Jones, Maximilian B.
Nardi, Francesco P.
Paden, David L.
Potts, William E.
Ranieri, Walter R.
Snipes, Wilson C.
Sullivan, Gerald C.
Whiteman, Ralph E.
Winslow, John A.

CHAPLAIN CORPS

Angus, Robert C.
Bergsma, Derke P.
Cooper, William David
Floyd, Emmett Owen
Kloner, William

CIVIL ENGINEER CORPS

Barber, Ralph Edward, Jr.
Bentley, Donald R.
Hickey, Leo Alfred, Jr.
Johnson, Wendell P.
Maddock, Thomas S.
Martin, Arthur H.
Nutter, John M.

JUDGE ADVOCATE GENERAL'S CORPS

Banks, Myron C.
Benjamin, Julian R.
Chazen, Bernard
Cristol, A. Jay
Jones, Robert E.
Kennedy, William H.
Kenney, William J.
Kitchings, Atley Asher, Jr.
Lamere, Robert K.
Law, John M.
Redd, Gordon L.
Sams, Marion A.
Stich, Frank J., Jr.

DENTAL CORPS

Armen, George Krikor, Jr.
Jackson, Clyde Raymond
Kornblue, Edwin B.
Miller, Barry G.
Perlitsh, Max Joseph
Vanort, David Paul
Williams, Claude R.
Yamanouchi, Haruto W.

MEDICAL SERVICE CORPS

Brownson, Robert Henry
Capps, Daniel William

NURSE CORPS

Shanks, Mary D.

The following named Naval Reserve officers for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Boyd, Gerald E.
Downing, John Edward
Duren, Craddock Paul
Ewing, Charles William
Felsoory, Attila
France, Thomas Douglas
Gansa, Alexander Nicholas
Gondring, William Henry, III
Greene, Charles Abraham
Holder, James Bartley, III
Kayye, Paul Thomas
Kendall, Harry Ovid
Klenk, Eugene Leslie
Mitchell, James C., III
Robinson, Ralph Gaylord
Rowe, Stephen W.
Stewart, Edgar B.
Swan, David Stephen
Thomas, Jerry Lynn
Tucker, Samuel Hopper

SUPPLY CORPS

Birnbaum, Leonard G.
Doddridge, Benjamin F.
Farmer, David R.
Russell, Sanford H.
Soine, Jon C.
Uhlhorn, Carl W.

CHAPLAIN CORPS

Dwyer, Martin James
Pickrell, John W.

CIVIL ENGINEER CORPS

Gaal, Philip L.
Harris, John R.
Hensgen, Oscar Eugene
Meisner, Walter Theodore, Jr.
Papineau, Daniel Armand
Paradies, Gilbert Ernst

JUDGE ADVOCATE GENERAL'S CORPS

Began, William D.
Carnes, Conrad Dew
Erit, Bartholomew
Falbo, Gerald Anthony
Hoge, William R., Jr.

DENTAL CORPS

Bass, Ernest Brevard, Jr.
Belinski, Edward J.
Brown, Will M.
Cunningham, Peter Richard II.
Donoho, Donald Hugh
Eng, Wellington Raymond L.
Foley, James Patrick
George, Chester Leroy
Girolami, John James, Jr.
Hall, Daniel Lee
Hera, James David
Hohlt, William Frederick
Marsalek, Daniel E.
Morrison, George Clement
Nickelsen, Dale Charles
Niebuhr, Robert M.
O'Malley, George Charles
Ronning, George Arnold
Stende, Gregory W.
Thomas, John Philip
Triftyshauser, Roger Wayne
Uveges, Alfred Charles
Williams, Terry Charles

MEDICAL SERVICE CORPS

Ginn, Robert William
Knisely, Ralph F.

NURSE CORPS

Stevens, Peggy J.
Wolford, Helen Gurley

Comdr. Wilma H. Bangert, Supply Corps, U.S. Naval Reserve, for permanent promotion to the grade of captain in the Supply Corps subject to qualification therefor as provided by law.

Comdr. John A. Looby, Jr., Judge Advocate General's Corps, U.S. Naval Reserve for permanent promotion to the grade of commander in the Judge Advocate General's Corps subject to qualification therefor as provided by law.

Comdr. Stephen L. Maxwell, U.S. Naval Reserve for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of commander.

Comdr. David F. Fitzgerald, U.S. Naval Reserve for transfer to and appointment in the Judge Advocate General's Corps in the temporary grade of commander.

Lt. Comdr. George A. Lussier, Medical Corps, U.S. Naval Reserve for temporary promotion to the grade of commander in the Medical Corps subject to qualification therefor as provided by law.

Lt. Comdr. Nancy H. Baker, U.S. Naval Reserve for permanent promotion to the grade of commander subject to qualification therefor as provided by law.

Lts. Robert L. Chenery and Hazen C. Russell, U.S. Navy for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

Lt. Comdr. James F. Harris, Chaplain Corps, U.S. Navy for transfer to and appointment in the line of the Navy in the permanent grade of lieutenant commander.

The following named officers of the U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Riedel, Charles T.
Shea, John P., III

Ensign Henry J. Turowski, U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of ensign.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Bent, Randal T.
Johnson, Jack A.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Hargrove, James E.
Miller, David L.

The following named officers of the Judge Advocate General's Corps of the Navy for transfer to and appointment in the line in the permanent grade of ensign:

Martin, Thomas L.
Mattson, Michael V.
Wells, Lisalee A.

Joseph R. Headricks, Supply Corps, U.S. Navy for transfer to and appointment in the line of the Navy in the permanent grade of ensign.

The following named officers of the U,S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Francis, Robert M.
Gardner, Daniel E.
Hallenbeck, Amos E., Jr.
Jackson, Timothy H.
Marvin, Richard B.
Merki, Richard L.
Muller, David G., Jr.
Oehler, Michael W.
Wood, Nancy E.

SUPPLY CORPS

Robertson, James M., III

CIVIL ENGINEER CORPS

Micheau, Terry W.

Benedetto R. Lobalbo, U.S. Navy, for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

HOUSE OF REPRESENTATIVES—*Tuesday, May 1, 1973*

The House met at 12 o'clock noon.

The Reverend David A. Winslow, Trinity United Methodist Church, Jersey City, N.J., offered the following prayer:

Isaiah wrote these treasured words:

"Listen to Me, My people, and give ear to Me, My nation; for a law will go forth from Me, and My justice for a light to the peoples."—Isaiah 51: 4.

Almighty God, You have taught us through example to love one another as You have already loved us. You have entrusted to us not only the ethics of perfection, but also the ethic of responsibility. Inform our minds, through Your love, so that we can engage in enlightened debate which yields statutes relevant to our needs.

Heavenly Father, bless these Members of the House of Representatives who labor for the welfare of the Nation. Draw them in faith to Your eternal design.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Grant that they may protect and uphold our national heritage of "One Nation under God."

Merciful Father, grant a compassionate spirit to the leadership of our Nation. Give our legislators the wisdom to act above the clamor of self-interest. Let justice and opportunity prevail for all our citizens. We pray in the name of the Father, the Son, and the Holy Spirit.

Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1165. An act to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes; and

S. 1379. An act to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 86–420, appointed Mr. MANSFIELD, Mr. MONTOYA, Mr. HUMPHREY, Mr. BENTSEN, Mr. NUNN, Mr. HASKELL, Mr. BIDEN, Mr. COTTON, Mr. GRIFFIN, Mr. PERCY, and Mr. COOK, on the part of the Senate, to the Mexico-United States Interparliamentary meetings to be held in Mexico, May 24 to May 29, 1973.

REV. DAVID A. WINSLOW

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, we have just heard an excellent opening prayer by our visiting Chaplain, Rev. David A. Winslow of the Trinity United Methodist Church of Jersey City, N.J. Reverend Winslow, at age 28, only 2 years in our community has made a reputation for himself as one of the most dynamic religious leaders in Hudson County. I am proud to welcome him here today to the floor of the House of Representatives.

Reverend Winslow is a native of Michigan who received his bachelor's degree at Bethany College in Oklahoma City and his master of divinity degree at Drew University in New Jersey. He is presently completing his master of sacred theology degree at the same university.

Reverend Winslow is accompanied here today in Washington by his lovely wife, Frances, who is herself a scholar of some considerable importance. Mrs. Winslow has earned two master's degrees and is completing her doctorate at New York University. She is a singularly able young woman.

Mr. Speaker, I am proud and happy to welcome the Winslows to the House of Representatives. These two bright, dedicated young people prove my contention that America's future can be entrusted to the younger Americans who are just beginning to assume leadership in government, in industry, with the labor unions, and in doing God's work.

Certainly the people of the 14th District of New Jersey are honored to have the Reverend and Mrs. Winslow working among them. Hudson County is a better place for it.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE A REPORT ON H.R. 6646

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture have until midnight tonight to file a report on the bill, H.R. 6646.

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

There was no objection.

WASHINGTON POST ARTICLE ON FARM PRICES DROP

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

Mr. POAGE. Mr. Speaker, I want to call the attention of my colleagues to an article on page A7 of today's Washington Post.

The one-column headline says, and I quote: "Farm Prices Drop 1.5 Percent in Month." That is at an annual rate of 18 percent.

Now I cannot help but wonder whether, if that had been an increase in farm prices, it would not have been on the front page—notwithstanding the flood of important Watergate stories to be found there this morning.

I think it is only fair to point out that this newsstory also says Agriculture Department officials suggest the decline may be temporary—not because of any avariciousness on the part of farmers but because of extremely adverse weather conditions over much of the country which may drastically cut crop production this year. It should be borne in mind that the flooding of millions of acres of fertile farmlands these past few days means not only short crops and probable higher prices to consumers, it means higher production costs and to a great many individual farmers financial disaster.

THE PRESIDENT'S FORTHRIGHT ACTION

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

Mr. FISH. Mr. Speaker, I congratulate the President for taking a forthright and forceful position on Watergate.

The President deserves praise for cleansing the White House, a job that had to be done.

The Nation has been reassured that no man is above the law; that the guilty will be vigorously prosecuted. There will be, in the President's words, "no whitewash" of this scandal.

We also as a people have seen that our system does work. We have witnessed the force of a free press and of an impartial system of justice.

There are many matters of vital importance facing our Nation. While pressing relentlessly for the whole truth, we must get about other business.

A great nation cannot be governed in the midst of a crisis of confidence. This is no time for a weakened Presidency, but rather a time for trust and support. The President has taken a long step toward restoring trust and confidence in Government.

PROVIDING FOR CONSIDERATION OF H.R. 3932, REQUIRING CONFIRMATION OF THE DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9332) to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 3932, the Committee on Government Operations shall be discharged from the further consideration of the bill S. 518, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 3932 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Those who listened to the reading of the resolution know it provides for 1

hour of general debate for the consideration of the amendment in the nature of a substitute recommended by the Committee on Government Operations to be considered as an original bill. The resolution waives points of order against that substitute for failure to comply with the provisions of clause 7, rule XVI, the provision on germaneness. The substitute is not considered to be germane because it goes so much further than the original bill. It goes further in that it abolishes and reestablishes the Office of Management and Budget, I presume in order to preserve the constitutionality of the matter that would then be before the House.

As far as I have heard there is not any great controversy over this resolution but I would have to admit that I have become a little gun shy on resolutions, so I am not prepared to say that there is no controversy, but to the best of my knowledge there is no great controversy over this particular resolution. There is great controversy over the legislation which it makes in order so I will reserve the balance of my time to see how things develop.

Mr. LATTA. Mr. Speaker, House Resolution 351 is an open rule, providing 1 hour of general debate for the consideration of H.R. 3932, a bill to require Senate confirmation of the OMB Director and Deputy Director. The rule makes the committee substitute in order as an original bill for purposes of amendment, and waives points of order against the substitute for failure to comply with clause 7, rule XVI, which is the germaneness provision. The rule also provides for insertion of the House-passed language in the Senate bill.

Mr. Speaker, the purpose of H.R. 3932, the bill made in order under this rule, is to require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget.

The bill was amended in subcommittee in an attempt to avoid the constitutional issue that is raised when the Congress attempts to remove a duly appointed executive officer. The amended bill would abolish and then immediately reestablish the offices of Director and Deputy Director of OMB, and then require Senate confirmation of the men filling the new offices.

The bill also transfers to the Director the old Bureau of the Budget functions which were transferred to the President by section 101 of Reorganization Plan No. 2 of 1970.

The Committee on Government Operations estimates that there will be no additional costs as a result of the enactment of this legislation.

The Office of Management and Budget is opposed to this legislation on the grounds that it is constitutionally defective as it proposes to accomplish by indirection that which cannot constitutionally be achieved directly—namely, the legislative removal of executive branch officials. OMB is also opposed to this bill on the ground that the OMB Director serves as a personal agent of the President in the performance of Presidential duties. Traditionally officers who serve primarily as advisers and assistants to the President have been appointed by the President without Senate confirmation.

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

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am not quite sure I understand why the waiver is in this bill on the basis on which it has been explained.

Mr. LATTA. The gentleman from Missouri, I thought, adequately explained that, but I will mention to the gentleman again the points that the gentleman from Missouri mentioned.

There are in this bill as reported by the committee certain features which were not in the original bill. For example, on page 3, section 3, there is a completely new section which reads as follows:

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

It is my understanding that this was not in the original bill and it does expand the provisions of the original bill. For that reason we need the waiver of the points of order.

Mr. GROSS. If my friend, the gentleman from Ohio, would yield further, would it not be much more in order and in conformity with orderly procedure to have a bill before the House on which it would not be necessary to waive a point of order or points of order as to germaneness?

Mr. LATTA. I could not agree more with the gentleman from Iowa but we do not have such a bill and we did not have such a bill before the Rules Committee. If we could rewrite some of the bills which come before the Rules Committee, I believe we would have better legislation, but we cannot do that.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. LATTA. Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SEBELIUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 56, present 5, not voting 54, as follows:

[Roll No. 115]

YEAS—318

Abzug	Anderson, Ill.	Archer
Adams	Andrews, N. Dak.	Armstrong
Addabbo	Annunzio	Ashley
Alexander		Aspin
Beard	Haley	Preyer
Bennett	Hamilton	Price, Ill.
Bergland	Hammer-schmidt	Price, Tex.
Bevill		Pritchard
Biester	Hanley	Quie
Bingham	Harrington	Rangel
Blackburn	Harsha	Rarick
Boggs	Harvey	Rees
Boland	Hastings	Regula
Bolling	Hawkins	Reid
Brademas	Hays	Reuss
Bray	Hébert	Riegle
Breaux	Hechler, W. Va.	Rinaldo
Breckinridge	Heckler, Mass.	Roberts
Brinkley	Helstoski	Robinson, Va.
Brooks	Henderson	Robison, N.Y.
Broomfield	Hicks	Rodino
Brotzman	Hillis	Roe
Brown, Mich.	Hinshaw	Rogers
Brown, Ohio	Holifield	Roncalio, Wyo.
Broyhill, N.C.	Holtzman	Roncallo, N.Y.
Broyhill, Va.	Horton	Rooney, Pa.
Buchanan	Howard	Rose
Burgener	Hudnut	Rosenthal
Burke, Mass.	Hungate	Roush
Burleson, Tex.	Hutchinson	Rousselot
Burlison, Mo.	Ichord	Roybal
Burton	Jarman	Runnels
Butler	Jones, N.C.	Ruppe
Byron	Jones, Okla.	Ruth
Carey, N.Y.	Jordan	St Germain
Carney, Ohio	Karth	Sarasin
Carter	Kastenmeier	Sarbanes
Casey, Tex.	Kazen	Satterfield
Cederberg	Keating	Saylor
Chamberlain	Kemp	Schroeder
Chappell	Ketchum	Sebelius
Chisholm	Kluczynski	Seiberling
Clancy	Koch	Shipley
Clausen, Don H.	Kyros	Shriver
	Landrum	Shuster
Clay	Leggett	Sikes
Cochran	Lehman	Sisk
Cohen	Lent	Skubitz
Collier	Long, La.	Slack
Conte	Long, Md.	Smith, Iowa
Conyers	Lott	Staggers
Corman	Lujan	Stanton, J. William
Cotter	McCollister	
Cronin	McCormack	Stanton, James V.
Daniel, Dan	McDade	
Daniels, Dominick V.	McEwen	Stark
	McFall	Steele
Danielson	McKay	Steelman
Davis, Ga.	McKinney	Steiger, Ariz.
Davis, S.C.	McSpadden	Stephens
de la Garza	Macdonald	Stokes
Delaney	Madden	Stubblefield
Dellenback	Mahon	Stuckey
Dellums	Mailliard	Studds
Dennis	Mann	Sullivan
Dent	Martin, N.C.	Symington
Derwinski	Mathias, Calif.	Taylor, N.C.
Dickinson	Mathis, Ga.	Teague, Calif.
Dingell	Matsunaga	Thompson, N.J.
Donohue	Mayne	Thone
Dorn	Mazzoli	Thornton
Downing	Meeds	Tiernan
Drinan	Metcalfe	Towell, Nev.
Dulski	Mezvinsky	Udall
du Pont	Milford	Ullman
Eckhardt	Miller	Van Deerlin
Edwards, Ala.	Mills, Ark.	Vander Jagt
Edwards, Calif.	Mills, Md.	Vanik
Eilberg	Minish	Veysey
Erlenborn	Mink	Waggonner
Esch	Minshall, Ohio	Waldie
Eshleman	Mitchell, Md.	Walsh
Evans, Colo.	Mitchell, N.Y.	Wampler
Evins, Tenn.	Moakley	Ware
Fascell	Mollohan	White
Findley	Moorhead, Pa.	Whitehurst
Fish	Morgan	Widnall
Flood	Mosher	Wiggins
Flowers	Moss	Williams
Flynt	Murphy, Ill.	Wilson, Charles H., Calif.
Ford, Gerald R.	Natcher	
Fountain	Nedzi	
Frelinghuysen	Nichols	Wilson, Charles, Tex.
Frenzel	Nix	
Fulton	Obey	Winn
Fuqua	O'Hara	Wolff
Gaydos	O'Neill	Wright
Gettys	Owens	Wyatt
Gibbons	Parris	Wydler
Gilman	Patman	Wyman
Ginn	Patten	Yates
Goldwater	Pepper	Yatron
Gonzalez	Perkins	Young, Alaska
Grasso	Peyser	Young, Fla.
Green, Pa.	Pickle	Young, Ga.
Griffiths	Pike	Young, S.C.
Grover	Poage	Young, Tex.
Gubser	Podell	Zablocki
Gude	Powell, Ohio	Zion

NAYS—56

Arends	Goodling	Passman
Ashbrook	Gross	Pettis
Bafalis	Guyer	Quillen
Baker	Hansen, Idaho	Rhodes
Bell	Hogan	Scherle
Camp	Holt	Schneebeli
Clawson, Del	Hosmer	Shoup
Collins	Huber	Snyder
Conable	Hunt	Spence
Conlan	Johnson, Pa.	Steed
Crane	Landgrebe	Steiger, Wis.
Daniel, Robert W., Jr.	Latta	Symms
	McClory	Talcott
Davis, Wis.	McCloskey	Taylor, Mo.
Devine	Madigan	Thomson, Wis.
Duncan	Maraziti	Treen
Fisher	Martin, Nebr.	Wilson, Bob
Forsythe	Michel	Wylie
Froehlich	Nelsen	Zwach

PRESENT—5

Cleveland	Hanrahan	Mallary
Frey	Litton	

NOT VOTING—54

Abdnor	Ford, William D.	Moorhead, Calif.
Anderson, Calif.	Fraser	Murphy, N.Y.
Andrews, N.C.	Giaimo	Myers
Badillo	Gray	O'Brien
Barrett	Green, Oreg.	Railsback
Biaggi	Gunter	Randall
Blatnik	Hanna	Rooney, N.Y.
Bowen	Hansen, Wash.	Rostenkowski
Brasco	Heinz	Roy
Brown, Calif.	Johnson, Calif.	Ryan
Burke, Calif.	Johnson, Colo.	Sandman
Burke, Fla.	Jones, Ala.	Smith, N.Y.
Clark	Jones, Tenn.	Stratton
Coughlin	King	Teague, Tex.
Culver	Kuykendall	Vigorito
Denholm	Melcher	Whalen
Diggs	Mizell	Whitten
Foley	Montgomery	Young, Ill.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Smith of New York.

Mr. Rostenkowski with Mr. Young of Illinois.

Mr. Blatnik with Mr. Abdnor.

Mr. Brasco with Mr. King.

Mrs. Green of Oregon with Mr. Myers.

Mr. Giaimo with Mr. Coughlin.

Mr. Johnson of California with Mr. Railsback.

Mr. Clark with Mr. Bowen.

Mr. Culver with Mr. Johnson of Colorado.

Mr. Foley with Mr. Brown of California.

Mr. Montgomery with Mr. Gunter.

Mr. Whitten with Mr. Burke of Florida.

Mr. Teague of Texas with Mr. Kuykendall.

Mr. Vigorito with Mrs. Burke of California.

Mr. Stratton with Mr. Melcher.

Mr. Hanna with Mr. Moorhead of California.

Mrs. Hansen of Washington with Mr. Jones of Tennessee.

Mr. Gray with Mr. O'Brien.

Mr. William D. Ford with Mr. Fraser.

Mr. Barrett with Mr. Heinz.

Mr. Biaggi with Mr. Randall.

Mr. Badillo with Mr. Diggs.

Mr. Denholm with Mr. Roy.

Mr. Jones of Alabama with Mr. Mizell.

Mr. Murphy of New York with Mr. Sandman.

Mr. Ryan with Mr. Whalen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

REQUIRING CONFIRMATION OF DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3932) to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, 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 consideration of the bill H.R. 3932, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 30 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. HOLIFIED).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3932, as amended, the bill under consideration today, has two primary and related purposes: First, to require that appointments to the offices of Director and Deputy Director of the Office of Management and Budget—OMB—be made by and with the advice and consent of the Senate; and second, to restore to the OMB and its Director those statutory powers which were taken away by Reorganization Plan No. 2 of 1970 and placed in the President's own hands.

The requirement for Senate confirmation of appointments to the offices of Director and Deputy Director of OMB is fully justified by the realities of governmental life and is long overdue. The Director has vast power and importance in the Federal Government; he is not one of the "faceless" confidential advisers to the President. The Director stands in his own right as a policymaker and administrator. He directs an organization of 660 employees. His circulars and bulletins regulate, control, and limit Government performance in a variety of ways. They have an impact on State and local governments and on the private sector. Congress has enacted more than 60 statutory provisions relating to the duties of the Director or his office.

More than a half century ago, when the Bureau of the Budget was established by law, the Director was represented as the President's man, a kind of clerical assistant to assemble and collate budget estimates. Even then, the Senate proposed that the Director be appointed with its advice and consent. The House bill did not carry such a requirement, and the Senate provision was struck out in conference. There is not much legislative history on this subject; only passing references were made to it in the extensive floor debates on the budget and accounting legislation.

Whatever the legislative situation was at the beginning, it is clear as crystal that the OMB Director in the 1970's is not the BOB Director of the 1920's. Government has grown a hundredfold. The President's powers have increased enormously. The OMB Director supervises the vast Federal Establishment, which makes him second to none but the President in power and authority.

Why should the OMB Director, with such vast power and authority, be exempted from Senate confirmation? Other officials in the Executive Office of the President, with far less power and authority, are confirmed by the Senate. In fact, as the committee report points out—House Report No. 93–109, page 13—29 officers in 10 Executive Office components now are subject to Senate confirmation. So are the heads of departments and agencies, and hundreds of their deputies and assistants.

The OMB Director serves the Congress as well as the President. The Budget and Accounting Act specifically directs the OMB to furnish to any committee of the House or Senate dealing with revenue or appropriations "such aid and information as it may require." And even more significant, as we point out in the committee report, page 8, Congress conceived of the whole executive budget process as a means of assisting and improving its own decisions on appropriations.

There is a big argument now whether the Congress has abdicated certain of its responsibilities in controlling the national purse when the President sets his own spending ceilings and impounds funds as he sees fit. Those who believe that the Congress should take firm steps to regain its authority and properly discharge its own constitutional responsibilities should welcome this legislation. It is not the answer to our fiscal and impounding problems, but it is a step in the right direction.

This bill also makes an organizational adjustment. Through the years the Congress has enacted numerous laws vesting in the BOB/OMB or their directors various functions of Government which are technical and administrative as well as policymaking in nature. Reorganization Plan No. 2 of 1970 took those statutory powers away from the OMB and the Director and placed them in the hands of the President, where they now remain—with a few exceptions reflecting subsequent enactments. Our committee opposed Reorganization Plan No. 2 of 1970, but unfortunately it was accepted by the Congress.

One of our main objections to the 1970 plan was that the transfer would place in the President's hands a wide array of powers, which he could then delegate at will throughout the Government, without referring the matter back to the Congress. In other words, it was a blank check for reorganization, going beyond the purposes of the Reorganization Act, which requires that reorganization plans

lay before the Congress 60 days before taking effect.

In this measure, we are restoring to the OMB Director the statutory responsibilities Congress gave to him, thereby nullifying section 101 of Reorganization Plan No. 2 of 1970. In part, this is a protective measure. If the functions are not returned to the OMB Director, then the President could make an empty shell of the OMB and defeat the objective of Senate confirmation by delegating these functions elsewhere in the Government. The possibility is not an idle one. The incumbent OMB Director, Roy L. Ash, in a letter to the committee commenting adversely on pending bills to require Senate confirmation of the OMB Director and Deputy Director, pointed out that—

If any President so desired, he could transfer any or all of these [budget] functions to other officials of the Government (see page 32 of House Report No. 93–109).

We are not contending that every OMB function must remain forever in OMB. In his process of "thinning out" the Executive Office, the President may indeed transfer some OMB functions to other agencies. The point we make is that such transfers should be subject to congressional review, as they would be under this legislation, which restores the statutory functions to the OMB Director. In other words, to transfer statutory functions from OMB, the President would have to submit a reorganization plan to the Congress. At present, holding these powers in his own hands, he makes these transfers at will, without any opportunity for the Congress to review and, if necessary, to reject.

Several differences should be noted between H.R. 3932 as amended and S. 518, the bill which passed the Senate on February 5, 1973. The Senate bill would permit the incumbent OMB Director and Deputy Director to hold their positions for 30 days following enactment of the bill, after which time, to continue in office, they would have to be confirmed by the Senate. Also, the Senate bill fixes definite terms for the Director and Deputy Director, coinciding with the Presidential terms, in effect requiring reconfirmation if a President were reelected and wanted to retain the same two officers.

H.R. 3932, as introduced by the gentleman from Texas (Mr. BROOKS) and approximately 100 cosponsors, including myself, was substantially the same as S. 518 which passed the Senate. However, Mr. BROOKS offered an amendment, in the nature of a substitute, which our committee decided would best meet the essential purposes of the legislation. The amendment would abolish the offices of OMB Director and Deputy Director, and then establish new offices requiring confirmation by the Senate. The law would take effect 30 days after enactment, giving the President that time to submit his nominations to the Senate. The amendment omits the provision fixing terms for these officers in the belief that it would add complicating factors to the legislation.

The committee decision to abolish and reestablish the offices of OMB Director and Deputy Director accords with a procedure suggested during the Senate debate on S. 518. Senator GRIFFIN, who favored the general purpose of the legislation, stated—CONGRESSIONAL RECORD, daily edition, February 2, 1973, page S1977, quoted in House Report No. 93–109, page 6:

I believe it would be more appropriate to abolish the Office of OMB for a short period of time and then re-establish it. That, it seems to me, would be a constitutional way to require appointment and reconfirmation of the incumbent OMB Director, if that is the purpose here.

Our committee report makes it clear that we do not question the constitutional validity of the bill as passed by the Senate. In our judgment, however, the alternative procedure of abolishing the present offices and establishing new ones with the requirement for Senate confirmation is the better approach. As discussed in detail in the committee report, abolishing and creating offices within the confines of a single bill has ample statutory precedents, including legislation recommended by the present administration, and judicial endorsement.

We point out also that our amended bill is broader in scope and purpose than the one passed by the Senate, particularly because it provides for retransfer of statutory authorities from the President to the OMB Director.

Opponents will argue that we are trying to oust the incumbent OMB Director. Speaking for myself, and I am sure for the majority of the committee, I completely disavow any such intention. This legislation is directed at the office and not at the man. This committee has legislative jurisdiction over the Office and is discharging its responsibility in reporting the legislation.

This legislation, as I said at the outset, is fully justified and long overdue. The Office of Management and Budget is powerful and pervasive. It is not only a key Government center for policymaking, but it is, in many ways, an administrative and regulatory Agency with respect to all other agencies of the Government. Its decisions and directives also impinge on State and local governments and the private sector.

The committee bill, by providing for Senate confirmation, recognizes the reality of the power reposing in that Office. Also it provides for placing statutory responsibilities in the Director, which was the case prior to Reorganization Plan No. 2 of 1970. In this way, authority and responsibility are closely joined.

I urge the Members to support this legislation.

Mr. McCLOSKEY. Will the gentleman yield for a question?

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

Mr. McCLOSKEY. Will the gentleman tell me what differences there are in the Director—comma—Office of Management and Budget and his functions, from the office that is being abolished, Director of the Office of Management and Budget? Are there any substantive changes in the responsibilities of that office other than the change in merely the title?

Mr. HOLIFIELD. No. If the gentleman listened to my statement, I said that we are transferring back to the Office of the Bureau of the Budget, those statutory powers which were transferred from him to the President, putting them into the President's hands. We are bringing the authority back to the Director as it has been for many, many years, up until May 13, 1970, when Reorganization Plan No. 2 was adopted in this House by a margin of 19 votes.

Mr. McCLOSKEY. I thank the gentleman.

Mr. HORTON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in opposition to the bill (H.R. 3932) and to the committee amendment in the nature of the substitute. I do so because I am concerned about congressional reform. The Congress must reform itself if it is to play its constitutional role in the Federal Government. At the same time, we must not be carried away by proposals which masquerade as reform. In fact, these proposals to require Senate confirmation of the OMB Director are an invitation to a legal battle. They are a reaction to the difficult relations which exist between the Congress and the Presidency; but they do not resolve any outstanding issues between these two branches. I think it would be a mistake for the House to approve this legislation.

Seventeen members of the Committee on Government Operations voted against reporting this bill and signed dissenting views to the committee report which outline why this legislation would be unconstitutional. Yesterday I put in the CONGRESSIONAL RECORD, at page 13588, a statement on the question of whether or not the OMB Director ought to be subject to Senate confirmation.

Time does not permit a complete review of all the arguments surrounding this issue, so I will limit myself to a discussion of three points which, to my mind, summarize the principal reasons why we should not accept either the original bill or the committee amendment.

