the Congressional Record, in alphabetical order in each category, a list of the names of those Members recorded as voting in the affirmative and those Members recorded as voting in the negative, or a list of the names of those Members voting present, as the case may be, as if their names had been called in the manner provided for under such preceding provisions.""

(By unanimous consent, Mr. McCLOY was allowed to proceed for an additional 5 minutes.)

Mr. McCLOY. Mr. Chairman, in the course of the debate on the last amendment, we had a great deal of discussion of the subject of electronic voting and the recording of votes by the use of electronic equipment.

What my amendment would do is to merely make it permissible for the House to adopt an amendment, for recording votes by rollcall and quorum call votes. The amendment would recognize on the part of the House that we can utilize electronic equipment effectively in connection with such rollcall votes and quorum calls. It does not require any particular system or device. It makes the electronic method permissible. It provides an alternate system by which the House, in the discretion of the House, may hopefully save a great deal of the time of the House in connection with these time-consuming oral rollcalls and quorum calls as required now under rule XV.

This is not a new suggestion by any means. It was recommended to the House in 1914, and has been the recommendation of a number of committees. I might say that in 1914 it was rejected because it was reported that the House did not need to save time. It was pointed out in the minority views at that time that there was no need for the House to save time, because the House was completing its work before the Senate, and also it was felt that the use of any such electronic equipment was incompatible with legislative procedure.

I am sure we recognize now that to adopt a modern system, a modern method, of recording our votes, will enable us to save time in our multitudinous other legislative duties. Such a change is consistent with the entire purpose of the Reorganization Act.

I cannot help but feel that this amendment would be a signal to the American people that we are determined to modernize our methods and procedures to the end that we can perform our jobs in a more efficient and less time-consuming manner.

I should like to point out that a report on this subject was made by a member of the original Reorganization Committee, the gentleman from Missouri (Mr. HALL). It is the recommendation of the Committee that this amendment is an expression of support of the House for the work of the Committee on House Administration and perhaps to emphasize the need to bring their recommendations to the floor of the House in the form of a more specific and detailed change at the earliest possible time. It does not specify a particular system.

Mr. Chairman, may I say that there are some fears that somehow we are going to spoil the appearance of this Chamber. This is something I certainly do not want to point out. But I want to point out that there are methods now by which you can have a clear, frosted glass panel with no votes appearing on it, but upon which the names will appear electronically only at the times that the rollcall vote or the quorum call is occurring.

The question also has been raised as to whether or not we will have to assign seats. We do not have to have assigned seats in order to locate activating buttons or devices for indicating our votes. We can have stations or tables at which the activating buttons may be placed. There are a great many details that can be worked out, and I feel that the House can grant the authority for such an alternate system. That is the entire purpose of the amendment I am offering. It is an alternate method. It is a rollcall and quorum call other than the laborious system required under rule XV of the present rules.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCLOY. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER. From Wisconsin. Mr. McCLOY, I very strongly support the amendment offered by the gentleman from Illinois. It seems to me that the Congress ought to be at least as up to date as many State legislatures which have already installed electronic voting and thereby brought their procedures up to date. We waste so much time on this floor by rollcalls and quorum calls. I think we can logically extend what we have already done and what amendment offered by the gentleman from Massachusetts (Mr. O’Neill) to provide for electronic voting on the floor. I commend the gentleman from Illinois and all of his associates who are supporting this amendment.

Mr. McCLOY. I want to thank the gentleman from West Virginia first of all and point out that the system we are capable of installing here can be an improvement over any of those already in existence in the various State legislative bodies.

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

Mr. McCLOY. I yield to the gentleman from New York (Mr. Podesrl).

Mr. PODELL. Mr. PODELL, I am a member of the subcommittee on investigation of the floor by rollcall and quorum calls. I want to congratulate the gentleman from West Virginia first of all and point out that the system we are capable of installing here can be an improvement over any of those already installed. We are definitely moving forward in the field of electronic voting for some time. We certainly wholeheartedly support an amendment which would give to the House electronic voting.

The question I have to ask relates to one word in your amendment which says that the House may prescribe electronic equipment. The word "may" rather than "must" or "shall" has been inserted in your amendment?

Mr. McCLOY. The word "may" is in there so that the House through its organized committees can proceed to complete its work and so that we can record votes in that way. However, under my amendment it would not be necessary to record votes and rollcall elections. I also want to point out that there are methods now by which you can have a clear, frosted glass panel with no names appearing on it, but upon which the names will appear electronically only at the times that the rollcall vote or the quorum call is occurring.

The question also has been raised as to whether or not we will have to assign seats. We do not have to have assigned seats in order to locate activating buttons or devices for indicating our votes. We can have stations or tables at which the activating buttons may be placed. There are a great many details that can be worked out, and I feel that the House can grant the authority for such an alternate system. That is the entire purpose of the amendment I am offering. It is an alternate method. It is a rollcall and quorum call other than the laborious system required under rule XV of the present rules.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCLOY. I yield to the gentleman from Wisconsin (Mr. Davis) who is the author of a bill before this House on this subject.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. McCLOY. I yield to the gentleman from Wisconsin (Mr. Davis) who is the author of a bill before this House on this subject.

Mr. DAVIS of Wisconsin. Mr. Chairman, I want to express my strong support of the amendment offered by the gentleman from Illinois and to commend him for the leadership he has taken in this matter.

I think his wording is the correct one because it is going to help us to get this job done rather than trying to dictate that it must be done at a particular time.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. McCLOY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I, too, Mr. Chairman, want to congratulate the gentleman in the well for the leadership that he has displayed on this subject.

The language is permissive. It is designed to encourage rather than to frustrate the work being done on this
in the Committee on House Administration. It will clearly express the desires of the House and will be helpful to the Committee on House Administration in carrying these amendments forward.

Mr. BELL of California. Mr. Chairman, will the gentleman yield?

Mr. McCLOY. I yield to the gentleman from California.

Mr. BELL of California. I want to commend the gentleman for his leadership in proposing this amendment.

I rise in support of it. There is nothing that is needed more in our legislative process at the present time than the up-to-date system of voting. Electrical, electronic, or mechanical systems are now being used in many of our State legislatures throughout the Nation. Our outdated system is placing us behind the times and delaying our legislative process. It is of utmost importance that our national legislative process be at least modernized enough to equal the capabilities of most of the State legislatures of our Nation.

The time factor with our legislative load is such that it alone demands a more facile handling of legislation.

Mr. Chairman, I think it is very important that an electronic voting system in the House of Representatives.

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

Mr. McCLOY. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman from Illinois for yielding. Let us go right to the wording of the gentleman's amendment, the very guts of it. You say "in lieu of calling of the names." I have always understood "in lieu of" to be "in place of," and I do not see how we could call the roll any other way except electronically if the reading of your amendment follows the language as I read it.

Mr. McCLOY. It is so worded as to continue to permit the calling of the names as already provided in rule XV. Upon a roll call, the names of such Members may be recorded through the use of electronic equipment in place of doing it as at the present. In other words, we would be permitted to do it in that way. That is the meaning of it. I had this drawn by the Office of Legislative Counsel and I requested it to be drawn in that way.

Mr. GIBBONS. In other words, when the gentleman says "in lieu of," the gentleman means we do have an alternative method of doing it?

Mr. McCLOY. We would have an alternative way if this amendment is adopted.

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

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

Mr. WAGGONNER. As I interpret this proposed amendment, I interpret it as one which provides for an optional method of voting not in the Committee of the Whole as we are now, but in the whole House.

Mr. McCLOY. That is correct. This is for quorum call votes and rollcall votes.

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

Mr. McCLOY. I yield to the gentleman from Florida, a Member who has been in the forefront of this effort.

Mr. BENNETT. I want to congratulate the gentleman from Illinois upon his leadership in this effort and say that everyone who has experienced electronic voting as I have in the State legislatures knows that this represents a step forward.

Mr. BELL of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment. Offered by my distinguished colleague from Illinois to provide for a plan for up-to-date electronic voting in this body.

That the efficiency of voting procedures in this House is exceeded by the majority of State legislatures is an anachronism we can no longer tolerate.

Over a century ago the technology existed for speeding up our dismally slow roll calling process. For more than half a century, legislatures throughout the Nation have adopted the use of electronic equipment in place of doing it "in lieu of, " as already provided in rule XV.

The counsel of the House Administration Committee which will meet the following minimum criteria:

"All foregoing votes shall be—
   "(a) Recorded within a maximum 15 minute period of time.
   "(b) Supervised such that the integrity of the voting system will be preserved.

Thereafter strike the words "In any such case,"

Mr. LEGGETT. Mr. Chairman, my amendment to the amendment offered by my colleague from Illinois (Mr. McCLOY) is very simple, and will bring this body under appropriate safeguards 18 months to come into the 20th century with appropriate modern machinery.

The amendment would require and authorize the Clerk of the House, with the advice and counsel of the House Administration Committee—particularly the Waggonner subcommittee—to install a system that would be as secure or more secure than the pending system and that would allow the completion of a rollcall or quorum call in a maximum of 15 minutes.

Gentlemen, I think we are all too busy to spend 25 percent of our total floor time in the recording of our vote or presence under the very cumbersome procedure now in effect.

In one of the flyers I sent around to every Member of the House, I said that my amendment could save you 2 hours a week. This amendment could do better than that.

Let us look at the record of the past three sessions of this House. How much time were we in session? How much time was spent on rollcall votes and quorum votes, but not including standing and teller votes?

An analysis of the time spent follows:

1967
Time House Convened: 888 hours, 16 minutes
Time to cover considerations: 390 hours, 11 minutes
Time for Roll Call (Includes both Roll Calls and Quorum Calls): 201 hours, 9 minutes

Average time for Roll Call was 27 minutes.

1969
Time House Convened: 729 hours, 38 minutes.
Mr. Chairman, do you realize that on many a rollcall under our present system, the House has condemned the same measure as a senator in 1850 in his role as a representative? Would it not be appropriate to inspect this measure and to consider the comments that Congress has made on the matter? It was the majority view tendered by the distinguished majority whip is conductive to the point made by the gentlewoman from Arkansas. If there was a recent instance of some such rollcall, then the roll was ordered repeated.

I do not think that when the Founding Fathers met in Philadelphia they meant to allow legislative business to be shrouded in absolute wisdom, exempt from any true test of relevancy to the present. We find the House of Representatives is becoming a business body and it must get its business done. The economic and social development that transformed the United States from an agrarian society of 4 million people in 1850 to 100 million inhabitants created new needs and problems, many of which required corresponding Federal responsibility.

We would effectively get rid of dead tie rollcall, if the House would develop an electronic voting system which crippled and constricted while it was in force before the end of 1957.

The enactment of the pending amendment will naturally search for timesaving procedures that I would like to see adopted in the future. It is in recognition of the need to continue to economize the time of the House, that we have asked the committee to examine the proposed amendment. If adopted, an electric voting system will bring to the House greater speed and accuracy in conducting rollcalls, more time for careful deliberation of the matters before us, and a more dynamic and impressive demonstration of democratic legislative activity. It is the time to examine for a moment, what happens in a typical rollcall voting system.

The insistent summons of three bells usually finds us in the midst of multifarious business. The tough will be spent from our offices and hearing rooms, the tally clerk starts to call the roll. The bill is often on the table.

I do not...
July 27, 1970

CONGRESSIONAL RECORD—HOUSE

25821

A North Dakota assemblyman reports that "every member was more than pleased with the machine. As a matter of fact, It is worth 10 times the price of the machine."

Another State legislator says that he likes "the fact that a member's vote on any question is not known to the public until the roll is cast. The only question in my mind is how other legislative bodies, including our Congress, are along without this excellent machine."

A New Jersey assemblyman calls it a "great timesaver device and it eliminates the monotony of interminable rollcalls."

From another legislator: "I believe that it would take at least 120 days under the old rollcall system to get from New York to New York under the new system."

These are but a few of many individual endorsements for electric voting machines. I am sure that those of us who have served in State legislatures where the system is in use can give additional testimony of support.

On an international scale the system has won enthusiastic praise in the United Nations. A special U.N. committee charged with determining General Assembly procedure visited the New Jersey Legislature, spent several hours in- spectioning the Senate system and was turned to New York fired with enthusiasm. As a result the General Assembly voted 61 to 1 to install an electric voting mechanism, and this was completed several months ago.

In addition to saving time and money there is another important advantage, immeasurable but significant, which would accrue to the Congress with an installation of an automatic voting machine. But let us consider the thousands of American children and adults and foreigners too, visit Washington to view the Congress in session. It is a sight to be remembered. Unfortunately, too many of them go home unimpressed—and often disappointed— with what they see.

Why?

In large measure because they are subjected to the dull drone of a dragged-out oral rollcall.

There can be no question that visible and instantaneous results of electric voting would sharpen visitor interest in legislation under discussion, and help dispel the myth that our membership is composed of 435 old men who in truth do not act until they are forced by their continuous attendance.

In my judgment an electric rollcall device would be a great tool of the deliberative process of the House.

I think most of our colleagues would agree that under the excuse of saving time by dispensing with rollcalls, many measures are accepted and rejected through procedures which avoid recording how each Member voted. Installation of an electrical voting machine would discourage this practice and promote more record votes. In my opinion this is something strongly to be desired.

With vital legislative matters more subject to record votes, it can be expected that more Members will be present on the floor during debate. Decisions heretofore made only by a minority would become the representative decision of the total membership.

Presence of a majority, debate participation by a majority, votes by a majority are bound to more truly reflect public sentiment. Knowing that their votes will be a matter of record, Members could certainly be expected to respond more readily to responsible constituent opinion, to acquire a congressional voting record that is more responsive, more responsive to the expressed beliefs and ideals of their communities. In my opinion it would more likely inspire the same responsiveness to public attitudes and the same reality to the common good.

Electrical voting, of course, means simultaneous voting.

To some, this may be politically disadvantageous. However, these disadvantages are not wholly respectable.

A Member who may wait to learn how the vote is going before casting his yea or nay will certainly be disconcerted. So, too, the Member who may prefer to avoid putting his vote on record until he has made up his mind which may be politically embarrassing. Anonymity is always a good aspirin for political headaches. Simply put, the issue is: Shall we permit the use of the system to record voting at the expense of the people's right to know?

Shall we deny them easier access to our voting performance?

Shall we deny them their right to compare our stands on the issues with their needs and ideals?

Now, what of the arguments against the present system?

There are those who allege that nothing would be accomplished by speeding up House voting because we generally finish our business before adjournment and hence must wait for the other body to catch up.

However, I submit that any time saved will be offset by time lost in counting and waiting. More time could be spent processing legislation in committees, into action on thorough ends of bills, because of time limitations, into carrying out our responsibilities as the personal representative of constituents who have legitimate grievances and demands to make of the National Government.

There are those who will contend that the whole idea of voting at all is highly questionable. Agreed. But I hasten to point out that the objection wrongly assumes that any saving in time resulting from electrical voting necessarily detracts from the prudent deliberation called for in the consideration of bills. Decisionmaking on bills and amendments occurs in committees and during floor debates, not in the act of voting.

And there are those who might argue that committee work would suffer because electric voting will compel continuous attendance by Members. I do not find this an accurate assumption. With the solution of rollcall problems. Save for two committees, meetings are usually held before the daily floor sessions commence. Also, I have found that the inconvenience notice before an electric rollcall vote is actually taken. Under this arrangement, Members would need not have to be in continuous attendance.

Congress through the years has responded to the need of doing its business in efficient fashion. I believe the time is again at hand for Congress to meet the demands of the day.

Where in 1860 there were only 400 bills to discuss, now we find no less than 15,000 legislative items to consider each year.

Where a century ago each Member had only 40,000 citizens to represent, today we have an average of 400,000 constituents to serve. The pressure on Congress from the vast industrial, complex of American economic life, the proliferation of issues in a thousand fields, steadily increases rather than reduces the House's basic need to save time.

Beyond these considerations, however, my appeal today involves fundamental values which govern our democratic system. When confronted with the issue of adopting electric voting, a House member would have to ask himself whether a system which eliminates the voice of the Member, the voice of the people, does or does not enjoy the same degree of protection from public censure.

Electrical voting, as I have tried to show, will inspire each Member of Congress to be more deliberate, more involved in floor decisions. It is not more conscious of the full import and significance of his vote.

Electrical voting will contribute to more responsible and more representative decision-making.

It will save millions of dollars.

The historic achievement of the House of Representatives as a democratic institution is its capacity to reflect the views of the country accurately, rapidly, and responsibly, as well as its ability to bring the closest scrutiny by the people to the closest scrutiny by the people. My request today proceeds from this basic character.

Thank you, Mr. Chairman.

STATEMENT OF HON. WINFIELD K. DENTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Representative Denton, Mr. Chairman and members of the committee, I only say that I am happy to appear before you today to express my views concerning the organization of Congress. As my testimony will all be geared towards certain legislative procedures and with the ultimate goal of conserving the most valuable resources of the Members of Congress, I will continue that goal by making this address as brief as possible.

Although there are many Members of Congress who have been here much longer than I, I feel that I have been here long enough to use personal experience as one criterion for my recommendations to this committee, which are:

That automatic vote recording and tabulating machine be called in the House of Representatives; and

(2) That Congress enact a law calling for the primary election of all Members of Congress to take place on the same day.

I have introduced legislation which would accomplish both these things.

Let me substantiate my stand in this way: I am sure that you all have realized that the legislative process is taking longer and longer, and that you have more and more mail to answer, and that committee hearings are taking more and more time. I think the last ten to fifteen years, you have been there, and I think that we have to do something about it.

You felt like you were acting surreptitiously in getting out to campaign, and the newspapers say a good deal about that. I think that you have more and more mail to answer, and your opponent is out campaigning against you, and it is not fair.

And then our committee meetings take longer and longer. We have problems with our committee meetings and we have to deal with constituents than we used to.

And the newspapers say a good deal about our constituents. We think that they are donating more and more and more to our campaign's.

Well, let's look at what we do. During this
session of Congress, so far, there have been 236 rollcalls in the House of Representatives. And we can anticipate some 250 to 300 before the session is completed, which may be a time consumption of 45 minutes for each vote and 30 minutes for each quorum call. The total amount of time spent on these calls--I do not say on rollcall time, but on the 147 hours.

Now, if we were using 20th century methods of automatic vote recording and taking care of the same consumed time would have been cut to approximately 4 hours instead of 147 hours.

Now, I know that one of the excuses given for not having automatic equipment in the House is that the calling of the roll gives Members time to get from their office, or wherever else they might be, to the floor. When I first came to Washington, I remember they said that they did not want to have voting machines, because a man could be any place in Washington and, leaving when the rollcall started, he could get there in time. They thought with the traffic conditions as they are today, I know that I have tried that, and I know that it just does not work.

At any rate, we could allot a 15-minute waiting period between the time a vote is called for and the floor being cleared in order to vote, or pushing of the buttons. If that were the case, I am sure that we could all get to the floor without cutting any time in the committee rooms. Now, if that had been the standard procedure during the session so far the total time consumed in those 236 rollcalls would still have been less than 60 hours.

Gentlemen, could you have used an additional 68 hours in your office or committee rooms this session? I get a 68-hour day by taking 15 minutes off and giving you time to get there. I know that I could have used the 68 hours. Do you realize that that is, in terms of a 5-day workweek, better than a week and a half of 8-hour sessions. This means about 3 weeks, or perhaps closer to 1 month that could be saved.

And we should keep in mind, too, that of all States that have adopted these machines, none has abandoned them, again attesting to their efficiency.

A final point about voting machines, is that they would undoubtedly, through saving time, cut some of the extraneous costs of running the Congress and thereby save some money. I am sure that you will be interested in knowing that in the Senate, there are no rollcall votes, or pushing of the buttons. If that were the case, and you imagine that at some time or other many of you have had errors made in your vote through the rollcall method. The automatic method, gentlemen, is completely accurate.

And we should keep in mind, too, that of all States that have adopted these machines, none has abandoned them, again attesting to their efficiency.

Now, the other point I want to make is the waste of time caused by various States holding their primary elections on different days. There are some 30 different dates on which primary elections are held. By tradition and by consent, there are no rollcall held on these days so that Members who must be present to vote or to campaign are not penalized. Normally, the day prior to such an election, and often the day following, are lost because of travel time.

Again, gentlemen, that is at least 31 valuable days lost to Congress; that is, in an election year.

Time which we could well put to good use, either to deliberate more fully matters before us, or to handle on the same day. We would lose at a maximum only 3 days every other year. I have been told that it was not within the constitutional power of the Congress to do this.

But, it is within the constitutional power of the Congress, given by section 4, to establish the time when it shall be held that primary elections shall be held. If you put them in the House that you can see how bad that would be. We have very little doubt that we have that power. I am sure that we could establish the day. You can see how bad that would be. And it is so obvious that it has been on different days. Congress has taken care of that. Do they not have the same power in primary elections? I do not think there is any question about that. I think that to which most of you are familiar, the Supreme Court so held, that this power did not extend to the Congress, and then a case came from Louisiana, and the Court held that it did.

In United States v. Classic (313 U.S. 299), at a point of cost of the Congressional Reporter, the Court held that primary elections were elections within the foregoing provision of the Constitution, and further, that the Congress was power to regulate primary elections when, as in this case, they are a step in the exercise by the people of their choice of representatives in Congress.

Gentlemen, as I said in the beginning, I want to conserve the time of the Members of Congress, so I shall go no further at this time. However, I will gladly answer any questions which you may wish to pose.

Chairman MacKoy. Thank you, Congressman Denton, for your fine and concise statement. It will make, I am sure, a major contribution to the immediate discussion and consolidating the operations of the Congress, but it would be a great step in economy, too, so far as the cost of operating Congress is concerned. We believe you have wasted a great deal of time on quorum calls and rollcalls—almost 70 days on rollcalls alone.

Representative Dorman. I think you are. I think you had it very conservatively. Of course, I have only figured about—well, 2 months. Of course, that year ran 12 months; I think that is about right. You could have saved nearly 2 months that year, and in an average year you could save at least a month.

Chairman MacKoy. Of course, the situation that you mentioned that the Members would object on account of the fact that they would have to come from their offices or committee rooms to answer a rollcall or a quorum call. Could there be some method worked out whereby the Members could get a warning call by a bell ringing—ringing the bell for 3 minutes before the possible rollcall?

Representative Dorman. I thought 15 minutes. I thought to try to get them to get over here. I noticed this morning that I came from my office in the Rayburn Building, and I have had a telephone call at 8 o'clock to 10, and I was here just a little before 10 o'clock.

Representative Hechler. You have a subway.

Representative Dorman. I think we ought to install the subways for the other buildings. I think that would be another help in speeding up matters. That does save some time.

I think that if you did put in voting machines, that you should put in subways to the other two buildings.

Chairman MacKoy. In connection with your recommendations on installing modern equipment for quorum and roll calls, of course, I think the majority of the Congress would be happy to have that, and I will be a future office when we are only a year from our next primary.

Representative Dorman. Yes.

Chairman MacKoy. Now, we have practically no office when we are only a year from our next primary.

Additionally, I insert at this point in the Record the report of the Clerk of the House on Electronic Voting, dated April 1, 1969.
III. Major components of an electronic voting system

A. Input:

With a Roll Call—Should the vote be taken by calling the roll, the Clerk will input all vote conditions (yes and nays and presents for quorums or for roll call votes) at the input terminal. As a Member calls out his vote, the Clerk will press his name and a yes or nay on the roll call voting and record it. The Clerk’s action of inputting the yes or nay automatically results in the Member’s name appearing on a display. One member, for example, may be stored in a computer or on machine readable media, appear on a hard copy for permanent record, and the total of yes and nays appearing on the display.

This console must be simple to operate in order to quickly respond to any vote changes, late voters and above all, eliminate the maximum, the possibility of error.

It must have the capability to input all the statistics of the bill, such as the bill number, sponsor, short title and amendments.

A disadvantage of this type of input in addition to its being time consuming, is that we still have to rely on the Clerk’s hearing the Member’s response so it will be recorded properly. Of course in an electronic voting system, the Member can verify his vote instantly by viewing the display and bringing any corrections to the attention of the Clerk. A Roll Call Vote will require two systems.

Two general approaches are individual voting stations and voting stations strategically located throughout the House Chamber. A copy of the RFP is attached as enclosure No. 1.

For the past several weeks, we have reviewed the proposals submitted by industry. The results of this review are contained in this report.

Major points to consider

Before a definite approach to electronic voting is determined and a particular vendor is given the contract, a decision must be made with regard to the following procedure points:

A. Roll Call—(Alphabetical calling of names) The continuation of roll call voting in the House, and using an electronic system of recording the vote, will offer some advantages such as instant verification with clerks, computer interface for quick retrieval and analysis, error reduction, but it will not reduce the voting time.

We believe the key to successful roll call is to have Members present in the Chamber voting from individual voting stations will provide all the benefits of an automated system in addition to saving a substantial amount of time. With this approach the vote can be taken in three minutes rather than thirty.

B. Time Limit Vote—A compromise to A and B above would be the allowance of time, say 15 or 20 minutes, from the time the bell rings for a vote to vote. This approach will provide all the benefits of automation and reduce somewhat the time it takes present.

Note: A, C and D would require a change in the Rules.

