HOUSE OF REPRESENTATIVES—*Monday, July 27, 1970*

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 glory of another day, throbbing with the loveliness of summer, we pause in Thy presence with hearts aflame with the beauty about us—the blue skies, the green fields, and the flowers in bloom. May this beauty be a sacrament in which we become more aware of the greatness of Thy spirit.

Bless these Representatives of our Nation. Give them wisdom and guidance in all their deliberations. Endow them with pure motives, patriotic endeavors, and unselfish service. Lead them in leading our people in the ways of righteousness and peace. So shall we, looking up to Thee, learn to laugh and love and live, to the glory of Thy holy name.

We pause in sorrow as we think of the passing of our beloved colleague, MIKE KIRWAN. We thank Thee for the great contribution he made to our country serving so well and so faithfully in Congress. May the memory of his grand spirit linger forever in our hearts. Comfort his family with Thy presence and strengthen us to carry on the work which now must be done without him.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, July 23, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to amendments of the House to the bill (S. 2601) entitled "An act to reorganize the courts of the District of Columbia, and for other purposes."

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3547. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes; and

S. Con. Res. 75. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2601.

THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. FEIGHAN. Mr. Speaker, I have the sad duty of announcing to the House 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 eulogies to our late colleague, I ask unanimous consent that on next Tuesday, August 4, 1970, at the conclusion of the legislative business and special orders previously entered into, I may be permitted to address the House 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 former 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 89th 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 other Members who served early in 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 served and, especially, 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 his 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 our 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 former 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

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 75).

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

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

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 23 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)(3) of the District of Columbia Code (as contained in section 111 of the bill), strike out "subsections (a) and (b)" and insert in lieu thereof "subsection (a) or (b)".

(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 156 of the bill, reletter the subsections of such section which follow subsection (f) of such section as subsections (g) and (h), respectively.

(5) In section 157(c) of the bill, designate the undesignated paragraph that follows paragraph (1)(B) of such section as paragraph (2).

(6) In section 163 of the bill, reletter subsections (j) and (k) as subsections (i) and (j), respectively.

(7) In the proposed section 23-561(b)(1) of the District of Columbia Code (as contained in section 210(a) of the bill), strike out "subsection (a) of" in the last sentence.

(8) In the proposed section 23-563(b) of the District of Columbia Code (as contained in section 210(a) of the bill), strike out "No" at the beginning of such section and insert in lieu thereof "A".

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 it, this resolution only provides for technical changes that are necessary to make the conference report adopted by the House and the other body conform to the law. Is that correct?

Mr. McMILLAN. The gentleman 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 the 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.)

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 early today of the Honorable MICHAEL J. KIRWAN, of Ohio.

The Committee on Appropriations, of which he was a distinguished member for almost 28 of his nearly 34 years 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 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 34th consecutive year as a Member of the United States House of Representatives, answered the last roll call and joined the Congress of the Hereafter; and

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 legislative champion of conservation with an unexcelled dedication to the protection, preservation, and development of these resources, thereby lifting up a standard for others to follow; and

Whereas throughout his 27 years of service on the Subcommittee on Appropriations for the Department of Interior and Related Agencies, including 13 years as its Chairman, Mr. Kirwan vigorously and successfully supported more adequate provision for the education, welfare, health, and resource development of the American Indian, for the preservation and development of our national park system, our national forests, our fish and wildlife and mineral resources, and management of the great public lands of the West; and

Whereas during his 15 years as a member of the Subcommittee on Appropriations for Public Works for Water, Pollution Control and Power Development, and Atomic Energy Commission, including the last 6 years as its chairman, Mr. KIRWAN provided outstanding leadership in expanding the essential water resource development of the country, including flood control, pollution control, water supply, power generation, navigation, irrigation, and recreation; and

Whereas the thousands of completed public projects and facilities, yielding innumerable benefits to this and coming generations, are living testimony to the foresight, perserverance, and persuasion of Mr. KIRWAN; and

Whereas Mr. KIRWAN, a deeply religious man, prideful 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, over his long years of ceaseless effort and dedication, contributed mightily and lastingly to the building of a better America; and

Whereas surely time will surround the work of his hands with a lasting veneration; Now, therefore, be it

Resolved, That we, the members of the Committee on Appropriations, sharing the universal feeling of grief at 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 others of the family, to his relatives, and others 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

to Mrs. Kirwan, and that arrangements be made to include a copy in the appropriate ceremonial proceedings of the House of Representatives.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 234]

Adair	Dickinson	Meskill
Alexander	Diggs	Minish
Anderson, Calif.	Donohue	Monagan
Annunzio	Edwards, Ala.	Nelsen
Arends	Edwards, La.	Ottinger
Ashbrook	Esch	Pelly
Ashley	Farbstein	Pickle
Baring	Fish	Podell
Belcher	Ford, Gerald R.	Pollock
Biaggi	Ford, William D.	Powell
Blatnik	Fulton, Tenn.	Price, Tex.
Brasco	Galifianakis	Purcell
Brock	Gallagher	Randall
Brooks	Gilbert	Rarick
Brown, Calif.	Grover	Reid, N.Y.
Brown, Mich.	Hagan	Robison
Brown, Ohio	Halpern	Rodino
Buchanan	Hanna	Roe
Burlison, Mo.	Harvey	Rooney, Pa
Burton, Utah	Hastings	Rostenkowski
Bush	Helstoski	Roudebush
Byrne, Pa.	Hull	Rousselot
Caffery	Ichord	Ryan
Carey	Jonas	Sandman
Celler	Kee	Scheuer
Clark	King	Snyder
Clay	Kleppe	Staggers
Conyers	Landgrebe	Stokes
Corman	Landrum	Stratton
Coughlin	Lloyd	Symington
Cramer	Long, La.	Taft
Crane	Lowenstein	Teague, Calif.
Cunningham	Lukens	Tunney
Daddario	McCloskey	Vanik
Davis, Ga.	McEwen	Watkins
Dawson	Macdonald, Mass.	Watson
de la Garza	MacGregor	Weicker
Delaney	Mailliard	Whalley
Denney	Mann	Wiggins
Dent	Meeds	Wright
Derwinski		Wydler
		Zwach

The SPEAKER. On this rollcall 307 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. BEALL of Maryland. Mr. Speaker, I was unavoidably absent during rollcall No. 233 on the bill H.R. 18515, the Labor-HEW appropriations bill. I would like the RECORD to show that if I had been present I would have voted "aye."

THE DELICATE SITUATION IN THE MIDDLE EAST

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

Mr. PEPPER. Mr. Speaker, I am sure that all of have noted the efforts of our Government to find a way to bring an end, and a peaceful end, to the dangerous situation in the Middle East.

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 materiel 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 Stans plus several 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 seed has been sown for planning methods to stabilize and strengthen the economy in rural America.

We are proud to have had you in North Dakota, Mr. President.

Thank you for coming.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House 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 House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER 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 through 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 HOUSES OF CONGRESS

SEC. 117. (a) Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190 (b)) 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 the preceding sentence shall not apply to the Committee on Appropriations of the Senate. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor 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 117 dealing with the other body be dispensed with and that it be printed in the RECORD and open to amendment at any point.

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:

(b) Clause 31 of rule XI of the Rules of the House of Representatives is amended to read as follows:

"31. No committee of the House (except the Committee on Appropriations, the Committee on Government Operations, the Committee on Internal Security, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 35, line 24, strike out "(2 U.S.C. 190(b)" and insert in lieu thereof "(2 U.S.C. 190(b))".

The committee amendment was agreed to.

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 operating 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 also make it possible for any committee to sit without unanimous consent during the amendatory process; that is, under the 5-minute rule?

Mr. SISK. No. If I left that impression, I want to correct 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 Clerk read as follows:

LEGISLATIVE REVIEW BY STANDING COMMITTEES

SEC. 118. (a) (1) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

"LEGISLATIVE REVIEW BY SENATE STANDING COMMITTEES

"SEC. 136. (a) In order to assist the Senate in—

"(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enacement of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee of the Senate shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

"(b) Each standing committee of the Senate shall submit, not later than January 2 of each odd-numbered year beginning on or after January 1, 1973, to the Senate a report on the activities of that committee under this section during the Congress ending at noon on January 3 of such year.

"(c) The preceding provisions of this section do not apply to the Committee on Appropriations of the Senate.".

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 136. Legislative oversight by standing committees."

and inserting in lieu thereof—

"Sec. 136. Legislative review by Senate standing committees."

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that reading of the first portion of section 118, which pertains to the other body, be dispensed with and that it be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments? If not, the Clerk will read.

The Clerk read as follows:

(b) Clause 28 of rule XI of the Rules of the House of Representatives is amended to read as follows:

"28. (a) In order to assist the House in—

"(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

"(b) Each standing committee shall submit to the House, not later than January 2 of each odd-numbered year beginning on or after January 1, 1973, a report on the activities of that committee under this clause during the Congress ending at noon on January 3 of such year.

"(c) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct.".

AMENDMENT OFFERED BY MR. ERLENBORN

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

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: On 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 proposed amendments to any section or paragraph of a bill, close all debate only upon the pending amendments, or upon pending 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. 17654.

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 of the Committee of the Whole 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, and 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 not 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 in 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 14 million workers who previously 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 time and time again on the floor. I congratulate the gentleman on his amendment.

Mr. ERLENBORN. I thank the gentleman for his support.

I conclude merely by saying that we often refer to the House of Representatives and to the Congress as the greatest deliberative body in the world. I believe we make a travesty of that when we follow a procedure which requires Members to vote on an amendment without it being explained or debated.

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, when we come to the section which deals with Members offering motions to table. This is a nondebatable issue. Recently I was clobbered in the press because, on the civil rights Whitten 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 to 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 by 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 some 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 suggests 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 thereto".

Mr. FRASER. When the word "or" is used, does the gentleman mean to say that is 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 thereto.

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 off debate on that 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, it seems to me, that the 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 believe to be 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 intended of the gentleman, that most of 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 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 would be less than honest if I did not agree with the gentleman that there could be an abuse where dilatory tactics could be used, but I think this has to be offset by the fact that under the present rules there is also an abuse where we are not a deliberative body but are voting on things without having an opportunity to know what they are. Five minutes of debate, on an amendment, I do not think is too much.

Mr. SISK. Let me say that I recognize that there are abuses both ways. That 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 we have had an opportunity to study heretofore. I am very fearful that we could get into real dilatory tactics. Though I sympathize with the gentleman and would be happy 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 an amendment offered in good faith that is not dilatory or designed to obstruct the operations of the House have been prevented from debating it.

In other words, it is an 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 members of the committee handling the bill are recognized because they have priority.

So as a result, the work which a Member has put into an amendment and one which he believes will improve 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 debate on the minimum wage bill 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 present 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 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 the question of 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 Members of the House with which to 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 direction 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 come about as a 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 a great 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 will on legislation.

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 protect Members on 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 this 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 the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Minnesota (Mr. FRASER) 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 that are well thought out the day before would qualify to be allotted time during debate.

I hope, therefore, we will defer this amendment and take up the other 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, but under this procedure 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 cut off debate, and if we do away with it in the Congress 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.

SUBSTITUTE AMENDMENT OFFERED BY MR. RAILSBACK TO THE AMENDMENT OFFERED BY MR. ERLENBORN

Mr. RAILSBACK. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK as a substitute for the amendment offered by Mr. ERLENBORN: On page 39 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 caused to be printed in the CONGRESSIONAL RECORD after the reporting of the bill by the Committee but at least one day prior to floor consideration of such amendment, 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 Wisconsin (Mr. STEIGER). It directs itself to the same problem that I believe my friend and colleague from Illinois was addressing himself to; namely, 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 guaranted 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 unnecessary delay of any 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 debate 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.

So that with that in 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 at the same time we recognize that the opposition should also have 5 minutes to debate its merits.

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.

I am trying to get a copy of the amendment, which I have not seen. I want to ask the gentleman about the language of the amendment that has to do with being dilatory.

As I understand the language, this procedure would be followed unless the amendments were found to be dilatory. Am I generally paraphrasing that correctly?

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 must have it 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 that last phrase—provided that such time for debate shall not be allowed when the offering of such an amendment is dilatory.

Would the gentleman cite—and I recognize again 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 connection with this?

Would the gentleman assume, if some

Member had inserted, say 20 amendments in the RECORD, that that might be considered dilatory? I am trying to get just exactly what the gentleman has in mind in connection with that.

Mr. RAILSBACK. I appreciate that and I think the chairman's questions are legitimate.

Let me say, first of all that this language was added at the request of some Members who thought perhaps there ought to be some language of this kind. This last phrase was not in the original amendment that we intended to offer.

But I would assume just as you have mentioned, where somebody sticks in a rather substantial number of amendments which, say, may be repetitive or many not be substantially different, I would think under those circumstances that maybe the Speaker would say that they were dilatory or at least that some of them would be held to be dilatory in nature.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PUCINSKI. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, soon we will see the logic of the gentleman from Illinois (Mr. ERLENBORN).

I cannot think of anything worse that we can do in this Chamber than to give the Speaker or the Chairman of the Committee of the Whole House—with all due respect to the Speaker or the Chairman—that kind of broad power to make a decision on a Member's bona fide and serious action with reference to amendments that they are dilatory and to knock them out.

We have a rule of germaneness and we have ample precedents to rely on whenever the Parliamentarian rules on amendments being nongermane.

But for us to adopt a rule here where the Chairman could knock an amendment out of the box because in his judgment your action is dilatory—it seems to me is contrary to the very purpose of a legislative body.

I think each of us as Members of this Congress has a responsibility to his constituents and to our fellow colleagues in Congress to conduct himself in a manner that is meaningful and not dilatory.

There are many ways to deal with a Member who would engage in that kind of dilatory tactic. But I do not think you would want to write this into the law to say that a well meaning amendment and serious amendments are going to be knocked out because they are considered dilatory by the Chairman.

Futhermore, it occurs to me that the gentleman offering the substitute has not addressed himself to what we have seen here time and time and time again—and that is as to amendments that develop in the course of writing a bill on the floor.

This happens very often. Amendments are offered. Very often legislation takes an entirely different direction as a result of a single amendment that the House has adopted in good faith. So any Member should have an opportunity if, in his judgment, he can improve legislation to offer an amendment at that point, and at least be given a minute or 5 minutes to explain the amendment. All the gentleman from Illinois is offering in his amendment is an opportunity for this House to hear the author of a meritorious amendment state his case. We have seen this time and time again affect legislation passed by the House simply because we did not have an opportunity to state the case for the amendment.

I would hope that the substitute would be defeated and that the Erlenborn amendment will be adopted.

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

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

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 this substitute provides 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 currently cut off altogether. It seems to me that you might rather consider the broad power now given to the Speaker under the current rule before you worry too much about cutting 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 a member other than 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. I do not see 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 process, the legislation that would finally emerge would be 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!" and the House works its will.

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 gentleman from Florida is recognized.

Mr. GIBBONS. 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, if someone wanted to be dilatory—and I doubt that it would ever happen here—to a less dilatory tactic, particularly by submitting amendment after amendment. But Mr. RAILSBACK's amendment is carefully 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 who had conscientiously offered an amendment, who had presented the amendment for printing in the CONGRESSIONAL RECORD in advance of the debate, to have at least 5 minutes to explain his amendment, and if there is opposition to that amendment, then the opposition could have 5 minutes to say their piece against that amendment, and then all time would cease, as far as that amendment was concerned. The Chair would be granted the same latitude, as the gentleman from Minnesota has pointed out, that the Chair already has under existing rules to cut off dilatory tactics. That is all that the Railsback amendment would do. It is a good, sound amendment, and I think it ought to be adopted.

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

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BOLLING. 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 subcommittee, 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"; it makes them inevitable. It could very well be called the conversation versus action amendment. It would visit upon this particular parliamentary body the inability to act.

I know of no effective parliamentary body in the free world—not just in the free world, but anywhere—which does not reserve to itself, to its majority, the right to act.

The amendment as proposed by the gentleman from Illinois (Mr. ERLENBORN) would prevent this institution from acting. It would not charge the Speaker under the present rules with any duties. It would charge the various Chairmen of the Committee of the Whole under most circumstances with very difficult duties.

I do not know how many times the various gentlemen on the floor have seen a Speaker declare a tactic to be dilatory, but they take a very long time to do it, because to say that a Member is being dilatory is to say a good deal, and Speakers are very careful. I have seen one wait a dozen hours before he did it.

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

I submit that it is very important in a country that believes in government of law by majority that we retain the fundamental principle.

The truth of the matter is that if a majority feels that an individual should have the right to be heard, that majority can always withhold its vote. It is very clear that in this institution we have the right of a majority to hear anybody we please.

I believe we make a great mistake when we start adopting amendments which were not considered by the committee and found satisfactory, when we adopt them in the process of writing a bill when there are very grave doubts as to their end result.

I personally feel we would be well advised not to burden this bill either 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 there are those in the institution 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 which are 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 proposing 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 cut off without 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 hesitant that we do not move forward at 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, if it turns out that problems arise, then I for one would support an action by the Committee on Rules which would put 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 that Member where it turns out that even with safeguards there is an abuse 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 it and we found that a problem exists 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 failure in the procedure to protect the right of a Member to explain an amendment which he has worked very hard on for a long time.

Mr. SISK. 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 sought to be done here. I rise only to say 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 bringing Title I of this bill 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 on it in attempting to write 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 on the floor of the House and 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 an 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 these amendments attempt to correct, is that right now we can close the debate on an amendment which has not ever been offered so that really when we vote, 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 here merely says that if a Member thinks enough of his amendment to print it ahead of time that at least he will get 5 minutes to tell us what it is and after he has done that and there has been one 5-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 many lengthy amendments 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 seen but not heard. That is contrary to my 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 can be heard even if the majority 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 Illinois (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.

AMENDMENT OFFERED BY MR. ROGERS OF FLORIDA

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 39, after line 4, insert the following:

"SEC. 119. That Rule XXI of the Rules of the House of Representatives is amended by adding a new subparagraph 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 by a record 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 study and thought and thorough examination 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 back in the 90th 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 checked on, amounting to $23 billion, they were all passed without a record vote.

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 72 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 contribution, and again I would urge a favorable vote on this amendment so that we can have a simple rollcall vote on all appropriation bills.

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

(By unanimous consent, Mr. HAYS was allowed to speak out of order.)

FUNERAL ARRANGEMENTS FOR THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. HAYS. Mr. Chairman, in regard to the funeral arrangements for our late colleague, the Honorable MICHAEL J. KIRWAN, I have been asked to announce that the funeral will be held at 10:30 a.m. on Thursday morning at St. Brendan's Church in Youngstown, Ohio.

The body will be taken to Youngstown and calling hours will be from tomorrow evening at 7 p.m. continuing on Wednesday afternoon and evening at the Fox Funeral Home located at 4700 Market Street in Youngstown, Ohio.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, again I would assume that I am probably not considered as on the side of the angels on this question, at least in the minds of certain people, but again this goes back to the right of the majority to work its will.

As far as I am personally concerned I have no objection to being on record on any issue, whether it be appropriations, or any other issues that are before us. There are many policy issues in which people are very much concerned about where their Representatives stand.

As far as a rollcall vote on any particular type of legislation, as I understand this amendment calls for it only in connection with appropriation bills. Again it seems to me that this would or could produce a slowdown in the procedures of the House.

It is entirely possible that all major bills should have rollcall votes—and let me say that I believe in most cases most bills do have a rollcall vote. I have found that in connection with the Committee on Appropriations, the chairman of that committee, and the subcommittee chairmen, generally do request rollcall votes on final passage, and it seems to me that in most cases they are allowed.

As far as this particular amendment is concerned, I recognize that it is not going to wreck this bill. It seems to me it simply encumbers us and produces a further loss in time, and slows down activities, and it precludes the rights of the majority of the Members on the floor to make a determination on a matter that is pending at that time.

On that basis, Mr. Chairman, I oppose the amendment offered by the gentleman from Florida (Mr. ROGERS).

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

Mr. SISK. I am very glad to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I would like to say that it seems to me the present procedure we follow is consistent.

If we are not to be permitted to attend appropriation hearings, perhaps no one should know how we voted on the bill.

Mr. SISK. I appreciate the comments of my good friend, the gentleman from Missouri. Let me say, I am not altogether sure that his comments are apropos. The theory being, of course, possibly that if we have not been at the hearing that we do not know what is in the bill. I doubt that because I think most of the Members do read the report and they know what is in a bill.

As I say, any time a majority wants a rollcall vote, in most cases, and at any time some single Member wants a rollcall vote in cases where there are not 218 Members on the floor at the time, then any one Member can make the point of order against the vote on the ground that a quorum is not present and get a vote. Of course, we find this situation quite regularly and I think under the present procedure of the House, it is the most appropriate way to act.

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

Mr. Chairman, I listened with great care and respect to the words of the gentleman from California (Mr. SISK) as he said what he had to say about this particular proposal.

I recognize that the thrust of his argument is essentially one of saving time. I respect that which he is seeking to accomplish. Some of the proposals which will be made in the way of amendments to the present bill are aimed at that very same point so far as a quorum call is concerned. But when it comes to this vital question of dealing with appropriation measures, I commend the gentleman from Florida (Mr. ROGERS) for this proposal. I listened with very real interest and approval to the argument made by the gentleman from New York (Mr. CONABLE).

Let us understand that it is strictly a matter of appropriation bills that we deal with. We do not vote frequently on appropriation bills.

In the first session of the 91st Congress, as the gentleman from New York (Mr. CONABLE) pointed out, there were only seven votes which were nonrecord on final passage of an appropriation measure. At 30 minutes of time for each recorded vote, it would have been only 3½ additional hours at the most.

In the second session there have been 10 appropriation bills which we have passed without a rollcall vote and at the most this would have been only 5 hours of additional time.

When it comes to this critically important portion of our function, namely, to speak out on the spending of literally billions of dollars, there is nothing which we do and in which our respective constituents should be more interested and more entitled to know exactly where everyone of us stands than on this point.

Mr. Chairman, I commend the gentleman from Florida (Mr. ROGERS) for this particular proposal, and I urge the adoption of this amendment.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think before the Members vote on this amendment, we should perhaps have an example of what we are voting on.

The gentlewoman from Washington came back with an appropriation con-

ference report just last week. There was a vote to adopt the conference report. Following that there were 19 amendments, and then there was a motion to recommit and then final passage. Under the provision of this pending amendment, that would have been 22 rollcall 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. HAYS. Mr. Chairman, will the gentleman yield?

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

Mr. HAYS. 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 rollcall 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 rollcall. So obviously if nobody asked for it, there is apparently no one who is really making a pitch for a rollcall, for they are not even interested enough to be here and ask for the rollcall. It seems to me if they 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 rollcall 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. FRASER. I concur in 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 enough interest in the matter to ask for a rollcall. 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 rollcall in which nobody has any concern is simply to burden the legislative process.

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

Mr. SMITH of Iowa. It would mean a half hour for each rollcall. If there were 20 rollcalls 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).

The amendment was rejected.

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 this form, to wit: "As many as are in favor (as the question may be), say Aye;" and after the affirmative voice is expressed, "As many as are opposed, say No;" if he doubts, or a division is called for, the House shall divide those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one or more from each side of the question to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision. If before tellers are named any Member requests tellers with clerks and that request is supported by at least one-fifth of a quorum, the names of those voting on each side of the question shall be entered in the Journal. Members shall have not less than twelve minutes from the naming of tellers with clerks to be counted.' "

And make the appropriate technical changes in section numbers and references.

(By unanimous consent, Mr. O'NEILL of Massachusetts was allowed to proceed for 5 additional minutes.)

Mr. O'NEILL of Massachusetts. Mr. Chairman, the amendment I am offering today in behalf of myself and Mr. GUBSER of California and also 180 other sponsoring Members of this Congress provides for a record teller 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 CHARLIE GUBSER has joined with me and that we have had such a tremendous response from our colleagues. At this point I would like to list all the cosponsors of my amendment:

SPONSORS OF THE O'NEILL-GUBSER 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. Bell, Mr. Bennett.

Mr. Biester, Mr. Bingham, Mr. Blatnik, Mr. Boggs, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Broomfield, Mr. Brotzman.

Mr. Brown of California, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton of California, Mr. Button, Mr. Chappell, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Don Clausen, Mr. Cohelan, Mr. Conable, Mr. Conte.

Mr. Conyers, Mr. Corman, Mr. Coughlin, Mr. Cramer, Mr. Crane, Mr. Culver, Mr. Daddario, 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. Eilberg, Mr. Erlenborn, Mr. Esch, Mr. Evans of Colorado, Mr. Evins of Tennessee, Mr. Farbstein, Mr. Fascell, Mr. Findley, Mr. Flowers, Mr. Foley, Mr. William Ford, Mr. Fraser, Mr. Friedel, Mr. Fulton of Tennessee, Mr. Fulton of Pennsylvania.

Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Gubser, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hathaway.

Mr. Hawkins, Mr. Hechler, Mr. Helstoski, Mr. Hicks, Mr. Hogan, Mr. Howard, Mr. Jacobs, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Karth, Mr. Kastenmeier, Mr. Keith, Mr. Koch, Mr. Kuykendall.

Mr. Leggett, Mr. Long of Maryland, Mr. Lowenstein, Mr. Lujan, Mr. McCarthy, Mr. McCloskey, Mr. McClure, Mr. McDade, Mr. McFall, Mr. MacGregor, Mr. Madden, Mr. Mailliard, Mr. Matsunaga, Mr. May, Mr. Mayne, Mr. Meeds, Mr. Melcher, Mr. Meskill, Mr. Mikva, Mr. Miller of Ohio, Mr. Minish, Mr. Mize, Mr. Mollohan, Mr. Moorhead, Mr. Morse, Mr. Mosher, Mr. Moss, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. O'Konski, Mr. O'Neill, Mr. Olsen, Mr. Ottinger.

Mr. Patten, Mr. Pepper, Mr. Pettis, Mr. Philbin, Mr. Pike, Mr. Pirnie, Mr. Podell, Mr. Preyer, Mr. Pryor, Mr. Quie, Mr. Railsback, 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. Roybal, Mr. Ryan, Mr. Saylor, Mr. Schadeberg, Mr. Schneebeli, Mr. Scheuer, Mr. Schmitz, Mr. Schwengel, Mr. Shriver, Mr. Stafford, Mr. Steiger of Arizona.

Mr. Steiger of Wisconsin, Mr. St Germain, Mr. Stokes, Mr. Symington, Mr. Talcott, Mr. Teague of California, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Tunney, Mr. Udall, Mr. Van Deerlin.

Mr. Vander Jagt, Mr. Vanik, Mr. Waggonner, Mr. Waldie, Mr. Weicker, Mr. Whalen, Mr. White, Mr. Widnall, Mr. Winn, Mr. Charles Wilson, Mr. Bob Wilson, Mr. Wold, Mr. Wolff, Mr. Wydler, Mr. Yatron, Mr. Zwach.

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 nonrecorded 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 most importantly legislators. And if the work of legislation can be done shrouded in secrecy and hidden from the public, then we are eroding the confidence of the public in ourselves and in our institutions.

For instance, on May 6 during debate on the military procurement authorization, three amendments were offered that gave the House its only opportunity to address itself to the Cambodian invasion. These amendments—on a subject that was tearing at the seams of the Nation—were disposed of in teller votes, with no record for the scrutiny of the public.

The ABM, the SST, preventive detention, funds for waste disposal—all of these issues have been decided on teller votes. There is no record for posterity, and we cannot be held accountable by the voters.

This is simply and clearly not right.

There should be no one among us who is not willing to go on record on the vital issues of the day. There should be no one among us who is unwilling to go to his constituency on his record—his true record, based on the important votes in the Committee of the Whole.

Votes on final passage, on previous questions, on recommital, are only part of the record.

In courts of law, witnesses are asked to tell the truth, the whole truth. This amendment will helps us do that.

The whole truth means that we must have a record on amendment votes. This amendment will do that. I believe it is fair, it is necessary, and it is in keeping with democratic principle and representative government.

It is interesting because Members of Congress have known for about a month that the amendment was going to be offered, and I have had so many of you come up to me and say, "What are you doing? Are you becoming a reformer? Are you going to change the whole system around?"

I have been in politics or in public life for more than 35 years. I never considered myself a reformer. I do not know exactly what a reformer is. To me if one has a private opinion that the rules and regulations of the Congress should be changed, he should act upon that belief.

I am one who believes in speaking out. I have done so through the years. I believe the public is entitled to know how I vote on the issues and I constantly report to them and tell them how I vote.

I believe every Member should report to his or her constituency as to how he or she votes, and the complete record should be available for public scrutiny.

All I am asking for is a simple change in the rules. One may have the teller votes, but if one so desires, one may ask for tellers with clerks.

Last year, for example, during the period from July 1, 1969, to July 1, 1970, there were 113 division votes and 73 teller votes taken on amendments offered in the Committee of the Whole. Fifty of the teller votes were not preceded by division votes. Thus, the number of amendments voted on by division and teller votes totaled 163.

Actually, going over the list of the 73 teller votes that took place I find about 18 or 20 on which I believe the people of America, the people at home, want to know and are entitled to know how we stand. These were major, vital issues.

As examples, there are Cambodia, Vietnam, the SST, the MIRV, the ABM, 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.

In this day and age 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.

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 were disposed of in amendments.

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 rejected and 20 were approved. That is out of the 73 teller votes we took last year.

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.

One of the great problems confronting the Nation today is the student turmoil. It is not only because of the war; it is because of dissatisfaction, alienation and mistrust. They talk about all the priorities. Yes, we are reeking with priorities; there is no question about it. But they do not know how you vote and how I vote and how we stand on the issues. No one knows who is on what side, because there is no record. We must go on record, have a public accounting of where each of us stands on each issue.

Here we are, Mr. Chairman. We bind the people of America. We say whether they are going to war. We regulate taxes. We set up crime bills. All the power is in this Congress, yet we are not willing to tell the people at home how we vote.

Actually, what do you vote on? A motion to recommit or final passage. How many times in history has the statement of Wilson been repeated that the Congress in committee is the Congress at work. The work is done in committee, where it is done under committee rule, and under those rules the public doesn't know where we stand. It is not fair to the people of America. There is no question in my mind about that. It is just not fair to the people of America.

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

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. CONABLE. I would like to commend the gentleman for his amendment and say that I intend to support it.

I would like to ask him if he does not think one of the very important side effects of his amendment would be to encourage participation in the amendment process beyond that which we have under our present system. Does he not think that the Members would be much more likely to be on the floor if there is a chance of their being recorded with respect to the amendment?

Mr. O'NEILL of Massachusetts. I certainly agree with the gentleman. There is no question in my mind. If the Members know that the people at home will know how each of us is recorded on an issue that is of real importance, then there will be more dialog and more Members on the floor.

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

Mr. O'NEILL of Massachusetts. I yield to my distinguished colleague from Massachusetts.

Mr. BURKE of Massachusetts. In line with what the gentleman from New York just said on his amendment, I notice that your amendment calls for each Member on each side of the question to be introduced in the Journal. I was wondering if you do not believe it is important that we also list the names of the absentees.

Mr. O'NEILL of Massachusetts. That is all right with me, as far as that procedure is concerned. It is just a simple matter of deduction. If you are not recorded as voting, then you were obviously absent.

Mr. BURKE of Massachusetts. If the gentleman will yield futher, I know it is a matter of deduction, and of course I am going to support my good colleague from Massachusetts.

Mr. O'NEILL of Massachusetts. I want to thank the gentleman.

Mr. BURKE of Massachusetts. But I would be reluctant to support it unless we list the names of the absentees, because they are usually the cause of the outcome of the teller vote by failing to be present on the floor of the House. There are so many reformers around here, and I am not referring to my good friend from Massachusetts now but those who are writing their great position papers, who are never on the floor of the House. If we list the names of the absentees, it might be possible to get some of them over here once in a while to vote on some of these matters.

I want to say it is my intention when the proper time comes to offer an amendment to the amendment offered by the gentleman from Massachusetts which will also list the names of the absentees.

Mr. O'NEILL of Massachusetts. I want to thank the gentleman.

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

Mr. O'NEILL of Massachusetts. I am happy to yield to the gentleman.

Mr. HAYS. I agree with the gentleman's position that there ought to be recorded votes. I am not in complete agreement with how you go about it, but one thing that really troubles me in view of the eloquent statements that

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? The way it 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 record vote on it. I think they 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 is a secret vote and whether he 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 on taxes, based on that argument that 435 Members could not write a tax bill because there would be so much lack of germaneness, and each Member would have his particular interest.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. O'NEILL of Massachusetts was allowed to proceed for 5 additional minutes.)

Mr. O'NEILL of Massachusetts. In the last bill I did vote for an open rule in view of the fact that it came out as a reform package and I did not think it was a reform package at all. You may recall I said that the ocean labored and brought forth a periwinkle. I did not think much of that bill and I did vote for an open rule at that time.

However, if the gentleman is interested in having a matter of that type brought up here, why not offer an amendment to that effect?

Mr. HAYS. You are talking about writing the tax bill on the floor. You are now engaged in changing the rules of the House on the floor. I do not know anything that is more delicately balanced than the rules here to protect minorities and majorities alike. I do not see why a tax bill could not be written this way. I take it from what the gentleman says about the last tax bill that he has had a change of heart. In view of the delicate exposition against secrecy here, I hope we can count on him that we will not get any more gag rules.

Mr. O'NEILL of Massachusetts. Well, I want to thank the gentleman from Ohio and the gentleman can be assured that I will have his thoughts in mind when the next tax legislation comes up.

Mr. Chairman, it has always been interesting to me to see the history which has been written in the Congress of the United States. We are witnessing history now. But it is an incomplete record, and an unreliable one.

Mr. Chairman, the last three Presidents of the United States all served in this body, Mr. Nixon, Mr. Johnson, and Mr. Kennedy. And, if someone were writing the memoirs of any one of them on the important issues of the time in 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.

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, when he says 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. It is not right.

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 cosponsors 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, I propose later to offer an 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 such as the ABM and the SST amendments 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 we have a right to be apprised in writing as to what we are being recorded on.

Mr. O'NEILL of Massachusetts. As I have watched the development of this legislation in the last 2 or 3 weeks and seeing amendment after amendment being adopted, I am wondering if there is not more than one way to skin a cat. I am wondering if we are going to weight it down so that it will sink.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

(By unanimous consent, Mr. O'NEILL of Massachusetts was allowed to proceed for 5 additional minutes.)

Mr. O'NEILL of Massachusetts. Mr. Chairman, I would hate to think that that will happen to this legislation. I would hate for it to happen to this particular amendment.

Mr. Chairman, I do not know how many Members have come up to me and said, "I have a perfecting amendment to your amendment." If we are going to have so many perfecting amendments offered to this amendment, then I am beginning to wonder about it. I hope my amendment goes through without any amendments whatsoever, for amendments can also dilute, distort, and change, as well as improve.

Through the years, as I said, we have protected ourselves. Too often that protection has been a disservice to the public. I do not think we need perfecting amendments to protect ourselves.

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

Mr. O'NEILL of Massachusetts. I am delighted to yield to my colleague, the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Now, my good friend, the gentleman from Massachusetts, is not going to tell me that he is not going to support my amendment?

My amendment is helping his amendment.

Mr. O'NEILL of Massachusetts. Mr. Chairman, let us examine our consciences and let us look at ourselves. We have gone along here, I think, with a smug complacency throughout the years, at least that, and probably with a colossal ugliness, because we have been able to do what we wanted to do and protect ourselves.

You know, the more I think of this legislation and 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 major issues that befall the Nation. I just cannot understand how they have done it throughout the years.

Also may I say this: that I think it is true that these reforms run in cycles. We had a reform after World War II. We had another reform, I believe it was in the early 20's, and then we had reform back in 1911 or 1912, about that time.

Government runs in a pattern like that, whether it is the National Government, the State government, or whether it is in your local townships. And the people rise up about every 20 or 30 years and demand change. I think that they have risen this year, and I think that this is the main thrust; they want a report from their Representatives.

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

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman in the well for yielding.

I am sure the gentleman in the well knows that I supported him when he offered his motion in the Committee on

Rules, and I join him today in supporting the proposition that he now advances.

In fact, I think the gentleman in the well 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 California (Mr. GUBSER) both thoroughly deserve the title of reformers when they espouse what is basically very fundamentally a far-reaching change in our present rules of procedures.

I just have one interesting observation to make, and that is that in talking with various members of the Fouth Estate in passing about this particular amendment offered by the gentleman in the well, that 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 of Representatives 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 out of the Committee on Ways and Means, and this legislation, although I would advocate, as does the gentleman from Ohio, open rules on all legislation. I think if, as the gentleman from Ohio suggests, it is possible to write tax legislation on the floor of the House out in the open, then certainly it is possible even more so for us to reform our rules out here in the open, and to cause record votes on substantive matters which would be the result of the amendment of my distinguished friend, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL of Massachusetts. Mr. Chairman, I thank the gentleman.

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

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

Mr. GUBSER. This is an historic amendment to an historic bill.

I hope the bill does not get smothered or suffocated by an overabundance of kindly amendments because it is very necessary to the future of our parliamentary system of government.

I am proud to have originally sponsored an amendment which attracted a number of cosponsors. For this reason, I was asked to cosponsor this amendment with the gentleman from Massachusetts (Mr. O'NEILL).

This has been referred to as the antisecrecy amendment. The word "secret" carries with it a sinister connotation—an intent to deceive—an intent to mislead.

In defense of this House of Representatives and its very long and proud history, I would like to say that nonrecorded teller votes have not been for the purpose of deceit. Rather, they have been a carryover from the days when sessions of the Congress lasted a few short months and it was necessary to expedite proceedings. It is a relic of a passing era where the Federal Government was limited, and did not entwine itself so intricately with each individual citizen and his welfare.

Those days are gone and they will never return. Today we deal in a highly complex relationship between the people and their government. The responsibility of serving in the Congress is now a full-time, year-round job—and we are not limited by a shortage of time. We should and we can take the time to let the public know how we vote on each and every issue.

So I prefer to designate this not as an antisecrecy amendment but as the truth amendment. The truth, I would remind you, is the full truth and the whole truth.

You all know the biblical saying, "And the truth shall make you free." I cite it now because of the connection between the word "truth" and the word "free." Truth is the essence of free government and of freedom itself.

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 just American youth that has lost faith in 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 an albatross. The taxpayers are up in arms. The poor, the rich, men of all races, and almost everyone 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. I am here urging you not to adopt the substitute which will be offered and not to dilute that medicine to the point where it would be ineffective in bringing about a cure.

I am one of those who originally offered practically the same proposal as the substitute motion.

I have now studied it carefully, and believe there are certain defects in my original proposal. Therefore, for the remainder of my remarks I shall address myself to the shortcomings of the substitute.

Some say that by requiring that a greater number of Members request a recorded vote we would be protected against frivolity and the use of deliberate delaying tactics. The O'Neill amendment requires the same number of people to ask for a teller vote with clerks as is required for a teller vote. If that number is proper for a teller vote, why is it improper for a teller vote with clerks?

Some people say we ought to have an electronic device to speed up the teller voting process which the O'Neill amendment proposes. I do not think we ought to waste our time in determining how we shall take the record vote. The question before the House is, Should we take a record vote? We can do that under the O'Neill amendment with an electronic device if we wish to. The committees involved can concern themselves with this question at a later date and we can determine how we are going to record after we have determined that we will record.

The substitute would be terribly time consuming. It would involve two rollcalls in almost every instance, as well as one teller vote. Instead of a recorded teller vote taking a period of 12 minutes, the substitute would give us a possibility of three votes, the probability of two, and a certainty of one recorded rollcall vote.

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 under a little misapprehension that the substitute which the distinguished gentleman is talking about will be offered. It is not germane, 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 particular 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 defects, because those defects are 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 will be 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. Suppose an amendment were 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 deliver 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 could go on and talk further about what kind of amendments would be eligible for the rollcall vote in the House. Will it be the amendment as originally introduced? Will it be the final modified version which is defeated, or will it apply to all amendments, including substitute amendments? You will create nothing in the world but unmitigated confusion if you go back into the Committee and ask for recorded rollcall votes on defeated teller votes. So I urge the House to stand fast and adopt the O'Neill amendment without an amendment.

Mr. Chairman, the time has come when the people's business should not cower in the dim light of only half the truth. If our system is to survive it must receive the spotlight of the full truth and the whole truth.

Mr. BOGGS. Mr. Chairman, I rise in support of the amendment, and I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. The gentleman from Louisiana requests unanimous consent to proceed for an additional 5 minutes. Is there objection to the request of the gentleman from Louisiana?

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. GUBSER) asking for additional time.

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.

Mr. 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 a shelter from the public eye.

I do not believe representative government can afford the luxury of a shelter from the public eye. The American people are entitled to know the recorded judgment 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. In my opinion, teller voting, as it is now conducted, is a hindrance rather than an assistance to the majority whip. Important amendments are often adopted or defeated in the Committee of the Whole House by a small fraction of the total membership of the House. The truth is, the system of teller voting is a major contributor to absenteeism. This proposal to record teller votes would be a major step toward encouraging the full participation by all parties in forging the law of the land. In this respect, This amendment would be a great assistance to the majority and minority whips, and I think to the fair and full operation of the legislative process.

We hear a great deal of talk these days about the unresponsiveness of our institutions. The founders of this country never intended its institutions to be inflexible and set in their ways. The architects of our Government intended its three branches to be capable of growth and continuous self-renewal. This is the real import of this bill and the real significance of this amendment. For these reasons, I support this amendment and I urge all my colleagues to do so also.

This is not a liberal amendment. It is not a conservative amendment. It is not a Republican amendment. It is not a Democratic amendment. It is an amendment for this House of Representatives.

When the people and the media say that this House has ceased to be relevant, then, Mr. Chairman, if true, American democracy has ceased to be relevant.

When the people assert that the House of Representatives is not representative, then the last best hope of mankind has been lost. Because if we are not representative, then no institution is.

I have given my life to this Chamber. I love it and the Republic for which it stands. Come September 10, I will observe the 30th anniversary of my first election to the House. I came here when I was 26 years of age.

Today I am proud of the fact that I have a son who wants to come here, too. He believes that service here is a high calling. With all due deference to my colleagues on the Republican side, I hope that he is elected. I am doing everything I can to help him. He thinks the House is relevant. I think it is relevant.

But I know that this system of teller votes is not relevant. I have served for 15 years here as whip or as deputy whip, and there have been countless occasions when I have spent hours and days attempting to get members to come here and do their duty and walk through that teller line and vote.