The first point is that both the bill and the committee amendment are unconstitutional.

The second point is that this legislation would not result in any meaningful reform of the House or the Congress; it does not do anything for us.

The third point is that this legislation would give the other body powers the House had earlier refused to grant for reasons which are still valid today.

The constitutional issue, my first point, is that this legislation amounts to an unconstitutional encroachment by the Congress on the power of the Chief Executive to remove executive officers. It is inherent in any effort by the Congress to add a qualification for this office and then apply it to incumbent officers. Such an action of necessity forces the termination of appointments of officers who, under our Constitution, serve at the pleasure of the President.

There have been previous attempts by the Congress to force the removal of officers in the executive branch, but they have never been successful. On several occasions the Supreme Court has specifically recognized the exclusive right of the President to remove executive of-

ficers. The Congress recently has avoided overstepping its constitutional bounds. In 1965, the House refused to pass a bill which would have removed Sargent Shriver from one of the two appointments he then held. In 1968, legislation to make the FBI Director subject to Senate confirmation was consciously worded so as to take effect only after the termination of the service of the incumbent.

An important principle is at stake here—whether the Congress may at any time and by means other than are to be found in the Constitution, act so as to remove an executive officer. In 1965, Attorney General Katzenbach wrote an opinion for President Johnson which clearly makes this point:

> Congress may impose reasonable qualifications, applicable prospectively, upon those who would hold executive posts it has created. But if Congress could impose qualifications retroactively, thereby ousting the incumbent, it could remove any officer whose performance, however satisfactory to the President, was unsatisfactory to it. The Constitution is certainly not susceptible to any such interpretation.

I think members from both parties should carefully consider the advisability of establishing a precedent whereby Congress is able to remove executive officers by means other than impeachment and conviction.

The committee amendment, of course, is an attempt to get around this constitutional problem. But the attempt fails. The Supreme Court has held that where there is an "essential inevitable effect" which is unconstitutional, the law must be considered unconstitutional. This legislation is designed to have the effect of removing incumbent officers which is unconstitutional. And we cannot color our action by claiming the exercise of a normally constitutional power. The Supreme Court has also held the Congress may not use—

> (a) Constitutional power . . . by way of condition to attain an unconstitutional result.

It is worth noting here that legislation which abolishes and then immediately reestablishes offices has an inglorious history at the State level, where it is known by the name of "ripper legislation."

Proponents have cited cases of supposed ripper legislation at the Federal level to support their contention that such action is permissible. An analysis done for me by the Justice Department of the cases cited shows they do not support this contention. In three of the cases, the legislation was worded so that the President could choose the time of removal for the appointees. In two of the cases, the abolishment was part of a major reorganization, which is certainly not the case here. In only one case does the proposition appear to hold. But it should be noted that two subsequent statutes of the same nature were modified to avoid the constitutional problems. In all of the cases cited, the proposals either emanated from or were supported by the President and thus did not constitute a congressional attempt to remove an executive officer against the will of the Chief Executive.

I should also add that to the extent this legislation is aimed at the incumbent OMB Director, Roy Ash, it becomes a bill of attainder. There were several statements made on the floor of the other body which might well be interpreted as placing the bill in this constitutionally prohibited category.

In short, I believe, along with 16 other members of the Government Operations Committee, that this legislation has the effect and is designed to have the effect of removing duly appointed executive officers by legislative means, and therefore, is unconstitutional.

The second major point is that this legislation would not produce any reform of value for the House or for the Congress. This bill does not permit the Congress to establish spending ceilings, control impoundments, or develop a budget office to help us analyze the President's proposals. It does not limit executive privilege. All it does, in the words of our colleague, JACK BROOKS, is "give the Congress an opportunity to evaluate and have some slight input, just by examination, interrogation, and a public examination of his—the Budget Director's—background and character, his attitudes, and so forth." Of course, he does not mean the Congress here, he means the Senate. And, of course, he does not imply that there would be any attempt to obtain advance commitments from the nominee as to how he would handle the job and what policy positions he would take. No nominee for a Presidential staff position could do that.

Since there is no reform value in this legislation, I find it unwarranted.

My third point is that I find the legislation unwise because it would have an adverse effect on the budgetary system which the House so carefully contructed in the Budget and Accounting Act of 1921. As a careful reading of the legislative history of that landmark legislation makes clear, the House did not agree to the Senate's request to advise and consent to the appointment of the Budget Director because it felt that would not be in keeping with the establishment of an effective budget system. At the time, they felt that the President, under the Constitution, was directly responsible for administrative management, and in view of the constitutional principle of separation of powers, should have personal staff to carry out these constitutional responsibilities. They felt that if these responsibilities were shouldered by the President, and if he was given adequate staff assistance, it would be possible to achieve far greater economy and efficiency in the executive branch. And finally, they believed the President's ability to meet their responsibility should not be diluted by involving the Senate in the confirmation of the Budget Director.

All of these points are equally valid today. The quantitative increase in the power of the Budget Director must not be confused with the stable relationship of the budget director to the President, the House, and the Congress. As was pointed out in our hearings on this legislation, if we act so as to weaken the bonds between the President and the Budget Director, and fragment the relationships between the Congress and the President and his Budget Director, we will have lost much of the clear focus, of responsibility—created under the Budget and Accounting Act of 1921—which provides the basic strength in our budgetary system.

Undoing the reforms in the Budget and Accounting Act for which the House fought so hard is not what is required now.

To summarize my position, then, I believe the original bill and the committee amendment to be unconstitutional. Furthermore, I believe requiring Senate confirmation of the OMB Director to be unwarranted and unwise because of its effects on the budget system. I urge the House not to pass this legislation.

Mr. HOLIFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, the Office of Management and Budget is undoubtedly one of the most powerful agencies in the Federal Government at this time.

OMB virtually controls every move the Federal Government makes. It determines what programs will be funded, what programs will be cut, and what programs will be abolished. It dictates the position of every agency in the Government on legislative proposals pending before the Congress.

In a reorganization announced just this past week, OMB has assumed a direct role in managing and operating programs which they consider to be of "Presidential level importance." In short, OMB is taking over the Federal Government, and, in doing so, no mention has been made of statutory responsibilities or of congressional priorities and directives.

I introduced the legislation before us today because I think it is important that Congress have some role in determining the qualifications of the people that are to head such an important and powerful Government agency. Some 134 of my colleagues in the House have joined in sponsoring similar legislation. All of us are concerned about the preservation of our constitutional system of Government.

This legislation would accomplish two primary objectives. First, it would vest directly in the Director, Office of Management and Budget, those functions which Congress had previously vested in that office but which were removed from him and vested in the President as the result of a reorganization plan in 1970. From time to time since 1921, when Congress first created the old Bureau of the Budget as a part of the Treasury Department, we have passed statutes giving certain responsibilities to the Director of, first, the BOB, and now the OMB. These statutory responsibilities were removed from OMB in Reorganization Plan No. 2 of 1970 and were vested directly in the President, who then delegated them back to OMB.

However, at this time, the President can redelegate those functions to any other Federal government agency without even going through the minimum requirements of a reorganization plan. This is not what Congress intended when it passed those bills. The legislation before us today would restore those functions to the office in which Congress originally placed them and where they should be today.

The second provision of this legislation requires Senate confirmation of nominees to be Director and Deputy Director, Office of Management and Budget. One classic means provided in the Constitution for balancing power between the executive, legislative, and judiciary branches requires the participation of Congress in the appointment of officers of the United States. The only exception to this occurs when Congress voluntarily by law relinquishes its role to participate in the confirmation of "inferior" officers.

There is no question that Congress can, under the Constitution, require confirmation of these two appointments in OMB. The fact that we have not done so in the past is of no consequence. The nature of the positions is now such that we are neglecting our duty if we do not require Senate confirmation.

The Senate confirms hundreds of presidential appointments each year. These confirmations include such important positions as Cabinet-rank secretaries, most members of regulatory boards and commissions, and such lesser positions as officials in the Overseas Private Investment Corporation, the National Commission on Materials Policy, National Credit Union Administration, Director of Geological Survey, Director of the Bureau of the Census, U.S. Parole Board members, and dozens of other such position. Surely, the Director and Deputy Director of OMB deserve equal consideration.

While it is true that the Office of Management and Budget is a part of the Executive Office of the President, it is also true that 29 other appointees to positions within the Executive Office of the President are required to obtain Senate confirmation. The Director and Deputy Director of the Office of Management and Budget can no longer be considered the kind of officers that Congress should permit to be appointed solely by the President. Congress must reclaim its rightful role in evaluating the qualifications of the people who occupy these important positions.

Mr. Chairman, this legislation is similar to legislation that passed the Senate on February 5 by a vote of 63 to 17, providing for confirmation of appointees to occupy the top two positions in this agency.

I urge my colleagues in the House to act favorably upon this bill today as a move toward restoring some degree of balance between the executive and legislative branches of the Government and to remind the executive, once again, that the Congress—as the representatives of the people of this Nation—has the responsibility for determining the priorities of our Government, and that it is incumbent upon the President and the OMB to respect and carry out those priorities.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for a question?

Mr. BROOKS. I am delighted to yield to my friend from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

As I understand it, the bill on this subject which passed the Senate would require confirmation of the present incumbent in the office of the Director of the Office of Management and Budget; is that correct?

Mr. BROOKS. That is correct.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for an additional question?

Mr. BROOKS. Surely.

Mr. WYLIE. The House bill also provides for confirmation of the incumbent; is that correct?

Mr. BROOKS. The gentleman is correct.

Mr. WYLIE. Now, on page 46 of the report some of the minority members of the committee cite a case which holds that if a law is passed requiring confirmation of an incumbent to an office—and I think there is no mistake that in this case it is to prevent or to nullify the appointment of Roy Ash or at least to require him to appear before the Senate for confirmation—it is unconstitutional. Then is not this bill unconstitutional?

Mr. BROOKS. Mr. Chairman, in reply to my friend, the gentleman from Ohio (Mr. WYLIE), I would say that on page 4 of the report we point out very clearly that such action is clearly within the power and the prerogative of the Congress; that is, the power to create one office and abolish another.

On page 14 of the report, a section begins:

Statutory Precedents Simultaneously Abolishing and Creating Offices—

Which is what this legislation does. It has been done before, and there are ample precedents for it.

On page 16 the report continues:

Judicial Ruling supporting simultaneous abolition and creation of new offices:

This discussion runs on through page 19, page 20, and including page 21.

Mr. Chairman, it is quite obvious that the Congress has the full authority to abolish any office that we have created. That is perfectly clear to everybody.

It is equally clear that Congress has the full authority to create another body or another agency. In this instance this bill is not directed to any individual. It might well be that the President in his good judgment may appoint someone else; he may reappoint these people whom he had in the offices that are abolished; he may keep them and reappoint them.

Mr. Chairman, I would say that were I interested in such a job, I would certainly not hesitate to have Senate confirmation. The Senate is a very generous body, and they have been very kind to Presidential appointees. I do not think either one of them would have any problem in being confirmed if the President selected them as the heads of these two new jobs.

Mr. WYLIE. Mr. Chairman, I appreciate the gentleman's answer.

Would the gentleman yield for another question?

Mr. BROOKS. Certainly, I will yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, the language to which the gentleman referred on page 4, of course, is a matter of opinion. There is no case citation to support it, but in this particular case we are not abolishing the Office of Budget and Management as such, are we?

We are simply saying, in effect, that Mr. Ash, who is the incumbent in the office, shall be confirmed?

Mr. BROOKS. No, Mr. Chairman, let me make that clear. No, we are not. I am sorry that I did not make that clear to the gentleman.

This bill will abolish the existing office. It will create another office with virtually the same name, but we will assign to that office statutory functions which its predecessor had prior to 1970. In that new office with new statutory functions there will be a Director and an Assistant Director appointed at the pleasure of the President, but with the advice and consent of the U.S. Senate.

Mr. WYLIE. May I ask the gentleman further, will the duties not be the same?

Mr. BROOKS. Their duties will be considerably different statutorily. The statutory duties of the existing OMB are very, very meager; they are very, very small. OMB has been delegated considerable authority by the President of the United States. This legislation would create a new office with statutory functions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. BROOKS).

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

Mr. BROOKS. I would be delighted to yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I am completely and unalterably opposed to this legislation at this point. Let me direct a question to the gentleman.

Why should the Senate confirm this man? This is the Office of Management and Budget and the action on all appropriation bills is taken in the House.

Why should the House abdicate its authority to the Senate?

Mr. BROOKS. Well, that is the way the U.S. Constitution suggested that it be done.

Mr. CEDERBERG. But it does not have to be done that way?

Mr. BROOKS. No; we could pass a constitutional amendment that would require the OMB Director, the new one, and the Assistant Director to be confirmed by the House, but it would take a constitutional amendment. That might be very controversial, I can assure the gentleman.

Mr. CEDERBERG. Why would you need a constitutional amendment in that case?

Mr. BROOKS. Yes, because the Constitution provides that the President shall appoint by and with the advice and consent of the Senate certain of these officials.

Mr. CEDERBERG. Certain of them. Certain of them. But this law was created long after those provisions described in the Constitution.

Mr. BROOKS. That is right.

Mr. CEDERBERG. But I am opposed to the House abdicating its authority. We appropriate and not the Senate.

Mr. HORTON. Mr. Chairman, I yield

5 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I would like to direct two questions to the esteemed chairman of the committee that presents this bill.

The first question I would like to ask my colleague from California, who was interrupted when his time expired earlier, is this:

This bill in title I changes the title of the Director of the Office of Management and Budget to the title Director, Office of Management and Budget. The only other change that I can ascertain in the powers of this office are under section 3 where the chairman pointed out that the functions transferred to the President by section 101 of the Reorganization Plan No. 2 of 1970 and all functions vested by law in the OMB are transferred to the Office of Director of the Office of Management and Budget.

Can the gentleman tell me any single such function that is not presently being exercised by the Director of the Office of Management and Budget by delegation from the President?

Mr. HOLIFIELD. They are delegated to the Director by the President, but we transferred those functions, including the statutory functions, about 60 of them, into the hands of the President, and by Reorganization Plan No. 2 of 1970 we gave the President the right to delegate them anywhere in the executive branch of the Government. Now we are placing the statutory authority back where it has been for many years, in the Office of the Director and making that office responsible to us.

The return of statutory authority to the Director means that if there is any change in the delegation of all these different functions by the President, then it would have to come up before the Congress for review under a reorganization plan, which brings the power back to the Congress.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. I appreciate the technicalities of what the bill accomplishes, but as a practical matter all some 60 of the functions transferred to the President under the Reorganization Act are now presently delegated to the Director, are they not?

Mr. HOLIFIELD. There may have been a few designated elsewhere, but in a general way the gentleman is correct.

Mr. McCLOSKEY. That is my understanding. Not only in a general way am I correct, but in every respect the functions delegated in 1970 to the President have now been delegated to the OMB, have they not?

I notice the gentleman from Texas shaking his head. Is there a single function the gentleman knows of that is not presently delegated to the Director of OMB?

Mr. BROOKS. If the gentleman will yield, there are several plans of which I am aware that will transfer some of them.

Mr. McCLOSKEY. But those plans would be subject to the approval of the Congress under the Reorganization Act, would they not?

Mr. BROOKS. No.

Mr. McCLOSKEY. It seems to me, if those functions are presently being exercised by the Director of the OMB, it is a sham to suggest that we must establish by law that those powers be in his Office. I have heard of no threat that he is going to transfer these powers without congressional approval elsewhere.

Mr. BROOKS. If the gentleman will yield, there are some proposals now with which I am familiar to transfer certain management functions and delegate the authority of the OMB to another Government agency by Presidential approval and directive alone. They are now in the process of transferring some of these management functions to another Government agency. It is not necessarily a bad transfer, in my judgment. It may be desirable. But I know that all of the functions of the OMB which were originally statutorily assigned to them will not necessarily remain in OMB. Exactly how many will be transferred, I do not know, but in a couple of instances I have definite proof of intentions to delegate them elsewhere.

I say to my colleague, I just want him to know that, if an office has a statutory function, we know where it is. If you leave them as a delegated function, there is no telling to what agency they might be assigned and what their fate may become.

Mr. McCLOSKEY. But the gentleman will concede that, if they might be assigned to any other agency, it would require the approval of the Congress.

Mr. BROOKS. Not at all, not at all, that is absolutely not the case. Power in the hands of the President of the United States can be delegated to the OMB, it can be delegated to the GSA, it can be delegated to the FBI, and it can be delegated to the Civil Service Commission—they can and they have been so delegated and will be in the future. That is a power of the President that we are not attempting to stop. But, under these circumstances, he does not need a reorganization plan or a plan approved by the Congress to redelegate from one agency to another. That authority that now exists in the President—in any President.

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

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to H.R. 3932 as amended, a bill to make the Director and Deputy Director of the Office of Management and Budget subject to Senate confirmation.

My conclusion about this proposal is based on three observations generated from extensive participation in the hearings held before the Subcommittee on Legislation and Military Operations.

During the testimony offered by a distinguished group of witnesses, it became abundantly clear that the motivation for approval of this legislation was punitive and political rather than productive.

Second, the proposal is unconstitutional, as the minority views in the report so clearly indicate.

Finally, there is the impoundment question which has been the central issue. The right of the President, no matter who occupies the White House, to restrict expenditures has been utilized in the past to control the flood of Federal dollars into the economy, and should be utilized in the future.

If there has been an excessive restriction of funds under the current administration then the Congress should respond to that problem through appropriate legislation regulating expenditures, rather than by this legislation.

Rather than improving the budgetary procedures of the administration, this bill will weaken them. It seeks to disrupt the administration of the Office of Management and Budget by removing the current Director and Deputy Director through abolishing the agency and then immediately reconstituting it. Can anyone with even a modicum of common sense categorize this proposal as constructive?

I have long supported efforts to streamline the bureaucracy and strengthen the hand of the Congress in its relationship with the executive branch. The proposal before us today will accomplish neither. Instead, it will politicize the staffing of the President's budgetary-supervising organization to an extent which would make it impossible for the President to do his duty as the Nation's Chief Executive, that is developing his own independent, cohesive and balanced national spending policy.

It is not the job of the Director of OMB to independently develop a budget and supervise its management. That is the President's job; and the Director of OMB does it as the President's man, not as a Cabinet Secretary carries out various laws passed by Congress and signed by the President. That was the purpose of Reorganization Plan No. 2 of 1970. If the Congress feels it should have its own Office of Management and Budget because it has lost faith in the Appropriations Committee or for whatever reason, then it can create such a budgetary oversight function for the legislature. But if it takes over the Budget Office of the executive branch, then the President will surely find his own staff man to do what is still the President's job under the separation of powers principle.

The CHAIRMAN. The time for the gentleman from Ohio has expired.

Mr. BROWN of Ohio. Mr. Chairman, I would ask the gentleman from New York (Mr. HORTON) if I might have 1 additional minute.

Mr. HORTON. I yield 1 additional minute to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for this additional time.

The other choice, of course is for the President to have no budget preparation function independent of the Congress. Is that what the sponsors of this legislation would accomplish? God forbid! Then we would have no single-minded effort to help the country live within its income. The Congress in recent years clearly has not fulfilled that function.

This is a bill of attainder—however thinly disguised—a ripper bill, to get at the current incumbent of the office, and then to take the functions of the Presi-

dent which are being currently fulfilled for him by his OMB Director and have those functions reside not in the President, but in the Director, Office of Management and Budget.

Mr. HOLIFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I rise in support of this bill. During the 19 years of my service to Congress I have seen the gradual accretion of more and more power into the hands of the Director of the Office of Management and Budget. Today that office has reached a pinnacle of power which in real practice exceeds the authority of Cabinet officers who are subject to Senate confirmation. In the preparation of the budget, Cabinet officers are foreclosed from even making a public statement as to how much money they have individually requested for the operations of their respective departments until, first, the Director of the Office of Management and Budget has reviewed their requests. It makes little sense to require confirmation for Cabinet officers but none for this appointee before whom they in turn must plead and to whom they must answer.

The functions of this office more and more have outgrown those strictly budgetary functions which initially were assigned to it. Increasingly the Office has assumed very basic policymaking functions which override the functions performed by Cabinet-level officers. The Office of Management and Budget reviews the comments and remarks of Cabinet members on proposed legislation, and insists upon approving those comments before they may be transmitted to Congress.

If anyone is going to assume the wisdom to sit in judgment over the Cabinet officers themselves, then that must be somebody who not only knows the price of everything but somebody who knows the value of at least some things. I get the distinct impression that Management and Budget personnel know the price of everything but the value of nothing. Most of them have had no legislative experience.

Most of them are not answerable to the legislative branch. They sit in an ivory tower, unknown to the public and unapproachable by the public, aloof and inaccessible to the real needs of real people. They have no way of understanding the impelling needs of the country which have been made known to the Congress by the people and, as a result of which, the Congress has enacted legislation. All the budget personnel know is how much it costs. The Director of OMB is clearly one of the most powerful men in our Government. So I should think that anyone sitting in a position of such authority as this should at the very least be subject to Senate confirmation.

Mr. HORTON. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Chairman, I voted for the amendment in committee, and it is my intention, should the amendment which I intend to offer during the 5-minute rule fail, to once again support this and, if necessary, vote to override the Presidential veto, should that become a fact.

However, it seems to me that the bill as proposed, the so-called Brooks amendment, has several defects which my amendment is intended to cure. I think it is an attractive alternative, or should be, to Members on both sides of the aisle. My amendment, very simply, will subject all future nominees to the posts of Director and Deputy Director of the Office of Management and Budget to confirmation, but it would exempt the incumbents, those currently holding those posts.

It seems to me that the principle here is an overriding principle, and that is why I voted in committee the way I did and why I will vote, should my amendment fail, to support the so-called Brooks amendment.

However, a number of my colleagues have mentioned that it causes them problems, it causes a partisan problem, and there is a potential constitutional problem. The partisan problem is that some Members on the other side have a personal vendetta against the incumbents and are seeking to vent that by this bill. I want to disassociate myself from any motivation of that sort. I think the amendment I will offer by exempting the incumbents deals with that problem.

The second problem being the constitutional question which has been raised, my amendment deals with the issue raised by the distinguished ranking minority member, the gentleman from New York (Mr. HORTON), saying that it is unconstitutional to remove a member of the executive branch except by impeachment. This would by exempting the incumbent deal with that constitutional problem which has caused problems for many of my colleagues on both sides.

The principle involved as I see it here is an overriding one. I had the privilege and, indeed, the fortunate experience of having worked on the executive side for 2½ years prior to being elected to this body, and I had a day-to-day working relationship with the Office of Management and Budget during budget preparation time. It is clear to me that it is no longer the case that the Director or the Deputy Director is simply another staff member preparing policy options and recommendations in the same manner as other officials develop policy options for the President's consideration, such as those prepared by the foreign affairs adviser, but rather because of the increasing concentration of power there a qualitative change has taken place in this post and the day-to-day decisions affecting bills passed by Congress and the impoundment of funds are being made. Decisions are being made without the knowledge of the President and in some cases without the consent of the President. This is good management on the part of the President, delegating authority on a day-to-day basis, because obviously he cannot deal with all the questions on a day-to-day basis that the Office of Management and Budget has to deal with, but the fact is that the Director and the Deputy Director are no longer just developing policy options for his consideration but a qualitative change has taken place there and they are managing a large portion of the executive branch.

I would submit we should subject the Director and Deputy Director to the same standards as other Cabinet members. The Cabinet officers are becoming, if I may use the word, the weak sisters in the executive branch, and the Director and Deputy Director of the Office of Management and Budget are becoming, next to the President of the United States, the most important and strongest actors in the executive branch, so I would maintain we should apply the same standards to them as we do to the other members of the executive branch.

I think, having applied that principle, it is important to take a practical view of the politics of this question. If the bill is passed in its present form, it will undoubtedly be vetoed, and there are not enough votes to override that Presidential veto.

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

Mr. HORTON. I yield the gentleman from Texas (Mr. STEELMAN) 2 additional minutes.

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

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

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

Mr. Chairman, I think the gentleman is making a real contribution to the consideration of this bill. The gentleman is a member of this committee. I ask him: Is there any question in the gentleman's mind that this is a continuation of the present office?

Mr. STEELMAN. No, there is no doubt in my mind. I discussed that with the members of the committee, and my amendment is designed to deal with that.

Mr. WYLIE. And there is no question in the gentleman's mind that this is an effort to get the present incumbent before the Senate for confirmation hearings?

Mr. STEELMAN. I beg the gentleman's pardon. The charge has been made with some credence that the existing bill, the so-called Brooks bill is an attempt by certain Members of Congress to get at the incumbent. My amendment would cure that.

I wish to disassociate myself from any effort of that sort, and my amendment will give Members on my side an opportunity which they need to go ahead and vote for the principle involved.

Mr. WYLIE. I thank the gentleman, and I associate myself with his remarks.

Mr. STEELMAN. As I said, if the bill is passed in its present form there is no doubt that it will be vetoed and there are not sufficient votes to override a Presidential veto. I think my amendment which I will offer deals with the overriding questions which Members have with respect to the constitutionality of this question and with the partisan attempt by some to get at the incumbents, so I would like to take this occasion to inform the body I will offer my amendment under the 5-minute rule.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 2 minutes.

I would like to have the attention of the gentleman from Texas (Mr. STEELMAN). On the back page of the committee report are additional views of the gentleman and they are very persuasive. He did vote, as he said, for this bill in the committee.

I would like to say this: If the Members will turn to pages 14 and 15 of the report, they will see four instances where public laws have abolished the positions. For instance, the position of Assistant Secretary of the Treasury for Administration, appointed without Senate confirmation, was abolished, and the same law created an additional Secretary of the Treasury to be appointed with Senate confirmation.

There are four instances such as that, so that there is no constitutional question involved here.

Mr. Chairman, I point also to page 15, where Reorganization Plan No. 2 of 1962 abolished the Office of Director of the National Science Foundation and established "a new office with the title of Director of the National Science Foundation." That title remained unchanged. The salary was not changed.

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

Mr. HOLIFIELD. I yield to the gentleman from Texas.

Mr. STEELMAN. Mr. Chairman, I have not had a constitutional question in my own mind. I am simply addressing a question raised by many of my colleagues.

Mr. HOLIFIELD. Mr. Chairman, the constitutional question has been brought up by the gentleman from New York (Mr. HORTON). I thought that I would answer that.

On page 22, in the Katzenbach memorandum quoted in the center of the page, it says:

> The only constitutional way in which Congress can bring about the removal of an executive officer, without abolishing his office, is by way of impeachment—a process which involves a trial by the Senate and conviction by two-thirds of the Senators present.

Attorney General Katzenbach recognized two ways that Congress could act to remove officers; by abolishing the office, and by impeachment.

There has never been any question of impeachment of the present incumbent. Mr. Ash appeared before our committee on a number of occasions and conducted himself with absolute decorum. There is no doubt in my mind of his ability, although I have not always agreed with him, but he is a man of ability, and he has conducted himself before our committee in a very salutary way.

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

Mr. HOLIFIELD. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, if this bill is passed and becomes law, of course the President can reappoint Mr. Ash, and then he would go to the Senate for confirmation just as any other appointment would be handled.

Mr. Chairman, I would like to address myself to a statement made by the gentleman from Michigan (Mr. CEDERBERG). He said that this would in effect injure the budgetary process. This does not change in any way the budgetary functions of the Director of the Office of Management and Budget, nor does it in any way take away from the House any of its prerogatives. The prerogatives of confirmation is under the Constitution, a Senate prerogative.

At the present time, with regard to any appointment of the President which does not require Senate confirmation, the House has nothing to say about it. But, the legislative branch does have something to say about which officers are subject to Senate confirmation. As has been brought out in the report, statutes passed by the Congress require that in many instances, even in the Executive Office of the President, officers are to be confirmed by the Senate. The House participates in this process.

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

Mr. HOLIFIELD. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, there is no thought on our part of taking something away from the House. There was thought on our part of giving an additional legislative branch survey of the qualifications for appointees to the offices in question. I might say that some appointees of the President, as recent events have shown, would have been better off if subject to some senatorial questions.

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

Mr. HOLIFIELD. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, by this legislation, is Congress not imposing qualifications retroactively?

Mr. HOLIFIELD. No. As pointed out in the report, we have done this time and time again. On pages 14 and 15, if the gentleman will read those, he will find four statutory positions, prospective in nature, endorsed by the administration.

Mr. WYLIE. I read that language on page 14. This bill provides a change of a couple of words in the title, and only a change in the title, to add the two words "of the."

A rose by any other name would smell as sweet. It is still the same office, and this bill would simply impose qualifications retroactively.

Mr. HOLIFIELD. We are proceeding in a constitutional way, in the way the Congress has proceeded many times when it felt a certain officer should be confirmed. This is nothing new and nothing radical in any way.

Mr. BRECKINRIDGE. Mr. Chairman, today the measure before us, H.R. 3932, would require that the Director and the Deputy Director of OMB be subjected to Senate confirmation hearings. I support the measure. The U.S. Constitution is clear about the right of Congress to impose this condition upon Presidential appointees. Article II, section 2 provides, in part:

> The President * * * shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The question is raised, by the minority position in report No. 93–109 which accompanied H.R. 3932, whether or not this bill would constitute a bill of attainder, as prohibited by the Constitution, aimed specifically at the present incumbent of the Directorship, Mr. Roy Ash.

In my opinion, the answer to this question, both legally and factually, is a flat "No"; H.R. 3932 names no one, prejudges no one and disqualifies no one; in short, is aimed at no one. It is, therefore, not analogous to that act of Congress which the Supreme Court struck down (*United States* v. *Lovett*, 328 U.S. 303, 194), which did in fact name certain individuals as being henceforth disqualified for Federal civil service because of their alleged subversiveness.

The only question before us today is whether or not senatorial confirmation of the Director and Deputy Director is a sound and beneficent policy. My own study of this matter has led me to conclude that the answer must be in the affirmative, and that a number of advantages can only result from a vote in favor thereof:

First. Passage of H.R. 3932 will in part redress the imbalance between the Congress and the executive branches in the budgetary process. Let us remember that the budgetmaking power is a Presidential responsibility only as prescribed by law, and that it is not an inherent or exclusive power of that Office; the Congress receives the President's legislative proposals, including his budget, as recommendations—not fiat. Through the legislative process such proposals are submitted to critical analysis and evaluation—and, as a matter of historical ukase, to modification. It is quite obvious, therefore, that the Congress has both a legitimate and proper interest as well as a duty to authorize senatorial advice and consent in connection with the qualification of Presidential appointees to the OMB.