D. Type of Display—With reference to the display of Members names and vote condition, there are two approaches, full and partial. A full display is one in which all 435 Members’ names are permanently fixed in the Chamber. A partial display is one that displays only 8 to 10 Members at any given time. That is, as a Member votes, his name and vote is recorded for a set time and “crawl” off the display as other Members input their votes.

The types of displays are as follows:

a. Scoreboard—All 435 names appearing on an electronic display in the east and west walls of the Chamber. This is the most difficult problem involved in a system.

The displays should not upset the decor of the Chamber and should be so designed as to blend in with it.

b. Scoreboard uses 4 inches letters having the Member’s names in three columns in each of four panels in the Gallery. Next to each name, the Member’s name will appear the condition of his vote, yes or nay, present. These conditions can be in green (y), red (n), or white (p). Due to the large number of Members the Clerk and the Member would have to rely on Democrats on one side (Republican side) of the Chamber, and Republicans on the other side. The Member would then vote to form both an adequate visibility with existing distances.

The scoreboard display is applicable for roll call voting or quorum calling voting.

A second and separate display is required with the scoreboard display to show the statistical data.

The balance of displays covered are partial displays. That is, they show only eight to ten Members names at any given time. Utilizing a crawl effort, as a new name appears on the bottom line, all the other names move up, while the top name disappears.

One part of the scoreboard uses high quality front throw projectors located in the wall of the Chamber and should be so designed as to blend in with it.

C. Cathode Ray Tube (CRT)—A CRT is similar to a TV screen. All the information appears on the screen which is computer generated and is written by the Clerk's rostrum. This approach will require assigned seats for Members while voting.

D. Computer/Special Electronics—Make it possible to input all vote conditions to record his vote. In this case, the Member would put in the card and press the button marked yea, nay, or present and have the card recorded. It must have the capability to input all the vote conditions, i.e., yeas, nays, etc.

E. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

F. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

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J. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

K. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

L. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

M. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

N. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

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T. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

U. Computer/Special Electronics—Make it possible to input all vote conditions, i.e., yeas, nays, etc.

V. Cost

The Clerk has on file a list of vendors with a few of the better known and active.

V. Recommendation

The important thing is to get the highest quality system which meets all our present needs and those anticipated needs of tomorrow, cannot be overstressed.
Mr. LEGGETT. I think probably 40 of the legislatures in the States that have automatic or mechanical or electrical machines in effect have been able, as you are going to have on this, they have been able to handle that particular situation.

Mr. EVANS of Colorado. If the gentleman will yield for one comment, I am not going to do that. I agree that the rules can be suspended. But you could not vote on that because the device does not work. What would you do under those circumstances?

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Mr. WESTOVER. I think the technology is available and I think if we do not do something about it now and say that in 18 months we shall have electronic voting, it is going to be 20 years, and maybe 50 years before we ever get around to doing it again.

I am glad that the committee went to California and studied the problem. They could have asked about 10 of us who served in that legislature for our advice and experience, because we have used the system.

I think the only way is to really mandate this and vote for the Leggett amendment so that we have a target date of 18 months, and we can put everything in, and we can worry about the aesthetics and everything. In 18 months we can have electronic voting.

Mr. CHAIRMAN, I urge an "aye" vote on the amendment.

Mr. HECHLER of West Virginia. Mr. chairman, I urge an "aye" vote on the amendment.

Mr. REES. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I support what the gentleman from California is saying. I think the only way we can do this is by electronic voting, and I think we should have it here and now, and also some special problems.

Mr. REES. I yield to the gentleman from Smith amendment, of course we could do that. I do not believe it is required, but certainly it would not deadlock the House. We could proceed under the manual method.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. LEGGETT. I yield further to the gentleman from Colorado.

Mr. EVANS of Colorado. In a further demonstration of the voting machine breaking down, I have had a conversation with the gentleman from New Jersey.

The CHAIRMAN. The time of the gentleman has expired.

On request of Mr. WAGGONNER, and by unanimous consent, Mr. LEGGETT was allowed to proceed for 2 additional minutes.

Mr. EVANS of Colorado. If the gentleman will yield further, in a discussion with the gentleman from New Jersey on this very issue, he raised a very interesting point, and I would like to submit it to you.

If the vote is taken, or is going to be taken, and the machine breaks down, the gentleman says the remedy for that is to ask unanimous consent to suspend the rules and take the vote in another fashion.

Suppose it is a vote that I do not agree with and I object. The only thing you can then do is to agree that the rules be suspended. But you could not vote on that because the device does not work. What would you do under those circumstances?

Mr. LEGGETT. The CHAIRMAN. The time of the gentleman has expired.

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Mr. LEGGETT. I yield further to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I have great sympathy with what the gentleman is offering to do here, but there is one aspect of this amendment which is not made clear. It is my understanding of the language of the amendment offered by the gentleman that the only way a record vote could be taken if the language of the gentleman is adopted would be by electronic means.

What would you do if the electronic device breaks down?

First of all, is this true, and if so, what is the remedy if the electronic device should break down?

Mr. LEGGETT. I think the same procedure that has been talked about here, we would have an amendment to the Smith amendment, we ask unanimous consent to manually record it in the record. That is all we do. I mean, this happens all the time. You do not have a deadlock. If you want to deal with an amendment as we did in the White amendment to the Smith amendment, of course we could do that. I do not believe it is required, but certainly it would not deadlock the House. We could proceed under the manual method.

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Mr. EVANS of Colorado. If the gentleman will yield for one comment, I am not going to do that. I agree that the rules can be suspended. But you could not vote on that because the device does not work. What would you do under those circumstances?

Mr. WESTOVER. I think the technology is available and I think if we do not do something about it now and say that in 18 months we shall have electronic voting, it is going to be 20 years, and maybe 50 years before we ever get around to doing it again.

I am glad that the committee went to California and studied the problem. They could have asked about 10 of us who served in that legislature for our advice and experience, because we have used the system.

I think the only way is to really mandate this and vote for the Leggett amendment so that we have a target date of 18 months, and we can put everything in, and we can worry about the aesthetics and everything. In 18 months we can have electronic voting.

Mr. CHAIRMAN, I urge an "aye" vote on the amendment.

Mr. HECHLER of West Virginia. Mr. chairman, I urge an "aye" vote on the amendment.

Mr. REES. I yield to the gentleman from Smith amendment, of course we could do that. I do not believe it is required, but certainly it would not deadlock the House. We could proceed under the manual method.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. LEGGETT. I yield further to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I have great sympathy with what the gentleman is offering to do here, but there is one aspect of this amendment which is not made clear. It is my understanding of the language of the amendment offered by the gentleman that the only way a record vote could be taken if the language of the gentleman is adopted would be by electronic means.

What would you do if the electronic device breaks down?

First of all, is this true, and if so, what is the remedy if the electronic device should break down?

Mr. LEGGETT. I think the same procedure that has been talked about here, we would have an amendment to the Smith amendment, we ask unanimous consent to manually record it in the record. That is all we do. I mean, this happens all the time. You do not have a deadlock. If you want to deal with an amendment as we did in the White amendment to the Smith amendment, of course we could do that. I do not believe it is required, but certainly it would not deadlock the House. We could proceed under the manual method.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield further?
port the Leggett amendment. I have been officially informed that 37 out of the 50 State legislatures now have electronic voting. I repeat, can we not in Congress be at least as up to date as 37 out of the 50 State legislatures? I think we can do it. I hope the Leggett amendment is supported and adopted.

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

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

Mr. GUDE. I merely wish to support the comments of the gentleman from California on the Leggett amendment. The gentleman spoke of the members of the committee having gone to California to study the equipment there. I point out that we have electronic voting in Annapolis and it works perfectly. I hope the amendment will be adopted.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for his explanations and understand that the 18-month time prescribed by the Leggett amendment to the McClory amendment would preclude an earlier installation than 18 months? Is there a technological barrier?

Mr. REES. I believe the Leggett amendment states "shall be installed" by X date, and X date would be the beginning of the second session of the next Congress.

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

Mr. REES. I yield to the gentleman from Texas.

Mr. WHITE. Perhaps the point about which I shall speak has been covered before. I observe that the McClory amendment, as proposed to be amended, states in essence that the negatives and the affirmatives shall be recorded, and those voting "present." We presently have a system whereby those present can also be recorded. We have a negative vote, and a positive vote, and a third category of "present," not "or." I wanted to point out that deficiency in the language.

Mr. REES. There may be minor deficiencies. Remember that these are amendments to the House Rules. If we find a deficiency in the House Rules, we can bring a resolution before the Rules Committee and have it on the floor practically the next day.

Mr. WHITE. All you would do would be to place those who wanted to be recorded as "present" among those also recorded as voting.

Mr. REES. Yes.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, I believe that anyone who has been around here for awhile will realize that what the gentleman who just preceded me says we can do cannot be done, or at least we would not have this proposed reform package of rules here today under the circumstances that we do.

Let us get one thing in proper perspective. Nobody has been studying, except in the 91st Congress, anything having to do with an electronic voting device.

Let us get some other things in proper perspective. All the voting devices which exist in every one of the State legislatures are either electrical or mechanical. None of them is electronic. The Committee has been working just in the 91st Congress.

What we have just done in the previous amendment was an amendment which provides a record vote, utilizing either of two alternative methods in recording teller votes in the Committee of the Whole. What we are talking about now has nothing whatever to do with the functions of the House in the Committee of the Whole. What we are talking about now has to do with the operation of the House and the recording of votes when we are in the Whole House out of Committee.

Let us devise something that can work in both places. Let us nail the two. Let us have a virtually foolproof system to provide something that will work in the Committee of the Whole and in the Whole House. Do not be swayed by the fallacious argument that you can go to the Committee and bring back a rule change almost the same day. You know it cannot be done. It never has been done and it never will be done. The Committee on House Administration has been working just in this Congress. The Committee on House Administration is going to bring back some proposals, some recommendations to this Congress.

I want to tell you what we found out. I did not go, but some of the committee went to California and to Washington State. They told me that the legislators out there told them that there was more hanky-panky with the voting devices out there than we have with our system. There are two criticisms of what we are doing: We use too much time, and sometimes there is some hanky-panky. You cannot eliminate either problem, but you can reduce them to a minimum.

We have to be practical. We have to think about a system that will work. We must be realistic.

How many Democrats are in the House of Representatives today? It was 244, I believe—before we lost our esteemed colleague from Ohio, tragically enough, last night.

How many seats are there on this side of the aisle? There are 224. And there are 224 over there.

What sort of system will we use? We do not have assigned seats so we cannot have individual stations. We will develop one that will work, after we give it proper study. We have a mandate from the Congress, I believe, to provide a recommendation just in this Congress. The Committee has been working just in this Congress. We can dovetail that with what was proposed and adopted here today by the O'Neill of Massachusetts-Gubser amendment.

If the Members want something that will work, and will be better for this Congress, just give us an opportunity to put it all together. I suggest it would be far better for us today to reject the Leggett substitute for the McClory amendment and to go ahead with the McClory amendment, and let us proceed, in due time and with haste.

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

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

Mr. ROBERTS. I thank the gentleman for yielding. The proposer of the amendment stated that it would give 15 minutes more to discussions, and add 9 minutes to get the total. That is 18 minutes.

Mr. WAGGONNER. Let me say that there is nothing in the amendment which has to do with time.

Mr. ROBERTS. It takes 27 minutes now. That means at the most it would save 9 minutes. On 100 votes, saving 9 minutes for each, that is 900 minutes a year, at a cost of $200 million. I believe we could wait until we can get a machine to do the job.

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

Mr. WAGGONNER. I yield to the gentleman from Illinois (Mr. McCLOYR).

Mr. McCLOYR. I thank the gentleman for yielding and for his expression of support. It seems to me that the gentleman's argument is very valid. Is it not true that if we adopt an electronic method of recording votes on roll-call votes and quorum calls, we will need frequent changes in the rules, in order to accommodate ourselves to this alternative system that would be developed?

Mr. WAGGONNER. There is no question about it. Everything we are doing today is going to project some other rules changes.

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

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

Mr. LEGGETT. I compliment the gentleman for the good work he is doing with his Mechanical Data Processing Subcommittee. I proposed a similar recommendation in the 91st Congress, in the McClory amendment. I believe the gentleman now is going to bring back some proposals, some recommendations to this Congress. I am pleased to have the assurance of the gentleman that this committee, and the subcommittee of which he is chairman, will make recommendations during this Congress. With that in mind, I believe I will take his assurance. I know he is doing good work. He has several subcontracts out now for data processing. I believe that, and I am willing to withdraw my amendment to the McClory amendment at this time.

Mr. Chairman, I ask unanimous consent to do so.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. JACOBS. Mr. Chairman, I object. The CHAIRMAN. Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I rose on the floor a moment ago, I asked about changing
because I was so very much interested in voting committee, the gentleman from Louisiana (Mr. Wacosonen). We have spent many, many hours of intense work on the question of electronic voting and on the question of mechanical voting. We did go to the House.

I have seen electronic voting in New York State, in the Empire State. About 4 years ago in New York State we installed an electronic voting system.

I can tell the Members something they do not know. It has not been working. It is not working to this day, because the system under which the State uses the electronic voting is wrong. I do not believe we ought to bog ourselves down with a mandated kind of system.

As to the system in California, the gentleman from California (Mr. Rees) might be correct. That system has been criticized generally by the members of the legislature out there as being a means for members to play, as they call it, Russian roulette with the results.

There is a problem because the vote board would give individuals an opportunity to change their vote back and forth and before you knew it votes began switching until the Speaker finally pounded his gavel down.

Mr. MILLER of California. Will the gentleman yield?

Mr. PODDLE. I yield to the gentleman.

Mr. MILLER of California. So that credit will be given where credit is due, this system used in the California Legislature—and I was there 2 years after it was installed, preceding Mr. Rees by a few years—was adopted from the system invented and installed in the Virginia Legislature.

Mr. PODDLE. I thank the gentleman from California.

I would like to say this, and then I will yield to the gentleman. I think there are a number of problems with voting procedures, as we have seen in various States of the Union. I do think these problems can be and will be overcome. I certainly believe, however, that there are many questions such as the length of time during which you will be required to vote, or the matter of identification of individual voting, or who votes for whom and whose card goes into the slot in the voting system, and so forth. So I take the position that the amendment introduced by the gentleman from California (Mr. McClory) in its present form is the better of the two. I think it should be adopted in its present state, and if there are any changes, we can subsequently do that by amending the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. PODDLE. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I respect the gentleman from New York's judgment. I would like to ask him this question: Is it not 18 months enough of a period of time to work out any possible bugs in this system? That is all the amendment offered by the gentleman from California (Mr. McClory) provides. It allows 18 months. It seems to me that is a certainly a long enough period to work out the necessary details in order that we have an effective and workable system which we can definitely install, rather than making this permissive and having it lost in the shuffle.

Mr. PODDLE. The amendment offered by the gentleman from California provides for the amendment which may have a difference between electronic voting as brought out by the gentleman from Louisiana (Mr. Wacosonen) and mechanical voting and electronic voting. I have never seen an electronic voting system as it is supposedly envisioned and in operation as yet with a computer take out of the result for an immediate result, which I have here. Whether or not this is better than the voting system or procedures now used in many of the States we do not know.

I think we do require the time. I certainly feel it should not be mandated by anyone here.

Mr. HOWARD, Mr. Chairman, I move to strike the last word.

Mr. Chairman, although we may be in favor of electronic voting, we cannot vote for this amendment this afternoon because it has one loophole that has been discussed and which must be cleared up. One person can prevent the House from voting on a bill or resolution down at any time. If an amendment is to be voted upon or a final passage vote is to occur and the electronic mechanism breaks down, then the only alternative is to ask unanimous consent that we vote orally or manually. If I thought the amendment would pass and I were against the amendment, I would stand up and object to a unanimous consent request, at which time the chairman of the committee would then move that we vote manually or orally. That can be voted on by a voice vote or a division vote or it tells us we just passed an amendment for the sole purpose of falling votes. Mr. O'Neill stated under his provision that could be and probably will be done electronically. So we will be in a position of trying to have an electronic teller vote on a machine that does not work on a motion that we vote manually because the electronic machinery is out of order.

Mr. MCCLORY. Will the gentleman yield?

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

Mr. MCCLORY. If the gentleman is talking about a voting machine, the amendment provides an alternative or additional method of recording votes on quorum calls and rollcall votes and would still leave the existing rule XV which states that the Speaker has the discretion to have the rollcall that way.

It also, of course, leaves us with the alternative that we may want to record those who want to vote "present" in the present form and also with reference to repair under the existing rule. So, we are merely providing an additional method to the existing system for quorum calls and record rollcall votes by employing the proposed time-saving device of an electronic system for recording votes.
Mr. SISK. Mr. Chairman, if the gentleman will yield, let me say that I am only one member of the Committee on Rules. I would assume that if we have passed a bill that got us into a trap, I am sure that the Rules Committee would take action in an effort to correct it.

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

Mr. Chairman, I want to take this time to particularly commend those who are interested in what the Committee on House Administration is working on. We have been in discussions about this question but on a program of data processing, information retrieval system and an evaluation system.

The argument presented by the gentleman from California (Mr. Leggett) was a persuasive argument for the system and this gives great encouragement to the committee. We are just as interested, of course, in this House as soon as possible as you are.

However, we recognize, as has already been indicated, that there are special problems relating to this situation, and while we do not have the data processing equipment that is available to them, but through data processing, through evaluation systems and retrieval systems, we have got to have some time to coordinate a pretty big thing. We are working on some other matters, as the members of the subcommittee know, and as the gentleman from New York (Mr. Porell) knows very well because he has been coming to this study group with the task force, that would be much more valuable to us than even electronic voting equipment if it has very high priority—in order to properly coordinate the program and the ideas we have in mind, to properly equip the House with information that is available to them, but through data processing, through evaluation systems and retrieval systems, we have got to have some time to coordinate a pretty big thing.

So I think it may prove to us a handicap in the interest of objectivity that the gentleman wants, and I am glad he has yielded to get this amendment, but I do want to assure the committee that we are vitally interested, very interested, and if the amendment offered by the gentleman from Illinois (Mr. McClory) passes, I am sure this will quicken the interest of the subcommittee. And I am quite sure from what I know now that we can have the kind of installation the gentleman calls for without sacrificing too much of the other programs we are working on that can also benefit the House and the country, as we all want to do, I am sure.

Mr. LEGGETT. Mr. Chairman, I yield to the gentleman from California.

Mr. SCHWENGEL. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I want to commend the gentleman and the subcommittee for their vigorous efforts in this field.

Let me ask the gentleman a question: Does the gentleman think the development period is within reason, or is there some other method whereby we could complete the vote in a 15-minute period is out of reason?

Mr. SCHWENGEL. No, I believe not, at this point, and I think maybe we can even have a shorter time than that.

Mr. LEGGETT. Likewise, does the gentleman believe that an 18-month development period is within reason, or is there some other method whereby we could complete the vote in a 15-minute period is out of reason?

Mr. SCHWENGEL. It is not impossible, but then if we should run into special problems we might well have to sacrifice on certain things, and not be able to give you the kind of installation that we believe you should have and we want to have, if we had a little more time, if it is necessary.

Mr. LEGGETT. I certainly hope that the committee can take action on this matter, however, and further consideration where necessary.

Mr. SCHWENGEL. I can assure every Member of the House that the McClory amendment will quicken the interest of the committee, and spur the committee. We are working extra hard, I am sure, and hope that we will come up with one that is equal to the need here.

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

Mr. SCHWENGEL. I yield to the gentleman from Illinois.

Mr. McClaory. Mr. Chairman, I want to commend the gentleman from Iowa, and also I want to commend the gentleman from California (Mr. Leggett) and others who are supporting this position. Because I also hope we can get this electronic voting equipment in the earliest possible time. I do feel that the amendment that I have offered will be an expression on the part of the House in another of the many possible of electronic voting in the full House.

I am hopeful that we can give this as a signal and as an expression of our desire to adopt this modern system at this time in this bill.

Mr. SCHWENGEL. Very briefly, Mr. Chairman, two points:

One, many of us, and many of the Members of the House, and probably almost everybody in this country has accepted to a more effective Congress, and this will help bring about this, I am sure. But also, second, we need to bring prestige back to the body. I believe we need to be able to take advantage of the tremendous collection of information in store for us in the Library of Congress that we cannot possibly use at this time adequately and effectively, because we do not have the data processing equipment to do it.

So, when this total program is developed you will see an involvement again of the body in government, and we will not be dominated, directed and influenced so much by the executive, but more by the facts at hand, and what the situation reasonably can be seen, and we have got this interest here, and I urge the adoption of the McClory amendment.

The Chairman. The time of the gentleman has expired.

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

Mr. Chairman, I want to first compliment the gentleman from Louisiana, Mr. Jacobs, and his committee, because I know that they have spent a great deal of time studying the whole matter of electronic aids for the House of Representatives.

You hear a lot of talk about electronic voting and mechanical voting and other kinds of voting. You hear talk of retrieval systems. That may be an unmixed blessing. I do not know if we had a retrieval system and you could retrieve some of the speeches that have been made here today. What a disaster that would be.

I think it is not possible that there has been more misinformation given out in the course of the debate on this bill than anything I have heard of in the long time I have been a Member of the House.

You know, I almost had a notion to make a point of order. I do not know if there are 100 people here or not. But if there are, there are not over 102 or 103. But I did make it. I did not want you to think I was so vain that I wanted a quorum here to hear my speech.

But where are all of the people who were desirous of working on this bill? Some of you stayed here, as I have done, but a lot of them are gone. It is only a few minutes until 6 o'clock. Some of the very people who were saying we should stay here until midnight I do not see here.

Mr. Jacobs. I am right here.

The Chairman. The Committee will be in order.

Mr. HAYS. You are just one and I said, "some of them." I would like to get in my speech the fact duly recorded that the
Mr. SISK. I thank the gentleman from Ohio for his remarks, with which I agree. I appreciate the efforts of the gentleman from California (Mr. Leigert). Mr. LEIGERT. Mr. Chairman, I ask unanimous consent that all debate on the original amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the final amendment from California?

There was no objection.

The CHAIRMAN. Members will be recognized for approximately two-fifths of 1 minute each. Indeed, an historic event in the life of this great legislative body.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. Gross).

Mr. GROSS. Thank you, Mr. Chairman. I yield back that one-fifth of 2 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McClure).

Mr. McCLURE. Mr. Chairman, I appreciate the generous support of the Members. While I sponsored this amend­ment, it is an amendment which expresses the views and hopes of a great many people.

I believe the amendment is an expression on the part of a great many Mem­bers, and not just the sponsor. By adopt­ing this amendment we are giving clear evidence that the American public that the House of Representatives is determined to apply modern systems and techniques in the performance of our work as the Nation's lawmakers. Adoption of this amendment and the chair­man of the subcommittee on House Administration is a step in the right direction in the life of this great legislative body.

Mr. McCLURE. Mr. Chairman, I rise in support of the McClory amendment and in opposition to the Leggett amend­ment. I yield back my remaining time.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER. Mr. Chairman, I rise in opposition to the Leggett amend­ment. I do not believe we ought to do away with the present system.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Chairman, I simply want to take these 24 seconds to express my appreciation to the gentle­man from California (Mr. Leigert), for his understanding of what our Commit­tee on House Administration is attempting to do to provide an updated system of voting. I appreciate his willingness, once he gained this understanding, to be with me within his amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Leigert).

Mr. LeIGERT. Mr. Chairman, again I...
Mr. BENNETT. Mr. Chairman, I am pleased to support the amendment providing for an electronic voting system in the U.S. House of Representatives.

My bill, H.R. 397, introduced on the first day of the 91st Congress, January 3, 1969, would provide for a device to record and count votes in the House of Representatives. It was introduced by the House Administration Committee in support of the McClory amendment.

One of the first bills I introduced when I came to Congress in 1949 was a bill for electronic voting procedures in the House. Having served in the Florida House of Representatives prior to World War II, I knew from experience that a system to mechanistically count members' votes was practical, efficient and effective.

I have seen the report of the Clerk of the House on electronic voting, and believe it is a good report and it has carefully considered all of the problems and ramifications of the proposed system. My legislation will authorize the recommendations of the Clerk.

The chairman of the House Standards of Official Conduct Committee, Congressman MEL YIN of California, urged the House Administration Committee to approve an error-proof voting system for the House of Representatives. I applaud this recommendation and believe the House should have an electronic voting system.

Voting procedures used now in the House of Representatives are, in my opinion, antiquated, time consuming, and dangerous to our democracy. The recent case of irregularity in voting is a prime example of the possible threat to the continued public confidence and veracity of the House of Representatives.

Mistakes in voting are noted frequently. The time of a rollcall lasts from 30 to 45 minutes. We are playing roulette with our democracy. The space age demands a modern system for recording a Member's vote, not a horse and buggy method that is subject to error and misuse of the public trust.

I urge the House to approve an electronic voting system.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I rise in support of the McClory amendment. With the unprecedented and under the leadership of the House Administration Committee, we are taking a major step in modernizing the voting system in the House.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I am very grateful for the generous allotment of time. I might say the reason I objected to the unanimous consent request of the gentleman from California to withdraw his amendment was that he had the Special Automatic Voting Committee, who have spoken here have all seemed to be against the idea. That shakes me just a little bit.