I know this so-called hanky-panky in the cloakrooms. I know how some conservatives say, "Well, we can make a deal with the liberals." And some liberals say, "we can make a deal with the conservatives." And the beat goes on.

Well, we really do not govern that way. Those deals seldom have worked out. The pressures are too great on both sides on major issues.

All we are saying by this amendment is that the archaic system adopted some centuries ago to protect the Members of Parliament from despotic kings should be abolished in the House of Representatives of the United States of America as it was in the House of Commons many years ago.

We are saying, "Let a man stand up and be counted." What is wrong with that? Tell me what is wrong with being counted if one is a Representative. If you do not want to be counted, why did you come here in the first place, and why do most of us seek to return to this historic Chamber?

Finally, one last thought. A story is told in history about one of the great men who helped found this country, Alexander Hamilton.

Hamilton brought a visitor into the gallery of the old House Chamber, now Statuary Hall. The visitor sat with Hamilton and noting the pandemonium on the floor, which you frequently see in this body even as of this day, questioned Mr. Hamilton, "What goes on there?" And Hamilton replied, "There, sir—there, sir, the people govern."

Well, here, Mr. Chairman, almost two centuries later, the people must continue to govern. Let us support this amendment.

Mr. HOWARD. Mr. Chairman, I rise today in support of the amendment offered by my colleagues, the gentlemen from Massachusetts and California, to H.R. 17654, the Legislative Reorganization Act of 1970, to allow the recording of teller votes.

The practice of not recording votes in the Committee of the Whole was necessary at one time in the British Parliament to preserve the independence and integrity of that body. I submit the practice was never necessary in the United States and should be abandoned now. Indeed, the practice was abandoned in England 138 years ago.

The real issue here is not the modernization of House procedures, but rather the right of the American people to know how their elected Representatives vote in Congress. In this very session we have seen crucial votes on such vital issues as the antiballistic missile system, the supersonic transport, and Vietnam policy cast under various cloaks of anonymity, the most significant being the teller vote procedure.

Accountability of elected officials to the people was one of the guiding principles of the founders of this Nation, and it has continued to be one of the hallmarks of a government of a free people. Just a few

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 the 2-year term was purposely 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 is even more valid now when applied to unrecorded teller votes. If the electorate cannot even know how a Member votes on important amendments, how can they intelligently exercise their power to vote?

The issue is clearly presented. We must not shirk from our responsibilities to the people we represent. Today we can assure an inquiring public that they have the right to know what really happens in this Chamber. Mr. Chairman, the credibility of this institution is on the line. The choice is clear, and I urge my colleagues to join me in making this the last necessarily secret vote on the House floor.

SUBSTITUTE AMENDMENT OFFERED BY MR. HAYS FOR THE AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

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

The Clerk read as follows:

Substitute amendment offered by Mr. HAYS for the amendment offered by Mr. O'NEILL of Massachusetts: On page 47, after line 5 and before line 6, insert the following:

"RECONSIDERATION BY ROLLCALL VOTES OF AMENDMENTS DEFEATED IN COMMITTEE OF THE WHOLE HOUSE

"SEC. 123. Rule XXIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"'9. 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 measure and before consideration of the question of final passage, for any Member, who has proposed an amendment to that measure in the Committee of the Whole House which has been defeated by teller vote, to offer a motion, which shall require for adoption the affirmative vote of at least one-fifth of a quorum, demanding the reconsideration of that amendment by rollcall vote taken in the manner provided by rule XV. Such motion is of the highest privilege and shall be decided without debate. If, upon reconsideration by rollcall 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. GIBBONS. Mr. Chairman, I want to raise a point of order against the consideration of this amendment at this time.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GIBBONS. Mr. Chairman, as I understand the substitute, the substitute is addressed to rule XXIII of the House, whereas the current amendment, the one offered by the gentleman from Massachusetts (Mr. O'NEILL), is addressed to rule I. The O'Neill amendment primarily deals with procedures under consideration in the Committee of the Whole, whereas the substitute primarily deals with matters in the House rather than in the Committee of the Whole. That is the main substance of my objection.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. HAYS. I would like to be heard, Mr. Chairman.

Mr. Chairman, I think the situation we are in now is indicative of the difficulty in amending the rules on the floor. What I am trying to do and what this amendment would try to do is to substitute the procedure for defeated amendments, or not substitute but use exactly the same procedure for amendments that are defeated as we now have for amendments that carry.

I have consulted the best legal counsel I can around here, and they say that this is the way to get at it. If it is all right to ask for a separate vote on an amendment that passes and get a record vote, I would like to have a record vote if anyone desires it—and a substantial number of people, one-fifth of a quorum, support it—I would like to get a record vote on that amendment which is defeated.

What I would like to do is to have the vote in the regular way with a rollcall vote. I am not sure that passing between tellers and having the Clerk write down the names is going to be very accurate. As a matter of fact, maybe we ought to reverse the situation and have the press sit over here where, when you go through the tellers, they can check it. Turn the lounge upstairs over to the taxpayers and let them earn their money.

Or, perhaps, we ought to reverse the teller lines. I do not really care which way we do it. You can go ahead and have Clerks to record the teller votes, but you are not really going to cure it by having people walk through the tellers with their backs to the press and with a Clerk writing down the names of the Members, a Clerk who may or may not get them correct. I would like to see us take some action in the interest of accuracy with respect to this matter.

Further, Mr. Chairman, I want to say that I yield to no one insofar as being willing to go on record. I suspect I am on record as much as anyone in this body. A lot of times when we ought to have a record vote, I announce where I stand. Some of my enemies have said about me, "I do not like him much, but at least you will never have any doubt about where he stands."

Mr. Chairman, the issue is how do you do it and how it can be accomplished in the most accurate way.

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

Mr. HAYS. Yes, I yield to the gentleman from Illinois.

Mr. ARENDS. Does the gentleman mean that a defeated amendment on a teller vote would receive when back in the House the same treatment as the adoption of an amendment that has been agreed upon by a teller vote?

Mr. HAYS. I will say to the gentleman from Illinois that it would have the same possibility of adoption being voted on by a record vote, by a rollcall vote, which will be printed in the RECORD.

Mr. ARENDS. Mr. Chairman, if the gentleman will yield further, then there really is not much use of going into the Committee of the Whole House on the State of the Union?

Mr. HAYS. Well, I do not know. Maybe not. Maybe we should legislate everything on the floor of the House with a quorum of 218 being present.

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

Mr. HAYS. I yield to the gentleman.

Mr. YATES. After the adoption of a successful amendment in the Committee of the Whole, any Member may ask for a rollcall vote on it once the committee goes back into the House.

As I understood the amendment which has been offered by the gentleman, it says that the vote must be called for by the Member offering the amendment in the Committee of the Whole. In other words, he must be the one who offers it later on?

Mr. HAYS. Well, I do not care if he were the one asking for a vote on it or anyone else asking for a vote on it. That is a minor detail.

Mr. YATES. But, if that particular Member is not present at the time the Committee of the Whole House on the State of the Union dissolves itself and goes back into the House, can another Member ask for a vote?

Mr. HAYS. I had intended it to be that way.

Let me say in conclusion, everyone is talking about the rules being too restrictive, but some of the very people who are complaining about it do not mind raising a point of order so you cannot get a vote on this. I know it is out of order and I concede the point of order.

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

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 amendment for the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. SMITH of California as a substitute for the amendment offered by Mr. O'NEILL of Massachusetts: 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) In lieu of a teller vote conducted under paragraph (a) of this clause, a recorded teller vote through the use of electronic equipment to record the names of the Members voting in the affirmative and of those voting in the negative may be required on any question by the Speaker, in his discretion, or by at least one-fifth of a quorum either as an original demand or as a substitute for tellers named or demanded under paragraph (a) of this clause. The Clerk of the House shall list, in alphabetical order

in each category, the names of those Members recorded as voting in the affirmative, the names of those Members recorded as voting in the negative, and the names of those Members not voting. Such list shall be entered on the Journal and published in the Congressional Record.'.

"(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 title V of this Act, the provisions of this subsection shall become effective on the date of enactment of this Act."

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). This does not in any way affect the purpose or intent of the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. GUBSER) and that so many of the Members are in support of.

It simply provides, in my opinion, a better way to bring about 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 in the 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 we were a little premature, because the House Committee on Administration had been working quite diligently on this overall electronic situation. But as time developed on the situation 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 "no" votes, and another machine on the other side that would record the "yes" 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 you now to identify you, and you would just have your number that you have now, just below your license plate. That can all be recorded with the machine and the machine will take that number and will record your name such as for me, SMITH, 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 end of the 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. SMITH of California. If the gentleman will secure me an additional 5 minutes, I will be happy to yield to the gentleman.

(On request of Mr. O'NEILL of Massachusetts, and by unanimous consent, Mr. SMITH of California was allowed to proceed for 5 additional minutes.)

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

Mr. SMITH of California. I shall be pleased to yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I would ask the gentleman how would this protect the Member of Congress who forgot the card to insert into the electronic device?

Mr. SMITH of California. The question is: How would we protect any Member who forgot his name card. The answer is that that Member could not vote that day, until he got another card.

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

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

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

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 to electronic voting on the record rollcalls 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 forgot his card could not vote. And 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 out, that 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 considered the matter of what would 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. WHITE. In answer to this problem, what we would have to do is to keep duplicate cards up there with the Clerk, 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 any event you have this small box 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 and 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. It is sort of a small typewriter attached to the side of the box and prints the name on it with a piece of paper.

A teller system also could be set up using an existing computer, and there is one at the Library of Congress. It is a little more expensive to utilize.

This would probably cost a little more—possibly about $1,200 per month.

So far as I am concerned, if we are going to have a teller vote, and I am all for it, I would think we could proceed in a way where we get an accurate count.

In this particular, let me bring this to your attention. The bill we are considering, of course, will not become law until such time as it is passed by the other body and signed by the President. If we proceed with this electronic equipment, which I think we are eventually going to come to, if this can be introduced and if Members support it, it can be introduced as a separate resolution and taken before the Committee on Rules and we could come down and get started immediately on it so we might have it available for use at the beginning of the next session, if contingent funds are provided in this particular measure so we can get started on it.

It seems to me preferable to get an accurate vote and it would save a considerable amount of time rather than have a clerk on each side who may say—SMITH down to BOLLING and back to Mr. SISK and check off the "yeas" and "nays." In this way there could be a confusing and inaccurate situation.

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

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

Mr. ARENDS. Under your proposition, then if some individual does not go through the teller line at all, does not vote either way, it will show in the RECORD then that he is absent?

Mr. SMITH of California. It shows that he has not voted on that teller vote—the same as a recorded vote or a quorum call.

Mr. ARENDS. But each teller vote

would be so recorded in the RECORD the next day?

Mr. SMITH of California. That is right.

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

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

Mr. McCLORY. My understanding of your amendment is that it would authorize this change in the rules so that teller votes could be recorded through electronic equipment. It does not specify the details you have outlined as to some of the capacities and that would be up to the House administration.

Mr. SMITH of California. That is as to the use of electronic equipment on a record vote.

Mr. McCLORY. The gentleman knows that I intend to offer an amendment. I regard the use of electronic equipment in the recording of quorum calls and rollcall votes that would be of the same nature. The teller vote amendment substitute that you are offering is along that same line; is that correct?

Mr. SMITH of California. Along the same line except I think your amendment takes on a much bigger subject and more difficult than just a teller vote with two little machines.

Mr. McCLORY. I thank the gentleman.

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

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

Mr. STEIGER of Wisconsin. I notice in reading the text of the amendment that at no point do you specify a time such as the time period specified in the O'Neill-Gubser amendment. Am I correct that there is no maximum or minimum time?

Mr. SMITH of California. There is no time in this amendment for two reasons. In the first place, it would become effective if it goes into the bill at all after it is passed by the Senate and signed by the President.

Then it is written into the rules and that means forthwith.

Mr. STEIGER of Wisconsin. The O'Neill-Gubser amendment has in it a 12-minute period in which a Member could go from his office and reach the floor to be recorded on a teller vote.

Mr. SMITH of California. No time is provided like that in this amendment.

Mr. STEIGER of Wisconsin. May I ask the gentleman from California as to how he handles the problem of a Member who may be meeting with and involved with constituents in his office handling business in his office and who could not be on the floor at the time the teller vote was demanded and who, therefore, would not be able to reach the floor in the period of time in which he then could be recorded?

Mr. SMITH of California. There is no provision. We would write that into the rules of the House on this amendment.

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

The CHAIRMAN. The gentleman from Missouri is recognized.

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

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 Missouri is this: I favor electronic voting, 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 Smith substitute 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 gentleman knows, is 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 of California. My amendment does not provide any time limitation. At the time the amendment was drawn up I did not know that the O'Neill-Gubser amendment provided a time. We will have exactly the same time under my amendment as we now have under the rules as the rules exist today.

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

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

Mr. FRASER. I think a study of teller votes would show that on the average about half of the House participates; that is, 190 to 200 Members vote. This means that on the average recorded teller vote the other 200 would be recorded as "not voting," unless they were on the floor at the time tellers were ordered or sufficiently close by. The O'Neill-Gubser amendment does seek to deal with that question, by providing a minimum of 12 minutes. I would like to see electronic voting, but I am not sure that we want to make this other jump, this other change of procedure, which would force Members to stay on the floor.

Mr. SMITH of California. Twelve minutes on each teller vote would delay the actions of the House to a large extent, in my opinion.

(On request of Mr. JACOBS, and by unanimous consent, Mr. BOLLING was allowed to proceed for 5 additional minutes.)

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

Mr. BOLLING. I yield to the gentleman from Nebraska.

Mr. MARTIN. I should like to point out, in relation to the colloquy of a moment ago, that on most of the major issues that we have on the floor we do have extended debate in the Committee of the Whole and, as a consequence, it is notable procedure to set a time limit for a vote and to cut off debate at that time. I think it is the responsibility of Members to be present on the floor of the House at the time of that vote. That procedure occurs on most of the major amendments offered to legislation.

Mr. BOLLING. I thank the gentleman.

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

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

Mr. GUBSER. As one Member who has served in a State legislature where every vote was taken by an electronic device, I can well recall numerous instances in which that electronic device was out of order. Since the amendment offered by the gentleman from California (Mr. SMITH) does not provide any alternative to the electronic device, suppose we had a mechanical failure and had a very important and timely issue before the House at the time. Would we not have boxed ourselves in?

Mr. BOLLING. I would not attempt to answer that question.

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

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

Mr. SMITH of California. We would have recorded votes only when they are requested with tellers. Every teller vote would not necessarily be recorded under the amendment.

Mr. BOLLING. Does the gentleman from Illinois desire that I yield?

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

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

Mr. ARENDS. I would like to have the gentleman from Missouri express his opinion as to whether he feels that one-fifth in case of an amendment being adopted or one-fifth in the case of an amendment being defeated is fair, and whether the record vote should be had on the basis of the same one-fifth.

Mr. BOLLING. I will answer the gentleman when I proceed in my own way. I will deal with that question.

Mr. ARENDS. I thank the gentleman.

Mr. BOLLING. Mr. Chairman, I would like to speak to the Smith substitute to the O'Neill-Gubser amendment.

This is a very interesting legislative situation. I believe in all frankness we should say that the subcommittee and the Committee on Rules were overrun by the interest of the Members in having record votes on amendments.

There was extraordinarily little interest in the subject when we had our long hearings and consideration, but there developed in the past few months a tremendous amount of interest. It became apparent that probably a majority of the House did wish to have recorded votes on amendments.

Although I am not putting any words in the mouth of the gentleman from California (Mr. SMITH) who speaks very well for himself, I believe it is safe to say that his amendment is an attempt to improve on the proposal offered by the gentleman from Massachusetts and the gentleman from California in terms of the realities. This institution has had great difficulty not with the integrity of its clerks but with the accuracy of its clerks. We remember the trouble that we have had. The purpose of moving to electronics is to see to it that we have accuracy, a foolproof system which will not be subject to any charge that the votes were rigged. And that charge has been made, and not wholly and satisfactorily answered because of the difficulty of a

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 we will come to that. It will massively 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 proposal for fear that it would kill any hope of taking a step forward.

I believe that we have the opportunity to give the people of the United States their right—their right to know how their Representatives vote on issues 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 time to 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 this bill. I believe we can be expected to give it serious consideration.

Therefore, I propose to vote for the Smith of California substitute. If it passes, of course, that will be that. But if it is defeated, I propose to vote for the Gubser-O'Neill of Massachusetts amendment, because I believe this issue—the issue of having a record vote on all amendments—is the one critical issue that faces us here on the consideration of this matter and which has been given enough thought to justify its adoption now.

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

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) 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 through the use of electronic 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 widely dispersed they are. Time 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 we are finally facing 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 need to know how we represent them; there is a need to know how we vote in order that an honest evaluation of our effectiveness as a Representative may be made by the voters in the election. I think it would give more body and more substance to the dialog 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. This applies to the executive departments and to the independent agencies, but it does not apply to the Congress.

I think there is no area of information in this Government where 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 as 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 side did not prevail, so on the recorded 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. 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 move to strike 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 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 time this week is over. They 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 areas and try to take care of the funds 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 such as 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 not here constantly. I am just the 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 190 people on the floor 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. GUBSER) and myself, gives you time to get on the floor. It gives you at least 12 minutes to get over here. I am located 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?

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

Mr. GUBSER. The point I am trying to make is that if your language passes 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 language use it?

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 study to be made into the question of the use of electronic

devices. As a matter of fact, the amendment offered by me and cosponsored by the gentleman from California says that upon the adoption of this amendment, notwithstanding title V of this section, the provisions of this subsection shall become effective upon the date of the enactment of this amendment. In other words, on the day when this is enacted, with your amendment how are you going to have a teller vote, with clerks or electronically, when the equipment will not be here?

As I have stated before, as I analyze the bills, in 1968 there were 63 teller votes and last year there were 73 teller votes. There was never in either one of those years more than 20 important amendments on which you would want to be recorded so that the public would know how you had voted. I don't see that electronic equipment will be used a great deal if it is just for the recorded teller vote. So, you want to put in electronics equipment, but I say let us, first, accept electronic voting for the entire Congress for all matters, and if you accept this amendment the teller votes would become part and parcel of the entire package.

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

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

Mr. HAYS. There are two points I would like to make. One is, I think the gentleman's analysis is correct and I am going to support his amendment. But I think he will find, if it passes, there will be a lot more teller votes than before because there will be a chance to get on record.

Second, I am going to offer an amendment—and I hope someone interested in reform will not make a point of order against it—a very simple amendment to the amendment which has been offered by the gentleman from California (Mr. SMITH) to the effect that on teller votes there shall be 12 minutes elapse from the time the vote is called until it is announced—or does the gentleman favor such procedure? I am for the Smith amendment because I think it helps your amendment and makes its accuracy almost infallible.

Mr. O'NEILL of Massachusetts. Is not the reasonable thing to do is to wait until this Congress accepts or decides it will have electronic voting? Therefore, let us not add the burden of the cost of putting in a separate device that will, perhaps, cost almost $1 million.

Mr. Chairman, I would hope the amendment which has been offered by the gentleman from California (Mr. SMITH) will not be adopted at this time.

AMENDMENT OFFERED BY MR. CLEVELAND TO AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. CLEVELAND. 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. CLEVELAND to the amendment offered by Mr. O'NEILL of Massachusetts: Prior to the technical amendment, insert the following new language as a new provision to clause 5 of rule 1:

"*Provided further,* That no demand for recorded teller vote may be made on any amendment unless such amendment shall have been printed in the RECORD prior to its consideration."

Mr. CLEVELAND. Mr. Chairman, I support the O'Neill-Gubser amendment. This amendment I am offering is an attempt on my part to improve their amendment.

I think a point of departure in discussing this amendment briefly, are 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 elapsed time to give a Member who has other things to do for his constituents, time to get to the floor. And this is quite true.

But I hope the gentleman from Massachusetts will also 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 that the gentleman will consider the plight of that 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 this: 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 in a teller vote.

I simply require, by my amendment, that if somebody feels that this procedure is important enough and invokes it, then they will have to prepare that amendment at least 24 hours in advance, and have had 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 Congressman 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.

Now, Mr. Chairman, I will be happy to yield to the gentleman from Louisiana.

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

While you are in the process of legislating, as we are now, the need for a factor of time to be added to the Smith substitute, it cannot be done, as the gentleman 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 gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Chairman, let me say this to you: That the trivial things of today are the important 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 actually be very, very important, but, by virtue 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. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I sympathize with what the gentleman is trying to do, but I submit that what he is attempting is difficult to do.

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 committee. Then let us suppose that there are Members who feel it is sufficiently important 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 Committee 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. Chairman, 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 Congress to know.

I had proposed to offer an amendment, but because of the parliamentary procedure, I could not offer it at this time because I think we have had one too many amendments so I could not do it. But I think my amendment will provide an answer and satisfy both parties in this area.

Should the recorded teller vote amendment carry, I will offer an amendment which will provide that before any vote is taken which is a recorded vote, on the demand of any one Member, there shall be distributed to the Members of the House of Representatives a printed copy of the amendment or the substitute being voted upon.

Let me emphasize this point to you. If you are in your office and you are talking to constituents, you get over here and you come over here at the 11th min-

ute, having 12 minutes to vote, then you have no time to find out really what you are voting on. If you are going to be recorded on an issue, you certainly should know what the issue is about and what you are voting on.

This amendment would simply provide that we would have in effect a small printing press in one of the rooms off the floor.

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

Mr. THOMPSON of Georgia. I yield to the gentleman.

Mr. FRASER. I sympathize with what the gentleman is interested in and I know that there are other amendments concerning the problem.

The argument that the gentleman is using suggests that it is OK to be ignorant of what the amendment is as long as you are not on record and only when you are going on record is it essential that you understand what is being voted upon. I am sure the gentleman does not intend that.

Mr. THOMPSON of Georgia. May I answer the gentleman in this way. To be perfectly frank with you, the proposal of the gentleman from California (Mr. SMITH) is far superior to the one that would allow you or myself or anyone else to stay in our offices and make it over here at the last minute and record a vote. The reason it is superior is because it would in effect require your presence on this House floor at all times because you would have to be over here or you would not know when the vote was going to be taken, and being present you would know what this is all about.

But if the gentleman from California's amendment does not carry, there is no need for your being on the floor because you will have 12 minutes to be recorded and most Members are concerned about whether they are recorded or not.

You will have more Members voting if it is a recorded vote than if it is not a record vote.

The point is simply this—rushing over here at the last minute, you do not know what you are voting on. This would provide that if you are to have a record vote, you would be at least handed at the time you come in a copy of the amendment you are voting on. I submit that the time in providing this would only be a very few minutes to provide 435 copies.

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

Mr. THOMPSON of Georgia. I yield to the gentleman.

Mr. GUDE. Mr. Chairman, I want to commend the gentleman on the amendment he has proposed.

We used a similar system of distributing amendments to members when I was in the Maryland Legislature and I see no reason why we cannot have the same system in the U.S. Congress. I think it would be an excellent addition to the Gubser-O'Neill amendment of which I am a cosponsor. Next to doing away with the seniority system, I believe a system of recording teller votes is the most progressive reform we can institute in this bill. It would be a step which will do much to build and strengthen public confidence in our democratic system in the 1970's.

Mr. THOMPSON of Georgia. I thank the gentleman. But the amendment has not been offered as yet and it may not be because of the parliamentary procedure. But immediately after the vote, should the vote be successful I intend to seek recognition of the Chair for the purpose of offering the amendment.

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

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I take this time to see if there is some possibility of agreement we can reach to vote on some of these amendments. As members of the committee know, so far we have not sought to cut off debate. I am not proposing to cut off debate now. I do not propose to offer a motion. But in order to provide for orderly consideration, it seems to me, in view of the fact that we now have an amendment, a substitute, and then an amendment to the substitute, I would like first 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 going to ask unanimous consent that we reach some agreement on time on that amendment if we can.

I wish to make it clear, Mr. Chairman, that I am not attempting to cut off debate on the O'Neill amendment or the Smith substitute. I am simply trying to bring about an orderly agreement as to how many Members actually desire to speak on the Cleveland amendment. Could we get an agreement to vote on that amendment?

Mr. Chairman, I ask unanimous consent that all further debate on the Cleveland amendment close in 10 minutes.

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

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 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 nature of amendment would be in order at this time?

The CHAIRMAN. A germane amendment could be offered to the O'Neill amendment after the Cleveland amendment is disposed of and a germane amendment of the Smith substitute 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. For that reason I oppose not only the Cleveland amendment but all amendments and susbititutes to the O'Neill-Gubser amendment.

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 listing of absentee membership on the teller votes. If the Smith amendment is adopted, there will be no need of my amendment, but my amendment will be voted on first, as I understand the parliamentary situation. I realize there are many 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 separate the men from the boys, then the Committee will adopt my amendment to list the absentee Members on these teller votes.

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

Mr. FRASER. Mr. Chairman, I just want to add my concern about the Cleveland amendment. I think that would introduce serious complications into what would otherwise be a fairly simple and orderly procedure.

Mr. Chairman, I should like to make a point on the main amendment which is pending. In the O'Neill of Massachusetts-Gubser amendment there is every opportunity to use electronic equipment, which I hope we will install soon. It provides the underlying framework for a workable system, and does not make it dependent upon 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 other amendments.

I remind the Members that as a member of the Committee on House Administration—and I believe my position will be confirmed by other members of the committee—I can say we are keenly aware of the many problems discussed here. I am sure if this amendment is passed, the many problems to which attention has been called will be resolved

in that committee and brought back to the House for complete resolution.

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

Mr. BINGHAM. Mr. Chairman, I rise reluctantly in opposition to the Cleveland amendment, because I am very much in sympathy with its objectives. I have been troubled in the past by the absence of the text of amendments considered in the Committee of the Whole. At my instance, I believe, the Clerk did install a small copying machine at the desk here, which does make copies available. Perhaps a larger machine should be installed.

I am seriously worried, however, about the effect of the Cleveland amendment in adding to the complexities of the teller recording problem, particularly in respect to the text of an amendment proposed one day and printed in the RECORD, which might very well be amended on the floor the following day. Such an amendment, as I understand the gentleman's amendment, would not be subject to a recorded vote.

In the interests of simplicity the proposition as put forth in the so-called O'Neill-Gubser amendment—and both gentlemen are very much to be commended—should be adopted.

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

Mr. GIBBONS. Mr. Chairman, I rise in opposition to the Cleveland amendment. I believe it would put an unreasonable amount of inflexibility into the whole House procedure here. It would require that someone almost be clairvoyant, that he be able to anticipate almost exactly what amendment would be voted on.

I point out how unworkable it would be, because if the amendment of the gentleman from New Hampshire (Mr. CLEVELAND) were amended here on the floor, we could not get a record vote on that, if we tried, because he had not published it in advance.

I believe it is just an unworkable procedure. I urge support of the O'Neill of Massachusetts-Gubser amendment and defeat of the Cleveland amendment.

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

Mr. SISK. Mr. Chairman, I ask for a vote on the amendment, and I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. SMITH OF CALIFORNIA

Mr. HAYS. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from California (Mr. SMITH).

The Clerk read as follows:

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 recorded teller vote through the use of electronic equipment or other means to record the names of the Members voting in the affirmative and of those voting in the negative may be required on any question by the Speaker, in his discretion, or by at least one-fifth of a quorum either as an original demand or as a substitute for tellers named or demanded under paragraph (a) of this clause. The Clerk of the House shall list, in alphabetical order in each category, the names of those Members recorded as voting in the affirmative, the names of those Members recorded as voting in the negative, and the names of those Members not voting. Said voting period shall not terminate until the expiration of at least twelve minutes from the commencement of said teller vote. Such list shall be entered on the Journal and published in the Congressional Record'.

"(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 title V of this Act, the provisions of this subsection shall become effective on the date of enactment of this Act."

Mr. HAYS. Mr. Chairman, I had announced I would offer this amendment. The gentleman from Texas (Mr. WHITE) 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 we had to in order to cure 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, 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 Member could 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, with his name on it, because 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 call it, almost instantaneously, also. So the names of all those people voting one way or the other would be recorded.

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

Mr. HAYS. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. If the gentleman's amendment is agreed to, as I understand it, and I myself was about to offer the same amendment as the gentleman now offers, it would mean that the procedure described under the O'Neill amendment would be still effective, would it not?

Mr. HAYS. Yes.

Mr. MATSUNAGA. And it also means that an objection raised earlier to the Smith amendment, that it would not give Members sufficient time to get here to the floor, is eliminated by allowing 12 minutes for Members to get to the floor from the time the telling has begun?

Mr. HAYS. The gentleman has put it exactly.

It seems to me that this amendment will cure the principal objection to the Smith amendment and the Smith amendment will, in my opinion, make the O'Neill-Gubser amendment better because it will insure its absolute accuracy.

Mr. MATSUNAGA. Mr. Chairman, the amendment offered by the gentleman from Ohio would certainly improve the Smith amendment and deserves support.

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

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

Mr. ARENDS. This is more of a statement than a question.

I am hoping in the consideration of all of these matters that when we do go to an electronic voting system here, that somehow we can do so without putting up something like a large baseball scoreboard in this beautiful House. I hope that a device can be worked out which will not in any way spoil the looks of this lovely Chamber.

Mr. HAYS. As I envision it, I can say to the gentleman, under the able chairmanship of the gentleman from Louisiana (Mr. WAGGONNER), a subcommittee of the Committee on House Administration has been studying this whole matter and has made some recommendations and is prepared to make some more if this bill does not take the ball game away from us.

What I envision is a simple little box somewhere back there on the aisle on each side where one will be marked "yes" and the other "no." When you walk by it you simply slide your coded card in and it records your vote. It is not difficult. I have a coded card now which probably does a job which is much more difficult physically. You slide it into a little box so big and it opens up the garage door where I keep my car. If you do not have the card, you cannot get the garage door open. If you do not have your coded card here, you cannot vote. You have to have it with you. Of course, someone brought up the fact that you may forget it. It is a simple device and, knowing the people where I rent the garage, they would not have it if it were very expensive, so I do not think that that is a big factor, either.

Mr. GUBSER. Mr. Chairman, I would like to ask this question for information. Under the gentleman's amendment,

would it be possible to have a record teller vote by any means other than electronic?

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 OF MASSACHUSETTS

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 provision in their amendment. It merely calls for a listing of 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. Why should those people be protected day after day, week after week and year after year? Under the type of amendment which has previously been offered they could be absent all year and the only Members who would be recorded would be those who are present and voting.

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

Mr. BURKE of Massachusetts. 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 be willing to accept an amendment clarifying that situation.

Mr. WHITE. I do not have such an amendment drawn at this time nor the wording of the gentleman's amendment. 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 amendment is defeated, then I will not have the opportunity to offer my amendment again.

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 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 substitute.

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 the well and the gentleman 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. Chairman, I rise in support of the amendment to the Legislative Reorganization Act which has been offered today by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. GUBSER) proposing to permit record teller votes in the Committee of the Whole. I am pleased to be a cosponsore of this important amendment and strongly urge 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 dedicated efforts of many Members over the years, combining the suggestions offered 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 House 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 California (Mr. GUBSER), proposing to permit rollcall votes in the House on amendments defeated on teller votes in the Committee of the Whole. I have been happy to join the gentleman from California (Mr. GUBSER) and many other colleagues, in introducing this compromise amendment which is now before the House. It will authorize recording of teller votes if sufficient Members so demand, thus permitting record votes on major votes while retaining the present nonrecord teller system in the Committee of the Whole for less important amendments. Upon one-fifth of a quorum—20 Members—supporting a call for a record teller vote, Members would walk thrcugh one of two teller lines which would record the name 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 reach the floor in time to have their positions recorded. The result of the record teller vote, including the names of those voting for and against the 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 votes a matter of public record, has contributed to a growing gap of 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

anonymity of votes in the Committee of the Whole, the need in 17th-century England to protect Members of the British Parliament from the wrath of the King, no longer exists. Since the 1830's the British Parliament has provided for record teller votes. We are some 1½ centuries late in taking such action today.

This record teller vote amendment is a reasonable and appropriate method of meeting a pressing need, and its adoption is imperative.

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

Mr. Chairman, I have no objection to the Hays amendment to the Simth substitute. I have discussed the situation with the gentleman from California (Mr. SISK) and with the gentleman from Missouri (Mr. BOLLING), and they both tell me it is all right, when I made the statement that we were willing to agree to the amendment.

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

Mr. Chairman, I take this time at this 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 very important. 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 if this 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 can vote on the amendments and the substitute and amendments thereto.

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

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

Mr. JACOBS. 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 picturetaking?

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 can proceed expeditiously with this matter.

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

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

Mr. FRASER. Mr. Chairman, I think that there are some uncertainties about the exact language of the amendment offered by the gentleman from Ohio (Mr. HAYS). I wonder if, before we limit time, if a parliamentary inquiry might be presented to clear that up?

Mr. SISK. I yield to the gentleman for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

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 Clerk will again report the amendment offered by the gentleman from Ohio (Mr. HAYS) to the substitute amendment offered by the gentleman from California (Mr. SMITH).

The Clerk reread 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 hurriedly. But it is my understanding, you do not have this in lieu of a teller vote but you have it upon demand. In other words, 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 up and 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 can have only one vote—one teller vote—and either it is going to be a nonrecord teller vote or, if before the teller vote is started somebody demands a record vote, that recorded vote would be in lieu of the nonrecorded teller vote.

That is the significance, I think, of striking that language, that then you could have two teller votes, one nonrecorded and one recorded.

I just want to make clear that the gentleman means to make that substantive change. I am not sure I favor the change, but I just want to know what the intent was.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WAGGONNER. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. SISK) may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SISK. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HAYS) to explain further his amendment.

Mr. HAYS. Mr. Chairman, again let me say to you, I think by striking out the words "in lieu thereof" you would have the possibility, as the gentleman from Minnesota has said, of having two teller votes.

But on the other hand we might preclude the possibility of having a recorded vote if you had the other vote which went very substantially against or for and they saw it was going to be unnecessary. What I am trying to do here is to provide a recorded teller vote using the language of the Smith amendment, and I really do not think it makes all that much difference, but I think the idea in striking out the "in lieu of," from the advice I got, was that it would make it possible to get a recorded teller vote in any event, and that is what I think we are all after.

Mr. SISK. Mr. Chairman, I would like to renew my unanimous-consent request. As I said, I am not trying to cut anyone off. I ask unanimous consent that all debate on the O'Neill-Gubser amendment and all amendments and substitutes thereto close at 4:45 p.m.

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

Mr. DENNIS. I object.

Mr. SISK. Mr. Chairman, I ask unanimous consent that all debate on the O'Neill-Gubser amendment and all amendments and substitutes thereto close at 5 o'clock.

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

There was no objection.

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

Mr. ANDERSON of Illinois. Mr. Chairman, we now have before the Committee the O'Neill-Gubser amendment, the Smith substitute, the Hays amendment to the Smith substitute, and finally the Burke amendment "to separate the men from the boys." What I am afraid of in all this discussion is that in our desire to secure the basic principle of recorded teller votes, if we adopt the substitute or any of the amendments that have been offered, somehow or other we are going to be scrambling the issue of electronic voting, which I think is an important and separate issue in and of itself, with the other basic issue of making sure that we have embedded in the Reorganization Act in unmistakable language the fact that there shall be recorded teller votes.

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 O'Neill-Gubser 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 absosolutely 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. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I rise in support of the Gubser-O'Neill of Massachusetts amendment. I concur with the gentleman from Illinois (Mr. ANDERSON) who just spoke, that 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 of Georgia. Mr. Chairman, I yield back my time.

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

Mr. OBEY. Mr. Chairman, I rise to support the amendment by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. GUBSER) to permit the recording of 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 rollcalls 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 turn around on final passage and vote for the bill he has just voted to emasculate by amendment. While on record he can pose as a champion of environmental protection, of the elderly and of the sick, he has in fact voted against their very interests.

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 Congress 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 served in 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's 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.

(By unanimous consent, Mr. OBEY yielded the remainder of his time to Mr. GIBBONS.)

PARLIAMENTARY INQUIRY

Mr. GUBSER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUBSER. In the event that Members do not consume the time allotted to them, does that mean we will vote earlier than the time certain, 5 o'clock, or that debate will be extended until the time certain?

The CHAIRMAN. When the call of the list of Members is completed, the Chair intends to divide the time equitably, and should there be no further requests for time the Chair might put the question before 5 o'clock.

Mr. GUBSER. In other words, if a number of Members do not use their allotted time and we have exhausted the list prior to 5 o'clock, we will vote at that time?

The CHAIRMAN. If no other Member desires to speak, the gentleman is correct.

Mr. GUBSER. Mr. Chairman, a number of Members have gone back to their offices, and I am going to have to put on a quorum call if that is the case.

The CHAIRMAN. Does the gentleman make the point of order that a quorum is not present?

Mr. GUBSER. No, Mr. Chairman.

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

Mr. GIBBONS. Mr. Chairman, considering the series of amendments which are pending, this is like the rabbit who went in one hole, went all around underground, and finally came out at the same place, because if we adopted all the series of amendments, with all the hiatuses, and everything else they have in them, we would finally come out some place with the O'Neill of Massachusetts-Gubser amendment.

For that reason I am going to support the O'Neill of Massachusetts-Gubser amendment, because it is sound, it is well thought out, and we are not going to get confused by leaving in or taking out some of these other provisions.

The amendment offered by the gentleman from Ohio (Mr. HAYS) to the substitute amendment offered by the gentleman from California (Mr. SMITH) brought that amendment almost around garage, they would not have it if it were full circle, almost 360 degrees back to the O'Neill of Massachusetts-Gubser amendment. Then, when my friend from Massachusetts separated the men from the boys, he added a little more sweetening to the cake.

But there is no need for all this. All the things that have been talked about here today can be done under the Gubser-O'Neill of Massachusetts amendment. There is no prohibition in the Gubser-O'Neill of Massachusetts amendment as to using electronic equipment. All types of electronic equipment can be used under that amendment. It provides ample time for Members to get to the floor. It will not tie them down to carrying a card or something of that sort.

For that reason I believe the Gubser-O'Neill of Massachusetts amendment should be adopted.

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

Mr. GIBBONS. I yield to the gentleman from New York.

Mr. ROSENTHAL. I do not see anything wrong with the Burke of Massachusetts amendment. Would the gentleman comment on that?

Mr. GIBBONS. It is just not necessary. We are going to record who voted "aye" and who voted "no." If a Member did 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. 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 amendment. I do not see how, because it says "clerks." But then he objects to electronic equipment because he says you would have to carry 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 can do it under the Gubser amendment, the objection is not valid, but are you sure you can do it under the Gubser amendment?

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 possible.

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

Mr. WHITE. Mr. Chairman, I support the Hays 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 immediate problem.

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

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Chairman, I support the O'Neill-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 a separate and 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 competition 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 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 inform the gentleman in answer to 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. SMITH) 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 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 inform the gentleman in answer to this parliamentary inquiry that when the O'Neill amendment is disposed of, then certainly additional germane amendments 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 Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

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 related substitutes and amendments thereto.

I am sympathetic to the amendment offered by the distinguished gentleman from California (Mr. SMITH), 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 amendment—to the O'Neill-Gubser amendment—and support the amendment offered by the gentleman from Massachusetts and the gentleman from California in their original 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 complained that these spotters have made mistakes in their tallies. This is to be expected, given the distance between the spotters and the tellers, the fact that notes cannot be taken, and the rapidity 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 the worst possible location to do so.

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 deceit. 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 procedure 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 behind such an argument is 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 much discussion, a bipartisan group of members concluded that the pending amendment was the best approach. The amendment provides for the retention of nonrecord teller votes 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 worked out 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 make it over to the floor to be recorded. 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 proceedings of the Committee of the Whole, and perhaps foster greater attendance during debate in the committee.

Adoption of this amendment would eliminate the practice of various private groups using the motion to recommit as an indimation 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 of 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.

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

Mr. HUNGATE. 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 I think it does, I do not understand it.

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 Florida (Mr. PEPPER).

(By unanimous consent, Mr. PEPPER yielded his time to Mr. O'NEILL of Massachusetts.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL of Massachusetts. Mr. Chairman, I wish to thank the gentleman from Florida for yielding me the time.

There is an old saying, "Beware of Greeks bearing gifts."

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

Mr. O'NEILL of Massachusetts. I am pleased to yield to the distinguished gentleman from Indiana.

Mr. BRADEMAS. I want to say to the gentleman that this is one Greek who is bearing the gift of his very strong support and cosponsorship of the gentleman's amendment and will oppose all amendments thereto.

Mr. O'NEILL of Massachusetts. I thank the gentleman for those remarks.

We had an opportunity in the committee when reading the bill, by a vote of 6 to 6, to adopt this amendment, but it did not prevail.

The gentleman from California could have offered his amendment or at that particular time voted with the majority and offered it at a later date.

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

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

Mr. HAYS. Well, the amendment. I am trying to improve upon the amendment to make it more certain.

I simply gave you notice in a fair way that I was going to offer a substitute for a rollcall record of teller votes or by the clerks writing down the names.

Now, that makes it a more foolproof method. I am all for a recorded vote.

Mr. O'NEILL of Massachusetts. I am very, very grateful for the statement of the able and learned gentleman from Ohio.

Nevertheless, I am afraid at this particular time that if the amendment as offered by the gentleman from California (Mr. SMITH) as amended by the amendment offered by the gentleman from Ohio (Mr. HAYS) is adopted it will do harm to all our efforts. Basically it looks as though it accomplishes exactly what I am looking for, but what I am afraid of is this: this bill is not going to pass today. We are going to rise this afternoon. We will probably rise tomorrow afternoon, and the Lord knows when we will get final passage on this legislation that the gentleman from California (Mr. SISK) and his committee have so diligently and so ably worked on.

As the time goes by I begin to think that the people out in the hallway are going to say "You know, the basic idea was all right, but perhaps we made a mistake by going along with electronic voting on this. It is going to cost a quarter of a million, or a half a million or three-quarters of a million or a million dollars to put some kind of an electronic gadget in here in order to record teller votes. You know, the Congress has not made a complete study as to whether we ought to have this whole Chamber realtered so that we can have electronic votes on rollcall votes. I think that perhaps we have acted at 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 hope that this legislation will go through, and I think perhaps that some Members may be a little naive when they get tied up with the machinations and procedure. I am afraid somewhere along the line this amendment is going to be scuttled. That is what I do not want to see happen.

To be perfectly truthful, let me say this to you, so everybody in the House will understand: When a man wants a teller vote he stands and he asks for a teller vote. If he gets 20 people to stand, when 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 not be 73 recorded teller votes; there will only be recorded votes on about 15 or 17. So there is not this great fear that we have to be all present on the floor constantly, because with every teller vote that will be recorded, 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 New York.