Second. Passage of H.R. 3932 would do no more than codify what is a recognized fact: viz, that the Director of the OMB holds an office of superior rank, for which the requirement of Senate confirmation is long overdue. The Congress should no longer allow the Director to remain in that category of Federal officers whose appointment is left solely to Executive discretion, as he is neither an inferior officer nor a purely confidential adviser to the President. That the Director of OMB is a policymaker and an administrator whose influence transcends the narrow focus of mere advisory matters cannot be argued by the 93d Congress, whose constitutionally assigned duties and responsibilities he has usurped. We have all seen statements from various executive agencies citing as reasons for the dismantlement and curtailment of legally adopted and enacted programs, as well as for nonsupport of proposed con-

gressional measures, the fact that they are "opposed" by OMB.

Are we to require Senate confirmation of bureaucrats who would carry out such programs while not requiring it of those decisionmakers who, during this Congress, have arrogated unto themselves the very decisionmaking process of the legislative branch? Such a decision by this body would be neither good policy nor in the public interest.

Positive action on H.R. 3932 today will correct the anomaly of a Director and Deputy Director of OMB—appointed without benefit of the advice and consent of the Senate—to direct and determine the content of the programs administered by the upper echelon of officers in other and lesser components of the Executive Office of the President who must now be confirmed by the Senate. Twenty-nine such officers are now subject to Senate confirmation, working in relatively limited areas or on specific subjects. They look today to the OMB for the very existence of the programs which they by law are to execute. Why should these lesser officers be subject to confirmation, leaving the most important officers exempt from scrutiny?

For these reasons, and more particularly for the purpose of laying the predicate for restoration of congressional control over the conduct of its business and the budget process, I support the passage of H.R. 3932.

Mr. HARRINGTON. Mr. Chairman. I rise in support of H.R. 2237, a bill to amend the Budget and Accounting Act of 1921 to require Senate confirmation of the appointment of the Director of the Office of Management and Budget. This is not a simple issue, but it is clear that Senate confirmation is mandatory in this case.

The Office of Management and Budget is no longer a mere advisory board on the budget as it was first conceived, but a superagency with the power to formulate the Federal budget, set program priorities and standards, make administrative guidelines, and determine the levels of funding for all Federal programs. Such an agency plays a major role in formulating the policies of the Federal Government, and its Director should be subject to Senate confirmation as are other major policymakers.

The President has enlarged the power and responsibility of the directorship to the point where it has the full prestige and power of a Cabinet position. The Director of OMB should be subject to the same confirmation procedures as other Cabinet members.

While there may be some questions regarding the personal qualifications of Roy Ash himself stemming from his dismal management of Litton Industries, this is not an issue of a single man or a single appointment. The question is how we are going to run our Government, how much power the Congress will exercise, and how much say the representatives of the people will have over the policies of the Government. Ultimately, Congress' constitutional responsibility of overseeing the executive branch is at stake.

BACKGROUND

The initial and basic statutory authority of the Bureau of the Budget—BOB—predecessor of the present Office of Management and Budget—OMB—was the Budget and Accounting Act of 1921 (42 Stat. 20). The original version of the proposed act, S. 1084, called for Senate confirmation of the Director of the Bureau, which was to be an agency of the Treasury Department. This provision was amended in the House by striking the confirmation requirement.

The conference report on S. 1084 failed to include the confirmation requirement. No discussion or debate took place on this subject because, since BOB was to be only an advisory agency, Congress felt there was no real need for strong controls over it.

In order to strengthen the Bureau's role vis-a-vis the other agencies and to bring it closer to the Office of the President, BOB became one of the five original divisions created by President Roosevelt's reorganization plan in 1939. Obviously, the executive branch knew of the power the agency was receiving because the President's Committee on Administrative Management, which recommended much of the 1934 reorganzation, said:

> The Director is, for all practical purposes, a member of the President's Cabinet. If he is a person of ability and strong personality, he may even overshadow the Secretary of the Treasury.

Since the inception of this agency, there was never any doubt as to congressional involvement in, and responsibility for, our national budget. The Director of BOB and OMB have traditionally appeared before congressional committees. As Director Harold D. Smith commented in 1945:

> It is my conception that . . . the Budget is the joint effort of the Executive and Congress, and I have never seen any reason why there should not be closer working relations.

In 1970, President Nixon proposed, via Reorganization Plan No. 2 of that year, renaming and restructuring the Bureau of the Budget. After abolishing the BOB, the proposal, according to a House Government Operations Committee report, "would transfer all the existing statutory functions of the Bureau of the Budget to the President."

The report continues:

> The Plan does not specifically authorize the President to delegate these functions. In these circumstances, the McCormack Act (3 U.S.C. 301) would generally apply. This Act authorizes the President to delegate his statutory functions only to agency heads and to officers appointed by the President with the consent of the Senate.

The U.S. Government Organization Manuals for 1970–71, 1971–72, and 1972–73, all credit Reorganization Plan No. 2 of 1970 as being the operating authority for OMB. Until 1970, the authority of the Bureau was recognized to be statutory—congressionally specified—in nature. The reorganization, however, appears to make OMB an exclusive instrument of the executive branch. No questions have been raised since the establishment of OMB regarding the McCormack Act authority for a President to delegate statutory functions only to agency heads or officers appointed with Senate confirmation.

CONCLUSION

OMB has evolved into a superagency. It sets line-by-line budget limits for every Federal agency; develops impoundment actions; limits the expenditures of funds for programs approved by law to those falling within the President's priorities rather than those established by Congress; imposes uniform accounting systems; coordinates grants-in-aid, special technical services, and various Federal programs for the States. It even controls the nature of questionnaires sent out by Government agencies.

The problem of setting national expenditures transcends a discussion of OMB alone. Clearly, Congress has let go of most of its budget authority, with OMB taking up the slack. Discussion of the role of Congress in setting budget priorities is not really appropriate in the context of the legislation before us today. But it is perhaps the key question facing us as a body this year and one which I hope we all will address in the very near future.

In the narrower context, Congress obviously must have some control over an agency which has the power of life and death over so many aspects of our Federal Government. The place to begin is with Senate confirmation of the Director of OMB.

Senator ERVIN summed up the whole issue when he said:

> It is simply ironic to require Senate confirmation of the appointment of a second lieutenant in the Army and deny the Senate the power and the duty to pass on the fitness of individuals to serve as Directors or Deputy Directors of the Office of Management and Budget, individuals whose powers are second only to those of the President of the United States.

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 3932.

I am one of the sponsors of a similar bill, H.R. 3290.

The Members of this body may know of the effort on my part to make the Office of Management and Budget more responsive to the people.

I have called the OMB the "Invisible Government." I have pointed out that our constituents cannot rely on us when the OMB strikes. I do not recommend that the OMB handle the problems of the American people.

My support for H.R. 3932 stems from my firm belief that if the Director and Deputy Director of OMB have to be confirmed by the Senate, the agency will become more accountable to the American people through their elected representatives.

Mr. Chairman, this bill should not be regarded as a partisan matter, nor as a struggle between the executive and congressional branches of our Government.

From a partisan standpoint, the Director of the OMB and the Deputy can just as easily be a Democrat in a Democratic administration as a Republican.

H.R. 3932 protects all views, all parties. Because it does, this is a bill that in the final analysis protects the people.

The framers of the Constitution knew of no Office of Management and Budget. But they did know that there would be people designated by the President to carry out Executive duties. The Constitution, in article II, section 2, calls for Senate confirmation of public ministers and consuls. I feel that the Director of the OMB and the Deputy are "public consuls."

I do not think that these positions are the "inferior officers," that the Constitution states Congress can exempt from Senate confirmation.

With the constitutional background in mind, I do not view H.R. 3932 as a move by Congress to lessen the Executive's powers.

To label H.R. 3932 as such a bill is to say that confirming members of the Cabinet, judges, and others, is an unneeded interference by Congress in the President's selection of members of the executive branch.

Such a position would be ridiculous.

Mr. Chairman, I say that H.R. 3932 is good government. I urge its passage.

Mr. RARICK. Mr. Chairman, I would like to report to our colleagues my recent experience involving the Office of Management and Budget as an example of the expanded role OMB is playing and the decisions it is making in the running of our Government.

Last month, following the vote on the President's veto of the sewage and water grant bill, I wrote a letter to the President explaining that I supported his announced policy of fiscal responsibility, but could not understand his curtailing domestic programs while remaining committed to aid to North Vietnam. I was joined in the letter by seven colleagues.

Our letter was acknowledged by one of the President's assistants and thereafter was answered by a congressional relations employee of the OMB.

Not only is the OMB now answering letters from Members of Congress directed to the President, but, in the letter, which first denies any commitments made in aid to North Vietnam, is this statement:

> Second, such assistance would be within the budgetary levels we have proposed for national security purposes. The money will not be taken from domestic programs in the budget.

It is certainly clear to me that the people at OMB who are now answering Members' letters to the President are making top-level policy decisions on the fiscal operations of our country.

As such, the Director is more than a mere political appointee of the President. He should and must be confirmed by the Senate under our constitutional system.

Mr. HORTON. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the offices of Director of the Office of Management and Budget, and Deputy Director of the Office of Management and Budget, established in section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), and as designated in section 102(b) of Reorganization Plan Numbered 2 of 1970, are abolished.

SEC. 2. The offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget, are established in the Office of Management and Budget and shall be filled by appointment by the President, by and with the advice and consent of the Senate.

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

(b) The Director may, from time to time, assign to the office of Deputy Director, such functions as he may deem necessary.

SEC. 4. Nothing in this Act shall impair the power of the President to remove the occupants of the offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget.

SEC. 5. (a) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Paragraph (11) of section 5313 is amended by striking out "of the Bureau of the Budget," and inserting in lieu thereof ", Office of Management and Budget.".

(2) Paragraph (34) of section 5314 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

SEC. 6. This Act shall take effect upon the expiration of the thirty-day period which begins on the date of its enactment.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, 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.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEELMAN

Mr. STEELMAN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STEELMAN: In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

That the second sentence of section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), is amended by inserting before the period at the end thereof the following: ", by and with the advice and consent of the Senate".

SEC. 2. The amendment made by the first section of this Act shall apply to appointments of the Director and the Deputy Director of the Office of Management and Budget made after the date of enactment of this Act.

Mr. STEELMAN. Mr. Chairman, the amendment which I am offering will cure, I believe, the objections many Members of this body on both sides of the aisle have had to this legislation.

First, it deals with the partisan problem, which many Members on my side of the aisle are concerned about, in that as amended the bill would not subject the incumbents, the current holders of the offices, to confirmation, but would subject all future nominees for these positions to confirmation. I believe that deals with one overriding consideration many Members on our side of the aisle have.

The second point, which has been raised by the distinguished ranking minority Member of the committee, the gentleman from New York (Mr. HORTON) is the constitutional issue. I believe this cures that possible defect. I do not find that argument overriding, but many Members have expressed concern.

This amendment, by exempting incumbents, would deal with that constitutional question.

I believe it is important for us, since we have to give some new thought to this whole question, to give thought to the qualitative change which has taken place in the Office of Management and Budget, a portion of it due to the Reorganization Plan of 1970.

The events of the past 18 months have especially given rise to concern on the part of many Members that Cabinet members, who traditionally have had the day-to-day decisionmaking power in the executive branch, are now becoming secondary to the Office of Management and Budget, where these day-to-day management and budget decisions are made.

The objections cited in many cases to confirming the Director and Deputy Director have been that they, just like the foreign affairs advisers, the head of the National Security Council, and the head of the Domestic Council, are developing policy options for the President; they are Presidential staff members, and he is entitled to private counsel on these sorts of things, and they should not have to come to the Hill and subject themselves to questioning and subject themselves to the same kinds of questions Cabinet officers do, because there is a qualitative difference.

Mr. Chairman, it is clear to me, having worked for 2½ years on the executive side and having dealt with the Office of Management and Budget, that a change has taken place and that the traditional argument against confirmation no longer applies, because the institution is not the same institution it was. The institutional question here is: Will we subject the Director of the Office of Management and Budget to the same standards that we apply to the other members of the executive branch?

It is a very important part of the whole system of checks and balances between the executive branch and the legislative branch of Government, and I would maintain that, given recent events, it makes less sense to confirm the Cabinet officers and more sense to confirm the Director of OMB if we are trying to establish or maintain the traditional system of checks and balances.

But I, for one, will say that I am not about to undertake to introduce any

legislation that would exempt the Cabinet officials; so, I would say let us apply the same standards to all, including the Director and Deputy Director of the Office of Management and Budget.

Mr. Chairman, what would this do for us? What do we get when we subject someone to Senate confirmation?

Well, Mr. Chairman, we get the same thing as we do when we subject nominees to the Cabinet to Senate confirmation: We get an idea of their fitness and qualification for the job.

I think it is very important that any man giving himself to public office should have to stand before the public screen, if you will. It is inherent in the cross-examination by Members of Congress. It is one of the best features of the traditions of the checks-and-balances system.

So we establish first his fitness for the job: What has this man done that qualifies himself to aspire to this great office?

Mr. Chairman, the second thing is: What are our general philosophies toward these kinds of decisions? As far as the Members on my side of the aisle are concerned, it so happens that the administration of the Office of Management and Budget during this administration generally has accorded with our general philosophical views toward the operations of the budget. The spending priorities established by the Office of Management and Budget have been generally consistent with the views of Members on my side of the aisle. That has not been the case of those Members on the other side of the aisle, and it may be true that, when the administration changes, the spending priorities of the Office of Management and Budget will be contrary to what the Members on my side of the aisle would think wise.

So what I am saying is that we need to have some mechanism whereby we can get at the philosophy of the Director of the Office of Management and Budget, because he is no longer only carrying out the views of the President, but he is carrying out his own viewpoints. We need to have this kind of mechanism, and I think it is a compelling argument for Members on both sides of the aisle that we must be sure that the question of fitness for the job is dealt with by the Congress, as well as the philosophical feelings of the nominees for these posts of Director and Deputy Director.

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

Mr. Chairman, I am opposed to the amendment offered by the gentleman from Texas.

The amendment would single out two specific individuals to be given special consideration under the provisions of this act. This legislation is not directed at individuals now holding Federal office nor to specific individuals who might be appointed. It is simply a straight-forward exercise of the acknowledged right of Congress to abolish and create Federal Government offices, specifying such terms, conditions, and qualifications as we deem appropriate.

Mr. Chairman, to deny for an indefinite period of time the right of Congress to change the qualifications for holding an office of the Federal Government is an unacceptable limitation on our congressional responsibilities.

No individual has a vested or possessory right to a Federal Government appointment.

Furthermore, we should not include in this legislation any language infringing upon the President's right to appoint any individual he wishes, free from outside influence, however subtle. Special consideration given to certain individuals by this legislation would not leave the President absolutely free to choose appointees for the new office under equal conditions.

The amendment, as offered, would also do away with the revesting of statutory functions in the Director, OMB. This is an equally important part of the legislation.

The gentleman from Texas who offered this amendment supported this legislation when it was before the Committee on Government Operations. I want to commend him for that and for his courageous and honest stand on it and particularly for the statement in his additional views that appeals to me so much, when he said there is nothing to be lost and much to be gained by confirmation.

I say that immediate confirmation of the new officers is essential if we are going to maintain equality within the branches of this Government.

I believe the amendment would weaken this bill and represents an unnecessary concession on the part of the Congress. I urge my colleagues to vote against this amendment and to support this bill. I believe we can pass it. I would not prejudge what the President would do by way of signing or vetoing it. I still have some confidence in the President, and I think he might well approve this legislation.

Mr. STEELMAN. Will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend from Texas.

Mr. STEELMAN. I would like to say to my colleague and to my other colleagues that it is clear to me what the political future of this bill is. I believe it important we take note that if our concern, as the gentleman so eloquently stated, is to get confirmation, preferably immediately, but, if not immediately, if a veto is cast, then we should be concerned about passing a plan which is more palatable to the Executive or, in the absence of that, which will have a good chance of getting an override of a Presidential veto.

Mr. BROOKS. I would say to my good friend from Texas that I appreciate his feelings on this matter, but I believe Congress should do immediately that which they know and concede is right and proper and then have enough faith in the President to believe that he will concur in that judgment. We should not prejudge him as vetoing a bill which we by a large majority feel is desirable and helpful for this Nation.

Mr. McCLOSKEY. Mr. Chairman, I rise in favor of the amendment.

It seems to me the comment of the gentleman from Texas (Mr. BROOKS) lays out carefully and clearly what is the purpose of this legislation; namely, it is to subject the present incumbents of the office, Messrs. Malek and Ash, to Senate confirmation. If that is, indeed, the true purpose of it, then this is an improper and unconstitutional act of the Congress of the United States, because only by impeachment can a President's appointments properly made be removed.

It is true, as stated in the earlier debate, that there are several substantive changes in the powers of the Director of the Office of Management and Budget, but he is presently carrying out those same powers by delegation from the President. The only action of the bill, then, is to place in him by statute the powers which he now exercises anyway. In effect, a subterfuge has been used in order to give the bill some substantive meaning, to subject Mr. Ash and Mr. Malek to congressional confirmation.

There are those of us who will agree that the Director of the Office of Management and Budget should be subject to confirmation, if only to enable us in the House of Representatives to insure that they be asked the question at their confirmation hearings if they will be responsive clearly and forthrightly to inquiries from Members of Congress as to the policies which the Office of Management and Budget now conducts. We should not vote, however, to make this retroactive in an unconstitutional manner to do something that Congress cannot do.

Therefore, I suggest to my Democratic colleagues, if the Steelman amendment is adopted and if we make future Directors of the Office of Management and Budget subject to the confirmation of the Senate, the support of sufficient numbers on our side of the aisle, not only to enact it into law but even to override a veto will probably be available. If not, and if you insist on resisting the amendment, as was done in the committee, on a partisan basis, then, of course, you make it impossible for us to support the action of enacting a wise law. You make us do today an idle act in passing a bill in the House of Representatives which cannot survive a Presidential veto.

I suggest that the merits of this go beyond partisanship. Democrats and Republicans alike ought to pass a bill about which there is no question of constitutionality and a bill which will make the future Director of the Office of Management and Budget subject to congressional confirmation.

Otherwise we lose the point entirely if this amendment is defeated. I hope that we will agree to the amendment.

Mr. BROOKS. Mr. Chairman, would the gentleman yield?

Mr. McCLOSKEY. Certainly.

Mr. BROOKS. To my friend, the gentleman from California, I would like to say that I specifically mentioned that we did not want to pass a bill that would name two individuals because to do so would prejudice those individuals in the Senate and the right of the President to appoint whoever he pleases as a new Director and a new Assistant Director. If we exempt the existing Director and the ex-

isting Assistant Director, create a new agency, give it statutory functions and then give the President the option of appointing somebody then he has the option of appointing somebody, he has this option only if he appoints the two that he has in the present office, those two would be exempt from Senate confirmation. If the President wants to appoint someone else, they would have to be confirmed. I think this is a subtle pressure on the President which we should not incur. I think we should leave the President a free hand to appoint anybody he pleases to the new Office of Management and Budget. The President may well want to appoint the incumbents, and he has this option, but again the President may not. The President has made some very significant changes in the last couple of days.

Mr. McCLOSKEY. Mr. Chairman, I respect the rhetoric that comes to us from the State of Texas, but I would point out that the true meaning of this bill is quite clear when we note that the change in this great office is accomplished by changing the name from Director of the Office of Management and Budget to the new office of Director [c-o-m-m-a] Office of Management and Budget. And to try to accomplish this great substantive change by adding a comma in place of two words. It seems to me that we demean the dignity of the House by such an action.

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

Mr. Chairman, I feel very strongly that this amendment should be defeated. At the outset I would like to point out that we can prospectively require confirmation of these two positions, the Director and the Deputy Director of the OMB, constitutionally.

Because they are "inferior officers" under the Constitution, the Congress does have the power to require that they be subject to Senate confirmation. In other words, this amendment would remove the constitutional question that is involved with the proposal that is now before us.

But this legislation really is an attempt to grab some supposed short-range political advantage, and is not part of an effort to come to grips with the deeper, more complex issues involved. I made a statement yesterday for the RECORD, to be found at page 13588, on the policy issues.

Now I would like to mention just three reasons why we should not require confirmation.

First of all, this issue was debated very heatedly in 1921 when the Bureau of the Budget was created. At that time the Senate enacted a bill to create the Bureau of the Budget and required that the Director and Deputy Director be confirmed by the Senate. The House felt very strongly about that and, in conference prevailed. The House conferees insisted that the budget director not be subject to Senate confirmation. I think that the arguments that were propounded in 1921 are just as important now.

Second, I think it is important that we recognize that the budget director—the Director of OMB is the President's man and should be treated that way and should not be required to be confirmed by the Senate.

And the third point I would like to make is that by requiring confirmation by the Senate we would be giving up some of the prerogatives of the House.

In 1921 when this issue was proposed before the House, it was argued that the President under the Constitution was the Chief Executive and he should have the responsibility and staff to carry out the administrative aspects of the budget. At that time they realized that the budget director would be a strong man and a powerful man. I would like to quote Congressman Garner, who was a conference manager of the bill and later Vice President:

> It has been said by the gentleman from Illinois [Mr. Denison] that the executive budgetary man probably is an inferior officer; but let me say to you, gentlemen; he is the President's man.
>
> The President does not even have to consult the Senate about him. He pays him $10,000 a year, and he is immediately under the direction of the President of the United States. It may be an inferior office, but if he will appoint a man with courage, a man who will do his duty, he will be the second largest man in the executive department of the Government.

They also debated whether he should be solely the President's man, and decided he should. The importance of this is spelled out in the following exchange:

> Mr. MADDEN. And everytime he speaks it will be the President who will be speaking.
>
> Mr. GARNER. He will be able to look at the Secretary of the Treasury and say, "You will cut out this expenditure. This is what I am going to abolish." Who is this that is speaking to me?" "It is the representative of the President of the United States himself." And when the Secretary of the Treasury sits down at the Cabinet table and says, "This budgetary man is destroying my department," who defends him? The President himself, and if there is a controversy to be fought out, he sends for his budgetary man and they fight it out around that Cabinet table."

The House also recognized that if they involved the Senate in the selection of the President's budget advisors, they would be weakening their own position of leadership in fiscal matters.

Proponents of this amendment and the bill argue that times have changed and that the budget director now is such a powerful man that he should be subject to Senate confirmation. But why is it that at no time over the past 52 years has this proposal been made? It was never made when new responsibilities were assigned to the Bureau of the Budget or when the Bureau of the Budget was transformed into the Office of Management and Budget. This proposal was not made previously because we recognized that the needs of the President for budgetary and management staff were increasing and that the Bureau of the Budget or Office of Management and Budget was the necessary vehicle for exercising these expanding Presidential responsibilities. We recognized that while the quantity of power of the budget director was increasing, the role of the budget director vis-a-vis the President and vis-a-vis the Congress was not changing in any fundamental manner. Thus, it would be inappropriate now to require Senate confirmation of the budget director just as it was inappropriate in 1921.

The President needs his own confidential Budget Director. Without such a person, he will simply turn elsewhere for budget advice; to someone who does not have the organization to support his decisionmaking. If the Budget Director were in any way considered independent of the President, it would seriously damage his ability to issue orders for the President. This House may be forgetting how important it was in 1921, and how important it remains today, to provide the President with the capability for strong management and budget authority. Giving the President this capability does not adversely affect the power of the Congress. Without this capability, the whole Government would be weakened. If we want to strengthen the systems of checks and balances, let us do so in a meaningful way by improving congressional procedures. It is the wrong approach to weaken the President in order to strengthen the Congress.

I also want to point out to the House that this bill would weaken the leadership position of the House in matters of fiscal policy. Our budgetary procedures are already too fragmented, as pointed out by the Joint Study Committee on Budgetary Control. Without doubt, over time the Senate would become the more important body to the Budget Director. Is this what we want? And let me add that this would not be a parochial concern for the House. Everyone realizes that the Congress must speak with a more unified voice if it is to exercise its policy responsibilities. The Senate has policy areas where it takes the lead, as does the House. Do we want to dilute our leadership in matters of fiscal policy by passing this bill? This amendment does not really solve the policy issue involved in this legislation. Therefore, I urge my colleagues to vote against this amendment.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from New York yield?

Mr. HORTON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I wish to compliment the gentleman from New York on the thoroughness of his research in justifying his position in opposition to the amendment. I wish to compliment the gentleman also on the fine job he has done in the total consideration of this bill. I support the gentleman in his opposition to the amendment, and I support his position vis-a-vis the bill itself.

Mr. HORTON. I thank the gentleman from Michigan.

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

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

Mr. RHODES. I thank my good friend,

the gentleman from New York, for yielding.

I wish to compliment him on the very fine statement which he has made and on the work and research which he has done which led up to the statement. I wonder if the gentleman would agree with me that the ancestry of this bill is a little suspect. For 50 years nobody seemed to care whether the Director of the Office of Management and Budget was confirmed by anyone or not, but now, all of a sudden this becomes some sort of a burning issue that we must handle today.

To me it must boil down to the pique of certain Democrat Members of the House and Senate over impoundments of funds.

May I suggest if this is the situation that the way Congress should cure the impoundments is to immediately enact the recommendations which have been published by the Joint Committee on the Budget, which was created for the purpose of trying to make some fiscal sense out of what we in the Congress do. The whole reason for impoundments is that Congress never makes decisions as to whether we are going to live within our budget or not, and have an inflationary budget or not. If we do not make those decisions any President at some point is going to have to make impoundments in order to save the economy.

I was impressed with the statement of the gentleman from New York concerning the relationship of the Office of Management and Budget and the President. Every President is going to have a budget expert. We should have our own budget man and should not impinge on the President's budget expert. If this bill passes and by some misadventure becomes law, the President of the United States, whoever he may be, will not again use the Director of the Office of Management and Budget as his budget man. He will find somebody else who is his man. I think it is much better to have a Director of the Office of Management and Budget, who is a highly visible individual, to be the President's adviser on budgetary matters than to have an obscure staff, in some backroom of the White House, advise the President.

I thank the gentleman for yielding and I congratulate him again on his statement.

Mr. HORTON. Mr. Chairman, I thank the gentleman from Arizona for his contribution.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas (Mr. STEELMAN) to exempt the present Director and Deputy Director of the Office of Management and Budget from the Senate confirmation requirement. I am in full agreement with the Government Operations Committee that these positions are of such great importance as to subject them to a Senate confirmation requirement. As the committee report points out on page 13, some 29 officers of the Executive Office are already subject to confirmation. These include the Director and Deputy Director of the Office of Telecommunications Policy, the Director and Deputy Director of the Special Action Office on Drug Abuse, the Chairman and two members of the Council of Economic Advisers, and the Chairman and two members of the Council on Environmental Quality. Anyone with any familiarity with the powers and responsibilities of the Office of Management and Budget knows that this office is far more important and powerful than any of the others in the Executive Office which are already subject to confirmation proceedings, and in fact, I think it is safe to say that OMB is second only to the President in the powers it has been delegated and exerts with respect to all facets and activities of the Federal Government.

At the same time, I am greatly troubled by several aspects of the committee bill. As it is now designed, it would abolish the offices of Director and Deputy Director of OMB 30 days after enactment and then recreate them and make them subject to confirmation. To me, this is a political slap at the President and a vote of no-confidence in the present Director and Deputy Director of OMB. As it is now drawn, this bill could be termed the ax Ash bill.

Opponents of this bill claim it is unconstitutional—that it is "ripper legislation." I think the Senate version which does not abolish and recreate the offices might be more open to such a charge, but this bill at least attempts to address itself to such a constitutional question by first abolishing the offices before recreating the offices and making them subject to confirmation. Nevertheless, this constitutional safeguard is transparent at best in attempting to cloak its retroactive impact in the guise of legality.

On pages 14 through 16 of the committee report, some six examples are cited in which the Congress has already abolished an office in the executive branch and recreated it with a confirmation requirement. And yet, in questioning the gentleman from Texas (Mr. BROOKS) in the Rules Committee, I learned that in each of these instances, this was at the request of the President. In fact, the only case where the Congress unilaterally took the initiative to make a nonconfirmation office subject to future confirmation was with the FBI Director, and in that case, the existing Director, Mr. Hoover, was grandfathered.

So what we are being asked to do today in the committee bill is certainly unprecedented, if not unconstitutional. I am greatly disturbed that the committee has taken what is an important and worthwhile idea and deliberately built-in a confrontation trigger which makes this bill little more than veto bait. No matter how well-intentioned the committee may have been in bringing this bill before us, the bill in its present form can only be viewed as being politically motivated; in its present form it is malicious, pernicious and capricious. We are being asked to kill a horse in midstream—a highly political act. In being asked to abolish and immediately recreate these offices, we are being asked to commit chicanery and a charade. I will have no part of it.

I think my views on the need for the Congress to reassert itself and strike a more proper balance between the coequal branches of our Government are well known. But there is a right way and a wrong way to go about this, and in my considered judgment, the committee bill is the wrong way. If we are to reassert ourselves in a responsible manner, as I think we must if we are to be taken seriously and if we are to be successful, we must make every effort to avoid opening ourselves to charges that our actions are politically motivated or that we are simply attempting to provoke a confrontation with the Executive. I think the Steelman amendment which would grandfather the existing director and deputy director of OMB is the responsible way to achieve the end of recognizing the status and the importance of the Office of Management and Budget. I certainly cannot guarantee that even with the Steelman amendment this bill would not be vetoed; but I think I can say with some confidence that we would be on much sounder and more responsible grounds on this matter when it comes to overriding a veto if we adopt the Steelman approach rather than the committee approach. I therefore urge adoption of the Steelman substitute.

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

Mr. ANDERSON of Illinois. Mr. Chairman, I yield to the gentleman from Iowa (Mr. GROSS).

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

I have not always agreed with the gentleman from Illinois on some of the issues which have come before the House, but I want to endorse and associate myself with the excellent remarks which he has just made in behalf of this amendment.

Mr. Chairman, I will support the amendment. If the amendment is defeated, I will vote against the bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I am always gratified when the distinguished gentleman from Iowa takes my point of view.

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

Mr. Chairman, we, in this body, will make a vital decision today: whether the people of this Nation, through their elected officials, should have the opportunity to scrutinize and approve or reject the man appointed by the President to one of the most important posts in the administration, Director of the Office of Management and Budget.

This position has grown in power until it now equals or exceeds that of any Cabinet officer. At a social function recently, the Deputy Director of OMB, Frederick Malek, was asked if his position is less important since he left the White House staff. Answered Malek:

I'm more important than those Cabinet finks.

Indeed, Cabinet officials, who must win the consent of the Senate, must have their budgets approved by the Office of Management and Budget—OMB. OMB's power now even infringes upon the Con-

gress. Almost daily we witness new intrusions by executive branch budgeteers into legislative prerogatives. The unbridled and unprecedented use of the power of impoundment has already maimed the administration of many congressionally mandated programs and threatens to kill others outright.