For the benefit of the Californians, perhaps they would be interested in knowing that the firm having one of the most responsible contracts and important assignments, already granted by the committee, is based in California. That ought to give some assurance that we will do a thorough job.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SCHWENGOEL).

Mr. SCHWENGOEL. Mr. Chairman, I rise in support of the pending amendment. I interpret the legislative history to be that by this permission granted in the McClory amendment under the circumstances, perhaps they would be interested in knowing that the firm having one of the most responsible contracts and important assignments, already granted by the committee, is based in California. That ought to give some assurance that we will do a thorough job.

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The space age demands a modern system for recording a Member's vote, not a horse and buggy method that is subject to error and misuse of the public trust.

I urge the House to approve an electronic voting system.
Mr. Chairman, the amendment which has been offered by the gentleman from Georgia, I am afraid, will not enable the Members to know the import of the amendment. It would be of great merit and value to the floor manager of the bill and the chairman who are handling it on the floor to know exactly what amendments are pending before the committee. Often times when you manage a bill, suddenly an amendment is offered, and the amendment that prevails sometimes in the Committee it is very difficult to comprehend and understand the import of the amendment. In this way the chairman of the committee on the floor of the bill will be able to understand in advance of what he will do with reference to that amendment. If the amendment is to be opposed, he will then have some ammunition with which to oppose it. If the amendment is to be adopted in his opinion, he will have sufficient evidence to explain to the Members why the amendment should be adopted. In that sense, it would be of great benefit to have a copy of the amendment when offered, carefully and properly and maturely be considered. Therefore, this amendment which has been offered by the distinguished gentleman who now has the floor should be adopted.

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

Mr. Thompson of Georgia. I yield to the gentleman from New Hampshire.

Mr. Celler. Mr. Chairman, I think there is considerable efficacy in the amendment being offered by the gentleman from Georgia, and I am not sure that it is not a more rapid method of voting that does present itself. The gentle-
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Mr. REUSs. Mr. Chairman, I am not aware of any amendment being adopted, and I should like to know if there is a printed copy of the amendment or substitute being voted upon.

Mr. SMITH of California. Mr. Chairman, at least that clarifies to some extent what we are talking about. There exists a problem that needs study. Whether or not the gentleman from Wisconsin, Mr. REUSs, who said he would not prohibit the most senior member from being selected chairman.

Mr. SMITH of California. I think that can be done electronically.

Mr. THOMPSON of Georgia. Mr. Chairman, I yield to this gentleman.

Mr. SMITH of California. I yield to the gentleman.

Mr. THOMPSON of Georgia. The gentleman from Louisiana, 1 believe, the chairman of the subcommittee, and I do not see him on the floor at present, but I have every confidence that if asked he will look into this matter. I, for one, resent bitterly as a Representative of some 500,000 people that I am called to vote on matters on the floor of the House, and when I step in here I do not have the time to know what the item is and I have to rely on somebody’s verbal representation of it. I want a printed copy and, Mr. Chairman, I ask unanimous consent to withdraw the amendment. I, for one, understand that the committee does have this under consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that his amendment be withdrawn?

There was no objection.

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

Mr. HAYS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. For the purpose of having a count, so we will know exactly how many Members we are legislating with, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and four Members are present, a quorum.

AMENDMENT OFFERED BY MR. REUSs

Mr. REUSs. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSs: On page 59, immediately following line 4, insert the following and renumber the subsequent sections accordingly:

"SECTION OF CHAIRMAN OF HOUSE STANDING COMMITTEE"

"Sec. 119 Clause 3 of rule X of the rules of the House of Representatives is amended to read as follows:"

"5. At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof who has served the longest consecutive service on the Committee; in the temporary absence of the chairman, the Members in the order named in the election of the Committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman."

The CHAIRMAN. The gentleman from Wisconsin is recognized.
ber with the longest consecutive service on the committee." That is all there is to the seniority. It is still true, however, that seniority is not the sole consideration. 

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

Mr. REUSS. I yield to the gentleman from Wisconsin.

Mr. FASCELL. As a matter of fact, those words are the same words which are now in the rules dealing with the question of selecting chairmen of committees. "So, and so on?"

Mr. REUSS. Yes. The words "and so on" are in the existing rule. I did not perpetrate them, and they do not occur in the amendment. It simply says that seniority is not the sole consideration.

Mr. GROSS. If the gentleman will yield further, here are some other words of art: "as the case shall happen." The words are "as the case shall happen." Do things just happen?

Mr. REUSS. That also is in the existing rule. Not a word of that has been changed. I did not conceive it to be my function to clean up extraneous matter in the rule.

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

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

Mr. WALDIE. Is it fair to assume that the purpose of the gentleman in suggesting this amendment is to indicate his own conviction, and to permit an oppor­tunity for such an amendment to be offered by the gentleman?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Iowa. How does the gentle­man change existing rules? There is nothing in the rule now which requires the use of seniority, is there?

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have enjoyed many privileges in this House. I have profound respect for the Speaker of the House. I have profound respect for this legislative body.

While I was a professor of political science at several institutions, including Columbia College, Barnard College, Princeton University and Marshall University, I used to contend that the sen­iority system is the best interests of the organization of the House.

Mr. REUSS. Mr. Chairman, would the gentleman yield?

Mr. SMITH of Iowa. Does the gentle­man change existing rules? There is nothing in the rule now which requires the use of seniority, is there?

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Mr. SMITH of Iowa. Does the gentle­man change existing rules? There is nothing in the rule now which requires the use of seniority, is there?
Mr. SCHWENGEL. I thank the gentleman very much.

Mr. Chairman, I want to point out that at the moment it is important for our chairmen in a sort of arbitrary manner, and as matters now stand it is possible for them to act virtually in a dictatorial manner as chairmen, although few matters of importance are involved. I say this to be true, that the vast majority of the ladies and gentlemen who are chairmen will continue to be chairmen because they are serving well. But they will not be selected by the Members with whom they serve.

Now, Mr. Chairman, there will be exceptions and I am sure there would have been in the committee that I was assigned to as a member when I came here. The chairman of that committee came from a district that was safe, but you can check the record and find that he was absent 95 percent of the time. Also, under the present tradition the chairman selects the staff and the working force. In this instance we finally discovered that nine members of the staff never lived in the District of Columbia and only one ever came here for committee business.

Mr. BOLAND. Mr. Chairman, I want to express my support for the O'Neill-Gubser amendment to record how Members vote in teller votes taken in the Committee of the Whole. Such votes are in effect cloaked in secrecy: only a head count is taken; the people do not know how any individual Member voted. The only way a constituent can tell how his Congressman voted—or whether he voted for that matter—is through a long vigil peering over the rail of the visitors' galleries above the Chamber. Even then, the stream of Congressmen eddying through the center aisle is so confusing that anyone would find it hard to identify the Members. Such voting practices violate the democratic principles of American life, denying the people's right to know and eroding their confidence in the Congress. The Committee of the Whole is itself a hoary anachronism. Granted, it hastens the legislative process by demanding a quorum of only 218 instead of the conventional 218. Granted still further, it saves time through limited debate and other parliamentary devices. But the outright ban on rollcall votes no longer serves any legitimate purpose. Created by Great Britain's Parliament centuries ago, Committee of the Whole voting procedures were designed to shield members against the King's revenge. In 1832, however, Parliament scrapped the secret teller vote when the people, therefore, simply do not know how their representatives vote on main key amendments each year.

Recording teller votes would abruptly end this practice. First—and most significantly—record teller votes would meet the public's right to know, the cornerstone of the democratic process. Second, they would encourage better attendance in Committee of the Whole sessions—attendance that often falls below half that recorded after perfunctory quorum calls. Third, it would bolster public confidence in the House as a representative body. It would discourage committees from yielding to special interest provisions.

Arguments against the record teller vote range from the ridiculous to the absurd. It might delay legislation, for example, or that it might demand a Member's continuous presence on the House floor—can be rejected out of hand. They are simply not valid. I trust the amendment offered by our colleagues (Mr. O'Neill and Mr. Gubser) will be adopted.

Objections to the bill as a whole, for the majority of amendments offered in the 91st Congress report that came to be the basis for S. 355 and H.R. 2594. The Senate passed S. 355 in 1967, but the legislation was objectionable to the House, especially to Members who disliked its changes in committee jurisdiction.

In May 1970, H.R. 17654 was reported by the Rules Committee, the final product of a special subcommittee headed by Representative Sisk.

This bill is the one on which we are to vote. This is not a narrow partisan issue. It is on which we should stand, and vote, together.

I urge the bill's passage.

Mr. VANIK. Mr. Chairman, I am pleased to cosponsor the amendment offered by my distinguished colleague from Wisconsin (Mr. Rauch) to provide that the chairman of each standing committee need not be the Member with the longest consecutive service on the committee.

Ours is a Government of laws and not men. Congress should be governed by rules and not men.

The Constitution and the laws of the
land contemplate each Congress as a new and separate entity. Legislation does not carry over from one Congress to the other; neither should one Congress commit another on either seniority or rule-making authority.

The rules which we adopt should be directed toward providing a sense of equality among those who are entitled for a short time—whose contribution must be quickly made within the framework of their term.

The Constitution and the laws of the land, the most senior Congress-man is presumed to be equal to the most junior man is presumed to be equal to the most member. The rights of seniority are arbitrary. The rights of seniority are usurped by the making of rules.

The majority of the Members of Congress have the right to serve only for a short time—whose contribution must be quickly made within the framework of their term.

It is not seniority alone that dwarfs the new Member. It is the custom which is not part of the law. It is these customs and traditions which are outside of the law and the Constitution, which have developed the Congress into an institution at least one and one-half generations behind the times it is intended to serve.

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support the amendment to eliminate secret voting in committee of the whole on teller votes, and I am a cosponsor of this amendment.

The public's right to know is a phrase which has been frequently mentioned and best describes the effort which nearly 200 Members of this House are cosponsoring.

I am also very happy to note that electronic voting will be permissible in recording teller votes. I support the O'Hara amendment which makes this practice in order and will substantially expedite orderly processes in the House of Representatives.

Mr. Chairman, this is a very significant amendment on which we are voting this afternoon. As you know, the Congress has lagged behind the State legislatures, and is certainly far behind the executive branch in its use of the most modern technological devices. The installation of electronic or other equipment for voting would save endless hours, help regularize the schedule of activities in the House, and make it easier for all Members to cope with the mounting work load in Congress. There is an expression in law "time is of the essence"; for a Congressman, time is our great limiting factor, and is the most precious commodity we possess. This reform will furnish us with that most valuable of all items which we find in such short supply: time.

Mr. BENNETT. Mr. Chairman, I hope to introduce an amendment to H.R. 17654, to require that in all calls of the House the doors shall not be closed except when ordered by the Speaker.

On page 40, immediately following line 22, insert the following:

"CLOSING OF THE DOORS IN CALLS OF THE HOUSE"

"Sec. 120. Clause 2 of rule XV of the Rules of the House of Representatives is amended by striking out " and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted;" and inserting in lieu thereof ". and in all calls of the House the names of the Members shall be called by the Clerk, at the absentee's request, but the doors shall not be closed except when so ordered by the Speaker;"

Mr. Chairman, the rule requiring the closing of the doors was to prevent Members from leaving the Chamber. It has been suggested that the conduct of business. The actual effect of the rule at present is to make it difficult for a Member to enter the Chamber to become a part of the quorum. If the old rule is still sometimes needed in the future, my amendment would allow the Speaker to order the doors closed in such a case.

Mr. SISK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NARCHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, had come to no resolution thereon.

GEN. LEW WALT PAYS FINAL TRIBUTE TO JIM G. LUCAS

Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.

Mr. EDMONDSON. Mr. Speaker, on July 23rd memorial services were held at Gawler's in Washington for Jim G. Lucas, the Nation's best-known war correspondent.

Highlighting those services were the brief, eloquent remarks of General Lew Walt of the U.S. Marines, who "shared a foxhole" with Jim in Vietnam not long ago.

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MEMORIAL REMARKS OF GENERAL LEW WALT

The last time I saw Jim Lucas a few days ago he asked if I would say a few words at his memorial service.

Three years ago Jim and I shared a foxhole along the DMZ in Vietnam. The enemy's artillery shells were hitting in our area. Jim turned to me and said, 'I am not afraid to die but I love to live. I believe God has a plan for me and that's good enough.'

Jim Lucas was a distinguished, dedicated and loyal Marine and winner of the
Bronze Star medal. He liked best to be on the front line, under fire and sharing every danger. He is the G.I. Joe. It was under these conditions he wrote his greatest stories and earned the undying admiration and love of millions of our fighting men in three wars. He was there on the front lines at Guadalcanal, Tarawa, Iwo Jima, Korea and finally in South Vietnam. He spent three years in Vietnam and he wrote a skillfully written account of that war to the American people. He didn’t feel he was successful — this bothered him deeply but at the same time his sense of faith in his cause nor with the gallant Vietnamese people to whom he admired and for whom he felt a great compassion because of their great sacrifices in the cause of freedom.

Finally, we honor Jim as a great American—loyal, dedicated, honest and compassionate. He loved his country and spent his life serving it—he was a patriot of the highest order.

I, personally, am going to miss Jim, deeply and sincerely as will so many of his friends throughout the world. As President Nixon so ably stated: “He will be deeply missed but affectionately remembered.”

NORWEGIAN EXPLORER THOR HEYERDAHL MAKES SHOCKING DISCOVERY OF POLLUTION FOULING THE HIGH SEAS

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

Mr. HOWARD. Mr. Speaker, the Norwegian explorer, Thor Heyerdahl, has just crossed the Atlantic Ocean in the Ra, a papyrus reed boat, thereby proving that the ancient Egyptians could have visited the new world before Columbus.

On Friday evening I had the pleasure of meeting Mr. Heyerdahl and discussing his journey with him. The most shocking discovery he made during the crossing was the tremendous amount of pollution fouling the high seas. Indeed, the problem is so acute that on several days the crew refused to bathe in the ocean. For many days Mr. Heyerdahl and his crew saw no man, only man’s garbage.

Most of the pollution comes from ocean going vessels. They can’t use their oil tanks at sea and dump garbage and debris overboard. For centuries the peoples of the world have considered the oceans, because of their vastness, impossible to pollute. Apparently, as Mr. Heyerdahl reports, that is not the case.

Mr. Speaker, this is only the most recent exposition of the increasingly disturbing problem of international environmental problems. The problem is not that there is no international body able to regulate the conduct of polluters on the high seas. Many national and international bodies, several of them from the United Nations, are studying isolated aspects of the problem, but no organization coordinates their efforts.

On July 8, 1970, I introduced House Concurrent Resolution 703 calling upon the President to demand an end to parochialism in foreign affairs, to convene an international conference of the leading industrial and shipping nations for the purpose of creating an international environment agency. This agency would act as a clearinghouse for information, coordinate research, and eventually establish and enforce international standards on environmental matters.

The United States cannot stand alone in the fight against pollution. The problem is one of all mankind, not of just one or two nations. The nations of the world must put aside their parochial differences and work together to conquer pollution. The United States can and should be the leader in bringing these nations together.

On Wednesday, I will reintroduce my bill and ask my colleagues on both sides of the aisle to support it. With a strong show of support, we can move toward passage of this legislation and an effective fight against pollution on an international scale.

ROOT OF TROUBLE IS ON CAMPUSES

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

Mr. SMITH of California, Mr. Speaker, continues to make efforts to shift the blame for campus violence from those who are responsible for it to the President or any other handy scapegoat who can be found.

However, efforts to blame the President for the failures of the leaders of the academic community and for the irresponsible actions of a few students are wrong.

A recent editorial in the San Diego Union points out that “at the very root of the problem, however, is weak administration.”

I insert this editorial in the RECORD:

Study Should Focus on Militants—Root of Trouble Is on Campuses

If the first footprints of evidence are an indication we can expect little of starting with the root of this problem. The President in his recent special commission that is studying causes of campus unrest. Preliminary testimony at hearings of the commission has included opinions that the rioting on campus can be attributed to the shortcomings of the President, to the fact that youth has no voice in government, and to the growing unrest of the campuses reflect the strife of the society at large and that the lack of ethnic studies generates discontent.

Perhaps all are valid complaints to a degree. However, we would hope that the commission will not be deluded into concluding that these are the root causes of our campuses trouble.

It is important, we believe, for the commission to begin its eventual deliberations with the premise that it is not studying the majority of students, but only a militant cutting edge.

Most of the more than 6 million students on the college campuses are working within the system, whether they are happy about Vietnam, ethnic studies or the character of their professors. And yet we find a logical abuse of the colleges is the handiwork of a minority and it occurs on but a number of campuses in the United States of America. Further, the militant testing of the college system would continue whether or not there were a Vietnam problem.

Surface roots of the campus violence are among the immature, bored students, as S. I. Hayakawa, president of San Francisco State College testified.

Among the deeper roots are the students on campuses who should not be there at all. They are not qualified. Recent testimony to the California Board of Regents indicated this may be as many as 35 percent of students on some campuses.

Still deeper roots are the permissive instructors who encourage students to make trouble, perhaps join them in militant activity and finally reward them with good grades.

At the very tap-root of the problem, however, is weak administration that permits all of this to go on, and even acquiesces to the lowering of academic standards for admission to encourage more of it.

If we look to the origins of the trouble, we will see that “unrest” on the campuses began in 1965 at the University of California at Berkeley when administrators, the faculty and the regents capitulated to students led by militant faculty members who deliberately broke the rules. At that time the regents discussed, but did not adopt, a code for students that would require them to “accommodate obligation for a duty in a manner compatible with the University’s function as an educational institution.” If such a code were enforced for all students in the United States, presidential commissions on campus unrest would become but a memory. For the fact of the matter is that such unrest will not be cured in Washington, but on the campuses themselves.

PRIDE IN OUR YOUTH

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

Mr. HANLEY. Mr. Speaker, as we observe the 50th anniversary of the United States the Nation founded on July 4, 1970, I will again introduce my bill and I ask my colleagues on both sides of the aisle to support it.

We live in a country, the United States of America, that is not only beautiful but it has prospered. The United States has a great history too. It has a past of which we can be proud and which we can pass on to our children and grandchildren.

Certainly, the history of the United States
is the story of a great nation created from a vast wilderness in an unbelievably short time. It is the story of a nation that understood that this country that all men have a right to "life, liberty, and the pursuit of happiness." Five hundred years ago, not a single permanent登陆 land that is now the United States. Even as recently as 200 years ago, the United States of America did not exist.

But, during those 200 years, the United States has developed its unique culture and grown to maturity. We are the world's most lasting constitution. Statesmen turned their attention to world problems, without losing sight of national ones. We are truly the inheritors of a great legacy—the triumphs and achievements of the best men each generation has make contributions hopefully toward the planet without life. If we don't pull together then perhaps there will be no tomorrow. We have to overcome our own problems before we try to tackle the problems of the world. When the tensions of the world have been relieved we will be able to live as God meant, to live in harmony with our fellow man. We will have to remove all prejudices against minority groups. Unless this is done we will never be able to live together as one working together to achieve peace.

What I have outlined is a great new decade of discoveries and scientific advances, that should help us to progress toward living peacefully with other nations that we can live in peace together. My generation will never give up hope as long as we can see the smallest spark of light directing us to the door of peace.

Let us pray that we will be the key that will open this door and give us the peace which was proclaimed two thousand years ago—Peace on earth—good will to men! Let there be peace on earth!

Mary Gettino, a sixth-grade student at the Stewart School in Syracuse, offered these remarks:

My Favorite Patriot

My favorite American Patriot is Nicholas A. Gettino. Perhaps you have never heard of him because my father is his father. Nicholas A. Gettino was born in Syracuse, New York on June 12, 1922. He enlisted in the Air Force during World War II. After three years of training as a second lieutenant he was a qualified navigator on a B-24. His crew of ten men were stationed in Italy. They flew many bombing missions. On one of his earlier missions he and his crew boarded a German submarine in the ports of southern France. On this mission he was shot down but, the pilot landed the plane safely. They returned to base in a week. Many of his other missions were into German-occupied Romania. The reason why the oil fields were the major target for bombing was that this was the source of fuel. On his forty-fourth mission he was shot down over Yugoslavia. He was picked up by the Germans and sent to a prison camp. After ten months, he was able to escape the camp.

Upon his return to the states, he could have been honorably discharged from the Air Force, but because of his love for his country he stayed in the Air Force. He married Mary Burns in 1946 and continued in the Air Force for another year.

Now, Nicholas A. Gettino is a retired Major in the Air Force. The work he does concerns the defense of his country. He has tried to teach his seven children the love of their country and has succeeded in doing so. My oldest brother is now in the Air Force following in the steps of his father.

This is why I think my father is truly a great patriot.

BILL TO ALLOW DISCLOSURE OF AIRLINE TICKET TAX

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

Mr. BROTMAN. Mr. Speaker, on May 21, 1970, President Nixon signed the Airport and Airway Revenue Act of 1970. On the whole, I believe the Members of Congress can be proud of this legislation which will provide for the expansion and improvement of the Nation's airport and airway system.

However, Mr. Speaker, when the revenue provisions of the bill were considered by the Senate Finance Committee, an unfortunate amendment to conceal the 8-per cent ticket tax from the ticket purchasers was added. This amendment was approved by the Senate, and was retained in the bill by the conference. Because of the importance of improving the Nation's airport facilities, I, along with a nearly unanimous House, voted to accept the conference report.

Now, it is most important for the public to be aware of the fact that airlines are not required to show separately the amount of tax. This is why I think my father is truly a great patriot.

Section 7275 of the Internal Revenue Code provides that airlines shall not show separately either the amount paid for the air fare or the amount of the tax on the ticket. Furthermore, section 7275 states that airlines may not advertise ticket prices without including the tax. Those who violate the provisions of section 7275 are guilty of a misdemeanor and are subject to a $100 fine.

My bill repeals that part of section 7275 of the Internal Revenue Code which is the culprit and not the prior practice. I am not aware of ever having heard a complaint from people who feel they have been misled because their ticket price stated separately the fare and the tax. On the other hand, since section 7275 went into effect, I have had numerous complaints from people who feel they are being misled as to the magnitude of the airline ticket tax.

Another section of the Airport and Airway Revenue Act raises the ticket tax from 5 to 8 percent. This increase was necessary for the Nation to develop the type of airport system it must have to accommodate the rapidly increasing reliance on air travel. However, Mr. Speaker, the airlines are quite willing to pay this additional tax because they know that they, as the users of the Nation's airports, will be the chief beneficiaries. But, Mr. Speaker, they are entitled to know how much tax they are paying.

There has been a lot of discussion about truth in lending and truth in packaging. Indeed, the Congress has passed legislation to require fuller disclosure in these areas. I believe there should also be truth in taxation. Nobody likes to pay taxes, but they are necessary, and when they are imposed, the public has a right to know.

PREZIDENT NIXON AND THE STUDENTS: THE REPORTS OF DR. ALEXANDER HEARD AND DR. JAMES CHEEK

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

Mr. BRADEMAS. Mr. Speaker, President Nixon is to be congratulated for having several weeks ago named such distinguished educators as Dr. Alexander Heard, chancellor of Vanderbilt University, and Dr. James E. Cheek, presi-
dent of Howard University, to serve as his consultants and advisers on problems on the American university campus.

Last week, on July 23, 1970, the White House released the texts of a summation Dr. Heard of his views of the assignment and of several memorandums that he and Dr. Cheek, his coadviser, sent to the President during their temporary term of office. (The White House has agreed by June 30.)

Because the statements of Drs. Heard and Cheek are so significant and thoughtful, indeed, eloquent, I hope that not only the President but that Members of Congress will read them.

Mr. Speaker, I insert at this point in the RECORD the texts of these memorandums to President Nixon, as reprinted in an article by Robert B. Seiple, Jr., and an article by Eric Wentworth in the Washington Post of July 27, 1970, on the same subject.

The material follows:

[From the New York Times, July 24, 1970]

TEXT OF TWO MEMORANDUMS TO NIXON ON STUDENT UNREST

(NOTE—Following are the texts of a memorandum from the chancellor of Vanderbilt University, to President Nixon, summarizing what the temporary adviser to the White House had learned about student attitudes toward the Nixon Administration, and of recommendations of Dr. Cheek and co-adviser, Dr. James Cheek, president of Howard University, regarding campus unrest.)

MEMORANDUM: A STUDENT'S VIEW

This memorandum addresses three questions we have heard discussed around the White House about student attitudes and their relationship to Administration policies. We have some confidence here the views of a "composite" student.

Something like these views are held by significant numbers of activated students, although obviously not by all such students. We report these views as an aid to understanding the questions being asked, not to imply their validity nor to question their validity.

Why do the President and disaffected college youth have trouble "communicating" about Vietnam? At least four factors are at work.

First, the President uses words that mean one thing to him but something different to many students. For example, he has emphasized that he and students both want "peace." By "peace," students mean an end to the killing immediately. To them, the President seems to mean not that, but "a just peace" and "self-determination for South Vietnam," which they see as probably meaning neither the maintenance of a pro-American regime in Saigon, continued U.S. military presence in Southeast Asia, and whatever military action is necessary to produce a "just peace." Exacerbating this difficulty is the belief of many students (shared, it is fair to say, by many nonstudents) that the course we are taking in Government is a formidable achievement. The President so proclaims it.