Mr. ROSENTHAL. Mr. Chairman, I would ask the gentleman from Massachusetts if I am correct in my analysis of what could take place under the parliamentary situation that if the amendment offered passes without an amendment—and I hope it will pass without an amendment—that if that passes there is strong likelihood of a vote on that 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 introduce 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 the 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.

Mr. BURKE of Massachusetts. Do you not also believe that Members will have an opportunity to vote against the Gubser-O'Neill amendment if that amendment does not provide for the listing 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 does not let go.

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

Mrs. HECKLER 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 examining its own conscience. While there are differences of opinion and different points of view and different proposals, I think they are all motivated by a 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 today, when so many of our substantive issues are disguised in parliamentary procedure in stating his position. The Member who genuinely wishes to express a point of view has difficulty achieving a clarity of position.

The O'Neill-Gubser amendment makes this situation abundantly clear and proposes a remedy. For this reason, both for the public's protection and for the 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. I wish I could be more adjectival in describing it.

I think I am naive enough to believe in the Stevensonian concept of our role being one that is directly representative of the body politic.

I think the effort being made by Representatives of O'Neill-Gubser this afternoon, which I support in its simplest form, is 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. The gentleman from Illinois (Mr. MIKVA) is recognized for one-half minute.

Mr. MIKVA. Mr. Chairman, I rise in support of the O'Neill-Gubser amendment. It will put the elected representatives 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 Chair 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 and meaningful votes that we cast here in this body?

There is one easy, simple way to be recorded in favor of being counted as present and recorded on the teller votes and that is 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 see fit, 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 straight, and to vote for the Gubser-O'Neill amendment.

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

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. I for one am prepared to stay here until midnight tonight. I would like to see those 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).

PARLIAMENTARY INQUIRIES

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

The CHAIRMAN. The gentleman will state it.

Mr. FRASER. Would it be in order that we might have a vote now on the Burke amendment?

The CHAIRMAN. If there are no other speakers on the list that the Chair has that was taken down at the time of the request of the gentleman from California (Mr. SISK) to limit debate, then that would be in order. If there are additional speakers on the list who want to speak to the Burke amendment to the amendment of 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 amendment offered by the gentleman from Massachusetts (Mr. BURKE) to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL)? Are there any other speakers on that amendment? If not, the Chair at this time will put the question.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. BURKE), 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—ayes 52, noes 22.

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

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

Mr. FRASER. Mr. Chairman, acceptance of the Burke amendment will certainly not harm and perhaps may strengthen the O'Neill-Gubser amendment, so I think we are in good shape. I understand that the gentleman from Michigan will offer a further amendment to the O'Neill-Gubser amendment to make clear that electronic devices would be in order. This would then give us a fundamentally sound amendment which would do everything the Smith amendment would do, with or without the Hays amendment.

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 today we are seeing 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 providing for recorded teller 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 and the Hays amendment to it, which has raised some confusion.

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 back to the floor later to ask unanimous consent to have the RECORD corrected. That gives full protection against any inaccuracy.

A simple way 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 I offered with the gentleman from California (Mr. GUBSER).

Mr. O'HARA. I thank the gentleman.

Mr. GUBSER. 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. I thank the gentleman.

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

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

Mr. SMITH of California. I should like to have the 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 reread 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 whose names are on the list who 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 attempt to change or improve upon the O'Neill-Gubser amendment as merely an attempt to frustrate the bill or the amendment itself. I spoke to the gentleman from Ohio (Mr. HAYS) 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. WAGGONNER) we have been investigating electronic voting for the past month, and it is entirely 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.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL 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 Mr. O'HARA of Michigan. I will also support at the proper time an amendment to record all record votes and quorum calls by electronic means. Much time every legislative day, is wasted by the present method of recording votes, many of which take as much as 30 minutes to conclude.

So, if the Members are in favor of recorded votes—why not have the most modern, fastest way—electronic voting on all votes.

(By unanimous consent, Mr. BROYHILL of North Carolina yielded his remaining time to Mr. ARENDS.)

Mr. ARENDS. Mr. Chairman, 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 shall have a difference 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 if a vote is requested we ask for one-third of the membership to 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. ARENDS. Yes, Mr. Chairman, I offer the amendment.

AMENDMENT OFFERED BY MR. ARENDS TO THE AMENDMENT OFFERED BY MR. O'NEIL OF MASSACHUSETTS

The Clerk read as follows:

Amendment offered by Mr. ARENDS to the amendment offered by Mr. O'NEILL of Massachusetts. After the last sentence of the O'Neill 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 measure and before consideration of the question of final passage, for any Member with respect to any amendment which has been defeated by teller vote in the Committee of the Whole, to offer a motion, which shall require for adoption the affirmative vote of at least one-third of a quorum, demanding the reconsideration of that amendment by roll call vote taken in the manner provided by Rule XV. Such motion is of the highest privilege and shall be decided without debate. If, upon reconsideration by roll call vote, the amendment is adopted, then the amendemnt 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 with clerks—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 on 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 rollcall vote. If it is defeated, you cannot have a rollcall vote.

Mr. ARENDS. 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, making it a requirement that 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. ARENDS. 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. ARENDS. 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. ARENDS. Yes. I think that is the best thing to do.

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

Mr. ARENDS. 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, on page 27 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 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 Ohio (Mr. HAYS).

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

The CHAIRMAN (Mr. NATCHER). The Chair is prepared to rule.

Insofar as the constitutional question raised by the gentleman from Massachusetts is concerned, of course, the Chair would not pass upon that.

The amendment offered by the gentleman from Illinois (Mr. ARENDS) provides for the recording of teller votes. The pending amendment offered by the gentleman from Massachusetts also provides for the recording of teller 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 teller vote there is the requirement that only one-fifth of the membership of the House must rise on that teller vote, but on a defeated amendment, I think that one-third should be required to obtain a vote on such defeated amendment by teller vote.

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 would be in a real bad bind 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, however.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (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 most practical approach is the substitute offered by the gentleman from California, as amended by the amendment of the gentleman from Ohio (Mr. HAYS).

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 more 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. O'HARA) to the O'Neill-Gubser amendment, the difference between the two approaches seems to be the difference between tweedledee and tweedle-dum.

Mr. Chairman, it appears to me that the best approach is the Smith substitute as amended by the Hays amendment.

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

Mr. PIKE. Mr. Chairman, I think we have spent a lot of time with the angels on the head of a pin here. I do not believe it really matters how the vote is taken, whether it is taken electrically or by clerks, or by putting beans with your name on them in a bottle. I do not think it matters whether we have 12 minutes or 11 minutes or 10 minutes or 15 minutes. I think that it does not matter whether we have 15 recorded teller votes or 73 recorded teller votes; what does matter is the principle that the teller votes be recorded.

I think that it is obviously going to make our job a lot harder. There are 125 people not here today. There will be probably 250 people not here when we take our vote that will make our democracy better.

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

Mr. FASCELL. Mr. Chairman, I support the O'Neill-Gubser amendment for having recorded teller votes, I support the Burke amendment to that amendment which provides for the recording of those who do not vote. I also support the O'Hara amendment to the O'Neill-Gubser amendment which provides that such a vote may be electronically taken. I shall vote against the substitute amendment solely because I think the question of electronic voting has been pretty well settled by the changes in the O'Neill-Gubser amendment. I am not for the Arends amendment at this time because I see no reason at this point to go into the question of whether there is to be a provision for a vote in the House on an amendment defeated in the Committee of the Whole House. I think we should consider that provision separately, and not at this point. Furthermore, now that we have amended the rules to provide for recorded teller votes while sitting as a Committee of the Whole House on the State of the Union there is less reason, in fact there may not be any, to provide for a record vote in the House of an amendment defeated in the Committee of the Whole. Therefore I am opposed to the Arends amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, as one of the cosponsors of this amendment to permit the recording of teller votes in the Committee of the Whole, I want to commend the gentleman from California (Mr. GUBSER) and associate myself with the remarks he has made here today.

While much has been said about the so-called secrecy aspects of the teller vote, I was particularly impressed with the gentleman's remarks regarding the history of the teller vote and I certainly agree with him that its original intent was not to "deceive," as the word "secret" so emphatically implies, but to further expedite sessions of Congress that, in those bygone days, lasted only a few months. If the teller vote was, in fact, intended to be a secret, then I submit it was one of the most 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 demagogery that surrounds 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 teller 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 passage of the Gubser-O'Neill amendment as a better method of recording votes so 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 toward that goal. It 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 teller votes in the Committee of the Whole House. Indeed, a stranger to

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 a sharp and pleasant contrast to the anonymity with which the House shrouded itself earlier this session on such important issues as the supersonic transport, antiballistic missiles, the Cambodian 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 changes, the law also should change. As I understand it, the practice of nonrecorded teller 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 existed among the founders of our system in our House of Representatives, they adopted the teller-voting practice of the British Parliament. In the 1830's the Parliament itself, having been freed from the fears of the King, abolished this practice of nonrecorded teller voting. Why then do we here in this body continue this archaic practice?

Mr. Chairman, the activities in which we as representatives of the American people engage in this House are not solely our business; they are the business of the Nation's people; and the American people have a right to know how 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 vote. Certainly 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 Smith substitute amendment and the Hays amendment to it, I must say I was fully prepared to support the Hays amendment, which would remove the objectionable features of the Smith substitute. I was also prepared to support the Smith amendment if the Hays amendment to it were adopted. However, now that the O'Hara amendment, which I supported, 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.

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

Mr. KOCH. Mr. Chairman. I rise in support of the amendment offered by our distinguished colleagues (Mr. O'NEILL and Mr. GUBSER). That amendment would require that teller votes 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 teller votes—which oftentimes would have been adopted had they been subjected to a recorded vote.

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 have liked. We must use this opportunity to prevent such deception. Whatever our point of view is—and we obviously have a plethora of different positions—each of us must have the courage to stand behind his own position with his name in the RECORD. Our constituents are entitled to know how we vote at those times when the key formative votes are being taken 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 affect, for the better, much of the legislation thereafter enacted.

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

Mr. CONABLE. Mr. Chairman, it seems to me we are very close to a sensible conclusion on this important issue. We have come along the path strewn with many split hairs, but the denouement is going to be better than many of us dared hope.

I trust the majority of the Members will support the O'Neill-Gubser amendment as amended. It seems to me that we may be putting too much confidence in electronic voting as an antidote to the possibility of fraud. I think we can proceed best under the broad outlines of the O'Neill-Gubser amendment, and certainly electronic recording should be something that we should study very carefully as we go down the path toward fully recorded votes.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

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

Mr. WAGGONNER. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from Louisiana (Mr. WAGGONNER).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WAGGONNER. Mr. Chairman, I introduced the proposed rules change that we are talking about this afternoon in the 88th Congress and have reintroduced it in succeeding Congresses. I appeared before the Committee on Rules when they were holding hearings last November the 13th, and I suggested the rules change which I believe we are now about to adopt.

Mr. Chairman, I support the O'Neill-Gubser amendment. I do so for much the same reasons which have been set forth by others today which time will not allow me to repeat but basically because it will produce better legislation.

For a while I though I was going to support the Smith substitute, as amended by the Hays amendment. But with the adoption of the O'Hara language, it appears to me that that language is now redundant.

I can assure you that the House Committee on Administration is going to 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 teller votes but in recording teller votes and all other votes that might occur, whether they be on final passage or whatever. We can do something that will be satisfactory, and 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. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I am very pleased to hear the statement by the gentleman from Louisiana (Mr. WAGGONNER), that his committee is going to report an electronic voting procedure in this session of the Congress.

As I look at the RECORD, we had measures on file since the 63d Congress and 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 age.

I personally am going to support the Hays-White amendment to the Smith substitute in place of the Gubser-O'Neill 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 man spent $200,000 to attempt to defeat a Member of this House. He spent much of that money misinforming the constituents how that man had voted on a teller vote. He lied. Then he had the audacity to offer a $5,000 reward to anyone who could prove in writing that he was wrong. That is the kind of misinformation that we find ourselves con-

fronted with. The public and the Members of this House will be best served by a yes vote on the O'Neill-Gubser amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER) for 1 minute.

Mr. GUBSER. Mr. Chairman, today we have been provided with a classic example of a parliamentary body employing the technique of debate and compromise and arriving at a consensus.

Let us make a meaningful comparison. Take the Smith amendment as amended by the Hays substitute. Then take the O'Neill amendment as amended by the Burke and O'Hara amendments.

You have two proposals that are practically identical. It is a case of tweedle dum and tweedle dee.

The only difference is that the O'Neill amendment as amended by Mr. BURKE and Mr. O'HARA is clear. We heard one colloquy during the debate today which clearly indicated that some of the words in the hastily drawn Hays substitute to the Smith amendment are still subject to interpretation.

So in making the decision to do something, let us take the clear language of the O'Neill amendment.

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

Mr. HAYS. Mr. Chairman, first let me say that all I sought to do with my amendment was very simple. That is to guarantee the Members 12 minutes to come over here—nothing more and nothing less.

The Smith amendment makes the electronic voting mandatory, as I understand it, unless it breaks down, with the amendment I offered.

The other amendments make it permissive.

I have no pride of authorship about it. I am not arguing from a point of view so that I can say that I did it or I did not do it. I want all of you to know that all I wanted to do was to guarantee Members a chance to get over here. I think that is guaranteed now, so I really think, as the gentleman from Minnesota (Mr. FRASER) has said, it does not make much difference which amendments are defeated or passed; if you pass the Smith amendment with my amendment, you come out at the same place.

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

Mr. SMITH of California. Mr. Chairman, when this matter was first brought to our subcommittee, we decided that it should be left for the Committee on House Administration and that we would not make a recommendation. The recommendation by the gentleman from Massachusetts (Mr. O'NEILL) was made in the Rules Committee on the day we were getting ready to vote out the bill. I thought we should have electronic equipment. I had the amendment which I offered prepared by legislative counsel and the Library of Congress, which had it perfected.

I told the gentleman from California (Mr. GUBSER) that if he would consider electronic equipment, I would cooperate with his amendment. I told him about a week ago. I have accomplished my purpose here. I think the amendments are now identical except paragraph (b) of the substitute. I would be pleased to support the Gubser-O'Neill amendment as now amended, because they have worked so hard, and I would like them to have the pride of authorship.

There is one difference, Mr. Chairman, and that is the paragraph in my substitute amendment which would provide money upon signing of the act, and we would not have to wait until next January when the law would go into effect.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK) to close the debate.

Mr. SISK. Mr. Chairman, this has been an excellent debate on a very important subject. I wish to commend everyone who has taken part. The gentleman from Ohio (Mr. HAYS) and the gentleman from California, my colleague (Mr. SMITH) have achieved their purpose, as has already been conceded here. I wish to compliment them on bringing the O'Neill-Gubser amendment into a form that seemingly all of us can support. Therefore, to that extent, as I said, this has been a most productive debate.

Mr. PEPPER. Mr. Chairman, this amendment to permit negative teller votes on amendments offered in the Committee of the Whole to be recorded so that our constituents and the people of the country will know how we voted on amendments, many of them of the most serious importance, is one of the most important proposals this House will be called upon to determine. The people have a right to know how we voted on anything pertaining to the public business, to the discharge of our duties as the people's representatives, whether the vote we cast is in Committee or when the House is in regular session or whether the Members are meeting in the Committee of the Whole House on the state of the Union. The precedent of having votes in the Committee of the Whole without them being recorded was adopted in the House of Commons in England hundreds of years ago when the members of the House of Commons had to meet in secret to keep the speaker from telling the king how the members voted on revenue bills the king wanted the house to enact.

To avoid the Speaker, the Commons believed, from reporting on their vote to the king, the Commons met secretly, elected their own chairman in whom they had confidence—who would not report to the king how they voted—and decided how they were going to vote on revenue measures the king was pressing them to enact. But the House of Commons, where the practice of having unrecorded votes in the Committee of the Whole originated, abolished this rule more than 100 years ago. Yet this House, for whatever reason, is still following that old outmoded rule. Some of the most important votes we cast are in the Committee of the Whole when we walk down the aisle in a teller vote and vote no on an amendment which under present rules is not recorded. While people in the gallery can see whether a Member votes yes or no, how the Member votes can always be a matter of uncertainty. The Member can claim that the observer who said he saw how the Member voted was mistaken. So there should be a record of how we vote when we vote against important, meaningful amendments to bills which are offered when the House is in the Committee of the Whole.

The people have a right to know how we vote, whether it be for an amendment or against an amendment offered to a bill. Under present rules if an amendment is adopted in the Committee of the Whole, there can be a record vote when the Committee of the Whole rises and the House resumes sitting. Why should the same rules not apply to a vote a Member casts in a teller vote against an amendment, if a feasible method can be found under which negative votes on an amendment can be recorded without it taking too much time in a body as large as the House. This problem is resolved by the O'Neill-Gubser amendment. If the required number of Members ask for a record teller vote then the clerks of the House, who know all the Members, will simply stand at the end of the line through which Members go voting yes and then no in separate lines and record the votes cast for and against an amendment and enter in the votes in the record with a notation made in the record of those who were absent. Thus, we can even in this large body have recorded negative votes on important amendments without it taking appreciably more time than is taken by teller votes now. Moreover, the O'Neill-Gubser amendment allows 12 minutes for one to go through the line and be recorded so as to give a Member time to come to the floor from his or her office.

We in Florida have a law enacted by our legislature and affirmed by our supreme court that all public bodies must conduct their business in the open. We call it "Government in the sunshine." That is a good rule. I would like to see all votes in committee and on the floor either in the House or in the Committee of the Whole recorded. This amendment goes a long way toward that end in the House.

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 and determined 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 it my hearty support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ARENDS) 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. HAYS) 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 in the nature of a substitute 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. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 39, immediately below line 4, insert the following:

"RECORDING OF ROLLCALLS AND QUORUM CALLS THROUGH 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:

"'5. 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.'

"(b) The contingent fund of the House of Representatives shall be available to provide the electronic equipment necessary to carry out the purpose of the amendment made by subsection (a)."

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

Mr. McCLORY. 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 permissive for the House to adopt an electronic system for recording 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 permissive. It provides an alternate system by which we can record these votes and 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 work.

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 for 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 Reorganzation Committee, the gentleman from Missouri (Mr. HALL). It is also the subject of legislation at this session introduced by the gentleman from Florida (Mr. BENNETT), and the gentleman from Wisconsin (Mr. DAVIS).

I know that the Committee on House Administration has already undertaken studies. I know that the Clerk has made recommendations to the Committee on House Administration, and I feel 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 do. I would like 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, but first of all we have to grant the authority for such an alternate system. That is the entire purpose of the amendment I am offering. It is an alternate method of voting on rollcalls and quorum calls 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. McCLORY. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, 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 done through the 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. McCLORY. 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. McCLORY. I yield to the gentleman from New York (Mr. PODELL).

Mr. PODELL. I am a member of the subcommittee which has been doing some investigation into 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 voting. Will you tell us why the word "may" rather than "must" or "shall" has been inserted in your amendment?

Mr. McCLORY. 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 rollcalls electronically, nor would we necessarily record all votes in that way. These are questions to be determined at a later time when details of the system are worked out.

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

Mr. McCLORY. 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 will 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. McCLORY. 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 issue.

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 out its work.

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

Mr. McCLORY. I am glad to 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 than an up-to-date system of voting. Electrical, electronic, or mechanical systems are now being used in so 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 we have an electronics voting system in the House of Representatives.

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

Mr. McCLORY. 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. McCLORY. It is so worded as to continue to permit the calling of the names as already provided in rule XV. Upon a rollcall 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. McCLORY. We would have an alternative way if this amendment is adopted.

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

Mr. McCLORY. 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; is that correct?

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

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

Mr. McCLORY. 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 rollcalling procedure.

For more than half a century, legislation to improve this system has been pending—no action scheduled.

But our opportunity to remedy the present situation, however late in coming, does exist today.

We must act on this opportunity.

Mr. Chairman, a corporate manager who, year after year, refused to institute a procedure which would save countless hours of executive time would soon be replaced by his board of directors—or the board would be replaced by the stockholders.

We are in essence our own managers—and our own board of directors.

But our "stockholders," the taxpayers and citizens of this Nation, are at a relative disadvantage when it comes to initiating changes in our procedures.

It is they, however, who are so greatly affected when our time, our quality of decisionmaking, is hampered by the inordinately wasteful system which cuts into our deliberative floor work by as much as one-fourth.

When the First Congress convened in 1789, there were 65 Members of the House of Representatives.

Each represented a constituency of approximately 60,000 individuals.

In those days the Congress annually wrestled with a total Federal budget of about $5 million.

Since then, that budgetary workload has increased 40,000 times—to the present $200 billion level.

But we do not need those figures to know that the demands on our time have increased in a geometric progression—our nearly year-round sessions tell us that.

Mr. Chairman, the very reform bill we are presently considering, and many of the amendments which are being offered to it, will themselves increase even more the burden of time required for floor action.

The Gubser-O'Neill amendment, for example, which I strongly support, can add a considerable amount of time to the voting process.

We must find a method of speeding up this legislative process.

If we do not, a year will not be long enough to enact our business.

To be offered a reasonable proposal which would provide us with countless additional hours to perform the job our constituents elected us to perform and not to act on it, would represent the height of irresponsibility to our citizens and to ourselves.

Mr. Chairman, I urge most strongly that we approve the pending amendment.

AMENDMENT OFFERED BY MR. LEGGETT TO THE AMENDMENT OFFERED BY MR. M'CLORY

Mr. LEGGETT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT to the amendment offered by Mr. McCLORY:

After the word "rollcall" on line 4 strike "or".

After the word "present" strike the word "may" and insert the word "shall".

After the words "electronic equipment" insert the following: "commencing with the opening of the second session of the 92d Congress.

"The automatic voting procedures shall be established by the Clerk with the advice and 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, and

"(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. McCLORY) 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 required for rollcalls and quorums, but not including standing and teller votes?

An analysis of the time spent follows:

1967

Time House Convened: 868 hours, 16 minutes.

Time Calling Roll (includes both Roll Calls and Quorum Calls): 201 hours, 9 minutes, equaling 22.3%.

Average time for Roll Call was 27 minutes.

1968

Time House Convened: 726 hours, 36 minutes.

Time Calling Roll (includes both Roll Calls and Quorum Calls): 198 hours, 32 minutes, equaling 27.8%.

Average time for Roll Call was 27.8 minutes.

1969

Time House Convened: 747 hours, 21 minutes.

Time Calling Roll (includes both Roll Calls and Quorum Calls): 172 hours, 11 minutes, equaling 23%.

Average time for Roll Call was 29.3 minutes.

Source: Annual report of House Reading Clerks to the Clerk of the House.

The enactment of the pending amendment could change all this. A maximum time of 15 minutes would be provided for each voting procedure. The Clerk would be mandated with appropriate advice and counsel of the House Administration Committee to create and deploy a system—a system whereby each Member could perhaps individually pick up his electronic card—like a charge plate or bank card or thumbprint—and could vote yes or no and visually observe on an electric panel or sedate screen his vote. This he cannot do under the present system.

He could visualize his colleagues' vote before he voted if he so desired. This he cannot do under the present system. The leadership could visually observe the whole board were they interested in effecting a voting change during the 15-minute period.

We would effectively get rid of dead time—that time after the bells ring when we continue to sit in our office until after the second bells ring to move to the floor.

Mr. Chairman, do you realize that on every rollcall the Clerk calls out 1,000 names—1,000 chances for human error—2 times 435 plus recognition of 200 Members many times in the well of the House.

Consider the value of the time lost—the average time for a rollcall is 30 minutes, of late 45 minutes—we could save half of this time.

If this rule had been in effect last year, every Member of the House could have saved 100 hours to do people's business or anything else. At $20 per hour, that would equal $2 million of productive work saved for the people.

We would be creating more democracy on the floor—more time might mean more votes on important issues and more time to express the will of this House.

This is not a new concept. I include in the RECORD at this point the testimony of colleagues Ron Cameron and Winfield Denton as presented to the Joint House-Senate Committee in August of 1965:

STATEMENT SUBMITTED BY HON. RONALD BROOKS CAMERON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, distinguished members of the committee, I doubt that any of us take issue with the memorable description of Congress as set forth by Josiah Quincy, of Massachusetts. To us, as it was to him, it is "this solemn assembly, the representatives of the American people, the depositary of their power, and in a constitutional light, the image of their wisdom."

I also doubt that any of us would express these democratic values in the form of rigid and unchanging rules, precedents and procedures. For few rules, perfect as they may seem, can remain valid and static over a period of time. Like nations, they cannot stand frozen in antiquity, unmoved by the fresh currents of contemporary needs and demands.

I do not think that when the Founding Fathers met in Philadelphia they meant to decree every rule or procedure as sacrosanct, shrouded in absolute wisdom, exempt from any true test of relevancy to the present.

True to itself as a living institution, Congress in its historic course has wisely rejected this view. Through each generation of legislators, the House has evolved, devised and adopted its rules in response to the needs and conditions of the times. Nowhere is this better illustrated than in our continuing attempt to cut down on timewasting procedures, a trend which is indeed the highlight of internal rulemaking decision by the House. As Woodrow Wilson observed, "Congress is a business body and it must get its business done."

The economic and social development that transformed the United States from an 18th century agrarian society of 4 million people into today's complex Nation of nearly 200 million inhabitants created new needs and new problems, many of which required corresponding Federal responsibility.

The need for the House to keep pace with these developments—complicated by an increase in House membership from 106 in 1790 to 435 in 1910—compelled the Congress to economize its time. Debate was limited by adoption of the 1-hour rule and the 5-minute rule. Procedures were repealed, revised, and abbreviated, and they were all aimed at expediting and bringing debate to an ultimate vote.

It is in recognition of the need to continually search for timesaving procedures that I respectfully urge the committee to examine the feasibility of electric voting as a substiture for the present system of oral rollcalls, a system which cripples and constricts while it exasperates, a system which is appropriately described as the greatest single waste of time on Capitol Hill.

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.

Examine, for a moment, what happens in a typical rollcall under our present system.

The insistent summons of three bells usually finds us in the midst of multifarious committee and office work. As we sprint from our offices and hearing rooms, the tally clerk starts to call the roll. For the benefit of those Members who fail to respond the first time, the roll is ordered repeated. In both cases names are called out in a slow, droning fashion, each second, each syllable stretched, to allow the tardy among us to arrive and vote. Then follows an interlude wherein Members inquire of each other how they voted. Votes are sometimes changed. Pairs are sometimes found and registered. Latecomers frequently get on the record by convincing the presiding officer that they didn't hear their names called or were unavoidably detained on an urgent matter.

What of time spent on this activity of attendance and voting? During the 6-year period from 1958 to 1963 there were 632 rollcall votes in the House. The average legislative day during this period lasted about 4 hours. Figuring an average rollcall at 40 minutes, 111 full legislative days were consumed on rollcall votes alone.

During this same period, the House had 725 quorum calls. Figuring an average call at 22 minutes, the House used 69 legislative days on this activity.

Thus a total of 180 legislative days were spent on rollcalls and quorum calls over a 6-year period. In terms of a 5-day week, House Members spent more than 8 months just responding when their names were called.

And what of costs?

During the 88th Congress the House was in session for 334 days. More than 2 months—68 legislative days, to be exact—of our time was consumed with rollcalls and quorum calls. Computed from fiscal 1965 legislative appropriations, the cost of each daily session was slightly more than $64,000.

Thus, $4.4 million was spent on rollcalls and quorum calls during the 88th Congress alone. It cost each of our constituencies $10,000 for us to respond to our names.

Surely, in view of the President's pledge to provide increased economy in government, in view of the House's responsibility to insure that the American taxpayer gets a dollar of value for every dollar spent, it is incumbent upon us to prove that economy begins at home. How better can we show this than by increasing the efficiency of legislative procedures?

With electric voting machines, rollcalls could be disposed of in a matter of 10 to 12 minutes—including sufficient time for Members to arrive on the floor—saving a full half-hour on every call. Members would have more time to attend to constituent problems, more time for committee work, more time to discuss and debate the great issues which come before us.

The mounting volume of bills and resolutions introduced each session—more than 15,000 in the 88th—demands that Congress seek more rapid and efficient methods of disposing of its business.

The Senate is having similar problems and the distinguished majority whip is conducting his own personal campaign to have electric voting devices installed. He has been quoted as saying, "Why should the Senate waste all that time?" I feel I must ask the same question of the House.

The idea of electrical voting is, of course, not novel. Thomas Edison first developed such a system in response to what he felt then to be a necessity. Literally scores of bills incorporating the same idea were introduced in the 63d, 64th, 75th, and 77th Congresses, and every Congress from the 79th to the 88th. In fact, exactly a half century ago a House subcommittee presented a favorable report on the matter. It was the majority view that a "system can be adopted which will save time, encourage the regular attendance of Members and insure absolute accuracy in registering and recording the votes of Members * * *."

Support for the proposal was registered before a joint congressional committee in 1945, a Senate committee in 1948, and another Senate committee in 1951. The proposal has been supported by the CIO, the League of Women Voters, and the National Planning Association.

Since 1916, many State legislatures have had electrical rollcall systems installed in their chambers. As a member of the California Assembly for 4 years, I, and many of my colleagues in the State's congressional delegation, used such a system. It served us well.

It has served other lawmaking bodies equally well. The State legislatures of Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, North Dakota, Ohio, Tennessee, Virginia, Washington, West Virginia, and Wisconsin have found their electrical rollcall systems satisfactory from all points of view.

The following are typical comments from legislators who have used such systems:

"It is worth at least $100,000 a year to the people of Virginia * * * it saves time, it is accurate, and it is attractive. If the system were installed in the Congress, it could do twice as much work in half the time and save the Nation millions of dollars."

Another Virginia delegate says "it enables us to dispose of the calendar in about one-fourth of the time that was used prior to its installation."

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 what it cost the state."

Another State legislator says that he likes "the fact that a member's vote on any question is public and open from the time it is cast. The only question in my mind is how other legislative bodies, including our Congress, gets along without this excellent machine."

A New Jersey assemblyman calls it a "great timesaving 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 carry out the work which we now do in 50 days under the electric rollcall 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 acceptance in the United Nations. A special U.N. committee charged with improving General Assembly procedure visited the New Jersey Legislature, spent several hours inspecting and discussing the system, and returned to New York fired with enthusiasm As a result the General Assembly voted 51 to 10 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 installation of an automatic voting device. Each year tens of thousands of American children and adults, and foreigners too, visit Washington to view the greatest representative assembly in the world. 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 electrical voting would sharpen visitor interest in legislation under discussion, and help dispel the myth that our membership is composed of 435 old men and women who are still nodding their way through the 19th century.

In my judgment an electric rollcall device would—rightly, and essentially—also become a 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 than a handful of Members would be present on the floor during debate. Decisions heretofore made only by a minority would become more representative of the total membership.

Presence of a majority, debate participation by a majority, and voting 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 representative of the people, a record which more accurately conforms to the expressed beliefs and ideals of their communities. In my judgment, anonymous voting does not inspire the same responsiveness to public attitudes and the same realty 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 sounding his yea or nay will certainly be discomfited. So, too, the Member who may prefer to avoid putting his vote on record on measures which may be politically embarrassing. Anonymity is always a good aspirin for political headaches.

Simply put, the issue is: Shall we perpetuate the convenient anonymity of unrecorded 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 system?

There are those who allege that nothing would be accomplished by speeding up House voting because we generally finish our business before the Senate and then must wait for the other body to catch up.

However, I submit that any time saved from floor voting need not be spent in idle waiting. More time could be spent processing legislation in committee, into action on thousands of bills left unconsidered each year 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 wisdom of hurrying legislative work is 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 committee 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 appraisal of the congressional process. Save for two committees, meetings are usually held before the daily floor sessions commence. Also, Members would be given sufficient notice before an electric rollcall vote is actually taken. Under this arrangement, Members would not necessarily 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 our society into 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 electrical voting in the United Nations, the Soviet Union fought the proposal. Communists believe that the system will strengthen the representative functions of the General Assembly and reduce the anonymity of unrecorded votes, an anonymity which allows the Soviet Union and its satellites some 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 debates and voting, and more conscious of the full import and significance of his vote.

Electrical voting will contribute to more responsible and more representative decisionmaking.

It will save millions of dollars.

It will afford every citizen of this country an opportunity to examine our voting records and judge us accordingly.

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 the willingness of its Members to submit to the closest scrutiny by the people. My request today proceeds from this basic character of the House.

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 can truly 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 toward a speeding up of certain legislative procedures and with the ultimate goal of conserving the most valuable time of the Members of Congress, I shall 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 expereince as one criterion for my recommendations to this committee, which are—

(1) That automatic vote recording and tabulating machines be installed 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 two elections we had demonstrated that we had to campaign when we ought to have been in Congress. It is very hard to campaign, because you cannot set up meetings. You felt like you were acting surreptitiously in getting out to campaign, and people might say: "Why are you campaigning when you ought to be in Congress?" On the other hand, the man you are running against is out campaigning for a whole year. That means that the Members of Congress have about 2 or 3 or 4 weeks in which to campaign, and your opponent has a full year, which is not very fair.

And then our committee meetings take longer and longer. We have problems with our constituents—we have many more problems with constituents than we used to have.

And the newspapers say a good deal about our traveling, but I feel that on the two committees that I am a member of, it is absolutely impossible to perform my duties of these committees unless I travel more than I did before.

Is there any one of you who would not welcome more time to take care of your business? I know that I certainly would like to have a 28- or 30-hour day in order that I could spend more time on the various functions to which I must tend. I think I must have at least 20 visitors who come into my office every day. That is a great many more than it was when I first came here.

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 over. At any rate, of the 236 rollcalls, 117 were votes on pending legislation and 119 were quorum calls. Taking a figure which I feel is conservative I assigned 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 was more than 147 hours.

Now, if we were using 20th century methods of automatic vote recording and tabulation, the actual time consumed could 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 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 could not do that 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 actual recording of the vote, or pushing of the buttons. If that were the case, I am sure that we could all get to the floor from our offices or from 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 80 hours.

Gentlemen, could you have used an additional 68 hours in your office or committee rooms this year? I get the 68 hours 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 days? Or a full 14 days of normal House activity of approximately 5-hour sessions. This means about 3 weeks, or perhaps closer to 1 month that could be saved. I say to you that the time has come for us to take some action. In this complex world we live in today we cannot afford the luxury of leisurely calling the roll any longer. Time is too important and we should be putting it to better use.

Now, there is one more important aspect of automatic vote recording versus the rollcall method. And that is the impression we are making on the public.

Many of you will recall the days years ago when it was unusual to find visitors in the galleries. Today there is hardly a day but which there are more visitors than the galleries can hold. I hate to go past the galleries to one of my committee meetings which is right in back of the galleries. It is hard to get through, because so many people are waiting to get into the galleries of the House of Representatives.

And I honestly believe we are creating a bad impression on our constituents through the slow, time-consuming rollcalls and the impression of utter confusion that reigns at such times. I noticed yesterday—I thought about this—that the galleries were full, people were waiting to get in. The rollcall was going on, the Members were all walking around, and it was taking time and wasting time. I believe that the quick, efficient method of automatic vote recording would give the impression of an alert, modern, and capable body. That is the type of impression I think we should give. After all, we don't go back home to campaign in a horse and buggy; why use antiquated methods here?

Currently, automatic voting machinery is in use in the legislatures of more than 20 of our States. We have them in Indiana. Mr. Chairman, I served in the legislature some years ago, and I always had a bill in to have voting machines put in the legislature. We never had them while I was there. They have them now, and they tell me that they would not be without them today. I am sure if you put them in the House that you would never be without them. You would be as pleased with them as our State legislature is in the State of Indiana.

Surely visitors who have seen a State legislature and the efficient appearance given them through the use of these machines must be taken aback when they see the antiquated rollcall method being used here. And I 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.

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 mean that while Congress is not in session, it does not cost as much as when it is in session, and by voting machines so far this year we would have saved 3 weeks' time, and probably before we get through it will be a whole month's time.

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 rollcalls held on these days so that Members who must be absent to vote or to campaign will not be 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. I have looked up the law, and I have very little doubt that we have that right constitutionally. It is within the constitutional powers of Congress to set such a primary voting date and I urge that this committee recommend such action.

The authority is given in section 4 of article I of the Constitution which provides as follows:

"The Times, Places and Manner of Holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to Places of chusing Senators."

Pursuant to the authority granted in the foregoing provision of the Constitution, Congress adopted the following provision found in the United States Code, title 2, section 7:

"The Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States, of Representatives to the Congress commencing on the 3d day of January next thereafter. This section shall not apply to any State that has not yet changed its days of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State. [Italics supplied.]"

Through the Constitution, Congress has decided that the general election will be held on a certain day. You can see how bad that would be if we did have general elections held 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 doubt about it. In the *Newberry* case, with 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 up from Louisiana, and the Court held that it did.

In *United States* v. *Classic* (313 U.S. 299), at page 1038 of the 61 Supreme Court Reporter, the Court held that primary elections were elections within the foregoing provision of the Constitution—it is a very lengthy discussion, but it is summed up this way:

"For we think that the authority of Congress, given by section 4, includes the authority 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.

Cochairman MADDEN. Thank you, Congressman Denton, for your fine and concise statement. It will make, I am sure, a major contribution toward not only streamlining 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. My figures indicate we waste a great deal of time on quorum calls and rollcalls—almost 70 days on rollcalls alone. Am I correct?

Representative DENTON. I think you are. I think you had it very conservatively. Of course, I have only figured about—well, 7 months. Of course, that year we ran 12 months; I think that is about right. You would have saved nearly 2 months that year, and in an average year you could save at least a month.

Cochairman MADDEN. 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 5 minutes before the possible rollcall?

Representative DENTON. I thought 15 minutes ought to be enough time for them to get over here. I noticed this morning that I came from my office in the Rayburn Building in less than 15 minutes. I left a quarter to 10, and I was here just a little before 10 o'clock.

Representative HECHLER. You have a subway.

Representative DENTON. 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.

Cochairman MADDEN. In connection with your recommendations on installing modern electrical equipment for quorum and roll calls, of course, I think the majority of the Congress would be happy to have that, and some solution can be worked out on that problem. A great number of the witnesses who have been before this committee have stated that there is a need for a change in congressional procedures.

Representative DENTON. Yes.

Cochairman MADDEN. Now, we have practically just taken office when we are only a year from our next primary.

Representative DENTON. Yes.

Additionally, I insert at this point in the RECORD the report of the Clerk of the House on electronic voting, dated April 1, 1969.

[A report prepard by the Clerk of the House for the Committee on House Administration]

ELECTRONIC VOTING FOR U.S. HOUSE OF REPRESENTATIVES

In a continuing effort to find ways of increasing the efficiency and improving those systems and procedures now existing in the House, research has been conducted to provide an automated approach to Member voting in the House Chamber. The purpose of this report is to provide a complete orientation of the various approaches and concepts related to electronic voting and offer a recommendation for implementation.

I. Steps taken by the Office of the Clerk

The problem of electronic voting has been intermittently looked at for over a year and a half. At given opportunities, members of the Clerk's staff have visited several State Capitols and viewed those systems in the State legislatures. The systems operating in State legislatures are not electronic but electrical-mechanical and were found to be limited and outdated. Many of them have been in operation, without modification, for over a quarter of a century.

The House should have a modern system that meets not only the voting needs, but all other unique requirements related to Floor activity.

To attain this goal, we have solicited Requests for Proposals (RFP) to the computer and electronics industry, to provide us with a realistic approach to a modern system of electronic voting consistent with the present and future needs of the House, without any, or a minimum degradation of the aesthetic environmental and traditional dignity of 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.

II. 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 procedural points:

A. Roll Call—(Alphabetical calling of names) The continuation of a roll call to take a vote or quorum and using an electronic system of recording the vote, will offer some advantages such as instant verification with displays, computer interface for quick retrieval and analysis, error reduction, but it will *not* reduce the voting time.

B. Simultaneous Vote—All 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.

C. 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 bells ring to the close of the vote. This approach will provide all the benefits of automation and reduce somewhat the time it takes presently to take a vote.

Note: B and C 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 condition appear for a short time and "crawl" off the display as other Members names appear and vote. More detail will be given below. Consideration of A, B, and C above, will influence the type of display desired.

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 (yeas and nays and presents for quorum calls) into a single console or input terminal. As a Member calls out his vote, the Clerk will press his name and a yea or nay to record that Member's vote. The Clerk's action of inputting the yea or nay automatically results in the Member's name and vote condition to appear on a display, be stored in a computer or on machine readable media, appear on a hard copy for permanent record, and changes the running total of yeas 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 to 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, with 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.

B. Simultaneous and Time Limit Vote—Two general approaches are individual voting stations and voting stations strategically located throughout the Chamber.

1. Individual voting stations could be: A three button "pad" fixed to each seat with the Member having to use a key or "personalized credit card" to open his station. The three buttons would be yea, nay, and present. When a button is depressed, it could illuminate in perhaps green (y), red (n), and white (p). If it is not desirable to carry a key or "credit card", all the voting stations could be opened and closed by a main switch at the Speaker's rostrum. This approach will require assigned seats for Members while voting.

2. Strategically located voting stations would be: "Touch-Tone" pads similar to the one on your telephone. Each Member would be assigned a three digit code by pressing those three digits on the pad then pressing yea, nay, or "zero" for present. The computer would identify the Member by his three digit code and record his vote.

The use of a station that accepts a specifically coded card by which the computer could identify the Member and record his vote. In this case, the Member would put in his card and press the button marked yea, nay, or present. Assigned seats would not be necessary with this input approach.

In either approach, when a Member presses a button to vote, that vote is automatically displayed next to his name in the Chamber, it is stored in the computer or on machine readable media, for retrieval and analysis, put on a hard copy for permanent record and the vote totals on the display boards are adjusted accordingly.

Vote security should be a consideration when studying an input approach.

C. Output—Output is broken down into three areas, display, hard copy, and computer storage.

1. *Display*—The purpose of a display is to insure the accuracy of vote recording by providing a real time visual check of the Clerk's input or that of the individual Member's vote input.

In addition, it provides descriptive information such as bill number, sponsor, short title, and the dynamic status of the vote to the Members, the press and others.

The types of displays are as follows:

a. Scoreboard—All 435 names appearing on at least eight large fixed panels on the east and west walls of the Gallery. 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.