OMB's meat ax chopped more than a billion dollars from the farm program. One-half billion dollars was lopped off the housing and urban development program. Hundreds of millions have been pared from conservation programs, including the rural environmental assistance program. Billions of highway trust funds have been impounded. Over $6 billion approved by Congress for water and sewage treatment facilities will never see the light of day. Untold millions of dollars approved for education programs will never be made available.

Not even the amputee veterans of Vietnam escaped. Had it not been for the public uproar which followed its announcement, OMB would have docked their benefits as well.

The hatchetmen at OMB, in short, have usurped and contravened our duties and responsibilities under the Constitution. Mr. Chairman, Congress must act now to reverse this trend which subverts the democratic process.

To begin with, we must have the fundamental right to advise and consent to the appointment of OMB's director, particularly in view of the present officeholder. Roy Ash's past record is cause enough to question his ability. It is well known that Mr. Ash, as president of Litton Industries, was involved in huge and questionable cost overruns on Navy contracts for shipbuilding. The Navy charges that Litton collected excess overhead at the shipyard. Yet then president Ash attempted to get an additional $400 million from the Navy to bail the conglomerate out of financial difficulty. According to a Navy admiral present at the time, he threatened to take his problem to the White House. Now this man can withhold approval of the Navy's budget.

Nor is Mr. Ash a newcomer to controversy in his dealings with the Federal Govenment. When he was an executive with Hughes Aircraft Co., he was again at the storm center of a disagreement over a large Government contract. Mr. Ash was accused of juggling Hughes' books so that the company could collect an extra $43 million from the Air Force. Hughes had to repay over the objections of Mr. Ash who saw nothing wrong with over-crediting certain inventory accounts, a practice which resulted in the overcharge.

Since assuming his present position, Mr. Ash and his former business associate and cofounder of Litton Industries have been charged with fraud in a civil suit. The Securities and Exchange Commission is also investigating Mr. Ash for violating its regulations on stock trading by "insiders." In addition, his "land swap" deal involving the Department of Interior has left some unanswered questions.

Congress would be very ill-advised to ignore this man's background and qualifications. Yet, that is exactly what we are asked to do. The President has let it be known that, should the House approve this legislation which has already passed the Senate by a vote of 64 to 17, he will veto it.

Mr. Chairman, Congress is continually blamed for the country's ills. I submit that if we are to be blamed, then we should have real responsibility. We should see to it that OMB gives full consideration to congressional intent; we should see to it that 1 man cannot contravene the judgment of 535 Members of Congress; we should see to it that impoundment no longer substitutes for legislation. And we should see to it that the Director of OMB, and his successors submit to the same confirmation process required of Cabinet Secretaries.

I urge all the Members of this body to accept this amendment and, by so doing, prove to the American people that Congress can be and will be responsible.

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. STEELMAN).

I believe the Director of the Office of Management and Budget should be confirmed, because I agree that the Office now holds vast importance and power, but I believe this bill before us is unconstitutional because it is an obvious attempt to nullify the appointment of incumbents in office. I believe this has been developed during the course of the debate.

This bill before us does not change the duties or responsibilities now being carried out by Mr. Ash or Mr. Malek. I do feel future appointments should be confirmed and I will, therefore, support the amendment offered by the gentleman from Texas (Mr. STEELMAN), which in my judgment is a valid approach.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the purposes of this amendment are laudable, to the extent that the sponsors might wish better congressional budgetary procedures and oversight. I would like that myself, and believe that we ought to take some action to accomplish that, if we can, during this Congress.

But does this amendment accomplish that end? The OMB Director is given the budget preparation and oversight responsibility, instead of the President, under this amendment, but it is still the President who nominates him and the Senate which confirms his nomination. That is the other body, not the body in the Congress from which spending legislation springs under the Constitution. That does not accomplish better House control of the Budget Director or the budgetary procedure or management, in my opinion.

And what of the President's responsibility to prepare his own budget, as our Chief Executive? This amendment provides for Senate confirmation of a Budget Director, who would be, under the basic bill we are considering, preparing a budget not for the President to finally approve and to present, but for himself as Budget Director, because he would now not be precisely the President's man. as is the case currently.

What if the President finds differences, and presents a different budget, or disapproves of some oversight decision by the Director of the Office of Management and Budget?

The President will surely have, no matter what happens to this legislation, then, his own man, under whatever legislation we have, or he will have a separate trusted staffer second guessing the OMB Director. What, then, is the sense of this amendment and the basic legislation?

Is the OMB Director to be the President's man? If he is, it is not he who is doing the job, but the President who is making the decisions, no matter who does the detailed staff work. And if he is the President's man, Congress can alter his recommendations and actions if it has the votes to do so.

If, on the other hand, the OMB Director is to be a function of congressional research and detail work, then there are a lot of better ways to have him selected and to have his functions defined than in this legislation.

But if the amendment passes and the bill passes, for whom does the Director of the Office of Management and Budget make his budgetary decisions or manage the spending of Federal funds? For the President? No; the President will have his own man. For the Congress? Well, who is he second guessing? Is the independent, confirmed Budget Director second guessing the Appropriations Committee or the Congress itself?

The answer is, under this amendment and this legislation, the Director of the Office of Management and Budget would be speaking for himself and precious few others in the process of setting up a budget and managing it.

The amendment should be defeated, and so should the bill.

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

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

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

Mr. BELL. Mr. Chairman, I rise in support of the Steelman amendment, because, first, the bill as it is today is of questionable constitutionality.

No. 2, I believe that the bill as it is, is an attempt on the part of some Members to place in question the selection of one of the very outstanding public servants of this Nation, Mr. Roy Ash—who happens also to be one of my constituents. I believe that Roy Ash has already proven himself as having outstanding ability and should continue to be Director of the Office of Management and Budget.

In view of his vast contributions and indepth expertise resulting from the Commission he headed to develop a streamlined reorganization of the Federal Government, I can think of no one better qualified to hold the position he presently occupies.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding.

I know the gentleman in the well is a supporter of this amendment. I believe he is correct in his position, along with the gentleman from Texas (Mr. STEELMAN), and the gentleman from Illinois (Mr. ANDERSON).

It has been a basic tradition in our country that, after the fact, we do not pass laws to attack somebody because we happen to disagree as to how he handles that particular position in the executive branch, unless we believe an executive action is bad enough to require impeachment.

If this amendment is not passed, this particular legislation will be a blow to the basic ideas and ideals of our ex post facto concepts. I support the amendment of the gentleman from Texas (Mr. STEELMAN), and will be constrained to oppose the legislation unless this change prevails.

Mr. Chairman, I thank the gentleman from Alabama (Mr. BUCHANAN), the gentleman from Texas (Mr. STEELMAN) and the gentleman from Illinois (Mr. ANDERSON) and others; they are to be complimented on their efforts to try to correct this obvious defect in the law.

Mr. BUCHANAN. Mr. Chairman, I thank the gentleman from California (Mr. ROUSSELOT) for his remarks and for his contribution, and I concur in what he has said.

Without this amendment, this bill, without impugning the motives of its sponsors, becomes a piece of legislative gimmickry to get at the incumbent Director and Deputy Director, and I think there is reason to question its wisdom as a precedent and its constitutionality. But with the amendment, we are providing a means whereby a man who holds a very powerful and responsible office shall receive confirmation, as do a number of others in his basic classification.

Mr. Chairman, I cannot see that he is any more independent than the cabinet officers or the others for whom this is already required, or that he will be made so by this legislation, but I would say, particularly in this positon, having to do, as it does, with budgetary matters, this Congress, which is supposed to control the purse strings of the Nation, should at least have the power of advice and consent of confirmation.

Now, I would say that if we want to play a more responsible role in fiscal affairs in this country, I think the most important thing we have to do is to be responsible. If we are going to appropriate beyond the budget in every area but one, year after year, I see no alternative but that somebody must hold down the Federal spending. I see no reason why we cannot devise a means whereby we can look at the entire budget in Congress in the light of the revenue as expected and deal with the budget as an entity.

Mr. Chairman, I can see a place for an OMB in the Congress, as a matter of fact, and I would say the first thing we must do, if we want to exercise our constitutional power in this field of controlling the purse strings, is to be responsible and to conduct our business in a more orderly way.

But I think we ought to have the right to require that the Senate confirm this man, a man who holds such great power in fiscal policy. Certainly it is as logical as it is that the cabinet officers be confirmed.

Hence I would support this legislation if this amendment carries. Without this amendment, I feel it to be mischievous and of doubtful constitutionality; with it, it appears to me to be a logical and meritorious action for this House to take. Therefore, I urge the adoption of the Steelman amendment.

Mr. ERLENBORN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. STEELMAN).

As has been pointed out very eloquently by my colleague the gentleman from Illinois (Mr. ANDERSON), the passage of this bill in its present form is nothing more than gimmickry, which attempts to do something which is probably unconstitutional. In my opinion, if the amendment is adopted, the bill would make sense; if the amendment is not adopted, the bill makes no sense whatsoever except from a political standpoint.

Yes, maybe our Democratic colleagues will try in this way to embarrass the administration and try to get to Mr. Roy Ash. But that is all that can be accomplished. It does not really make any sense from a governmental standpoint.

Mr. Chairman, we are told that the purpose of this bill is to give Congress some control over this very important agency. Now, if this were true, I think my friends, the gentlemen on the subcommittee, would have voted for the amendment which I offered in subcommittee. The bill in its present form does away with the Office of Management and Budget and then recreates it in the same place, with the same functions that it had before. In subcommittee I offered an amendment that would have changed the character of the Office of Management and Budget.

Once it was recreated it would be as an independent agency, much as the General Accounting Office, one that would be subject to congressional control.

So really, if this is what our friends who support this bill want to do, that is, to give Congress some real control over the Office of Management and Budget, then I think they would have supported the amendment I offered in the subcommittee. Since they did not do so, it is not control of the agency they want but only an attempt to embarrass the administration. It makes no sense and is a waste of our time to spend our time in the House of Representatives in foolish endeavors such as this.

Mr. Chairman, I hope the amendment is adopted so the bill makes sense. If it is not, I hope the bill is defeated.

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

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

Mr. FRENZEL. Mr. Chairman, I rise in support of the Steelman amendment. Without it, this bill, H.R. 3932, is a transparent political ploy to attack a single Administrator, Mr. Roy Ash, in a manner that has been charitably discussed as unconstitutional.

The Steelman amendment gives sense to a bill that is otherwise pure political vindictiveness. No bill that abolishes an agency of Government, and then recreates it 30 days later, just to get rid of its Director, should be passed by this Congress.

The Steelman amendment provides for confirmation of the Director of OMB, but it does so on a constitutional basis, rather than on a "Bill of Attainder" basis. Whether the Director's position should be confirmed or not, is a debatable question. I think he should be confirmed because I see little difference between the Director and other Cabinet officers who are able to be confirmed and still be "the President's men."

I urge support of this amendment.

Mr. HOLIFIELD. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. STEELMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEELMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 130, noes 263, not voting 40, as follows:

[Roll No. 116]

AYES—130

Anderson, Ill.	Froehlich	Parris
Archer	Gilman	Pettis
Armstrong	Goldwater	Peyser
Ashbrook	Goodling	Powell, Ohio
Baker	Gross	Price, Tex.
Beard	Grover	Pritchard
Bell	Gubser	Quie
Biester	Gude	Quillen
Blackburn	Hansen, Idaho	Railsback
Broomfield	Harsha	Rinaldo
Brotzman	Harvey	Robinson, Va.
Brown, Mich.	Hastings	Rousselot
Broyhill, N.C.	Heckler, Mass.	Ruppe
Broyhill, Va.	Hillis	Ruth
Buchanan	Hinshaw	Sarasin
Burgener	Huber	Satterfield
Butler	Hudnut	Scherle
Chamberlain	Hutchinson	Schneebeli
Clancy	Johnson, Pa.	Sebelius
Clausen, Don H.	Keating	Shriver
	Kemp	Shuster
Clawson, Del	Ketchum	Skubitz
Cleveland	Latta	Spence
Cohen	Lott	Stanton, J. William
Collier	McClory	
Collins	McCloskey	Steed
Conte	McCollister	Steelman
Coughlin	McDade	Steiger, Wis.
Crane	McEwen	Symms
Cronin	McKinney	Taylor, Mo.
Daniel, Dan	Madigan	Teague, Calif
Dellenback	Maillliard	Thomson, Wis.
Dennis	Mallary	Vander Jagt
Devine	Mann	Veysey
Dickinson	Martin, Nebr.	Wampler
du Pont	Martin, N.C.	Widnall
Erlenborn	Mathias, Calif.	Wilson, Bob
Eshleman	Mayne	Winn
Findley	Miller	Wyatt
Fish	Mills, Ark.	Wylie
Fisher	Mitchell, N.Y.	Young, Ill.
Forsythe	Mizell	Zion
Frelinghuysen	Moorhead, Calif.	Zwach
Frenzel		
Frey	Mosher	

NOES—263

Abzug	Ginn	Pickle
Adams	Gonzalez	Pike
Addabbo	Grasso	Poage
Alexander	Green, Pa.	Podell
Andrews, N.C.	Griffiths	Preyer
Andrews, N. Dak.	Guyer	Price, Ill.
Annunzio	Haley	Rangel
Arends	Hamilton	Rarick
Ashley	Hammer-schmidt	Rees
Aspin	Hanley	Regula
Bafalis	Hanrahan	Reid
Bennett	Harrington	Reuss
Bergland	Hawkins	Rhodes
Bevill	Hays	Riegle
Bingham	Hébert	Roberts
Blatnik	Hechler, W. Va.	Robison, N.Y.
Boggs	Heinz	Rodino
Boland	Helstoski	Roe
Bolling	Henderson	Rogers
Brademas	Hicks	Roncalio, Wyo.
Bray	Hogan	Roncallo, N.Y.
Breaux	Holifield	Rooney, Pa.
Breckinridge	Holt	Rose
Brinkley	Holtzman	Rosenthal
Brooks	Horton	Roush
Brown, Calif.	Hosmer	Roy
Brown, Ohio	Howard	Roybal
Burke, Calif.	Hungate	Runnels
Burke, Mass.	Hunt	St Germain
Burleson, Tex.	Ichord	Sandman
Burlison, Mo.	Jarman	Sarbanes
Burton	Jones, N.C.	Schroeder
Byron	Jones, Okla.	Seiberling
Camp	Jordan	Shipley
Carney, Ohio	Karth	Shoup
Carter	Kastenmeier	Sikes
Casey, Tex.	Kazen	Sisk
Cederberg	Kluczynski	Slack
Chappell	Koch	Smith, Iowa
Chisholm	Kyros	Snyder
Clay	Landgrebe	Staggers
Conable	Landrum	Stanton, James V.
Conlan	Leggett	Stark
Conyers	Lehman	Steele
Corman	Lent	Steiger, Ariz.
Cotter	Litton	Stephens
Culver	Long, La.	Stokes
Daniel, Robert W., Jr.	Long, Md.	Stubblefield
	Lujan	Stuckey
Daniels, Dominick V.	McCormack	Studds
	McFall	Sullivan
Danielson	McKay	Symington
Davis, Ga.	McSpadden	Talcott
Davis, S.C.	Macdonald	Taylor, N.C.
Davis, Wis.	Mahon	Thompson, N.J.
de la Garza	Maraziti	Thone
Delaney	Mathis, Ga.	Thornton
Dellums	Matsunaga	Tiernan
Dent	Mazzoli	Towell, Nev.
Derwinski	Meeds	Treen
Diggs	Melcher	Udall
Dingell	Metcalfe	Ullman
Donohue	Mezvinsky	Van Deerlin
Dorn	Michel	Vanik
Downing	Milford	Waggonner
Drinan	Mills, Md.	Waldie
Dulski	Minish	Walsh
Duncan	Minshall, Ohio	Ware
Eckhardt	Mitchell, Md.	White
Edwards, Ala.	Moakley	Whitehurst
Edwards, Calif.	Mollohan	Wiggins
Eilberg	Moorhead, Pa.	Williams
Esch	Morgan	Wilson, Charles H., Calif.
Evans, Colo.	Moss	
Evins, Tenn.	Murphy, Ill.	
Fascell	Murphy, N.Y.	Wilson, Charles, Tex.
Flood	Natcher	
Flowers	Nedzi	Wolff
Flynt	Nelsen	Wright
Ford, Gerald R.	Nichols	Wydler
Ford, William D.	Nix	Wyman
	Obey	Yates
Fountain	O'Hara	Yatron
Fraser	O'Neill	Young, Alaska
Fulton	Owens	Young, Fla.
Fuqua	Passman	Young, Ga.
Gaydos	Patman	Young, S.C.
Gettys	Patten	Young, Tex.
Giaimo	Pepper	Zablocki
Gibbons	Perkins	

NOT VOTING—40

Abdnor	Denholm	Kuykendall
Anderson, Calif.	Foley	Madden
	Gray	Mink
Badillo	Green, Oreg.	Montgomery
Barrett	Gunter	Myers
Biaggi	Hanna	O'Brien
Bowen	Hansen, Wash.	Randall
Brasco	Johnson, Calif.	Rooney, N.Y.
Burke, Fla.	Johnson, Colo.	Rostenkowski
Carey, N.Y.	Jones, Ala.	Ryan
Clark	Jones, Tenn.	Saylor
Cochran	King	Smith, N.Y.
Stratton	Vigorito	Whitten
Teague, Tex.	Whalen	

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. O'NEILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this I believe to be a rational and deserving piece of legislation. Here we strike at the core of the problem of imbalance between the Congress and the White House. Here is the focal point of impoundments and the subtle vetoes that we do not have an opportunity to override. Here we have an opportunity to get back some of our eroding power.

Members ask where does the power in the Government lie? It lies in the decisions that are made to support a program or to kill it, to fund an agency, or to starve it to death. As long as the Congress has no say as to who heads the Office of Management and Budget and what his qualifications may be, that is how long we will be handicapped in exercising our proper role as a coequal branch of the Government.

Mr. Chairman, we authorize, we appropriate, the Senate does the same, and then the President signs. Yet by a whim of the Director of the Office of Management and Budget a program may be struck from existence.

I am not impressed at all with the argument that the Director of the Office of Management and Budget is so different in the work he performs that the Congress should ignore his appointment and have no part of it. The Members and I know that he fashions the nearly $300 billion budget with life and death power over programs enacted by this Congress.

Is there anything more important than the function that Cabinet officers do? All of the Cabinet officers are confirmed.

The Members know that his carrying out of some 70 or more statutes and Executive orders is similar to what most Cabinet officers and agency heads, all confirmed by the Senate, are required to do. These are operating functions.

Neither am I impressed with the argument that there is some special confidentiality between the Office of Management and Budget Director and the President in shaping the budget and impounding funds that Congress should not disturb. Surely, there is no distinction in the President's relationship with the Secretary of the Treasury, George Shultz, who is confirmed by the Senate, but also is a counselor to the President, or with the Secretary of Health, Education, and Welfare, Mr. Caspar Weinberger, who is confirmed, but similarly is a counselor to the President. How about the Secretary of Agriculture, Earl Butz? He is confirmed, and he also is a consultant and counselor to the President. They all hold backroom, closed-door consultations with the President.

The impact on the Congress and the public of the decisions of the Office of Management and Budget Director is no less than any of these other counselors to the President. They have all laid their qualifications on the line.

Mr. Chairman, I do not want to bring up the issue of Roy Ash, but if we really believe that Roy Ash could not be confirmed, then he should not be there. If we think he can be confirmed, then his name should go before the Senate. We should give to him, in my opinion, the same prestige that we gave to the Cabinet members. We gave it to them and we should give it to the Office of Management and Budget.

Mr. Chairman, agencies of the executive branch were established by a congressional act, and all of them must be confirmed by the Senate. I think this position must be subject to confirmation.

Now, we have a chance to strike a blow for the equality of the legislative branch of Government. I hope all the Members on both sides of the aisle will give this serious consideration. The power of the Congress has been eroding. This is an opportunity to get back some of our power.

Mr. HOLIFIELD. Mr. Chairman, it appears to me that this matter has been adequately debated.

Many of the Members have come to me and asked for a vote on this bill. I trust now that we can have a vote on H.R. 3932.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 3932) to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes, pursuant to House Resolution 351, he reported the bill back to the House with an amendment in the nature of a substitute adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HORTON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HORTON moves to recommit the bill, H.R. 3932, to the Committee on Government Operations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 229, nays 171, not voting 33, as follows:

[Roll No. 117]

YEAS—229

Abzug	Ginn	Perkins
Adams	Gonzalez	Peyser
Addabbo	Grasso	Pickle
Alexander	Green, Pa.	Pike
Andrews, N.C.	Griffiths	Poage
Annunzio	Haley	Podell
Archer	Hamilton	Powell, Ohio
Ashley	Hanley	Preyer
Aspin	Harrington	Price, Ill.
Bennett	Hawkins	Rangel
Bergland	Hays	Rarick
Bevill	Hébert	Rees
Bingham	Hechler, W. Va.	Reid
Blatnik	Heckler, Mass.	Reuss
Boggs	Heinz	Riegle
Boland	Helstoski	Roberts
Bolling	Henderson	Rodino
Brademas	Hicks	Roe
Breaux	Hillis	Rogers
Breckinridge	Holifield	Roncallo, Wyo.
Brinkley	Holtzman	Rooney, Pa.
Brooks	Howard	Rose
Brown, Calif.	Hungate	Rosenthal
Burke, Calif.	Ichord	Roush
Burke, Mass.	Jones, N.C.	Roy
Burleson, Tex.	Jones, Okla.	Roybal
Burlison, Mo.	Jordan	Runnels
Burton	Karth	St Germain
Byron	Kastenmeier	Sarbanes
Carey, N.Y.	Kazen	Satterfield
Carney, Ohio	Keating	Schroeder
Casey, Tex.	Kluczynski	Seiberling
Chappell	Koch	Shipley
Chisholm	Kyros	Shoup
Clay	Landrum	Sikes
Cleveland	Leggett	Sisk
Conte	Lehman	Slack
Conyers	Litton	Smith, Iowa
Corman	Long, La.	Staggers
Cotter	Long, Md.	Stanton, James V.
Cronin	Lujan	
Culver	McCollister	Stark
Daniel, Dan	McCormack	Steele
Daniels, Dominick V.	McFall	Steelman
	McKay	Stephens
Danielson	Macdonald	Stokes
Davis, Ga.	Madden	Stubblefield
Davis, S.C.	Mahon	Stuckey
de la Garza	Mann	Studds
Delaney	Mathis, Ga.	Sullivan
Dellums	Matsunaga	Symington
Dent	Mazzoli	Taylor, N.C.
Derwinski	Meeds	Thompson, N.J.
Diggs	Melcher	Thornton
Dingell	Metcalfe	Tiernan
Donohue	Mezvinsky	Udall
Dorn	Milford	Ullman
Downing	Mills, Ark.	Van Deerlin
Drinan	Minish	Vanik
Eckhardt	Mink	Waldie
Edwards, Calif.	Mitchell, Md.	White
Eilberg	Moakley	Whitehurst
Evans, Colo.	Mollohan	Whitten
Evins, Tenn.	Moorhead, Pa.	Williams
Fascell	Morgan	Wilson, Charles H., Calif.
Findley	Moss	
Flood	Murphy, Ill.	
Flowers	Murphy, N.Y.	Wilson, Charles, Tex.
Flynt	Natcher	
Ford, William D.	Nedzi	Wolff
	Nichols	Wright
Fountain	Nix	Yates
Fraser	Obey	Yatron
Fulton	O'Hara	Young, Fla.
Fuqua	O'Neill	Young, Ga.
Gaydos	Owens	Young, Tex.
Gettys	Patman	Zablocki
Giaimo	Patten	
Gibbons	Pepper	

NAYS—171

Anderson, Ill.	Blackburn	Camp
Andrews, N. Dak.	Bray	Carter
	Broomfield	Cederberg
Arends	Brotzman	Chamberlain
Armstrong	Brown, Mich.	Clancy
Ashbrook	Brown, Ohio	Clausen, Don H.
Bafalis	Broyhill, N.C.	
Baker	Broyhill, Va.	Clawson, Del
Beard	Buchanan	Cochran
Bell	Burgener	Cohen
Biester	Butler	Collier
Collins	Hudnut	Robison, N.Y.
Conable	Hunt	Roncallo, N.Y.
Conlan	Hutchinson	Rousselot
Coughlin	Jarman	Ruppe
Crane	Johnson, Pa.	Ruth
Daniel, Robert W., Jr.	Kemp	Sandman
	Ketchum	Sarasin
Davis, Wis.	Landgrebe	Scherle
Dellenback	Latta	Schneebeli
Dennis	Lent	Sebelius
Devine	Lott	Shriver
Dickinson	McClory	Shuster
Duiski	McCloskey	Skubitz
Duncan	McDade	Smith, N.Y.
du Pont	McEwen	Snyder
Edwards, Ala.	McKinney	Spence
Erlenborn	McSpadden	Stanton, J. William
Esch	Madigan	
Eshleman	Mailliard	Steed
Fish	Mallary	Steiger, Ariz.
Fisher	Maraziti	Steiger, Wis.
Ford, Gerald R.	Martin, Nebr.	Symms
Forsythe	Martin, N.C.	Talcott
Frelinghuysen	Mathias, Calif.	Taylor, Mo.
Frenzel	Mayne	Teague, Calif.
Frey	Michel	Thomson, Wis.
Froehlich	Miller	Thone
Gilman	Mills, Md.	Towell, Nev.
Goldwater	Minshall, Ohio	Treen
Goodling	Mitchell, N.Y.	Vander Jagt
Gross	Mizell	Veysey
Grover	Moorhead, Calif.	Waggonner
Gubser		Walsh
Gude	Mosher	Wampler
Guyer	Nelsen	Ware
Hammer-schmidt	O'Brien	Widnall
	Parris	Wiggins
Hanrahan	Passman	Wilson, Bob
Hansen, Idaho	Pettis	Winn
Harsha	Price, Tex.	Wyatt
Harvey	Pritchard	Wydler
Hastings	Quie	Wylie
Hinshaw	Quillen	Wyman
Hogan	Railsback	Young, Alaska
Holt	Regula	Young, Ill.
Horton	Rhodes	Young, S.C.
Hosmer	Rinaldo	Zion
Huber	Robinson, Va.	Zwach

NOT VOTING—33

Abdnor	Gray	Myers
Anderson, Calif.	Green, Oreg.	Randall
	Gunter	Rooney, N.Y.
Badillo	Hanna	Rostenkowski
Barrett	Hansen, Wash.	Ryan
Biaggi	Johnson, Calif.	Saylor
Bowen	Johnson, Colo.	Stratton
Brasco	Jones, Ala.	Teague, Tex.
Burke, Fla.	Jones, Tenn.	Vigorito
Clark	King	Whalen
Denholm	Kuykendall	
Foley	Montgomery	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Whalen.

Mr. Teague of Texas with Mr. Johnson of Colorado.

Mr. Barrett with Mr. Saylor.

Mr. Brasco with Mr. King.

Mr. Gray with Mr. Myers.

Mr. Johnson of California with Mr. Abdnor.

Mr. Jones of Alabama with Mr. Kuykendall.

Mr. Montgomery with Mr. Burke of Florida.

Mr. Rostenkowski with Mr. Ryan.

Mr. Vigorito with Mrs. Green of Oregon.

Mr. Stratton with Mr. Clark.

Mr. Biaggi with Mr. Foley.

Mr. Jones of Tennessee with Mr. Randall.

Mr. Badillo with Mr. Bowen.

Mr. Anderson of California with Mr. Hanna.

Mr. Gunter with Mrs. Hansen of Washington.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget."

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 351, the Committee on Government Operations is discharged from the further consideration of the Senate bill (S. 518) to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. HOLIFIELD

Mr. HOLIFIELD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HOLIFIELD moves to strike out all after the enacting clause of the bill S. 518 and to insert in lieu thereof the provisions of H.R. 3932, as passed, as follows:

That the offices of Director of the Office of Management and Budget, and Deputy Director of the Office of Management and Budget, established in section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), and as designated in section 102(b) of Reorganization Plan Numbered 2 of 1970, are abolished.

SEC. 2. The offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget, are established in the Office of Management and Budget and shall be filled by appointment by the President, by and with the advice and consent of the Senate.

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

(b) The Director may, from time to time, assign to the office of Deputy Director, such functions as he may deem necessary.

SEC. 4. Nothing in this Act shall impair the power of the President to remove the occupants of the offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget.

SEC. 5. (a) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Paragraph (11) of section 5313 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

(2) Paragraph (34) of section 5314 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

SEC. 6. This Act shall take effect upon the expiration of the thirty-day period which begins on the date of its enactment.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3932) was laid on the table.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

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

There was no objection.

REQUEST TO CONSIDER SENATE JOINT RESOLUTION 93, TEMPORARY EXTENSION OF AUTHORIZATION FOR PRESIDENT'S NATIONAL COMMISSION ON PRODUCTIVITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The Clerk read the title of the Senate joint resolution.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I would like to ask my distinguished chairman the gentleman from Texas (Mr. PATMAN) why we have had to wait until this hour when actually this matter expired last night, why is it that we are asked to do this in this manner? And, further, I would ask if all of the minority members have been properly advised of this proposed action?

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

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, in reply to the inquiry of the gentleman from California, let me say that this is to extend the Commission for 60 days so that it will expire on June 30th. It does not require any funding, no expenses, and the Commission goes out of existence on June 30, 1973.

Mr. ROUSSELOT. I still do not understand why we have waited until this hour. Why was this not brought up before so that there would be opportunity to consider it fully. Why are we doing it in this manner?

Mr. PATMAN. If the gentleman will yield further, it was of major importance as I understand the way it was supported by those who have considered it. If the gentleman wishes to delay this, of course it can be done. However, I might add that I believe the leaders on the gentleman's side of the aisle are in agreement on this, so I was told that they were, and that there is no objection to it, otherwise I would not have brought the matter up.

Mr. McKINNEY. Mr. Speaker, would the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I believe that there is no objection on this side, but I personally deeply resent the fact that this Commission went out of existence, in law, at 12 o'clock midnight last night and here we are today on unanimous-consent request extending this legislation after the fact, and in view of the clear fact that this Commission has not known until now whether it was going to continue with its work. I believe this is inexcusable, and yet I am sure the fact of the matter is that the Chairman knew when the date of the expiration came forward. I believe the House really should be given more of a chance to debate the issue and more of a chance to work its will than after the fact, without having this last minute rush in order to protect the work of the Commission.