Yet, to the young, who face the draft and think on the time scale of youth, these withdrawals seem wholly inadequate. Their attitude is not for this of a draft-desk attitude. They are not seeking to avoid personal danger. Rather, they abhor personal involvement in war they perceive as "improper." Hence, a plan to have a troop level of over 200,000 men next year, and possibly indefinitely, is likely to be judged by some of them as not something that they would prefer to kill and be killed in a revolution at home to being involved in an immoral war abroad.

Third, to some students the President appears not to understand the nature of the crisis that has come over the country. He speaks as if "the cold war" were still the significant consideration. But "deep divisions" suggests a serious disagreement in a stable society, a matter of different and often competing national goals, whereas students perceive the situation in radically different terms.

They see not just different opinions, but rather the whole social order as being in a state of erosion. In the St. Louis speech, the President said, "We should do something about it and not allow that division to become something that eventually could erupt and destroy a society."

The students we speak of tend to be immersed in a society that already erupting and destroying the society.

The President's visit to the Lincoln Memorial on May 9 was a splendid act. Reports got around, whoever passed pleasant queries about surfing and football. That offended students who felt immersed in national tragedy, like telling a joke at a funeral.

Fourth, and this really underlies the other points, the President and some students proceed from vastly different assumptions. The President says, "America has never lost a war," as if "winning" or "losing" were the important consideration.

He seems to them to hold attitudes derived from the cold war, such as the domino theory, the fear of "horsing around in South East Asia as a source of danger to America." Wrongly or rightly, many of our best-informed students do not share these assumptions.

The President speaks of maintaining "national honor" and implies that this can be done without great sacrifices. Students, distressed with the failure of their country to achieve all its ambitious ideals at home and nueting, and unable to imagine a "national honor" as something yet to be attained.

They see the Vietnam war and its effects at home as obstructing fulfillment of their concept of national honor. Just as an earlier generation fought in World War II to preserve the nation's ideals, they want to end the war to help attain the nation's ideals.

The President presents the goal of "self-determination" for South Vietnam as a reasonable for our military involvement. To students, the cost is too high to make the war "immoral.

A faculty member wrote from St. Louis on June 23, 1970, showed insight into student idealism and compassion for their classmates, and heroism with the earth, and bomb craters create a monsoon; great masses of people are uprooted from their ancestral lands and turned into refugees in their own country.

Students are not impressed by Soviet actions such as the invasion of Czechoslovakia.

The apparent insensitivity of students to Soviet actions and to evils in the Soviet Union has sometimes been understandable by considerations like these:

First, they feel that by the wrongness of our actions in Vietnam, we have lost our moral standing to condemn other countries.

Second, they have a feeling of alienation from our own country, seeing their problems, a feeling that our own crisis should occupy all our attention.

Third, the fear of Communism is less than existed a year ago.

Students perceive the Czech invasion as one more evil action by a powerful imperialist force that could be better about America (which frequently appears to be as willful and critical as any imperialist for its part).

The Russians appear to represent their own countries, but students see that fact as parallel to American domination in its sphere influence (the Dominican Republic, Guatemala, economic exploitation, etc.).

They see the Russians as no better than we, maybe not as bad; but feel more responsibility for our actions than for those of foreign powers.

How do they compare the United States with other countries generally?

Students, the President said in his "State of the World" message on Feb. 18, 1970. Today, the 'lions' have lost their vitality—indeed the restlessness of youth on both sides of the dividing line testifies to the need for a new realism and deeper purposes.

A generational loyalty appears to develop, a loyalty to young people internationally, that transcends national loyalties.

A tendency toward an absolutist conception of moral values helps to make it impossible for these students to compare the U.S. with the comparative superiority of the U.S. in striving for social justice and equality.

A tendency to emphasize what is wrong about America, most students emphasize what could be better about America (which frequently appears to be merely an emphasis on what is wrong with America).
NOTE ON RECOMMENDATIONS

Detailed recommendations were made to the President on a number of subjects. Some of them proposed particular assignments for named individuals. Implementation of some of the recommendations might be handicapped by making them public. All of the recommendations, like the comments on campus conditions, were drafted as private communications to the President.

Among the subjects on which we made recommendations are the following:

A. That the President increase his exposure to campus representatives including students, faculty and administrative officers, so that he would have a better understanding of those views, and the intensity of those views in formulating domestic and foreign policy.

B. That the President arrange for the White House to have special responsibility for White House liaison with higher education.

C. That the President arrange for the considerable knowledge of higher education already available in United States Government agencies, especially in the Department of Health, Education and Welfare, to be put more readily at his disposal.

D. That the President increase his exposure to Federal Government, looking toward their making them recommendations are the following:

E. That the President take initiative well before a second year into political and governmental processes.

F. That the President initiate an assessment of the campus problems and programs of the Federal Government, looking toward their enforcement and better utilization.

G. That the President take steps to improve two-way communications with the campuses of the country through activities in which he, White House staff members and other Government officers participate.

H. That the President and others undertake to understand the fears of "repression," which are increasing on the campuses, and to understand the realities underlying those fears.

I. That the President use the moral influence of his office in new ways designed to reduce racial tensions and help develop a climate of racial understanding.

J. That the President increase involvement of blacks in domestic policy formation and develop an ongoing Federal mechanism for research and action on minority problems.

K. That the President act immediately to provide additional student aid funds for the upcoming academic year to economically disadvantaged students.

L. That the President seek to provide special additional assistance during the coming academic year to those institutions primarily serving black youth.

M. That the President make a long-term commitment to assist predominantly black colleges and universities to enable these institutions to increase their enrollment and improve their academic programs.

From time to time, Dr. Cheek and I have made oral or written communications to the President, orally or in writing.

[From the New York Times, July 24, 1970]

NIXON ADVISED TO HERD STUDENTS—HEAD OF CAMPUS UNEASE UNIT PRAISES COLLEGE YOUTH IN REPORT TO THE PRESIDENT

(By Robert B. Semple, Jr.)

WASHINGTON—President Nixon's special adviser on campus unrest urged the President today to undertake serious efforts to improve his awareness of student attitudes and to take them into account when formulating foreign and domestic policies.

Dr. Cheek also urged that the President undertake serious efforts to increase his awareness of student attitudes and to take them into account when formulating foreign and domestic policies.

"The condition cannot be conceived as a temporary aberrational outburst by the young, or simply as a campus crisis at student institutions," Dr. Cheek said. "Its impact and potential consequences, the condition we face must be viewed as a national emergency, to be addressed with all the gravity and openness of mind required of national emergencies."

Dr. Cheek buttressed this assertion with a portrait of what he described as "a large and important segment of students." He did not contend that this segment represented the entire student population, as described as "intensely polarized," but he said that it embraced a surprising number of students who ran the country as well as the rest of us.

The portrait he drew—based on interviews and careful reading of other sources—suggested a campus community driven leftward by the Cambodian venture, full of integrity and idealism, acutely conscious of its own separate identity, increasingly disaffected by what it regarded as official "repression"—including, Dr. Cheek noted, "sledgehammer statements by public officials inquirers of college students—"and the unresponsiveness of Government to student concerns.

WARNING ON INDOCHINA

Dr. Heald went on to say that he had been advised that "expansion of the Cambodian venture would determine which colleges and universities open this fall, and under what conditions."

"That is one reason the President, just as of the war in Indochina would "make it impossible for some institutions to operate normally." He added that these and other detailed recommendations to the President privately, revealing only the general areas in which he thought the President could take steps to ease tensions. They ranged from broad exhortations to the President to open himself to campus views, to specific suggestions to provide more Federal funds for poor students and welcome more young people into government service.


NIXON TOLD OF STUDENT POWER

(By Eric Wentworth)

The attitudes of college students, like those of blacks, are "uniquely important" to governing the United States in the 1970s.

Their importance can be found in one of history's most fundamental lessons and again, the power of ideas has triumphed or other political, military or other forms of power.

This message was buried in the memo­randa that Alexander Heald gave President Nixon during his two-day visit on campus problems. But it may well be the most significant advice that the Vanderbilt University chancellor offered.

"Time and again in the world's history," Heald told the President in a July 16 memo­randum, "ideas have prevailed over other forms of power, from the teachings of Jesus through those of Tom Paine and Karl Marx to those of Adolf Hitler.

"Intellectual power is at work in new ways in new places," Heald said, noting that "new" ideas are challenging established ways—which is the most important fact of all to be acknowl­edge­ed and understood.

In effect, Heald was telling Mr. Nixon that counting votes is not enough, that con­ventional rulebooks may not apply, that the President must continue to work with Jackson with signs of potent­ial revolution—peaceful or otherwise.

As for the students themselves, the chancel­lor stressed that "as Idealistic sometimes to a fault, and as feeling rebuffed and overly bur­dened—the draft, for example—by the rest of the country.

"Though often emotional and egocentric," he wrote to the President on June 19, "the message of college students can be a brave flower on the battlefield but also determined fighters in the struggles for social change.

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These and other recommendations were contained in a statement by Dr. Alexander Heald, chancellor of Vanderbilt University, who served Mr. Nixon as a consultant on campus unrest. Mr. Nixon said that the proposals might be handicapped by the Federal Government, looking toward their making them recommendations are the following:

A. That the President increase his exposure to campus representatives including students, faculty and administrative officers, so that he would have a better understanding of those views, and the intensity of those views in formulating domestic and foreign policy.

B. That the President arrange for the White House to have special responsibility for White House liaison with higher education.

C. That the President arrange for the considerable knowledge of higher education already available in United States Government agencies, especially in the Department of Health, Education and Welfare, to be put more readily at his disposal.

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M. That the President make a long-term commitment to assist predominantly black colleges and universities to enable these institutions to increase their enrollment and improve their academic programs.

From time to time, Dr. Cheek and I have made oral or written communications to the President, orally or in writing.

[From the New York Times, July 24, 1970]
WASHINGTON (AP) — The Gubser-O'Neill amendment passed today, after a heated debate on the House floor, repairing an error in the previous version that had caused widespread confusion among members.

The amendment, introduced by Representative Gubser-O'Neill, requires the President to issue a statement declaring the nation's commitment to reducing air pollution by 50% within the next 10 years. The amendment was supported by a cross-party coalition of representatives from both the Democratic and Republican parties, and was approved by a margin of 272 to 159.

Representative Gubser-O'Neill, speaking from the floor, stated: "This amendment is a crucial step in our efforts to address the growing crisis of air pollution. It is the right thing to do for the health and well-being of our citizens, and for the future of our planet."

The amendment now goes to the Senate for consideration. It is expected to face resistance from some Republican senators who have expressed concerns about the cost and economic impact of the proposed regulations. The President's administration has already indicated that they will work with Congress to ensure that the final legislation is balanced and sustainable.
Carbon monoxide is a colorless, odorless non-reactive gas. It does not contribute to photochemical smog or acid rain. It does cause significant problems of its own.

Carbon monoxide does not contribute to the photochemical smog that causes respiratory problems, acid rain, or other problems. It does contribute to air pollution—eye irritation, visibility reduction, or odor. However, the concentrations of carbon monoxide are allowed under current state and federal standards, than are allowed for other gases.

If the carbon monoxide tonnage is subtracted from the total figure of pollutants poured into the air, then industrial sources make a contribution equal to the auto as a smog producer.

Air pollution sources are strange, hard to recognize, and hard to control. Consider the amount of gasoline spilled with the rumes going uncontrolled into the skies every day, at every service station in Los Angeles County. The Bay Area is now studying controls of such spills.

The numbers game, weight, is like comparing apples to oranges. As a result the public has a distorted view of the situation.

However, Chass sticks by his claim that the auto is the primary, almost the only, source of air pollution in the Los Angeles Basin.

And "Profile of Air Pollution Control in Los Angeles County," the official publication of the district, stated, "The tables, graphs, and charts in this section show that air contamitants from motor vehicles vary approximately between 90 per cent of the uncontrolled emissions in Los Angeles County. . . . It is estimated that stationary (primarily industrial) sources now contribute slightly more than 10 per cent of the total air pollution tonnages emitted daily in Los Angeles County."

Chass pointed out that the auto probably produces 90 percent of the air pollution in downtown Los Angeles, where there are few industrial sources, and a tremendous concentration of cars.

He also pointed out there are three air pollution areas within Los Angeles with distinct problems—ranging from downtown Los Angeles, to downtown Southern California Edison Co., Southern California Edison Co., Staulter Chemical Co., Union Oil Co. and the others. The performance of the board is difficult to judge.

The overall performance of the Los Angeles Air Pollution Control District is easier to judge.

It was formed to end smog. It has not done that job in 22 years. However, it has slowed the spread of smog. In all probability, without the district the Los Angeles basin would be unlivable.

PART III

The automobile has been blamed for almost all the Los Angeles basin's smog problems, yet there would be smog, even if all the cars on all the freeways disappeared tomorrow.

Robert L. Chass, air pollution control officer for Los Angeles County, estimates that the auto contributes between 80 and 90 per cent of the area's air pollution.

The data collected by California scientists, R. F. Sawyer and L. S. Caretto, both assistant professor' of mechanical engineering at Berkeley, have claimed otherwise.

They said the auto's share of total air pollution in the Los Angeles basin is closer to 50 per cent than the 80 per cent, officially claimed by the Los Angeles Air Pollution Control District.

The board is headed by Delmas Richmond, and its members are Ralph Nader, W. E. Scoville and Robert L. Daughery, both engineers. Each member gets $80 a meeting.

The meetings are held on the third Thursday of each month, at an old wreck of a county building in downtown Los Angeles. Although the offices are run on a shoestring, the board members report to a major newspaper, they are largely—perhaps once a year—visited by the press or public.

Instead, employs of the air pollution control district, a diverse crew of attorneys for the applicants, and the applicants are all that are present for the granting or withdrawing of variances.

For the year ending July 1, 1969, the board granted 225 of 310 variance requests. There are 273 violations of air pollution in the Los Angeles basin, 1969, (lastes figures available) out of roughly 9,000 permits granted to air polluters.

The board is headed by Delmas Richmond, does not claim jurisdiction over the Los Angeles Air Pollution Control District. More than 1,700 violation notices have been issued in the Los Angeles Air Pollution Control District. More than 1,700 violation notices have been issued in the Los Angeles basin.

Chass is satisfied with the board.

"It can't be a judicial board. Only such a body can weigh equities," said Chass. "We have a tremendous responsibility," said Richmond. "We could shut down industries serving thousands of people, causing all sorts of social harm."
which is paying for those controls, has not gotten its money's worth.

Robert L. Chass, Los Angeles County air pollution control officer, has predicted the skies over the Los Angeles basin will start to clear by 1976, if current auto emission standards are met.

A final comment, also from the Nader report, may sum up the situation.

"I wouldn't call the program (of auto emission controls) a failure, although we'd call it failure. Overall the average of failure was 88 percent. So it's hard to believe they did it.

"Total exhaust emission on a mass basis that one model of car had an 85 percent failure. Eighty percent don't even work. I don't know how good the emission control device is."

Chass added there had been no communication on the figures between the districts and he said the San Francisco District had not contacted the Los Angeles District. However, he said the San Francisco District had not contacted the Los Angeles District.

The Congressional testimony continued.

Rep. Rogers: "But they are not working. Eighty percent don't even work, so I don't know how good the emission control is."

Dr. Middleton: "It is not as good as it should be.

"Federal officials in Washington, D.C., said but one model of car had an 80 percent failure. Overall the average of failure was a little under 80 percent."

One federal official added, "Air pollution authorities are discovering as they measure total exhaust emission on a mass basis that both auto makers and federal calculations are low. The auto industry has taken advantage of this. It's hard to believe they did so unknowingly."

He would like to see a program established whereby Detroit would be required to furnish cars at various stages of use on a regular basis for actual testing. In addition he believes that both Los Angeles and the federal government should get emission calculations only on actual tests, not calculations.

"The problem of vehicle control was a much bigger story," the Department of Health, Education and Welfare assistant general counsel, Sidney Saperstein, in a memo reprinted in the Nader report.

<table>
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<tr>
<th>Year</th>
<th>More Air Pollution than in the Bay Area, Despite the Huge Refinery, Chemical Plant and Power Plant Complex in the Southwestern-Long Beach Area. The proposed figures for the L.A. area-estimated versus hard figures—might possibly be accounted for by different weather conditions in the Bay Area and the Los Angeles Basin, with the Bay Area's sulfur dioxide being dispersed by winds. However, the winds are not dispersing the Bay Area's ozone and some other pollutants. If the Los Angeles estimations of emissions are underestimated, then the basin is being short a revenue. Only if the correct figures are available on emission can the basin act to correct its pollution.</th>
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<td>1969</td>
<td>Los Angeles claims that its 4.0 million cars produce 48 tons of particulates daily. The Bay Area says its 2.2 million cars produce 40 tons. The comparison is even more mysterious because both sets of cars are governed by the same regulations—California state law on motor vehicle emissions. And both districts say they base their figures on Air Resources Board tests. Robert L. Chass, the Los Angeles County air pollution control officer, was questioned about the figures.</td>
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<td>Q. Are your figures accurate, or the San Francisco figures exaggerated? A. Let me say this of the basis for the Bay Area figures. We see them the same as those figures have been reviewed with the Bay Area people. We have no basis to say their figures are right or wrong. . . . I am not in a very good position to reply. I don't have their data.</td>
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Legislation requiring every auto to be tested by the Air Pollution Control Board didn't do its job," Chass explained in an interview.

Detroit's emission tests on engines installed auto control devices which did decrease the emission of hydrocarbons, but increased the emission of oxides of nitrogen by 50 per cent. Chass added there had been no communication on the figures between the districts and he said the San Francisco District had not contacted the Los Angeles District. However, he said the San Francisco District had not contacted the Los Angeles District.

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"In short the purchaser of a new motor vehicle is paying for something that he may not be getting—and the federal government, to whom the auto manufacturers believe they are obtaining value for his expenditure, is not fulfilling its obligation to protect his interests."
predictions, it just doesn’t tell all of the problem—sulphur dioxide, carbon monoxide, or that a lot of smog comes from other sources. Sulphur dioxide is worse than no pollution.

As Chass said, “Bad data in air pollution is worse than no data at all.”

PART VI

Smog can kill. It may be killing today in the Los Angeles basin.

Every year thousands of Los Angeles basin residents are told by their doctors to leave their homes because of predictions, it is worse than no person exposed to it.

The person who spent his life in the Adirondacks has a common to deaths in New York City ranged between 111,000 and 40,000. In addition the district’s statistics, open to the Bay Area Rapid Transit District, if they wish to breathe healthy air.

On a state level, as well as on a Congressional one, legislation should be passed, as recommended by Chass, for all motor vehicle control devices to be tested on a go, no-go basis by the state, and for the auto makers to guarantee the devices for no less than 25,000 miles.

On the state level, the state should divert gas tax funds, now used only for highways, to rapid transit and to fighting air pollution. A state constitutional amendment could authorize a one-cent sales tax to finance control programs.

At present federal air pollution control inspectors do not have the right to enter private property to check on violations. They should be given such power.

In addition, additional powers should be given to the National Air Pollution Control Administration so that it can step in when local or state governments fail to control pollution.

The federal standards on carbon monoxide, particulates, nitrogen oxides and hydrocarbons should be strengthened and Detroit should be told to clean up the auto or face increasing economic penalties.

Finally, the federal government should help finance additional air pollution research and necessary rapid and mass transit sys-
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tems. Again such funds could come out of grass sales.

This program is incomplete. It is only a

— and some of it may be impractical—but

There could be a stronger program: Cesse

building new roads, use the funds for rapid

and mass transit, tax cars further until they are

to lowii some medical to drive while pro-

viding other means of transportation. At the

same time require polluting industriies to

shut down or stop polluting.

The decision on whether there will be air

fit to breath in the Los Angeles basin should

not lie in the hands of the polluters, even the

politicians. It should, and does, lie in the

hands of the people, who make their

wishes known by action, or inaction.

Clean air has been the birthright of all

mankind. It no longer is; instead the child

born today must breath poison. But for how

long?

What do you want to breathe?

ANNUAL LIMIT OF $20,000 ON SUB-

SIDIES PAID TO AN INDIVIDUAL

FARMER

THE SPEAKER. Under a previous or-

der of the House, the gentleman from

Pennsylvania (Mr. Gouvin) is rec-

ognized for 5 minutes.

Mr. COUGHLIN. Mr. Speaker, we have

a remarkable opportunity this week to

speak to the people of the United States by

cutting down and curtailing the waste of

hurting the people this particular program is

designed to help. We can do this if we take

the long-needed step to stop stuffing the

farmer with the tax moneys of all Americans. We can do

this by placing a $20,000 annual limit on subsidies paid to an individual farmer.

Unlimited and unwarranted subsidies contributed beyond reason to the $3.7

billion total in farm subsidies for 1969. Each year that the Congress refuses to

end this costly and unjust practice of no-limit subsidies, contributes to an ero-

sion of its own credibility.

I intend to support an amendment to

establish the $20,000 maximum when the

agriculture bill is brought to the House.

Although the House Agriculture

Committee has recognized that the no-limit

subsidy program cannot be condoned, I

feel the compromise itself cannot be jus-
tified. By setting a $55,000 annual limit per

crop, the committee has devised a system that still could run up to $185,000

a year for giant farms which want to

produce wheat, feed grains, and cotton.

I am not comforted by public state-

ments that only a few farms could take

advantage of the new program to obtain

all the benefits. It seems relatively easy

for the corporate farmer to change his

programs so he still could obtain $165,000

yearly in subsidies which never were

meant for him.

Agricultural subsidies originally were

developed to help the struggling farmer

and the small farmer. It is assumed the

Congress ever should get the message from the

people, it is this—immediately end the

monumental agricultural boondoggle.

The millionaire farmer and the corpo-

rate farmer do not merit nor should they

receive the largesse of Government tax

moneys contributed by citizens who are

already cornfield-high in Federal, State, and local taxes.

My own 131 Congressional District of

Pennsylvania contains much farm and

rural lands. It is interesting that prelimi-
nary results of my 1970 questionnaire

poll show that agricultural subsidies are
cited as the most unjust and wasteful ones, in which

less money should be spent. No one

farmer in Montgomery County received

more than $20,000 in 1969.

In Pennsylvania itself, only nine farm-

ers have received $20,000 each, with

the largest subsidy amounting to about

$40,000. It seems obvious that the

$20,000 figure certainly will afford the

necessary support to the farmers who

merit it.

Too often, we, as Congressmen, criti-
cize Government bureaucracies for re-
fusing to change or cut back programs

that have proven too costly, ineffective,

and outmoded. Now we have the oppor-
tunity to take our own medicine by dras-
tically altering this expensive program

that enriches the wealthy farmer at the

expense of the rest of our citizens.

I believe I can urge this approach, not

only because of the number of farms in

my congressional district, but because I

have applied this rule to other programs in my own area. When we were de-
defense or welfare programs, I have rec-

ognized my responsibility to try to elimi-
nate the unnecessary and ineffective for

new and sounder approaches.

By adopting the $20,000 farm subsidy

limit, we can effect—through a tightly

administered program—about $300 mil-

lion in savings. This is a substantial sav-
ing and it is an act that will help re-

store the Congress credibility as a re-

sponsive and responsible institution of

Government.

THE ISSUES—LET'S LOOK

AT THE RECORD

The SPEAKER. Under a previous or-

der of the House, the gentleman from

New Mexico (Mr. FOREMAN) is recognized

for 60 minutes.

Mr. FOREMAN. Mr. Speaker, in a sin-
cere effort to openly review and frankly

discuss several of the issues recently acted

on, or soon to be considered, by the

Congress, I take this time to sum-

marize some of these matters with our

colleagues and other interested citizens.

It has been, and will continue to be,

my aim to carefully study all of the

information, for and against, every issue

before it comes to a vote here in the

House. Some of the questions I have in

my mind as I review a bill are: First, is

it in the best interests of my country, my

State, and my constituents? Second, is it

constitutional? Third, can we afford it?

Fourth, what are the views of the people

I represent insofar as this legislation is

concerned? Fifth, is this a legitimate

function of the Federal Government—or

is it the right and responsibility of the

people? Sixth, is it fair to all concerned?

I do not vote for or against a bill sim-
ply because the majority or the opposi-
tion or the political party leadership is for or against

it—I vote the way I do, because after

weighing all of the facts available to me,

I sincerely believe it to be in the best in-

terest of my country and my constit­

uents.

As to the matter of specific legislation,

I am pleased to discuss my views on sev-

eral important bills as follows:

I have some very serious reservations

about H.R. 16311, the guaranteed annual

wage welfare programs. Admittedly, the

present welfare program is costly and in-

efficient. However, the welfare limits I

would move us in the wrong direction be-

cause it will probably add several million

more persons to the welfare rolls, more

social workers, more Federal control, bu-

reaucracy, and summarizing at an esti-

mated additional annual taxpayer cost of

$4 billion, or more, than we are now-

spending. Our objective should be to seek

a reduction, not an increase, of overload-

ed welfare rolls. We should work to re-

duce the cost and control of government

by the enactment of programs that en-
courage individual work, incentive, and

responsibility—not reward nonproductiv­

ity and irresponsibility. We need to work

toward more jobs and permanent job

security rather than permanent relief.