The scoreboard uses 4 inch letters having the Member's names in three columns in each of four panels in the Gallery. Next to each Member's name will appear the condition of his vote, yea, nay, or present. These conditions can be in green (y), red (n), or white (p). Due to the large number of Members, the names would have to be split into Democrats on one side (Republican side) of the Chamber, and Republicans on the other (Democratic side), to insure adequate visibility with existing distances.

The scoreboard display is applicable for roll call voting or simultaneous 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" effect, as a new name appears on the bottom line, all the other names move up, while the top name disappears. One part of the display contains the statistical data while the other part shows the names and vote conditions.

This approach is not very practical when used with a simultaneous vote, and is somewhat limited for roll call votes.

b. Window flaps—Panels containing rows and columns of windows. The letters are formed by "flaps" in these windows, which are computer generated.

c. Electro-magnetic light reflecting—The letters are formed by small reflector discs. When power is applied to a disc, its reflector side spins outward. The computer generates the proper discs to form the letters.

Visibility on both b and c is good, but the panels that contain them are not very attractive and would require a cover while not in use.

d. Cathode Ray Tube (CRT)—A CRT is similar to a TV screen. All the information appears on the screens which would be strategically placed throughout the Chamber. In addition, the installation of a number of TV monitors throughout the Chamber would depreciate the decor of the room.

e. Large Screen—A large screen on each of the north and south walls using high quality front throw projectors located in the attic of the Chamber. The quality of the letters is excellent even in a lighted room. All fixed and dynamic data would be projected on the screen.

Advantages of this system are that amendments to bills on the Floor could be typed into the Clerk's console and projected on the screen. The projectors can accept video from off the air, a TV camera or video tape recorder to project any picture material desired on the Floor.

2. *Hard Copy*—Permanent record of the vote, individual and total, will be made on a hard copy off a teleprinter, pre-printed punches paper or photo electric recorder, immediately after the vote is closed.

3. *Computer Storage*—The voting results would be stored in the computer for retrieval at anytime. This voting information can be analysed to provide any breakdown needed such as individual total vote, geographic totals, type of legislation totals and others.

D. Computer/Special Electronics—Make up the heart of the system.

IV. Manufacturers

The Clerk has on file a list of vendors with a summary of their approach and costs.

V. Cost

The costs of the system proposals range from $81,000.00 to $600,000.00.

VI. Recommendation

The importance of procuring the highest quality system which meets all our present needs and those anticipated needs of tomorrow, cannot be overstressed. A system with

optimum reliability, simplicity of operation and conformity to the aesthetic and traditional environment of the Chamber is necessary.

It is therefore recommended that a system be installed with individual voting stations for each Member, a full display board containing all names, a projector and screen display system for statistical data, running totals and the capability to display amendments immediately and a CRT input for the Clerk.

It is further recommended that a CRT, driven by the system, be placed in the offices of the Speaker, the Majority and Minority Leaders, the Whips, the Parliamentarian, the Clerk of the House, and others, as desired. This will allow these offices to follow closely all activities of the Floor from their offices and allow the Clerk, who would be responsible for the system, to monitor the condition of the system.

Although this approach involves more than one vendor, it is recommended that only one contractor be responsible for the installation of the whole system.

If this approach is acceptable, it is recommended that a small pilot system be built and demonstrated to the Committee. The pilot system should include a typical voting station and a display module. Also, the Committee should see a demonstration of the projector-screen system.

Adequate time should be allowed from award of contract to completion of the project to insure long dependable performance. A minimum of nine months should be considered.

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

Mr. LEGGETT. I yield to my colleague from California.

Mr. BURTON of California. Mr. Chairman, I rise to commend the gentleman from California, and to associate myself with his remarks, and to urge that this very important amendment be adopted.

The most vital single thing that any of us in this Congress need is time. This is going to free time for us to do the other important matters and the other important duties we have as Members of the Congress.

Mr. LEGGETT. I thank the gentleman for his support.

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

Mr. LEGGETT. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I have great sympathy with what the gentleman is attempting 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 broke 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 as we followed in the State legislature; 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 write in 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?

Mr. LEGGETT. I yield further to the gentleman from Colorado.

Mr. EVANS of Colorado. In a further colloquy on this question 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. 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 so much worried about the machine as I am about the provision of the language. I am very much in sympathy with it.

Mr. LEGGETT. Certainly, if the gentleman has a perfecting amendment that would accommodate, I would be pleased to accept it.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I have listened intently to the argument and the gentleman has presented a very persuasive case for electronic voting.

I am the ranking member on the subcommittee dealing with special House administration, and I can assure the gentleman that the House Administration Subcommittee has been working on this diligently.

We have had a staff that has probably spent several thousand man-hours in studying it already.

We have had a committee visit California particularly and other places to visit electronic voting.

So there is no question about our desire and our interest. But we also recognize the very serious problem you have here, and the fact that we have a larger number, and also some special problems.

Already it is going to limit time. Your amendment will be impractical because I think you have changed the word "may" to "shall"—and the date to next January; is that right?

Mr. LEGGETT. No; a year from January—18 months.

Mr. SCHWENGEL. That sounds a little more practical and even then that might stymie us but not too much. But I just want to assure the gentleman that the subcommittee is working on this and we are going to bring something here just as soon as we can.

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

Mr. Chairman and members of the committee, I urge Members to vote for this amendment because I feel that if we do not mandate electronic voting, we are never going to get it. It is being studied. It was being studied last year. It was being studied the year before. It was being studied long before I was born. I think it has been studied to death.

I served in the California State Legislature for 8 years. I do not think our voting machine ever broke down more than once or twice and when it did it was for 15 or 20 minutes, because it got overheated. That voting machine was put in there when I was about 12 years old. It is a very good voting machine.

Those Members who have served in a legislative body of that type know that in one morning of voting there can be about 20 or 30 votes because the voting is on a lot of small bills. But here, if we have two or three votes in a day, it is a big issue. Sometimes we may go a week without a vote.

If the technology is not here, then what has happened to technology? We have a man on the moon. We have the SST's and we have all of these things. Can we not put a little board on the wall here? Can we not have a little box here where we can vote "yes" or "no" or "present"?

I think the technology is available and I feel that 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 18 years, and maybe 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 esthetics and everything else. But 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, will the gentleman yield?

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 that this can be attained is to do it and to mandate it. I, therefore, plan to sup-

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. Is it the gentleman's understanding 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, an affirmative vote, and we have a 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 same day.

Mr. WHITE. All you would do would be to place those who wanted to be recorded as "present" among those also recorded?

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 else 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 are electronic. The Committee has been working just in the 91st Congress.

What we have just done in the previous amendment was to adopt 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 meld the two. Let us have a little bit of opportunity 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 Rules Committee and bring back a rules 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. We can proceed to do it under the language of the McClory amendment. We can dovetail that with what was proposed and adopted here today in 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' time, and it would take 2 or 3 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. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois (Mr. McCLORY)

Mr. McCLORY. 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 rollcall votes and quorum calls, we will need detailed 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 here 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 presume the reason why we have not gotten through the electronic rollcall recommendations is that the gentleman has been spending so much time with the data processing procedures up to now during the 91st 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 rely on 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.

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

Mr. JACOBS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

the wording in the McClory amendment from the word "may" to the word "shall" because I was so very much interested in bringing about a mandate on electronic voting to the House, and I thought that language was necessary and important.

As the debate has developed, a number of things did come to my mind, as well brought out by the chairman of the subcommittee, the gentleman from Louisiana (Mr. WAGGONNER). 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 California.

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 well informed. 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 tote 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 banged his gavel down.

Mr. MILLER of California. Will the gentleman yield?

Mr. PODELL. 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. PODELL. I thank the gentleman from California.

I would like to say this, and then I will be glad to yield. 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 the 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 Illinois (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 rules.

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

Mr. PODELL. 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 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. LEGGETT), does. It allows 18 months. It seems to me that is 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. PODELL. The amendment offered by the gentleman from California provides for electronic voting. You may have a difference between electronic voting as brought out by the gentleman from Louisiana (Mr. WAGGONNER) 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 we hope to 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 we 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 electric 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 and close the House 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 that 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 a teller vote. When we just passed an amendment for the recording of teller 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 my amendment, my amendment provides an alternative or additional method of recording votes on quorum calls and rollcall votes and would still leave the existing rule XV the way it is in case the Speaker wanted 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 pairs under the existing system. 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 such votes and attendance.

Mr. HOWARD. If a Member wishes an electronic vote and wishes to call for it and the mechanism is not working, then how is that person to be deprived of having the right to vote the way he wishes—not the substantial number that you need to rise for that vote?

Mr. BURTON of California. Mr. Chairman, few Members have worked any harder than our colleague in the well, the gentleman from New Jersey, in improving the rules of the House.

I would submit that the issue before the House is a very simple one and that is this: Do we not want to make it perfectly clear that we will require some kind of automatic voting? If that does prevail, I am sure we will have no difficulty within the time frame spelled out in the amendment which goes through calendar year 1971 to effect this procedure.

I am sure that collectively we will have no difficulty ironing out any wrinkles, real or imaginary, in the basic thrust of the amendment which is to make it clear, first, that this procedure be required for the recording of votes; and, second, that it be clear that it is done within the time frame, to wit, sometime before the beginning of the second session of the 92d Congress. That is the issue before us. Whether or not there may or may not be some minor inadequacies in the thrust of the amendment, I am sure if the amendment is adopted this House will direct its will sometime during the next year and a half to perfect that omission.

Mr. HOWARD. I will state to the gentleman from California that should such an occasion arise this will come before the Rules Committee. Would it be the intent of the Rules Committee, if it finds itself in this kind of a bind, to have a resolution brought before the House so that we would not be in a position of one person objecting to a unanimous-consent request that the Committee would have to rise no matter what time of day it is or merely whether he was invited down to the White House to have his picture made for campaign purposes?

Mr. SISK. If the gentleman will yield, I am not clear as to just what the question is that the gentleman has directed to me.

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

Mr. HOWARD. Yes, I yield further to the gentleman from California.

Mr. BURTON of California. I will state to the gentleman from California (Mr. SISK) that the gentleman from New Jersey (Mr. HOWARD) wants to know that if this amendment is adopted requiring some kind of mechanical procedure by the second session of the 92d Congress, and the Rules Committee finds out that it is possible for one man to absolutely stop the House from voting on a matter, would the Rules Committee not bring to the floor between now and that time legislation to deal with that specific problem?

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 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 working diligently not only on 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 in bringing something to 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 whatever we have we want it to be the very best, the most accurate, and the most reliable.

Second, we are working on some other matters, as the members of the subcommittee know, and as the gentleman from New York (Mr. PODELL) knows very well because he has been coming to this study group with the task force, that would be far more valuable to us than even electronic voting—although that issue 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 program for the House.

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 agreed to not pursue his 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, will the gentleman yield?

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 of a system 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 reasonable, and will result in a possible installation?

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 would want, and that we deserve to have, if we had a little more time, if it is necessary.

Mr. LEGGETT. I certainly hope that the committee takes early 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 interests 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. MCCLORY. Mr. Chairman, will the gentleman yield?

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

Mr. MCCLORY. 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 support of this principle 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 most of them, have been interested in a more effective Congress, and this will help bring this about, I am sure. But also, second, we need to bring prestige back to the body. We can do this if we are 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 efficiently, 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 equity that we envision 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 calls for. I am glad to see 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. WAGGONNER) 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. Just imagine 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 suppose 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.

I do not see him on the floor and I hesitate to mention his name. But the very distinguished and learned gentleman from Iowa (Mr. MAYNE) got up and read a short dissertation, to which incidentally I did not make a point of order and it is in violation of at least two rules of the House, if you will read it, which gave an impression—and it was factually correct—but it gave an impression that the British Parliament was far ahead of us—150 years he said—because the British Parliament has had a recorded teller vote for 150 years.

Well, that is right. I probably know as much about the British Parliament as he does. They go into what they call a division lobby on both sides—with their backs to the press, I guess—and there is a record made of who goes into the division lobby. That is an improvement on our system—or is it?

There has never been a rollcall vote in the history of the British Parliament. Nobody has even been able to sit up in the gallery and hear the names called and hear somebody vote "aye" or "nay." If you cannot recognize the Members from the back as they walk into the division lobby, you are going to have to wait until the next day when the RECORD comes out, to find out who voted how.

Now this body is not perfect, and I am the first to admit it. I think there are a lot of things we ought to do, to do things better. But I am not sure that one of them is playing illuminated bingo with a board with a lot of lights on it—where people can change their votes—and where somebody can pass their key or their card or what-have-you to somebody else to vote for them when they are not here. This is done in my State, I am told. Whether that is an improvement or not, I do not think we ought to mandate it here today.

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 around.

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

gentleman from Indiana (Mr. JACOBS) was one of the proponents in favor of staying here until midnight and he is on the floor—and he is awake.

But I just think this is a pretty poor way to legislate on something as important as this.

I am not on the subcommittee. I am not talking for myself. But we have some pretty dedicated people on both sides on that subcommittee and they are working and they are moving. I got a resolution through here one day, and let me say that, with about 30 Members on the floor.

I offered a resolution to appropriate a half million dollars for this committee to let contracts and to get under way. We got that through without a quorum and without a rollcall vote or anything else. But I submit to you, I think I was the only one who voted for it. Frankly, when they asked for the "ayes" and "noes," nobody voted "no"—so it carried.

But I want to say to you that I do not think we ought to be sitting here this afternoon with about 100 people present talking about whether or not we are going to use electronic voting equipment. I think we ought to wait for the committee to finish its study. They are going to come up with some recommendations. They have contracts let. They will do the job if we give them the chance.

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

Mr. HAYS. I yield to the gentleman.

Mr. CLEVELAND. I think you have been a little bit hard on the Members of the House. You have talked about some of the Members having gone. But knowing of your great admiration for the fourth estate, I wonder why you also do not look up in the galleries and comment on the splendid attendance up there.

Mr. HAYS. I will tell you this. I saw a Member here today making a speech who was so busy looking at the gallery and turning away from the microphone that you could not hear what he was saying. I am very much aware of how many friends I have in the press gallery, and I do not really care whether my friends in the press gallery are few in number or not. They are going to say whatever they like to say. What I say is going to be in the CONGRESSIONAL RECORD, and it is not going to be revised because I do not do that sort of thing. I feel that I can stand here and say what I want to say, and if the grammer is bad, the fellow who is taking it down will correct that, and the rest of it can go. I do not want it sent to my office. I will not revise it. It will be in the RECORD tomorrow for any of my friends, either in the press gallery or on the floor who missed it, to read.

I am asking you again not to adopt these amendments tonight.

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

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I hope that we might reach some agreement on debate. I do not desire to cut anyone off.

Before I make a unanimous consent request—and I might say to my friends that you may be seated for a few minutes if you like—this is a question of considerable importance. I appreciate the comments of my colleague and friend from Louisiana (Mr. WAGGONNER), and also what the gentleman from Ohio (Mr. HAYS), has just said. Basically, they are talking about some of the very logic that your subcommittee used in determining not to get into some of these subjects at that time.

I might say to anyone who would consider enlightenment that our subcommittee did discuss with various people interested in electronic equipment this whole problem. I wish to express appreciation to Mr. WAGGONNER for the fact that he had his task force come up and meet with our subcommittee and discuss with us some of the things that they were doing in connection with a study of electronic equipment, the progress they were making and some of the ideas that we had in mind. Because of the work the Committee on House Administration was doing, particularly the Waggonner subcommittee, your subcommittee felt that it probably was inappropriate, and not timely at the time, to actually attempt to amend the rules to make provision for electronic voting at this time.

I find no particular objection to the amendment offered by the gentleman from Illinois (Mr. MCCLORY). As I understand, it makes permissive the use when and if the Committee on House Administration makes certain recommendations. I would assume that the Committee on Rules would probably have to provide for additions to the rules, maybe, to fit the occasion, but I would have to oppose the amendment offered by my friend and colleague from California because I think it would create a situation that could lead to grave consequences. Therefore, I urge that it be voted down.

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

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

Mr. HAYS. The gentleman from California (Mr. LEGGETT), has already tried to withdraw his amendment, which was objected to, but I think in fairness to him, after the explanation of the Committee on House Administration and Mr. WAGGONNER'S explanation, he is satisfied with the progress that is being made. Somebody seemed to have misunderstood what I said. I said that I was against being mandated, which did not mean that I was against the permissive amendment, but I am against being told that we have to operate under a deadline. It may turn out that we will beat the deadline in the House Administration Committee, and if we can come up with a foolproof system, we will present it. I hope the committee can. I am not against it if we can devise one that will work. But I want to be reasonably sure that it will work better than what we have now, and that the public will really have a better opportunity to know than they have now, because I still think, with people sitting here, saying yes or no, everybody in the House checking on them and seeing it is the proper person who is responding, it is pretty foolproof.

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. LEGGETT).

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 request of the gentleman from California?

There was no objection.

The CHAIRMAN. Members will be recognized for approximately two-fifths of 1 minute each.

The Chair recognizes the gentleman from Iowa (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. MCCLORY).

Mr. MCCLORY. 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 Members.

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 to 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 is, indeed, an historic event in the life of this great legislative body.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. MCCLURE).

Mr. MCCLURE. Mr. Chairman, I rise in support of the McClory amendment and in opposition to the Leggett amendment, and I yield back my remaining time.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I hope that the Leggett amendment will be adopted. If not, I hope that the McClory amendment will receive resounding support.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I rise in opposition to both amendments. 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. LEGGETT), 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 willing to withdraw his amendment.

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

Mr. LEGGETT. Mr. Chairman, again I

commend the gentleman from Louisiana for his good work. I want to renew my request once again to withdraw my amendment. I believe it does very little good at this time to lose an amendment of this importance. I believe we have a commitment from the gentleman that we will move ahead in the subject area. That was my total motivation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (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 is that the Members of the Special Automatic Voting Committee who have spoken here have all seemed to be against the idea.

That shakes me just a little bit.

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

Mr. SCHWENGEL. Mr. Chairman, I wish to say "thank you" for the evidence of support the committee now has to move forward in this very important area.

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. FASCELL).

Mr. FASCELL. Mr. Chairman, I rise in support of the pending amendment. I interpret the legislative history to be that by this permission granted in the rules we support the efforts of the task force and of the committee to give us an updated voting system and all other systems they are now working on for the benefit of the Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I rise in support of the McClory amendment. With this amendment and under the leadership of the House Administration Committee, we are taking a major step in modernizing the voting system in the House. This joins with the splendid reform taken earlier today through recording the teller voting system. If this bill accomplishes nothing else, it will go down in the history of the House as a monument to its foresight in meeting the challenges of the last third of the 20th century.

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

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. I appeared before the House Administration Committee in support of the bill last year and I believe it should be included in the legislation before the House today.

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 mechanically 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 would authorize the recommendations of the Clerk.

The chairman of the House Standards of Official Conduct Committee, Congressman MELVIN PRICE of Illinois, 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 the most important gift of our democracy—a Representative's vote for his constituents and his country.

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.

I quite understand why the gentleman from California (Mr. LEGGETT) withdrew his amendment under the circumstances, but I wish that we were in a position to adopt that amendment, because I think what this House needs and what is perhaps becoming clear today is the pressure of time to get this job done.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK), to close debate on the amendment.

Mr. SISK. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MCCLORY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 39 after line 4 insert:

"SEC. —. On demand of any one Member prior to any record vote on any amendment, substitute or amendment thereto, wherein Members are individually recorded, there shall be distributed, to each Member present, a printed copy of the amendment or substitute being voted upon."

Mr. THOMPSON of Georgia. Mr. Chairman, this is the amendment about which I spoke some 2 hours ago when we were considering whether we were going to have recorded teller votes. In substance, what the amendment does is simply this: It provides that if there is to be a recorded vote, you have some 12 minutes to get over here and vote. During this time there will be printed a copy of the amendment and when you come through the door, rather than asking what is this all about because I have not been on the House floor and I do not know what is going on, and having someone try to tell you in one or two words what the complicated amendment is about, you will in effect be handed a copy of it. This is done in many State assemblies and senates throughout the United States. The time needed to print 400 or 450 copies is a very short period of time. In fact, when there is an amendment during the debate the amendment can be printed and be ready for distribution to the Members. I say this: While the public has a right to know, I think it is also clear that we have a right to know what we are voting on. This will give us the opportunity to know what we are voting on before we actually cast our vote on an amendment when it is a recorded teller vote.

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

Mr. THOMPSON of Georgia. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, in this day of data retrieval and electronic voting and many of the other things in which we have engaged ourselves today, would the gentleman visualize under his amendment that one could sit at his desk and have a miniature automatic data retrieval system on his desk with a facsimile printed out to show what is under consideration before the Congress and then push a button yea or nay without making a trek to the floor of Congress?

Mr. THOMPSON of Georgia. I do not know about not making a trek to the floor of Congress, but I do know this: When I was in the Georgia State Senate we had demonstrated an IBM typewriter which kept the bill constantly updated. The computer was located in California, but as an amendment was offered it was typed out so that we could see it in substance and if someone would add a word in the fourth line between the fifth and sixth words, it would type it out in that order so we would have an understanding of it.

I think there is no question in any student's mind but what this is certainly

feasible at this time. I would like to point out the fact that we are not only in the dilemma of trying to enforce teller votes on the one hand to make it possible for our constituents to know how we voted, but on the other hand to make it possible for the Members to better understand what they are voting upon. This is a part of the problem.

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

Mr. THOMPSON of Georgia. I yield to the gentleman from New York.

Mr. CELLER. I think there is considerable efficacy in the amendment besides the fact that it will 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 chairmen who are handling it on the floor to know exactly what amendments are pending before the committee. Ofttimes when you floor manage a bill, suddenly an amendment is offered and in the excitement that prevails sometimes in the Committee it is very difficult to comprehend and understand the nuances of the amendment. In this way the chairman of the committee or a floor manager 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 value so that amendments, when offered, can 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. CLEVELAND. Mr. Chairman, I support the gentleman's amendment. It accomplishes what I intended it to do with an amendment of my own earlier this afternoon, but it was voted down because of the possibility that the purpose of the amendment then pending might be defeated.

Mr. THOMPSON of Georgia. I thank the gentleman from New Hampshire for his contribution.

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

Mr. Chairman, I well understand the amendment which has been offered by the gentleman from Georgia to afford the Members a certain amount of time within which they can vote. The time limitation in the amendment is 12 minutes. I am not so sure that this is the appropriate amount of time. I can only say to the gentleman that we envision, perhaps, even a more rapid method of voting in certain instances and under perhaps certain circumstances on quorum calls and so forth.

However, there is one additional problem that does present itself. The gentleman envisions an immediate printout every time a Member presses a button which would afford that Member immediate knowledge of the exact result?

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield, no; my amendment does not envision an immediate printout. I was asked whether or not something of this sort was within the realm of the technology we had available to us.

We had a demonstration, as I mentioned, in the Georgia State Senate along this line. What my amendment would do would, in effect, be when you offer an amendment you would have it printed and during the debate it would be distributed to the Members—400 or 500 hundred copies—very, very rapidly and printed very rapidly, and we would be speaking and voting on a certainty and not on what we think may be the question involved.

Mr. PODELL. In other words, the gentleman is not referring to the results, but merely to the actual amendment itself?

Mr. THOMPSON of Georgia. That is correct.

Mr. PODELL. I would like to say that I congratulate the gentleman on a very wonderful suggestion and recommendation and I certainly trust that when our computer-retrieval operation is in full force and effect such will be the case.

I certainly envision that this is entirely possible, but I recommend that the gentleman leave this to the discretion of the Committee on House Administration, who have been doing a tremendous amount of work in this area, and we hope to come out with perhaps the very thing that the gentleman does recommend.

As to whether it is possible, in an instantaneous printout, for 435 Members of the House, I do not know. I certainly would hope that that would be the case. But I would suggest that, rather than going into the various problems that would be presented, that we leave this to the Committee on House Administration, so that at the time if the system to be arrived at is not satisfactory perhaps we can improve upon it.

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

Mr. PODELL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I agree with what the gentleman from New York (Mr. CELLER) has said, and I strongly support the amendment of the gentleman from Georgia. I think it makes a lot of sense, and if it makes sense I do not see why we should not adopt it now, without further delay.

I thank the gentleman for yielding.

Mr. SMITH of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would appreciate it if the gentleman from Georgia would get to the microphone, because my objection is because I do not understand what the language in this amendment said.

The gentleman showed something to me this morning, but I just received a copy of this just now, and I have not had a chance to study it.

The gentleman says that on demand of any one Member prior to a record vote. Is the gentleman talking about a teller record vote that we just passed, or is the gentleman talking about a record vote in the House on an amendment which we have adopted in the Committee of the Whole House, and when the Speaker says "Is there a separate vote demanded on any amendment?" And perhaps an amendment has a separate vote demanded, or possibly on two or three amendments. Is that what the gentleman means, or does the gentleman mean by a record vote, a teller vote?

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield, this is precisely the same wording that I showed the gentleman earlier.

It may be that perhaps we should insert the wording, and I would ask unanimous consent that this be done, that when meeting in the Committee of the Whole House on the State of the Union and a record vote is taken, on which individual Members are recorded, and reword the amendment to state, if the individual Member is recorded on the record vote.

I do not know whether it applies in the House or in the committee, so I would like to ask if the gentleman will yield for this purpose, and I would like to ask unanimous consent that this amendment be corrected to apply to the Committee of the Whole.

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

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Chairman, if this amendment is read will the gentleman in the well lose his time on the floor?

The CHAIRMAN. The Chair would like to inform the gentleman from Iowa that this will not come out of the time of the distinguished gentleman from California.

The Clerk will report the modified amendment.

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HAYS. Mr. Chairman, my parliamentary inquiry is this: If the unanimous consent of the gentleman from Georgia does not prove beyond any doubt that his amendment would not work if is were passed?

The CHAIRMAN. The Committee will be in order.

The Clerk will re-report the modified amendment offered by the gentleman from Georgia (Mr. THOMPSON).

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 39, after line 4, insert (a new section):

"SEC.—. When the House is meeting in the Committee of the Whole on demand of

any one Member prior to any record vote on any amendment, substitute or amendment thereto, wherein Members are individually recorded, there shall be distributed to each Member present, 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.

This presents one of the problems that the subcommittee faced during the entire consideration of this legislation, and that was to get the appropriate wording in—the if's, but's, and's and commas, colons, semicolons, and all of the other necessary language in order to write it correctly to change the rules of the House.

Here is an amendment that has just been offered. It may be a good thing. But the only recorded vote that we actually will have in the Committee of the Whole will be a recorded vote that we just now passed in the Gubser-O'Neill amendment. That will not be effective until the legislation becomes law, if it does, on January 1971, unless the Committee on Rules acts in some other way prior to that time.

I agree with the gentleman from New York (Mr. CELLER) that it would be nice to have a copy of an amendment. I have been facing that problem during the consideration of this bill.

I do say in all seriousness, we should be careful before starting to add anything to the rules that has not been studied clearly and checked with the appropriate sources to see if it is written in accordance with the rules.

So I would suggest that this not be passed at this particular time.

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

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

Mr. HAYS. That is one of the problems, as I understand it, that the Subcommittee on Electronic and Mechanical Equipment is studying, whether or not there is a device available that will take an amendment, handwritten or otherwise, and make a copy of it and provide 450 printouts, and how quickly they can do it.

There has been a lot of argument around here that they want to speed up things. Suppose we find no machine that can do this in under 20 minutes? What do we do then? Are we going to go in recess for 20 minutes while they are being printed?

I think it would be better to leave it to Mr. WAGGONNER'S subcommittee to find out if this is practical. They want to use it if it is rather than to write again something in here that we will have to live with whether it works or not.

Mr. SMITH of California. If any one Member on any amendment or substitute amendment thereto wanted to, he could keep us all day before we start voting on three or four amendments and it is not going to help our situation.

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

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

Mr. GROSS. I think in connection with this amendment, and the way some of these amendments are being adopted, we ought to explore the possibility of making a copy of the amendment available to each Member in his office so he would not have to leave his desk and then push a button so that he can vote over there. That way it would insure that he would not ever have to come to the floor of the House.

Mr. SMITH of California. I think that can be done electronically.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

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

Mr. THOMPSON of Georgia. The gentleman from Louisiana, I believe, the chairman of the subcommittee, and I do not see him on the floor at present, but I do 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 with the understanding 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 39, immediately following line 4, insert the following and renumber the subsequent sections accordingly:

"SELECTION OF CHAIRMAN OF HOUSE STANDING COMMITTEES

"SEC. 119 Clause 3 of rule X of the rules of the House of Representatives is amended to read as follows:

"'3. At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof, who need not be the Member with the longest consecutive service on the Committee; in the temporary absence of the Chairman the Member next in rank 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.

Mr. REUSS. Mr. Chairman, we come at last to the issue of seniority. The amendment before us, which is cosponsored by Mr. VANIK, Mr. REES, Mr. MACGREGOR, and others, would merely take existing rule X, which provides that the House shall select one member from each standing committee to be the committee chairman, and add the words "who need not be the member with the longest consecutive service on the committee."

The amendment would not prohibit the most senior member from being selected chairman. It recognizes that the expertise which comes from time is difficult for younger members to match. But it does say that length of service shall not be the sole and exclusive consideration in selecting committee chairmen. It does say that a wooden application of the seniority custom is a luxury we can no longer afford.

Nor does the amendment require any particular method of selecting chairmen. It leaves it to the parties, each of which, incidentally, has appointed a blue ribbon committee, the Julia Butler Hansen Committee and the Barber Conable Committee, to study the modalities of the seniority rule. If a party wishes the chairman to be selected by the members of the committee, that would be consistent with this amendment. If a party prefers that the chairman be selected by the party caucus, that would be consistent with the amendment.

The particular method of selecting chairmen ought, in my judgment, to be left to party practice and custom. But the principle of selection should not be solely an internal House party proposition.

The House of Representatives as a body represents the American people, and the American people have a right to know how the House as a body stands on the issue of seniority.

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

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

Mr. HALL. I appreciate the gentleman's yielding. I believe he has answered my question; namely, is it not within the province of the conference or the caucus of any party, whatever it is called, to make these decisions concerning seniority within their own group meetings?

Mr. REUSS. That is the sense of this amendment. We simply say that seniority need not be the sole and exclusive consideration. The amendment leaves it to both the parties to work out the details and the modalities.

The authors of this amendment believe that congressional reform should include a look at the seniority system. We should not spend weeks on a congressional reorganization bill and neglect seniority. Let us take, therefore, this modest step.

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

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman in his amendment uses the phrase, "and so on." What is the meaning of "and so on"?

Mr. REUSS. The amendment adds only the words, "who need not be the Mem-

ber with the longest consecutive service on the committee." That is all there is to the amendment. It simply says that seniority is not the sole consideration.

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

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

Mr. FASCELL. As a matter of fact, those words are the same words which are now in the rules dealing with the question of acting chairmen of committees, are they not; "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 language I suggest.

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 X. 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 California.

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 those who share that conviction to express themselves that the seniority system is not in the best interests of the organization of the House?

Mr. REUSS. That is correct. It is my own view that this body should select the ablest, the best, and the most just men as the chairmen of its committees, just as it exercises that power with respect to the Speaker of the House.

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. REUSS. That is correct, but the amendment I propose would signal to both the parties that in their deliberations, whatever modalities they may select, they must not rely exclusively on seniority.

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 in Congress was a practical and workable system largely because there was no worthwhile alternative. The first year I came to the House of Representatives, in 1959, the freshman Congressmen were treated to a breakfast at the old Senate chamber and were addressed by the venerable Speaker of the House, the late and great Sam Rayburn, as well as the man who later became President of the United States and was at that time majority leader of the U.S. Senate, the Honorable Lyndon B. Johnson. Speaker Rayburn, either during his prepared remarks or in later informal remarks—I forget which—stated what I felt then was a truism, that we might not like the seniority system when we first came to Congress, but we would get to like it more and more the longer we served in Congress.

I have found just the opposite to be the fact. I am now serving my sixth term and have been nominated for a seventh term which I shall serve, God and the voters of the Fourth Congressional District of West Virginia willing. The Congress has been mighty good to me. I now serve as chairman of the Subcommittee on Advanced Research and Technology of the House Committee on Science and Astronautics. Yet the longer I serve in the Congress, the more evils I see in the seniority system, which puts a premium on those who can survive, election after election, regardless of their ability, their responsiveness to public attitudes, and their philosophy as it relates to the policies of their political party. Being a strong supporter of party responsibility, I feel that when a committee chairman can rule his own committee internally without due and full regard to all of the committee members, and when a committee chairman can defy his own political party's policy, then the seniority system shows its defects.

Although I agree that the caucuses of the two parties should devise any system they prefer for the selection of their committee chairman, it seems to me that the Reuss amendment raises high the standard that seniority need not be the only criterion by which a committee chairman is selected. The American public is entitled to know that we in the House of Representatives feel that no reorganization of this body is complete unless it tackles one of the central issues which disturbs the people—the seniority system in Congress.

As we proceed in this debate, it may be that other proposals will be offered which I will support. For the moment, I believe the amendment of the gentleman from Wisconsin (Mr. REUSS) is worthy of wide support, and I intend to support it.

SUBSTITUTE AMENDMENT OFFERED BY MR. SCHWENGEL FOR THE AMENDMENT OFFERED BY MR. REUSS

Mr. SCHWENGEL. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The Clerk read as follows:

Amendment offered by Mr. SCHWENGEL as a substitute for the amendment offered by Mr. REUSS: On page 39, immediately following line 4, insert the following:

"ELECTION OF CHAIRMEN AND MINORITY LEADERS OF HOUSE STANDING COMMITTEES

"SEC. 120. Clause 3 of Rule X of the Rules of the House of Representatives is amended to read as follows:

"'3. (a) As soon as possible after the commencement of each Congress, the senior member of the majority party on each standing committee shall call an organization meeting of all the members of the committee for the purpose of electing the chairman of the committee and the minority leader for the committee.

"'(b) If an organization meeting of any committee has not been called as provided in paragraph (a) within thirty days after the commencement of the Congress, a majority of the members of such committee may call the organization meeting by notifying the Speaker in writing of their desire to hold such meeting. Upon receipt of any such notification the Speaker shall specify the time and place for the meeting and may designate any member of the committee to act as temporary chairman.

"'(c) The senior member of the majority party on the committee shall act as temporary chairman at any such organization meeting unless the Speaker designates the temporary chairman as provided in paragraph (b). A majority of the members of the committee who are members of the majority party, and a majority of the other members of the committee, shall be required to be present to constitute a quorum.

"'(d) The first order of business at any such organization meeting shall be the election of the chairman of the committee. The three most senior members of the committee who are members of the majority party shall be regarded as having been nominated for the office of chairman. Tellers shall be appointed by the temporary chairman, one from among the members of the committee who are members of the majority party and two from among the other members of the committee. Voting shall be confined to members of the majority party, and shall be by secret written ballot.

"'(e) After the chairman of the committee has been elected an installed, the next order of business shall be the election of a minority leader for the committee, which shall be accomplished in the same manner as in the case of the election of the chairman except that (1) the tellers shall be appointed by the chairman, two from among the members of the committee who are members of the majority party and one from among the other members of the committee, and (2) voting shall be confined to members of the committee who are not members of the majority party.

"'(f) In case of a tie vote for the office of chairman or minority leader at any organization meeting, a new vote shall be taken, and only those involved in such tie vote shall be eligible for election on the second ballot. In case of a tie vote between those eligible for election on such second ballot, a third vote shall be taken, and in case of a tie vote on such third ballot the senior member among those eligible shall be regarded as having been elected. If two or more of those still eligible have equal seniority, one of them shall be designated by the Speaker as the chairman of the committee (if the election is for the office of chairman) or designated by the minority leader of the House as the minority leader for the committee (if the election is for the office of minority leader).

"'(g) In the temporary absence of the chairman of any standing committee, or of the minority leader for such committee, the member from the same party who is highest in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman or minority leader, as the case may be.

"'(h) In case a permanent vacancy shall occur in the office of chairman of a standing committee, or in the office of minority leader for such committee, another chairman or minority leader shall be elected at the next regular meeting of the committee. Such election shall be conducted in accordance with the provisions of paragraphs (d), (e), and (f) of this clause insofar as those provisions are applicable to an election involving the office in which the vacancy exists.'"

Mr. SCHWENGEL. Mr. Chairman, this amendment is a result of much study

and counsel with people of competency and embodies a principle we have recognized here for a long time, which is the principle of recognizing seniority. The amendment is necessarily long to take care of the problems that may arise. It is actually a pretty simple procedure. It provides that the minority and majority committee members will elect by secret ballot the chairman and ranking members of the committee from the three most senior members within the committee. This will assure that we will have men of experience and competency and will also assure us that we will deal adequately, I think, with some of the evils that have existed under the present system.

And, there have been some evils, as you know, and I can testify from personal experience as to that.

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

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

Mr. BURTON of California. Mr. Chairman, I listened carefully to the amendment of the gentleman from Iowa. Some of my colleagues have stated that this is not a perfect solution. I fully agree with that. But this I say to my colleagues: If we are going to see that the debate on the issue of seniority is to be meaningful, we are going to have a meaningful debate if we adopt the proposal of the gentleman from Iowa, because it is a departure from current practice. That will, then, no longer leave the entire burden up to those of us who want some change to come up with a perfect solution. We will merely have to come up with a solution, perhaps, a little more stringent when we adopt the rules again next January than the more modest proposal of the gentleman from Iowa.

So, therefore, I would urge my colleagues who have been saying they want to have some change in our rules to support this proposal, not because it is ideal, but because it alters the balance, the preponderance of the evidence and the weight of the evidence that is going to have to be sustained by the moving party to an entirely higher ground of debate.

Mr. Chairman, I am serving on the seniority committee on the House side. I am not sure but what the proposal does not carry within it more harm than the good it cures, but I am absolutely certain that the amendment which has been offered by the gentleman from Iowa that retains the integrity of both the parties in terms of their own deliberative process, retains the integrity of each of the committees, is a significant step forward, first, from what we have now; and, second, will assure that when both parties caucus when we meet in January they will have to come to grips with the seniority issue.

So for the reasons I have stated, not because this proposal is necessarily perfect, but merely because it is a long step forward, I would urge every Member on this floor who wants to have a meaningful opportunity to debate this question, to support the gentleman from Iowa.

Mr. SCHWENGEL. I thank the gentleman very much.

Mr. Chairman, I want to point out that at the present time we select 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 usually do. I want to say, and I believe 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 have to be elected 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 constitutent 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 pick out individual Members. Such voting practices violate the democratic principles of American life, defying 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 100 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 throne's power had waned. Yet the U.S. House of Representatives—it had borrowed the Committee of the Whole from England in the late 18th century—still lovingly embraces the secret teller vote. We are lagging almost 150 years behind Great Britain in reforming Committee of the Whole procedures. It is time we caught up.

Teller votes in the Committee of the Whole are taken on legislative amendments of more than routine significance. Once the committee rises and reports legislation to the House, of course, any Member can demand a rollcall vote on an amendment accepted in committee. But defeated amendments—and the vast majority of amendments offered in the Committee of the Whole are defeated—are not so honored. The rules, in fact, explicitly bar rollcall votes on rejected amendments. And the people, therefore, simply do not know how their representatives vote on main key amendments each year.

Recording teller votes would abruptly end injustices like this. 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. Fourth, it would discourage committees from yielding to special interest provisions.

Arguments against the record teller vote—that 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 that matter, are valid in only a few instances. The Legislative Reorganization Act of 1970 is the first measure of its kind to reach the House floor since 1946. The product of many years of experience and practice, the bill is designed to clear away much of the confusion and secrecy in the legislative branch of American Government.

Congress established the Joint Committee on the Organization of Congress in 1965. Senator Mike Monroney and Representative RAY MADDEN, cochairmen of the committee, filed a report proposing reorganization in the 90th Congress—a 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 one 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. REUSS) 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 rulemaking authority.

The rules which we adopt should be directed toward providing a sense of equality to those who serve only for a short time—whose contribution must be quickly made within the framework of their term.

Under the Constitution and the laws of the land, the most junior Congressman is presumed to be equal to the most senior. The rights of seniority are arbitrary. The rights of seniority are usurped at the expense of other Members.

Our purpose should be to give every Member of the 92d Congress the full measure of his rightful share of responsibility and authority. As a Member of a new Congress, he should have a right to select leaders and be considered for leadership and the making of rules.

The great majority of the Members of Congress are men who have served or who will serve less than four terms. Some of our great leaders have been developed through service and seniority, but we can never calculate how many we have lost or how many we have suppressed.

Many Members who serve for only a short time are brief in service not because they are not qualified, enterprising, or of good judgment. It may be that they lacked only the ability to compromise for survival—a process in aging and seniority which gradually tends to erode the idealism with which most Members start and which only a few can safeguard through seniority.

A new Member gets elected to this Congress with high hopes, with great expectations, with idealism, with dedication and high purpose.

Very suddenly after his arrival, he is appalled for he receives the prerequisites of his office and gradually begins to learn that he is not an equal Member of Congress. He is subordinate, he is less than others, he is junior.

He sees the power of leadership, the awesome power of committee chairmen, those—who decide in their own usurpation of authority—what bills shall be considered and when they shall be considered, and how. He sees klieg lights when his chairman and important witnesses appear, but he is never in them. He is in their shadow. When the time arrives for his important questions, the press is gone, the room is empty. His part comes after the curtain has been dropped.

He sees the fiefdoms of committee chairmen, subcommittee chairmen, men whose profundity stems from power rather than from wisdom. He sees the power of ranking committee members who are consulted while he is not. He sees the fiefdom of the powerful committees which he can never see in action because they are exclusive and secret to him.

He learns soon that some Members of his same Congress—equal Members to the body to which he has been elected—are cleared for secrets he does not share. That almost all of the business of some committees are total secrets to which he is not entitled. He learns that five or six men in a subcommittee can transfer the spending of billions of dollars under circumstances in which he is not informed.

After all of this, he is shocked by the sudden discovery of his insignificance. He awakens to learn that he is a nobody in the citadel, and he never comes to realize that he and the other nobodies in the Congress are indeed the great majority who have let the power drift and accrue in the hands of a few who have usurped it. The Congress itself, the world's greatest showcase of representative government, if shown inside out, would reveal itself as a process of questionable democracy where few have usurped the power which, indeed, belongs to the many.

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 proud to be 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 speed up orderly processes in the House of Representatives.

Mr. Chairman, this is a very significant amendment on which we are voting this afternoon. For too many years, the Congress has lagged behind the State legislatures, and is certainly far behind the executive branch in its use of the most modern electronic equipment. 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 provide that in all calls of the House the doors shall not be closed except when ordered by the Speaker.