Mr. PATMAN. Mr. Speaker, will the gentleman yield further?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, the resolution was only introduced on April 17, 1973, by Senator JOHNSTON from the Senate Banking, Housing and Urban Affairs Committee who reported the following joint resolution which, of course, extends the Commission—and I will read the language of the Senate joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f) of Public Law 92-210, approved December 22, 1971, is amended by striking out "April 30, 1973" and inserting in lieu thereof "June 30 1973."

No funding, no expense, no nothing. It is an extension for 60 days.

Mr. ROUSSELOT. If my chairman will yield further, I think the point we are trying to make is that we do not understand why this was not more appropriately brought before the full committee, discussed, and brought out with better notification given.

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

Mr. ROUSSELOT. I yield to the gentleman from Iowa.

Mr. GROSS. What is the mission of this Commission?

Mr. PATMAN. I do not know too much about it. It is Senator JAVITS' organization that is handling it in the Senate.

Mr. GROSS. Why should its life be extended for 30 days?

Mr. PATMAN. The administration has requested that the Commission's authority be extended to June 30, 1973.

Mr. GROSS. For what reason?

Mr. PATMAN. I will read it:

It is most unlikely that the Administration's request for an extension of the Commission's authority will be acted upon as separate legislation in either body before the expiration date. Therefore, it is essential that this joint resolution be enacted if the Commission's fine work is to continue.

Higher productivity growth is an important national objective. We all gain when productivity goes up. Productivity is a measure of how well we use our material and human resources. It is a measure of how much real value is produced by human services and by the contribution of capital goods and other factors of production. Productivity growth is the way new wealth, new jobs and an increasing standard of living comes about.

Achieving price stability and a healthy level of economic growth depends over a period of years on productivity growth. That is why the President in 1970 established the National Commission on Productivity.

The Commission's role is to address itself to the long-term economic problems that made the economic stabilization program necessary in the first instance. Whereas the Cost-of-Living Council is dealing with the present effects of those problems, the Commission has the job of recommending more durable contributions and solutions. It is also the Commission's task to improve the quality of working experience as those solutions are achieved.

The Commission approached its task on an industry-by-industry, sector-by-sector basis. It recently completed an important survey of productivity improvement opportunities in the food industry that could well provide some ultimate answers to the food price spiral about which all of us are concerned. It has also initiated projects in the health services industry, construction and municipal government—all of which have constituted inflationary sectors of the economy.

Mr. GROSS. Is there any question about what has caused the increased costs of living?

Mr. PATMAN. Among some people there is a difference of opinion.

Mr. GROSS. There might be a difference of opinion.

Mr. PATMAN. I mean an honest difference of opinion.

Mr. GROSS. I would doubt whether this Commission could resolve the differences of opinion. Tell me, has this Commission rendered any reports of any kind?

Mr. PATMAN. I am not questioning this at all, sir, but I think that they are sincere in wanting this done.

Mr. GROSS. That may be, but has the Commission come forth with any reports of any kind?

Mr. PATMAN. Of course, they have not filed their report, I do not suppose, because the expiration—

Mr. GROSS. Will this action extend it for 60 days? Is June 30 the expiration date?

Mr. PATMAN. That is right, June 30.

Mr. GROSS. The gentleman says this is without cost to the Federal Government. On what will this Commission subsist until June 30?

Mr. PATMAN. I do not know.

Mr. GROSS. Mr. Speaker, in view of the fact that the gentleman has so little information to impart to the House on this subject, I suggest that perhaps tomorrow or some other day would be a better time to pursue this matter. Therefore, I object.

The SPEAKER. Objection is heard. Unless the gentleman from Iowa withdraws his objection the Chair is powerless to recognize any other Members on this matter.

CHANGE IN LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce the change in the legislative program for this week. On Wednesday we will take up H.R. 6388, the Airport Development Acceleration Act of 1973, which has an open rule with 1 hour of debate, instead of H.R. 6452, the Urban Mass Transportation Assistance Act of 1973, which is being postponed indefinitely.

BILL OFFERED TO TEST YEAR-ROUND DAYLIGHT SAVING TIME

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

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing legislation providing a 2-year test of year-round daylight saving time. My bill is similar to proposals offered earlier in this session by our colleagues, Congressman LENT and HOSMER, but with one important difference: The temporary nature of my plan which would cause it to expire after the trial period unless Congress took specific action to continue it, on either a temporary or permanent basis.

I believe we should give ourselves the opportunity to examine carefully the double daylight system before locking it in as the law of the land. We need to know whether double daylight can live up to its promise. For example, will all-year daylight saving accomplish the things we all want, such as materially reducing consumption of electricity? Only time will tell the full extent of the benefits to flow from adoption of the plan.

On the surface, year-round daylight saving would seem a distinct convenience for most people. During the season of standard time, just ended, those of us following a normal schedule started each day with an hour of largely wasted daylight. And at the end of the day we were forced to turn on our lights 60 minutes earlier than otherwise might be necessary.

It would seem that at the very least, daylight saving time during the winter months would relieve some of the pressure on generating capacity, particularly in our urban areas. I am advised that yearly peaks of demand for electric power are reached with the falling of darkness in early December. Generators hum to produce the power then needed to light and heat homes and offices. Perhaps if we could "postpone" the setting of the sun for 60 minutes, by keeping daylight saving in effect all year round most people could get home before dark on even the shortest days of the year, and the pressure on our generating capacity would be alleviated in a substantial way.

Double daylight has been tried before, of course, and proven successful. The wonder is that we ever reverted to our present on-again, off-again procedures.

From February 1942, to October 1945, year-round daylight saving was observed, as a wartime fuel conservation measure. More recently, for a 3-year period ending in 1971, Great Britain conducted a similar test. Studies indicated a dramatic leveling off of peak period demands for electricity, but following the trial Parliament did in fact reject any further extension of the year-round daylight saving concept. Part of the problem was that the states to the north and west of England proper—Scotland, Wales, and Northern Ireland—were genuinely inconvenienced; because of their geographic location, the sun simply did not appear until too late in the day for them.

Here in Congress, we need not be confronted by regional difficulties. The statute which my bill would amend—the Uniform Time Act of 1966—already provides exemptions for States which decide that compliance with the act would be impractical for them. My legislation would do nothing to alter the existing provisions for freedom of choice by the individual States, so no State could be forced to observe double daylight if its legislature said no to the plan.

So that we would have the fullest possible guidance, the bill would require the Department of Transportation to submit a complete report to Congress on the effects of double daylight no later than 6 months before the proposed law was due to expire. That way the House and Senate would be assured ample time to decide whether to establish double daylight saving as our permanent national standard. I have designated DOT to make the study, paying particular attention to the energy aspects, because it is the agency responsible for administering the Uniform Time Act. There would be a grace period of at least 180 days between enactment of the bill and the start of the 2-year experiment in daylight saving around the calendar.

SOME FIGURES ON MILES PER GALLON OF GASOLINE

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

Mr. WYMAN. Mr. Speaker, yesterday I urged the American automotive industry to take the lead in working together to develop an American engine that will get up to 50 miles per gallon of gasoline. Less gross weight, shorter car lengths and more efficient and economical automotive engines are a must for the U.S.A. in the current energy crunch.

Similarly it is ridiculous for U.S. law to require emissions standards beyond those necessary to protect public health. Present Clean Air Act requirements for 1975 are way too high. They are pegged at 96 percent pollution-free. Ninety percent is high enough to protect public health anywhere in the country and more than enough in most of the United States.

If they stay at 96 percent, the gadgetry that must be bought and maintained will see cars getting as low as 5 miles per gallon—upping daily U.S. consumption of gasoline by millions more barrels.

An indication of the present wasteful loss from emissions controls appears in a current box from U.S. News and World Report. Read it and weep:

THE MILES-PER-GALLON RACE

A government study confirmed last week what many automobile owners have suspected for years: small foreign cars get slightly better mileage per gallon of gasoline than their American competitors. And big cars, regardless of where they are made, eat up more than twice as much gasoline as small ones.

Of the 364 models tested by the Environmental Protection Agency, the Japanese-built Datsun 1200 scored highest with 28.7 miles a gallon. The Italian-made Ferrari was lowest with 6.3 miles a gallon. The 1973 models were tested on a dynamometer that simulated urban driving conditions, and EPA warned that consumers might get different mileage, depending on driving conditions. Nevertheless, the tests do offer a basis for comparing mileage among different models. Here are more EPA results:

	Miles per gallon
Honda Sedan	25.8
Buick Opel	23.8
Dodge Colt	22.7
Volkswagen Sedan	21.7
Ford Pinto Wagon	21.2
Fiat Sedan	20.4
Mazda Sedan	19.6
Chevrolet Vega 2300	18.9
American Motors Gremlin	18.0
Plymouth Valiant Duster	17.9
Volvo 183	17.0
Ford Maverick	15.1
American Motors Javelin	14.3
Mercedes-Benz 220	13.2
Chevrolet Nova	12.7
Chevrolet Chevelle	11.8
Dodge Dart	10.6
Plymouth Fury	9.7
Rolls-Royce Silver Shadow	9.2
Chrysler Imperial	9.2
Cadillac Eldorado	8.1
Ford Station Wagon	7.6

THE UNITED STATES IN SPACE—A SURVEY

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

Mr. FREY. Mr. Speaker, within a very few weeks, my colleagues will be asked to consider the NASA Authorization bill for fiscal year 1974. The Science and Astronautics Committee, in drawing up this bill, has based its final recommendation upon testimony delivered by many expert witnesses in addition to field trips by Members and staff.

Past hearings of the committee have revealed that this country enjoyed a superiority in space which dates back almost to the very initiation of our space program. The many firsts the United States has recorded have so far outpaced the accomplishments of the other members of the international space community that this Nation has virtually taken for granted our preeminence in the field. I sometimes fear that we have progressed so far so fast that we will lose interest in the challenge and dedication to the cause. An injection of reality might be the precise solution—an injection similar to that which the foremost experts in space provided the committee this year.

For the past month, the committee heard a story of far different substance than the stunning successes of our lunar exploits. The testimony we were presented told of a public disenchanted with space, a space agency with a minimal and declining budget, and a Nation headed for the day in which it will no longer be first. The emphasis was no longer a story of achievement; the message was more an indication of an intended retreat.

I, for one, cannot minimize the tragic shortsightedness in reducing the pace of our space activity. We now appear to be turning our back on a field of endeavor which has contributed as much to the economic growth, progress and welfare of our Nation as any other single element of activity. The space program is a positive program and can and should exist side by side with other positive programs aimed at curing the country's ills. I respect the opinion of those who want to further cut or totally abandon the space program. However, I feel that their opin-

ion is based on a lack of information and understanding.

My hope, therefore, is to provide the other Members of this Congress the unique insight afforded me by my participation on the Science and Astronautics Committee. I do this as a means not only to express my concern to my colleagues, but as one measure by which to reverse this downturn in our space effort. What I intend to do is to include a series of articles in the RECORD over the next few weeks which will examine and explore our U.S. space program in order to provide a backdrop for the fiscal year 1974 NASA Authorization bill. As an integral part of the discussion, the various aspects of international cooperation in space as well as the technological benefits which we have enjoyed from our expenditures on space programs will be emphasized. Finally, I will offer my thoughts as to the status of our space program today and tomorrow and the nature of the support which must be provided in order to insure this country's continued leadership.

By way of brief introduction, my primary concern over this Nation's budget reduction for space stems from two causes. The first is the $52 billion this country has invested in space over the 15 years. The experiments we have performed, the technology and techniques we have perfected can now be transformed into operational cost-saving, labor-saving, in fact, life-saving systems. In essence, we have the opportunity to turn from the experimental and exploratory use of space to the everyday, operational use of space. Within the framework of our space program, this Nation's taxpayers have funded the development of over 2,000 new patented inventions—a number which is growing exponentially with each passing day. Yet, this is only the most meager indication of the ultimate benefits of our work in this field. While the benefits of today are measured in terms of microminiaturized television sets and sharper dental X-rays, the dimensions of the next generation of benefits are telephone communications at one-tenth today's cost, the elimination of the mid-air aircraft crash, the accurate prediction of weather days in advance, the location of valuable earth resources and the detection of pollution sources. My concern is thus one of the American people failing to capitalize on technology more than a decade in the development—technology leading to a better tomorrow.

Finally, I am troubled by the many exploits and the sharply increased activity in space by our many international neighbors. The Soviet Union is the most obvious example.

Whether the race in space is contrived or real, meaningful comparisons can be made. The United States has enjoyed approximately 64 space "firsts;" the Soviet Union 31. Such numbers are important because they provide a measure of the relative state of technology in each country. But there are other comparisons. While we contemplate a domestic United States communication satellite system, the Russians have been offering such service for eight years. While our Viking project is expected to land an unmanned capsule on the surface of Mars in 1976, the Russians accomplished this feat in 1971. While we intend to orbit our Skylab manned laboratory this year, the Russians orbited a similar station, Soyuz 11, 2 years ago.

Although the achievements of the Soviets tend to be less publicized and less dramatic to the public, our experts on space spare no compliments at the duration of Russian manned flights and the sophistication of their space hardware. But my distress is not the result of present status—rather the developing trend.

Our space program reached a peak in 1966 in terms of both dollars spent and manpower engaged. Since then the United States budget has been halved. The manpower has been cut from 420,000 to less than 135,000. In contrast, the Russians program has yet to peak. Russia now spends more than 2 percent of its GNP on space compared to a U.S. rate of one-third of 1 percent. In 1972, the Soviets launched 89 spacecraft, manned and unmanned. The United States launched 36. This country launched twice the Russian rate in the mid-1960's. The Nation's decreasing emphasis; the Soviet's increasing emphasis will lead inevitably to a decline in U.S. influence in space. If permitted to continue, the world can anticipate no less than a major shift in the balance of global power.

The same Congress which dedicated itself to placing a man on the moon in the 1960's now faces the challenge of redefining the role of the space program for the 1970's. It is our decision—a decision calling for our most thorough and knowledgeable judgment. To proceed too fast is to waste dollars we urgently need elsewhere. To proceed too slow is to waste our fiscal, human, and technological resources and to throw away the opportunity to improve the quality of life on earth.

I look forward to your joining with me during the next few weeks in gaining a fuller understanding and appreciation of the United States in space.

CRIME COMPENSATION

The SPEAKER pro tempore (Mr. MCKAY). Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 30 minutes.

Mr. OWENS. Mr. Speaker, recognizing that today is national "law day," I am introducing for myself and Mr. BINGHAM, Mr. BROWN of California, Mr. HARRINGTON, Mr. JONES of North Carolina, Mr. MAZZOLI, Mr. MOAKLEY, Mr. PEPPER, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. STARK and Mr. WARE, a bill to establish a National Crime Compensation program for innocent victims of violent crimes.

As a preface to the details contained in the proposed legislation, I would like to reflect a few aspects of our process of criminal justice.

Throughout the Nation there is unprecedented alarm and concern over growing violent crime rates. All of us are aware of someone close in our circle of friends or relatives who has been victimized.

Daily newspaper headlines about crime become increasingly distressing not alone because of the act of the criminal and the cruelty perpetrated upon the victim, but disturbing because the effect of increasing crime on citizens generally is to make us insensitive to the resultant pain and suffering. And, as Rousseau observed "one loses one's humanity when one fails to respond to human suffering."

The alarming trend, particularly in the cities, is towards an unwillingness to become involuntarily involved. The American "good samaritan" is disappearing from the streets. The cry for help now frequently falls on deaf ears. Probably the most infamous example of this alarming fact is the tragedy of Kitty Genovese, who in 1964 was brutally stabbed to death in front of her apartment in New York City while at least 38 of her neighbors passively looked on. None even called the police.

But this problem is not new. It has happened before. When societies have become cosmopolitan, they have lost the mutual concern which motivates one man to risk injury or discomfort to help another.

The first codified body of laws of which I am aware was assembled in ancient Babylonian times by Hammurabi. These writings reflected a need for a sense of social responsibility, and suggest a solution, a compromise with misery. "If the brigand has not been caught," Hammurabi wrote:

> The man who has been despoiled shall recount before God what he has lost, and the cities and Governor in whose land and district the brigandage took place shall render back to him whatever of his was lost.

The idea that a criminal act gives rise to a triangular relationship serves as the philosophical proposition for the code. The criminal, the victim and the Government were considered together. Then, through the course of history, the role of the State has grown, representing, as it has "all the people." Initially, this trend was justified to stop revenge seeking by the victim's kin against the criminal or his relatives. As law enforcement technology has grown, attention focused on apprehending the suspect and meting out "justice" has grown, and concern for the innocent victim has been eclipsed. The State's interest has been to deter further acts of violence and less and less concern has been shown for the victim.

Injustice, both in the action of the crime itself, and the inaction, which follows, in ignoring the innocent victims after, only breeds more injustice. Apathy develops, then, outright tolerance for criminal action. Concern for the victim has been completely lost as a legitimate role of the State.

How can we reintroduce concern for the victim into the process of criminal justice? First, we can provide the mechanism to compensate the innocent victims of crime to the extent that money can offset the traumatic and painful experience. The words of Mr. Justice Brandeis, writing on compensation in general and the then recently enacted workmen's compensation act, apply with equal force to compensation for victims of crime.

> The conviction became widespread that our individualistic conception of rights and liability no longer furnished an adequate

basis for dealing with accidents in industries.

It was urged that:

Attention should be directed not to the employer's fault, but to the employee's misfortune. Compensation should be general, not sporadic; certain not conjectural; speedy, not delayed: definite as to the amount and time of payment and so distributed over long periods as to insure the actual protection against loss or lessened earning capacities.

Just as rapid industrialization increased the hazards for the industrial workers, modern urban society has increased the pain of being the victim of a violent crime. Extending the workmen's analogy, just as the worker was frequently frustrated in his attempt to recover for his injuries because of his employer's financial limitation, so too is the innocent victim often barred from making himself financially whole again because the criminal tort-feasor goes undetected or is without funds.

It is appropriate, on law day, to introduce legislation to establish a National Crime Compensation Board to provide for innocent victims.

The main features of the bill that we introduce today are:

First, the bill would create a three person Violent Crime Compensation Commission. The Commission would compensate innocent victims for injuries or death resulting from any one of 18 offenses. The 18 offenses could be grouped generally under the heading of homicide, assault, sexual offenses, all occurring within the Federal criminal jurisdiction. There would be a maximum limit of $25,000 for each award. It would be the Commission's duty to examine the evidence presented, both to determine what level of compensation should be granted and whether, in fact, the person making the claim is an innocent victim.

With some limitation, the Commission could order the payment of compensation, on behalf of the injured victim, to the person responsible for his maintenance, to his dependents, or closely related survivors. The authority of the Commission to award compensation would not be dependent on prosecution or conviction of the accused for the offense, but would be based on the fact of the injury itself.

As far as what type of losses are covered, the proposal would provide compensation for expenses incurred as a result of the victim's injury or death, for the loss of his earning power, for pain and suffering and for any other pecuniary losses which the Commission deems reasonable, under guidelines provided.

Compensation would be denied where the victim was, at the time of the injury or death, living with the offender or in any case where the Commission finds that compensation would result to the offender. Decisions and orders of the Commission would be reviewed by the appropriate court of appeals.

A most important provision would allow the Commission, where possible, to recover from a convicted assailant the amount of any award granted as a result of his crime.

There is also provided a grant program which would encourage States to establish crime compensation systems within their individual criminal jurisdiction.

Because of its nature, legislation of this kind can only become reality as the aftermath of a public revulsion against violent crime. Whether we are yet concerned enough about the innocent victim is not clear, but we should be. His protection is an indispensable component of any system of justice. This legislation proposes to address the problem directly. I urge the House's favorable consideration of our legislative proposal.

WATERGATE AND OUR RESPONSIBILITY FOR CAMPAIGN REFORM

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

Mr. KEMP. Mr. Speaker, last night the President pledged to do everything in his power to insure that those involved in illegal events connected with Watergate are brought to justice and that such abuses are "purged from our political processes in the years to come." The President said he, the man at the top, must bear the responsibility for actions of subordinates.

While the President and all Americans exercise introspection into moral values applied to the conduct of political campaigns, I believe we in Congress also must bear the responsibility to help avoid future Watergates.

Even as we ask ourselves how high a price America and the world must pay for Watergate and related misdeeds, and while we contemplate the Nation's domestic and international goals, we must take corrective action.

While we struggle to carry out the mandate the people have given the President and Congress, we must be determined to set a course for our still sturdy Ship of State which will avoid troublesome storms.

Like our President, we have the responsibility to set a true course—worthy of public trust, worthy of continuing world leadership and worthy of the traditional, high esteem for public office.

I recommend that the Congress consider amending legislation to the Federal Election Campaign Act of 1971 to provide for a permanent, nonpartisan Federal Election Campaign Commission and commission staff.

I propose that this Commission not only conduct continuing oversight on the provisions of the existing act but on additional provisions which would forbid certain illegal acts in connection with intelligence gathering by a campaign organization, subversion of other candidates' campaign activities and other acts which Congress would deem unethical within the Commission's jurisdiction.

I believe remedial legislation should strictly regulate the use and accounting of all Federal candidates' campaign moneys beyond current law relating to receipts, expenditures and spending for communications and media. I believe there should be a limit on the total amount any one person can contribute in the aggregate to a candidate's campaign.

I propose that all campaign organization funds deposits, transfer of deposits and withdrawals be reported, with regard to locations and purposes, at regular intervals and in a manner prescribed by the Comptroller General. In no case, I believe, should campaign funds or contributions be deposited to the care of an individual or in any banking institution outside the limits of the United States.

Further, I propose that the Commission provide the Congress with a report on its responsibilities within 90 days after any Federal election, along with recommendations for perfecting legislation and administrative procedures.

Finally, it is my belief that the Commission be provided with enforcement powers, complimentary to those existing under law and exercised by various government bodies.

It would, it seems to me, be appropriate for the distinguished chairmen and ranking minority members of the Senate and House Judiciary Committees to appoint a Joint Committee to study such amending legislation and to report to the Congress at the earliest practical date.

To implement reform such as I have suggested, I am introducing a concurrent resolution for the formation of the Joint Study Committee.

Mr. Speaker, the current storm called "Watergate" still troubles us. The traumas of convictions, expectations of more indictments, adjudications, congressional hearings and the cascade of reports dealing with alleged illegal misconduct or unethical acts threaten to blur our national vision.

But as we seek the truth with dedication and the best skills available in our legal and legislative systems, we must keep a clear perspective on our Nation's goals and historical destiny.

We must ask the fundamental questions regarding the achievement of lasting world peace, in Indochina, the Mideast, through more arms pacts and building bridges with the Soviets, Chinese, and other nations of the world.

Republicans and Democrats, who share the President's conviction that we must place a ceiling on annual spending of taxpayers' dollars, cannot abandon our battle against more taxes and more inflation.

We must cope with the energy crisis, restore the environment, provide housing, transportation, education, health care and help meet the other needs of our people.

America cannot stand still.

By our deeds we can help all Americans to see and feel the real, and enduring strength of the American political system.

We seek truth and objective justice for the accused, regardless of consequences to individuals, party, or particular office.

Moreover, we have the responsibility to help restore the confidence of those Americans who labored long and hard for their chosen candidates in the 1972 election.

At the national, State, and local levels, they worked magnificently, with honest devotion to their candidates, to their Party, and to their country.

It is important to remember, as did

the distinguished Senator from Kansas, BOB DOLE, that "the Republican Party was not involved and ought not to be implicated in the Watergate incident."

Much is being speculated about the motivations and the rationale for the maleficence of those involved in Watergate.

I believe, and I sense my belief is shared by others, that those involved in Watergate believed that the American people could be manipulated. We must reaffirm the fundamental tenet that the American people need only be informed in order to vote. They do not need to be manipulated.

The honest, dedicated people in the White House, in the party, and across the land are appalled at wrongdoing. The issues on which the President campaigned mandated overwhelming support for his reelection. Watergate has performed a grave disservice to that mandate.

Today, as at the time of election, the fundamental issues before Congress and the Nation remain the same.

They have not been diminished because of Watergate.

Mr. Speaker, we cannot afford to hesitate to exercise our responsibilities dealing with the great issues before us.

Clearly, our congressional responsibilities are enlarged because of Watergate.

At this point, Mr. Speaker, I include my concurrent resolution in the RECORD:

CONCURRENT RESOLUTION

Whereas the Congress and the Nation are deeply concerned about the implications which the Watergate affair holds for the future of the American political process;

Whereas the law is inadequate to regulate Federal campaign practices;

Whereas the law is inadequate to regulate the use and accounting of all Federal candidates' campaign moneys; and

Whereas it is necessary to restore confidence in our political system: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) there is established a select joint committee to be composed of ten members as follows:

(1) Five Members of the House of Representatives appointed jointly by the chairman of the Committee on the Judiciary of the House of Representatives and the ranking minority member of such Committee; and

(2) Five Members of the Senate appointed jointly by the chairman of the Committee on the Judiciary of the Senate and the ranking minority member of such Committee.

A vacancy in the Select joint committee shall be filled in the same manner in which the original appointment was made.

(b) The members of the select joint committee shall elect one of the members as chairman.

SEC. 2. (a) The select joint committee shall review existing Federal campaign spending law and shall study the possibility of establishing a independent Federal campaign practices commission.

(b) The select joint committee shall transmit a report to Congress containing a detailed statement of the findings and conclusions of the committee, together with its recommendations for such legislation as it deems appropriate in order to adequately regulate Federal campaign practices, including the use and accounting of all Federal candidates compaign moneys.

SEC. 3 The select joint committee shall cease to exits ten days after submitting its report to Congress pursuant to section 2(b).

Mr. Speaker, I also include an editorial from the April 30, 1973, issue of the Buffalo Evening News and my joint resolution on a special prosecutor:

EXPLORE 1964 BUGGING, TOO

Sen. Goldwater's charge that "the other side" bugged his Republican presidential campaign in 1964 doesn't seem to bother him very much, but it does worry us and it should concern the public and the special Senate committee probing the Watergate scandal.

Such invasions of personal and political privacy, whether they're labeled Watergate 1972 or Goldwater 1964, intolerably debase the free election processes designed to fill this nation's highest public office. The best way to cleanse the system of such espionage techniques as electronic TV monitors, hidden bugs, tapped telephones, faked documents and the like is to treat them consistently as indefensible breaches of political fair play.

So we would like to see the Senate committee probing Watergate broaden its scope and invite its Arizona colleague to explain his case in more detail. Some Democratic Party leaders of that '64 campaign might also welcome equal time to rebut him. But for a Democratic Senate to focus on last year's Republican bugging without paying attention to allegations of similar Democratic activities raised by a former GOP presidential contender could invite charges of partisanship.

One chief legislative purpose of the Senate probe is to determine the need, or lack of it, for new laws to protect the country against another Watergate. Sen. Goldwater's first-hand experience with earlier monitoring in 1964 has obvious relevance in making that determination.

H.J. RES. 541

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas allegation of misconduct, illegal activities and attempts to delay or obstruct justice in connection with the presidential election of 1972 have gravely undermined the confidence of the American people in the Government and the electoral process of the United States;

And whereas the President has appointed Elliot Richardson Attorney General designate and has granted him authority to appoint a special prosecutor on the Watergate matter;

Therefore, be it resolved that it is the sense of the House of Representatives that the Attorney General designate immediately appoint an individual of the highest character and integrity from outside the executive branch to serve as special prosecutor for the Government of the United States in any and all criminal investigations, indictments and acts arising from any illegal activities by any person acting individually or in combination with others in the presidential election of 1972 or any campaign canvass or other activities related to it; and that the Attorney General designate grant such special prosecutor all authority necessary and proper to the effective performance of his duties.

WATER POLLUTION CONTROL

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

Mr. MIZELL. Mr. Speaker, the water pollution control measure we passed last year was a major landmark in our continuing effort to reclaim the environment in which we live.

We set ambitious goals for cleaning up our waters within a relatively few years, and we authorized a sizable amount of money to help the States and the Nation achieve these goals.

But the formula we adopted for distribution of these funds has left us, and more importantly, left the States facing the prospect of having less money to spend for these purposes than they had prior to enactment of this massive authorization bill.

In my own State of North Carolina, for example, we stand to lose more than $52 million in water pollution control funds over the next 2 years, using as a base the amount of such funds we received in fiscal 1972.

In that fiscal year, North Carolina received $49,155,750 for water pollution control. The proposed figure for fiscal 1973 is $18,458,000, and for fiscal 1974, the figure is $27,687,000.

This disparity in funding distribution stems from a change in formula which substituted a "needs" criterion for the old "population" formula.

But the spending paradox is inescapable and unacceptable. To give States less money than they had previously been receiving for water pollution was clearly not the intent of the legislation we passed last year, and that course of action would defeat, rather than advance the purposes for which this legislation was approved.

I am proposing today, therefore, a bill to require that no State shall receive less money for water pollution control in fiscal years 1973 and 1974 than it received in fiscal 1972.

My bill is simply designed to guarantee that the intent of last year's legislation is fulfilled, and that its purposes and its ambitious goals are achieved.

I urge my colleagues careful consideration of this proposal, and I hope to see swift action taken on my legislation.

A BILL TO AMEND PORTIONS OF THE MERCHANT MARINE ACT OF 1970

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

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce on behalf of myself and the Congressman from Washington (Mr. PRITCHARD) a bill amending portions of the Merchant Marine Act of 1970.

The purpose of the bill is to clarify an ambiguity which could have the unfortunate effect of denying the citizens of Alaska the full benefit of certain provisions of the Merchant Marine Act of 1970. As Congressmen will recall, in the 91st Congress we enacted a historic new maritime program to revitalize our merchant marine. The Merchant Marine Act of 1970, amended the Merchant Marine Act of 1936, to, among other things, extend the coverage of certain tax deferral privileges previously available only to one small segment of our fleet.

The act also recognized the unique

dependence of the citizens of Alaska, Hawaii, Puerto Rico and the noncontiguous territories and possessions on marine transport, and provided tax incentives decreasing the cost of building vessels for these trades, and thus the cost of marine transportation.

This provision was intended to provide long overdue relief to the people of our noncontiguous States and territories. Unfortunately, the definition of "noncontiguous trade" in section 607(k)(8) is ambiguous with respect to whether incidental intrastate carriage between ports in Alaska would qualify for this benefit, even though it clearly provides that similar carriage between the Islands of Hawaii does. Also, the privileges apply to similar carriage on the Great Lakes. Given the clear public policy of these provisions of the act, it seems to me that incidental intrastate carriage between ports in Alaska could be permitted by administrative interpretation. However, there has been an understandable reluctance to so interpret the literal words of section 607(k)(8), even though such an interpretation would be clearly consistent with the objectives of the act. Consequently, I am introducing this legislation to remedy the situation.