We cannot spend ourselves into adju-

cent prosperity. Only a productive in-

dividual effort. Regardless of what some

may say or think, we live under a system

where the people support the Govern-

ment; the Government does not, and

cannot, support the people. The Govern-

ment is not a creator of wealth; it gets

its money from people who work and pay

taxes, and we are fooling no one but our-

selves when we think otherwise.

My son, Kirk, summarized the situa-

tion very well with his question, "Who's

gonna pull the wagon if everybody gets in to ride?"

Most Americans who work for their

living have little sympathy for the con-

cept that every man should be guaran-
teed an income by the Government, re-
gardless of whether he can or will work. A Federal Government-guaranteed an-
nual income will destroy self-reliance, individual responsibility, self-respect,

and the incentive to work. Therefore, in

good conscience, I cannot support or vote

for this program that I sincerely believe

can eventually destroy the moral fiber of

the United States of America.

EDUCATION PROGRAMS

Considerable discussion evolved over

the proposed reductions in Health, Edu-
cation, and Welfare appropriations—and

President Nixon's efforts to halt inflation

and restore the value of our dollar. No

one is more deeply concerned about the

need for reductions in Government spending programs than I am—and I

always have been. However, when it

comes to the education of our children

and the Government's commitment to

our educational programs that have budgeted these funds, and are

depending on them for their operations, then I must support our school districts.

I have in the past, and I will continue to

do so in the future.

If we must make reductions in the

overall appropriations program, then we
should carefully consider a reform of our costly welfare system, a reduction in our wasteful foreign-aid program, increased efficiencies in military expenditures, and a realignment of some of the ineffective OEO programs as good places to make needed cuts. I have supported education funding over the Presidential veto.

**THE 18-YEAR-OLD VOTE**

Mr. Speaker, during my campaign for elections—and, further, when I took the oath of office, I swore to support and defend the Constitution. Now, from this base, let us take a look at the issue of the 18-year-old vote.

I have always said that I would vote to submit to the several States a constitutional amendment fixing the voting age at 18. Recent campus riots have not changed my mind because I would not penalize the vast majority for the transgressions of a small minority. However, I am opposed to a simple Federal statute. It is for three reasons: First, to consider such a statute unconstitutional; second, even if constitutional, such a statute, as distinguished from a constitutional amendment is unwise.

Article 1, section 2, provides that those voting for Federal officers—representatives—"shall have the qualifications requisite" for those who are eligible to vote for members of "the most numerous branch of the State legislature". The 17th amendment contains the same language as it applies to those voting for U.S. Senators.

In explicit in that language is the acknowledgment, that States are authorized to fix voter qualifications in both State and Federal elections. There is no language in the Constitution or the amendments to the Constitution which says otherwise. Indeed, three of those amendments—the 15th, 19th, and 24th—which deal with voter qualifications in State elections, and the polls acknowledge that the power to fix voter qualifications cannot be taken from the States except by constitutional change.

Even if Congress has the constitutional power to lower the voting age by amending the statute—which I dispute—this does not mean that it is wise for Congress to exercise that power. It is, I believe, unwise for three reasons:

First, it is unwise because it would cast a cloud of uncertainty over the 1971 elections. Even if the court tests could be concluded and a judgment of constitutionality rendered before January, it might come too late for voter applicants in voter registration periods preceding elections scheduled early in 1971.

Second, a Federal statute is unwise because it would lower the voting age in the federal system. In the last 5 years, 20 States have rejected propositions to lower the voting age, one of them twice. Last year, the citizens of New Mexico voted to lower the voting age, and then voted down a new constitution that would have permitted lowering the voting age. On my 1969 annual legislative questionnaire poll on the subject, the citizens voted 2 to 1 against this provision. Three other States have the proposition on their ballots. For the sake of the federal system, it is wise for the Congress, even if it has the raw power to do so, to veto the will of half the States.

Third, a Federal statute with a built in constitutionality court test is unwise because it confronts the Supreme Court with an impossible dilemma. If it sustains this provision it will be faced with the necessity of amending the Constitution by judicial fiat. If it declares the statute unconstitutional, the Court will be blamed for frustrating the expectations of 11 million young Americans between the ages of 18 and 21.

It is, I repeat, unwise to expose the Court to such needless abuse. It is unwise to place the Court in such a dilemma. For those who are eligible to vote for members of the Congress as well as to the President.

The "people's right to know" must be honored and protected. Except for matters involving our national security, congressional committee proceedings should be open to the public. While recorded teller votes may consume additional time, I certainly have no objection to placing my name on the record on every vote of the public's business.

These basic concepts and reforms seem to find general acceptance among most Members of this House—but there are other proposed specific changes that will probably make the voting-age 18 a nonstarter. Because of these, I seriously doubt that a meaningful reform measure will be finalized this year.

**HILL-BURTON HOSPITAL PROGRAM**

I support the Hill-Burton program of Federal assistance for the construction of hospitals and improvements in hospital facilities and increased hospital beds. The 1971 program will provide $600 million in loan guarantees. This will protect the taxpayer and the public from the fellowship sometimes may even contribute to this pollution. There is no better example than the present struggle over the construction of neighborhood schools and the insidious ideas of compulsory busing of students to achieve racial balance. We cannot improve the quality of life by arbitrary, unworkable decrees that destroy neighborhoods and encourage drug pushers and halt the importation of drugs into this country. And, I am grateful and appreciative of the concern and positive attitude of the young Americans who are working to help understand the tragic dangers of drug abuse and the pitfalls and heartaches of narcotics experimentation.

**CONGRESSIONAL REFORM**

I believe reform and improvement is a vital necessity part of growth and development. Modernization and reform of the congressional process is in order and has my support. The "people's right to know" must be honored and protected. Except for matters involving our national security, congressional committee proceedings should be open to the public. While recorded teller votes may consume additional time, I certainly have no objection to placing my name on the record on every vote of the public's business.

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**POLUTION CONTROLS**

Mr. Speaker, no New Mexican wants Los Angeles smoke to choke Las Cruces. Nor does New Mexico want our rivers and streams to be shaped like the Potomac River or Lake Erie which died in its own filth a few years ago.

I want to make it clear that I support adequate Federal pollution laws and enforcement. Pollution does not respect State boundaries.

Unless and until we have fair and equitable standards, which can probably be improved best on a regional basis, there is likelihood of penalizing industries and municipalities in one State which has good antipollution laws when a neighboring State does not have adequate laws.

**THERE ARE OTHER KINDS OF POLLUTION**

The quality of life goes beyond the issue of air and water pollution. There is the pollution of inadequate education, of street crime, of poverty, of racial conflict—the pollution of young minds and bodies with narcotics and dangerous drugs and, smut and pornography.

The Government and the courts themselves sometimes may even contribute to this pollution. There is no better example than the present struggle over the construction of neighborhood schools and the insidious ideas of compulsory busing of students to achieve racial balance. We cannot improve the quality of life by arbitrary, unworkable decrees that destroy neighborhoods and encourage drug pushers and halt the importation of drugs into this country. And, I am grateful and appreciative of the concern and positive attitude of the young Americans who are working to help understand the tragic dangers of drug abuse and the pitfalls and heartaches of narcotics experimentation.

**SPENDING PRIORITIES**

I suggest the request that the Congress establish a firm ceiling on total expenditures which would apply to the Congress as well as to the President. This will protect the taxpayer and the consumer and require both the legislative and executive branches of Government to determine priorities and live within the established ceiling.

In President Nixon's 1971 budget, for the first time in 29 years, spending for human resources—health, education, welfare, retirement programs, and so forth—will exceed defense spending. In 1962 under President Kennedy, Federal Government spent 48 percent of its budget for defense and only 29 percent for human resources. By 1968, the comparison was 40 percent to 32 percent. This fiscal year only 37 percent goes for defense and 41 percent for human resources.

President Nixon's 1971 budget calls for more than $85 billion to be spent for domestic social programs while defense spending is moving down to $73 billion.
The budget includes $3 billion for elementary and secondary schools, $1.5 billion for higher education, $1.2 billion for vocational and other special education, and $800 million for manpower training. Health programs in the Federal budget add up to $14.9 billion. And initial cuts of $12 billion in defense already have been made.

**FOREIGN AID PROGRAM**

Mr. Speaker, never before in the history of mankind has there been demonstrated such shortighted generosity as our expensive, badly executed, uncontrolled, uncontrollable foreign aid giveaway program. This is the only Federal aid program I know of that does not exert Federal control along with the granting of Federal funds.

Since its inception, we have dished out $19 billion, counting the interest we have paid on the money we have borrowed to give away, to over 100 of the 120 non-Communist nations in the world. We have lost international respect and few friends than we did when we started this runaway boondoggle.

**IMPORTANT TRUTHS**

The public debt of the United States stands at minus $360 billion. The annual interest alone on that debt is more than $18 billion.

Interest on Federal borrowing is now more than 7 percent. Compare this with the rate at which veterans' and private citizens are now made under foreign assistance—2 percent for the first 10 years and 3 percent for the next 30 years.

Federal taxes are at their highest level to say nothing of State and local taxes. We hear with increasing frequency of a taxpayers' revolt. If the taxpayers knew the full story of the extravagance and waste in this program, the threat would be even more real.

Three countries that have been receiving, and will continue to receive, funds under this bill—Thailand, Korea, and Taiwan—now stand in the face of the United States at 6-percent interest.

Let us tell these hard truths to our constituents and see what kind of a response we get on how to vote on this grab bag.

**CONCERN FOR THE HUNGRY**

To those who ask me, "Do you not care about the poor or the hungry people of Africa or India?" I reply, of course, I am concerned about them, but I am more concerned about the poor overburdened taxpayers of America who are stuck with the bill for the irresponsible waste involved in the foreign aid program to the United States at 6-percent interest.

Let us tell these hard truths to our constituents and see what kind of a response we get on how to vote on this grab bag.

**PROPOSED SOLUTION**

We must initiate drastic reductions in foreign aid in all instances, except where emergency or auxiliary assistance is necessary to the defense of the free world and is economically advantageous to the United States. We must initiate some tough-fisted management over it. We must use commonsense on our administration of it and curb its waste and mismanagement.

We can do this by restricting grants to the careful distribution of surplus farm products to friendly underdeveloped countries to fill hungry bellies, by providing needed medicines to the sick, and by providing technological assistance where it can show immediate and direct benefits to those who have a willingness and desire to help themselves. Our money and equipment sent to countries needing help should be only to non-Communist countries, and this sort of assistance should be made in the form of sound, hard, reasonable interest-bearing loans, backed up with collateral, and to be repaid according to a specified, sensible, businesslike schedule.

Mr. Speaker, it is an unforgivable disgrace, indeed, for a country with a national debt greater than all the countries of the world combined, to continue to tax our precious nation and our taxpayers hard, to buy friends among people that readily turn against us when the till goes empty and the chips are down. Any supporter of this wasteful giveaway program, who has one hungry child or one depressed business in his district, should hang his head in shame if he continues to vote funds that are to be so irresponsibly spent. How absurd, how ignorant can we get when we throw our money away so foolishly?

**LISTEN TO AMERICA**

Across this great land of ours, Mr. Speaker, are millions of proud, independent, God-fearing, patriotic Americans who still love our country, support our Government and believe in the basic constitutional principles of limited government and free enterprise that made us what we are today.

I respectfully urge my colleagues in the Congress and our national leaders, regardless of their political party affiliations, to give heed to the voice of the American people. It is a great, wonderful, productive and proud land. Do not kill it with an overly powerful paternalistic central government and socialism which is taught in the大纲 of other nations.

Cultivate it, encourage it, and praise our country; do not ridicule and condemn it. With all its problems and imperfections, it is still the finest country ever known in the history of mankind.

Let us rededicate ourselves to the task of preserving our freedom, our heritage, our constitutional rights and principles upon which we were given the right to govern this land. Let us get back in balance again, economically and spiritually, and let us place the welfare of this great country ahead of political considerations.

**VETERANS: AN UNFULFILLED DEBT**

Mr. Speaker. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the second session of the 91st Congress has only partially met its obligations to the Nation's veterans. It is a true statement.

Congress has taken several helpful steps, but several more must be taken to meet our obligation.

Already in this session two major pieces of legislation have been signed into law which have put veterans and their dependents into line with non-Communist countries, and this sort of assistance should be made in the form of sound, hard, reasonable interest-bearing loans, backed up with collateral, and to be repaid according to a specified, sensible, businesslike schedule.

Mr. Speaker, it is an unforgivable disgrace, indeed, for a country with a national debt greater than all the countries of the world combined, to continue to tax our precious nation and our taxpayers hard, to buy friends among people that readily turn against us when the till goes empty and the chips are down. Any supporter of this wasteful giveaway program, who has one hungry child or one depressed business in his district, should hang his head in shame if he continues to vote funds that are to be so irresponsibly spent. How absurd, how ignorant can we get when we throw our money away so foolishly?
to any veteran who is in need of attendance by another person, or who is permanently house bound; second, a bill authorizing the Secretary of Veterans Affairs to make loans on life insurance policies for the purpose of providing for nursing home care at Federal expense; and third, a bill to achieve a more effective and improved administration of the program of sharing of certain specialized medical resources with community medical facilities.

This I believe has been a creditable record. I am proud of supporting all five of these bills on the floor of the House. However, it is important to realize that our obligation has not been completely fulfilled. The words of Teddy Roosevelt are very timely in this respect:

"No man citizen deserves as well of the Republic as the veteran. They did the one deed which, if left undone, would have meant all else in our history for nothing. But for the veterans, all of us would be meaningless, and our great experience in popular freedom and self-government would be a gloomy failure.

Let us honor our obligation to these veterans by approving the following pieces of legislation.

**LEGISLATION CONGRESS SHOULD ENACT**

The 91st Congress should add the following legislation to the books before it adjourns.

**WORLD WAR I VETERANS**

During the course of our efforts to provide veterans with necessary benefits, we have overlooked the special needs of our veterans from World War I. There are presently two bills pending in the House which should be approved: First, a bill providing for significant increases in the monthly rates of compensation for veterans with service-connected disabilities, second, a bill increasing the rates of pension payable for non-service-connected disabilities. Consequently, I am supporting the funding level for the Veterans' Administration medical program proposed by the Senate. The Senate voted an additional $100 million over the House appropriation. For several years the Veterans' Administration has been in an impossible budget squeeze between higher medical costs without a proportionate increase in funds and staff personnel. Therefore, the additional $100 million is essential for a modern medical program for veterans.

In fiscal year 1971 we will spend nearly $6 billion to provide services and benefits for America's 27.6 million veterans who make up nearly 18 percent of this Nation's population. I believe the legislation on which we all depend, and the legislation we hope to pass, will ensure that this country is living up to the responsibility it owes to the fighting men on whom we all depend.

Let us live up to this obligation and responsibility by approving these remaining pieces of veterans legislation.

**SENATE COMMITTEE ACTION ON BANK HOLDING COMPANY LEGISLATION**

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

Mr. GONZALEZ. Mr. Speaker, as many members of the House know, during the last session of Congress, the House Banking and Currency Committee spent many days and weeks working to produce sound legislation to regulate one bank holding companies. Admittedly, this was a complex and controversial task. But the result, I believe, was a reasonable body of legislation as it passed the House of Representatives on November 5, 1969, and was sent to the Senate for action.

To be sure, lobbyists on all sides of this issue were heard at work during House consideration of this most vital piece of legislation. However, it seems to me at least that the House did itself credit by approving, with the presumably passing a bill that was in the public interest.

On July 7 the Senate Banking and Currency Committee ordered reported its version of H.R. 6778, to amend the Bank Holding Company Act, to be reported out of committee with language for which no legal or working definition yet exists. (See "definition box.") permitted holding companies to retain subsidiaries that were not related to banking as long as they were acquired before a "grandfather" date of March 30, 1956. The House bill, after a rewrite, restored the integrity of such holdings acquired after 1956.

Gave holding companies up to ten years to sell subsidiaries not related to banking if they were acquired after the "grandfather" date.

Exempted holding companies with bank subsidiaries whose assets are less than $3 million or less than 25 per cent of the company's net assets.

**BACKGROUND**

Bank holding companies first became a congressional issue in 1954. At that time, the Federal Reserve Board, which was trying very strongly to encourage companies under existing laws, asked Congress for more power.

The bill: The next year the House gave the Federal Reserve Board the power to pass on all bank holding company acquisitions. The Senate, however, exempted holding companies which owned only one bank, and the Senate bill merely required the bank to be acquired, and the bill containing the one-bank loophole became law in 1956. President Eisenhower remarked that he signed the bill that he was pleased with the regulation but not with the one-bank exception.

The Senate bill helped small town banks, which Congress felt would go out of
business if not permitted to affiliate with non-banking companies. The big banks quickly took advantage of it.

By 1967, seven of the eight largest banks in the nation were affiliated with non-banking companies. They simply converted the management of their companies into holding companies, thus freeing banks themselves to become subsidiaries.

This tactic exempted them from Federal regulation in acquiring non-banking affiliates, and from the Federal Trade Commission as well.

Every year between 1966 and 1968, the Federal government recommended that the single-bank companies be given sole regulatory authority.

The Administration bill, the weaker of the two, would have permitted one-bank holding companies to acquire "functionally related" to banking. It also would have forced them to shed any non-banking subsidiaries within 2 years after October 1, 1968, the so-called "grandfather date." The Federal Deposit Insurance Corporation, the Federal Reserve System, and the Federal Housing Administration all took part in the Senate's attempts to limit the activities of the one-bank holding companies. Patman's amendment to the Senate bill, all holding company subsidiaries were to be exempt.

The final House bill was divided authority over one-bank holding companies to divest themselves of non-banking subsidiaries. The House bill represented a significant step toward the creation of a national bank system, with a single regulator to oversee it. Opponents of the House bill argued that it was too restrictive and would stifle competition.

The Senate bill, on the other hand, was more liberal than either. It allowed one-bank holding companies to keep their subsidiaries, but with restrictions.

The Senate bill was opposed by both the American Bankers Association and the banks themselves. They argued that the Senate bill would force them to divest assets that were not necessary for their business.

The Senate bill also included provisions to limit the power of the Federal Reserve System in regulating banks.

The Senate bill was signed into law on July 18, 1966, as the Glass-Steagall Amendment to the 1933 Banking Act.

The amendment became known as the "peach state amendment," a reference to the fact that it was passed in the state of Georgia, where two-thirds of the Senate's members were from.

The amendment had a significant impact on the banking industry, as it allowed banks to enter into more diverse businesses, such as insurance and securities.

It also had a significant impact on the Federal Reserve System, as it forced it to change its regulatory approach to banks.

The amendment is still in effect today, and it remains a controversial issue in banking regulation.
ment created considerable acrimony on the committee and among the staff. During hear-
ings on the proposal, Proxmire referred to it contemptuously. "The 25848 has been in its amended form for years, but no one on the committee ever saw the Cardon draft. Alan Lerner, vice president and general counsel of the Williams amendment, had not seen it. I may have seen something like that, but I don't recall it being specific" was Robert L. Cardon, as he told National Journal. "There were so many pages of paper floating around there, people were showing me my own drafts that I don't think I ever got a copy of them." Lerner did recall, however, that he had seen at least one proposal for a divestiture period of five years.

Committee action: In the markup session, the committee dealt with C.I.T. provisions as follows:

The divestiture period was set at five years, with another five available at the Fed's discretion.

A Proxmire amendment, future acquisitions in areas where the company already did business were forbidden unless the company divested lines of business. Additionally, the Williams amendment dropped either on the floor or in committee to the foreign business. James told National Journal that the Bank of America had no particular foreign business in mind.

Boston Safe Deposit and Trust Co. A Brookes amendment, pushed by lobbyist John Tingley, provided that, for purposes of the act, any trust institutions would be exempt from the law unless it engages in commercial lending. Virtually the only bank which does no commercial lending is Safe Deposit and Trust Co., a subsidiary of the Boston Co. The effect of the amendment is to exempt the Boston Co. from the bill.

Labor Union amendment: An additional amendment lobbed into the bill in part by Esther Peterson, president of the Amalgamated Clothing and Textile Workers Union, would exempt banks owned by labor unions. The largest union-owned bank is the National Bank of Washington, which belongs to the United Mine Workers of America. Mrs. Peterson, who committee staffers say "virtually camped on the doorstep" to President Johnson for consumer affairs.

Tie-In amendment: An amendment offered by Brookes and accepted by the committee gives the bank the date that damages were sustained for treble damages in instances where bank subsidiaries of bank holding companies engage in tie-ins. It also provides that the right to block interim acquisitions done contrary to the purposes of the act. The right to block interim acquisitions between subsidiaries was retained.

Nothing was specified as to how lines of business should be defined.

MAJOR REVISIONS

Some of the remaining major changes in the bill were made for particular bank situations and others were made to cover all bank holding companies.

Grandfather date: During the holding company bill's travel thus far through Con- gress, the barometer of its harshness as seen from the bankers of point of view has been the grandfather clause.

The Administration asked for a date of June 30, 1968, The House committee agreed on February 17, 1969. The full House moved it to May 9, 1969. In the Senate, committee staff again advanced, this time to March 24, 1969.

For many conglomerates the change will be unnecessary, since the Williams amendment is designed to exempt such companies from the act, it would exempt them from the act anyway. But if the Williams amendment is dropped from the floor or in conference, the later date could be significant for companies which made non-conforming acquisitions between June 30, 1968 and March 24, 1969. A partial list of such acquisitions follows:

General American Transportation Co. acquired LaSalle National Bank, Chicago ($374 million in deposits) on November 19, 1968.


National Lead Company acquired Takeview Trust, a subsidiary ($235 million in deposits) on January 15, 1969.

Baldwin-Central Inc. acquired Central Bank & Trust Co. of Denver ($200 million in deposits) in mid-1968.

C.I.T. acquired three X-ray and hospital equipment firms in the second half of 1968.

Outlook

The key to the outcome of the one-bank holding company bill will be Sparkman's selec-
tion of a Senate conference delegation.

Should Sparkman pick a seven-man delegation, seniority will dictate that it be composed of a majority of Senators who oppose
House force with each day argument Senator to the ready come under McLaren, conglomerate many of the manufacturers, retailers, and nonbank businesses they have acquired in recent years. Mar. 24, 1969, the day the Nixon Administration first sent one-bank holding company legislation to Congress. The House bill, by the Administration’s original proposal of June 30, 1968.

[From Business Week, July 18, 1970] KEEPING THE BANKERS IN BUSINESS Regulation of one-bank holding companies has been one of the hardest—fought issues in a session that has already seen some spectacular fights. Late last year, bank-hating Representative Wright Patman, chairman of the House Banking and Currency Committee, caught the industry’s lobbyists asleep and rammed through a bill that was tough to the point of viciousness. Last week, when the Senate Banking Committee produced its rewritten version of the bill, the lobbyists obviously were wide awake. The Banking Committee’s version points out that it comes close to being no regulation at all.

The principal virtue of the Senate bill is that it could not try to rewrite history by making banks divest themselves of all the nonbank businesses they have acquired in recent years. That is how, for example, if Mar. 24, 1969, the day the Nixon Administration first sent one-bank holding company legislation to Congress. The House bill, by contrast, would roll the date back to 1956.

The Senate bill, however, leaves far too much latitude when it prescribes the sort of business in which a one-bank holding company could enter. It would let them go into anything “functionally related” to banking, with the Federal Reserve Board deciding just what that meant.

The Senate bill, moreover, would allow many of the manufacturers, retailers, and conglomerate corporations that own a bank to ignore all rules and keep making acquisitions as before. This provision, sponsored by Senator Proxmire (D-Wis), would provide the government with the power to stop any acquisition, but it would not put a brake on any commerce conglomerates who have adopted spurious reasons and rationalizations to continue this discrimination against women.

It is time for the Federal Government to live up to the same requirements we are imposing on private industry. The equal employment opportunity laws in the Federal Government should be extended to empower the EEOC to enforce the law through cease-and-desist orders. I hope my colleagues of the House will take the time to read a few sample pages. It is difficult to believe that the Department of Labor could think it right to discriminate against women. It is very difficult to believe that the Department of Labor could think it right to discriminate against women. It is very difficult to believe that the Department of Labor could think it right to discriminate against women.

I refer specifically to employees of the overseas dependent schools system, which is charged with the responsibility of educating the dependents of American military serving abroad. The rights of teachers and others employed in this system have not been protected by existing law, by Executive order, by regulations, or by Executive order, by regulations, or by the courts.

In urging my colleagues to help eliminate sex discrimination in the Federal service by voting in favor of H.R. 17555, I cite for their benefit the existing legal
authority that may be presumed to protect Federal employees from sex discrimination, and evidence that such authority is being violated and sex discrimination in the Federal service. Instead it has been cited to promote it: [From the Civil Rights Act of 1964 (Public Law 88-352), sec. 703(a)]

**DISCRIMINATION BASED ON RACE, COLOR, RELIGION, NATIONAL ORIGIN; terminals, conditions, or privileges of employment, or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin; or)**

**EXECUTIVE ORDER 11478—EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT**

It has long been the policy of the United States to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination as to race, color, religion, sex, or national origin. All recent Presidents have fully supported this policy, and have directed department and agency heads to adopt measures to make it a reality. As a result, much has been accomplished through positive agency programs to reduce discrimination. Additional steps, however, are called for in order to strengthen and assure fully equal employment opportunity for all employees.