It would read as follows:

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, and the absentees noted, 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 floor to prevent 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 sometime 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. NATCHER, 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 matter.)

Mr. EDMONDSON. Mr. Speaker, on July 23d 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.

General Walt's remarks tell the story of Jim Lucas and of the Nation's loss in his death at 56. I believe every Member of this body who knew and admired Jim, and the thousands of Americans who followed his writing regularly, will appreciate the General's words as they were delivered on July 23. The full text follows:

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."

The typewriter of Jim Lucas is still today but its echos will continue on. We gather here this evening to pay tribute to a very dear friend, a deeply loved uncle and brother.

We also pay tribute to Jim as a great reporter and author whose works were characterized by moral courage, utmost candor, constant objectivity, and above all, by his superb dedication and exceptional talent. He is a Pulitzer winner, twice winner of the Ernie Pyle award and recipient of many other awards in the field of journalism. Integrity and Jim Lucas are synonyms.

We also honor Jim as 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 with 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 strove valiantly to explain that war to the American people. He didn't feel he was successful—this bothered him deeply but he never lost faith in our cause nor with the gallant Vietnamese people 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 II*, 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 was 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 ships which cleanse 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 pollution. The key fact is that no international body is 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 763 calling upon the President, as the Nation's chief spokesman 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 I ask my colleagues on both sides of the aisle to join as cosponsors. 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, continually we see 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 taproot 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 startling nature from the current blue-ribbon presidential 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 war in Vietnam, Selective Service, or to the fact that youth has no voice in government.

As certainly as the sun rises tomorrow, we will hear also that students are unhappy with the courses they are offered, that their elders do not communicate with them, that 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 campus 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 work within the system, whether they are happy about Vietnam, ethnic studies or the character of their provost. Most of the physical and psychological abuse of the colleges is the handiwork of a minority and it occurs on but a small percentage of the 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 because they are not qualified. Recent testimony to the California Board of Regents indicated this may be as many as 35 per cent of the students in some institutions.

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 1964 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 "assume an obligation to conduct themselves 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 bad 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 turmoil and uncertainty which prevails both within our Nation and beyond it, we naturally become concerned with what the future holds for this world. Personally, I believe that much depends on the moral fiber of our citizenry. If it is strong and dedicated to the perpetuation of the traditions of our great country, then we have little to fear.

During the month of June I visited a number of schools and participated in several Flag Day ceremonies and commencement exercises. It was indeed heartening to observe the fine quality of the vast majority of our youngsters. This served to bolster my confidence in the ability and the intention of today's students to do what is right and just. I feel certain that as they develop into adulthood they will be endowed with a quality of character in which we can take great pride.

Speaking of pride, I am reminded of how proud I was of two students on the elementary level when I became aware of their remarks. I want to share them with my colleagues.

Nancy Harrington, a graduate of St. Joseph and St. Bridget's Grammar School, in Syracuse, N.Y., had this to say:

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.

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 founded on the principle that all men have a right to "life, liberty, and the pursuit of happiness."

Five hundred years ago, not a single European settler lived in the 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. Its Founding Fathers wrote the world's most lasting constitution. Hardy pioneers crossed the continent. Scientists experimented with inventions in every field. Brother fought against brother in a deadly civil war. Business men poured millions of dollars into growing industries. Wave after wave of immigrants found a common loyalty in their new homeland without losing their individuality. In more recent years, statesmen turned their attention to world problems, without losing sight of national ones. We are truly the inheritors of a great nation.

Our legacy—the triumphs and achievements of the best men each generation has to offer. Generations of men working together, building on work, of all those who came before them. My generation too will make contributions hopefully toward the aim of making peace among men. Men working as a team for the good of all. We can wipe out hunger and disease, free starving minds and bodies—clean the air—bring the generations together and the races of people living together as one. If we don't pull together then perhaps there will be chaos—soft rain on a planet without life. Our world—the victim of men who could not and would not work together.

If we in America want peace, as our history has shown that we have fought for it, we will have to start at home and then eventually it will spread to the rest of the world. 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 us 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.

As I see it, we are graduating into a great new decade of discoveries and scientific advances, that should help us to progress toward living peacefully with our fellow man.

Our generation believes 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 St. Charles of Borromeo School, in Syracuse, offered these remarks:

MY FAVORITE PATRIOT

My favorite American Patriot is Nicholas A. Gettino. Perhaps you have never heard of him. This is because he is my father.

Nicholas A. Gettino was born in Syracuse, New York on June 12, 1922. He enlisted in the Air Force when he was twenty years old. After months of training as a second lieutenant he was a qualified navigator on a B24.

His crew of ten men were stationed in Italy. They flew many bombing missions. On one of his earlier missions he and his crew bombed several docked German submarines 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 to destroy the oil fields of Ploesti, Romania. The reason why the oil fields were the major target for bombing was that this was the Germans supply 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 liberated by General Patton's Forces.

Upon his return to the states, he could have been honorably discharged from the Air Force, because of his experiences. However, because of his love for his country he stayed in the Air Force. He married Mary Burns in 1945 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 now, 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. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROTZMAN. 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-percent ticket tax from the ticket purchasers was added. This amendment was approved by the Senate, and was retained in the bill by the conferees. 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 that the important substantive parts of the bill have been passed and signed, I believe that the Senate amendment requiring concealment of the airline ticket tax should be repealed, and I am introducing legislation to accomplish that.

Section 7275 of the Internal Revenue Code provides that airline tickets 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 in the advertised figure. 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 which conceals the airline ticket tax. It goes on to state that airline advertising which includes a statement of price must either include the ticket tax in the quoted price or clearly indicate that the applicable Federal taxes are extra. Under my bill, disclosure is maximized. The passenger will know what part of his fare is actually for tax, and at the same time, airline advertising will have to conform to basic notions of disclosure.

The rationale behind the Senate Finance Committee's amendment is a bit obscure. However, a reading of the floor debate in the Senate suggests that the amendment will prevent passengers from being misled into thinking that the fare alone represents the total ticket cost and that passengers will not have to wait in long lines to have their fares and taxes separately computed.

Mr. Speaker, I have waited in a lot of lines at airline ticket counters, but I have never gleaned the impression that showing the airline fare and the ticket tax as separate items leads to any delay.

Even if there is an immeasurable amount of time saved at the ticket counter, a quite measurable amount of time is lost later since the tax must be shown on the auditor's and agents' copies of the ticket. Thus, section 7275 has a double barrel effect: it conceals the ticket tax from the passengers and it creates a new maze of bookkeeping problems for airlines' personnel and travel agents.

As for being misled, I believe it is quite clear that section 7275 is the culprit and not the prior practice. I am not aware of ever having heard a complaint from someone who felt they had 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. I am sure that most travelers 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.

PRESIDENT 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 commended 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 summary by Dr. Heard of his views of his assignment and of several memorandums that he and Dr. Cheek, his coadviser, sent to the President during their temporary term of service from May 8 to 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 as well.

Mr. Speaker, I insert at this point in the RECORD the texts of these memorandums to President Nixon, as reprinted in the New York Times of July 24, 1970, followed by an article in the same newspaper by Robert B. Semple, 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 Dr. Alexander Heard, 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. Heard and a 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 sought to compress 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.

I

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 maintenance of a pro-American regime in Saigon, continued U.S. military presence in Southeast Asia, and whatever military action is necessary to produce these ends.

Exacerbating this difficulty is the belief of many students (shared, it is fair to say, by many nonstudents) that the course we are on has no real chance of success. They do not believe Hanoi can be induced to negotiate. They find unthinkable using enough military power to force Hanoi to negotiate.

They believe the longer we keep fighting the more difficult the U.S. position becomes at home and before world opinion. They believe our leaders must understand this, and consequently when those leaders do not act accordingly by "getting out," they must be either blind or evil. Frustration to the point of fury builds up from watching us follow, at an enormous cost in human life, a policy they believe to be leading nowhere.

Students' argument

When the President explains that we must act in Cambodia to protect the lives of American fighting men, they argue that it would be better protection to bring them home.

The President's admirable remarks in St. Louis on June 25, 1970, showed insight into student idealism and compassion for their anxieties. The phrase "to win peace," however, does not describe a proper goal in the eyes of some students.

Second, what the President regards as successes, students often regard very differently. Reducing the troop level in Vietnam by sometime in 1971 to something over 200,000 men seems to many in Government 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 should not be mistaken for that of a draft-dodger in World War II. They are not seeking to avoid personal danger. Rather, they abhor personal involvement in war they perceive as "immoral."

Hence, a plan to have a troop level of over 200,000 men next year, and possibly indefinitely, seems intolerable—to the point that some of them say 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 of "deep divisions" in the country. But "deep divisions" suggests a serious disagreement in a stable society, a matter of different groups holding different opinions, whereas students perceive the situation in radically different terms.

They see not just differences of opinion, 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 student says the division is already erupting and destroying the society.

The President's visit to the Lincoln Memorial on May 9 was a splendid act. Reports got about, however, that the President passed pleasant queries about surfing and football. That offended students who felt immersed in a 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 and to view Communism in Southeast 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 through military power. Students distressed with the failure of their country to achieve all its ambitious ideals at home and abroad think of "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 rationale for our military involvement. To students the cost is too high, so much too high as to make the war "immoral."

A faculty member wrote from . . . "At the root of the opposition to the war in Indochina is the moral revulsion to the carnage undertaken in our name. Peasant societies are subject to the most awesome destructive technology that man can devise; hugh areas are depopulated into free fire areas; defoliants, pesticides, and herbicides scorch the earth, and bomb craters create a moonscape; great masses of people are uprooted from their ancestral lands and turned into refugees in their own countries, and war spares neither the elderly nor the women and children. Surely such death and devastation are out of proportion to whatever objective we might hope to achieve."

II

Why are students not impressed by Soviet atrocities such as the invasion of Czechoslovakia?

The apparent insensitivity of students to Soviet actions and to evils in the Soviet system is at least partly explainable by considerations like these:

First, they feel that by the wrongness of our own policies, such as the war in Vietnam, we have lost our moral standing to condemn other countries.

Second, there is an obsession with our own 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 government, but they don't perceive it as a threat to the United States. Since the Sino-Soviet split, they see Communism as consisting of different and often competing national governments and styles.

The Russians appear to repress their satellite countries, but students see that fact as parallel to American domination in its sphere to influence (the Dominican Republic, Guatemala, economic exploitation, etc.)

They see the Russians as no better than we, maybe not as good, but feel more responsibility for our actions than for those of foreign powers.

III

How do they compare the United States with other countries generally?

Instead of viewing the United States as in competition with other great powers, or as being potentially threatened by them, the students we speak of tend to be suspicious of all national powers, including the United States.

As the President said in his "State of the World" message on Feb. 18, 1970. "Today, the 'isms' have lost their vitality—indeed the restlessness of youth on both sides of the dividing line testifies to the need for a new idealism 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 be satisfied with the comparative superiority of the U.S. in striving for social justice and equality.

Rather than emphasize what is good 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.)

Therefore, any form of injustice and inequality, such as is evident in our racial problems, is taken as an indictment of the entire social system, regardless of its improvements over the past or its relative superiority over other societies.

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 proposals might be handicapped by making them public. All of the recommendations, like the comments on campus conditions reported above, 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 can better take into account their views, and the intensity of those views in formulating domestic and foreign policy.

B. That the President designate a senior staff member in 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 gencies, especially the Department of Health, Education and Welfare, to be put more readily at his disposal.

D. That the President increase his exposure to representatives of the black community and other racial minorities.

E. That the President take initiative welcoming young people into political and governmental processes.

F. That the President initiate an assessment of youth opportunity programs in the Federal Government, looking toward their enrichment 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 others in Government participate.

H. That the President and others undertake to understand the fears of "repression" among certain groups in our country 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 coming 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 other recommendations to the President, orally or in writing.

[From the New York Times, July 24, 1970]

NIXON IS ADVISED TO HEED STUDENTS—HEAD OF CAMPUS UNREST UNIT PRAISES COLLEGE YOUTHS IN REPORT TO THE PRESIDENT

(By Robert B. Semple, Jr.)

WASHINGTON, July 23.—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.

This recommendation was coupled with an equally strong plea asking Mr. Nixon to use the moral leverage of his office to ease racial tensions and give blacks some sense that the national Government understands and cares about their problems.

These and other recommendations were contained in a statement by Dr. Alexander Heard, chancellor of Vanderbilt University, who served Mr. Nixon as a consultant on campus problems from May 8 to June 30.

The statement was released by the White House late this afternoon, and consisted of a summary from Dr. Heard of his thoughts about the usefulness of his seven-week mission, a summary of his activities, and a series of revealing private memorandums that he and his co-adviser, Dr. James E. Cheek of Howard University, sent to the President during their term of service.

A single theme dominated the 40-page documents and tied together its various strands:

The student revolt, the authors insisted throughout, may seem baffling and chaotic to outsiders but underneath it is a deep moral commitment, a seriousness of purpose, to eliminate what the students genuinely believe to be the weaknesses of American society.

To this basic theme the authors added a corollary subtheme—never explicitly stated, but always close to the surface. Given the integrity, idealism and passion of the students, they suggested, the Administration would be well-advised to listen to them and ill-advised to attempt to make political capital of the disturbances they cause.

Dr. Heard seemed to be under no illusions that it would be simple to bridge the gap. He pointed out that the perceptions of the men who run the country as to what is important, and the priorities of the next generation are radically different.

He noted, for example, that the concept of an "honorable" settlement in Vietnam, important to the President, strikes the student generation as insane because, in its view, American participation in Vietnam is itself dishonorable.

Similarly, Dr. Heard reported, the country's leaders tend to believe that American society can be made whole again by patchwork methods and by drawing the alienated into the system; the students, meanwhile, are resisting the system itself and regard "the whole social order as being in a state of erosion."

NIXON'S CONCERN CITED

In an introductory statement, Mr. Heard said that Mr. Nixon had displayed serious concern over campus developments during the course of nine private and semiprivate discussions, as well as "a searching interest in what we had to say about campus beliefs, attitudes, and behaviors."

In addition, he went on, Mr. Nixon had already undertaken a variety of useful steps. He said that he and Dr. Cheek had recommended that the President sign the voting rights bill, revoke the tax-exempt status of segregated private academies, ask the Justice Department to intervene in Jackson, Miss., during the weekend of the burials of the youths killed at Jackson State, confer privately with a range of campus officials and students, and undertake other efforts to soothe campus passions.

Mr. Heard conceded that the President might have undertaken these initiatives without prompting from his two campus advisers, but he professed himself "pleased with these responses."

But in the first four memorandums that he and Dr. Cheek sent the President—dated June 19, over six weeks after the Cambodian invasion, the shootings at Kent State, and the subsequent uproar—Dr. Heard relayed to Mr. Nixon his serious doubts as to whether the President and his senior associates grasped even at that late date the dimensions or the spirit of the campus revolt.

"We do not believe that our national government really understands that a national crisis confronts us," Mr. Heard wrote the President.

"The condition cannot be conceived as a temporary abberational outburst by the young, or simply as a 'campus crisis' or student crisis.' Because of its immediate and potential consequences, the condition we face must be viewed as a national emergency, to be addressed with the sense of urgency and openness of mind required of national emergencies."

Mr. Heard 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, which he described as "intensely polarized," but he said that it embraced a surprising number of students of normally moderate and conservative points of view.

The portrait he drew—based on interviews and surveys—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. Heard noted, "sledgehammer statements by public officials impugning the motives of dissent"—and the unresponsiveness of Government to student concerns.

WARNING ON INDOCHINA

Dr. Heard went on to say that he had been advised that "events of this summer" would determine "which colleges and universities open this fall, and under what conditions." He warned that any further widening of the war in Indochina would "make it impossible for some institutions to operate normally."

Dr. Heard said that he had made 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 sugegstions to provide more Federal funds for poor students and welcome more young people into government service.

[From the Washington (D.C.) Post, July 27, 1970]

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 fundamental lessons: that time 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 Heard gave President Nixon during his brief term as adviser 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," Heard 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 the United States," he wrote. "New ideas are challenging established ways—which is the most important fact of all to be acknowledged and understood."

In effect, Heard was telling Mr. Nixon that counting votes is not enough, that conventional rulebooks may not apply, that the President must reckon with signs of potential revolution—peaceful or otherwise.

As for the students themselves, the chancelor saw them as idealistic sometimes to a fault, and as feeling rebuffed and overly burdened—the draft, for example—by the rest of society.

"Though often emotional and egocentric," he wrote to the President on June 19, "the passions of idealism produce not only brave heroes on the battlefield but also determined fighters in the struggles for social change.

"Whatever one may think of its origins or consequences, the idealism of college students toward domestic and overseas problems embraces an increasing willingness to abandon the conventional postures of national and personal interest."

To an "extraordinary" degree, Heard said in that memorandum, students are coming to view themselves as a separate class in American society. This "new fact of political life," he added, may become an enduring part of the national power spectrum.

"For effective national government," he continued, "this constituency requires attention and understanding" such as other groups—farmers, organized labor, veterans, blacks—have claimed.

At the same time, Heard wrote, the student constituency "has much ambition, much energy, and more future than the others." The Cambodian incursion, he continued, "catapulted" student's growing class consciousness "into something approaching a national political movement" including many previously moderate or apolitical young people.

The killings at Kent State University and Jackson State College have helped instill "feelings of fear and persecution . . . among students in general," he added. Indeed, he wrote, "One senses that from the best of our young comes the worst of despair."

Such words are not the rhetoric of some apologist for radicalism. Heard may be a Democrat, and he was clearly trying his best to awaken President Nixon to what he saw as a national crisis.

But the 53-year-old Georgia native is a professional political scientist, the author of several books including a widely respected work on campaign finances.

His statements to the President were based on seven years at Vanderbilt, service on the American Council on Education's Special Campus Tensions Committee this past year, and—since May 8 when he was invited to the White House—talks with countless students and educators, questionnaires returned from 193 campuses and a special student opinion poll by Louis Harris.

Heard wrote the President on June 19 that the campus upheavals in May were "leaving students more sensitive politically, more determined to take a part in the governmental process, and feeling more deeply about a range of issues."

A "significant proportion" say they will direct their energies through established political channels including campaign work for peace candidates this fall, he reported. But, he warned, for many it was a case of giving the existing system "one more chance."

"If those efforts are condemned," he wrote, "or receive no encouragement, and apprehensions about the war continue to deepen, then, as President James Hester of New York University put it, 'We can expect the hard-core radicals to gain influence and increasingly violent demonstrations to take place.'"

Heard later noted that college presidents are often made the scapegoat—even fired—when student disruptions cause a campus to "come apart."

"Similarly," he warned the President bluntly, "if the U.S. has a sustained, serious, national campus crisis, an unwelcome share of the 'responsibility' may be assigned to you simply because there is a problem and you are in office."

Heard recommended, among other things, that the President "increase his exposure to campus representatives . . . so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

And he advised Mr. Nixon to "take initiatives welcoming young people into political and governmental processes."

Before, Heard might have added, it's too late.

THE GUBSER-O'NEILL AMENDMENT

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

Mr. HALPERN. Mr. Speaker, I rise in enthusiastic support of the Gubser-O'Neill amendment and am privileged to have been identified as an original cosponsor of the highly laudatory step toward democratizing our legislative processes.

The public has every right to know how a Congressman votes on amendments to bills many of which are vital to the legislation. I have seen some amendments actually take the guts out of a bill and I have seen others that have put real substance into legislation. Often the key test of a Congressman's position is on such key votes. Yet, there is no record whatsoever of how he votes in such instances. The purpose of this bill is to make recorded rollcalls on amendments.

A number of citizens and groups have raised a very legitimate point regarding meaningful and important teller votes which are not a matter of record.

The absence of a recorded vote on specific issues has created a situation where individual groups now place their own interpretation on the strictly procedural vote on the previous question. This is a dangerous practice because it is subject to numerous interpretations and, furthermore, transfers minority rights to the majority.

Congress as an institution is under attack. The charge of "secrecy" is a valid one and we should move forthwith to correct what is wrong.

The antiquated teller system has outlived its usefulness. As long as it continues, Congress will be under attack and there will be some validity to the "secrecy" charge leveled against it. Every citizen has the right to know how his Congressman voted. I trust this amendment will win overwhelming approval.

HAS SOUTHERN CALIFORNIA FAILED IN AIR POLLUTION CONTROL?

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, as a Californian, I have always taken a certain amount of pride in the fact that this State leads the Nation in the application of air pollution control legislation and technology. Most of what the Nation and the Federal Government know about air Pollution control they learned from California, particularly Los Angeles County.

Now comes evidence that despite its landmark efforts, southern California largely has failed to achieve reasonably adequate control over one quality of its air. This is disheartening news, both for southern California and the rest of the Nation. Certainly, if southern California is failing, so too, are the other regions of the country.

Gilbert Bailey, the environmental and pollution expert with the Long Beach Independent, Press-Telegram, has recently concluded an important series of articles on California's attempts to bring the problem of air pollution under control.

I invite the attention of my colleagues to this series. The articles follow:

HAS SOUTHERN CALIFORNIA FAILED IN AIR POLLUTION CONTROL?

(By Gilbert Bailey)

PART I

There is no adequate air pollution control program in the Los Angeles basin.

There is no such thing as a no-smog day here. Every day the same poisons are belched into the air, and even on those rare days when the winds cleanse, or the rains wash the air, and Catalina can be seen, air pollution is with the millions who live here.

On a May day, when the air pollution control district had predicted no smog, a yellow-brown cloud lay over Los Angeles, clearly visible from a small plane. The cloud thinned over Orange County, but it never totally disappeared.

An Independent, Press-Telegram survey of air pollution in the Los Angeles Basin, and of the activities of the Los Angeles Air Pollution Control District, reached the following conclusions:

1. The Los Angeles Basin's struggle against air pollution, one starting in 1948, is a failing effort;

2. Air pollution, despite predictions otherwise, will get worse, not better, unless new regulations are adopted and enforced, soon;

3. Autos, while producing 50 per cent or more of the air pollution in the basin, have been assigned more than their fair share of the blame, obscuring other sources of pollution;

4. Further control of industrial pollution sources is a necessity, if air pollution is to be controlled within the basin;

5. The Los Angeles Air Pollution Control District has in the past issued unwise predictions of future success. It addition it has used and is using pollution statistics open to serious question.

6. There is no adequate air pollution control program at present in the Los Angeles Basin, and whether such a program will be instituted is doubtful.

A false picture has been drawn of smog in the basin, a picture partially the fault of the air pollution control district, and partially the fault of the news media.

"Smog is the most misused word in the English language," said Robert L. Chass, Los Angeles air pollution control officer. "There are many different kinds of air pollution."

On Nov. 1, 1969, a day picked at random, Long Beach had the following pollutants in the air (in parts per million parts of air): .11 parts of oxidants, above state standards; .56 parts of nitrogen oxides, above state standards; .34 parts of nitrogen dioxide, above state standards; .12 parts of sulphur dioxide, above state standards; 28 parts of carbon monoxide.

Photochemical smog, the air pollution produced from the invisible gases spewed out by automobiles and oil refineries, and then cooked by the sun into the usual eye-irritating Los Angeles summer brew of air, is but one of the poisonous stews we breathe.

Sulphur dioxide, one of the basic ingredients of "killer smogs" in London, New York and elsewhere, comes from sources other than automobiles, and the standards for sulphur dioxide were exceeded in Long Beach 20 per cent of the time during 1968.

In the winter sulphur dioxide and particulates, tiny pieces of liquid and dry dirt, create a different brew, one which limits visibility and can hurt the lungs, a brew for which more than just the car is responsible.

No area of the basin is exempt from air pollution. While the offshore breezes often blow pollutants out of the Long Beach area, sometimes those breezes reverse and bring

all of the basin's pollutants into Long Beach, where they can be trapped with the native pollutants by an inversion layer.

"Air pollution and its fallout on soil and water is a form of domestic chemical and biological warfare. There is no full escape from such violent ingestion, for breathing is required," said Ralph Nader in his task force report on air pollution.

The Los Angeles basin does not yet have an adequate defense for this biological and chemical attack.

PART II

Twenty-two years ago Los Angeles County began its war against air pollution.

On March 22, 1970, Louis J. Fuller, retiring Los Angeles county air pollution officer, declared victory.

"There is nothing much left for me to do here," he said as he quit.

On May 17, 1970, the basin's first smog alert of the year was declared by the Los Angeles Air Pollution Control District. More alerts followed as spring turned to summer.

A declaration of victory in the war against smog is roughly as meaningful as a declaration of victory in Vietnam, as every resident and visitor to the basin knows.

But Los Angeles County through its 22-year-old antismog district has spent $60 million in fighting smog. The district is cited throughout the world as a model smog fighter. Yet smog continues.

What happened?

Two things. First, growth continued, growth that canceled the effects of the controls installed. Second, not enough, or effective enough controls were established.

There is no indication today either that the growth will be stopped or that effective controls will be established.

Robert L. Chass, now air pollution control officer for Los Angeles County, does not claim victory.

"I have tried to point out that the district has a hell of a lot to do," he said. "I've told the oil refineries and the foundries they look like hell and they've got to clean up."

He said the district is studying tougher controls on scavenger plants, the plants which take sulphides from other sources and further refine them.

However, he and the district still put most of the blame, 80 to 90 per cent, on the auto.

"Our opinion is that it is mostly from the auto. It is an opinion," he said.

The air pollution control district is a creature of the Los Angeles County Board of Supervisors. The county supervisors are responsible for smog, and its control, or noncontrol.

The supervisors meet every so often as directors of the smog control district. They appoint the head of the district, now Chass. They also appoint a three-man hearing board to grant variances from air pollution control requirements.

Complex, sometimes tough and lengthy regulations of stationary sources, primarily industry, have been instituted. Industry has spent millions of dollars on air pollution control equipment.

The district fields 71 inspectors and three field testing teams looking for violations of air pollution regulations.

Since 1964, 1,747 violation notices have been issued to stationary sources (compared to 9,022 such notices issued by the San Francisco area pollution control district).

At the same time the special hearing board, meeting three times a week for about an hour each time, has the power to grant variances from the air pollution district's regulations.

The board is headed by Delmas Richmond, an attorney. He is joined by Wendel, W. Schooling and Robert L. Daughery, both engineers. Each member gets $50 a meeting.

The meetings are held on the sixth floor of an old wreck of a county building in downtown Los Angeles. Although the offices are but a block from the city's major newspaper, they are rarely—perhaps once a year—visited by the press or public.

Instead, employes of the air pollution control district, a deputy county counsel, attorneys for the applicants, and the applicants are all that are present for the granting or withholding of variances.

For the year ending July 1, 1969, the board granted 225 of 323 variance requests. There are 65 variances outstanding as of May 1, 1970 (latest figures available) out of roughly 9,000 permits granted to air polluters.

Chass is satisfied with the board.

It can't fault the board. "It is a quasi-judicial body. Only such a body can weigh equities," said Chass.

"We have a tremendous responsibility," said Richmond. "We could shut down industries employing thousands of people, causing all sorts of economic harm."

A glance through the list of variances shows Advance Galvanizing Co., Allied Chemical Corp., Atlas Galvanizing Co., Continental Can Co., Fresno Paving Co., Lever Brothers Co., Southern California Edison Co., Stauffer Chemical Co., Union Oil Co.

A check of three meetings of the board showed the complexity of the issues.

For example, oil companies must shut down equipment for repairs. The equipment does not meet standards immediately after it is restarted. As a result the major oil companies are almost continuously before the hearing board for variances.

As long as a variance is pending, the air pollution district, as a matter of policy, does not cite for violations.

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.

However, two University of California scientists, R. F. Sawyer and L. S. Caretto, both assistant professors 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 88 per cent, officially claimed by the Los Angeles Air Pollution Control District.

Autos contribute only 13.6 per cent of the sulphur dioxide in the air—an ingredient in smog which has killed elsewhere—and 41.3 per cent of particulates, a second ingredient in killer smogs, according to the air pollution control district's own figures.

"Industry and power plant sources of air pollution are much more important than has been commonly acknowledged," said Sawyer and Caretto, writing in "Environmental Science and Technology."

"A Southern California Edison Co. statement that only one per cent of the Los Angeles area air pollution comes from their plants is grossly understated," they added.

By weight, at least according to district figures, which can be questioned, the auto does produce 88 per cent of the air pollutants, 11,920 tons out of 13,530 per day.

However, the auto tonnage includes 9,470 tons of carbon monoxide.

Carbon monoxide is a colorless, odorless non-reactive gas. It does not contribute to photochemical smog, although it does cause significant problems of its own.

Carbon monoxide does not contribute to that which the average resident considers to be air pollution—eye irritation, visibility reduction, or odor.

Much higher 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 are almost equal to the auto as a smog producer.

Air pollution sources are strange, hard to recognize, and even harder to control. Consider the amount of gasoline spilled with the fumes 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," said Chass.

"The media always wants a comparison. As a result the public has a distorted view of smog," he added.

However, Chass sticks by his claim that the auto is the primary, almost the only, villain in air pollution in the Los Angeles Basin.

And "Profile of Air Pollution Control in Los Angeles County," the official publication of the district, said:

"The tables, graphs, and charts in this section show that air contaminants from motor vehicles comprise approximately 90 per cent of the uncontrolled emissions in Los Angeles Country. . . . 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 95 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 distinctive problems—the Long Beach area, downtown Los Angeles and the southeastern portion of the county.

Sulphur dioxide readings are consistently higher in the greater Long Beach area than elsewhere in the county, as are nitrogen dioxide readings. The larger number of refineries, power plants and chemical plants in the area must play a more important role in air pollution than has been previously acknowledged.

In addition these industrial sources contribute significant amounts of hydrocarbons and oxides of nitrogen to the air, the makings of photochemical smog.

The auto is a relatively minor source of sulphur dioxide. It provides less than half of the particulates that cloud our skies, and even in the area of hydrocarbons, the cause of photochemical smog, more than 30 per cent comes from other sources, according to the Los Angeles Air Pollution Control District.

Let no one be mistaken: The automobile plays a vital role in air pollution. It must be controlled before air pollution can be ended.

However, industrial, stationary sources, must also be brought under further controls, and soon, if clean air is to return to the Los Angeles Basin and "killer smogs" are to be avoided in the southland.

PART IV

Air pollution in the Los Angeles basin is going to get worse, if for no other reason than because automobile emission controls don't work.

In fact present controls have done more harm than good. And the American public,

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.

"We have no reason to believe they will be met on the basis of the record," he added.

The controls installed in the 1960s decreased the discharge of hydrocarbons, when they worked, but increased the discharge of nitrogen oxides.

Both are smog ingredients, but nitrogen dioxide may be even more dangerous than the hydrocarbons.

"Nitrogen dioxide is twice as dangerous as sulphur dioxide and 320 times as toxic as carbon monoxide," estimated Ned Groth, Stanford University researcher, basing his findings on state standards.

If present state standards are met, the emission of oxides of nitrates will decline by 1980 to the amount discharged in 1960, Chass said.

"This is progress?" he asked in testimony before the Environmental Quality Study Council.

What happened?

"It happened only because Detroit chose to go that way. The State Motor Vehicle Control Board didn't do its job," Chass explained in an interview.

Detroit in the 1960s installed auto control devices which did decrease the emission of hydrocarbons, but increased the emission of oxides of nitrogen by 50 per cent.

Detroit had partially controlled the faucet pouring out one kind of poison, but had increased the amount pouring out of a second poison faucet.

The Los Angeles basin, therefore, is worse off today than it was before controls were installed.

That is but part of the story.

Ralph Nader's task force on air pollution reports the following testimony from Dr. John Middleton, head of the National Air Pollution Control Administration:

"Very often 75 to 80 per cent of the cars failed to meet (air pollution control tests) and they missed the target by 15 to 20 per cent. . . . It is a high percentage of cars and that fail."

Rep. Paul Rogers, D-Fla., said of Middleton's testimony:

"They (the public) have expended a billion and a half dollars and 80 per cent don't meet it (the federal standards). That's incredible."

The Congressional testimony continued.

Rep. Rogers: "But they are not working. Eighty per cent 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 per cent failure. Overall the average of failure was a little over 50 per cent.

One federal official added, "Air pollution authorities are discovering as they measure total exhaust emission on a mass basis that both California and federal calculations are low. The auto industry has taken advantage of this error and 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 base estimations only on actual tests, not calculations.

The problem of motor vehicle controls was put another way by Department of Housing, Education and Welfare assistant general counsel Sidney Saperstein, in a memo reprinted in the Nader report:

"In short the purchaser of a new motor vehicle is paying for something that he may not be getting—and the federal government, to which he looks for assurance that he is obtaining value for his expenditure, is not fullfilling its obligation to protect his interests."

A final comment, also from the Nader report, may sum up the situation.

"I wouldn't call the program (of auto emission controls) fradulent: I'd call it farcical," said Edward Tuerk, assistant commissioner of the National Air Pollution Control Administration.

Chass of the Los Angeles District has two answers for the problem:

1. Legislation requiring every auto to be tested on the assembly line on a go or no-go basis to make sure the emission control device works;

2. Legislation requiring the auto manufacturers to guarantee the control system for 25,000 miles.

Legislation has passed the State Assembly and is pending in the State Senate which would levy a $5,000 fine on auto manufacturers when their devices don't work.

"If the requirements presently on the books are met on schedule, projections show that there should be a noticeable reduction by 1976, and by 1985 photochemical smog should virtually disappear in Los Angeles County," Chass said.

There is no guarantee that will happen.

PART V

On a not-so-clear day in San Francisco, the official of the Bay Area Air Pollution Control District glanced out the window across the Bay 20 miles towards Oakland.

"We are calling this a medium smog day," he said. "We have a combined pollution index which takes into account all types of air pollution."

The air was dirty, but the Oakland and Berkeley hills were visible, if dimly, 25 miles away.

In Los Angeles such a day would be listed as a no-smog day.

It may be that a comparison between air pollution conditions in Los Angeles and San Francisco is an unfair one. Even so, such a comparison appears to be productive.

On the basis of statistics of air pollution source emissions—who is putting what into the air—released by the two districts Los Angeles' air should be far cleaner than it is, for according to those figures less sulfur dioxide is produced here than in the Bay Area, and the figures for particulates (small pieces of dirt) are almost the same.

The hard tests, the actual tests of air quality show a different story.

The following table shows the number of days in which air quality standards were exceeded in the Bay Area and in the Los Angeles area during 1968 (latest figures available).

Ozone:	
San Francisco	66
Los Angeles	188
Nitrogen dioxides:	
San Francisco	7
Los Angeles	132
Carbon monoxide:	
San Francisco	0
Los Angeles	6
Particulates:	
San Francisco	3
Los Angeles	166
Sulfur dioxide:	
San Francisco	0
Los Angeles	[1] 115

[1] Figures for 1969, 1968 figures not available.

Yet, Los Angeles claims almost 50 percent less sulfur dioxide, one of the key ingredients in "killer smogs," is produced in the basin than in the Bay Area, despite the huge refinery, chemical plant and power plant complex in the southwestern-Long Beach area.

The figures are: 444 tons a day in the Bay Area, 225 tons in Los Angeles.

The two districts' regulations covering sulfur dioxide emissions differ. However, Los Angeles had 115 adverse days, the Bay Area none in 1969.

The second comparison is even more perplexing.

The difference between Los Angeles' low estimation of sulphur dioxide emissions and high concentrations in the L.A. area—estimates 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 sulphur 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 done a disservice. Only if the correct figures are available on emission can the basin act to correct its pollution.

Los Angeles claims that its 3.9 million cars produce 45 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, Los Angeles County air pollution control officer, was questioned about the figures.

Q. Are your figures accurate, or the San Francisco figures inaccurate?

A. Let me say this of the basis for the Bay Area figures. We see them the same as you do. We haven't sat down 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.

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, the I,P-T learned that the question of the discrepencies had been brought to the attention of the State Air Resources Board by the San Francisco District. No reply was received.

Chass said the district's emission figures are checked by the Air Resources Board.

Q. How do you estimate your emissions?

A. "Motor vehicles are tested by the Air Resources Board. Stationary sources are tested by stack tests. Emission factors have been established over the years. . . . The Los Angeles Air Pollution Control District has more test data than the rest of the world combined."

Chass made one more point:

"Bad data in air pollution is worse than no data."

A suit was filed earlier this year in federal district court claiming the district lies in its air pollution predictions, but the suit was thrown out of the federal court because of a lack of jurisdiction.

Chass flatly denies the district has ever lied. He was angered by the suit, and by a story appearing in these newspapers, which noted conditions on a day in May and said the Los Angeles Air Pollution Control District was "lying as usual" when it predicted no smog.

"This district has never lied; print that," said Chass.

Since the suit, but not because of it, according to Chass, the district has changed its predictions to include visibility factors and ozone, instead of just eye irritation.

In fact, the district does not lie in its

predictions, it just doesn't tell all of the problem—sulphur dioxide, carbon monoxide, or that a lot of smog comes from other sources than the automobile.

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 the basin for reasons of health.

Those who suffer from bronchial asthma, chronic bronchitis, and pulmonary emphysema are particularly hard hit by smog, according to the National Tuberculosis and Respiratory Disease Association.

The difference between the lungs of the person exposed to air pollution and those of someone living in clean air is explained in Ralph Nader's task force report on air pollution:

"On the autopsy table it's unmistakable. The person who spent his life in the Adirondacks has nice pink lungs. The city dweller's are black as coal."

Sulphur dioxide and particulates have been common to past "killer smogs," according to Robert L. Chass, Los Angeles air pollution control officer.

"Doctors found that when the daily levels of sulphur dioxide were between 0.2 and 0.4 parts per million, the number of excess deaths in New York City ranged between 10 and 20 persons," Nader reported.

The current California standard for sulphur dioxide is .04 parts per million parts of air over a 24-hour period. That standard was exceeded 115 days in the Los Angeles basin in 1969 with heavy concentrations being reported in the Long Beach area.

"Killer smogs," or "air pollution incidents," have been reported throughout the world. The major incidents include:

Meuse River Valley, Belgium, December 1930, 60 dead;

Donora, Pennsylvania, October 1948, 6,000 ill, 20 dead;

London England, December 1952, 4,000 dead;

New York City, 1953, 1962, 1963, and 1966. In 1963 an estimated 405 died from air pollution and in 1966 a total of 168.

No such smogs have been reported in the Los Angeles basin. The nature of photochemical smog, common to Los Angeles, although associated with respiratory diseases, has not yet been clearly linked with death by medical researchers.

However, some medical researchers have predicted killer smogs for the basin. They have, so far, refused to release their evidence until it is published in medical journals.

One such researcher, Dr. Kenneth Watt of the University of California at Davis Environmental System Group, has flatly predicted a killer smog in Long Beach for the winter of 1975–1976. He also named Pasadena, Lennox and Azura as danger areas. He said his group will publish its research in the fall.

Watt not only fears heavy concentrations of sulphur dioxide and particulates, tiny piece of solid and liquid dirt, and also photochemical smog, including increasing levels of nitrogen dioxide.

"It is frightening," he said about the higher levels of nitrogen dioxide, higher levels caused by motor vehicle control devices intended to decrease smog. "Nitrogen dioxide may be the most medically dangerous."

The National Tuberculosis and Respiratory Disease Association associates smog coming primarily from autos but definite medical links have not yet been established.

Dr. Watt pointed out a problem in associating death with air pollution in the basin. Air pollution hits hardest old men, second hardest aged women. However, Los Angeles and Orange counties have an extra large number of young women, making statistical comparisons difficult.

Chass of the Los Angeles County Air Pollution Control District disagrees with Watt on his prediction of killer smogs.

"He has no more basis in saying that than the man in the moon," Chass said.

But Watt counters with the concentration of sulphur dioxides in the greater Long Beach area from refineries and power plants, along with concentrations of particulates.

Watt also pointed out that the offshore breezes which usually blow smog out of the Long Beach area reverse themselves sometimes, bringing the basin's smog into Long Beach. Combined with local pollutants and a winter inversion layer, the mix could be deadly, he said.

Two unreleased studies by the state show the extent of the sulphur dioxide and particulate problems in the southwestern Los Angeles-Long Beach area.

In Long Beach the state sulphur dioxide standards were violated 20 per cent of the time during 1968.

In the area of particulates the highest reading was "measured in the southern part of Los Angeles County, where most of the refineries and power plants in addition to the Los Angeles International Airport are located, and where the emissions of particulate matter have been estimated to be the highest."

In order to meet current sulphur dioxide and particulate standards the amount of sulphur dioxide in the air must be reduced by 64 per cent and the particulates by 54 per cent.

Whether Dr. Watts dire predictions of killer smogs come true or not, there is still a lot of cleaning of the skies to be done, before they become healthy again.

PART VII

Air pollution can be halted in the Los Angeles basin, and the air returned to the quality of 1940, or earlier.

The quality of the air coming into the basin, cleansed as it is by 5,000 miles of oceans, is the best in the world. All that has to be done is to control the pollution sources, all of them, within the basin itself.

There is no such comprehensive control program witness today's skies.

On the basis of interviews with pollution control experts at as many levels as possible, and on the basis of the information reported in this series, the following air pollution control program on individual, county, state and federal level, is recommended, not as a final solution, but as a start.

First, every Los Angeles basin resident should have his motor vehicle emission control system tested, and possibly repaired. Atlantic-Richfield, as a special service, is making such tests available free at selected shopping centers.

Second, while so-called smog free gasolines are relatively ineffective in fighting air pollution, lead-free gasoline should be purchased whenever possible. Even so, working control devices are far more important than the type of gas used.

Lower horsepower cars should be purchased.

Care should be taken in the use of the auto and other pollution causing machines, including use of an over-abundance of electrical appliances, which create need for smog-producing powerplants.

Finally, if the basin resident is concerned about air pollution, he should contact his representative on the board of supervisors—the man directly responsible for smog in the basin—his state legislator, and his representatives in Congress to demand action.

On a county level the board of supervisors should institute a full-scale review of the operations of the Los Angeles Air Pollution Control District to determine why after 22 years and $60 million in expenditures, there is still smog in the district and what can be done about it.

The district's operations, its special hearing board, and its regulations are all fit subjects for such review.

In addition the district's statistics, open to question as they are, should be verified by a thorough scientific study of air pollution in the basin possibly conducted by such an air pollution control laboratory as the one at the University of California at Riverside.

The Los Angeles Air Pollution Control Officer Robert L. Chass should be instructed to draft further regulations of industry, including the oil refineries, chemical plants, power plants and foundries. Chass is already reviewing regulations concerning high sulphur dioxide emitters, but further regulations are needed. Controls of service station gas spills should also be instituted.