The bill would amend the Merchant Marine Act of 1936, to clarify the meaning of the term "noncontiguous trade," in section 607(k)(8), so that trade between points wholly within an offshore State or possession can qualify as a permissible trade in which to operate vessels which are built with capital construction funds. Enactment of this bill will enable offshore operators of vessels built with such funds to deploy these vessels in the most efficient manner without contravening the act.

Section 607(a) of the Merchant Marine Act of 1936, as amended by the Merchant Marine Act of 1970, allows a shipping company to establish a capital construction fund consisting primarily of tax deferred earnings for the purpose of constructing or reconstructing "qualified vessels." In order to be considered "qualified," a vessel must be operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States—section 607(k)(2). If a vessel built or purchased with capital construtcion funds is operated outside one of the enumerated trades, substantial penalties would ensue.

"Noncontiguous trade" is presently defined in section 607(k)(8) to mean:

First, trade between the contiguous 48 States on the one hand and Alaska, Hawaii, Puerto Rico, and the insular territories and possessions of the United States on the other hand, and second, trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions and third, trade between the islands of Hawaii.

As now structured, this definition of "noncontiguous trade" is susceptible to uncertainty regarding the status of ocean shipping wholly within Alaska, Puerto Rico, or the insular territories and possessions of the United States.

Although trade between the islands of Hawaii is clearly noncontiguous—clause (iii) of section 607(k)(8), it is not altogether clear that trade between points in Alaska, for instance, can similarly be regarded as "noncontiguous trade" as that term is presently defined. Alaska's reliance on water transportation and its need to obtain such transportation as economically as possible dictates that section 607(k)(8) be amended to explicitly include intra-Alaska trade within the meaning of "noncontiguous trade."

For example, a few carriers—mostly tug and barge operators—serve the offshore domestic trade between the contiguous 48 States and Alaska. In the course of a voyage between Seattle and Alaska, cargo may be carried to a number of Alaskan ports. In serving these ports, incidental cargoes may also be carried from one Alaskan port to another Alaskan port. From the carrier's point of view, the carriage of these incidental intrastate cargoes represents the most efficient use of its equipment. Although these cargoes are minor in volume compared to the major intrastate trade, they are also very important to Alaska shippers since there is no regular privately owned service operating only between ports in Alaska. The interstate movement is clearly within the scope of section 607(k)(8), but the incidental intrastate movement is arguably outside the definition of "noncontiguous trade."

If this intrastate movement is not considered "noncontiguous trade," a carrier could not in good faith contract with the Secretary of Commerce for the construction of vessels which would be regularly used in such a trade, albeit incidentally. If Alaskan operators, for example, were forced to abandon incidental intrastate carriage in order to benefit from the capital construction fund program, the intrastate shippers dependent on water transportation would obviously be injured; and since there would be an irreplaceable loss of freight from this movement, the interstate shipper might have to pay increased rates in order to offset the loss of intrastate revenue. The proposed amendment would relieve the carrier from having to choose between the benefits of the act and the efficient use of its equipment.

Another compelling reason for specifically including intra-Alaska, also intra-Puerto Rico, intra-Guam, and so forth—trade within the scope of the act arises from Congress inclusion of interisland Hawaiian trade—wholly intrastate—in the definition of "noncontiguous trade." It was aparently recognized that Hawaii's dependence on ocean shipping, even for intrastate movement, dictated that Hawaiian carriers, shpipers, and consumers should benefit from the construction of water transport equipment with capital construction funds.

The conditions which impelled Congress to extend the benefits of the act to the interisland Hawaiian trade are equally present in the case of Alaska and the insular territories. For instance, there are 6,640 miles of general coastline in Alaska and 33,904 miles of coastline if all if its islands are included. There are more islands in Alaska than in any other State. Alaska and the insular territories are just as heavily dependent on water transportation as is Hawaii.

The legislative history of the Merchant Marine Act of 1970 sheds no light on the omission of the intra-Alaska trade as opposed to the inclusion of the interisland Hawaiian trade. The failure to include Alaska and the other offshore territories and possessions may well have been a legislative oversight which should be corrected by the adoption of the proposed amendment. This amendment would assure Alaskan citizens the same treatment that the act confers upon Hawaiian citizens. The benefits of the act, in terms of better, more efficient, and more modern water transportation service in intrastate trade should accrue not only to Hawaii but to Alaska as well. At the same time, Puerto Rico and the other insular territories and possessions of the United States should be accorded the same treatment.

A third and equally important reason is to encourage the growth of the boat building industry in Alaska. With its wealth of natural materials, particularly timber, so close to so many potential customers, Alaska is a State particularly advantageously situated for the development of a boat building industry. The largest accessible stands of good lumber are in southeastern Alaska, close to many potential customers. This bill will incidentally encourage the growth of the shipbuilding industry in Alaska. Of course, it will also encourage the domestic Alaska shipping industry which is, as I have indicated, still, like Alaska shipyards, relatively small and in need of assistance.

The proposed legislation accomplishes the objectives set forth above. In addition, the wording of the bill also encompasses the meaning of original clause (ii) to section 607(k)(8): "trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions."

I include the bill at this point:

S. 902

To amend section 607(k)(8) of the Merchant Marine Act, 1936, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 607(k)(8) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(k)(8)), is amended by striking that entire portion of section 607(k)(8) which follows the lower case roman numeral "(ii)", and inserting in lieu thereof "trade from any point in Alaska, Hawaii, Puerto Rico, and such territories and possessions to any other point in Alaska Hawaii, Puerto Rico, and such territories and possessions."

PROVIDING A RULE FOR THE USE OF THE POCKET VETO

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

Mr. RODINO. Mr. Speaker, I am introducing today a bill to implement section 7 of article I of the Constitution, by providing a rule for the use of the pocket veto. This measure would prevent at-

tempts by the President to pocket veto bills during a session of Congress. As a result, this would protect the legislative powers of the House and Senate from encroachment by the Executive.

The Committee on the Judiciary held hearings during the 92d Congress on a pocket veto bill, H.R. 6225, introduced at that time by my distinguished predecessor as chairman of the Committee on the Judiciary, the Honorable Emanuel Celler. The purpose of this bill is the same as that proposal, but has been modified in view of the problems and objections that those hearings brought to light.

The need for legislation of this type was emphasized dramatically when President Nixon allegedly pocket vetoed the Family Practice of Medicine Act during the 4-day Christmas recess of the Congress in 1970. This act was passed overwhelmingly by both Houses of Congress and a veto by the President probably would not have been sustained.

The alleged pocket veto of the Family Practice of Medicine Act currently is being challenged by Senator KENNEDY in a Federal district court. While we all can hope for an outcome favorable to the Congress, it is unlikely that a decision in this suit will settle the pocket veto controversy even if it gets to the Supreme Court. The Supreme Court has already had two opportunities to rule on the so-called pocket veto clause, but both times declined to lay down clear guidelines. This legislation is consistent with both decisions.

The application of the separation of powers principle by the Constitution with respect to the Congress is very clear. The very first section of the Constitution vests—

(a) 11 legislative power . . . in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The only veto power thereafter granted to the President by the Constitution is contingent on a subsequent vote of the Congress to override the veto.

Erosion of the separation of powers principle by the improper assertion of "pocket veto" power cannot be tolerated, because it impedes the democratic lawmaking process established by the Constitution. There is great peril to the country if the ultimate disposition of legislation, even in a single case, is left to one individual—the President—rather than placed where that duty constitutionally belongs—in the collective wisdom of 535 elected representatives of the people.

Clearly, the orderly passage of legislation is crucial to the business of the Congress. Nothing is more disruptive to legislation by doubtful assertions of pocket veto power just at the end of its journey to become law. The presentation of a bill to the President is the culmination of months of work in committee and debate on the floors of both Houses. Improper attempts to pocket veto perhaps can be thwarted by legal action, such as that taken by Senator KENNEDY or by introducing and passing a bill again, as both Houses are doing this session. However, both these steps entail a great deal of time, and when repassing a bill is involved, there is duplication of work. It goes without saying that this effort could be devoted much better to the carrying out of our legislative tasks.

This bill seeks to solve the pocket veto problem by spelling out the meaning of the language in the Constitution critical to the exercise of this power. It is apparent to me that such clarification and definition of terms to remove ambiguities in the Constitution is a necessary and proper legislative function of the Congress.

An adjournment which prevents the return of a bill, which is the language in the Constitution that permits a pocket veto, is defined to be an adjournment sine die by the Congress or by either the House or the Senate. It is apparent that when either House has adjourned sine die, an act which terminates its legislative life for a session, there is no opportunity to reconsider a bill that has been vetoed by the President. The same is true of an adjournment sine die by the whole Congress. The legislation that I am introducing today makes it clear that it is only under these circumstances that a bill can be considered to be "pocket vetoed."

A PROPOSAL FOR IMPROVING THE MANAGEMENT OF THE GREAT LAKES OF THE UNITED STATES AND CANADA

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

Mr. VANIK. Mr. Speaker, today, the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs held hearings on a series of proposals to improve the management of the Great Lakes of the United States and Canada. This hearing, part of a continuing effort by our distinguished colleague, the Honorable DANTE FASCELL, is a welcome development to all of us in the Great Lakes States.

For almost three-quarters of a year now, residents of the lake shorelines have been suffering almost constant damage and injury from the high water levels now existing on the lakes. While there is little that can be done immediately to lower the water levels on the lakes, the present disaster situation has focused attention on the problems of the lakes. Hopefully today's crisis will enable us to prepare for the future so that the problems we are experiencing this year can be avoided in the years to come.

Previous hearings before Chairman FASCELL'S subcommittee have highlighted some of the many organizational, planning, and managerial weaknesses of the various Government agencies which currently have partial authority over aspects of the economy and environment of the lakes. Even the 1909 treaty, which set up the Canadian-American International Joint Commission, is so fragmented and out-dated, that it excludes Lake Michigan from coverage under the treaty. The original reason for this exclusion was that the IJC was formed just to resolve boundary water problems.

Lake Michigan, of course, lies wholly within the United States. But hydrologically it is one with Lake Huron and a major and integral part of the entire Great Lakes system. Pollution in Lake Michigan becomes pollution throughout the Great Lakes. Diversion of water from Lake Michigan, rather than being subject to the flexible negotiating and arbitrating process provided by the IJC, becomes a matter of inflexible court decisions. As a result, the Chicago Sanitary and Ship Canal, which could be used flexibly to permit varying amounts of water out of the Great Lakes, depending on the water level situation on the Great Lakes and on the Mississippi is controlled by an inflexible court order.

Studying the governmental jurisdictions on the lakes, the Inter-American Affairs Subcommittee today received testimony from Dr. Leonard B. Dworsky of the Water Resources and Marine Sciences Center of Cornell University and from Dr. George R. Francis, Department of Man-Environment Studies, of the University of Waterloo in Ontario, Canada.

The two professors served as cochairmen in developing a report by the Canada-United States University Seminar entitled, "A Proposal for Improving the Management of the Great Lakes of the United States and Canada." It is my understanding that the full text of this thorough and excellent report will be printed in the subcommittee's hearing record, thus providing an invaluable reference work for all us who are working on the problems of the Great Lakes.

CANADIAN-UNITED STATES COOPERATION IN DEVELOPING THE REPORT

Using some of the language of the report, I would like to describe some of the background and highlights of the seminar:

During the period December 1971 to June 1972, faculty members from some twenty universities and colleges in Canada and in the United States joined in a dialogue to explore ways in which the institutional structures for the management of the water and land resources in the Great Lakes Basin might be strengthened to the mutual advantage of both countries. Some thirty persons were invited to participate, with roughly one-half from each country. An equal number of government representatives were also invited to attend the Seminar meetings. The Seminar participants carried out their tasks in three plenary meetings and in working sessions of a planning group between the regular sessions. The first plenary meeting was held in December 1971, at York University, Toronto, Ontario; the second in March 1972, at Cornell University, Ithaca, New York; and the third at York University in June 1972.

The undertaking of this Canada-United States University Seminar in a sense reaffirmed the growing cooperation between Canada and the United States on Great Lakes problems. Participants recognized the progress and positive contributions being made in biophysical research on the Lakes, as exemplified by the International Field Year on the Great Lakes which became operational in the Spring of 1972.

The Seminar participants were also cognizant of the negotiations then taking place

between the two countries to strengthen the hand of the International Joint Commission in controlling transboundary water pollution. Those negotiations resulted in the 1972 Agreement on Great Lakes Water Quality which established for the first time common and specific water quality objectives for the Great Lakes and provided for joint programs to achieve the objectives.

While acknowledging these accomplishments, the Seminar at the same time felt it was necessary to ask what else had to be done. The rates of population growth, urbanization and industrialization in the Great Lakes Basin, especially in the lower lakes, are leading to even more intensive use of the water and associated land resources, and the generation of even more problems and conflicts of interest among resource uses and users. Above all, they reveal the desirability of exploring how some of these problems might be anticipated and acted upon before they reach crisis proportions. The scope of attention would then have to go beyond cooperation on controlling transboundary water pollution and joint efforts on water research. But how far, and in what way? These were the central questions posed to the Seminar.

The Seminar approached the question through a series of steps which involved: (1) identification of the resource management problems of the Great Lakes Basin; (2) examination of existing organizational forms; (3) review of previous research efforts on institutional arrangements; (4) identification of criteria applied to resource management organizations; (5) analysis of the International Joint Commission; (6) review of the current limits of joint authority with respect to the management of the international Great Lakes; (7) development of the general features of a new joint institutional arrangement and finally; (8) development, as a general framework, of some alternative directions for improving the management of the water and related land resources of the Great Lakes Basin.

After such an examination of some of the issues on the Great Lakes confronting the population of the Great Lakes basin, the seminar found in many cases that lack of coordination and proper governmental jurisdictions, both on the United States and Canadian sides of the boundary waters, constituted one of the the major problems. For example, in the area of water quality, the seminar reported:

> The heart of the problem appears to lie in institutional inadequacies on both sides of the international border. While in recent years policymakers in Canada and in the United States have made visible progress in improving the management of water, land and environmental quality in the Great Lakes Basin, unfortunately, the effect of this effort is something less than it could have been simply because of the dampening effects of the existing fragmented institutional structure.

In conclusion, the seminar made four recommendations:

RECOMMENDATIONS

A. The Governments of the United States and Canada should initiate, on a joint basis, a comprehensive examination of the problems associated with multiple purpose management of the Great Lakes in order to conserve, develop and use that unique resource for the mutual benefit of the people of both countries.

B. The alternative proposals formulated by the Canada-United States University Seminar should be used by the two Governments as a basis for initiating discussion and debate on the modernization of the management of the Great Lakes.

C. In the United States, a study bill should be introduced early in the 93rd Congress for the purpose of opening the doors to serious public debate on the question of the joint management of the Geat Lakes Basin by local, state, regional and federal officials and private persons and nongovernmental organizations concerned with the public interest.

D. In Canada, the findings of the Seminar should be discussed with officials in the federal government, the Ontario provincial government, and selected regional and local governments in Ontario. The purpose would be to encourage informal federal-provincial-regional-local consultations on the new steps and responsibilities needed for the Great Lakes Basin, with a view to developing more detailed proposals for consideration at the Cabinet level of the two senior governments and providing material for bilateral consultations.

Yet this is hardly the conclusion. This binational university seminar effort can be part of the beginning of a new effort in the Great Lakes basin to meet the problems of the future and to provide a better quality of life for the people of this region.

It would be my hope that the ideas and issues raised by the seminar will be just the beginning of a renewed and intense discussion throughout the area on how we can better conserve and utilize the lakes.

Again, I would like to commend the committee and Chairman FASCELL for his efforts in this area.

DEFERRED DEPORTATION OF CERTAIN WESTERN HEMISPHERE ALIENS

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

Mr. EILBERG. Mr. Speaker, I wish to bring to the attention of the House a significant development regarding aliens in the United States.

Since the Subcommittee on Immigration and Nationality has commenced extensive hearings on legislation affecting immigration from the Western Hemisphere, the chairman of the Committee on the Judiciary, the Honorable PETER W. RODINO, JR., has requested the Immigration and Naturalization Service to defer deportation of natives of the Western Hemisphere who are the parents, spouses, and children of citizens of the United States, the unmarried sons and daughters of U.S. citizens, and the spouses and unmarried sons and daughters of aliens lawfully admitted to the United States for permanent residence. This action which was brought about by an exchange of letters between Chairman RODINO and the Acting Commissioner of the Immigration and Naturalization Service will eliminate the separation of families and alleviate much hardship.

Many of these people will be eligible to have their status adjusted to that of lawfully resident aliens when H.R. 982, which is scheduled for floor action this week, becomes law. The remainder of them will likewise be able to adjust their status when legislation is enacted providing the same treatment for aliens from the Western Hemisphere as is presently available to those from the Eastern Hemisphere. I am hopeful that that legislation will also be enacted in the current session of the Congress.

The exchange of correspondence and the operating instructions are printed below and you will note that these persons will be authorized by the Immigration and Naturalization Service to accept employment.

APRIL 27, 1973.

Regional Commissioner: Burlington, Vermont; Richmond, Virginia; St. Paul, Minnesota; San Pedro, California.

James F. Greene, Associate Commissioner, Operations.

Granting of Voluntary Departure to Certain Western Hemisphere Natives; CO 242.-1-P; April 10, 1973.

Attention: Associate Deputy Regional Commissioner, Operations.

Attached for your information are copies of self-explanatory correspondence with Honorable Peter W. Rodino, Jr., Chairman, Committee on the Judiciary, House of Representatives, relating to the above-cited teletype which was addressed to all regional offices and file control offices in the United States.

Aliens who fall within the criteria set forth therein and who are granted extended voluntary departure, should also, upon their request, be granted authorization for employment pursuant to 01 243.5.

(S) JAMES F. GREENE.

MARCH 28, 1973.

HON. RAYMOND F. FARRELL,
Commissioner, Immigration and Naturalization Service, Washington, D.C.

DEAR MR. COMMISSIONER: I am sure you are aware that the Members of Subcommittee No. 1 of this Committee are commencing extensive hearings on legislation designated to establish a preference system for the Western Hemisphere.

My bill, H.R. 981, to amend the Immigration and Nationality Act in that respect is under active consideration by the Subcommittee. Knowing of their diligence and their awareness of the need for such legislation, it is my firm belief that legislation equalizing the two hemispheres will be favorably acted upon by the Committee during the current session of the Congress.

With that in mind, coupled with the fact that legislation permitting the adjustment of status of certain natives of the Western Hemisphere has already been ordered favorably reported to the House of Representatives, I believe that you should consider issuing instructions to your Field Offices to delay enforcing departure of natives of the Western Hemisphere who are immediate relatives as defined in section 201(b) of the Immigration and Nationality Act; the unmarried sons or daughters of United States citizens; and the spouse of unmarried son or daughter of an alien who has been lawfully admitted to the United States for permanent residence.

I feel certain that you will agree that this course of action will alleviate much hardship and that the interest of humanity will be better served. The uniting of families has been paramount in all consideration of legislation in the field of immigration.

Kindest regards.

Sincerely,

PETER W. RODINO, JR.,
Chairman.

IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., April 2, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of March 28, 1973, regarding the granting of voluntary departure to certain Western Hemisphere natives.

You will be pleased to learn that it has been decided that certain changes will be made in the Service policy relating to this matter, based upon the representatives contained in your letter.

Effective immediately, under the changed policy, a Western Hemisphere native will, as a matter of discretion, be granted extended voluntary departure if he is admissible to the United States as an immigrant and he is an immediate relative of a United States citizen as defined in section 201(b) of the Immigration and Nationality Act, as amended, or is the unmarried son or unmarried daughter of a United States citizen, or is the spouse or unmarried son or unmarried daughter of an alien who has been lawfully admitted to the United States for permanent residence.

Sincerely,

JAMES F. GREENE,
Associate Commissioner.

THE ONEITA STRIKE AND BOYCOTT

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

Mr. DENT. Mr. Speaker, it is time national attention was focused upon a struggle against discrimination and poverty which involves nearly 1,000 South Carolina textile workers.

That struggle is now in its fourth month at the plants of the Oneita Knitting Co. in Andrews and Lane, S.C. It was provoked by the company last January 15 after 14 months of stalling and other unfair labor practices during negotiations for an initial agreement with the Textile Workers Union of America, AFL–CIO. This organization was chosen by these workers to represent them in collective bargaining in an election held by the National Labor Relations Board November 19, 1971.

Approximately 85 percent of these workers are women and 75 percent of them are black. They live and toil in one of the Nation's most poverty-stricken areas. The average wage at Oneita Knitting is only slightly more than $2 an hour, with many workers earning between $1.60, the Federal minimum, and $1.80 an hour.

Typical of them is Mary Lee Middleton, whose ancestors toiled as slaves in the rice fields that dotted the area during the 19th century. After 4 years as an Oneita employee, her 1972 earnings totaled $3,379.16. Even though her oldest daughter is also an Oneita worker, she can hardly make ends meet for the 11 members of her family. So she and many of her coworkers have to rely on Federal food stamps even though they are working full time.

The 11 Middletons live in a three-room shack heated by a pot-bellied stove, with plastic sheeting serving as window panes. Because the unemployment rate in Williamsburg County is high, Mary Lee has no alternate job opportunities.

The company was founded by the Devereaux family in 1874. Privately owned, it is a relative newcomer to the South, having run away from a New York State location in search of cheap labor and similar inducements.

In dealing with the Textile Workers Union of America, the company has scrupulously followed a union-busting formula long used by the southern textile industry. It is tailored to the anti-union provisions of the Taft-Hartley Act.

Briefly, it calls for all-out resistance to the right of workers to form a union and the use of intimidation and coercion to produce an antiunion vote in an NLRB representation election. If the vote goes against the company, as it did at Oneita, the company then exploits loopholes in the law to avoid signing a contract. It goes through the motions of bargaining, as Oneita did for 14 long months, insisting upon contract terms which, if accepted, would deny workers the right to strike or even arbitrate their grievances. If workers, frustrated by these limitations, resorted to a wildcat strike, this would leave their union wide open for heavy damage suits and possibly bankruptcy.

Oneita pursued this union-busting formula so vigorously that, only last February 21, a Federal administrative judge found the company guilty of unfair labor practices and refusal to bargain in good faith. He ordered the company to "cease and desist." However, in the absence of stringent penalties, the company persists in avoiding genuine collective bargaining with the obvious aim of starving the Oneita workers into submission.

To guard against such a development, and in line with TWUA practice in all of its strikes, the union's defense fund is providing the Oneita workers with the essentials of livelihood. In addition, the union has launched a nationwide boycott of Oneita products which has the endorsement and active support of the AFL–CIO and all of its affiliated unions.

Oneita's major products are men's and boys' knitted underwear. Its top customers are K-Mart (Kresge), J. C. Penney, Sears, and Montgomery Ward, with hundreds of stores all over the country. They sell Oneita products under their own store labels.

As I said at the start of this statement, Mr. Speaker, this is not merely another strike. It is a struggle for decency in labor-management relations and against poverty and discrimination.

People like Mary Lee Middleton originally voted for a union because they wanted to break the cycle of poverty and misery that has trapped them ever since their forebears were brought to America as slaves. They went out on strike rather than be perpetually denied the American dream of a decent living. They deserve the support of every American who believes in industrial democracy and justice for all who work for a living.

REMARKS ON INTRODUCTION OF BILL RELATING TO THE 1973 FEED GRAIN PROGRAM

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

Mr. CULVER. Mr. Speaker, on Thursday, May 3, the House Agriculture Subcommittee on Livestock and Grains will conduct public hearings on bills designed to eliminate inequities between feed grain farmers in connection with the operation of the 1973 set-aside program.

I am today introducing a bill for consideration during these hearings which will correct the inequities which resulted from the recently announced decision of the Secretary of Agriculture to change the acreage set-aside requirement of the 1973 feed grain program.

Under the feed grain program, farmers are encouraged to set-aside acreage from crop production under one of two options: Option A, setting aside 25 percent of their feed grain base and receiving a payment of 32 cents per bushel; or option B, setting aside no acres and receiving 15 cents per bushel. In 1973, farmers were required to sign up for one of the options before March 16.

On March 26 the administration announced that the A option acreage set-aside requirement was reduced from 25 percent to 10 percent, while the payment would remain the same. As this announcement was made some 10 days after the completion of the sign-up period, this change was grossly unfair to those farmers who had signed up under option B and now had no opportunity to change their option. In effect, the administration had changed the rules after the game had been played. This clearly was not fair.

On April 6, 1973, I wrote to Agriculture Secretary Earl Butz protesting this unfair action and urging a new signup period be authorized by the Department of Agriculture. On April 23, a reply by the ASCS Acting Administrator indicated that the Department did not intend to allow a new signup period.

The bill I introduce today does not require reopening the 1973 feed grain program signup period. It does, however, require the Secretary of Agriculture to extend the same price support guarantees to option B cooperators as option A cooperators now have.

Mr. Speaker, this bill eliminates the inequitable and discriminatory treatment of a large number of the Nation's farmers who rightly believe that the administration of Federal programs ought to be fair and impartial to all participants. I urge the members of the Agriculture Subcommittee on Livestock and Grains to restore these citi-

zens' faith in their Government by giving favorable consideration to this bill.

NEED FOR A TOTAL PROHIBITION AGAINST RESEARCH INVOLVING LIVE HUMAN FETUSES

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

Mr. MAZZOLI. Mr. Speaker, apparently in response to the glare of publicity, the National Institutes of Health has recently promulgated a policy statement indicating that it knows of no circumstances which would justify NIH support for research involving a live human fetus.

I would like to contend that this statement is wholly inadequate since it clearly leaves the door wide open for the future discovery of circumstances, which in NIH's opinion might justify such morally repugnant research.

It is my personal opinion—and also my reading of public sentiment—that there can be no circumstances which would justify the use of public moneys in support of practices so disrespectful of human life. Nor do I feel that such research should even receive verbal support from a public agency.

Accordingly, Mr. Speaker, I want to call upon my colleagues in the Congress to join me in requesting that the National Institutes of Health adopt a policy of absolute prohibition against any form of support for research involving live human fetuses.

Additionally, I insert in the RECORD the following two articles by Mr. Victor Cohn, which appeared in the Washington Post on April 10, 1973 and April 13, 1973, respectively:

NIH CONSIDERING ETHICS—LIVE-FETUS RESEARCH DEBATED

(By Victor Cohn)

The possibility of using newly-delivered human fetuses—products of abortions—for medical research before they die is being strenuously debated by federal health officials.

So is the question of whether or not federal funds ought to be used to support such research in a country where abortion is considered immoral by millions.

A proposal to permit such studies was recommended to the National Institutes of Health 13 months ago, it was disclosed yesterday by a doctors' newspaper. Ob.-Gyn. (Obstetrician-Gynecologist) News.

Officials at NIH, prime source of funds for American research laboratories, differed yesterday on whether the recommendation had at least temporarily become "NIH policy."

But they agreed that NIH is considering the ethics of the matter afresh in the light of last year's revelation of an Alabama syphilis study in which the human subjects were neither informed about their disease nor treated for it.

They also agreed that most scientists feel that it is both moral and important to health progress to use some intact, living fetuses—fetuses too young and too small to live for any amount of time—for medical study.

Most such scientists would apparently agree with the recommendations of still another NIH advisory body—made in September, 1971, but again not disclosed until yesterday—that a fetus used in research must meet at least two out of three criteria: (1) it be no older than 20 weeks: (2) no more than 500 grams (1.1 pounds) in weight; and (3) no longer than 25 centimeters (9.8 inches) from crown to heel.

Such tiny infants if delivered intact may often live for an hour or so with beating heart after abortion.

They cannot live longer without aid, primarily because their lungs are still unexpanded. But artificial aid—fresh blood and fresh oxygen—might keep them alive for three or four hours.

Scientists in Great Britain and several other countries are regularly doing studies in this way, medical sources said yesterday.

British scientists generally work under a set of strict though unofficial guidelines set last year by a government commission named to end what virtually everyone agreed was an abuse—obtaining months-old fetuses for research and keeping them alive for up to three or four days.

Before permitting research on fetuses said the British commission, a hospital ethics committee must satisfy itself "that the required information cannot be obtained in any other way."

This is often the case, one well-known genetics researcher, Dr. Kurt Hirschhorn of New York's Mount Sinai Hospital and Medical School, said in an interview yesterday. Indeed, he added, some U.S. scientists are going to Sweden or Japan or other countries to do such research and doing so with the help of their NIH funds.

Using the fetus, Hirschhorn said, it may be possible "to learn how differentiation occurs"—the way cells develop into different parts of the body. "We could learn more about inborn anomalies," or birth defects.

"I don't think it's unethical," he said. "It's is not possible to make this fetus into a child, therefore we can consider it as nothing more than a piece of tissue. It is the same principle as taking a beating heart from someone and making use of it in another-person."

Dr. Andrew Hellegers, professor of obstetrics at Georgetown University and director of the Kennedy Institute for the Study of Human Reproduction and Bioethics, argued with this view at one NIH advisory meeting. "It appears," he said, "that we want to make the chance for survival the reason for the experiment."

"Isn't that the British approach?" another member asked him.

"It was the German approach. 'If it is going to die, you might as well use it,'" Hellegers replied, referring to Nazi experiments on doomed concentration camp inmates during World War II.

Despite some views like his, an NIH Human Embryology and Development Study Section decided in September, 1971, that: "Planned scientific studies of the human fetus must be encouraged if the outlook for maternal and fetal patients is to be improved. Acceptable formats for the conduct of . . . carefully safeguarded, well controlled investigations must be found."

For example, this group warned, "under no circumstances" should attempts be made to keep a fetus alive indefinitely for research.

The study section's recommendations were greatly modified by the National Advisory Child Health and Human Development Council—the advisory group to NIH's National Institute of Child Health and Human Development—in March, 1972.

"It was my understanding that the advisory councils recommendations were accepted last year," Dr. Philip Corfman, acting director of the Child Health Institute, said yesterday. "But everyone knew they would require more work on specific guidelines."

However, Dr. Charles U. Lowe, the institute's scientific director—who was asked last year to head a group to help develop such guidelines—said: "The council statement was sent to the director of NIH, but it is not at the present time policy. It has no standing except as a council expression."

The Child Health Institute is supporting no research using live, intact fetuses, he said. Other sources said they know of no such projects supported by any NIH institute, though one added, "we'd have to survey some 12,000 projects to be sure."

Lowe said he personally agrees with the British commission's feeling that such research is proper and ethical if properly controlled.

"But I haven't decided in my own mind yet," he added, "whether we can go along with Great Britain, using federal dollars. First, we have an articulate Catholic minority which disagrees. Second, we have a substantial and articulate black minority" sensitive on issues of human life.