Now, therefore, under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Section 1. It is the policy of the Government of the United States to provide equal opportunity for all Federal employees on the basis of merit and fitness, without regard to race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program of recruitment, selection, and opportunity. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel practice in the Government, development, advancement, and treatment of civilian employees of the Federal Government. Section 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policies and procedures set forth in this order. It is the responsibility of each department and agency head, to the maximum extent possible, to provide substantially the following: (a) a program in a positive and effective manner, assurance that recruitment activities reach all sources of job candidates; utilization of affirmative employment opportunities for minority groups; and establishment of an affirmative program for the maximum feasible opportunity to employees to enhance their skills so that they may be promoted to positions requiring a higher level of skill, training, or education; (b) a program in the affirmative action plan of each department: provide the maximum feasible opportunity to employees to enhance their skills so that they may be promoted to positions requiring a higher level of skill, training, or education; (c) a program in accordance with their abilities; provide training and advice to employees concerning their understanding and implementation of the policy expressed in this order; assure participation at the local level in the development of affirmative action plans by public or private groups in cooperative efforts to improve community conditions which affect employability and provide for a system within the department or agency for periodic evaluation of the plans by which the policy of this order is being carried out.

Section 3. The Civil Service Commission shall provide leadership and guidance to departments and agencies in the conduct of equal employment opportunity programs for the civilian employees of Federal departments and agencies for employment within the executive departments and agencies in order to assure that the Civil Service Commission's affirmative action programs and policies are carried out. The Commission shall review and evaluate agency programs periodically, obtain such reports from departments and agencies as it deems necessary, and report to the President as appropriate on overall progress. The Commission will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this order.

Section 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination based upon race, color, religion, sex, or national origin, and provide an adequate opportunity for an aggrieved employee to be heard and be advised and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of such complaints shall provide for a prompt, fair, and impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

Section 5. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out this order and assure that the executive branch of the Government leads the way as an equal opportunity employer, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this order.

Section 6. This order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and employees thereof (including employees paid from non-appropriated funds), and (b) to those portions of the District of Columbia, the States, and Territories of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees held to this order, unless the Civil Service Commission determines that it does not apply to aliens employed outside the limits of the United States.

Section 7. Part 1 of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11376 of October 13, 1967, which apply to Federal employment, are hereby superseded.

RICHARD NIXON

President of the United States.

August 8, 1969.

**PRESIDENT’S MEMORANDUM OF MARCH 28, 1969, DECLARES THE EMBARGO ON EQUAL EMPLOYMENT OPPORTUNITY**

The concept of nondiscrimination is inherent in the Civil Service Act of 1883, which provided both for a merit system of employment and for an employment system that would provide for the equal employment of all citizens. Non-discrimination was broadened by President Eisenhower to include schools. President Kennedy, by his issuance of Executive Order 10980 in 1965, in the years that followed, other Executive Orders, and it has been extended to include equal opportunity in the employment, development, advancement, and treatment of employees of the Federal Government. In the years that followed, other Executive Orders, and it has been extended to include equal opportunity in the employment, development, advancement, and treatment of employees of the Federal Government. President Johnson's Board of Inquiry on equal employment opportunity recommended that the President issue such an order. The President issued an executive order extending the principles of Presidential directives to continuing support for this program at the highest levels of Government.

I want to emphasize my own official and personal endorsement of a strong policy of equal employment opportunity in the Federal Government. I am determined that the executive branch of the Government shall move in the same way as an equal opportunity employer.

Although the leadership of the Civil Service Commission significant progress has been made towards the realization of equal employment opportunity, much remains to be done. Accordingly, I have directed the President of the Board of Inquiry to conduct a thorough review of all present efforts to achieve equal employment opportunity within the Federal Government. I report back to us on or before May 16, 1968, with recommendations for desirable policy and program changes in regard to those efforts.

Meanwhile, I want every reasonable effort made to ensure that the Federal Government is an equal employment opportunity employer. I urge you, if you have not already done so, to communicate your personal support for this program to all officials and employees of your agency.

RICHARD NIXON

President of the United States

THE WHITE HOUSE, WASHINGTON, D.C.

WILL NOT HIRE MARRIED WOMEN

First Mrs. H. R. and Mrs. R. M. teachers at Ramie Base Schools, Ramey Air Base, Puerto Rico, could not be hired in the continental United States unless her husband is also employed at Ramey Air Base, but if he is so employed she still cannot be hired under Ramie rules. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the basis that it is deemed necessary to provide the possibility of being hired in the continental United States for work overseas because they were married women.
request recruitment of United States citizen employees from the CONUS until his command is able to provide adequate on-base facilities which are not otherwise available.

The civilian employees hired under a transportation agreement are not entitled to the benefit of the government surplus and do not serve under a transportation agreement. Additionally, there are a few employees locally hired for service under a transportation agreement. The commander has the responsibility of providing them with adequate facilities on base if they are not otherwise available.

Under Air Force regulations, the commander in an overseas area may determine the feasibility of permitting personnel, other than nonmilitary Department of Defense employees, to use base facilities and to establish limitations. This applies to the commissary as well as the facilities supported by commissaryfinanced funds, e.g., the base theater, exchange, and recreation sports facilities. The policies of Ramey AFB commander are in accordance with the governing laws and implementing regulations and appear to be equitable and appropriate. His policies also provide that nonmilitary Department of Defense employees must not compete with local private businesses.

Colonel at Ramey AFB serving under a transportation agreement are authorized to use the medical and dental services, school facilities (children of locally hired teachers may attend), and all base facilities and services, the chapel and the education services. Depending upon their grade, they may apply for associate membership in the officers or noncommissioned officers open messes.

Employees of other federal agencies which are supporting Ramey AFB activities, and of entities such as Cornell University officials assigned to the Arecibo, Puerto Rico Observatory Project and any other University that under contract to the Air Force, are granted the same base privileges as Air Force civilian employees. Ramey AFB employees who are serving under a transportation agreement are not authorized to use the facilities or privileges of these agencies or entities except base exchange, golf course, skating rink, theaters, bowling alley, gymnasium, horseback riding stables, hobby shops and Aeroclub. All employees are authorized to use the eating facilities, base library, financial and postal services, the chapel and the education services. Depending upon their grade, they may apply for associate membership in the officers or noncommissioned officers open messes.

The fact that her employment determined the location of her family was repeatedly evidenced by her accepting a substitute's position at Ludwigsburg in April 1963 and at Baumholder in her position in İzmir, Turkey, in December 1965, and her traveling to Italy on her own with her husband and then accepting a position at Ludwigsburg by mail and returning to Ludwigsburg to assume that position in September 1967.

If the denial of a continental U.S. contract or its equivalent, with its attendant privileges, to married female employees in case No. 1 is predicated on the supposed unreliability of such employees because their spouses determine the location of the family, then the rationale of such discrimination did not apply to this case.

Yet Mrs. W.'s application for living quarters allowance, renewal agreement, and tuition-free enrollment of her dependent children in Department of Defense schools was denied. This time the rationale was that her presence overseas was not due to her Government employment—a requirement applicable to men as well as women. All she had to do was to be overseas because of her job; in other words, to be hired in CONUS.

What the rationale does not state, however, is that the system will not hire women for nonmilitary reasons and will turn overseas to be with her working husband and not for the sole purpose of employment with the U.S. Government. Later she became head of her household and the source of 51 percent of her family's income, however, her request was again denied.

Now she is told that her status as a dependent wife, ineligible for Government housing, cannot be changed except by the death of her husband or divorce, and her status as a local hire, ineligible for a travel agreement and living quarters allowance, cannot be changed even though it was and still is impossible for her to be hired in the United States as a married woman.
information on which to base a reply to an inquiry from Congresswoman Patsy T. Mink on behalf of Mrs. K. C. M.

At the time Mrs. M.'s appointment in August 1968, the determination was made by the Command that she was not eligible in her own right for a living quarters allowance or transportation. This determination was in accordance with the Joint Travel Regulations and the Department of State Standardized Regulations (Government Civilians, Foreign Areas) which provide these benefits only to those individuals whose requirements bear a relationship to the dependents of the United States Government. Mrs. M. came overseas to be with her husband, who is an Assistant Field Director with the American Red Cross in Germany.

On 7 April 1970, Mrs. M. submitted a request for renewal agreement travel under the provisions of the Joint Travel Regulations. She was informed that she was not eligible for renewal travel because she did not have a basic travel agreement. When advised of this determination, Mrs. M. told us that she could file a grievance.

When approved by the U.S. Department of State, Europe that Mrs. M. had filed a Type I grievance dated 14 May 1970 appealed. The appeal was not resolved to the employee's satisfaction.

As an appeal procedure provides for a review and decision on the appeal first, by the local command and, if this does not result in the required benefit, appeal to the intermediate command. In the event an appeal involves application of a Headquarter's Department of the Army regulation which is not resolved to the employee's satisfaction within the command, the major command in question then becomes the intermediate command. In cases arising under the Civil Rights Act of 1964, equal employment opportunity is to be given every possible consideration under the established eligibility criteria.

JOHN G. KEIST
Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs)

The Equal Employment Opportunity Commission denied jurisdiction over this matter in the following letter:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Hon. Patsy T. Mink,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: Thank you for your letter of May 12, 1970, concerning Mrs. K.C.M.

Title VII of the Civil Rights Act of 1964 gives the Equal Employment Opportunity Commission authority to act on complaints of employment discrimination based on race, color, religion, national origin, or sex, occurring within establishments having fifteen or more employees. We cannot, however, assert jurisdiction over agencies of a state or Federal government. Thus, we regret that we would not be able to handle your constituent's complaint.

I would suggest that your inquiry be directed to the Office of the Chief of Legislative Liaison, Department of the Army, at the following address: Lt. Col. Carl B. Lind, Chief, Legislative Liaison, U.S. Dept. of the Army, The Pentagon—2C900, Washington, D.C. 20310.

If I can be of further assistance to you in any way, please do not hesitate to contact me.

Sincerely,

George Wallrodt,
Director of Legislative Affairs.
pendency treatment), there is, nevertheless, a distinction that cannot be disregarded.

I believe that you will agree that any attempt to use Executive Order 11478 to reach regulatory married-women dependency differences would be an extension of the type of discrimination prohibition that is too drastic to be supportable. Accordingly, I believe that Executive Order 11478 has no application to age or governmental policies which result in discrimination against married women.

Please do not interpret the foregoing as any criticism of the Air Force's present policies or of the sex discrimination prohibited by this order. The Committee has been asked by the House Post Office and Civil Service Committee to report on H.R. 469. Our position on the policy decision of this case is being developed, but I am confident we will endorse the bill's general objectives.

Sincerely yours,
ROBERT E. HAMPTON, Chairman.

ASSISTANT SECRETARY OF DEFENSE, Washington, D.C.

HON. PATSY T. MINK, House of Representatives, Washington, D.C.

Dear Mrs. Mink: This is in further reply to your letters of 29 August 1968 and 19 September 1968 concerning the granting of commissary privileges to the husband of Mrs. J.G.M.

We have now been advised by the Department of the Air Force that Mrs. M. is entitled to commissary privileges for her husband. However, due to an error in the interpretation of the regulations, the Commander, Wiesbaden Air Base, Germany, denied the privileges. The Air Force is taking necessary action to correct this error.

By letter dated 11 June 1968, all major commands of the Air Force were notified as to the departmental policy of the Department of Defense concerning the granting of commissary privileges to the spouse of a female employee without a requirement for a showing of dependency.

Your interest in bringing this matter to our attention is appreciated. We are concerned that this decision be fully understood and properly administered.

Sincerely yours,
CHARL W. CLELOW, Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

HUSBAND'S STATUS PARAMOUNT

Fifth. Mrs. R. W., and Mrs. C. E. were recruited in the United States to teach in the Department of Defense overseas dependents schools system, were subsequently transferred to Augsburg Elementary School, and married foreign nationals.

As a CONUS hire each should have been deemed eligible for living quarters allowance, and as head of household determined the location of her family, each qualified for government housing.

Nevertheless, the husbands' prior residence in Augsburg was used as justification by their civilian personnel officer to cancel the wives' eligibility on the basis of USAREUR Regulation 10-50: that is, "For married female personnel (military or civilian) the husband's status will determine eligibility for housing."

This regulation and its interpretation deprived these women of rights and privileges granted outright to men under identical circumstances.

Sixth. Mrs. W. L. O., a teacher at American High School, Ankara, is married to a Turkish national, who is judged ineligible under the policy to use hospital and recreational facilities, although the foreign national wives of male teachers are eligible for these benefits.

The basis for this ruling is contained in a December 17, 1968, memorandum from the U.S. Air Force Office of Legislative Liaison to the Deputy Assistant Secretary of Defense—Civilian Personnel Policy—Office of the Assistant Secretary of Defense—Manpower and Reserve Affairs:

Mrs. O. asks why her husband is not eligible to use the United States military hospital when the Turkish wives of United States citizen government personnel are automatically granted this benefit. APF 168-1, 1 July 1966, as amended specifies the limits for providing medical care in Air Force facilities for United States citizen civilian employees and their dependents. It defines such dependents to include: (1) Wife who is not an employee of a federal agency. (2) Husband who is physically or mentally incapable of supporting himself. This is based on Section 1072, Title 10, United States Code, which is applicable to the U.S. military hospital and medical privileges to spouses of female civilian employees on the same basis as those of female military personnel, the policy appears to be equitable and reasonable.

Mr. O. works to support himself; hence, he does not qualify as Mrs. O.'s dependent for this purpose. In the absence of a law, policy, or practice, a base is not required to make additional requirements for women to obtain benefits for their spouses.

EXPEDIENTS' CORRECTIVE ACTION

Seventh. Mrs. C. I. N., a librarian at Andersen Air Force Base, Guam, is married to an unemployed American studying under the GI bill. Her husband was denied Air Force medical care by SAC headquarters on the basis of APF 168-1, paragraph 1(a), which reads: "(a) Employees of the Air Force medical care for the husband of a civilian service employee outside the United States is available only if he "is physically or mentally incapable of supporting himself." The promised expedited decision has not been forthcoming. The spouse of a male civilian employee is eligible for medical care under any circumstances.


Dear Mrs. Mink: This is a further interim reply to your letter of October 2, 1969, requesting information regarding medical care for husbands of Air Force employees.

We have pointed out to the Air Force that any differential treatment of the dependents of male or female employees would constitute sex discrimination. We have been informed that the Air Force Surgeon General is exploring extending eligibility requirements for medical care to include husbands of Air Force employees.

We will keep you advised when this matter is finally resolved. We have asked the Air Force to expedite its decision.

Sincerely yours,

IRVING KATON, Director, Federal Equal Employment Opportunity.

EIGHTH. Mrs. L. R. M., a teacher at Baumpholder American High School, married an American in November 1969, and was recruited in the United States, as head of household, she was required to submit evidence to document the fact that she was providing more than 50 percent of her family income.

Under identical circumstances, a married male teacher qualifies for family housing without being required to document his wife's income, and his wife could in fact earn more than the husband and still be eligible for housing.

This is one of innumerable instances of this kind of sex discrimination against a married female employee. To be eligible for housing or other privileges granted without condition to married male employees, she must establish the dependency of her spouse.

WOMEN LOSE BENEFITS

Ninth. Mrs. H. P. was single when she was recruited in the United States for a teaching position at Camden Elementary School, Clark Air Force Base, effective July 1967. After her marriage in 1968 she was declared ineligible for living quarters allowance because it was alleged that it was her husband, rather than hers which determined the location of the family in the area.

This ruling violated not only Executive Order 11478 but also the Department's own standardized regulations. Yet Mrs. P.'s grievance went unredressed for almost 2 years, until the Comptroller General of the United States rendered the following decision:

COMPTROLLER GENERAL OF THE UNITED STATES, Washington, D.C.

Mr. CECIL DRIVER, NEA Director for Overseas Education Association, Camden Elementary School, P.O. New York.

Dear Mr. Driver: Reference is made to your letters of March 18 and March 21, 1970, concerning alleged discriminatory practices in sex in Education Law 86-91, 73 Stat. 213, 216, with particular reference to the cases of Mrs. H. P. and Mrs. R. H.

Section 7 provides, in part, that:

"(a) Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to quarters, guardia allowance, and storage as provided by this section.

"(b) Each teacher (other than a teacher employed in a substitute capacity) shall be entitled, for each school year for which he performs services as a teacher, to quarters of a teachers' allowances, and storage as provided by this section.

"(c) A quarters allowance may be granted to a married woman employee residing with her husband (or, if not legally separated, a quarters allowance may be granted to a married man employee residing with his wife) in the United States if the family of the employee qualifying for a quarters allowance could be maintained only if a common dwelling could be maintained only if"

"(1) she is the member of the household..."
whose job determines the location of the family at the post or in the area, and

"(2) she is the member of the household receiving a quarters allowance from the United States Government.

"b. If a married woman employee meets the provisions of section  . . . 631.3a she may be granted the quarters allowance and the supplementary post and education allowances only if her husband is 51 percent dependent upon her for support. Otherwise, she may be granted only the "without family" rate of temporary lodging, including private post, foreign transfer and home service transfer allowance."

The above regulations were revised August 11, 1966, to read as follows:

"A quarters allowance may be granted to a married employee residing with his or her spouse (or, if not legally separated, is living in such a quarters allowance that common dwelling could be maintained) only if

"(1) he or she is the member of the household whose job determines the location of the family at the post or in the area, and

"(2) he or she is the only member of the household receiving a quarters allowance from the United States Government.

We note that the regulations prior to October 13, 1963 (at least from April 2, 1961), while admitting that there were several cases involving married women, never defined what was meant by "the member of the household," and specified that they applied only to married women, nevertheless, we must decline to make any determination as to whether the regulations as they existed prior to August 11, 1966, were discriminatory and possibly so in the case of Mrs. P. had the regulations been in effect at that time. It is quite another to make that assertion where she independently prior to her marriage entered Government service in connection with her own employment and chose to marry while there. In the latter case her presence in the family at the post is at least as clearly related to her employment as to her husband's.

Accordingly, instructions have been issued to allow Mrs. P. the "with family" quarters allowance (plus foreign post differential) on and after August 11, 1966. . . .

Copies of these instructions are being sent to Congresswoman Patsy T. Mink and to the Secretary of the Army.

Sincerely yours,

R.F. KELLEY
Assistant Comptroller General of the United States.

These cases prove how real the need is for effective enforcement of a nondiscriminatory policy. Here in summary is the "run around" a woman is now faced with as a teacher in the overseas dependent schools system.

First, a married woman is not eligible to be hired as a state side recruit because she cannot be reasonably expected to comply with the conditions of the agreement. Second, a married woman cannot qualify for quarters allowance unless she can prove her job determines the location of her family.

And third, a married woman who first went overseas to be with her husband, but who later became head of the household and the source of 51 percent of the family earnings is still not eligible for quarters allowance, because she was a local hire and not a state side recruit. The only way for her to qualify for Government housing is if her husband dies.

Fourth, a single woman who was recruited state side and later married overseas, and now provides the bulk of the family income, is ineligible for quarters as long as her husband is physically and mentally capable of supporting her. She is presumed to have the marital "duty" to provide for her support.

Fifth, a single woman recruited state side who later married overseas is ineligible for quarters allowance because her husband had a "residence" overseas prior to the marriage and his "status determines the eligibility."

Sixth, a single woman recruited state side who married a Turkish national is ineligible to have her husband cared for in a military hospital or use recreational facilities although foreign national wives may be provided with "with family" rates which is included in dependent for transportation purposes but not for eligibility for medical care. The Air Force regulations state that to be eligible you have to be a "wife of a member of the Air Force," which is presumed to mean that she has to be married and physically and mentally incapable of supporting herself.

Seventh. A single woman recruited state side and subsequently married to a Turkish national, but who is still a full-time student under the GI bill on Okinawa, was denied medical care for her husband on the grounds that he could be eligible only if "physically and mentally incapable of supporting himself."

LEGISLATION TO PERMIT INTERCHANGE OF RETIREMENT CREDITS BETWEEN CIVIL SERVICE AND SOCIAL SECURITY

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am introducing legislation today to correct a serious injustice in our social security and civil service retirement systems. My bill would provide for an exchange of retirement credits by persons who have worked in different periods during their employment careers, work for both the Federal Government and private industry. While working for the Government they are covered by the civil service system, and while working for private industry employment they are covered by the social security system.

The objective of my bill is to permit such employees to retire at age 65 under Section II of H.R. 17555, as approved by the Committee on Education and Labor, provides:

Sec. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT"

"Sec. 717. (a) All personnel actions affecting employment in the competitive service shall be made free from any discrimination based on race, color, religion, sex, or national origin.

(b) The Equal Employment Opportunity Commission shall have authority to enforce the provisions of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate head of a District, a Service, or a Governmental entity shall comply with such rules, regulations, orders, and instructions: Provided, That such rules and regulations and orders and instructions shall provide that an employee or applicant for employment shall be notified of any fiscal action taken on any complaint filed by him thereunder.

(c) Within thirty days of receipt of notice given, under subsection (b), the employee or applicant for employment, if aggrieved by the decision of the head of the appropriate Department or agency, may file a civil action as provided in section 715, in which civil action the head of the executive department or agency, or the appropriate head of a District, a Service, or a Governmental entity, shall be the defendant.

"(d) The provisions of section 715 shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Bureau of the Budget determines relate to nondiscrimination in government employment are transferred to the Equal Employment Opportunity Commission.

"EFFECT UPON OTHER LAW"

"Sec. 718. Nothing contained in this Act shall relieve any government agency or official of its or his primary responsibility to assure nondiscrimination in employment in positions covered by the provisions of chapter 53 of title 5, United States Code.

"Sec. 719. Nothing contained in this Act shall be construed to alter or affect any right or benefit accruing to any person under any Act of Congress.

"Sec. 720. Nothing in this Act shall be construed to alter any right or status of an employee or applicant for employment with the District of Columbia or the Commonwealth of Puerto Rico.

"Sec. 721. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

"Sec. 722. The Director of the Office of Management and Budget shall issue such rules and regulations as may be necessary to carry out the purposes of this Act.

"Sec. 723. Any见过 of this Act shall be referred to the United States district court of the district in which the defendant is found, and such court shall have jurisdiction to issue a permanent or temporary injunction in any case to restrain any violation of any provision of this Act.

"Sec. 724. Any employee or applicant for employment . . . .
either system and receive retirement benefits equal to what they would have received had all rights been folded into the entire system under that system.

This interchange of retirement credits between the civil service and social security systems would help hundreds of thousands of individuals who are eligible for reduced or no retirement benefits under either system because they split their employment between the two systems.

Since there is presently no provision for an interchange of credits, many people who have been employed for years are unfairly penalized simply because they worked under two different retirement systems.

My bill is partly based on the recommendations of the Social Security Administration. The report was directed by the House Committee on Ways and Means in the committee report on the Social Security Amendments of 1965.

The report found that considerable mobility exists between Federal and private employment. In the 5 years from 1963 to 1967, an average of about 400,000 employees entered or left Federal employment covered by the civil service retirement system.

About one third of those who left Federal employment had 5 or more years of government service and thus were qualified for either a lump sum refund of their contributions to the civil service retirement fund, or a deferred annuity payable at age 62. The other two thirds, with less than 5 years of Federal service, did not have the deferred annuity option and did not choose to accept contribution refunds.

Those who separated after 5 or more years of coverage under civil service, but before retirement, more than three-fourths voluntarily withdrew their contributions soon after separation and thereby lost all retirement benefits under the system. These benefits may be regained only if a worker reenters Federal employment and is again covered by the system.

The great majority of those leaving the Government before retirement lose their benefits under the civil service system. For their retirement security, they must depend in most cases on social security.

Since retirement benefits under the social security system are related to length of time in covered employment, it is important that those who separate are properly regarded as an act of historic importance in preserving areas of the American wilderness. Indeed, this is the promise and potential of this important legislation, but the legislation has only provided the opportunity. It remains for areas of wilderness to be studied, proposed, and individually approved by Congress to be protected as part of the national wilderness preservation system.

To accomplish this, to bring deserving and suitable areas under wilderness protection, we established a 10-year program for orderly reviews of potential wilderness lands by the agencies, the Bureau of Sport Fisheries and Wildlife, the National Park Service, the Forest Service, and the National Park Service.

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About one third of those who left Federal employment had 5 or more years of government service and thus were qualified for either a lump sum refund of their contributions to the civil service retirement fund, or a deferred annuity payable at age 62. The other two thirds, with less than 5 years of Federal service, did not have the deferred annuity option and did not choose to accept contribution refunds.

Those who separated after 5 or more years of coverage under civil service, but before retirement, more than three-fourths voluntarily withdrew their contributions soon after separation and thereby lost all retirement benefits under the system. These benefits may be regained only if a worker reenters Federal employment and is again covered by the system.

The great majority of those leaving the Government before retirement lose their benefits under the civil service system. For their retirement security, they must depend in most cases on social security.
These facts are plain and incontrovertible. It is clear that the preservation of parkland wilderness as provided for in the Wilderness Act is essential. In point of fact, one might infer that the foresight of the Park Service as an expression of disenchantment with this program, which would be of greater reason for assuring park area statutory protection to the people of the thousands of citizens from all walks of life and in every part of this country have supported this program and have taken a personal part in the administration of this program. I believe these criticisms have been held. I am one who supports the program, which would be only greater assurance of parkland wilderness as provided for in the Wilderness Act properly and promptly fulfilled, and with it the promise to which we have committed ourselves, to assure an enduring resource of wilderness for all the people forever. I believe the directive of Congress is clear and I will evaluate the response to my letter on those grounds, and I will take prompt remedial action to get back on and to meet the 1974 schedule. If that will now mean some rejuggling of the Park Service planning operation, then it is clear that planning operation need rejuggling in any case.