The final recommendation is that the district require air polluters to monitor and report their pollution to the district, at least the emission of sulphur oxides, and lead and fluorides and all other contaminants possible, as is done by water polluters.

Beyond the scope of the district, a rapid transit system, similar to the Bay Area Rapid Transit District, is needed. Voters should support such a 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 on the assembly line, and for the auto makers to guarantee the devices for no less than 25,000 miles.

Second, 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 the diversion, or a bill by State Senator Alfred Alquist to raise the gas tax could accomplish the same objective.

Finally, the state and the federal government, should require auto manufacturers at their own expense to provide cars for testing on a regular basis and conduct actual tests of car emissions at various mileages on a mass basis to determine the actual level of pollution.

On the federal level, Congress should pass legislation to require all air polluters to report their pollution and to require all air pollution control bodies, using any federal funds, to report the sources of pollution within their jurisdiction. Such legislation will be offered in the United States House of Representatives shortly by a group of California Representatives, headed by Don Edwards, D–San Jose.

At present federal air pollution control inspectors do not have the right to enter private property to check on violations. They should be given that right.

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.

Leaded gasoline should be phased out as Detroit changes its engine to no longer require such gasolines.

Finally, the federal government should help finance additional air pollution research and necessary rapid and mass transit sys-

tems. Again such funds could come out of gasoline taxes.

This program is incomplete. It is only a start—and some of it may be impractical—but it is a start.

There could be a stronger program: Cease building new roads, use the funds for rapid and mass transit, tax cars further until they are no longer practical to drive while providing other means of transportation. At the same time require polluting industries to either 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, or 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 SUBSIDIES PAID TO AN INDIVIDUAL FARMER

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

Mr. COUGHLIN. Mr. Speaker, we have a remarkable opportunity this week to serve the people of the United States by cutting expenses without 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 silos of corporate farmers 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 erosion 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 floor this week.

Although the House Agriculture Committee has recognized that the no-limit subsidy program cannot be condoned, I feel the compromise itself cannot be justified. By setting a $55,000 annual limit per crop, the committee has devised a system that still could run up to $165,000 a year for giant farms which want to produce wheat, feed grains, and cotton.

I am not comforted by public statements 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. If the Congress ever should get the message from the people, it is this—immediately end the monumental agricultural boondoggle.

The millionaire farmer and the corporate 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 13th Congressional District of Pennsylvania contains much farm and rural lands. It is interesting that preliminary results of my 1970 questionnaire poll show that agricultural subsidies are cited as the number one area 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 farmers received more than $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, criticize Government bureaucracies for refusing to change or cut back programs that have proven too costly, ineffective, and outmoded. Now we have the opportunity to take our own medicine by drastically altering this expensive program that enriches the wealthy farmer at the expense of all other 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. Whether they were defense or welfare programs, I have recognized my responsibility to try to eliminate 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 million in savings. This is a substantial saving and it is an act that would help restore the Congress credibility as a responsive and responsible institution of Government.

THE ISSUES—LET'S LOOK AT THE RECORD

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

Mr. FOREMAN. Mr. Speaker, in a sincere 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 summarize 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 simply because the administration 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 interests of my country and my constituents.

As to the matter of specific legislation, I am pleased to discuss my views on several important bills as follows:

GUARANTEED ANNUAL WAGE

I have some very serious reservations about H.R. 16311, the guaranteed annual wage welfare programs. Admittedly, the present welfare program is costly and inequitable—however, I believe this bill would move us in the wrong direction because it will probably add several million more persons to the welfare rolls, more social workers, more Federal control, bureaucracy, and dependence at an estimated 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 overloaded welfare rolls. We should work to reduce the cost and control of government by the enactment of programs that encourage individual work, incentive, and responsibility—not reward nonproductivity and irresponsibility. We need to work toward more jobs and permanent job security rather than permanent relief.

We cannot spend ourselves into affluence; we must earn our way by our individual effort. Regardless of what some may say or think, we live under a system where the people support the Government; the Government does not, and cannot, support the people. The Government is not a creator of wealth; it gets its money from people who work and pay taxes, and we are fooling no one but ourselves when we think otherwise.

My son, Kirk, summarized the situation 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 concept that every man should be guaranteed an income by the Government, regardless of whether he can or will work. A Federal Government-guaranteed annual 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, Education, 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 federally impacted school districts 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 realinement of some of the ineffective OEO programs as good places to make needed cost cuts. That is why I supported education funding over the Presidential veto.

THE 18-YEAR-OLD VOTE

Mr. Speaker, during my campaign for election to Congress, I pledged to reflect the views of the citizens of New Mexico—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. I am opposed for two reasons: First, I 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.

Implicit 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 all elections—race, sex, and the poll tax—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 simple 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 tend to erode 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 down a new constitution that would have permitted lowering the voting age. On my 1969 annual legislative questionnaire poll on this matter, the citizens voted 2 to 1 against this provision. This year, 15 States have the proposition on their ballots. For the sake of the federal system, is it 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 the statute, the Court will be accused 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 encourage and then perhaps disappoint the young men and women of our country at a time when they are already concerned about the broader gap between promise and performance.

The wise course, the safe course, the unchallengeable course, the tried-and-true course, is to amend the Constitution in the manner which the charter itself provides.

CONGRESSIONAL REFORM

I believe reform and improvement is a vitally necessary 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.

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 encounter strong resistance. 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 needed hospital facilities and improved health standards. The goal of increasing hospital beds is even more critical today than it was when this program was instituted.

In terms of money made available for hospital construction, we approved almost double the amount for fiscal year 1971 as compared with fiscal year 1970. This House approved $172.2 million in construction grants; and, a $500 million loan guarantee allocation for fiscal year 1971, of which $166 million is expected to be committed with the $5 million provided for interest subsidy. This also gives an improved hospital construction position for the smaller communities.

Earlier, I supported the President's veto of an authorization bill, originally approved as an acceptable bill by the House, but later altered in the Senate by the mandatory spending language of the Yarborough amendment—an amendment which restricted Presidential leeway in spending. I will continue to support a sound, effective Hill-Burton program within our ability to finance it.

POLLUTION CONTROLS

Mr. Speaker, no New Mexican wants Los Angeles smog to choke Las Cruces or Roswell. No New Mexican wants our rivers and streams to get in the same shape as 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 survival 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 neighborhood schools.

In the battle against the pollution of our young people's minds, I strongly support effective, tough Federal laws and administrative measures that are being utilized to crack down on the dope pushers and halt the importation of drugs into this country. And, I am grateful and appreciative of the concern and positive attitude of the SOS youngsters who are working to help understand the tragic dangers of drug abuse and the pitfalls and heartaches of narcotics experimentation.

SPENDING PRIORITIES

I support 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 20 years, spending for human resources—health, education, welfare, retirement programs, and so forth—will exceed defense spending. In 1962 under President Kennedy, the Federal Government spent 48 percent of its budget for defense and only 29 percent for human resources. By 1968, the comparison was 45 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 $83 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 $2.7 billion 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 shortsighted generosity as our expensive, badly executed, unrealistic, uncontrolled, and 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 $199 billion, counting the interest we have paid on the money we have borrowed to give away, to over 100 of the 120 nations on the face of the earth, and we have less international respect and fewer friends than we did when we started this runaway boondoggle.

IMPORTANT TRUTHS

The public debt of the United States stands at more than $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 loans 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—are now lending money 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.

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 these aid programs. At a time when we have millions of hungry and uneducated Americans in our own country, why do we not give them some aid? How about feeding them and educating them, first? Why do we not look after our own family before we start trying to raise the living standards of the world?

PROPOSED SOLUTION

We must initiate drastic reductions in foreign aid in all instances, except where technological and military 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 and instruction to those who show 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 should not be grants; rather it should be 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 people to give away our goods to try to buy friends among people who readily turn against us when the till goes empty and the chips are down. Any supporter of this wasteful throwaway 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, hard-working, flag-loving patriots 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 heartland of America. This is a great, wonderful, productive and proud land. Do not kill it with an overly powerful paternalistic central government and socialism which has brought about the downfall 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 and our great Nation "under God." 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

The 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 obligation to the Nation's veterans.

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. In the last 4 months the House has passed and sent to the Senate seven additional major pieces of legislation.

LEGISLATION ENACTED

It is now public law that under the veterans' education assistance programs, certain categories of veterans are entitled to an increased allowance. An average overall increase of 34.6 percent is provided. The costs of schooling have risen sharply since the days of World War II and the Korean conflict; therefore, educational assistance to veterans had to be increased accordingly. Enactment of this piece of legislation represents a significant congressional effort to provide new and special programs to attract and assist educationally disadvantaged and academically deficient veterans under the GI bill.

One of the more important pieces of veterans legislation which has been signed into law is the serviceman's group life insurance amendments. The law increases the amount of insurance under the serviceman's group life insurance—SGLI—program from the present $10,000 to $15,000.

BILLS PASSED BY THE HOUSE

The House recently sent to the Senate a bill modifying the reporting requirement and establishing additional income exclusions relating to pension for veterans and their widows. Additionally, it liberalizes the oath requirement for hospitalization of veterans. This liberalization follows the trend established by similar liberalizations authorized for widows seeking social security benefits, or civil service retirement benefits. It is a logical and equitable extension of present law.

Recently, the House approved a new home loan financing bill. Investment of up to $5 billion in assets of the national service life insurance fund will be provided to purchase mortgages from private lenders for financing of veterans home loans of $30,000 or less. Enactment of this bill will make more capital uniformly available for investment in guaranteed loans during the next 5 years. It will assist the growing number of post-Korean veterans to finance their home purchases.

The House passed several measures increasing direct monetary benefits to veterans: First, a bill increasing the automobile allowance for seriously disabled service-connected veterans from its present $1,600 to $2,500; and second, a bill extending for 2 additional years the authority of the Administrator of Veterans' Affairs to set interest rates at a level necessary to meet the mortgage market for guaranteed and insured loans to veterans. These bills, of course, are measures to equalize veterans benefits with the rising cost of living and the inflationary conditions of the economy generally.

Finally, the House has approved, three bills extending medical care and benefits to veterans: First, a bill furnishing outpatient care and other medical services

to any veteran who is in need of attendance by another person, or who is permanently house bound; second, a bill authorizing transfer of a veteran who is hospitalized under the VA auspices for a non-military-connected condition and who has received maximum benefit from such hospitalization, to a public or private institution for nursing home care at Federal expense; and third, a bill to achieve a more effective and improved administration of the program for 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 other citizen deserves so well of the Republic as the veteran. They did the one deed which, if left undone, would have meant all else in our history went for nothing. But for their steadfast promise, all of our annals 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 disability or death to veterans of World War I and later conflicts, or to the widows and surviving children of such veterans. Additionally, income limitations applicable to such pensions should be revised so as to increase the number of income categories and raise the maximum amount of other income an individual may have while still remaining eligible for some pension.

VIETNAM VETERANS ASSISTANCE

The House should pass a measure permitting servicemen on active duty to qualify for veterans education assistance benefits after 180 days of service. Incentives should be provided for returning veterans to encourage their participation in the job market. For example, the scope of veterans educational assistance benefits should be extended to cover programs of education required as a condition of certain loans from the Small Business Administration.

VETERANS PATENTS

I have introduced a bill providing for the extension of the term of certain patents of persons who served in the military services of the United States. No legislation has been approved since World War II dealing with this problem. Veterans deserve extensions of time for patents they have not been able to exploit because of military service. It is only equitable that these privileges now be extended to all veterans. Rather than considering this question anew following the end of each conflict in which we participate, let us now extend the provisions to all veterans who have not benefited from previously enacted legislation.

HEALTH CARE

I feel that the historic right of veterans to prompt and adequate health care has been jeopardized by funding cuts. Funding deficits in the Indiana Veterans' Administration hospitals of some $1.4 million in fiscal year 1970 posed the prospect of curtailment of care to our veterans with battle wounds or service-connected disabilities. Consequently, I am supporting the funding level for the Veterans' Administration medical program as voted 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 $9 billion to provide services and benefits for America's 27.5 million veterans who make up nearly 18 percent of this Nation's population. I believe the legislation passed during this session, and the legislation we hope to pass, will insure 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 reasonably sound 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 hard 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 ignoring much of the pressure and 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 of 1956. To the surprise of many, including both representatives of the banking industry, as well as representatives of businesses most threatened by the expansion of nonbank activities of bank holding companies, the bill ordered reported by the Senate committee strongly favored certain nonbanking corporations controlling a single bank. Thus, the Senate committee bill would permit a privileged group of corporations to carry on precisely the kind of activity—the mixing of banking and nonbanking activities—that was sought to be prohibited in the original proposals for amending the Bank Holding Company Act.

Even the American Banker, the trade publication of the banking industry, is highly critical of this very unusual action. The respected business publication, Business Week, in its July 18, 1970, issue was also highly critical of the Senate committee's action. How the Senate committee action evolved is discussed in an excellent article appearing in the July 18, 1970, issue of the National Journal.

At this point in the RECORD I insert the National Journal article and the editorials from Business Week and the American Banker:

[From the National Journal, July 18, 1970]

FINANCIAL REPORT: BANK LOBBY SCORES IN SENATE WITH SECOND EFFORT ON ONE-BANK HOLDING BILL

(By Frank V. Fowlkes)

In getting the Senate Banking and Currency Committee to erase every tough clause in the House-approved one-bank holding company bill, banking lobbyists have once more demonstrated the importance of what football fans know as "the second effort."

The Senate Committee version of the bill, reported out on July 7:

Discarded a House "laundry list" of proper banking activities which would have kept banks from operating travel agencies or selling most insurance and put limits on their sale of data processing services.

Replaced the "laundry list" with language which permits banks to engage in any activity "functionally related" to banking, a phrase for which no legal or working definition yet exists. (*See "definition" box.*)

Permitted holding companies to retain subsidiaries that are not "functionally related to banking as long as they were acquired before a "grandfather" date of March 25, 1969. The House bill required divestiture 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 without success to control holding companies under existing law, asked Congress for more power.

The bill: The next year the House gave the Fed authority as pass on all bank holding company acquisitions. The Senate, however, exempted holding companies which owned only one bank. In conference, the House agreed, and the bill containing the one-bank loophole became law in 1956. President Eisenhower remarked when he signed the bill that he was pleased with the regulation but not with the one-bank exception.

The loophole was to help small town banks, which Congress felt would go out of

business if not permitted to affiliate with non-banking companies. But the big banks quickly took advantage of it.

By 1969, seven of the eight largest banks in the nation were controlled by holding companies. They simply converted the management of their companies into holding companies, with the banks themselves becoming subsidiaries.

This tactic exempted them from Fed regulation in acquiring non-banking affiliates, and they began major acquisition programs.

Every year between 1958 and 1965, the Fed recommended bringing the single-bank companies under the law. The House tried to do this with its Holding Company Amendments of 1966, but the proposal was rejected by the Senate.

Plugging the hole: Alarmed by the fact that the nation's largest commercial banks were taking advantage of the loophole, both Rep. Wright Patman, D-Tex., chairman of the House Banking and Currency Committee and the Nixon Administration in 1969 introduced bills to close the loophole.

The Administration bill, the weaker of the two, would have prevented one-bank holding companies from acquiring firms not "functionally related" to banking. It also would have forced them to shed any nonconforming acquisitions made after June 30, 1968, the so-called "grandfather date." The Fed, the Comptroller of the Currency and the Federal Deposit Insurance Corp. would have divided regulatory authority over one-bank holding companies.

Patman's bill—Essentially on extension of the 1956 law to one-bank holding companies, the Patman bill would have required acquisitions to be "so closely related to the business of banking as to be a proper incident thereto."

The Patman language, identical to that in the 1956 law, was opposed by the holding companies as more confining that the "functionally related" alternative. Moreover, the Patman proposal would have forced one-bank holding companies to divest themselves of all nonconforming acquisitions made after passage of the 1956 law. Patman proposed to give complete regulatory authority to the Fed—traditionally the toughest of the three bank regulators.

Committee action—Lobbyists followed House committee action closely through the hearings and a precedent-setting open committee markup session. A veteran committee staff member said he had never seen one bill attract so much attention. When the committee completed its work in June of 1969, the banks and the holding companies appeared to have won a victory.

The bill the committee reported was clearly closer to the Administration bill than to Patman's and more liberal than either. Under the committee bill, all holding company acquisitions made before Feb. 17, 1969 were to be exempt.

House reversal—Victory for the banks was short-lived, however. High interest rates and the banks resulting public disfavor aided a strong lobbying push by groups who feared increased competition from the holding companies—chiefly travel agents, insurance agents and data processors. And, on Nov. 5, the House reversed the direction of the committee bill and approved an even tougher version that the Patman original.

The final House version required one-bank holding companies—with minor exceptions—to get rid of all non-bank-related subsidiaries acquird since 1956. In addition, it specifically prohibited their entry into the following businesses: mutual funds, travel agency, insurance, data processing and property leasing. The Fed was given sole regulatory authority.

As an added twist of the knife, Patman in the floor debate took pains to see that the legislative history would record that the House intended the prohibitions against entering nonbanking fields to apply to single banks as well as to holding companaies.

SECOND EFFORT

The House bill represented a serious setback for the banking and holding company interests, but it has been a long time since legislation favorable to banks has been voted out of the House.

Bank lobbyists expect to lose House votes and seek to make up for the losses in the Senate Banking and Currency Committee, where ranking members are more favorably inclined toward banks and the staff is a traditional training ground for bank lobbyists.

Moratorium hope: Moreover, this time the banks and the holding companies saw a reprieve in the offing.

Several weeks before the President was due to release his Feb. 2 Economic Message, word spread through banking circles that a Presidential commission would be named to study the nation's financial structure.

Further, it was rumored that the announcement would be accompanied by a request for a legislative moratorium on the one-bank holding company issue pending completion of the study. A moratorium would have killed the House bill.

The moratorium request never came. For weeks, Sen. John Sparkman, D-Ala., chairman of the Senate Banking and Currency Committee, waited for the Administration to commit itself on whether it wanted hearings. Finally, on April 21, under strong pressure for action from holding company opponents, Sparkman announced that the Senate committee would begin hearings May 12.

Gathering forces: After their setback in the House, the banks and the holding companies set about making sure the experience was not repeated in the Senate. As a first step, the American Bankers Association, the principal banking lobby, hired James B. Cash, a former professional staff member of the Senate Banking and Currency Committee. The addition of Cash gave the ABA two lobbyists with committee connections. ABA general counsel Matthew Hale is a former general counsel for the committee.

To consolidate the nation's bankers in opposition to the House bill, the ABA began issuing a newsletter called *Capitol Current*, devoted entirely to informing bankers of progress on the one-bank holding company bill. The second issue, dated Dec. 23, told bankers that the ABA was "using all available resources to fight for equitable treatment in the U.S. Senate."

Permissible activities: The overriding concern of the ABA in lobbying the Senate committee was to loosen what banks and holding companies considered a straight jacket—a list of prohibited activities contained in the House bill.

The ABA favored language permitting bank entry into any field "functionally related" to banking. The Administration had supported this language in testimony before the House committee—and was to do so again in the Senate—but potential holding company competitors opposed it, fearing future liberal interpretations by the Fed.

Key language—The "functionally related" language was also promoted by former chief clerk of the Senate Banking and Currency Committee John H. Yingling, who told *National Journal* the phrase was the heart of the bill. Yingling is a lobbyist for the First National City Bank (a holding company subsidiary), the Association of Corporate Owners of One Bank and an adviser to the Boston Co. House staff members consider him among the most effective of more than 20 registered bank lobbyists.

On the other side of the issue, lobbyists for interests which would have enjoyed "laundry list" protection under the House bill argued for its retention or, alternatively, for reversion to the "closely related" language of the 1956 Act. Among those urging more restrictive language was former Attorney General Ramsey Clark, who wrote and visited committee members on behalf of Automatic Data Processing Inc.

Committee vote—According to one committee staff member, however, the interests seeking laundry list protection were "in complete disarray." Clark's appeal, he noted, was "a case of too little too late." The committee, in executive session, voted 11–4 against substituting "closely related" for "functionally related."

Voting for "functionally related" were Sparkman; Thomas J. McIntyre, D-N.H.; Walter F. Mondale, D-Minn.; Ernest F. Hollings, D-S.C.; Harold E. Hughes, D-Iowa; Alan Cranston, D-Calif.; Wallace F. Bennett, R-Utah; John G. Tower, R-Tex.; Charles H. Percy, R-Ill.; Charles E. Goodell, R-N.Y.; and Robert W. Packwood, R-Oreg.

Voting for the more restrictive "closely related" language were Edmund S. Muskie, D-Maine; Harrison A. Williams, D-Del.; William Proxmire, D-Wis.; and Edward W. Brooke, R-Mass.

WILLIAMS AMENDMENT

The most controversial and suprising development in the Senate committee was adoption of an amendment offered by Williams which effectively exempted conglomerate holdings of bank subsidiaries from the bill.

The Williams amendment exempted from the act's strictures those holding companies which own only one bank, provided the bank meets at least one of two requirements:

Its total net assets are less than $3 million.

Its total net assets are both less than $50 million and less than 25 per cent of the combined assets of the parent company.

The Williams amendment, on which no record vote was taken, was similar to a draft circulated earlier to the staff and members by Robert Oliver, the lobbyist for Sperry & Hutchinson, the green stamp company which is also a one-bank holding conglomerate.

Amendment critics: During committee debate on the amendment, Proxmire read letters from both the Fed and the Justice Department critical of the exemption.

Robertson—Fed Vice Chairman J. L. Robertson stated his belief that "the approach of the amendment is totally inconsistent with the purposes of the Act." "I am aware," he added, "of no reason for treating a conglomerate bank holding company different from a congeneric one, insofar as the potential evils of combining banking and nonbanking businesses are concerned."

Justice—For the Justice Department, Assistant Attorney General for the Antitrust Division Richard McLaren, who directs Administration anti-conglomerate activities, wrote: "The proposed amendment would, in our opinion, substantially negate the intended effects of the proposed bill to bring one-bank holding companies within the coverage of the Bank Holding Company Act of 1956." The distinction between conglomerate and congeneric holding companies, he added, "appears to bear little relation to the dangers that could result from the transfer of economic power from banking into other activities."

No Treasury position: The position of the Treasury was different. In a letter to Proxmire written June 30, the same day as those from the Fed and Justice, Treasury Under Secretary Charls E. Walker said that "enactment of the Williams amendment . . . would not defeat the basic purpose of the legislation." The Walker letter came as a surprise to committee staffers who had been told earlier by Treasury Deputy General Counsel Roy Englert that the Treasury would probably oppose the amendment.

Transcript deletion: The Williams amend-

ment created considerable acrimony on the committee and among the staff. During hearings on the proposal, Proxmire referred to it contemptuously as the "green stamp amendment;" a reference that was deleted from the transcript because of Williams' objection.

Companies exempted: No one has as yet ascertained exactly how many holding companies will be exempted by the Williams amendment, but a list prepared by an ad hoc lobbying group, the Association of Traditional One-bank Holding Companies, included a minimum of 26 firms.

Texas exclusion: During the executive markup session, Tower tried to alter the Williams amendment to raise the $50-million upper limit on bank subsidiaries' net assets to $100 million. The attempt, which failed, would have permitted the Texas Commerce Bank of Houston to be included under the exemption.

C.I.T. PROVISIONS

Another company which the Williams amendment did not benefit was the C.I.T. Financial Corp., which owns the National Bank of North America with assets of over $100 million.

C.I.T. lobbyists gave highest priority to an amendment which would give a holding company the longest possible time to divest itself of holdings which the Fed might in the future rule were not "functionally related." Specifically, C.I.T. sought an automatic ten-year grace period, and an additional three years at the discretion of the Fed. The law now allows only two years, but permits the Fed to grant an additional three years for divestiture.

Other changes: C.I.T. had other modifications on its shopping list:

It wanted the bill to permit holding companies to continue to make nonconforming acquisitions during the divestiture period as long as they got rid of either the banking or the non-banking subsidiaries by the end of the period.

It wanted holding companies to be able to shift functions between its various subsidiaries.

It wanted holding companies to be able to continue to make acquisitions in lines of business in which they were already engaged, rather than being confined to internal expansion as recommended by the Administration and prescribed in the House bill.

It wanted the law to specify Level 2 of the Commerce Department's Standard Industrial Classification Code to be used to define lines of permissible businesses for holding companies subject to the act. The code consists of four groupings of companies considered to be "lines of business."

Level two divides industries into more general categories than levels three and four, and therefore would give a holding company greater freedom in choosing its activities.

Odom's role: The chief lobbyist for C.I.T. was Lewis G. Odom, a former Senate Banking and Currency Committee staff director who lives in Montgomery, Ala. Odom moved into the Carroll Arms Hotel across the street from the committee offices while executive sessions were in progress.

All of the changes Odom sought—with the exception of the request for Level 2 classification—found their way at least in modified form into the committee print of the bill. (The committee print is the document from which the committee works in marking up the final draft of a bill. Control of what goes into the print confers a tactical advantage since a majority of the committee must be swayed before changes can be made.)

Drafting the print: The drafting task fell to Banking and Currency staffer Hugh Smith, a Sparkman aide. Smith solicited the help of Assistant to the Board of Governors of the Federal Reserve Board Robert L. Cardon, who worked on an earlier draft bill in early June. According to Cardon, the draft he submitted called for a five-year divestiture period, not the ten-year period which the committee print prescribed.

With the exception of Smith, no one on the committee staff ever saw the Cardon draft. Alan Lerner, vice president and general counsel for C.I.T., was not sure he had not seen it. "I may have seen something like that, though I don't recall it being specifically from the Fed or from Bob Cardon," he told *National Journal*. "There were so many pieces of paper floating around down there, people were showing me my own drafts and asking me what I thought 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 CIT provisions as follows:

The divestiture period was set at five years, with another five available at the Fed's discretion.

On a Proxmire amendment, future acquisitions in areas where the company already did business were forbidden unless the company divested itself of its bank.

The option to sell either the bank or the non-banking subsidiaries at the end of the divestiture period was retained; but a Proxmire amendment gave the Fed authority to block interim acquisitions deemed contrary to the purposes of the act.

The right to shift functions 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 Congress, the barometer of its harshness as seen from the bankers' point of view has been the grandfather clause.

The Administration asked for a date of June 30, 1968. The House committee agreed on Feb. 17, 1969. The full House moved it back to May 9, 1956. In the Senate committee, the date was again advanced, this time to March 24, 1969.

For many conglomerates the change will be unnecessary boiler-plate if the Williams amendment sticks, because it would exempt them from the act anyway. But if the Williams amendment is dropped either on 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.

Sperry & Hutchinson Corporation acquired State National Bank, Bridgeport, Conn. ($320 million in deposits) on September 30, 1968.

National Lead Company acquired Lakeview Trust & Savings Bank, Chicago ($284 million in deposits) on January 15, 1969.

Baldwin-Central Inc. acquired Central Bank & Trust Co. of Denver ($209 million in deposits) in mid-1968.

C.I.T. acquired three X-ray and hospital equipment firms in the second half of 1968.

Gulf & Western acquired Associates Corporation of North America (which owns First Bank & Trust Co. of South Bend) on July 31, 1968.

An attempt in executive session to hold the grandfather line at Jan. 1, 1969, was defeated by a 9–3 vote, with Muskie, Hollings and Proxmire in the minority.

Union Bank amendment: A sidelight to the issue of the grandfather date was the case of the Union Bank of California. The Union Bank, an aggressive one-bank holding company, had acquired an insurance brokerage firm in June of 1969, too late to be "grandfathered in" by the Senate bill.

The bank contended that it had entered into a binding commitment to acquire the bank in January 1969 and therefore should be permitted to retain it. Former Senate Minority Whip Thomas H. Kuchel was retained as a lobbyist to push for the necessary changes in the language.

Despite opposition by the Fed, the committee adopted an amendment offered by Cranston making a binding commitment tantamount to acquisition for purposes of the act.

Bank of America amendment: Another provision, which was pushed by Bank of America lobbyist Robert James, and which got into the bill at the committee print stage, permitted U.S. holding companies to acquire non-conforming foreign businesses which do more than 50 per cent of their business abroad. A Proxmire amendment altered this language to require that any business done in the United States must be only incidental to the foreign business. James told *National Journal* that the Bank of America had no particular foreign acquisition in mind.

Boston Safe Deposit and Trust Co.: A Brooke amendment, pushed by lobbyist John Yingling, provided that, for purposes of the act, an institution is not defined as a bank unless it engages in commercial lending. Virtually the only bank which does no commercial lending and therefore fits the description is the Boston 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 lobbied into the bill in part by Esther Peterson, for the Amalgamated Clothing 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," is a former special assistant to President Johnson for consumer affairs.

Tie-in amendment: An amendment offered by Brooke and accepted by the committee gives private litigants the right to sue for treble damages in instances where bank subsidiaries of bank holding companies engage in tie-in practices, such as making patronage of another subsidiary a condition for granting credit.

The anti-tie-in provision of the bill is the only one intended to apply to single banks as well as to bank holding companies. The Senate bill differs in this respect from the House measure, in which all prohibitions are intended to apply to both banks and holding companies.

Standing before Fed: The Senate bill would answer one grievance of bank holding company competitors by granting them standing to appear before the Federal Reserve Board to appeal holding company acquisitions. In a recent Denver case in which a holding company had sought to acquire two insurance agencies, the board overruled one of its hearing examiners and granted standing to competitors of the agencies who opposed the acquisition.

OUTLOOK

The key to the outcome of the one-bank holding company bill will be Sparkman's selection of a Senate conference delegation.

"Selection of the conferees is vitally important," said a Senate staff source. "It will be the tip-off as to what Sparkman intends to do with the bill."

Should Sparkman pick a seven-man delegation, seniority will dictate that it be composed of a majority of Senators who oppose

major pro-holding company provisions in the Senate committee's bill. He can avert this by naming a five-man delegation, bumping Muskie and Brooke from the conference.

A five-man delegation, composed of Sparkman, Tower, Bennett, Williams and Proxmire, would result in majority support for all major provisions of the bill as reported by the committee. A seven-man delegation, however, would divide as follows:

Functionally related: As evidenced by the executive session vote, Sparkman, Tower and Bennett would support the committee language, while Williams, Proxmire, Brooke and Muskie would favor the "closely related" language proposed by Patman.

Williams amendment: A five-man delegation would back the committee provision exempting many conglomerates, but a seven-man delegation would include at least three—Proxmire, Muskie and Brooke—who oppose the exemption. In addition, Tower, whose vote could tip the balance to 4–3 against the amendment, is unhappy with the Williams amendment because its $50 million ceiling on the exemption to too low to cover the Texas Commerce Bank of Houston.

Grandfather date: A seven-man conference would include both Proxmire and Muskie, who opposed the March 24, 1969, grandfather date in the vote during executive session. In addition, it would include Brooke, who missed the committee vote but opposes the late date. The fourth vote necessary to make a majority could come, sources close to the bill say, from either Bennett or Tower, either of whom might support reversion to 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 of Congress that has produced some spectacular fights. Late last year, bank-hating Representative Wright Patman, chairman of the House Banking & 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 idea of regulation is so lenient that it comes close to being no regulation at all.

The principal virtue of the Senate bill is that it would not try to rewrite history by making banks divest themselves of all the nonbank businesses they have acquired in recent years. The effective date would be 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 businesses that the one-bank holding companies could enter. It would let them go into anything "functionally related" to banking, with the governors of 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 Harrison Williams (D-N.J.) has already come under attack from Richard W. McLaren, chief of the Justice Dept's. Antitrust Div.

The job for the Senate, when the bill comes to the floor, clearly will be to nail up the loopholes and produce a bill designed to keep banks in the business of banking. The argument that bankers, the custodians of other people's money, should be bankers and not travel agents or insurance salesmen gains force with each day that passes. In a time of falling business and tight credit, a bank should have its assets concentrated in the banking business, not spread all over the map. If the legislation does not establish that point once and for all, it might as well not pass.

[From the American Banker, July 21, 1970]

COMPLETE REVERSAL OF PURPOSE

The version of the one-bank holding company bill delivered up by the Senate Banking Committee surprised almost everybody except the lobbyists for the conglomerates who engineered it.

And well it might. For now that some of the shock has worn off, the Senate committee's bill can be discerned as a complete reversal of the primary purpose of one-bank holding company legislation.

The main idea from the outset was to reaffirm the important line between commerce and finance, which, in the judgment of many leaders both inside the banking industry itself and among its regulatory officials was becoming dangerously blurred. There was great concern expressed over the risk of permitting the two to blend into a combination which could create serious problems of concentration or economic power.

Bankers, for their part, also were thoroughly disgruntled over the fact that nonbank corporations were perfectly free to take over banks, but banks were not allowed to take over non-bank corporations. And while there was some desire expressed by some bankers to reciprocate in kind and drop all barriers, the preponderant view among banking industry leaders has been that it would be better if banks could be protected from being taken over by non-banks, and left free to develop as banks, and not as subordinate parts of commercial or industrial conglomerates.

But the bill that the Senate committee has produced ignores all that reasoning. Commercial conglomerates that own banks now will be able to keep them, and, within a wide latitude which rules out only very large banks as potential targets, commercial conglomerates also are given a green light to go right on adding banks to their collections.

Compounding the inequity is the fact that holding companies in which banks are the leading elements still would be denied the right to acquire any but organizations functionally related to banking.

That would be fair enough if the commerical conglomerates were told to keep hands off banking; but under the terms of the Senate committee bill, the commercial conglomerates are given a broad hunting license and the banks a severely restricted one. And that is not fair at all.

It may be flattering in a way that the commercial conglomerates have demonstrated such determination and skill in pressing their case to hold on to the banks that they have already acquired, and to keep the way clear for further acquisitions. But such enthusiasm also shows just how useful they think it is to have a bank as part of the combination. Obviously it is highly beneficial to any commercial or industrial organization to have a bank of its own. There is something special about it, and the special relationship clearly is important enough to fight hard to keep.

And it strains the imagination to envision such a fight being fought entirely in the interests of the general public, which the banking industry, in its quasi-public role, with duties and privileges carefully established by law and regulatory policy, is designed to serve.

Banking was put in a bad spot by the bill which was passed by the House last fall, which would restrict far too severely the activities of banks; but it could be put in an even worse spot by the passage of the Senate committee version, which would liberalize far too much the activities of those who would take over banks.

The industry could come out of this legislative gauntlet fettered, or defenseless, or even both. The need for a clear definition of areas where banks may function and grow, and a clear line across which nonbanking institutions may not encroach, has been gaining industry acceptance ever since one-bank holding company legislation was first proposed nearly two years ago. But the emergence of this second clear threat to the industry's integrity now should make that need bright and clear even where it never was before, in the mind of every member of the industry.

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION BILL (H.R. 17555)

(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, the Committee on Education and Labor has voted to report H.R. 17555, to further promote equal employment opportunities for American workers. Section II amends title VII of the Civil Rights Act of 1964 by authorizing the Equal Employment Opportunity Commission to enforce the prohibition against discrimination based on race, color, religion, sex, or national origin in the Federal Government.

The need for legislation to protect the employment rights of women in the Federal service has long been pressing. Numerous instances of sex discrimination have been brought to my attention that impugn the claim that the Federal Government is an equal opportunity employer. The ugly facts are that where it does exist in government our agencies have adopted spurious reasons and rationale 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 only way to do this is to enact H.R. 17555 and 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 cases which I have tried to battle through the various agencies. All of these women whose cases I took are not constituents of mine, but I was so outraged to read of their treatment that I started in 1966 to try to help them without the benefit or assistance of a single Federal agency. About all these 4 years of effort on my part have produced is permission for husbands of overseas employees to shop in the commissary.

I refer specifically to employees of the overseas dependents schools system, which is charged with the responsibility of educating the dependents of our 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 the agencies determining their employment and the conditions of their employment.

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 has not been used to protect against 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 BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

EXECUTIVE ORDER 11478—EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

It has long been the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination because of 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 assure equality of opportunity. Additional steps, however, are called for in order to strengthen and assure fully equal employment opportunity in the Federal Government.

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 in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employes 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 policy set forth in section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their understanding and implementation of the policy expressed in this order; assure participation at the local level with other employers, schools, and 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 periodically evaluating the effectiveness with 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 emloyees of and applicants for employment within the executive departments and agencies in order to assure that personnel operations in Government departments and agencies carry out the objective of equal opportunity for all persons. The Commission shall review and evaluate agency program operations 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 in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one 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 to the employees thereof (including employees paid from nonappropriated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees in those positions. This order does not apply to aliens employed outside the limits of the United States.

Section 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 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, TO HEADS OF DEPARTMENTS AND AGENCIES ON EQUAL EMPLOYMENT OPPORTUNITY

The concept of nondiscrimination is inherent in the Civil Service Act of 1883, which calls for a Federal service based on merit and fitness alone. "Nondiscrimination" was broadened by President Eisenhower to "equal employment opportunity" with his issuance of Executive Order 10590 in 1955. In the years that followed, other Executive orders designed to insure equal opportunity in the employment, development, advancement, and treatment of employees of the Federal Government have been issued. This series of Presidential directives reflects 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 within the Federal Government. I am determined that the executive branch of the Government lead the way as an equal opportunity employer.

Although under the leadership of the Civil Service Commission significant progress has been made towards the goal of equal employment opportunity, much remains to be done. Accordingly, I have directed the Chairman of the Commission to make a thorough review of all present efforts to achieve equal employment opportunity within the Federal Government and to report back to me on or before May 15, 1969, with recommendations for desirable policy and program changes in regard to those efforts.

Meanwhile, I want every reasonable effort made to insure that the Federal Government is an equal opportunity employer. I further 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 Ramey Base Schools, Ramey Air Force Base, P.R., were denied 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 presumption that married women cannot be reasonably expected to fulfill their agreement.

If one is hired in the continental United States for work overseas, one is subject to the benefits of a transportation agreement which provides many additional perquisites such as a living quarters allowance and use of medical and dental services, school facilities for their children, sales commissary, base exchange, and recreational facilities.

Because Mrs. H. R. and Mrs. R. M. could not be hired in CONUS, they received none of the privileges accompanying the transportation agreement that is freely awarded to all male stateside recruits, married and unmarried. They were consequently denied the use of the base's medical and dental services as well as exchange, commissary, and recreational facilities.

According to Air Force regulations, a married female teacher cannot be hired in the continental United States unless her husband is also employed at Ramey Air Force Base, but if he is so employed she still cannot be hired under Ramey regulations. The Air Force letter explaining this discriminatory policy follows:

DEPARTMENT OF THE AIR FORCE,
Washington, June 17, 1969.

DEAR MRS. MINK: This is in further reply to your letter to the Secretary of the Air Force regarding benefits to which locally recruited employees at Ramey AFB, Puerto Rico, are entitled.

Department of Defense Directive 1400.6 requires maximum hiring of persons available locally before civilian employees are transferred from or recruited in the continental United States (CONUS). The hiring of civilians in the CONUS for overseas duty is generally limited to those possessing required skills and qualifications which are not available locally. Except in emergency conditions, an oversea commander is not permitted to

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 employees recruited from the CONUS serve under a transportation agreement. Additionally, there are a few employees locally recruited overseas who have a bona fide place of residence in the United States and meet the restrictive eligibility criteria for 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 oversea area may determine the feasibility of permitting personnel, other than military members and their dependents, to use base facilities and to establish limitations. This applies to the commissary as well as the facilities supported by nonappropriated 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 equal treatment for male and female civilian employees since entitlement is determined by recruitment circumstances rather than sex. Granting base privileges to local recruits, other than as currently authorized by the base commander, would violate the general concept that base facilities must not compete with local private businesses.

Personnel 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 tuition free), sales commissary, base exchange, golf course, skating rink, theaters, bowling alley, gymnasium, horseback riding stables, hobby shops and Aero Club.

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.

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 and Inter-American University, that are under contract to the Air Force, are granted the same base privileges as Air Force civilian employees if they are serving under a transportation agreement. Locally hired employees of these agencies/entities are afforded the same base privileges as locally hired Ramey AFB employees who are not serving under a transportation agreement.

Ramey AFB has over 800 Air Force appropriated fund civilian employees, including teachers, who are United States citizens. Six hundred and fifty-three, locally hired, are not eligible for full base privileges. Of these, 40 teachers as well as 31 school support and 40 nonschool employees claim CONUS residence but are not eligible for a transportation agreement.

Air Force regulations, equally applicable to males and females, stipulate that normally we do not hire in the CONUS for oversea assignment either a single person with dependent children or the wife or husband of military or civilian personnel stationed or about to be stationed in the same country in which the applicant desires employment. One reason for this limitation is that the CONUS recruit must be eligible to sign a transportation agreement with a reasonable expectation of complying with the conditions of the agreement. Our experience reflects that accompanying spouses are not overseas for the primary purpose of government employment, usually resign from employment to go with their sponsors leaving the area and are not as stable as single employees recruited in the CONUS. Of course, the wives before going overseas may send an inquiry to the oversea base for employment consideration upon arrival or may be hired locally after arrival. In fact under DOD policy they receive preferential consideration.

The current Ramey Base School Policy Manual provides for the employment of teachers who are husband and wife if both possess outstanding qualifications and are accepted by the superintendent of schools. Those with dependents are not discouraged from applying for positions. Yet a married female teacher will not be hired from the CONUS unless her husband is also employed by Ramey AFB at the same time in an appropriated fund position as a stateside hire. Furthermore, as a general rule, a single applicant with dependents will not be hired from the CONUS.

We hope the foregoing information will serve to clarify this matter for you.

Sincerely,

B. M. ETTENSON,
Colonel, USAF, Chief, Congressional Inquiry Division, Office of Legislative Liaison.

WILL NOT HIRE OVERSEAS

Second. Mrs. E. M. W., a teacher at Ludwigsburg Elementary School, had applied for overseas hire at Lowry Air Force Base, Colo., and at the Pentagon, and was rejected because she was a married woman. Assured that she could be hired locally, she traveled to Europe with her husband in 1964.

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 1965, her accepting a 1-year position in Izmir, 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 to 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 in CONUS but will hire men. Again, the effect is to deny these privileges to women. The letter setting forth this policy follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., January 16, 1970.

Hon. PATSY T. MINK,
House of Representatives.

DEAR MRS. MINK: I regret that we have not been able to make a more prompt reply to your letter of September 12 regarding the teacher in the overseas school, Mrs. E. M. W., and the fact that her employing agency has denied her certain job-related benefits. The delay resulted from the fact that we did not limit our inquiry to Mrs. W.'s case, but used her case as a means of examining the general question as to whether the quarters allowance regulations (the Standardized Regulations of the Department of State) are discriminatory against the female sex.