Hirschhorn for his part argued: "How do we know what drugs do to the fetus unless we find out?" A position is needed, he maintained, between those "who say we're not doing any harm to a fetus that's going to die anyway" and those who would require "highly complex forms" before a medical scientist can do anything.

STATEMENT ON RESEARCH

NOTE.—This statement backing the regulated use of human fetuses in medical research was approved in March, 1972, by the National Advisory Child Health and Human Development Council but not made public. The council is an advisory body to the National Institute of Child Health and Human Development, part of the National Institutes of Health.

Scientific studies of the human fetus are an integral and necessary part of research concerned with the health of women and children. Because of the unique problems involved and a growing competence and interest in this field, ethically and scientifically acceptable guidelines for the conduct of such investigation must be developed.

In all cases, applicable state and/or national laws shall be binding.

Guidelines for human investigation used to protect the rights of minors and other helpless subjects are applicable.

The study protocol must be reviewed and approved by the appropriate institutional review committee to insure that the rights of the mother and fetus will be fully considered.

It is the duty of these committees to insure that the investigator shall not be involved in the decision to terminate a pregnancy, the product of which is intended for study within his own research grant or authority.

Continuing review by the institutional committee must be undertaken in approved projects.

Informed consent must be obtained from the appropriate party(ies).

NIH VOWS NOT TO FUND FETUS WORK

(By Victor Cohn)

The National Institutes of Health will not fund research on live aborted human fetuses anyplace in the world it promised yesterday in a policy statement that is likely to become government-wide practice soon and probably a guide for most American scientists.

NIH, from its headquarters in Bethesda,

finances nearly half of all U.S. medical research, and the federal government finances nearly two-thirds of the country's $3.5 billion a year total.

NIH "does not now support" any such research, said Dr. Robert Berliner, deputy director for science, and "we know of no circumstances at present or in the foreseeable future which would justify NIH support."

Some scientists have said that at least a few research programs involving study of live aborted fetuses in the short time before they die have been supported with NIH funds, some of them performed by U.S. scientists abroad.

Dr. Charles U. Lowe, scientific director of NIH's National Institute for Child Health and Human Development, qualified Berliner's statement slightly by commenting, "You know we're dealing with 14,000 grants," and "we are not insofar as we know" financing any such work.

Berliner's statement was read to nearly 200 Roman Catholic high school students gathered in an NIH auditorium for questions and protest. The students were organized by a group from the Stone Ridge Country Day School of the Sacred Heart led by Renee Meier, Theo Tuomey and Maria Shriver, 17, daughter of Sargeant Shriver.

The students got together after a Washington Post story Tuesday reported that federal health officials were debating the advisability of such studies and were considering issuing federal guidelines for anyone doing them.

"Why are they drawing up guidelines if they don't intend to use live fetuses?" one skeptical questioner asked Dr. Lowe, referring to federal advisory groups who have in fact supported the idea of some such research.

"Any organization develops policy through review," Lowe replied. The advisory groups were made up of non-federal, university scientists, and "they can say anything they want," Lowe said, but "policy is made by NIH."

Research involving the fetus has been going on in many countries with liberal abortion policies. Many medical scientists are eager to study fetal development as a guide to prevention and treatment of many diseases and abnormalities.

Such research has focused on two main kinds of procedures: some studies during the minutes or hours while some fetuses still live or can be kept alive, and operations on fetuses to get cells or organs that can be kept alive in the laboratory.

It is only the first kind that NIH said yesterday that it would not support. Merely taking tissues for study "is about the same thing as taking kidneys or a heart for a heart transplant," said Dr. Berliner in an interview.

Lowe told the students that "I see no need at this point" for studies of the live fetus, though he admitted that many scientists in the Scandinavian nations, Britain and the United States feel differently.

As to reports that some U.S. scientists have done such research in trips abroad, some of them with NIH funds, Lowe said, "I can't agree" that this has happened. Also, he said, "I object strongly to professional scientists doing in other countries what ethics here would not permit."

In a series of statements preceding this week's meeting, officials of the United States Catholic Conference called for a constitutional amendment "protecting the life of the unborn," for a national commission of theologians, scientists, lawyers and citizens to monitor scientific advances and recommend ethical guidelines, and for congressional study and regulation of experiments on human beings.

John Cardinal Krol of Philadelphia, speaking for the conference's executive committee, expressed "shock" at the possibility of federal support of studies on live, aborted babies. "If there is a more unspeakable crime than abortion itself," he said, "it is using victims of abortion as living human guinea pigs."

In other statements:

The Catholic Bishops' Ad Hoc Committee on Population and Pro-Life Affairs termed the matter "cause for moral outrage."

The Washington area's St. Luke's Guild of Catholic Physicians stated unequivocal opposition to experimental use of living fetuses "at any time and under any circumstances."

Maryland Right to Life, an anti-abortion group, pointed out that the Maryland General Assembly this year passed a joint resolution calling on Congress to propose a constitutional amendment to protect unborn human beings—intended to upset the recent Supreme Court decision on abortion.

A WAY OUT OF THE POVERTY MESS: A FULL DAY'S WAGE FOR A FULL DAY'S LABOR

(Mrs. CHISHOLM asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. CHISHOLM. Mr. Speaker, the other day when Secretary Brennan came up to testify before the House Education and Labor Committee on the minimum wage bill there was a series of articles in the newspapers around the country concerning the hardening of positions between Labor and the President, Brennan's position with the President, Brennan's position with the labor movement and the like.

Unfortunately amid all the fireworks and inside-dopester analysis the discussion of the real issues was buried.

What happened was that once again the administration which has spoken so much and so eloquently about the work ethic indicated that they are opposed to any extension of minimum wage coverage. In effect they told the 6 million people who would benefit from the proposed extension of coverage, "we don't think your full day's work is worth a full day's wage."

This opposition to the extensions of coverage is interesting in light of the support for the provision raising the minimum for those workers already covered. The administration recognized that there had not been any raise in the minimum wage for 7 years and that equity, justice, and fairness made it necessary to raise the basic minimum wage for those 45.5 million workers who are already covered, but of the 16 million not currently covered by the Fair Labor Standard Act no provision is to be made.

These are hard-working Americans, too. The 34-percent increase in prices since 1966 has had an even more cruel effect on their budgets than that of the rest of the population because they do not enjoy minimum-wage protection.

Listed below is a table of those persons covered by the act and those which are not.

TABLE 3.—ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES COVERED UNDER THE FAIR LABOR STANDARDS ACT, BY INDUSTRY

[In thousands]

Industry	Total number of employees in industry	Number of employees covered	Number of employees not covered or exempt
Agriculture	1,190	535	655
Mining	559	554	5
Contract construction	3,219	3,202	17
Manufacturing	17,549	16,987	562
Transportation, communications, utilities	4,092	4,018	74
Wholesale trade	3,307	2,513	794
Retail trade	10,054	5,886	4,168
Finance, insurance, real estate	3,170	2,400	770
Services (excluding domestic service)	8,542	6,068	2,474
Domestic service	2,125		2,125
Federal Government	2,365	693	1,672
State and local government	5,732	2,655	3,077
Total	61,904	45,511	16,393

Under the proposed Education and Labor Committee bill we did not provide for the extension of minimum wage protection to all 16 million of these workers. I personally would like to have seen this, but H.R. 4757 provides for the extension of benefits to only 6 million new workers. These include certain Federal, State and local government employees, day care employees, and domestic workers. The bill would also provide overtime coverage to these groups as well as agricultural processing employees, transit system workers, nursing home employees and the maids and custodial workers of hotels and motels.

These are the working poor. They are not on welfare or asking for handouts. They are working hard, skimping and scrapping, to keep their families together. I think it is high time we rewarded them for their efforts and provided at least the basic minimum wage.

I would like to illustrate the problem of the working poor and their need for minimum wage protection by speaking about one of the groups which would benefit from this bill, the domestic workers.

According to the 1970 census there are still some 25.5 million families in the Nation with incomes under the poverty line. Only 21.5 percent of these families are on welfare. The other 80 percent of the poor are working full time for subminimum wages, doing seasonal work, part-time work, piecework and whatever else they can to feed their families.

A very large portion, 40 percent of these poverty families are headed by women. Among poor black families the figure is even higher. Over 50 percent are headed by women.

Most of these women have few marketable job skills, so many go into domestic work. Unfortunately it is very hard to make it in the job world as a domestic. The work is long and hard. There are no vacations with pay, health benefits, or retirement benefits which most American workers take for granted. If the family for which she works moves, or takes a vacation or just decides they do not need her services for that week she has no severance pay, she must simply make do any way she can.

The median income for a domestic worker is $1,800. And as you can see from the State by State analysis of census data which I am introducing into the RECORD today, even those women working 50 to 52 weeks a year can earn well under the poverty line. In my own State of New York a woman working 50 to 52 weeks a year has a median income of $2,689. The comparable figures for other States range from a low of $803 in Alaska to $2,602 in Connecticut, which is the highest median income for a woman working full time as a household worker.

It has been argued that if the minimum wage is raised for domestic workers it will result in a diminution of jobs because families who might once have employed a domestic will simply not be able to afford to hire the household worker. To that I would offer the counter argument that the drop in the number of household workers, which the Labor Department puts at 70,000 from 1960 to 1970 has resulted chiefly from the fact that it is an undesirable job precisely because the pay is so low.

In fact, due to the tremendous increase in the number of working women the need for domestic help has increased rather than decreased. If the job is made more attractive and more rewarding financially a larger number of women would be interested in household work.

Traditionally "Miss Ann" and her maid have been viewed as coming from different worlds with different interests and concerns. But women have taken a leaf from the labor movement. They have learned the importance of solidarity. The extension of the minimum wage to domestic workers has the support of a broad coalition of women's groups, consumer groups, church, civil rights and labor groups. A partial list of those supporting the amendment follows below:

Amalgamated Clothing Workers.
Amalgamated Meat Cutters Union.
American Association of University Women.
American Ethical Union.
AFI–CIO.
American Federation of State, County and Municipal Employees.
American Humanist Association.
American Nurses Association.
American Veterans Committee.
Americans for Democratic Action.
Church Women United.
Day Care and Child Development Council.
Environmental Action.
Friends Committee on National Legislation.
Household Technicians of America.
International Ladies Garment and Workers Union.
Interstate Association of Commissions on the Status of Women.
Leadership Conference on Civil Rights.
Migrant Legal Action Program.
National Association for the Advancement of Colored People.
National Association of Colored Women's Clubs.
National Conference of Catholic Laity.
National Consumers League.
National Council of Churches.
National Council of Jewish Women.
National Council of Negro Women.
National Council of Senior Citizens.
National Education Association.
National Farmers Union.
National Federation of Business and Professional Women's Clubs.
National Organization for Women.
National Student Lobby.
National Welfare Rights Organization.
National Women's Political Caucus.
National Urban League.
Unitarian Universalist Association.
Unitarian Universalist Women's Federation.
United Auto Workers.
United Church of Christ, Council for Christian Social Action.
U.S. Catholic Conference.
Women's Equity Action League.
Women's Lobby.
Women's Service Club of Boston.
YWCA National Board.

Other groups within Congress have also expressed their interest and concern. In the appendix following my remarks are copies of letters from both the Members of the Black Caucus and the women of this House expressing their interest in having the minimum wage extended to domestic workers.

Everyone here in Congress is acutely aware of the fact that the American taxpayer does not feel that at this time he is getting full value for his or her dollars. Some people are opposed to the huge expenditures for the military, others would like to cut foreign aid, others feel that those on public assistance are getting a free ride and others are opposed to our agricultural support programs. But none of these citizens however hard-nosed they are about government spending, are opposed to people receiving a fair wage for their work.

Indeed everything I have seen or heard, or read indicates that our citizens want to encourage and help people to work.

If this is to be done, we are going to have to expend moneys on job training, job development, and child care and we are going to have to work to extend the minimum wage to all workers.

In view of the desire of both the administration and the Congress to hold down spending the extension of minimum wage coverage offers one of the most equitable and painless ways to assist the working poor because enactment of minimum wage legislation would not require any funds to be appropriated by Congress.

There are those who say that the increase in wages would be passed along to the consumer in the form of higher costs for goods and services. This cry has been heard ever since the passage of the original minimum wage legislation in 1938 and for the most part has been proven unfounded. While there will be some increase in costs to the consumer, it is not excessive and is far more acceptable to the taxpayer than are programs which utilize tax moneys for direct income payments.

Another criticism of minimum wage legislation is that it would help to fuel inflation. It is interesting to note that even the U.S. Chamber of Commerce disagrees with this charge.

In testimony before the Senate Subcommittee on Labor, Dr. Richard S. Landry, administrative director of the Economic Analysis and Study Group of the Chamber of Commerce stated:

> We do not contend, unlike some witness that appeared before you, that the minimum wage is inflationary, quite the opposite. Inflation is not caused by minimum wages.

In fact, inflation affects the lowest income worker, including minimum wage earners—more harshly than many others. What is not understood by most Americans and most Members of Congress is that a large proportion of our citizens are working for subminimum wages.

The Senate Subcommittee on Employment, Manpower and Poverty, in its analysis of the Census Employment Survey conducted as part of the 1970 Census of Population and Housing, pointed out that subemployment is a serious national problem, especially in innercity areas.

In this study it was found that approximately 20 percent of the population are working for subemployment wages—that is $80 a week or less. In some cities the subemployment index was even worse. The rates for Atlanta, Ga., San Diego, Calif., New Orleans, La., and San Antonio, Tex., were 38.2 percent, 39.9 percent, 41.1 percent, and 45.9 percent, respectively. Table and analysis included in appendix following remarks.

A recent article in the Washington Post on April 9, 1973, by Lawrence Feinberg pointed out that the same pattern exhibited itself here in Washington, D.C., an area with a stable work force and the lowest rate of unemployment of any major American city. According to an analysis of the 1970 census data by the Washington Center for Metropolitan Studies, about a third of Washington's 347,000 workers are among the working poor earning under $4,000 a year. The article stated:

> According to the report, 110,000 D.C. residents who held jobs in 1969 earned less than $4,000. About 80,000 were black, about 67,500 were women. Among the women in low paying jobs, 17,673 worked in clerical jobs such as office machine operations, typists and file clerks. 16,220 worked in services jobs in hotels, hospitals and restaurants or as cleaners in offices and 10,750 worked as domestic servants.

These are the very people who would benefit from the extension of minimum wage. They need and deserve this protection. They need our help and support.

I include—

State-by-State analysis of number, sex, and income of domestic workers.

Letter to Chairman JOHN DENT from Black Caucus Members.

Letter to Chairman JOHN DENT from Congresswomen.

Copy of Senate Subcommittee on Employment, Manpower, and Poverty Memo on Subemployment Index.

Article from Washington Post, April 9, 1973, by Lawrence Feinberg, "110,000 Here Work Below Poverty Level."

BUREAU OF THE CENSUS—STATISTICS ON PRIVATE HOUSEHOLD WORKERS

ALABAMA

	Men	Women
Total number of household workers (16 and over):		
White	208	7,783
Black	999	35,609
Spanish speaking	0	48
Total	1,207	43,440
Total number of live-in workers	34	511

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,366	1,696
Women	832	1,124
Live-in	1,175	1,277
Live-out	828	1,121

Age

Median ages of private household workers:	
Men	48.8
Women	48.0
Live-in	54.8
Live-out	47.9

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	236	305	553	50.8
Women	8,690	11,445	19,224	49.0
Live-in	54	138	305	----------
Live-out	8,636	11,307	18,919	----------

ALASKA

	Men	Women
Total number of household workers (16 and over):		
White	15	721
Black	0	1 286
Spanish speaking	0	61
Total	15	42
Total number of live-in workers	0	1,110
		49

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men		
Women	578	803
Live-in		
Live-out	556	800

[1] Eskimo or Indian.

Age

Median ages of private household workers:	
Men	
Women	
Live-in	
Live-out	

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	5	5	----------	
Women	478	238	175	19.9
Live-in	9	16	15	----------
Live-out	469	222	160	----------

ARKANSAS

	Men	Women
Total number of household workers (16 and over):		
White	148	5,908
Black	332	10,589
Spanish speaking	0	22
Total	480	16,519
Total number of live-in workers	10	332

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,342	1,436
Women	759	1,124
Live-in	1,078	1,321
Live-out	753	1,117

Age

Median ages of private household workers:	
Men	47.7
Women	51.4
Live-in	60.6
Live-out	51.2

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	106	106	224	51.4
Women	4,065	4,354	6,450	43.6
Live-in	35	76	191	----------
Live-out	4,030	4,278	6,259	----------

ARIZONA

	Men	Women
Total number of household workers (16 and over):		
White	199	4,989
Black	37	1,596
Spanish speaking	79	1,781
Total	315	8,366
Total number of live-in workers	45	684

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	2,253	2,818
Women	979	1,655
Live-in	1,703	1,866
Live-out	914	1,625

Age

Median ages of private household workers:	
Men	46.1
Women	47.4
Live-in	53.4
Live-out	46.9

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	65	100	131	44.3
Women	2,146	2,187	2,560	35.6
Live-in	103	204	343	----------
Live-out	2,313	1,983	2,217	----------

CALIFORNIA

	Men	Women
Total number of household workers (16 and over):		
White	2,535	51,819
Black	809	21,782
Spanish speaking	519	12,491
Total	3,863	86,092
Total number of live-in workers	672	10,422

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	2,383	4,339
Women	1,141	1,931
Live-in		
Live-out		

Age

Median ages of private household workers:	
Men	44.1
Women	47.5
Live-in	
Live-out	

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men				
Women				
Live-in				
Live-out				

COLORADO

	Men	Women
Total number of household workers (16 and over):		
White	221	6,572
Black	47	1,035
Spanish speaking	16	1,160
Total	284	8,767
Total number of live-in workers	0	491

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earning of household workers (16 and over):		
Men	1,608	4,889
Women	755	1,597
Live-in	1,555	1,855
Live-out	713	1,548

Age

Median ages of private household workers:	
Men	32.5
Women	45.5
Live-in	59.6
Live-out	44.9

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	86	62	102	41.5
Women	3,055	2,181	2,578	33.0
Live-in	83	84	297	----------
Live-out	2,972	2,097	2,281	----------

CONNECTICUT

	Men	Women
Total number of household workers (16 and over):		
White	320	7,167
Black	118	4,138
Spanish speaking	26	374
Total	464	11,679
Total number of live-in workers	1,355	1,955

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	3,478	4,419
Women	1,807	2,602
Live-in	2,913	3,237
Live-out	1,594	2,301

Age	
Median ages of private household workers:	
Men	56.9
Women	53.1
Live-in	52.7
Live-out	53.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	78	121	252	56.5
Women	2,316	3,707	4,969	45.3
Live-in	152	484	1,247	----
Live-out	2,164	3,223	3,722	----

DELAWARE

	Men	Women
Total number of household workers (16 and over):		
White	104	1,290
Black	94	2,451
Spanish speaking	0	6
Total	198	3,747
Total number of live-in workers	23	180

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	3,512	5,111
Women	1,484	2,225
Live-in	3,167	3,367
Live-out	1,434	2,149

Age	
Median ages of private household workers:	
Men	53.7
Women	49.6
Live-in	57.1
Live-out	49.2

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	31	36	99	64.2
Women	834	966	1,743	49.4
Live-in	9	15	138	----
Live-out	825	951	1,605	----

FLORIDA

	Men	Women
Total number of household workers (16 and over):		
White	769	12,454
Black	1,340	46,796
Spanish speaking	73	1,494
Total	2,148	59,543
Total number of live-in workers	252	----

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	2,258	3,341
Women	1,296	1,741
Live-in	1,855	2,208
Live-out	1,270	1,716

Age	
Median ages of private household workers:	
Men	47.1
Women	47.6
Live-in	56.9
Live-out	47.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	400	566	1,053	52.4
Women	12,767	21,301	21,257	38.5
Live-in	271	644	1,488	----
Live-out	12,496	20,657	19,769	----

GEORGIA

	Men	Women
Total number of household workers (16 and over):		
White	299	8,369
Black	1,267	49,719
Spanish speaking	0	36
Total	1,566	58,124
Total number of live-in workers	35	49,719

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,480	1,855
Women	905	1,211
Live-in	1,364	1,493
Live-out	901	1,206

Age	
Median ages of private household workers:	
Men	46.7
Women	48.1
Live-in	55.6
Live-out	48.0

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	279	332	820	57.3
Women	10,744	15,210	27,019	51.2
Live-in	54	138	524	----
Live-out	10,690	15,072	26,495	----

HAWAII

	Men	Women
Total number of household workers (16 and over):		
White	33	540
Black	0	11
Spanish speaking	5	55
Total	73	2,081
Total number of live-in workers	16	152

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men		
Women	1,428	1,897
Live-in	2,420	2,525
Live-out	1,365	1,820

Age	
Median ages of private household workers:	
Men	
Women	51.4
Live-in	51.4
Live-out	51.4

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	10	15	42	62.8
Women	428	341	1,106	59.0
Live-in	18	18	106	----
Live-out	410	323	1,000	----

IDAHO

	Men	Women
Total number of household workers (16 and over):		
White	82	2,747
Black	0	16
Spanish speaking	0	69
Total	82	2,832
Total number of live-in workers	4	125

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men		
Women	492	1,087
Live-in	1,544	----
Live-out	477	986

Age	
Median ages of private household workers:	
Men	
Women	
Live-in	
Live-out	

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	34	10	29	40.3
Women	1,108	561	766	31.7
Live-in	26	5	84	----
Live-out	1,082	556	682	----

ILLINOIS

	Men	Women
Total number of household workers (16 and over):		
White	665	23,558
Black	716	12,448
Spanish speaking	32	467
Total	1,413	36,473
Total number of live-in workers	93	3,183

Annual earnings of household workers (16 and over):	Median income for all workers	Median income for workers working 50–52 weeks
Men	3,132	5,224
Women	1,164	1,804
Live-in	2,259	2,648
Live-out	1,066	1,712

Age	
Median ages of private household workers:	
Men	49.4
Women	53.2
Live-in	57.6
Live-out	52.7

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	351	350	637	47.6
Women	3,845	6,106	7,355	40.7
Live-in	200	556	1,471	----------
Live-out	3,645	5,550	5,884	----------

INDIANA

	Men	Women
Total number of household workers (16 and over):		
White	410	16,054
Black	111	4,104
Spanish speaking	6	980
Total	532	21,138
Total number of live-in workers	43	1,076

Annual earnings of household workers (16 and over):	Median income for all workers	Median income for workers working 50–52 weeks
Men	1,594	3,229
Women	873	1,482
Live-in	1,365	1,560
Live-out	850	1,473

Age	
Median ages of private household workers:	
Men	47.8
Women	50.9
Live-in	60.5
Live-out	50.3

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	114	166	219	43.9
Women	6,441	6,516	7,261	36.0
Live-in	112	256	659	----------
Live-out	6,329	6,260	6,602	----------

IOWA

	Men	Women
Total number of household workers (16 and over):		
White	333	15,991
Black	4	457
Spanish speaking	0	81
Total	337	16,529
Total number of live-in workers	8	938

Annual earnings of household workers (16 and over):	Median income for all workers	Median income for workers working 50–52 weeks
Men	1,397	2,684
Women	613	1,016
Live-in	1,284	1,398
Live-out	575	967

Age	
Median ages of private household workers:	
Men	42.1
Women	50.4
Live-in	61.4
Live-out	49.4

	1–26	27–49	50–52	Percent worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	129	88	101	32.3
Women	5,174	4,022	5,632	38.1
Live-in	80	121	706	----------
Live-out	5,094	3,901	4,926	----------

KANSAS

	Men	Women
Total number of household workers (16 and over):		
White	259	9,441
Black	60	1,725
Spanish speaking	7	270
Total	329	11,358
Total number of live-in workers	9	495

Annual earnings of household workers (16 and over):	Median income for all workers	Median income for workers working 50–52 weeks
Men	1,667	4,333
Women	761	1,326
Live-in	1,500	1,540
Live-out	729	1,299

Age	
Median ages of private household workers:	
Men	44.5
Women	50.8
Live-in	62.0
Live-out	50.0

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	85	77	138	46.0
Women	3,441	3,059	3,784	36.9
Live-in	42	126	134	----------
Live-out	3,399	2,933	3,470	----------

KENTUCKY

	Men	Women
Total number of household workers (16 and over):		
White	293	9,711
Black	375	9,144
Spanish speaking	0	32
Total	668	18,887
Total number of live-in workers	39	904

Annual earnings of household workers (16 and over):	Median income for all workers	Median income for workers working 50–52 weeks
Men	1,495	2,402
Women	829	1,202
Live-in	960	1,100
Live-out	820	1,211

Age	
Median ages of private household workers:	
Men	53.4
Women	50.7
Live-in	55.6
Live-out	50.3

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	158	178	283	45.7
Women	4,460	4,649	7,645	45.6
Live-in	116	160	593	----------
Live-out	4,344	4,489	7,052	----------

LOUISIANA

	Men	Women
Total number of household workers (16 and over):		
White	220	8,027
Black	948	37,825
Spanish speaking	23	254
Total	1,191	46,106
Total number of live-in workers	18	497

Annual earnings of household workers (16 and over):	Median income for all workers	Median income for workers working 50–52 weeks
Men	1,466	1,768
Women	840	1,165
Live-in	1,165	1,308
Live-out	837	1,163

Age	
Median ages of private household workers:	
Men	43.3
Women	46.1
Live-in	50.6
Live-out	46.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	214	267	617	56.2
Women	9,221	10,992	20,147	50.1
Live-in	65	96	322	----------
Live-out	9,156	10,896	19,825	----------

MAINE

	Men	Women
Total number of household workers (16 and over):		
White	101	5,671
Black	0	50
Spanish speaking	0	15
Total	101	5,736
Total number of live-in workers	4	623

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,707	
Women	801	1,349
Live-in	1,295	1,489
Live-out	746	1,308

	Age
Median ages of private household workers:	
Men	29.4
Women	50.4
Live-in	62.1
Live-out	48.4

	1–26	27–49	50–52	Percen who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men				
Women	1,860	1,364	1,830	36.3
Live-in	62	123	394	
Live-out	1,789	1,241	1,436	

MARYLAND

	Men	Women
Total number of household workers (16 and over):		
White	287	6,055
Black	350	15,082
Spanish speaking	23	742
Total	660	21,879
Total number of live-in workers	66	1,826

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,836	2,912
Women	1,330	1,723
Live-in	1,648	1,966
Live-out	1,300	1,698

	Age
Median ages of private household workers:	
Men	49.5
Women	50.1
Live-in	47.2
Live-out	50.3

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	120	155	120	53.8
Women	4,129	6,319	10,095	49.3
Live-in	209	503	1,058	
Live-out	3,920	5,816	9,037	

MASSACHUSETTS

	Men	Women
Total number of household workers (16 and over):		
White	782	12,580
Black	99	1,963
Spanish speaking	5	281
Total	886	14,824
Total number of live-in workers	89	2,502

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	2,428	4,261
Women	1,432	2,027
Live-in	2,415	2,679
Live-out	1,236	1,840

	Age
Median ages of private household workers:	
Men	46.1
Women	54.9
Live-in	57.6
Live-out	54.0

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	209	231	405	47.6
Women	3,566	4,606	5,833	41.8
Live-in	170	715	1,524	
Live-out	3,396	3,891	4,309	

MICHIGAN

	Men	Women
Total number of household workers (16 and over):		
White	621	20,826
Black	260	11,495
Spanish speaking	6	225
Total	887	32,572
Total number of live-in workers	67	2,527

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,710	3,800
Women	903	1,583
Live-in	1,586	1,828
Live-out	855	1,531

	Age
Median ages of private household workers:	
Men	41.1
Women	50.0
Live-in	58.4
Live-out	49.2

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	284	186	344	42.5
Women	10,083	9,677	9,686	33.1
Live-in	326	578	1,535	
Live-out	9,757	9,099	8,151	

MINNESOTA

	Men	Women
Total number of household workers (16 and over):		
White	279	15,187
Black	7	187
Spanish speaking	0	72
Total	272	15,446
Total number of live-in workers	29	187

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,448	2,371
Women	634	1,125
Live-in	1,381	1,547
Live-out	576	1,004

	Age
Median ages of private household workers:	
Men	46.1
Women	48.7
Live-in	61.7
Live-out	46.8

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	112	57	101	38.1
Women	5,225	3,984	4,737	34.0
Live-in	145	227	887	
Live-out	5,080	3,757	3,861	

MISSISSIPPI

	Men	Women
Total number of household workers (16 and over):		
White	152	4,550
Black	678	26,662
Spanish speaking	0	51
Total	830	31,263
Total number of live-in workers	6	214

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,261	1,343
Women	760	988
Live-in	701	696
Live-out	760	991

	Age
Median ages of private household workers:	
Men	45.6
Women	48.5
Live-in	56.8
Live-out	48.4

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	152	225	382	49.9
Women	30			48.8
Live-in				
Live-out				

MISSOURI

	Men	Women
Total number of household workers (16 and over):		
White	317	13,252
Black	266	10,448
Spanish speaking	8	90
Total	591	23,790
Total number of live-in workers	45	1,156

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	2,052	3,200
Women	1,005	1,534
Live-in	1,482	1,517
Live-out	980	1,536

	Age
Median ages of private household workers:	
Men	50.3
Women	52.0
Live-in	59.9
Live-out	51.4

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	147	145	252	46.3
Women	5,813	6,829	8,896	41.4
Live-in	110	242	771	----------
Live-out	5,703	6,587	8,125	----------

MONTANA

	Men	Women
Total number of household workers (16 and over):		
White	55	2,946
Black	0	11
Spanish speaking	0	35
Total	55	3,197
Total number of live-in workers	0	132

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men		
Women	486	979
Live-in	1,034	----------
Live-out	473	967

	Age
Median ages of private household workers:	
Men	
Women	42.6
Live-in	61.3
Live-out	41.8

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	51	14	16	63.6
Women	1,352	670	765	27.7
Live-in	7	35	75	----------
Live-out	1,345	635	690	----------

NEBRASKA

	Men	Women
Total number of household workers (16 and over):		
White	129	7,034
Black	9	616
Spanish Speaking	9	119
Total	147	7,769
Total number of live-in workers	81	333

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,634	----------
Women	656	995
Live-in	1,344	1,417
Live-out	624	953

	Age
Median ages of private household workers:	
Men	46.0
Women	48.7
Live-in	62.6
Live-out	47.7

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	47	33	54	40.3
Women	2,456	1,868	2,648	37.9
Live-in	19	56	253	----------
Live-out	2,437	1,812	2,395	----------

NEVADA

	Men	Women
Total number of household workers (16 and over):		
White	69	1,143
Black	5	387
Spanish speaking	11	82
Total	85	1,612
Total number of live-in workers	11	139