George Hartog, the Director of the National Park Service, asking for a prompt explanation and an indication of the steps he is taking to rectify the situation. I include my letter in the Record at the conclusion of this discussion.

Mr. Speaker, I want to see the Wilderness Act properly and promptly fulfilled, and with it the promise to which we have committed ourselves, to assure an enduring resource of wilderness for all the people forever. I believe the directive of Congress is clear and I will evaluate the response to my letter on those grounds, and I will take prompt remedial action to get back on and to meet the 1974 schedule. If that will now mean some rejuggling of the Park Service planning operation, then it is clear that planning operation need rejuggling in any case.


Mr. George B. Hartog, Jr.,
Director, National Park Service, Department of the Interior, Washington, D.C.

Dear Mr. Hartog:

At a recent meeting of the House Subcommittee on National Parks and Recreation, which I chair, the National Park Service was behind schedule in designating wilderness areas within our nation's parks.

Since it was the intent of Congress that this program be completed within 10 years from the time of its start, it appears there will have to be a major change in Park Service procedures if wilderness areas are to be designated under the Wilderness Act. I believe that the speed with which wilderness areas must be designated under the Congressional mandate requires a simplified approach on master plans which would allow for greater progress on the wilderness areas, an approach that sufficient funding has been provided for this purpose.

I would appreciate your indication of what affirmative steps the Park Service will undertake to meet the Congressional objective.

Very truly yours,

Pat T. Minke,
Member of Congress.

Some High Grades for Lorton

Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.

Mr. GUDE, Mr. Speaker, today's Washington Post contains an editorial with some encouraging news about the college study program at the Lorton Reformatory. In its first 15 months of operation, inmates have been offered 32 college courses. Inmates from Federal City College who conformed to the rules are allowed to participate in these courses.

The follow-up results are impressive, too. Of those students who left Lorton on parole, 60 percent enrolled in FCC or the Washington Technical Institute, where their credits were transferred. It is clear that education is something to do on winter breaks at Lorton. Inmates have been offered 360-man jet air travel passes, 20 or more men may be enrolled. In the concern about crime and education, this is money well spent and a tribute to the success at Lorton.

STATEMENT OF HON. JOEL T. BROHILL, REPUBLICAN OF VIRGINIA, ON INTRODUCTION OF LEGISLATION TO REVISE PAY STRUCTURE FOR POLICE FORCES AT WASHINGTON NATIONAL AND DULLES INTERNATIONAL AIRPORTS.

Mr. BROHILL of Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.

Mr. BROHILL of Virginia Mr. Speaker, the condition involving the safety of the public and airline passengers prevails at the Washington National Airport and the Dulles International Airport. The safety of the public and airline passengers is more often than not in accounts addressed to the host of problems besetting correctional institutions across the country—living conditions, prisoner behavior and all the related investigations. It is a pleasant change, therefore, to read about the great success Lorton is having with its college study programs.

In the past 18 months, high grades and inmate interest have been high.

In the last academic year, 161 men in the 180-member complex for boys ages 16-19—youths—have been graduated from 32 college courses. During a typical quarter, 60 inmates took three freshman courses each, from sociology to English and English Composition. Officials say the concentration of grades was in the A and B range and, according to instructors from Federal City College who conduct the courses, the students performed better than students at FCC.

The follow-up results are impressive, too. Of those students who left Lorton on parole, 60 percent enrolled in FCC or the Washington Technical Institute, where their credits were transferred. It is clear that education is something to do on winter breaks at Lorton.

The Washington Post contains an editorial with some encouraging news about the college study program at the Lorton Reformatory. In its first 15 months of operation, inmates have been offered 32 college courses. Inmates from Federal City College who conformed to the rules are allowed to participate in these courses.

The following result is impressive, too. Of those students who left Lorton on parole, 60 percent enrolled in FCC or the Washington Technical Institute, where their credits were transferred. It is clear that education is something to do on winter breaks at Lorton. Inmates have been offered 360-man jet air travel passes, 20 or more men may be enrolled. In the concern about crime and education, this is money well spent and a tribute to the success at Lorton.

The recent severe piracy of a TWA jet involving Dulles Airport points up the extentiveness of this situation as nothing else could. Every duty and overtime Dulles police officer was involved in that action, leaving the entire balance of the airport and roadways uncovered. A severe fatal head-on collision of a bus and car has taken place since the TWA piracy. All are aware that the Dulles police have not yet seen the end of the piracy action, and two, undoubtedly saved the lives of the 59 people aboard by shooting out the tires and preventing the
second takeoff. Had the plot been larger, involving airport sabotage and more participants, it could have been carried off, due to shortage of police. All of the preceding refers only to the Dulles Airport police.

Even more recently Washington National Airport experienced a disaster situation, a situation, give or take a few feet or seconds, could have erupted into a major catastrophe. A one-engine jet prop, carrying radioactive material among other things, fatally crashed just short of the runway at National on a high-speed takeoff. The pilot died, the co-pilot and the prospective passengers experienced a terrible horror on land. A feigned commitment of airport police and loss of airport security and traffic control due to demudement of already short forces—because of the low police wage crisis.

The airport police ambulance, fire, crash and rescue equipment, and airport police cruiser arrived first at the crash scene. Meanwhile, police, crash, and public security and too necessary emergency rescue action, had there been survivors. Geographical crash scene jurisdiction rested with park police who arrived first. Moreover, the first fire engine arrived within minutes for a fine coordination of airport police and loss of airport security and traffic control due to demudement of already short forces—because of the low police wage crisis.

At National Airport where there are 41 officers on board, 10 short of their allowance of 51, 11 officers are 40 and 14 are over 50. In the past 3 years there has been one recruit under the age of 25. At 24 no one under 25 has ever been recruited.

Dulles has 37 police on board as against an original authorized strength of 45. It was administratively decided, and since the quota could not be filled anyway, that the strength should be reduced to 45. In other words, 16 under original strength do not do the administrative cutback strength.

Dulles Airport police has lost 43 officers who left for better paying positions as well as three who are deceased. National has lost 43 officers in the past 5 years for similar reasons, in most cases.

Dulles during this same period has been able to find only 29 replacements. National has lost 11 officers in the past year alone. There is no recruitment of young men. They simply will not go to work for the low salary. Thus there is no training program or career planning for young police officers at either airport.

In short, death and low pay attrition has already succeeded in partially destroying both forces, dangerously impairing the effectiveness and has placed the Federal on the way to virtual elimination in the relatively near future.

The police pay scale at both airports is by far the least in the entire Washington metropolitan area. It is not even comparable with the U.S. Park Police, for example, which has similar responsibilities and types of duties. Park Police, of course, are being paid at the level of the Metropolitan Police as are the White House Police, this by special act of Congress.

At National and Dulles a grade 4 police trainee starts at $5,548, $8,500, per annum. The policy private at grade $5 starts at only $6,548. It will be noted that the grade 4s and 5s are the usual Federal classifications for clerks, typists, or stenographers.

The Washington, D.C., Metropolitan Police Department, the U.S. Park Police and the White House Police—by act of Congress—start trainees at a salary of $8,500.

The U.S. Capitol Police—by act of Congress—start trainees at $8,120, which increases to $8,816 in only 60 days, upon completion of training.

The National Zoological Park Police—by special act of Congress—start police privates at over $8,000 per annum.

The Alexandria Police salary starts at $8,656; the Arlington Police start at $8,174 for high school graduates or $9,494 for college graduates.

The Fairfax County Police start at $8,984.

The Montgomery County Police start at $8,591 for high school graduates and $9,947 for college graduates.

The Prince Georges County Police salary starts at $8,216.

It is proposed to reestablish the grades of police corporal and police lieutenant. This will provide for better coverage and rank located where appropriate. Too many times now a police private is in charge, including in charge of other privates. This does not work. The danger to the public is vastly increased due to the very poor rank structure. A structure so basic and so necessary has to be changed. A private has to wait for one of three or four sergeants to die or retire before he can even compete with all the other privates for a job—in other words, an indefinite number of years between any chance of promotion.

On the occasion of the first airplane bombing or shootout, or piracy, hijacking, or death of a passenger or murderer of passengers and/or public in general, whether National or Dulles, the first firebomb in the hangar or multimillion-gallon gas dump, or the crowded terminals, will be greeted and met by junior grades. The airport police do not even look at them after it is too late. Such a catastrophe at the Washington airports is being invited by the low security level and its occurrence should be considered imminent, from events that have recently taken place.

Mr. Speaker, I believe it is apparent that vigorous and immediate action is required to upgrade the quality and re­tainability of the police at National and Dulles Airports. In my mind the surest way and the quickest way to accomplish the overhaul that is required to avert disaster is to increase the pay of the force at these airports competitive with other police forces in the surrounding area.

To accomplish this, I am today introducing a bill directing the Secretary of Transportation to revise the pay structure of the police force of the Washington National Airport and Dulles International Airport so as to bring the pay scale of these police into line with that now paid the police force of the National Zoological Park. While not as high as the pay of the Metropolitan Police Department the new scale will attract and retain good policemen, which I am sure this Government needs. I urge early consideration and adoption of this legislation.

LET US GO ON THE RECORD—
NOT RHETORIC

Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record.
initiated, by some Members of this House. This is the effort to make Negro Americans believe that President Nixon is anti-Negro and that his is a racist administration.

With the same faith, courage, and vision that enabled the early pioneers to overcome the difficulties they faced, we can also overcome the problems that confront the Nation today.

It is my pleasure to read to you today a letter I have just received from the honorable Walter Hickel, Secretary of the Interior Department, wherein he assures us that the Federal Government’s efforts in coal research will go forward. The Secretary said in part: I have no intention of decreasing our emphasis or commitment toward programs for coal research. That sentence succinctly lays the cards on the table, clears the air, clarifies the issue, and reassures our coal industry that its future will be bright. I know our colleagues will be interested in the full text of the Secretary’s letter and I would like to have it added to my remarks at this point.

The Secretary of the Interior,
Washington, July 27, 1970

Hon. John F. Saylor, Chairman, House of Representatives, Washington, D.C.

Dear Mr. Saylor: I am aware of your strong interest in the future of coal and mineral research programs, particularly during this time of national crisis. They were sustained by a deep faith in God, a willingness to work together and to help each other. They set an example that this generation of Americans could do well to follow.

Let me make it quite clear that this Department is not seeking a continued decrease in emphasis in coal research programs, I will personally determine the policy formulation for these important research efforts in the Bureau of Mines.

While the budget for Fiscal Year 1972 is, of course, still in the formative stage, I believe that the continued encouragement and support of coal research is vital toward maintaining and improving both a quality environment and the national security for the Country. I have no intention of decreasing our emphasis or commitment toward programs for coal research.

Sincerely yours,

Walter J. Hickel, Secretary of the Interior.

FEDERAL TAX SECRECY

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

Mr. Vanik. Mr. Speaker, when the House of Representatives considered the conference report on the 1970 Airport and Airways Development Act of 1970, a few Members of the House were apprised of the provisions added by the Senate in the conference which prohibited the airline industry from deducting the portion of the air fare which constitutes the Federal tax.

This incredible action resulted from rules of the House which did not provide sufficient time for proper review and discussion.

It is ludicrous for Congress to suppress information concerning the level of Federal taxation without first correcting this aspect. I have introduced legislation which will strike out the prohibition and penalty carriers listing the Federal tax separately on air fare schedules. In my judgment, penalties should be made to apply to anyone who would suppress information relating to Federal taxation.

The following is correspondence which I have directed to the Civil Aeronautics Board concerning this problem and their response listing new fare schedules to principal cities and the applicable Federal tax:

July 1, 1970.

Hon. Secor D. Brown, Chairman, Civil Aeronautics Board, Washington, D.C.

Dear Mr. Chairman: The announced policy of your Board granting the airlines the privilege to round out air fares to the next highest dollar imposes an arbitrary and indefensible burden on the commercial airline traveler. This policy has the effect of providing an inequitable and unbalanced fare increase to those passengers who must pay several pennies into the next dollar. In some cases, fares are increased as much as ten percent.

This kind of arbitrary fare increase policy to eliminate coin change handling by airlines is indefensible and should be immediately suspended.

I am also distressed with the language that was included in the Conference Report on the Airport and Airways Development Act of 1970 which prohibits the airlines under penalty of law from listing the Federal tax on the air fare which constitutes the federal tax. Congress never intended a concealment of the Federal tax in air fares. From what I can determine, the language was inserted in the Conference Report at the request of the airlines to save the airlines the added expense in calculating fares by separately computing the federal taxes.
In order to provide the public with the full information as to the breakdown between fare and air tax under the new schedules, I would appreciate receiving from your office a complete breakdown of the new air fare schedule between the 100 major cities of America, along with the breakdown of the federal tax applicable to those fares so that a proper debate may be placed into The Congressional Record for distribution to the American public.

The taxpayers are certainly entitled to know what portion of his charge for air travel represents tax and what portion represents cost of service.

In my judgment, it is unconstitutional for the Congress to enact legislation providing for the concession of federal taxes applicable to the air travel. It certainly is against the public interest.

Sincerely yours,

CHARLES A. VANIX, Member of Congress

CIVIL AERONAUTICS BOARD, WASHINGTON, D.C., July 24, 1970.

HON. CHARLES A. VANIX, House of Representatives, Washington, D.C.

Dear Congressman Vanix: Thank you for your letter concerning the Board's action regarding the temporary rounding of fares takings effect July 1.

As you know, this matter was occasioned by the Airway and Airway Development Act of 1968, which increased the Federal tax on passenger fares by 5 percent.

In response to your request, I am enclosing a listing of the top 100 markets in 1968 showing the fare, tax and total charge in each. I am also enclosing for your information a copy of the Board's letter approving the fare increases and the Board's press release on the approval.

Sincerely yours,

WHITNEY GILLILLAND, Acting Chairman.

AIR FARES AND TRANSPORTATION TAX, EFFECTIVE JULY 1, 1970, IN THE 100 TOP-RANKED DOMESTIC MARKETS IN TERMS OF PASSENGERS

<table>
<thead>
<tr>
<th>Market</th>
<th>1-way fare</th>
<th>8-percent tax</th>
<th>Total charge</th>
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</thead>
<tbody>
<tr>
<td>1. Boston to New York</td>
<td>$257.37</td>
<td>$3.79</td>
<td>$261.16</td>
</tr>
<tr>
<td>2. New York to Washington</td>
<td>$230.60</td>
<td>$3.08</td>
<td>$233.68</td>
</tr>
<tr>
<td>3. Chicago to New York</td>
<td>$210.63</td>
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<td>4. Miami to New York</td>
<td>$200.50</td>
<td>$2.67</td>
<td>$203.17</td>
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<td>5. Los Angeles to San Francisco</td>
<td>$156.50</td>
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<td>$158.58</td>
</tr>
<tr>
<td>6. Los Angeles to New York</td>
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<td>$2.95</td>
<td>$223.95</td>
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<td>7. Los Angeles to San Diego</td>
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<td>8. Los Angeles to Chicago</td>
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<td>$223.95</td>
</tr>
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<td>9. New York to Philadelphia</td>
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<td>13. New York to Cleveland</td>
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<td>23. Atlanta to New York</td>
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<td>24. Atlanta to Philadelphia</td>
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<td>25. New York to Rochester, N.Y.</td>
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<tr>
<td>26. Chicago to Washington, D.C.</td>
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<td>$2.76</td>
<td>$210.76</td>
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<tr>
<td>27. Hill to Honolulu</td>
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<td>$2.76</td>
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<tr>
<td>28. Chicago to San Francisco</td>
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<td>$2.76</td>
<td>$210.76</td>
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<td>30. Dallas to San Antonio</td>
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<td>31. New York to Syracuse</td>
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<td>34. New York to St. Louis</td>
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<td>36. Honolulu to Los Angeles</td>
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<td>37. Phoenix to San Francisco</td>
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<td>38. New York to Chicago</td>
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<td>39. New York to Seattle</td>
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<td>40. Honolulu to San Francisco</td>
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<td>41. Detroit to Miami</td>
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<td>42. Dallas to New York</td>
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<td>45. Dallas to Memphis</td>
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<td>46. Portland, Ore., to San Francisco</td>
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<td>47. Boston to Dallas</td>
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<td>48. Chicago to Denver</td>
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<tr>
<td>49. Salt Lake City to New York</td>
<td>$207.00</td>
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</tr>
<tr>
<td>50. Minneapolis to New York</td>
<td>$207.00</td>
<td>$2.76</td>
<td>$210.76</td>
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</tbody>
</table>

Source: Civil Aeronautics Board Origin and Destination Survey of Airline Passenger Traffic covering year 1968 for determination of top 100 markets.
THE COAL MINERS OF WEST VIRGINIA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. Speaker, after 18 months of prodigious work, a team of West Virginia University graduate students have produced an outstanding team report on "Coal Mine Health and Safety in West Virginia." As one who neither supported, sponsored, nor participated in this study, I believe I can state objectively that this is not only one of the most exhaustive accounts of coal mining ever written, but the analysis and conclusions are sound. The report rips the veil from the incestuous conditions under which coal miners live and work.

J. Davitt McAteer is the chief editor of this study which has just been completed. I am proud to insert into the Congressional Record a summary of the findings of the report, along with several news articles concerning the report which appeared in newspapers over the past week:

COAL MINERS' HEALTH AND SAFETY IN WEST VIRGINIA

(By James Davitt McAteer)

The Report of Coal Mining Health and Safety in West Virginia is the result of a year and a half of extensive study that involved numerous methods of investigation, most prominent of which were hundreds of interviews with miners, coal operators, union officials, state and federal agency officials, and many others.

The study was funded by the following people:


The Erwin-Sweeney-Miller Foundation, Columbus, Indiana.

The Field Foundation, New York, New York.

United Mine Workers of America, Charles Town, West Virginia.

John D. Rockefeller IV, Secretary of State, West Virginia.

Ralph Nader, Washington, D.C.

United Mine Workers of America, Washington, D.C.


The editors are not the authors, publishers, or proprietors of this report and are not to be understood as approving or disapproving, by virtue of the grant, of the statements made or views expressed herein.

The chairman and editors of the report is J. Davitt McAteer, who completed the report during his third year of law study at West Virginia University. It was completed under the supervision of the only member of the study group present is Julie Dometick.

1. Coal mines can be made safe if the operators act in the interest of the miner's health and safety. Unless and until the operators promote the miner's health and safety, the miner's health and safety will be provided by the government. The operators of the study group believe the government should be responsible for these matters.

2. The State Department of Mines has no power of enforcement over the miner's health and safety. Unless and until the operators promote the miner's health and safety, the operator will not be responsible for the miner's health and safety.

3. The State Department of Mines has no power of enforcement over the miner's health and safety. Unless and until the operators promote the miner's health and safety, the miner will not be responsible for the miner's health and safety.

4. The State Department of Mines has no power of enforcement over the miner's health and safety. Unless and until the operators promote the miner's health and safety, the miner will not be responsible for the miner's health and safety.

5. The State Department of Mines has no power of enforcement over the miner's health and safety. Unless and until the operators promote the miner's health and safety, the miner will not be responsible for the miner's health and safety.
Since the days of John L. Lewis, the UMWA has neglected its duty to protect the health and safety of its members. The most shocking discoveries of this report was the gross abdication of responsibility by both the UMWA and the Administra-

9. The congressional mandate in the Federal
Mineral Health and Safety Law is clear. The

8. The West Virginia laws governing coal
mining are in many instances inadequate and in
many instances even a detriment to the
operation of safe mines.

7. State laws relating to mining are greatly
inadequate and should be strengthened. The
state Legislature, which has been controlled
to a great extent by coal interests, has en-
acted laws favoring the coal operator and
forgetting the coal miner. New laws are
needed. Too often, past laws have been drawn
up in back rooms by unofficial
officials, the violation of the Landrum-Grif-
fin Act, all would indicate that the UMWA
does not have the interests of the men
it represents as a priority.

1. The Justice Department should im-
mediately set up a special task force to investi-
gate the alleged misuse of funds from the
UMWA health and safety fund. It is also rec-
nended that the Department of Labor
join with the Justice Department in an
investigation of the UMWA's internal policies which
allegedly are in direct and open violation of
the Landrum-Griffin Act. The UMWA, once
a great union, is in shambles. It is a union run
by people who make their living from the
coal production. Coal mining has become as important as It
is to the operator. How ironic, that the plan for
tonage royalties is a crime. President John
L. Lewis as answering the miners' years
of efforts to improve conditions at individual
mines.

A report made public Saturday accuses
union, industry and government of being in-
competent to solve the nation's major safety problems
of West Virginia coal miners.

The report was prepared by a group of
students from West Virginia University. The com-
mittes included Nader, Carbon Fuel Co.
of Charleston, Erwin-Sweeney-Miller Fu-
eral, Gov. Moore, Sen. Jennings Randolph,
Secretary of State John D. Rockefeller IV,
the United Mine Workers and the U.S. Bu-
er of Mines. About $9,000 was collected.

The staff included McAteer, Julie Domen-
lo, a WVU graduate student; William Tant-
lag, a law student at the university; Linda
Hupp, a 1969 graduate of the WVU law
school; Peter Graze, a third year medical student
at Harvard; Kathleen Graze, a second
year medical student at the University of Law;
Jon Adams of Charleston, a newspaper reporter.

The team prepared a massive report—669
pages with appendix. They conducted an
inordinate number of interviews and loo-
tals with private and public responses to the
dangers of coal mines.

The most disturbing of these is that the coal industry is
oriented toward production and that those
most closely involved are willing to accept
an inordinately high number of accidents and an unacceptable level of ill

The report said industry likes to show that
the accident rate is going down when com-
pared to production as a whole—there's the
basis—that of man hours worked—there has
been no significant change in accident rates in
recent years.

West Virginia has the worst accident re-

7. State governments have neglected their
responsibilities for placing the "responsibility for safety on the miner, on nature or God. . . . Neither
the UMWA nor the Nation can be encouraged to pursue safe practices or directed efforts to eliminate
hazards.

The question is not whether safety is
possible; it is whether the miners are
willing to spend money to save lives,
the report said.

For a revol of West Virginia miners
last year over the issue of "Black Lung," the
majority of miners "have shown minimal awareness of the miners need for health and health con-

The report said they have remaining apathetic and silent in favor of the majority of companies, their
union, their state and federal legis-

The failure to take a more active role in
seeking improvements in their condition is
incomprehensible and inexcusable," it said.

[From the Charleston (W. Va.) Gazette-
Mall, July 26, 1970]

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recent years.

West Virginia has the worst accident re-
ored among major coal producing states. In 1967, 10,000 miners were killed or injured, but 500 miners working underground was killed and one in seven was injured seriously enough to be reported.

"The report said that West Virginia's safety record is poorer than other states because of inadequacies of the State Department of Mines."

The report argues that pneumoconiosis, black lung—is an identifiable disease and is widespread. For a variety of reasons—including the relative inactivity of doctors and members of the medical occupational disease board—miners have a hard time getting compensation.

"The report said that West Virginia mining laws are poorly written and poorly enforced. Of the important topics, unemployment insurance and mining inspector as saying, "It's just a bunch of writing. It's good guidelines if you want to form, but it doesn't mean a thing if you want to avoid it."

It said it learned that while the government appoints the chief of the Department of Mines the actual selection is made by an informal committee composed of representatives of the United Mine Workers and operating companies. The committee on a candidate they can "live with" the report said and recommend his name to the Governor. One of the complaints explained in part the lackluster performance of the department and their prevailing attitude.

The report also said there are indications the department is too pro-institutional. "An inspector must live with the department, live with the coal operator and live with himself. When the squeeze is on, the first one of the three to go is himself," an inspector is quoted.

The report said the coal industry is economically profitable but indifferent to safety when the government is spending money for research. In fact, the report said, the coal industry depends almost wholly on government for research of all kinds. The report said federal authorities spend $5 for production research to every $1 for health and safety research. The report estimates the industry makes about $1 profit for every ton of coal sold.

"The United Mine Workers' record is equally bad, the report said. "It is imperative to note that the logical protector of the miner, the United Mine Workers of America, has failed significantly in developing safer and healthier working conditions and has even done less in the field of health and safety research."

The report said that government in West Virginia has been subsidizing the coal industry by underpaying taxes as refunding gasoline taxes to its trucks and building roads to its property. In 1988, more state taxes were collected from the sale of either whiskey or cigarettes than was collected from the coal industry, the report added.

It suggested that the state impose a severance tax of 5 cents a ton on coal production. Revenue from a coal severance tax would be used to improve the value of coal by endorsing research and development of new markets, the report said. A coal severance tax would be a valuable source of revenue for West Virginia, the report said.

The severance tax would pay for damage done to the land and for cleaning up abandoned mines. It would also pay for social services and health care for coal miners. The severance tax would also pay for pollution abatement and for the care of coal miners with health problems.