After examining the regulations and discussing them with Commission officials and a representative of the Department of Defense, I am satisfied that the regulations are not discriminatory. They no longer contain separate provisions relating to "a married woman employee"; all references having been changed to "a married employee". We are assured by the representative of the Department that all married employees, whether male or female, are treated exactly alike under the regulations. For example, if all other qualifying factors are met, section 031.13 of the regulations authorizes a quarters allowance to a marrried employee "residing with his or her spouse" when "he or she is the member of the household whose job determines the location of the family" and "he or she is the only member of the household receiving a quarters allowance from the United States Government."

Mrs. W's complaint is actually not based upon an allegation of sex discrimination. She questions the fairness of the regulations because they continue to deny her a quarters allowance even though she is a career employee with four years' service by reason of the fact that when she was hired her presence in the foreign area was not directly attributable to her Government employment. This fact has nothing to do with either sex or whether or not the employee is married. Indeed, a married male employee in the same situation would also continue to be disqualified for a quarters allowance. While we understand Mrs. Wagoner's objection that this fact continues to disqualify her even after her several years of service, this is not a matter of sex discrimination covered by Executive Order 11478.

I hope the foregoing will clarify both Mrs. W.'s case and the nature of the Standardized Regulations.

Sincerely yours,

IRVING KATOR,
Director, Federal Equal Employment Opportunity.

CANNOT HEAD HOUSEHOLD

Third. Mrs. K. C. M., a teacher at Baumholder American High School, was denied living quarters allowance and transportation privileges upon her appointment in August 1968, because she went 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.

JUNE 22, 1970.

Memorandum for Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

Subject: Congressional inquiry concerning entitlement of a teacher in Germany to certain overseas benefits.

This is in reply to your memoranda of 15 and 25 May 1970 in which you requested in-

formation on which to base a reply to an inquiry from Congresswoman Patsy T. Mink on behalf of Mrs. K. C. M.

At the time of 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 reason for being in the area is employment with 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 agreement travel since she did not have a basic travel agreement. When advised of this determination, Mrs. M. was told that she could file a grievance.

We have been advised by the U.S. Dependents School, Europe that Mrs. M. has filed a Type I grievance dated 14 May 1970 appealing the decision that she is not eligible to receive either a living quarters allowance or transportation to the United States at government expense.

Army's grievance procedure provides for a review and decision on the appeal first, by the local command and, if this does not result in the requested relief, then by the intermediate command. In the event an appeal which involves application of a Headquarters Department of the Army regulation, is not resolved to the employee's satisfaction within the command, the major command headquarters forwards the appeal with full documentation to Headquarters, Department of the Army, for consideration and final decision. Placement of Mrs. M.'s appeal into Army's established grievance procedure will assure that her efforts to obtain a living quarters allowance and transportation will be given every possible consideration under the established eligibility criteria. . . .

* * * * *

JOHN G. KESTER,
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,
Washington, D.C., June 2, 1970.

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, sex or national origin involving private employers. We cannot, however, assert jurisdiction over agencies of a state or Federal government. Thus, I regret 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, Congressional Inquiry Div., Office of the Chief of Legislative Liaison, U.S. Dept. of the Army, The Pentagon—2C630, Washington, D.C. 78381.

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.

MALE INCOME SUPERIOR

Fourth. Mrs. J. G. M. a civil service employee since 1952 and a teacher at the overseas dependent school at Weisbaden, married a retired Air Force officer in 1966. She then became ineligible for the bachelor's quarters she had been occupying and was declared ineligible for Government family housing because, as long as her husband remained physically and mentally competent, he was considered the head of the household regardless of her providing the bulk of their family income.

A male teacher is authorized Government family housing or a full "with family" housing allowance even though his wife may be earning a greater salary than he is. Even the Civil Service Commission admitted the reason for denying similar rights to a female teacher sounded "fictitious." The rationale for this discrimination is set forth in the letters that follow:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C.

Mrs. J. G. M.,
APO New York.

DEAR MRS. M.: As indicated in our letter, 31 December 1968, we are replying to your 15 November 1968 question about eligibility requirements for Government family housing. We are sorry that an earlier reply was not possible.

You advise you now receive the full (with family) living quarters allowance, because of a change in regulations. This resulted from the Department of State's 11 August 1968 revision of the "Standardized Regulations (Government Civilians, Foreign Areas)" to allow the family quarters allowance to the eligible married employee (male or female) residing with spouse (no longer requiring proof of dependency of the male spouse). This change had no effect on the criteria for assignment to Government family housing as distinguished from eligibility for family quarters monetary allowance.

The standard of eligibility for assignment to family housing is in paragraph 1h, Air Force Regulation 30–6 (not AFR 30–20 referred to in your letter) namely, in order to be eligible for family housing, personnel must be accompanied by dependents. This standard contemplates dependency in fact, that is, support. As to showing that dependency in fact exists, however, a husband is not generally required to prove that he supports his wife whereas a wife is required to prove that she supports her husband.

An explanation of the reasons for these rules may be helpful. The Department of Defense requires that Government family housing in foreign areas be allocated in accordance with a standard of eligibility which provides reasonable and equitable treatment to both military personnel and civilian employees recruited from the United States. Based on a requirement of the law, dependency standards have been established for male and female military members in order for them to be eligible for family housing. In the case of a female military member, this requirement means that the spouse of the female member must be in fact dependent upon her. In consonance with both this legal requirement and the Department of Defense requirement, therefore, dependency standards applied to male and female military personnel are likewise applied to male and female civilian employees in determining eligibility for assignment to family housing.

Moreover, because the law imposes upon the husband the duty of providing a home and support for his wife, dependency of the wife is presumed without proof where a lawful marriage is established. On the other hand, the law does not generally obligate a wife to support her husband or provide him with a house and thus the dependency of the husband is not presumed from the fact of marriage but must be proved. However, in an appropriate case such as where a husband refuses to discharge his legal duty of supporting his wife, a husband may be required to prove that he does support her in order to be entitled to various benefits, and this proof may be required notwithstanding the general rule under which dependency is presumed.

The dependency standard in AFR 30–6 applies to both male and female military and civilian personnel. Because of this and the rules described above, the distinction between the sexes is not considered to be discrimination based on sex in the equal opportunity sense, but rather to be a distinction based on marital obligation.

Sincerely,

ECKEHARD J. MUESSIG,
Chief, Legislation and Regulations Branch, Classification and Regulations Division, Directorate of Civilian Personnel.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 25, 1969.

Hon. PATSY T. MINK,
House of Representatives.

DEAR MRS. MINK: This refers to your letter of September 10, 1969, asking whether correspondence from the Department of Defense concerning the entitlement of Mrs. J. G. M. to assignment to Government family housing overseas meets the intent and purpose of Executive Order No. 11478. Specifically you question whether the dependency standard which is applied by Air Force regulations to married female employees in the assignment of family housing overseas constitutes discrimination because of sex which is prohibited by Executive Order No. 11478.

I do not question that a good argument can be made that there has been discrimination in agency regulations or practices which have resulted in differences in payments or allotment of perquisites for married women and for married men. However, I do not believe that we can equate discrimination against married women with discrimination because of sex within the meaning of Executive Order No. 11478.

In cases arising under the Civil Rights Act of 1964 the courts have recognized that discrimination because of sex means discrimination between women as a class or group and men as a class or group. (See *Bowie* v. *Colgate-Palmolive Co.*, 272 F. Supp. 332 (S.D. Ind. 1967); *Cook* v. *Dixie Cup Div. of American Can Co.*, 274 F. Supp. 131 (W.D. Ark. 1967); and *Cooper* v. *Delta Air Lines*, 274 F. Supp. 781 (E.D. La. 1967), where the court held that the airline's refusal to employ married females as stewardesses did not violate the Act's prohibition against discrimination because of sex; that Congress did not ban discrimination in employment due to one's marital status; and "The discrimination lies in the fact that the plaintiff is married. * * *".)

Thus it appears that agency regulations which provide for lesser allowances for a married woman than for a married man do not discriminate solely because of sex, i.e., because she is a woman, but because she is a *married* woman. In this connection attention is invited to H.R. 469, a bill "To provide equality of treatment for married women employees of the Federal Government and for other purposes" introduced by Mrs. Griffiths on January 3, 1969. The basic concept in this pending legislation is that a *married* woman is discriminated against not because she is a female but because by law and tradition the spouse and children of a married woman are not regarded as her dependents. While the distinction here may seem more fictitious than real (i.e., that it is her sex that creates the difference in de-

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 sex discrimination prohibition that is too drastic to be supportable. Accordingly, I believe that Executive Order 11478 has no application to agency regulations or practices which result in discrimination against married women.

Please do not interpret the foregoing as any lack of sympathy on our part for the type of discrimination referred to by Mrs. M. All we are concluding is that Executive Order 11478 is not the proper vehicle to rectify this matter. The Commission has been asked by the House Post Office and Civil Service Committee to report on H.R. 469. Our position on the various sections of the bill is still 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 10 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 policy decision 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 the decision be fully understood and properly administered.

Sincerely yours,

CARL W. CLEWLOW,
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 determining 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 their wives' eligibility on the basis of USAREUR Regulation 210–50; 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.

INELIGIBLE FOR BENEFITS

Sixth. Mrs. W. L. O., a teacher at American High School, Ankara, is married to a Turkish national, who is judged ineligible to use the U.S. military 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. AFR 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 outside the United States, 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 military personnel. Since AFR 168–1 extends 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 this policy, discrimination against women is accomplished by imposing additional requirements for women to obtain benefits for their spouses.

"EXPEDITIOUS" 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 AFR 168–1, paragraph 34(a)2, which provides that medical care for the husband of a civil 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.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 13, 1970.

Hon. PATSY T. MINK,
U.S. House of Representatives,
Washington, D.C.

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 come into question under Executive Order 11478. We have now 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 be in touch with you again when this matter is finally resolved. We have asked the Air Force to expedite its decision.

Sincerely yours,

IRVING KATOR,
Director, Federal Equal Employment Opportunity.

MUST PROVE RIGHTS

Eighth. Mrs. L. R. M., a teacher at Baumholder American High School, married an American in November 1969, and applied for family housing. 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's income.

Under identical circumstances, a married male teacher qualifies for family housing without being required to document his wife's dependence, and his wife could in fact earn more than the husband and still be his dependent.

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 Wurtsmith 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's job rather than hers which determined the location of the family in the area.

This ruling violated not only Executive Order 11478 but also the State 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, Vandenberg Elementary School, FPO New York.

DEAR MR. DRIVER: Reference is made to your letters of March 18 and March 21, 1970, concerning alleged discriminatory practices based upon sex in the application of section 7 of Public 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, quarters 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 or a quarters allowance equal to those authorized by the act of June 26, 1930 (5 U.S.C. 118a)." [Now 5 U.S.C. 5912]

The Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, issued pursuant to delegated authority and in effect from October 13, 1963, to August 11, 1968, provided, in pertinent part, as follows:

"031.13 MARRIED WOMEN EMPLOYEES

"a. A quarters allowance may be granted to a married woman employee residing with her husband (or, if not legally separated, is working in such proximity that 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 only member of the household receiving a quarters allowance from the United States Government.

"b. If a married woman employee meets the provisions of section * * * 031.13a she may be granted the 'with family' rates of allowances 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, living quarters, post, foreign transfer and home service transfer allowance."

The above regulations were revised August 11, 1968, to read as follows:

"031.13 MARRIED EMPLOYEES

"A quarters allowance may be granted to a married employee residing with his or her spouse (or, if not legally separated, is working in such proximity that a 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), were more restrictive in that they precluded payment of a living quarters allowance to a married female employee when her husband was physically and mentally capable of self support.

While we recognize it can be argued that the regulations as they existed prior to August 11, 1968, were discriminatory in that they applied only to married women, nevertheless, we must decline to make any determination with respect thereto at this time. The regulations were in effect for many years and applied without any question being raised as to their discriminatory aspect. They were amended on August 10, 1968, so as to be equally applicable to males as well as females and from that date would not appear to be susceptible to any allegation of discrimination. There are pending in the Court of Claims several cases involving married employees of the Federal Government in the Canal Zone wherein it is alleged that a regulation denying tropical differential to married women employees unless their husbands are incapable of self support, or 51 percent dependent upon their wives, or are legally separated, is discriminatory and, therefore, invalid. For example see *Agnes M. Anderson et al.* v. *United States*, Ct. Cl. No. 206–68, filed July 19, 1968. Finally, the Executive order precluding discrimination in Federal employment because of sex was not issued until October 17, 1967. (E. O. 11375).

Apart from any question of discrimination, however, the facts of record indicate that application of the regulations in the case of Mrs. P. was arbitrary and contrary to the underlying intent and possibly so in the case of Mrs. H. . . .

* * * * *

With respect to Mrs. P.'s claim for living quarters allowance and foreign post differential for the period August 11, 1968, through February 22, 1969, the record shows that Miss H. S. (later Mrs. P.), was recruited for a teaching position at Clark Air Force Base, effective July 30, 1967, under circumstances entitling her to living quarters allowance and post differential. On January 20, 1968, Miss S. married Mr. P. who worked for Air America, Inc., Because Mr. P. had been in the area longer than Miss S. and because his income was greater than hers, it was administratively concluded that it was his job rather than hers which determined the location of the family in the area.

The uncontrovertible fact of the matter is, however, that the P. family was in the area of Clark Air Force Base because Mr. P. and Miss S. met there. It is one thing to assert that Mrs. P., or any other person, is in an area by reason of her husband's job where she has accompanied her husband to his job site. It is quite another to make that assertion where she independently prior to her marriage arrived at the site in connection with her own employment and chose to marry while there. In the latter case her presence in the area is at least equally as much 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, 1968. . . .

Copies of this letter are being sent to Congresswoman Patsy T. Mink and to the Secretary of the Army.

Sincerely yours,

R. F. KELLER,
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 stateside recruit because she cannot be reasonably expected to comply with the conditions of the agreement. She is presumed guilty.

Second. A married woman cannot qualify for quarters allowance unless she can prove her job determines the location of her family.

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 still is not eligible for quarters allowance, because she was a local hire and not a stateside recruit. The only way for her to qualify for Government housing is if her husband dies.

Fourth. A single woman who was recruited stateside 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 competent, because he is presumed to have the marital "duty" to provide for her support.

Fifth. A single woman recruited stateside 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 stateside 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 have these privileges. He is declared her 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" or a "husband who is physically or mentally incapable of supporting himself."

Seventh. A single woman recruited stateside and subsequently married to a veteran who is now a full-time student under the GI bill on Guam, was denied medical care for her husband on the grounds that he could be eligible only if "physically and mentally incapable of supporting himself."

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. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new sections:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment in the competitive service (as defined in section 2102 of title 5 of the United States Code) or employees or applicants for employment in positions with the District of Columbia government covered by the Civil Service Retirement Act 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 provision 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 officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: *Provided*, That such rules and regulations 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 final disposition of his complaint, may file a civil action as provided in section 715, in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(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 as required by the Constitution, statutes, and Executive orders."

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 inequity in our social security and civil service retirement systems.

My bill would provide for an exchange of retirement credits by persons who, at 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 in private 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

either system and receive retirement benefits equal to what they would have received had they worked during the entire period 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 made last year in a report, "Relating Social Security Protection to the Federal Civil Service." The report was directed by the House Committee on Ways and Means in the committee report on the Social Security Amendments of 1967.

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 a year either 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 had no choice but to accept contribution refunds.

Of 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 rights to benefits under the system. These benefits may be regained only if a worker reenters Federal employment and is again covered by the system.

Thus, 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 clear that many persons who leave the Federal service do not in their retirement years receive benefits corresponding to their actual total work contribution to the national economy.

Similarly, since the civil service retirement system is weighed to reward long periods of service, those who enter Federal employment after years under social security lose the benefit of their previous employment. They are treated by the Government as short-time employees eligible only for civil service benefits based on the portion of their work that was with the Government.

Under my bill, all employment under either system would be counted toward retirement. Those affected would fall into three categories: First, those who under present law are eligible for retirement under one system but not the other; second, those who are eligible under both systems, but whose benefits under either are less than they would be is credits for both systems were combined under one system; and third, those eligible under neither, but who would be eligible for one if credits were combined.

In any of these three instances, my bill would allow the employee to select whichever option would give him the most benefits. Thus, a person with less than 5 years of civil service employment but who is eligible for social security retirement, could count his civil service credits toward social security to receive a higher social security retirement payment. Similarly, a person eligible for relatively low retirement pay under either social security or civil service could count all his employment toward either system, and an employee who is presently ineligible under either system could count all his work under both to qualify for retirement under one of them.

Similar provisions are made in the bill for survivors of deceased workers. The survivors are able in each of the three instances previously outlined, to select coverage under whichever combination of social security and civil service credits gives them the most benefits. Unanimous consent of all eligible or potentially eligible living survivors is required, or else present law applies.

Any choice made by an individual or his survivors under the bill would be irrevocable, and no request could be made if a refund or withdrawal of employment contribution had been made unless it is redeposited with interest.

Last, the bill provides for an exchange of funds between the social security and civil service retirement systems to reflect decisions made by individuals under this legislation to retire under one system or the other.

My bill does not provide for exchanges of credits for those who retire before the age of 65, since this would introduce extensive complications in the operation of both retirement systems and require attempts to equalize benefits among the numerous groups and types of employees affected. Nor does it affect the much smaller Federal staff-retirement systems such as the Foreign Service and Central Intelligence Agency retirement systems, or retirement systems of State and local governments. These systems, and the whole areas of worker's disability compensation and medical benefits, should be the subject of similar corrective legislation.

While this legislation does not solve all the inequities arising from the mobility between Federal and private employment, it is intended to resolve the largest single area of deficiency. By enacting this bill, we would insure that our employees are not penalized for spending parts of their careers in both areas of service.

NATIONAL PARK WILDERNESS STUDIES 5 YEARS BEHIND SCHEDULE

(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, when we enacted the Wilderness Act in 1964, it was 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 program, but the 1964 act really only provided the opportunity. It remains for areas of wildness to studied, proposed, and individually approved by Congress to become legally designated and 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 Forest Service, and the National Park Service. The reports on each of these reviews, as approved by the President, were to be submitted to Congress by September 3, 1974, the 10th anniversary of enactment of the Wilderness Act. The reviews were required to be conducted on all suitable areas under criteria set forth in the act. To assure that the procedure was effected in an orderly fashion, the law required—and the agencies testified they could meet—the following timetable: the first third of the reports to be submitted by the President by September 3, 1967; two-thirds by September 3, 1971; the total thus completed by 1974.

For the most part the Bureau of Sport Fisheries and Wildlife and the Forest Service have maintained this schedule. But it is increasingly apparent that something is seriously blocking orderly progress of the wilderness reviews for areas of our national park system. In the fifth year of the 10-year schedule, we have received only five proposals from the National Park Service. That is five out of 57 park areas to be studied, leaving 52 reviews to be completed and reports submitted by the President in a little more than 4 more years.

Mr. Speaker, something is wrong in the Department of the Interior. It is apparently something common to the present administration and the one preceeding. Both administrations have professed strong interest in and commitment to the purposes of this wilderness preservation program. Yet, the National Park Service is years behind schedule. The practical results are to frustrate the will of Congress, to leave many areas properly requiring wilderness protection by statute unprotected from further development, and to place the President technically in violation of the law.

Let me hasten to add that President Nixon has personally expressed his own interest in the proper protection of wilderness. Secretary Hickel has expressly directed that the Park Service get their reviews back on schedule. But performance has followed neither the promise nor the directive of law.

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 interpret the apparent footdragging of the Park Service as an expression of disenchantment with this program, which would be only greater reason for assuring park area statutory protection as wilderness. Literally 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 administrative wilderness proposal hearings which have been held. I am one who supports the program. I do not believe Congress intended the designation of park wilderness areas to be a mere academic exercise, or as a low priority program that would give administrators of the National Park Service something to do on winter afternoons. No, this program vested in Congress the power and opportunity to fix firm and lasting limits on the extent to which the remnant wilderness of our parks might be further developed. Under the procedures of the Wilderness Act the initiative was with the agency, providing opportunity for their cooperation and input to the congressional decisions. If this agency is unable or unwilling to give us the cooperation required, then perhaps we shall have to find a more direct means to accomplish the goal so widely supported by the people of this country for so many years.

Someone has suggested that the planning of our parks is what is holding up this program. I can understand how that could happen, if the Service waits until 3 or 4 years have been spent in drawing up the greatly detailed master development plans for each park before initiating and finalizing their wilderness proposals. That could be why the President and the Congress have been kept waiting.

But such a procedure has the cart firmly ahead of the horse—which, of course, illustrates nicely why locomotion is so problematical. Indeed, such a procedure could be used as a deliberate means of frustrating the will of Congress. Obviously, detailed development plans are not prerequisite to wilderness decisions, which rest upon concepts of appropriate park zoning that are the earliest prerequisites to any development plans. Wilderness decisions are, in my view, prerequisite to any plan for further development of park wild lands, as the wilderness decision is intended to be a framework and limit on development that can assure that some wilderness will be retained.

Mr. Speaker, I have risen to discuss this matter because I believe it is an important, priority program and because I have become alarmed by the failure of performance that this record indicates. I am a friend of the parks and of the Park Service, and it is a friend of that great agency, sympathetic to their problems, that I raise this issue. I know my concern is one shared by many members of the Committee on Interior and Insular Affairs on which I am honored to serve. Recently the matter was aired with Departmental officials at a committee hearing. As I was unable to be present, I have written directly to Mr. George Hartzog, 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 my remarks.

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. I intend to keep a close watch for 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 needed rejuggling in any case.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 6, 1970.

Mr. GEORGE B. HARTZOG, Jr.,
Director, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. HARTZOG: Questioning at a recent meeting of the House Interior Subcommittee on National Parks and Recreation brought out that the National Park Service is behind schedule in designation of wilderness areas within our nation's parks.

Since it was the intent of Congress that this program be concluded within 10 years from the time of its start, it appears there will have to be a major change in Park Service procedures to accomplish this goal. One problem is the excessive delay caused by the preparation of master plans. I believe that the speedy designation of wilderness areas under the Congressional mandate requires a simplified approach on master plans which would allow far greater progress on the wilderness areas. I am aware that sufficient funding has been provided for this purpose.

I would appreciate your indication of what affirmative actions the Park Service will undertake to meet the Congressional objective.

Very truly yours,

PATSY T. MINK,
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, inmate interest and grades in courses such as sociology, English, and algebra have been high. Many of the graduates have enrolled in further education programs at District colleges upon release.

The report of the President's Task Force on Criminal Rehabilitation stressed, among other problems, the "enforced idleness" and the dearth of any adequate level of vocational training in our prisons. Education and job training should be the heart of the correctional system, if it is ever to be worthy of the name. I am delighted to see that Lorton has received grants from LEAA to expand this promising program. I am also delighted that operation of the Lorton Reformatory will continue to be under the direction of the District government where it belongs.

The editorial follows:

SOME HIGH GRADES FOR LORTON

The Lorton prison complex gets written up fairly regularly in our town's newspapers, 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 twist, therefore, to read about the great success Lorton is having with its college study programs. In the first 15 months of operation, grades and inmate interest have been high.

In the last academic year, 161 men in the 1850-man complex—105 adults and 56 youths—have been offered 32 college courses. During a typical quarter, 50 inmates took three freshman courses each, from sociology to algebra, English, economics and literature. 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, 80 per cent enrolled in FCC or the Washington Technical Institute, where their credits were transferred—and only three returned to prison. It is no wonder that the federal government is now tripling its funding for these programs, which will permit enrollment to increase to perhaps 20 percent of the inmate population. The new grant from the Justice Department's Law Enforcement Assistance Administration is for $73,140, a modest figure in terms of most program costs. With a contribution of $48,760 more from the D.C. corrections department, some 360 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. BROYHILL, REPUBLICAN, OF VIRGINIA, ON INTRODUCTION OF LEGISLATION TO REVISE PAY STRUCTURE FOR POLICE FORCES AT WASHINGTON NATIONAL AND DULLES INTERNATIONAL AIRPORTS

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

Mr. BROYHILL of Virginia. Mr. Speaker, a critical situation involving the safety of the public and airline passengers prevails at the Washington National Airport and the Dulles International Airport. The preservation of law and order at National Airport has become an impossibility and is in a fragile marginal status at Dulles. The police forces at both airports have deteriorated to the point where dealing with the skyrocketing increase in crime and violence is no longer effective. This does not even attempt to include extreme cases which can and do arise involving airport and airliner piracy, hijackings, murder on a mass and individual basis, bombings, riots, violence, sabotage, wildcat strikes, and assassination.

The recent severe piracy of a TWA jet involving Dulles Airport points up the extensiveness 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 officers risked their lives in 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 preceeding 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 Washington disaster. A cargo jet prop transport, carrying radioactive material among other things, fatally crashed just short of the runway at National Airport while in a diving left turn, killing the pilot and copilot. Quite conceivably the plane could have traveled about 600 feet further and crashed into the crowded George Washington Memorial Parkway and possibly impacted, in its slewing left heading, five to 30 or 40 autos and/or buses resulting in a very heavy loss of life and casualtise; or a few hundred feet further on the airport site, causing a far heavier committment of airport police and loss of airport security and traffic control due to denudement 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 and established police, crash, and public security and took necessary emergency rescue action, had there been survivors. Geographical crash scene jurisdiction rested with park police who arrived within minutes for a fine coordinated joint security action, which continued for days. Airport police also provided complete night security with on scene duty officers. The huge holiday eve airport traffic plus the added load of the crash scene traffic jam required airport police manning of all intersections, strategic aerodrome entrances, extra security areas, crashed aircraft remains and other points. Manpower shortages due to the critical low wage situations forced recall of off-duty personnel, early call of the oncoming shift and then severe overtime work requirements for all police for the next 48 hours. The lack of full roster force, had this disaster erupted further, would have been indefensible by all concerned.

It has become necessary to enact on a crisis basis legislation in order to bring the Federal police forces at National and Dulles up to strength and technical and physical qualifications required. The present Federal police situation at National and Dulles can only be described as pitiful. It is about as far as being representative of what the Federal Government should provide at the only two model national airports which the Federal Government itself operates.

The Federal Police Department at both airports must meet criminal situations involving air piracy, murder, extortion, rape, riots, sabotage, grand larceny, as well as the more usual police functions of traffic control, assault and battery cases, car theft, and the maintenance of public safety and order. These police also coordinate with the surrounding police forces of neighboring and overlapping jurisdictions including Federal, State, county and city police forces. However, no other police forces, including the FBI, possess the highly specialized airport operational training that the airport police do.

Even though engaged in the personally hazardous, physically dangerous and highly responsible police work, they are compensated so poorly that their wages are comparable to clerical, labor, and janitor forces.

As a result, these police departments are deteriorating at an ever-accelerating, and in fact amazing rate. They are unable get any new recruits. There is no dependable recruit training program even if new people were available. They are saddled with attempting to recruit from old age brackets and career retired personnel.

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 5 years there has been one recruit under the age of 25. At Dulles no one under 25 has ever been recruited.

Dulles has 37 police on board as against an original authorized strength of 55 officers. At some point it was administratively decided, and since the quota could not be filled anyway, that the strength should be reduced to 45. In other words, 18 under original strength and eight under 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 Airport has lost 42 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 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 their present effectiveness and has them 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 only $5,853 per annum. The police private at grade 5 starts at only $6,548. It will be noted that the grades 4 and 5 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 $8,665.

The Arlington Police start at $8,174 for high school graduates or $9,494 for college graduates.

The Fairfax County Police start at $8,604.

The Montgomery County Police start at $8,591 for high school graduates and $9,947 for college graduates.

The Prince Georges County Police start 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 bad that career opportunity is nil. 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 the job—in other words, an inordinate number of years between any chance of promotion.

On the occasion of the first airplane bombing or shootout, or piracy, hijacking and/or resulting mass murder of passengers and/or public in general on National or Dulles, the first firebomb in the hangar or multimillion-gallon gas dump, or the crowded terminals, there will be great haste to get that barn door closed 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 make 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 House recognizes is an urgent requirement. 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.)

Mr. DEVINE. Mr. Speaker, one of the most unfortunate political campaigns in our Nation's history is going on today, aided, abetted, and encouraged, if not

initiated, by some Members of this House.

That is the effort to make Negro Americans believe that President Nixon is anti-Negro and that his is a racist administration.

This attack, led by some Negro Democrats, appears to be nothing more than an attempt to persuade Negroes that the Democratic Party is the only party that seeks racial equality.

It is an effort that is both dishonest and despicable. It is despicable because in an era of trouble and turmoil it seeks to turn black against white and to polarize our Nation along racial lines.

It is dishonest because the Nixon administration has worked hard and steadily to equalize education and educational opportunity, to end discrimination in the building and construction trades, to bring black Americans into high-level posts in the administartion, to provide business opportunities for Negroes, and in every other way to insure that they become a part of the American mainstream. It is one thing to make constructive criticism and urge further constructive action. It is quite another to seek to denigrate and belittle those efforts for purely personal and political gain.

PIONEER DAY, 1970

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

Mr. HANSEN of Idaho. Mr. Speaker, last Friday, July 24, was observed in Idaho and many other parts of the Nation as Pioneer Day. It is fitting that we honor the hardy band of Mormon pioneers who entered the Salt Lake Valley on July 24, 1847, under the leadership of Brigham Young. This event marked the end of a long and difficult journey and the beginning of one of the most momentous chapters in the history of our country.

The Mormon pioneers suffered persecution and were forced to leave their homes and endure great hardships in their westward trek. They crossed the mountains and plains in search of freedom and opportunity to build anew and to practice their religion.

These early pioneers laid the foundation in the rugged mountain country on which an empire has been built. The Church of Jesus Christ of Latter Day Saints has been a powerful and positive force in the building of our Nation. Within a few years following their arrival in the Salt Lake Valley, the Mormons had established hundreds of communities in Idaho, Utah, Nevada, Arizona, Wyoming, and California. Their membership and influence has since spread to all parts of the Nation and many parts of the world.

When the Mormon pioneers came west they were poor in material goods. But, they brought with them boundless energy, resourcefulness, a willingness to work hard, and to sacrifice. By applying these qualities of character to their task they contributed greatly to the material progress of the Mountain States. They caused the desert to bloom and the valleys to become productive.

They also left another legacy of much greater value to the Nation, 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.

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.

Mr. Speaker, we are deeply indebted to the pioneers for their contribution to the building of America. We can best honor those who entered the Salt Lake Valley 123 years ago, however, by learning and applying in our own lives and in our own day the lessons their experiences has taught us.

STATUS OF THE OFFICE OF COAL RESEARCH IS CLARIFIED

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

Mr. SAYLOR. Mr. Speaker, it is with a considerable sense of relief that I report to you and our colleagues on the status of the Office of Coal Research. As you may recall, a few weeks ago rumors began to circulate to the effect that the Office was going to be phased out of existence. As the author of the bill which created the OCR back in 1960, I was naturally concerned about the future of the coal research activities by the Federal Government.

Mind you, I was not concerned because my "pet project" was being considered for the scrap heap—rather, my concern was for the thousands of miners and hundreds of coal companies whose lives depend on a bright future for the coal industry. Coal research is going to guarantee a bright tomorrow for the Nation's most basic commodity.

Now that the rumor about the demise of the OCR has been scotched, I do not believe any value would be gained by dragging up the machinations within the Department of the Interior which produced the report, which in turn, produced the rumors.

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 P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: I am aware of your strong concern over the future of coal and mineral research programs.

Let me make it quite clear that this Department is not seeking a reduction or 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 continuation and encouragement of coal research is vital toward maintaining and improving both a quality environment and a strong energy position 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 Airport and Airways Development Act of 1970, only a few Members of the House were apprised of the provisions added by the Senate in the conference which prohibited the airlines under penalty of fine from identifying that portion of the air fare which constitutes the Federal tax.

This incredible action resulted from rules of the House which did not provide adequate time for proper review and discussion.

It is ludicrous for Congress to suppress information concerning the level of Federal taxation wherever it occurs. To correct this action, I have introduced legislation which will strike out the prohibition and penalty to 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.

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. BROWNE,
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 fares 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 airline ticket offices is ridiculous and should be immediately suspended.

I am also distressed with the language that was inserted in the Conference Report on the Airport and Airways Development Act of 1970 which prohibits the airlines under penalty of fine from identifying that portion of 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 airline tax under the new schedules, I would appreciate receiving from your office a complete breakdown of the new air fare schedules between the 100 major cities of America, along with the breakdown of the federal tax applicable to those fares so that a proper table can be placed into *The Congressional Record* for distribution to the American people.

The taxpayer is 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 concealment of federal taxes applicable to a product or a service. It certainly is against the public interest.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., July 24, 1970.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN VANIK: Thank you for your letter concerning the Board's action regarding the temporary rounding of fares taken on June 18.

As you know, this matter was occasioned by the Airport and Airway Development Act of 1970 which increased the Federal tax on tickets from 5 percent to 8 percent and required that the ticket price be stated inclusive of the tax. Previously, the fares and the tax were stated separately. The carriers have long stated their fares exclusive of tax in whole dollar amounts. Adding the new tax and stating the price on a tax-inclusive basis would generally produce fares in odd dollar-and-cents amounts unless these fares were rounded off.

The Board considered that the whole dollar policy was administratively efficient and convenient to the public and the carriers and should be continued. Continuing it, however, under the circumstances would entail changing the tariffs, whether the fares were rounded to the nearest whole dollar or the next higher whole dollar. Given the enactment of the Law on May 21, 1970, the carriers' tariff filings on June 4, 1970, and the necessity of adding the tax after June 30, 1970, changes in the tariffs could not be made within the normal 30-day public notice period. Accordingly, the Board had to determine whether it would waive this period, as it has the authority to do.

Given the likelihood that rounding the fares off in some fashion would ultimately be approved, the Board majority concluded that unless the notice period was waived, the public would be faced with two apparent fare adjustments in short succession, one on July 1 and the other as soon as three weeks later, with all the public misunderstanding and extra carrier expense this would entail. However, since waiver of the notice period would mean a change in tariffs without benefit of public comments, the Board majority decided to make its approval effective only for two months, to allow for adequate time for orderly receipt and consideration of comments on making the rounding off permanent.

The basic question, then, was whether the rounding off should be to the nearest whole dollar or the next higher whole dollar. Board staff estimates are that either method would produce an increase: $7 million in annual revenues under the nearest whole dollar method, $49 million under the next higher whole dollar method. This analysis is based on the fares in the top 40 passenger markets as shown in the passenger origin-and-destination statistics for 1968, representing approximately 23 percent of the total domestic passengers in 1968. Of these 40 markets under the rounding to the nearest whole dollar method, fares in 23 would be rounded up, 15 rounded down, and 2 would be in whole dollars and hence would not be changed.

It might be of interest to know how the fares are computed. First, the present fares are increased 8 percent, then rounded up, and then 8 percent is backed out to produce the new fare. This method produces a slight additional tax for the Airport and Airways Trust Fund. Here are examples:

Step 1	Present fare	$42.00	$44.00
	Add 8 percent	3.36	3.52
	Total	45.36	47.52
Step 2	Round up [1]	46.00	48.00
Step 3	Back out 8 percent	3.41	3.56
	To derive tax and new fare	43.59	44.44
Step 4	Additional revenue	.59	.44
Step 5	Additional tax	.05	.04

[1] Total charge to appear on tickets and in advertising.

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,

WHITNEY GILLILLAND,
Acting Chairman.

AIR FARES AND TRANSPORTATION TAX EFFECTIVE JULY 1, 1970, IN THE 100 TOP-RANKED DOMESTIC MARKETS IN TERMS OF NUMBER OF PASSENGERS

Market	1-way coach fare	8-percent tax	Total charge
1. Boston to New York	$20.37	$1.63	$22
2. New York to Washington	22.22	1.78	24
3. Chicago to New York	51.85	4.15	56
4. Miami to New York	72.22	5.78	78
5. Los Angeles to San Francisco	30.56	2.44	33
6. Los Angeles to New York	142.59	11.41	154
7. Las Vegas to Los Angeles	23.15	1.85	25
8. Detroit to New York	38.89	3.11	42
9. New York to San Francisco	142.59	11.41	154
10. New York to Pittsburgh	29.63	2.37	32
11. Cleveland to New York	34.26	2.74	37
12. Chicago to Los Angeles	107.41	8.59	116
13. Buffalo to New York	26.85	2.15	29
14. Boston to Washington	33.33	2.67	36
15. Chicago to Detroit	23.15	1.85	25
16. Chicago to Miami	77.78	6.22	84
17. Chicago to Minneapolis	30.56	2.44	33
18. San Francisco to Seattle	49.07	3.93	53
19. Chicago to St. Louis	24.07	1.93	26
20. Chicago to Philadelphia	48.15	3.85	52
21. Los Angeles to Seattle	65.74	5.26	71
22. Honolulu to Los Angeles	[1] 94.00 [2] 110.00	3.00 3.00	97 113
23. Atlanta to New York	53.70	4.30	58
24. Boston to Philadelphia	26.85	2.15	29
25. New York to Rochester, N.Y.	24.07	1.93	26
26. Chicago to Washington	44.44	3.56	48
27. Hilo to Honolulu	24.07	1.93	26
28. Chicago to San Francisco	107.41	8.59	116
29. Chicago to Cleveland	28.70	2.30	31
30. Dallas to Houston	23.15	1.85	25
31. New York to Syracuse	21.30	1.70	23
32. Boston to Chicago	59.26	4.74	64
33. Los Angeles to Phoenix	30.56	2.44	33
34. New York to St. Louis	60.19	4.81	65
35. Miami to Philadelphia	68.52	5.48	74
36. Honolulu to Lihue	17.59	1.41	19
37. Philadelphia to Pittsburgh	25.00	2.00	27
38. Chicago to Kansas City	33.33	2.67	36
39. Baltimore to New York	20.37	1.63	22
40. Honolulu to San Francisco	[1] 94.00 [2] 110.00	3.00 3.00	97 113
41. Detroit to Miami	75.00	6.00	81
42. Denver to Los Angeles	58.33	4.67	63
43. Honolulu to Kahului	17.59	1.41	19
44. Chicago to Pittsburgh	33.33	2.67	36
45. Dallas to New York	87.04	6.96	94
46. Portland, Oreg., to San Francisco	41.67	3.33	45
47. Boston to Miami	80.56	6.44	87
48. Chicago to Denver	62.04	4.96	67
49. Fort Lauderdale to New York	72.22	5.78	78
50. Minneapolis to New York	68.52	5.48	74
51. Houston to New York	$89.81	$7.19	$97
52. Los Angeles to Sacramento	32.41	2.59	35
53. Cincinnati to New York	43.52	3.48	47
54. Dallas to Los Angeles	79.63	6.37	86
55. New York to Tampa	67.59	5.41	73
56. New York to Providence	18.52	1.48	20
57. Boston to Los Angeles	148.15	11.85	160
58. Los Angeles to Washington	135.19	10.81	146
59. Hartford to New York	15.74	1.26	17
60. Reno to San Francisco	20.37	1.63	22
61. Columbus, Ohio to New York	37.04	2.96	40
62. Detroit to Los Angeles	118.52	9.48	128
63. Denver to New York	99.07	7.93	107
64. New Orleans to New York	76.85	6.15	83
65. Portland, Ore. to Seattle	17.59	1.41	19
66. Atlanta to Miami	44.44	3.56	48
67. Los Angeles to Philadelphia	139.81	11.19	151
68. Detroit to Philadelphia	36.11	2.89	39
69. Los Angeles to Portland, Ore	58.33	4.67	63
70. Indianapolis to New York	48.15	3.85	52
71. Chicago to Indianapolis	19.44	1.56	21
72. Detroit to Washington	32.41	2.59	35
73. Houston to New Orleans	27.78	2.22	30
74. San Francisco to Washington	135.19	10.81	146
75. Chicago to Dallas	56.48	4.52	61
76. Los Angeles to Minneapolis	94.44	7.56	102
77. Denver to San Francisco	65.74	5.26	71
78. Kansas City to St. Louis	23.15	1.85	25
79. Chicago to Cincinnati	24.07	1.93	26
80. Las Vegas to San Francisco	34.26	2.74	37
81. Philadelphia to Washington	17.59	1.41	19
82. Miami to Washington	63.89	5.11	69
83. Dayton to New York	41.67	3.33	45
84. Kansas City to New York	72.22	5.78	78
85. Miami to Tampa	21.30	1.70	23
86. New York to Seattle	142.59	11.41	154
87. Los Angeles to San Diego	15.74	1.26	17
88. Cleveland to Miami	71.30	5.70	77
89. Atlanta to Chicago	44.44	3.56	48
90. Dallas to San Antonio	24.07	1.93	26
91. Albany, N.Y. to New York	17.59	1.41	19
92. Boston to San Francisco	148.15	11.85	160
93. Charlotte to New York	41.67	3.33	45
94. Pittsburgh to Washington	21.30	1.70	23
95. Chicago to Columbus, Ohio	26.85	2.15	29
96. Los Angeles to St. Louis	97.22	7.78	105
97. Cleveland to Philadelphia	31.48	2.52	34
98. New York to Norfolk	27.78	2.22	30
99. Seattle to Spokane	22.22	1.78	24
100. Boston to Detroit	46.30	3.70	50

[1] Applicable Monday through Thursday.
[2] Applicable Friday through Sunday.

Source: Civil Aeronautics Board Origin and Destination Survey of Airline Passenger Traffic covering year 1968 for determination of 100 top 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. HECHLER of West Virginia. 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 relationship between many coal operators, the United Mine Workers Union Boyle-Titler leadership, various Federal officials, and those in authority who have continued to tolerate the outrageous 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 this report, along with several news articles concerning the report which appeared in newspapers over the past weekend:

COAL MINE 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 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 Carbon Fuel Coal Company, Charleston, W. Va.

The Erwin-Sweeney-Miller Foundation, Columbus, Indiana.

The Field Foundation, New York, New York.

Arch A. Moore, Governor, West Virginia.

Jennings Randolph, Senator, West Virginia.

John D. Rockefeller IV, Secretary of State, West Virginia.

Ralph Nader, Washington, D.C.

United Mine Workers of America, Washington, D.C.

U.S. Department of the Interior, Bureau of Mines, Washington, D.C.

These contributors 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, any of the statements made or views expressed herein.

The chairman and editor of the report is James Davitt McAteer, who conducted the report during his third year of law student at West Virginia University. It was completed last week. The other member of the study group present is Julie Domenick.