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"The report was equally critical of the United Mine Workers. The report said that after all the furor and publicity "the majority of union leaders have blatantly discredited" the team's report.

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From the Charleston (W. Va.) Gazette, July 26, 1967

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MOORE AGAIN DENIES BLOW, THIS TIME BY NADER OVER MINER ASSAULT VETO

WASHINGTON—Gov. William W. Moore said Saturday that Gov. Moore has vetoed the appointment of a young law school graduate to the State Tax Department because of his report on coal mine health and safety in West Virginia.

"The report was equally critical of the United Mine Workers. The report said that after all the furor and publicity "the majority of union leaders have blatantly discredited" the team's report.

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CONGRESSIONAL RECORD — HOUSE

July 27, 1970

25863

Mine Workers, the U.S. Bureau of Mines, Jennings Randolph, D-W. Va., the Carbon Fuel Co. of Charleston, the Erwin-Sweezy Mining Co., the Field Foundation of New York.

The seven-member team headed by Mc- Ateer included: Sen. Harrison A. Williams, J. Davitt McAteer, Louis Evans, Arch Boyle, W. A. (Tony) Boyle, Louis Evans, and Robert Hechler, D-W. Va., who neither sponsored nor participated in the report, praised the "initiative, objectivity and perception of the McAteer team.

He said the report "rips the veil from the incestuous relationship between the coal industry and its lawmakers." The report attacked the ineffective federal and state mine inspectors, the ineffectiveness of the Mine Safety Act of 1969, passed in the midst of the coal mining injury and death epidemic.

The report called for higher county tax assessments on coal producing land. "Our studies show that in 14 of the major coal producing counties in West Virginia, more than 30 percent of the taxes would be paid by the coal or coal affiliated companies," the study said.

The report recommended immediate enactment of a state severance tax of 50 cents on each ton of coal. In the study, net profits were estimated at 80 cents to $1 per ton, or, at 50 cents per ton, the report called for change in federal priorities, with wider concentration on the health and welfare of miners.

The report similarly indicted the state's department of mines for neglecting miners' health and safety, and accused the state government of "subsidizing" the industry in a variety of ways.

The report called for higher county tax assessments on coal producing land. The study declared, will require 600 miners "to work their way to the emergency room.

McAteer made it clear that the group does not consider itself part of "Nader's Raids," as Nader's group of consumer researchers have come to be known. "We're McAteers Racketeers," he said.

Sen. Harrison A. Williams, J.-D.N.J., said he has been told that hospital beds and oxygen tents were removed from the homes of some miners who were incurably ill with black lung disease. He said he was told injured miners "totally immobilized in body casts" have been sent home, helpless, from hospitals.

Those examples, Williams said, are some of the reasons why his Senate labor subcommittee will hold hearings in Charleston, W. Va., next Thursday and Friday on the United Mine Workers Pension and Welfare Fund.

Charges of mismanagement of the fund by the UMW have been part of a wildcat strike in the coal fields, Williams said.

Yesterday's press conference, author McAteer said that he sought backing for the study after the Farmington mine disaster. The Fairmont, W. Va., native—both of whom worked for coal companies—said he had been "appalled at the lack of concern" about the health of miners.

"The best that people involved can say is that it was an act of God," he said. "Not only was that answer, he sought and won backing for the report. Six of McAteer's contemporaries, most of them students from West Virginia, were interviewed by the legisla- tion which required "thousands of interviews with miners, extensive legal and legislative research and on-the-spot surveys of mine conditions.

"We're Racketeers" for the strong advocacy of stricter mine regulations, he said. The report issued a statement strongly endorsing its "analysis and conclusions."

"It seems clear," the report declared, "that President Nixon is treating the miners of America with contemptuous disregard and not requiring enforcement of the law and by "vaccil­ lating" in the appointment of an aggressive new director of the Bureau of Mines.

The post was vacant for six months.

The report demanded that the federal gov­ ernment stop "subsidizing" the "profitable" coal industry by paying "subsidy pay­ ments" in the form of depletion allowances and some forms of research.

"On March 16, 1969, a taxpayer spent more than $33 million for coal research aimed, not at improving safety, but rather as increases in federal severance tax rates. The study called for changes in federal pri­ orities, with greater concentration on the health and welfare of miners.

"The report similarly indicted the state's department of mines for neglecting miners' health and safety, and accused the state government of "subsidizing" the industry in a variety of ways.

McAteer made it clear that the group does not consider itself part of "Nader's Raids," as Nader's group of consumer researchers have come to be known. "We're McAteers Racketeers," he said.

"In addition, we have received letters de­ tailing cases of miners who worked for 40, 50 and 60 years and who paid their union dues, yet found when the time came to retire they were not eligible for pensions."

"Those examples, Williams said, are some of the reasons why his Senate labor sub­ committee will hold hearings in Charleston, W. Va., next Thursday and Friday on the pension fund's operation.

Yesterday's report said the close ties be­ tween the union and the coal industry began in 1950 when then-UMW head John L. Lewis
With the coal industry booming today, "the major coal companies no longer need the consent of the UMW but the miners do," it said. J. Davitt McAtack, a recent graduate of West Virginia University and the chief author of the report, said the study and its conclusions had already cost him a job with the West Virginia state government. But a few days later, he said, he was rehired for the post by Gov. Arch Moore, who had earlier contributed more than $200 for the study.


The overriding contention of the report is that the federal and state governments have joined the union and coal industry in fostering coal production at the expense of miners' health and safety.

A seven-member team headed by McAtack, a recent law school graduate at West Virginia University, is not "home-bred and home-grown" according to the seven-member union, but the "Raiders," Nader said in a recent interview with the Washington Post.

But Nader was a sponsor of the project and encouraged it, he said.

Nader said as a result of the report, Gov. Arch A. Moore of West Virginia has vetoed McAtack's appointment to a $12,000-a-year job offered him by Tax Commissioner Charles Haden as mine tax assessor for the state.

That shows, Nader commented, "no one bothers to look for truth."

Moore was listed as one of the project's sponsors along with the United Mine Workers and the Bureau of Mines--both criticized in the report--Sen. Jennings Randolph, D-W.Va., the Carbon Fuel Co. of Charleston, W.Va., the Erwin-Sweeney-Miller Foundation of Columbus, Ind., and the Field Foundation of New York.

Moore later told an afternoon news conference at Charleston's Kanawha Airport that the basic premise of the report is that coal companies are responsible for the safety of the miners, and that government--the Bureau of Mines, the United Mine Workers and the union--are responsible for it.

The report accuses Nixon of "treating the miners' health and safety problem with a ... That's an absolutely pathological approach," said Nader.

But in 1969, an appeal of a miners' health lawsuit was rejected, and it said: "The miners' appeals were ignored, with conscious disregard for the law as the best yet, the report says the coal companies have a substantial interest in working for improved safety and health conditions. They have remained apathetic and silent in the face of the failures of the coal companies, their union, the state and federal legislatures.

"The study was touched off by the Farmington, W.Va., mine explosion in November 1969 that cost 78 lives."

The team says it picked West Virginia to study because it has the worst record of all coal states in neighboring Pennsylvania's safety record which "appears to be much better." In West Virginia, the report said, "the chances are one in six that a non-supervising miner working underground will be injured each year. The chances are one in 24 that he will be killed."

However, the possibility of contracting respiratory disease is much greater than the national average or that of his non-mining neighbor.

"The report has high praise for the federal mine inspectors as 'competent, diligent and incorruptible,' the miners."

But the federal Bureau of Mines inspectors, the report says, "are unable to successfully carry out their jobs because of limitations in working for improved safety and health conditions because of restrictions placed upon them by the bureau's hierarchy."

"Only when the director of the Bureau of Mines, John O'Leary, did the bureau ever begin to fulfill its protective role with the passage of the 1969 Coal Mine Health and Safety Act."

"Nixon has indicated that he does not intend to fulfill a law that had been passed by the Congress," the report says. "In fact, he has been told hospital beds and oxygen tents were removed from the homes of some miners identified as incurably ill with black lung disease."

"He said he was told injured miners "totally immobilized in body casts" have been sent home, helpless, from hospitals.

"In addition, we have received letters detailing cases of miners who worked for 30, 40 and 50 years and who passed away with lung disease yet found when the time came to retire they were not eligible for pensions."

"As for state mine inspectors, the people who are even named in the report, they are called upon by miners to help them."

"As for state mine inspectors, the report says, they are captives of "a board of company executives and union officials who would be expected to work for the safety of the miners."

"The miner, whose health and safety are his responsibility, is told not to trust him and moreover, often considers him an enemy."

"The companies see him as a nuisance, to be displaced and "engaged" as quickly as possible. He is in a situation of having all friendly enemies and no friends."

"The report urges that the federal and state governments stop subsidizing the coal industry, saying "in 1969 (the year the report was done) the coal industry received more than $60 million for research aimed at improving safety, but rather at increasing productivity.""

"At the same time, the report said, "there is no justifiable reason why coal companies should continue to pay a pittance in local property taxes." The tax rate on coal, it said, has "remained the same for 23 years while nearly every other tax rate in the state has risen.""

"As for the union, the report said the UMW "once a great union, is in shambles. It is a union that coastal miners--the UMW--to which production has become as important as it is to the operator."

"The president, W. A. "Tony" Boyle, only joined the UMW in the beginning legislation after the rank-and-file miners had won the primary part of the battle," the report says. "Boyle's union is not working for the enforcement of the Federal Health and Safety Act."

"A director of safety for the union, should resign, the report says, and be replaced by someone who will work vigorously for mine safety."

"While praising the new federal mine safety law as the best yet, the report says the federal government lacks authority or enforcement power necessary to promote health and safety in the mines."

"A United Mine Workers Pension and Welfare Fund. Charges of mismanagement of the fund by the trustees, who declared forums to be "wildcat strike in the coal fields, Williams said."

"Although the public hearing announcement was made earlier, Williams did not detail the reasons for it until Saturday. His aides were in Charleston last week lining up witnesses who could detail some of the alleged suffering stemming from pension and welfare fund mismanagement, Williams' office said."

"The coal companies have a substantial interest in working for improved safety and health conditions because of restrictions placed upon them by the bureau's hierarchy."
McAteer, a recent graduate of West Virginia University's School of Law, has been working on the report since October of 1966. It was completed last Saturday by consumer champion Ralph Nader, one of nine sponsors of the study, including Gov. Arch A. Moore, Democrat, West Virginia; John D. Rockefeller IV, and the U.S. Bureau of Mines.

The 25-year-old Fairmont native decried the "negligence" of the Bureau of Mines in enforcing the 1969 Federal Coal Mine Health and Safety Act. They have failed to inspect and to enforce specific sections of the act.

"There is no justifiable reason why coal companies should continue to pay a pitance in lost mining time," McAteer said. "The most recently-efforts at public relations cannot hide the scars and wounds they have made upon this state and its people."

"The reason for this," he said, "is the Nixon administration's failure to come up with a new director of the bureau, since the dismissal of the old one by the President in May."

"These have been the six most critical months in the bureau's 60-year history," McAteer said, "yet Nixon has failed to appoint somebody to take over the directorship."

The State Department of Mines also came under fire in McAteer's report. McAteer claimed the bureau has not carried out its obligations to protect the miners' health and safety, and won't until the unnecessary and costly "usual committee" is eliminated, and the governor "would appoint an individual whose primary concern is the health and safety of the miner."

McAteer called for total reorganization of the mines department.

"The coal barons have ravaged the land and called it progress," he said. "They have polluted the streams in the name of free enterprise. They have blighted the land and have made mining camps and mining wastes and have called themselves progressive employers."

But more importantly, they have blatantly disregarded "lookout" regulations for workers in the pursuit of profit. This must be stopped." McAteer, obviously upset over the findings of his report, angrily lashed out at the United Mine Workers Union and especially its president, W. A. (Tony) Boyle.

"The UMWA, under Boyle, did not work vigorously for the federal health and safety act," he explained, "and more importantly, isn't working for its enforcement in the mines today."

McAteer was sympathetic with a wildcat strike by the Disabled Miners of Southern West Virginia.

"It's certainly understandable why these men are upset," he said. "They work hard, and depend on that welfare check when they get hurt. Now they find that it isn't there. They can't pay for the road, and their only alternative is to make their grievances known by any means that will draw attention to their plight."

[From the Wall Street Journal, July 27, 1970]

NADER-STUDENT STUDY FINDS NUMEROUS VIOLATIONS OF SAFETY LAWS

WASHINGTON.—A student study of health and safety conditions in the West Virginia coal industry charged numerous abuses.

These ranged from indifference to health and safety dangers on the part of major companies to inadequate taxes on coal production and failure of the state to collect taxes already authorized, the study said.

The 68-page analysis, conducted principally by West Virginia University law students affiliated with consumer advocate Ralph Nader, strongly criticized the industry and the West Virginia state government. It also said that United Mine Workers of America and the Nixon Administration should share in the blame for coal-industry conditions.

Miners themselves, described as "apathetic and silent in face of the failures of the companies, their union and their state and Federal legislators," were faulted for their own "incomprehensible and inexorable" failure to cope with conditions in their workplaces.

Many of the students' points have been raised in the past by critics of the West Virginia coal industry, which dominates the state economically and politically. Following a press conference, Mr. Nader expressed the belief, however, that the thick document "would prove a blueprint for changes in the state to be sought by coal miners. He noted the recent wildcat strikes in West Virginia as an indication of miners' awareness of issues and predicted that more would occur."

Summarizing its findings of coal-company practices, the students' report declared, "The state must take into account that health and safety are a primary concern of the mining business, yet the Nixon administration's 1969 Federal Mine Safety Act is not only required the coal industry to pay a surtax on the proceeds of its mining operations to partially compensate for past damages to the people and land of West Virginia."

"The coal barons have ravaged the land and called it progress," he said. "They have polluted the streams in the name of free enterprise. They have blighted the land and have made mining camps and mining wastes and have called themselves progressive employers."

But more importantly, they have blatantly disregarded "lookout" regulations for workers in the pursuit of profit. This must be stopped." McAteer, obviously upset over the findings of his report, angrily lashed out at the United Mine Workers Union and especially its president, W. A. (Tony) Boyle.

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[From the Wall Street Journal, July 27, 1970]
Mr. CORMAN, Mr. OTTINGER in three instances. Mr. DENT, Mr. BINGHAM in two instances. Mr. EVINS of Tennessee in two instances. Mr. JELSTOSKI in two instances. Mr. GONZALEZ in two instances. Mr. HAWKINS in three instances. Mr. HAMILTON in 10 instances. Mr. BRASCO. Mr. PEPER. Mr. MOSS. Mr. EDWARDS of California. Mr. HATHAWAY in two instances. Mr. CROOK. Mr. BROWN of California. Mr. ASHLEY in two instances. Mr. WILLIAM D. FORD in two instances. Mr. MAHON in two instances. Mr. DUGS in five instances. Mr. ROSENTHAL. Mr. EDMONDSON in two instances. Mr. BOGES in two instances. Mr. CHARLES H. WILSON. Mr. UBALL in two instances.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the for the following title:

S. 2601. An act to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on July 24, 1970 present to the President, for his approval, a bill of the House of the following title:

H.R. 17869. An act making appropriations for the separation of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. FEIGHAN. Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 1191
Resolved, That the House has heard with profound sorrow the death of the Honorable Michael J. Kirwan, a Representative from the State of Ohio.

Resolved. That a committee of 54 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

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

Resolved. That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the Funeral Committee the following Members on the part of the House:

Mr. FEIGHAN, Mr. ALBERT, Mr. GERALD R. FORD, Mr. BOGGS, Mr. MCCULLOCH, Mr. HAYS, Mr. AYRES, Mr. BETTS, Mr. BOW, the Speaker, Mr. BUM, Mr. VANZ, Mr. DEVINE, Mr. LEM, Mr. ASHBOURNE, Mr. CLANCY, Mr. HARSHA, Mr. MOSHER, Mr. STANTON, Mr. BROWN of Ohio, Mr. TAFT, Mr. LUKEN.

Mr. MILLER of Ohio, Mr. WALDEN, Mr. WYLIE, Mr. STORES, Mr. MAHON, Mr. MCCULLOCH, Mr. RIVERS, Mr. WHITTED, Mr. ABERNETHY, Mr. MARDEN, Mr. PHILBIN, Mr. ROONEY of California, Mr. SMITH.

Mr. MILLER of California, Mr. S. MONGAN, Mr. PRICE of Illinois, Mr. EVINS of Tennessee, Mr. DELANEY, Mr. STEED, Mr. KLUCZYNSKI, Mr. BOLAND of Massachusetts, Mr. EDMONDSON, Mr. O'NEILL of Massachusetts, Mr. ROHDES, Mr. PLYNT, Mr. FLOOD, Mr. GIFFITHS, Mr. McPALL, Mr. CASEY, Mr. SMITH of Iowa, Mrs. HANSEN of Washington, Mr. ADAMBO.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

The SPEAKER. The House stands adjourned until tomorrow, Tuesday, July 28, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2427. A letter from the Deputy Assistant Secretary of Defense (International Security Affairs) transmitting the semiannual report on the implementation of section 507 (b) of the Foreign Assistance Act of 1961, as amended by the 1968 act, to the Committee on Foreign Affairs.

2428. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 22d annual report of the Service, for the fiscal year ended June 30, 1969, pursuant to section 202 (e) of the Labor Management Relations Act of 1947, to the Committee on Education and Labor.

2429. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision of facilities and services for the public at White Sands National Monument, N. Mex., for the period January 1, 1970, through December 31, 1974, pursuant to 67 Stat. 271, as amended (70 Stat. 549), to the Committee on Interior and Insular Affairs.

2250. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Customs Service, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212 (a) (21) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2251. A letter from the President, National Safety Council, transmitting the annual audit report of the Council for 1969, pursuant to section 18 of Public Law 86-236, 86th Congress, to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2352. A letter from the Comptroller General of the United States, transmitting a report on the fiscal control over local currency made available to the Republic of Vietnam for support of its military and civil budgets, Department of Defense Appropriations for Foreign Assistance and for International Development; to the Committee on Government Operations.

2294. A letter from the Comptroller General of the United States, transmitting a report on examination of financial statements of the accountability of the Treasurer of the United States, Department of the Treasury, for fiscal years 1968 and 1969; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

H.R. 17869. A bill to amend the Defense Production Act of 1950, and for other purposes; (Rept. No. 91-1930). Referred to the Committee of the Whole House on the State of the Union.

H.R. 17871. A bill to authorize the construction of supplementary irrigation facilities for the Tuma Mesa Irrigation District, Arizona (Rept. No. 91-1332). Referred to the Committee of the Whole House on the State of the Union.

H.R. 17872. A bill to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project; and for other purposes; with amendments (Rept. No. 91-1351). Referred to the Committee of the Whole House on the State of the Union.

H.R. 17874. A bill to amend Public Law 93-133, 84th Congress, to authorize the construction of supplementary irrigation facilities for the Yuma Mesa Irrigation District, Arizona (Rept. No. 91-1932). Referred to the Committee of the Whole House on the State of the Union.

H.R. 18635. A bill to amend section 15 of Public Law 259, 83d Congress; to the Committee on Interior and Insular Affairs.

H.R. 18639. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the presidential vote, in an election where the electors voting for President and Vice President are returned; (Rept. No. 91-1335). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN: H.R. 8004. A bill to amend Public Law 93-194, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona (Rept. No. 91-1332). Referred to the Committee of the Whole House on the State of the Union.

By Mr. FAYMAN: Committee on Appropriations; House Joint Resolution 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91-1384). Referred to the Committee of the Whole House on the State of the Union.
the 1970 decennial census, and for Federal payment of the cost of the recount if such unemployment is continued to the Committee on Post Office and Civil Service.

By Mr. POLEY:
H.R. 18637. A bill to amend the act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, or testing, by the federal government, or as pets; to the Committee on Agriculture.

By Mr. WILLIAM D. FORD:
H.R. 18638. A bill to promote and protect the freedom of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce comply with existing environmental laws; to provide a right of action for relief for protection of the environment from activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. GRIFFIN:
H.R. 18640. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, to amend title 15, United States Code, chapter 53 of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 18640. A bill to provide for financial participation by the United States in the comprehensive test ban treaty, to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself and Mr. Burrows of California):
H.R. 18641. A bill to amend the Fish and Wildlife Coordination Act, to amend the Code of Federal Regulations of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968, to the Committee on the Judiciary.

By Mr. HARSHA:
H.R. 18642. A bill: The Mercury Pollution Control Act; to the Committee on Public Works.

By Mr. RECHLER of West Virginia:
H.R. 18643. A bill to establish the comity in interstate or foreign commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEITH (for himself and Mr. Szaunicka):
H.R. 18644. A bill to require travel agents to post performance bonds to assure the performance of travel services in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LIJAN:
H.R. 18645. A bill to provide that the United States shall make payments on claims of nationals of the United States against the government of Czechoslovakia based on awards made by the Foreign Claims Commission and for other purposes; to the Committee on Foreign Affairs.

Acting for Mr. McCALL:
H.R. 18646. A bill to establish a Doctor Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:
H.R. 18647. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. PODELL:
H.R. 18648. A bill to amend title II of the Social Security Act to reduce from 20 to 15 the number of quarters of coverage which an individual must generally have within a specified period, in order to qualify for disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

By Mr. FOLLOCK:

By Mr. FREYER of North Carolina:
H.R. 18650. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers to treat certain capital expenditures incurred in order to hire workers who are dis­ placed by computers as expenses not chargeable to capital account; to the Committee on Ways and Means.

By Mr. VANDER JAGT:
H.R. 18651. A bill to amend the Truth in Lending Act to require that statements under open-file records be filed prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. VIGORILLO:
H.R. 18652. A bill to compensate certain growers, manufacturers, packers, and distributors for damages sustained by them as a result of their good faith reliance on the official listing of cyclamens as generally recognized as safe for sale in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks; to the Committee on Ways and Means.

By Mr. WILLIAMS:
H.R. 18653. A bill to provide for an equitable sharing of the U.S. market for electronic articles of domestic manufacture and importations of foreign origin; to the Committee on Ways and Means.

By Mr. FINDLEY:
H.R. 18654. A bill to require Presidential reports concerning U.S. military units on foreign territory, in order that the Congress may fulfill its primary responsibility for the commitment of the nation to war, and for the regulation of its Armed Forces; to the Committee on Foreign Affairs.

By Mrs. MINK:
H.R. 18655. A bill to amend title II of the Social Security Act to provide in certain cases for the partial or total relief of credits between the old-age, survivors, and disability insurance system and the civil service retirement system, so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:
H.R. 18656. A bill to require that the Federal Government, as part of its comprehensive environmental and public health program, conduct a study and investigation of the effects of the use of pesticides, and for other purposes; to the Committee on Agriculture.

H.R. 18657. A bill to authorize the U.S. Commissioner of Education to establish education programs for the deaf and hearing impaired and to require the reports to the Congress; to the Committee on Education and Labor.


H.R. 18659. A bill to reorganize the executive branch of the Government by transfer­ ring functions of various agencies relating to evaluation of the effect of certain activities upon the environment to the Environmental Quality Council, and for other purposes; to the Committee on Government Operations.

H.R. 18660. A bill to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States, consistent with the public interest; to the Committee on Interstate and Foreign Commerce.

H.R. 18661. A bill to coordinate national conservation policy by establishing a Council of Conservation Advisers, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 18662. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Atomic Energy Commission; to the Joint Committee on Atomic Energy.

By Mr. BROYHILL of Virginia (for himself and Mr. Crowell of Texas):
H.R. 18663. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MAHON:
H.R. 18664. A bill to make further continuing appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

By Mr. SALTOR:
H.R. Res. 1829. Joint resolution providing for the designation of the second week of September of each year as National Square Dance Week and square dancing as the national dance of the United States; to the Committee on the Judiciary.

By Mr. CONTE:
H.R. Res. 691. Concurrent resolution re­ lating to the treatment of military and civilian prisoners in Vietnam; to the Committee on Foreign Affairs.

By Mr. TEPHAM of Georgia:
H. Res. 1160. Resolution amending the Rules of the House of Representatives relating to the right of access to the press galleries of the House of Representatives; to the Committee on Standards of Official Conduct.

By Mr. FULTON of Pennsylvania:
H. Res. 1162. Resolution to change House rules relating to election of committee chairmen; to the Committee on Rules.

By Mr. CHARLES H. WILSON:
H. Res. 1163. Resolution establishing a Select Committee on Technology and the Human Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS
Under clause 1 of rule XXII.
Mr. BURTON of Utah introduced a bill (H.R. 18664) for the relief of John J. Owen, Doris L. Owen, Anthony John Owens, Maury Owens, Amy Norman Owens, and Jenny Michelle Owens, which was referred to the Committee on the Judiciary.

MEMORIALS
Under clause 4 of rule XXII.
431. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the Los Angeles-San Diego transportation corridor, which was referred to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.
Under clause 1 of rule XXII.
585. By the SPEAKER: Petition of 170 participants at the 50th Anniversary Conference of the Women's Bureau of the Department of Labor, relative to equal rights for men and women; to the Committee on the Judiciary.

597. Also, by petition of Mrs. Allen Blanchard, Helen E. Knecht, Catherine S. Honig, relative to appointments to the U.S. Supreme Court and other Federal benches; to the Committee on the Judiciary.