1. Coal mines can be made safe if the companies are willing to pay for it. Some companies have significantly better safety records than others. In most cases, this is a direct result of a willingness to spend money and upgrade their safety education programs. Unfortunately, the vast majority of coal companies would rather pay a few more dollars in Workmen's Compensation premiums than risk reducing their profit margins by the amount necessary to safeguard the life and limb of the worker.

Time after time, we found specific instances of coal operators ignoring minimum safety standards in order to maximize production. Production must become a secondary consideration with safety paramount. This can only be done by making accidents more expensive than safety. Strict laws with adequate penalty provisions, which include civil liability for safety violations that result in injuries, should be given serious considerations.

2. The United States Bureau of Mines has been negligent in enforcing the Federal Health and Safety Act of 1969 and has thwarted the intention of Congress by declining to enforce specific sections of the Act. It seems clear that President Nixon is treating the miners of America with conscious disregard by allowing his Administration to refuse to enforce the law by vacillating in the appointment of an independent, strong Director for the Bureau of Mines. It is recommended that the Bureau of Mines begin vigorous and reasonable enforcement of the Federal Health and Safety Act. Safe mines are as necessary to the nation's well being as safe streets are.

3. The Federal Government should stop subsidizing the coal industry. Coal is a profitable industry. Profitability in coal is above 15% and, according to experts, net profit is currently more than $1 per ton—this amounts to more than $117 million in net profit each year in the coalfields of West Virginia alone. There is clearly little need for federal welfare payments to coal operators in the form of depletion allowances and production and utilization research. In 1969, the American taxpayer spent more than $53 million for coal research aimed, not at improving safety, but rather at increasing production. This should stop. Instead, the government should commit funds for safety research aimed at protecting the health and welfare of the more than 120,000 long neglected American coal miners.

At the present time, the government is spending at a ratio of $5 to assist coal companies to increase their profits and only $1 for the miner's health and safety—these priorities are in need of drastic revision. It is our belief that coal profits are such that, in a free enterprise system, the federal government should not subsidize production oriented coal research.

4. The State Department of Mines has never carried out its obligation to protect the miner's health and safety. Unless and until the unofficial "appointment committee" of coal operators and union officials, who in effect, select the Director of the State Department of Mines, is eliminated and the Governor is in a position to appoint an individual whose primary concern is the health and safety of the miner—someone like John O'Leary (former Director of the Bureau of Mines), there is little chance of improvement.

Inasmuch as members of last year's graduating class from the University School of Mines, were able to command salaries of $14,000 per year, Department of Mines salaries must be made competitive with industry if the caliber of men needed to fulfill its function is to be attracted and retained. Until this is done we can expect little in the way of advancement.

There is a pressing need to totally reorganize the entire State Department of Mines so that its primary concern is that of the miner's health and safety.

5. The State Government should stop subsidizing the coal operators. In 1968, coal companies had gross revenues of $725 million in West Virginia alone. The state government gave those companies welfare payments totaling more than a quarter of a million dollars in the form of support to Coal Research Bureau at West Virginia University, the production-oriented School of Mines, the administrative cost of the gas refund tax, and the Department of Highways policy of paving private roads to isolated coal mines. At the same time, the coal operators were benefitting from these welfare subsidies and paid a total of $17 million in state and county taxes in 1969. The state and county governments collected less tax revenue from one of the state's largest industries than they received from liquor and cigarette or liquor taxes in the same year. Taxes on coal should be raised to reflect the true worth of the natural resource being removed.

The counties of West Virginia should begin evaluating mineral rights at higher, more equitable rates. At the present time, county assessments of these rights are extremely low. Some counties still charge only $44.00 per acre of coal producing land, even though the coal is worth $30,000.00 or more. It is this underassessment of land that produces tremendous profits for the absentee landlord corporations that could just as easily serve as a tax base for improved schools, roads and improved health and safety research. Any one who has spent time in West Virginia is fully cognizant of the need to upgrade these services.

There is no justifiable reason why coal companies should continue to pay a pittance in local property taxes. Our studies indicate that in 14 of the major coal producing counties in West Virginia, more than 44% of the land is owned or controlled by coal or coal affiliated companies. Although these companies may have been considered economically weak during the 1950's and early 1960's, they make handsome profits today and have made such profits, just as they have in every other period of coal's prosperity by removing irreplaceable resources from the land without the slightest pretense of paying their fair share to local governments. Their recently found efforts at public relations cannot hide the scars and wounds they have made upon this state and its people. It is little to ask that local property taxes be raised sufficiently so that the companies' employees and the people residing in this state, at whose expense these companies continue to operate, provide sufficient local property taxes so that they may have decent schools and local services.

In addition, a state severance tax of at least 50 cents a ton of coal should be enacted at once. Such a tax would not only require the coal industry to pay its fair share of mineral extraction, but would also partially compensate for past damages to the people and land of West Virginia. The coal barons have ravaged the land and called it progress; they have polluted the streams in the name of free enterprise; they have blighted the landscape with abandoned coal tipples, coal camps, and mining wastes and called themselves "progressive employers"; and more important, they have blatantly disregarded the lives and welfare of their workers in the pursuit of profit. This must be stopped. The few pennies such a tax would add to the nation's electric bills (no one is naive enough to think that the companies would absorb it) is little to ask for the past degradation the state has and continues to suffer. An alternative would be the institution of a National severance tax similar to that proposed by Senator Metcalf. This would equalize the tax rate among all coal producing states so that no one state will have a competitive advantage. Such a tax would be collected by the Federal government, and most of it would be rebated to the states to be used for local purposes.

6. Mr. Louis Evans, director of safety for the United Mine Workers of America, should resign. His replacement should be by someone who will work vigorously for mine safety.

Since the days of John L. Lewis, the UMWA has neglected its duty to protect the health and safety of its miners. One of the most shocking discoveries of this report was the gross abdication of responsibility by both the national and district level officials of the UMWA for the health and safety of the membership. The failure to initiate educational and training programs, financial irresponsibility, the total lack of internal democracy, the failure to push for health and safety. Legislation, the collusion with coal operators, the nepotism of top union officials, the violation of the Landrum-Griffin Act, all would indicate that the UMWA does not have the best interests of the men it represents as a priority.

W. A. "Tony" Boyle only joined in the battle for black lung legislation after the rank-and-file miners had won the major part of the battle. The UMWA, under Boyle, did not work vigorously for the Federal Health and Safety Act and more importantly aren't working for its enforcement in the mines today.

The Justice Department should immediately set up a special task force to investigate the alleged misuse of funds from the UMWA health and welfare fund. It is also recommended 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 a few for a few. It is a union to which production has become as important as it is to the operator. How ironic, that the plan for tonnage royalty payments, envisioned by John L. Lewis as answering the miner's years of misery, has developed into a system whereby operator and union put production above the miner's most immediate need—a safe place to work.

Coal miners, who pay a goodly portion of their paycheck in union dues, deserve leadership that will work with, and not against them.

7. State laws relating to mining are grossly inadequate and should be strengthened. The state Legislature, which has been controlled to a great extent by coal interests, has enacted 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 "advisory" committees of coal executives and union district officials who eliminate the more stringent safety requirements (because they cost money and could slow down production) before they reach the Legislature. Such practices must stop. West Virginia desperately needs strong state mine health and safety laws that are oriented to protect the miner.

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.

The West Virginia Legislature, either through ignorance or acquiescence to coal lobby efforts, or both, have written laws which so blatantly favor the coal operator and disregard the miner that one must assume that it is by design, rather than chance.

The writing of new laws can no longer be under the control of the unofficial advisory committee consisting of operators and union officials. The Legislature has been and continues to be duped into believing that they have Legislative and Rule making power in the coal mines. The real power continues to lie with the coal operators and production oriented union officials.

It is recommended that a complete revamping of the State mining law be undertaken along the lines of the new Federal Law irrespective of this "unofficial" committee's wishes.

9. The congressional mandate in the Federal Mine Health and Safety Law is clear. They intended that new and more stringent standards be established.

Yet President Nixon has disregarded Congress's intention by his actions; he has ignored the miners of our country. He has, in effect, rejected Congress's wishes and has acted more in line with the wishes of large coal mining companies.

To fail to appoint a Bureau Director for the six most critical months in its history, is atrocious, but further to appoint a man who sadly lacked a history of strong safety and health activity is despicable. If the President's posture toward Black Americans has been termed benign neglect, the attitude toward our coal miners can well be termed calculated indifference.

It is recommended that President Nixon appoint a Director of the Bureau who has a past record of strong safety advocation. This time the President should appoint as if his life depended on it because the nation's coal miners' lives do indeed depend upon it.

[From the Washington Star, July 25, 1970]

NIXON ACCUSED OF NEGLECTING EFFORTS FOR COAL MINE SAFETY

(By Fred Barnes)

A group which conducted a major study of the coal industry today accused President Nixon of "conscious disregard" of coal miners by failing to enforce mine health and safety laws.

"If the President's posture toward black Americans has been termed benign neglect, the attitude toward our coal miners can well be termed calculated indifference," the group said in a lengthy report.

The group, made up mainly of law students at West Virginia University, was financed in its year-long study of the coal industry by a grant from the U.S. Bureau of Mines and by contributions from Ralph Nader and the United Mine Workers.

In the report, President Nixon is charged with thwarting the intent of Congress by allowing the sweeping coal mine health and safety law enacted last year to go unenforced.

"He has, in effect, rejected Congress's wishes and has acted more in line with the wishes of large coal mining companies," the report said.

It also critized the President for demanding the resignation of Bureau of Mines Director John O'Leary last spring. It termed the nomination of mining professor J. Richard Lucas as his replacement "despicable."

Lucas, who recently withdrew his name for consideration, was described by the report as "a man who sadly lacked a history of strong safety and health activity." The group urged the President to appoint a mines bureau director "who has a past record of strong safety advocation."

"This time the President should appoint as if his life depended on it, because the nation's coal miners' lives do indeed depend upon it," the report said.

The main thrust of the report was that the coal industry, the mines bureau, state governments, the United Mines Workers and even the miners themselves put first priority on producing coal and deal with hazardous conditions in the mines only as an afterthought.

Health and safety standards in the mines are much higher in countries such as England, Czechoslovakia and Germany, "where the working conditions of the coal miner are closely monitored by governmental agencies," the group said.

The report concluded that the leaders of the UMW "have deserted the rank and file" by failing to push for strong health and safety laws and not backing miners in their efforts to improve conditions at individual mines.

Coal corporations were attacked in the report for placing the "responsibility for safety on the miner, on nature or God. . . . Neither management nor the owners have encouraged safe practices or directed efforts to eliminate hazards."

"The question is not whether safety is possible; it is whether the companies are willing to spend money to save lives," the report said.

Except for a revolt of West Virginia miners last year over the issue of "Black Lung," the majority of miners "have shown minimal interest in working for improved safety and health conditions," the report concluded.

"They have remained apathetic and silent in face of the failures of the companies, their union, their state and federal legislators. Their 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-Mail, July 26, 1970]

VAST INDIFFERENCE SEEN FOR SAFETY OF MINERS

(By Don Marsh)

A report made public Saturday accuses union, industry and government of being indifferent to the health and safety problems of West Virginia coal miners.

The report was prepared by a group composed primarily of college students. Members conducted an investigation modeled on that of "Nader's Raiders."

Ralph Nader, creator of the concept, contributed to financing the project.

The idea of the investigation was conceived by J. Davitt McAteer, 26, a 1970 graduate of the West Virginia University College of Law.

McAteer said he decided to act for a variety of reasons. "The big one was the Farmington disaster and the failure on the part of everybody to bring about a better result. The laws and the people who wrote the laws had nothing to say and the university in the largest coal producing state, only 35 miles away, could only send notes down saying 'we're sorry'."

"I was turned off by the whole thing and after I got into it I realized that neither the university, nor state government nor the coal industry had really got into the problems of solving safety and health problems."

McAteer said a 10-page proposal was written and contributions were solicited. Contributors included Nader, Carbon Fuel Co. of Charleston, Erwin-Sweeney-Miller Foundation, Gov. Moore, Sen. Jennings Randolph, Secretary of State John D. Rockefeller IV, the United Mine Workers and the U.S. Bureau of Mines. About $9,000 was collected.

The staff included McAteer, Julie Domenick, a WVU graduate student; William Tantlinger, 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 Tufts and Mike Adams of Charleston, a newspaper reporter.

The team prepared a massive report—689 pages with appendix. It was filled with criticism of public and private responses to the dangers of coal mining.

The report contends 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 illness.

The report said industry likes to show that the accident rate is going down when compared to production. But on a more stable basis—that of man hours worked—there has been no significant change in accident rates in several years.

West Virginia has the worst accident rec-

ord among major coal producing states. In 1967, one in 500 miners working underground was killed and one in seven was injured seriously enough to be reported.

One suggestion as to why West Virginia's safety record is poorer than other states is because of inadequacies of the State Department of Mines, the report said.

The report argues that pneumoconiosis—black lung—is an identifiable disease and is widespread. For a variety of reasons—including conservatism 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 law, it quotes an unnamed mining inspector as saying, "It's just a bunch of writing. It's good guidelines if you want to follow it but it doesn't mean a thing if you want to avoid it."

It said it learned that while the Governor 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 operators of large coal companies. The two agree on a candidate they can "live with" the report said and recommend his name to the Governor. "This method of appointment may explain 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 it comes to spending money for research. In fact, the report said, the 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 done even less in the field of health and safety research."

The report said that government in West Virginia has consistently subsidized the coal industry by undertaxing it and by such acts as refunding gasoline taxes to its trucks and building roads to its property.

In 1968, more state taxes were collected from the sale of either whisky or cigarettes than was collected from the coal industry, the report added.

It suggested that the state impose a severance tax of 50 cents a ton on coal production and that realistic assessments be made of coal property and that it be taxed at 50 per cent of its true value as other property is. (As an example, the report said acreage owned by a coal company in Marion County is assessed at 50 cents an acre. The actual value of the land is estimated to be between $25,000 and $31,000 an acre.) In 14 major coal producing counties, more than 44 per cent of the land is owned or controlled by coal interests.

The severance tax would pay for damage done by the industry, the report said. "The coal barons have ravaged the land and called it progress; they have polluted the streams in the name of free enterprise; they have blighted the landscape with abandoned coal tipples, coal camps and mining wastes and called themselves 'progressive employers'; and more important they have blatantly disregarded the lives and welfare of their workers in the pursuit of profit. This must be stopped."

The report was equally critical of the union. It called for the resignation of Louis Evans, director of safety for the UMW. His replacement should work more vigorously for mine safety, the report said.

"One of the most shocking discoveries of this report was the gross abdication of responsibilities by both the national and district level officials of the UMWA for the health and safety of the membership. The failure to initiate educational and training programs, financial irresponsibility, the total lack of internal democracy, the failure to push for health and safety legislation, the collusion with coal operators, the nepotism of top union officials, the violation of the Landrum-Griffin Act, all would indicate that the UMW does not have the best interests of the men it represents as a priority," the report added.

[From the New York Times, July 26, 1967]

NIXON CRITICIZED ON MINE SAFETY

(By Ben A. Franklin)

WASHINGTON, July 25.—The Nixon Administration was charged today with "calculated indifference" to the "unnecessary and avoidable" hazards of life in the nation's coal mines.

The Administration's handling of the four-month-old Federal Mine Health and Safety Act of 1969 was described as "atrocious" and "despicable" in a 690-page report prepared over an 18-month period and released here today by a team of graduate student researchers.

The researchers were sponsored in part and guided by Ralph Nader, the consumer and safety advocate, who endorsed their report.

J. Davitt McAteer, a 26-year-old graduate of the University of West Virginia Law School who headed the seven-man research team, stood next to Mr. Nader at a news conference this morning at the Mayflower Hotel.

Mr. McAteer said that after all the furor over mine safety that followed the last major mine disaster in November of 1968, "the question is whether or not the miners' chances of survival have been appreciably improved, and we think that they have not."

Coal mine accidents have taken more than 100 lives so far this year.

BLAME IS SPREAD

The report, which one Government mine safety official called probably the most exhaustive research document ever assembled on the subject, parceled out the blame widely for the "incomprehensible, inexcusable" working conditions in the coal industry.

The masses of charts and tables and more than 1,000 interviews with miners, mine operators, Government officials and union leaders focused on West Virginia, the leading coal-producing state. But Mr. McAteer contended that his team's findings were indicative of coal mining nationally. He noted that West Virginia mines had the highest accident rate.

The report charged timidity, confusion and "sham" in much of the Federal and State safety enforcement activity in the mines. It also criticized Congressional and State legislatures for setting work standards that it said were designed to reduce the added costs of safety provisions for the mine owners.

The report reserved its largest criticism, however, for the 110,000 member United Mine Workers of America for its alleged failure to adopt an "adversary posture" in demanding the enforcement of mine safety regulations.

INDUSTRY ASSAILED

Mr. McAteer assailed industry leaders for "an attitude that production and profit must be maximized at the expense of safety."

The report said that 14 of West Virginia's largest coal-producing counties, in which 44 per cent of the land is owned by coal interests, were assessing coal lands for tax purposes at $44 an acre although the coal alone might be worth up to $32,000 an acre.

The report called for the resignation of Lewis Evans, director of the United Mine Workers' two-man safety division.

The three U.M.W. districts in West Virginia, they said, had reported total expenditures of $14 in 1968 for safety "education and publicity" among the rank and file.

Partly because of "a lack of union leadership," the researchers said, "the majority of miners have shown minimal interest in working for improved safety and health conditions."

"They have remained apathetic and silent in the face of the failures of the companies, their union, the state and Federal legislators," the researchers said.

Mr. McAteer said that he might have revised this language had he known that thousand of miners in Ohio, Pennsylvania, West Virginia, Virginia and Kentucky would stage a series of disruptive wildcat strikes this summer to protest the lack of militant safety enforcement in the mines and to express grievances against their union.

OTHER HIGHLIGHTS

Mr. McAteer's report also urged the following:

A liberalization of workmen's compensation awards to the disabled and to widows that would "make accidents more expensive than the cost of safety" and thus motivate reforms:

An end to the 53-million-a-year federally financed research program to promote coal production and sales and using the money to develop safety technology:

A sweeping reassessment of undertaxed coal lands and a 50-cent-a-ton extraction tax on coal.

Mr. McAteer's research group was not formally along "Nader's Raiders" based in Washington under Mr. Nader's direction. But the two groups cooperated closely.

[From the Charleston (W. Va.) Gazette, July 26, 1970]

MOORE AGAIN DEALT BLOW, THIS ONE BY NADER OVER MINE ASSESSOR VETO

WASHINGTON.—Consumer crusader Ralph Nader 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.

J. Davitt McAteer, a 26-year-old graduate of West Virginia University, is the chief author of a report made public Saturday that declares West Virginia coal mines are the nation's most dangerous.

In addition, the report on "Coal Mine Health and Safety in West Virginia," charges that the blame for the dangerous conditions is shared by almost everyone, including miners and their unions.

Nader said that as a result of the report, Moore has refused to approve the appointment of McAteer to a $12,000-a-year job as mine assessor for the State Tax Department.

That shows, Nader commented facetiously, that rewards come fast for diligence and the search for truth.

McAteer told newsmen in Charleston that Tax Commissioner Charles Haden had given him "the preliminary okay" for the job, "but the Governor's office said no."

He said that he had no immediate plans, "except to get married next Saturday."

Moore was one of the co-sponsors of the 689-page report. Others included Secretary of State John D. Rockefeller IV, the United

Mine Workers, the U.S. Bureau of Mines, Jennings Randolph, D-W. Va., the Carbon Fuel Co. of Charleston, the Erwin-Sweeny-Miller Foundation of Columbus, Ind., and the Field Foundation of New York.

The seven-member team headed by McAteer is not one of the Nader's Raiders teams, Nader said, but an independent group of students "home-bred" and "home-grown" in West Virginia.

Rep. Ken Hechler, D-W. Va., who neither sponsored nor participated in the report, praised the "initiative, objectivity and perception" of McAteer.

He said the report "rips the veil from the incestuous relationship between the coal industry, the . . . leadership of the United Mine Workers, the ineffective federal and state mine bureaus, and those in authority who continue to tolerate the outrageous health and safety conditions suffered by coal miners."

[From the Washington Post, July 26, 1970]

WEST VIRGINIA MINE CONDITIONS ASSAILED

(By Philip D. Carter)

A panel of young West Virginians yesterday raised a monumental indictment of coal mining health and safety conditions in their state.

Their 689-page study, "Coal Mining Health and Safety in West Virginia," concludes that mine owners, leaders of the United Mine Workers union, state and federal agencies and President Nixon all share blame for the highest rates of mining deaths and injuries in the nation.

Similar charges repeatedly have been made by other advocates of stringent measures for the protection of miners.

But the scope and depth of yesterday's report were probably unique, and so was its backing and authorship. The 18-month study was prepared primarily by West Virginia college students with under $9,000 in funds granted by consumer advocate Ralph Nader, state officials, the Department of the Interior, two private foundations, the mine workers union and a coal company.

The report's conclusions were released at a Washington press conference at which Nader introduced the study's 26-year-old principal author, former University of West Virginia law student J. Davitt McAteer.

Nader, who said he had nothing to do with the report's preparation, accused the state's coal companies of "a form of institutionalized cruelty and injustice that can only be possible in a colony."

He also accused West Virginia's Republican governor, Arch A. Moore, of vetoing the appointment of McAteer to a $12,000-a-year job as a mineral assessor with the state tax department. Moore, Nader pointed out, was one of the sponsors of the report.

"The rewards come early," he said with heavy irony, "for dedication, diligence and fact-gathering within the state of West Virginia."

There was little in the study to please anyone connected with the coal industry.

"Coal mines can be made safe if the companies are willing to pay for it," the report declared. But "time after time, we found specific instances of coal operators ignoring minimum safety standards in order to maximize production." Reversing that pattern, the study declared, will require "adequate penalty provisions," including civil liability.

Present law includes the Federal Health and Safety Act of 1969, passed in the midst of a national furor caused by the death of 78 miners in a Farmington, W. Va., mine explosion.

The U.S. Bureau of Mines, the report charged, "has been negligent in enforcing" the act and has "thwarted the intention of Congress" by declining to enforce parts of its safety provisions.

"It seems clear," the report declared, "that President Nixon is treating the miners of America with conscious disregard" by not requiring enforcement of the law and by "vacillating" in the appointment of an aggressive new director of the Bureau of Mines. The post has been vacant for six months.

The report demanded that the federal government stop "subsidizing" the "profitable" coal industry through "federal welfare payments" in the form of depletion allowances and some forms of research.

"In 1969, the American taxpayer spent more than $53 million for coal research aimed, not at improving safety, but rather at increasing production," the report declared. The study called for change in federal priorities, 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.

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 44 per cent of the land is owned or controlled by coal or coal affiliated companies," the study said.

The report also recommended immediate enactment of a state severance tax of 50 cents on each ton of coal. In the study, net profits were estimated at from 80 cents to $1 per ton of coal, as against the 21 cents per ton recently claimed by the West Virginia Coal Association.

The tax, said the report, would represent a "fair share for mineral extraction" and would also "partially compensate for past damages" by the industry.

The proposed tax, the study predicted, would be passed on to consumers in the form of higher prices. As an alternative, the study proposed a national severance tax, which would equalize the tax rate among all coal producing states and thus ensure that none would suffer a competitive disadvantage.

The report also called for the resignation of UMW safety director Louis Evans and accused the union and its president, W. A. (Tony) Boyle, of being indifferent to mine safety.

"The UMW, once a great union, is in a shambles," the report declared. "It is a union run by a few for a few." The study asked for immediate creation of a Justice Department task force to investigate the alleged misuse of funds from the unions health and welfare fund.

The report also demanded revamping of the state's "grossly inadequate" mining laws, which now "so blatantly favor the coal operator and disregard the miner that one must assume that it is by design, rather than chance."

At 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 whose grandfathers, he said, once worked for coal companies—said he had been "appalled at the lack of concern" about the explosion.

"The best that people involved can say is that it was an act of God," he said. Not satisfied with that answer, he sought and won backing for the report. Six of McAteer's contemporaries, most of them students from West Virginia, aided in the study, which required "thousands" of interviews with miners, extensve legal and legislative research and on-the-spot surveys of mine conditions.

Rep. Ken Hechler (D-W. Va.), a strong advocate of stricter mine regulations, encouraged the study and was present at yesterday's press conference. Later he issued a statement strongly endorsing its "analysis and conclusions."

McAteer made it clear that the group does not consider itself part of "Nader's Raiders," as Nader's group of consumer researchers have come to be known. "We're McAteers Racketeer's," he said.

SENATOR CITES SUFFERING OF WEST VIRGINIA COAL MINERS

A senator who sponsored a new coal mine safety law cited reports yesterday of "human suffering and tragedy" among West Virginia coal miners that he said stem from mismanagement of a union fund.

Sen. Harrison A. Williams Jr. (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 helped trigger a wildcat strike in the coal fields, Williams said.

[From the Sunday Star, July 26, 1970]

STUDY ACCUSES UMW OF "DESERTING" MINERS

(By Fred Barnes)

A group which conducted an 18-month study of coal mining conditions in West Virginia has accused the leadership of the United Mine Workers of siding with the coal industry and of neglecting the health and safety of coal miners.

Union leaders "have deserted the rank-and-file," the group concluded in a 689-page report issued yesterday.

UMW President W. A. (Tony) Boyle and his lieutenants "did not work vigorously for the Federal Coal Mine Health and Safety Act (passed last year) and more importantly aren't working for its enforcement in the mines today," the report said.

Ironically, the study, made by a group of graduate students at West Virginia University, was financed in part by a $500 grant from the UMW.

U.S. BUREAU SCORED

Other financial supporters of the study, such as the U.S. Bureau of Mines and West Virginia political leaders, also were sharply criticized in the report.

Meanwhile, a senator who sponsored the new coal mine safety law cited reports of "human suffering and tragedy" among West Virginia coal miners which he said stem from mismanagement of the UMW pension and welfare fund.

Sen. Harrison A. Williams Jr., D-N.J., said he has been told 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.

"DENIED PENSIONS"

"In addition, we have received letters detailing cases of miners who worked for 30, 40 and 50 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 his Senate labor subcommittee will hold hearings in Charleston, W. Va., Thursday and Friday on the pension fund's operation.

Yesterday's report said the close ties between the union and the coal industry began in 1950 when then-UMW head John L. Lewis

decided "to orient the policies of the UMW toward the increased production of coal and the improvement of the competitive position of the industry."

JOB VETO CHARGED

With the coal industry booming today, "the major coal companies no longer need the consistent support of the UMW but . . . the miners do," it said.

J. Davitt McAteer, 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.

He said he was hired several weeks ago as assistant director of local government relations in the state tax commission office. But a few days later, he said, he was vetoed for the post by Gov. Arch Moore, who had earlier contributed more than $200 for the study.

The report drew praise from Rep. Ken Hechler, D-W. Va., a persistent crusader for mine safety. "The report rips the veil from the incestuous relationship between the union, coal industry and government agencies," Hechler declared.

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.

[From the Huntington (W. Va.) Herald-Advertiser, July 26, 1970]

COAL MINING IN WEST VIRGINIA BLASTED

A young crusader team declared Saturday that West Virginia's coal mines are the nation's most dangerous and the blame is shared by almost everyone involved—including the miners and their union.

The report, issued after a year-and-a-half study, accuses President Nixon of calculated indifference in enforcing the 1969 mine safety law and of failure to appoint a strong head of the Bureau of Mines.

Consumer crusader Ralph Nader appeared at a Washington news conference with the report's chief author, J. Davitt McAteer, endorsed the report and accused the coal industry of depleting the state's resources with "institutional cruelty . . . only possible in a colony."

The seven-member team headed by McAteer, a recent law school graduate at West Virginia University, is not one of the "Nader's Raiders" team, Nader said, but an independent group of students "home-bred and home-grown" in West Virginia.

But Nader was a sponsor of the project and encouraged it, he said.

Nader said that as a result of the report Gov. Arch A. Moore of West Virginia has vetoed McAteer'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 with irony, that rewards come fast for diligence and the search for truth.

Moore was listed as one of the project's sponsors along with the United Mine Workers, the U.S. Bureau of Mines—both criticized in the report—Sen. Jennings Randolph, D-W. Va., the Carbon Fuel Co. of Charleston, W. Va., the Erwin-Sweeny-Miller Foundation of Columbus, Ind., and the Field Foundation of New York.

McAteer later told an afternoon news conference at Charleston's Kanawha Airport that the basic premise of the report is that coal mines can be safe if companies are willing to pay for it.

The report accuses Nixon of "treating the miners of America with conscious disregard" because he is vacillating in appointing an independent, strong director of the Bureau of Mines. The job has been vacant since John F. O'Leary was not reappointed in March. Richard Lucas was appointed but withdrew his name.

Nixon, the report said, "has, in effect, rejected Congress' wishes and has acted more in line with the wishes of large coal mine companies."

The report says the West Virginia Legislature, the United Mine Workers and the State Department of Mines all are dominated by the coal companies and that as a result there are grossly inadequate state laws and the coal mines not only do not pay their fair share of taxes but are subsidized. The report calls also for an end to the federal subsidy.

All factions seem more interested in improving production than safety, McAteer writes in the 689-page report which calls this incomprehensible and inexcusable.

As for the miners, the report said:

"Other than the Black Lung strike of 1969, the majority of miners have shown minimal interest in working for improved safety and health conditions. They have remained apathetic and silent in the face of the failures of the company, their union, their state and federal legislatures."

The study was touched off by the Farmington, W. Va., mine disaster in November 1968 that cost 78 lives.

The team says it picked West Virginia to study because it has the worst record of all coal states, as compared with 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. In addition to this, 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 conscientious men" respected by the miners.

But the federal Bureau of Mines inspectors, the report said, "are unable to successfully carry out their jobs because of limitations on their authority and most importantly because of restrictions placed upon them by the bureau's hierarchy.

"Only under the directorship of Director John O'Leary did the bureau ever begin to fulfill its protective role with the passage of the new act on Dec. 31, 1969. It was felt that a new era would be embarked on in America's coal fields. But President Nixon has indeed raised doubts as to whether we will embark on a new era, or whether we will simply lower our voices as to the miners' plight."

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 frown on strict enforcement of the law."

"He must refrain from being too much of a threat to the operators or risk losing his job or being transferred to another district," the report says.

"The miner, whose health and safety are his responsibility, doesn't trust him and moreover, often considers him an enemy. The companies see him as a nuisance, to be dealt with, and dismissed as quickly as possible. He is in a situation of having all friendly enemies and no friends."

Among its conclusions, the report urges that the federal and state governments stop subsidizing the coal industry, saying "in 1969 the American taxpayer spent more than $53 million for coal research aimed, not at improving safety, but rather at increasing production."

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 run by a few for a few. It is a union to which production has become as important as it is to the operator."

UMW President W. A. 'Tony" Boyle "only joined in the battle for black lung legislation after the rank-and-file miners had won the major part of the battle," the report says. It added that now UMW isn't working for the enforcement of the Federal Health and Safety Act.

Louis Evans, 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.

Saying the coal companies have a substantial influence over state legislators, the report says the legislature has done little to protect miner health and safety.

The report concludes that "coal is a healthy industry, is profitable and can look forward to a strong future."

UMW FUND MISMANAGED, SENATOR CHARGES

WASHINGTON.—A senator who sponsored a new coal mine safety law cited Saturday reports of "human suffering and tragedy" among West Virginia coal miners which he said stem from mismanagement of a union fund.

Sen. Harrison A. Williams Jr., D-N.J., said he has been told 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.

"In addition, we have received letters detailing cases of miners who worked for 30, 40 and 50 years and who paid their union dues yet found when the time came to retire they were not eligible for pensions."

These 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 helped trigger a 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.

[From the Parkersburg (W. Va.) News, July 26, 1970]

AUTHOR FIXES BLAME FOR MINING HAZARDS

(By Harry J. Lorber)

CHARLESTON, W. VA.—James Davitt McAteer, author of a 689-page report on coal mine health and safety in West Virginia, Saturday blamed coal operators and the federal and state governments for existing safety hazards in mines.

He charged all have "ignored minimum safety standards in order to maximize production."

Speaking here at a news conference, McAteer called for the federal and state government to stop subsidizing the coal industry, saying there is little need for a depletion allowance when the companies gross $725 million a year.

McAteer, a recent graduate of West Virginia University's School of Law, has been working on the report since October of 1968. It was presented in Washington Saturday by consumer champion Ralph Nader, one of nine sponsors of the study, including Gov. Arch A. Moore of West Virginia, Sen. Jennings Randolph, D-W. Va., West Virginia Secretary of State 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, saying "they have thwarted the intention of Congress by declining to enforce specific sections of the act."

Part of 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 John F. O'Leary in March.

"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 department has never carried out its obligations to protect the miners' health and safety, and won't unless the unofficial "appointment committee" of coal operators and union officials 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.

McAteer strongly urged a state severance tax of 50 cents per ton of coal, saying it's time counties "get their fair share" of property owned by coal companies.

"There is no justifiable reason why coal companies should continue to pay a pittance in local property taxes," he said. "Their recently-found efforts at public relations cannot hide the scars and wounds they have made upon this state and its people."

The proposed severance tax, he said, would not only require the coal industry to pay its fair share for mineral extraction, but 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 landscape with abandoned coal camps and mining wastes and have called themselves 'progressive employers'."

But more importantly, they have blatantly disregarded the lives and welfare of their 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 exclaimed, "and more importantly, isn't working for its enforcement in the mines today."

McAteer was sympathetic with a wildcat strike led 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 feel they're at the end of 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 ABUSES IN WEST VIRGINIA MINES

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 689-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 inexcusable" failure to seek improvements in their conditions.

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 mines over health and safety issues and predicted that more would occur.

Summarizing its findings of coal-company practices, the students' report declared, that "time after time" they found coal operators ignoring minimum safety standards to maximize production. "Unfortunately, the vast majority of coal companies would rather pay a few more dollars in workman compensation premiums than risk reducing their profit margins by the amount necessary to safeguard the life and limb of the workers," the report said.

The report accused President Nixon of, in effect, rejecting the wishes of Congress expressed in the tough 1969 coal mine safety law and acting "more in line with the wishes of large coal mining companies." It termed "atrocious" the President's failure to appoint a Bureau of Mines director following the forced resignation of Democratic holdover John O'Leary.

Moreover, the report continued, it was "despicable" of the President to seek to appoint "a man who sadly lacked a history of strong safety and health activity"—a reference to Richard Lucas, a Virginia professor of mining engineering who recently withdrew his name while his confirmation was pending before the Senate Interior Committee.

The report dedicated considerable space to proving that West Virginia is taxing coal operators too little. It recommended that county real-estate assessments on coal producing land be increased "for improved schools, roads and improved health and safety research." Under-assessment of land "produces tremendous profits for the absentee landlord corporations," the report stated. It also urged that a state severance tax of "at least 50 cents a ton of coal should be enacted at once."

According to the students' reasoning, the severance tax would be justified as a means of requiring the coal industry "to pay its fair share for mineral extraction" as well as "partially compensate for past damages to the people and land of West Virginia" resulting from coal mining.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEE (at the request of Mr. ALBERT) for July 27 on account of official business.

Mr. KING (at the request of Mr. RHODES) for the week of July 27, 1970, on account of personal business.

Mr. RYAN (at the request of Mr. HOWARD) for the week of July 27, 1970, on account of illness.

Mr. REID of New York (at the request of Mr. RHODES) for the week of July 27 on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to.

Mr. FEIGHAN, Tuesday, August 4, 1970, for 1 hour, to revise and extend his remarks, and to include extraneous matter.

(The following Members (at the request of Mr. FLOWERS) to revise and extend their remarks and include extraneous material:)

Mr. HAMILTON, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 60 minutes, July 28.

Mr. PRYOR, for 60 minutes, August 3.

(The following Members (at the request of Mr. RUPPE) to revise and extend their remarks and include extraneous material:)

Mr. HALPERN, for 5 minutes, today.

Mr. HOSMER, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. COUGHLIN, for 5 minutes, today.

Mr. FOREMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Extensions of Remarks of the RECORD, or to revise and extend remarks was granted to:

Mr. HOWARD, to revise and extend his remarks on the O'Neill-Gubser amendment immediately after the remarks of Mr. BOGGS today.

(The following Members (at the request of Mr. RUPPE) and to include extraneous matter:)

Mr. WEICKER in three instances.

Mr. WYATT.

Mr. SCHERLE in five instances.

Mr. DERWINSKI in two instances.

Mr. FOREMAN in two instances.

Mr. HOSMER in two instances.

Mr. RHODES.

Mr. WYMAN in two instances.

Mr. CHAMBERLAIN.

Mr. BUCHANAN.

Mr. SCHMITZ in two instances.

Mr. FULTON of Pennsylvania in four instances.

Mr. PRICE of Texas in two instances.

Mrs. DWYER in three instances.

Mr. CONTE.

Mr. BOW.

Mr. MIZE.

Mr. AYRES.

Mr. MORSE.

(The following Members (at the request of Mr. FLOWERS), and to include extraneous matter:)

Mr. CULVER in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. CORMAN.
Mr. OTTINGER in three instances.
Dr. DENT.
Mr. BINGHAM in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. HELSTOSKI in two instances.
Mr. GONZALEZ in two instances.
Mr. HAWKINS in three instances.
Mr. HAMILTON in 10 instances.
Mr. BRASCO.
Mr. PEPPER.
Mr. MOSS.
Mr. EDWARDS of California.
Mr. HATHAWAY in two instances.
Mr. CELLER.
Mr. BROWN of California.
Mr. ASHLEY in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. MAHON in two instances.
Mr. DIGGS in five instances.
Mr. ROSENTHAL.
Mr. EDMONDSON in two instances.
Mr. BOGGS in two instances.
Mr. CHARLES H. WILSON.
Mr. UDALL in two instances.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of 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. 17619. An act making appropriations for the Department 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 1161

Resolved, That the House has heard with profound sorrow of 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, Mr. ASHLEY, Mr. MINSHALL.

Mr. VANIK, Mr. DEVINE, Mr. LATTA, Mr. ASHBROOK, Mr. CLANCY, Mr. HARSHA, Mr. MOSHER, Mr. STANTON, Mr. BROWN of Ohio, Mr. TAFT, Mr. LUKENS.

Mr. MILLER of Ohio, Mr. WHALEN, Mr. WYLIE, Mr. STOKES, Mr. MAHON, Mr. MCMILLAN, Mr. RIVERS, Mr. WHITTEN, Mr. ABERNETHY, Mr. MADDEN, Mr. PHILBIN, Mr. ROONEY of New York, Mr. SIKES.

Mr. MILLER of California, Mr. MORGAN, 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. RHODES, Mr. FLYNT.

Mr. FLOOD, Mrs. GRIFFITHS, Mr. MCFALL, Mr. CASEY, Mr. SMITH of Iowa, Mrs. HANSEN of Washington, Mr. ADDABBO.

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 out of respect to the memory of our late beloved friend and colleague.

ADJOURNMENT

Accordingly (at 6 o'clock and 58 minutes p.m.), the House 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:

2247. A letter from the Deputy Assistant Secretary of Defense (International Security Affairs), transmitting a semiannual report on the implementation of section 507 (b) of the Foreign Assistance Act of 1961, as amended, pursuant to that act; to the Committee on Foreign Affairs.

2248. 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(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

2249. 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. 543); to the Committee on Interior and Insular Affairs.

2250. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(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 15 of Public Law 259, 83d Congress; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2252. A letter from the Comptroller General of the United States, transmitting a report on the need for increased control over local currency made available to the Republic of Vietnam for support of its military and civil budgets, Department of Defense, Department of State, Agency for International Development; to the Committee on Government Operations.

2253. 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.

2254. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for savings by reducing the paperwork involved in Department of Defense bus travel; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 17880. A bill to amend the Defense Production Act of 1950, and for other purposes; with amendments (Rept. No. 91–1330). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 7521. 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. 91–1331). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 9804. A bill to amend Public Law 394, 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.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 13001. A bill to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project; with amendments (Rept. No. 91–1333). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91–1334). 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. 18635. A bill to amend section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising, and for other purposes; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 18636. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in

the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

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, exhibition, or held for sale as pets; to the Committee on Agriculture.

By Mr. WILLIAM D. FORD:

H.R. 18638. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by 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. 18639. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore 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.

By Mr. HALPERN:

H.R. 18640. A bill to provide for financial participation by the United States in the construction of the Taft Memorial Library in Kfar Silver, Israel; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself and Mr. BURTON of California):

H.R. 18641. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HARSHA:

H.R. 18642. A bill: The Mercury Pollution Control Act; to the Committee on Public Works.

By Mr. HECHLER of West Virginia:

H.R. 18643. A bill to prohibit the movement 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. SPRINGER):

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. LUJAN:

H.R. 18645. A bill to provide that the United States make payments on claims of nationals of the United States against the government of Czechoslovakia based on awards made by the Foreign Claims Settlement Commission, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McFALL:

H.R. 18646. A bill to establish a Doctor Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

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 had within a specified 10-year period in order to qualify for disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 18649. A bill to amend the act of July 13, 1970; to the Committee on Interior and Insular Affairs.

By Mr. PREYER 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 making buildings accessible to handicapped persons 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 and credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. VIGORITO:

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 cyclamates as generally recognized as safe for use in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 18653. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and 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 an exchange 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 the Secretary of Health, Education, and Welfare to 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 educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

H.R. 18658. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Government Operations.

H.R. 18659. A bill to reorganize the executive branch of the Government by transferring 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 environmental protection; 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 Rules.

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 Commission; to the Joint Committee on Atomic Energy.

By Mr. BROYHILL of Virginia (for himself and Mr. SCOTT):

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.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

By Mr. SAYLOR:

H.J. Res. 1329. 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. Con. Res. 691. Concurrent resolution relating to treatment and exchange of military and civilian prisoners in Vietnam; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Georgia:

H. Res. 1160. Resolution amending the Rules of the House of Representatives relating to financial disclosure to require financial reporting by certain members of 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. Owens, Doris I. G. Owens, Anthony John Owens, Hilary Mary Owens, Jeremy 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, petitions and papers were laid on the Clerk's desk and referred as follows:

555. 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.

556. Also, petition of the board of directors, National Restaurant Association, Washington, D.C., relative to enforcement of the law and protection of human rights; to the Committee on the Judiciary.

557. Also, petition of Mrs. Allen Blanchard, Helena, Mont., and others, relative to appointments to the U.S. Supreme Court and other Federal benches; to the Committee on the Judiciary.