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men		
Women	1,227	1,910
Live-in	2,079	----------
Live-out	1,182	1,187

	Age
Median ages of private household workers:	
Men	
Women	45.8
Live-in	49.5
Live-out	45.3

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	10	20	45	60.0
Women	423	333	624	45.2
Live-in	12	21	93	----------
Live-out	411	312	531	----------

NEW HAMPSHIRE

	Men	Women
Total number of household workers (16 and over):		
White	124	2,983
Black	0	9
Spanish speaking	0	14
Total	124	3,006
Total number of live-in workers	9	312

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	3,852	----------
Women	981	1,384
Live-in	1,354	1,559
Live-out	940	1,337

	Age
Median ages of private household workers:	
Men	47.2
Women	52.7
Live-in	59.7
Live-out	51.0

	1–16	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	13	30	81	65.3
Women	879	682	1,218	53.9
Live-in	39	39	222	----------
Live-out	840	643	998	----------

NEW JERSEY

	Men	Women
Total number of household workers (16 and over):		
White	533	10,902
Black	395	15,057
Spanish speaking	0	122
Total	928	26,081
Total number of live-in workers	84	3,169

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	2,979	4,724
Women	1,613	2,304
Live-in	2,542	2,848
Live-out	1,486	2,149

	Age
Median ages of private household workers:	
Men	50.9
Women	52.2
Live-in	50.0
Live-out	52.4

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	178	228	461	53.6
Women	5,514	8,239	10,662	43.8
Live-in	350	780	1,914	----------
Live-out	5,164	7,459	8,748	----------

NEW MEXICO

	Men	Women
Total number of household workers (16 and over):		
White	104	2,317
Black	9	644
Spanish speaking	103	2,627
Total	216	5,588
Total number of live-in workers	8	167

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,513	
Women	868	1,360
Live-in	1,342	1,444
Live-out	844	1,351

Age

Median ages of private household workers:	
Men	39.5
Women	44.9
Live-in	48.5
Live-out	44.9

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	46	35	90	52.6
Women	1,485	1,216	2,119	44.3
Live-in	9	31	123	
Live-out	1,476	1,185	1,996	

NEW YORK

	Men	Women
Total number of household workers (16 and over):		
White	1,985	39,346
Black	1,543	40,017
Spanish speaking	219	667
Total	3,747	80,030
Total number of live-in workers	494	12,578

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	3,533	4,479
Women	1,944	2,689
Live-in	2,827	3,163
Live-out	1,771	2,528

Age

Median ages of private household workers:	
Men	50.9
Women	51.1
Live-in	49.2
Live-out	51.4

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	15,278	25,445	33,713	44.6
Women	1,166	3,496	7,505	
Live-in	14,112	21,949	26,208	
Live-out				

NORTH CAROLINA

	Men	Women
Total number of household workers (16 and over):		
White	345	9,899
Black	1,045	37,540
Spanish speaking	0	63
Total	1,390	47,502
Total number of live-in workers	48	1,011

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,526	1,786
Women	929	1,313
Live-in	1,136	1,132
Live-out	925	1,312

Age

Median ages of private household workers:	
Men	49.8
Women	50.3
Live-in	57.6
Live-out	50.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	268	432	610	47.0
Women	10,509	13,953	19,498	44.5
Live-in	82	241	647	
Live-out	10,427	13,712	18,851	

NORTH DAKOTA

	Men	Women
Total number of household workers (16 and over):		
White	55	3,209
Black	0	0
Spanish speaking	0	0
Total	66	3,267
Total number of live-in workers	0	210

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men		
Women	501	918
Live-in	1,080	1,077
Live-out	472	881

Age

Median ages of private household workers:	
Men	
Women	43.3
Live-in	60.0
Live-out	42.2

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	31	11	9	
Women	1,101	759	904	32.8
Live-in	14	28	162	
Live-out	1,087	731	742	

OHIO

	Men	Women
Total number of household workers (16 and over):		
White	689	26,539
Black	719	18,027
Spanish speaking	8	229
Total	1,416	44,794
Total number of live-in workers	72	2,916

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,921	3,697
Women	973	1,603
Live-in	1,501	1,718
Live-out	941	1,588

Age

Median ages of private household workers:	
Men	46.7
Women	51.2
Live-in	57.4
Live-out	50.7

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	375	351	595	44.7
Women	11,731	12,548	16,102	40.0
Live-in	348	644	1,802	
Live-out	11,383	11,904	14,300	

OKLAHOMA

	Men	Women
Total number of household workers (16 and over):		
White	262	8,942
Black	148	5,349
Spanish speaking	5	42
Total	415	
Total number of live-in workers	35	498

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,591	2,794
Women	868	1,384
Live-in	1,451	1,524
Live-out	843	1,372

Age

Median ages of private household workers:	
Men	48.4
Women	51.5
Live-in	59.6
Live-out	51.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	123	121	149	37.9
Women	3,699	3,627	5,293	42.0
Live-in	40	120	319	
Live-out	3,659	3,507	4,974	

OREGON

	Men	Women
Total number of household workers (16 and over):		
White	263	8,443
Black	4	330
Spanish speaking	0	0
Total	267	8,763
Total number of live-in workers	23	678

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,953	
Women	638	1,397
Live-in	1,316	1,568
Live-out	591	1,357

Age

Median ages of private household workers:	
Men	52.5
Women	47.0
Live-in	56.9
Live-out	45.9

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	112	49	89	35.6
Women	3,528	2,379	2,043	25.7
Live-in	114	221	294	
Live-out	3,414	2,158	1,749	

PENNSYLVANIA

	Men	Women
Total number of household workers (16 and over):		
White	784	27,884
Black	680	20,101
Spanish speaking	8	31
Total	1,472	48,016
Total number of live-in workers	171	3,581

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	2,537	3,670
Women	1,235	1,712
Live-in	1,815	1,934
Live-out	1,185	1,684

Age

Median ages of private household workers:	
Men	53.4
Women	53.7
Live-in	57.8
Live-out	53.4

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	326	339	768	53.6
Women	20,251	13,914	10,243	23.0
Live-in	2,434	760	261	
Live-out	17,917	13,154	9,982	

RHODE ISLAND

	Men	Women
Total number of household workers (16 and over):		
White	124	2,006
Black	11	378
Spanish speaking	0	5
Total	135	2,389
Total number of live-in workers	9	229

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,875	
Women	1,446	2,049
Live-in	2,180	2,056
Live-out	1,381	2,048

Age

Median ages of private household workers:	
Men	43.2
Women	54.2
Live-in	58.2
Live-out	53.4

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	37	21	77	57.0
Women	509	828	953	42.1
Live-in	16	39	166	
Live-out	493	789	787	

SOUTH CAROLINA

	Men	Women
Total number of household workers (16 and over):		
White	157	4,748
Black	718	29,978
Spanish speaking	0	14
Total	875	34,740
Total number of live-in workers	5	301

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,565	2,061
Women	881	1,187
Live-in	902	968
Live-out	880	1,190

Age

Median ages of private household workers:	
Men	45.8
Women	47.9
Live-in	57.3
Live-out	47.8

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	117	285	385	48.9
Women	6,574	8,579	16,660	52.4
Live-in	21	27	228	
Live-out	6,553	8,552	16,432	

SOUTH DAKOTA

	Men	Women
Total number of household workers (16 and over):		
White	45	4,064
Black	0	17
Spanish speaking	5	12
Total	49	4,347
Total number of live-in workers	5	232

	Median income for all workers	Median income for workers working 50–52 weeks
Men		
Women	524	930
Live-in	1,132	1,161
Live-out	496	911

Age

Median ages of private household workers:	
Men	
Women	46.0
Live-in	61.2
Live-out	45.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	23	4	18	
Women	1,439	1,001	1,436	37.0
Live-in	24	53	146	
Live-out	1,415	948	1,290	

TENNESSEE

	Men	Women
Total number of household workers (16 and over):		
White	343	10,482
Black	810	23,017
Spanish speaking	4	56
Total	1,157	33,555
Total number of live-in workers	58	821

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,622	1,964
Women	898	1,237
Live-in	1,166	1,313
Live-out	892	1,234

Age

Median ages of private household workers:	
Men	50.2
Women	50.8
Live-in	56.8
Live-out	50.8

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	212	313	552	51.5
Women	6,763	9,692	13,803	45.8
Live-in	94	166	524	
Live-out	6,669	9,526	13,279	

TEXAS

	Men	Women
Total number of household workers (16 and over):		
White	667	22,129
Black	1,498	55,856
Spanish speaking	494	14,221
Total	2,659	92,206
Total number of live-in workers	44	10,631

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,715	2,476
Women	974	1,390
Live-in	1,325	1,505
Live-out	963	1,383

	Age
Median ages of private household workers:	
Men	47.3
Women	38.3
Live-in	51.0
Live-out	48.2

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	570	604	1,322	53.5
Women	19,118	24,976	39,297	47.3
Live-in	418	782	2,113	----
Live-out	18,700	24,194	37,184	----

UTAH

	Men	Women
Total number of household workers (16 and over):		
White	78	2,442
Black	5	25
Spanish speaking	6	173
Total	89	2,640
Total number of live-in workers	0	64

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	----	----
Women	528	1,146
Live-in	----	----
Live-out	506	1,179

	Age
Median ages of private household workers:	
Men	----
Women	35.6
Live-in	----
Live-out	35.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	56	9	24	26.9
Women	1,020	756	532	23.0
Live-in	21	8	31	----
Live-out	999	748	501	----

VERMONT

	Men	Women
Total number of household workers (16 and over):		
White	53	3,196
Black	4	10
Spanish speaking	0	12
Total	57	3,218
Total number of live-in workers	0	299

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	----	----
Women	$816	$1,278
Live-in	1,190	1,303
Live-out	774	1,269

	Age
Median ages of private household workers:	
Men	----
Women	47.3
Live-in	57.1
Live-out	46.0

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	14	14	22	44.0
Women	928	693	1,160	41.9
Live-in	----	----	----	----
Live-out	----	----	----	----

VIRGINIA

	Men	Women
Total number of household workers (16 and over):		
White	399	11,549
Black	898	26,423
Spanish-speaking	0	194
Total	1,297	38,166
Total number of live-in workers	66	1,855

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,691	2,379
Women	942	1,345
Live-in	1,317	1,404
Live-out	926	1,340

	Age
Median ages of private household workers:	
Men	47.9
Women	49.2
Live-in	53.6
Live-out	49.0

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	236	287	700	57.2
Women	8,852	10,234	16,193	46.1
Live-in	1,175	450	1,146	----
Live-out	8,677	9,784	15,047	----

WASHINGTON

	Men	Women
Total number of household workers (16 and over):		
White	368	13,968
Black	19	717
Spanish speaking	8	174
Total	395	14,859
Total number of live-in workers	21	963

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,745	----
Women	607	1,317
Live-in	1,455	1,651
Live-out	552	1,307

	Age
Median ages of private household workers:	
Men	30.9
Women	40.4
Live-in	58.1
Live-out	38.6

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	174	97	85	26.5
Women	5,857	3,807	3,466	22.3
Live-in	174	230	483	----
Live-out	5,683	3,577	2,983	----

WASHINGTON, D.C.

	Men	Women
Total number of household workers (16 and over):		
White	124	941
Black	393	11,405
Spanish speaking	46	479
Total	563	12,825
Total number of live-in workers	79	934

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	3,278	3,542
Women	1,986	2,387
Live-in	2,454	2,638
Live-out	1,932	2,362

	Age
Median ages of private household workers:	
Men	47.9
Women	50.6
Live-in	44.5
Live-out	50.9

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	48	151	331	60.2
Women	1,640	3,723	6,656	55.4
Live-in	33	267	615	----
Live-out	1,607	3,456	6,041	----

WEST VIRGINIA

	Men	Women
Total number of household workers (16 and over):		
White	208	7,456
Black	48	1,803
Spanish speaking	0	11
Total	256	9,270
Total number of live-in workers	9	661

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,183	
Women	817	1,263
Live-in	1,237	1,318
Live-out	779	1,252

	Age
Median ages of private household workers:	
Men	52.6
Women	51.6
Live-in	58.0
Live-out	51.1

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	70	70	102	39.9
Women	2,550	2,157	3,312	41.4
Live-in	65	117	424	
Live-out	2,493	2,040	2,888	

WISCONSIN

	Men	Women
Total number of household workers (16 and over):		
White	342	15,258
Black	31	1,029
Spanish speaking	11	72
Total	384	16,359
Total number of live-in workers	16	1,283

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men	1,607	3,519
Women	712	1,116
Live-in	1,293	1,402
Live-out	671	1,050

	Age
Median ages of private household workers:	
Men	28.1
Women	51.7
Live-in	60.2
Live-out	50.5

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	127	78	150	41.8
Women	5,075	4,423	5,404	36.3
Live-in	148	225	872	
Live-out	4,927	4,198	4,532	

WYOMING

	Men	Women
Total number of household workers (16 and over):		
White	20	1,779
Black	0	49
Spanish speaking	0	133
Total	20	1,859
Total number of live-in workers	0	56

	Median income for all workers	Median income for workers working 50–52 weeks
Annual earnings of household workers (16 and over):		
Men		
Women	595	1,248
Live-in		
Live-out	595	1,214

	Age
Median ages of private household workers:	
Men	
Women	45.1
Live-in	
Live-out	44.0

	1–26	27–49	50–52	Percent who worked 50–52 weeks
Weeks worked a year (16 and over):				
Men	2	0	18	
Women	652	501	456	28.5
Live-in	5	7	40	
Live-out	647	494	416	

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 27, 1973.

Honorable JOHN DENT,
Chairman, General Subcommittee on Labor, Washington, D.C.

DEAR MR. CHAIRMAN: As Members of the Black Caucus, we are deeply concerned about the need to mount a successful campaign to secure passage of the Minimum Wage bill this year.

During this time of skyrocketing inflation, the raising of the Minimum Wage and especially the extension of coverage, are important to all Americans, particularly minority citizens because they are more likely to be employed in jobs which are not currently covered.

Groups such as the Household Workers, desperately need the protection which this bill would provide. For this reason we are deeply disturbed about the rumors that some groups are suggesting that the extension of Minimum Wage to domestics should be dropped from the House Version of the bill in an effort to secure the necessary votes for passage here in the House.

In our view, this would do very little in the way of securing additional votes. Indeed, the most controversial sections of the bill last year were not those concerning domestics but those centering around agricultural workers and the proposed youth subminimum.

We know of and appreciate your own staunch personal support for the provisions for Domestics and are only sending this letter to you to affirm our particular interest in this provision.

Sincerely,

Shirley Chisholm, Yvonne Burke, John Conyers, Ronald Dellums, Charles Diggs, Walter Fauntroy, Augustus Hawkins, Barbara Jordan, Ralph Metcalfe, Parren Mitchell, Charles Rangel, Louis Stokes, Andrew Young, Members of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 17, 1973.

The Honorable JOHN H. DENT
Chairman, General Subcommittee on Labor, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We have heard rumors that your Subcommittee is under pressure to drop the extension of minimum wage coverage to domestic workers. As women legislators, this is of great concern to us. Although we represent a variety of political attitudes and approaches and do not normally votes as a bloc, we are all very disturbed about this measure.

As you know, women are at the bottom of the economic ladder. According to the H.E. W. Report "Work in America," December, 1972, (p. 42), the income profile for American workers is as follows:

Median Income 1969

All Males	$6,429
Minority Males	3,891
All Females	2,132
Minority Females	1,084

Contrary to popular opinion, women work not for "pin money" but because they have to. They are either the head of the household or contribute substantially to their family's income.

For example:

According to the 1970 Census, 11% of all American households are headed by women.

Among Black families, 28% are headed by women.

Further, female headed households are growing. In 1960, 25% of all marriages ended in divorce or annulment. By 1970, the figure was up to 35%.

Among married women in 1970, 8 million earned between $4,000 and $7,000.

In addition, the proportion of women and female headed families with incomes under the poverty line, is a clear reflection of their economic plight.

According to the 1970 Census, there were still some $25.5 million poor in the nation (e.g. incomes under $3,969).

Only 21.5% of these families are on welfare.

Of these female heads of household who work, over half worked as maids in 1970 and had incomes under the federal poverty line.

The median income for domestics is $1,-800.

These women are struggling to make ends meet and keep their families together. They are proud hard workers who are doing their darndest to stay off the welfare rolls and are getting precious little help for their efforts. Let's provide some help for those who are trying to help themselves.

The average American voter is indeed fed up with anyone they perceive to be "loafing" or "getting something for nothing", but they do support an honest day's wage for an honest day's labor.

We ask that you do everything in your power to see to it that the extension of minimum wage to domestic workers is not

eliminated. It is time that these hard working women got some help and protection.

Very truly yours,

Shirley Chisholm, Marjorie S. Holt, Leonor K. Sullivan, Yvonne Brathwaite Burke, Patsy T. Mink, Julia Butler Hansen, Edith Green, Martha W. Griffiths, Ella T. Grasso, Bella S. Abzug, Elizabeth Holtzman, Barbara Jordan, Patricia Schroeder, Members of Congress.

SOME 110,000 HERE WORK BELOW POVERTY LEVEL

(By Lawrence Feinberg)

About a third of Washington's 347,000 workers are among the "working poor," employed in low-paying jobs and out of work part of the year, according to a new analysis of census data by the Washington Center for Metropolitan Studies.

Almost a majority of these low-paid workers are black women employed as clerks and cleaning help in offices, stores and homes.

About a quarter of the city's male wage earners also earned less than $4,000 during 1969, the year for which the figures were gathered.

"These are not people who have opted out of the labor force permanently," commented George Grier, vice president of the center, a nonprofit research group.

"They are people who are working a good deal of the time, and are not just sitting at home collecting welfare. They really are the working poor, and the city's general prosperity has passed them by."

In other reports the center has charted the increases in average income in D.C., and the rising income of black families, which averaged $9,600 here in the 1970 census—the highest for blacks in any big American city.

"Most people here are doing fairly well," Grier said in an interview, "including most blacks, and their situation is getting better. But there still are a substantial number who have a problem getting by. They're struggling, and they are getting hit particularly hard by the current inflation."

The figures in the Washington Centers new report are derived from a computer analysis of 1970 census data released several months ago. Most of the work was financed by a $100,000 contract with the D.C. manpower administration, the city's job training agency.

According to the report, 110,000 D.C. residents who held jobs in 1969 earned less than $4,000. About 80,000 were black; about 67,500 were women.

Among the women in low-paying jobs, 17,673 worked in clerical jobs such as office machine operators, typists and file clerks; 16,220 worked in service jobs in hotels, hospitals and restaurants, or as cleaners in offices; and 10,750 worked as domestic servants.

Among the 42,500 men who earned less than $4,000 during 1969, the largest groups—about 10,000—worked in service jobs, such as waiters, security guards, hospital orderlies, office cleaners and dishwashers. Another 4,100 were laborers.

The center report said this large number of low-paid workers indicates that even though the unemployment rate in D.C. is the lowest for any major American city, the District has a huge problem of subemployment.

Another measure of the problem, the report said, is that 158,000 D.C. workers were employed less than 50 weeks during 1969, including 131,000 who worked less than 47 weeks.

About 55 per cent of these workers with substantial spells of unemployment were women, 64 per cent were black and 26 per cent were under 22 years old. The largest groups were in clerical, service, sales and laboring jobs.

In addition, the center reported there were 49,000 D.C. residents who were not counted as looking for work in 1970, even though they were between ages 16 and 64, were not disabled and were not in school or prison. The category does not include women with children under age 6.

Grier said these dropouts from the labor force include about 13,000 men, and most of whom, he said, "have been knocked out of jobs-seeking by discouragement." Of the 36,000 women included, Grier said, many would like to work but do not do so because they have no one except themselves to care for their families.

Overall, about 40 per cent of D.C. women working in 1969 earned less than $4,000 a year.

About 29 per cent of all D.C. families headed by a woman were below the federal poverty line ($4,000 for a family of four), compared to 7 percent of all families headed by a man. Among blacks, 32 per cent of the families headed by women were below the poverty line, compared to 8 percent of the families headed by men.

SUBEMPLOYMENT INDEX

NOVEMBER 1972.

The figures below are derived from the Census Employment Survey (CES) conducted as part of the 1970 Census of Population and Housing. Detailed survey information was taken in 60 poverty areas of 51 cities. The results of the surveys have been published by the Census Bureau in the Series PHC (3), Vols. 1–68.

The CES follows directly on the work of Labor Secretary Willard Wirtz. In seeking adequate understanding and funding for manpower programs, Wirtz needed an easily understood scale to express the relationship between the job market and poverty in the ghettos. The conventional unemployment rate was inadequate. It ignored discouraged workers entirely and lumped all jobs—including those paying below poverty wages—together. Beginning with a survey of ten slum areas in eight cities in November of 1966, Wirtz developed a "subemployment" index that showed subemployment varying from 24.2 percent in Boston to 47.4 percent in San Antonio poverty areas. For the ten areas it averaged 33.9 percent. In 1967 the Bureau of Labor Statistics set up an Urban Employment Survey task force that carried on more detailed studies in six cities. Before he left office Wirtz managed to program the Urban Employment Survey questionnaire into the 1970 census. In June 1970 the Urban Employment Survey task force was broken up. And when the CES data became available it was decided to publish the volumes, but not to publish any analysis.

The following indices are based on the Wirtz criteria, but are more conservative in several respects. No estimate is made of "missing males" and people are counted as "discouraged workers" only if they have "looked but could not find" jobs.

Further, it should be noted that the areas included in the CES are much larger than the usual poverty areas—in some cases including more than half the population of the central city.

The subemployment indices include persons who are:

Unemployed;

Working part time, but seeking full-time work;

Discouraged workers (who have dropped out because they looked but could not find work);

Full-time workers paid less than $80 a week (enough, if work is available full-time, year around, to earn $4,000 a year, the official poverty level for a family of four) and those paid less than $3.50 an hour (enough, again assuming steady work, to earn $7,000 a year, the B.L.S. lower family budget).

In the spring of 1970, the Bureau of Labor Statistics reported that it costs $6,960 to maintain a family of four at a lower level budget in an urban area.

Vol. No.	City	Percent of city in CES survey area	Survey area unemployment (percent)	Labor market (SMSA) rate for 1970	Subemployment index ($80 at week) (percent)	Subemployment index (percent) ($3.50 at hour)	BLS lower family budget spring 1970
1	Nation as a whole, all cities surveyed	33.5	9.6	4.9–5.0	16.9–30.5	35.1–61.2	----------
2	New York, N.Y., all survey areas	31.2	8.1	4.4	22.1	59.4	17,83
4	Manhattan Borough	----------	8.4	----------	23.3	56.3	----------
5	Area I	----------	8.1	----------	24.5	63.5	----------
6	Area II	----------	8.6	----------	22.7	39.9	----------
7	Brooklyn Borough, NYC	----------	7.6	----------	19.3	59.5	----------
11	Bronx Borough, NYC	----------	8.5	----------	25.9	66.0	----------
12	Queens Borough, NYC	----------	9.6	----------	20.0	53.2	----------
13	Los Angeles, Calif	26.3	12.5	7.2	33.1	61.6	7,507
14	Area I	----------	10.9	----------	29.4	58.6	----------
15	Area II	----------	13.1	----------	34.6	62.9	----------
16	Chicago, Ill	27.2	10.6	3.6	27.7	62.4	7,273
17	Area I	----------	11.0	----------	28.2	67.0	----------
18	Area II	----------	----------	----------	27.0	56.5	----------
19	Philadelphia, Pa	40.4	8.7	4.3	27.0	55.2	6,958
20	Area I	----------	8.2	----------	25.5	52.5	----------
21	Area II	----------	9.2	----------	28.5	58.2	----------
22	Detroit, Mich	35.3	14.0	7.0	34.7	57.5	6,931
23	San Francisco, Calif	35.4	12.5	6.7	27.0	54.8	7,686
24	Washington, D.C	51.9	4.8	3.2	21.6	59.8	7,242
25	Boston, Mass	56.7	8.5	3.9	22.0	52.2	7,351
26	Pittsburgh, Pa	41.6	9.8	5.2	29.4	59.6	6,701
27	St. Louis, Mo	50.2	10.5	4.6	34.2	62.0	6,987
28	Baltimore, Md	58.7	8.5	4.0	30.9	62.0	7,018
29	Cleveland, Ohio	43.0	8.9	4.7	28.8	58.8	7,080
30	Houston, Tex	39.8	5.9	4.0	31.8	61.7	6,481
31	Newark, N.J	58.6	10.7	4.3	30.0	63.5	----------

Footnotes at end of table.

Vol. No.	City	Percent of city in CES survey area	Survey area unemployment (percent)	Labor market (SMSA) rate for 1970	Subemployment index ($80 at week) (percent)	Subemployment index (percent) ($3.50 at hour)	BLS lower family budget spring 1970
32	Dallas, Tex	25.7	9.0	3.8	37.3	69.3	6,683
33	Minneapolis, Minn	36.4	7.1	5.2	25.6	56.9	7,140
34	St. Paul, Minn	36.8	8.1	5.2	22.4	49.5	7,140
35	Milwaukee, Wis	25.6	11.8	4.6	22.5	57.7	7,079
36	Atlanta, Ga	40.5	8.2	3.7	38.2	68.6	6,424
37	Cincinnati, Ohio	36.0	8.4	4.3	32.2	61.6	6,611
38	Buffalo, N.Y	29.0	9.7	8.8	30.0	56.7	7,022
39	San Diego, Calif	9.0	15.9	6.4	39.9	65.0	7,166
40	Miami, Fla	57.2	10.3	5.1	38.2	68.1	
41	Kansas City, Mo	27.0	10.0	5.7	35.2	66.1	6,981
42	Denver, Colo	25.5	8.5	3.5	32.5	64.0	6,697
43	Indianapolis, Ind	22.5	9.0	4.8	32.3	64.8	7,101
44	New Orleans, La	59.4	12.5	6.2	41.1	65.2	
45	Oakland, Calif	37.8	17.6	5.4	35.0	59.0	7,686
46	Tampa, Fla	39.6	7.7	3.2	40.6	69.4	
47	Portland, Oreg	18.1	11.9	5.8	32.8	59.8	
48	Phoenix, Ariz	24.7	9.6	4.7	33.1	61.8	
49	Columbus, Ohio	18.7	8.3	3.3	28.5	63.9	
50	San Antonio, Tex	43.7	9.6	5.4	45.9	72.6	
51	Dayton, Ohio	25.1	12.9	4.6	36.0	59.6	6,712
52	Rochester	26.2	11.3	5.3	30.3	62.5	
53	Louisville, Ky	37.3	11.6	4.3	39.2	66.0	
54	Memphis, Tenn	38.3	11.3	3.9	44.1	70.9	
55	Fort Worth, Tex	27.3	10.6	4.5	39.0	67.2	
56	Birmingham, Ala	51.2	10.1	4.8	41.0	65.9	
57	Toledo, Ohio	22.9	9.2	5.4	30.0	57.7	
58	Akron, Ohio	33.7	10.0	4.4	29.4	55.5	
59	Norfolk, Va	27.2	8.7	3.9	42.7	67.0	
60	Oklahoma City, Okla	16.2	8.1	3.8	34.8	61.2	
61	Jersey City, N.J	46.6	7.2	6.2	22.6	61.5	
62	Providence, R.I	53.4	7.0	6.0	21.9	57.7	
63	Omaha, Nebr	20.5	7.9	3.6	29.9	58.8	
64	Youngstown, Ohio	30.7	11.7	6.5	34.6	57.1	
65	Tulsa, Okla	15.1	10.0	4.9	37.5	64.2	
66	Charlotte, N.C	30.4	8.3	3.2	39.2	70.5	
67	Wichita, Kans	21.5	13.9	10.1	37.0	65.0	6,722
68	Bridgeport, Conn	39.3	13.7	8.2	29.9	66.7	

[1] Average.

WORK SHEET FOR CALCULATING SUBEMPLOYMENT INDEX FROM CENSUS EMPLOYMENT SURVEY (C.E.S.) VOLUMES

City U.S. Summary—Urban: Unemployment rate 9.6%.

Vol. No. PHC(3)—1: Subemployment rate 30.5% (under $80 wk. $4,000 yr.).

Population of area 13,247,000: Subemployment rate 61.2% (under $3.50 hr. $7,000 yr.).

From page X: Black, 49.5%; white, 47.9%; Spanish, 11.8%; other, 2.6%.

Percent of city population in sample, 33.5%.

From Table 1, page 13: labor force, 4,975; unemployed, 478; unemployment rate, 9.6%.

From Table 3, page 19: part-time employed for economic reasons, 197.

From Table 15, page 64: discouraged workers (because of inability to find work) main reason, 32; secondary reason, 158; total, 190.

From table E, page 4: earnings to $79 wk.: 711; to $3.49 hr.: 2,296.

From page X in introduction: 13,247,000/39,460,115=33.5%; pop. of sample area/pop. of city X 100=% of city pop. in sample.

CALCULATIONS

1. Labor force, 4,975; discouraged, 190, total labor force, 5,165.

2. Unemployed, 478; part time, 197; discouraged, 190; earn to $79, 711; total 2, 1,576.

3. Unemployed, 478; part time 197; discouraged, 190; to $3.49, 2,296; total 3, 3,161.

Total 2÷TLF=subemployment rate at $2.00 hr. 1,576÷5,165=30.51%.

Total 3÷TLF=subemployment rate at $3.50 hr. 3,161÷5,165=61.2%.

PRESIDENT NIXON'S MOST SIGNIFICANT WORDS DIRECTED TOWARD THE FUTURE

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

Mr. GERALD R. FORD. Mr. Speaker, in his courageous and candid speech to the American people last night about the Watergate affair, President Nixon's most significant words were directed not at the past but toward the future. He assumed responsibility for past mistakes and promised that the whole truth will be revealed, both as to guilt and innocence, through the judicial process. I believe that Secretary Richardson, whom he has nominated to be Attorney General, will pursue this investigation without fear or favor. But the President also reminded us that there is vital work to be done toward our goal of a lasting structure of peace in the world and to set in motion new and better ways of ensuring progress toward a better life for all Americans.

These responsibilities and concerns of the President are also ours. The Congress shares them with him and he cannot accept them alone, nor can he accomplish much of this vital work without our help. It is therefore my earnest hope that we will now turn our attention to these matters of urgent concern to our countrymen and work together with our President for a better future. Whether the next 3½ years will be years of progress and prosperity or years of political recrimination and partisan power struggles now depends primarily upon us, not the President. He has demonstrated he is a big enough man to shoulder his responsibilities and press forward and we should do the same.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRENZEL (at the request of Mr. GERALD R. FORD), for May 2, on account of official business.

Mr. BURKE of Florida (at the request of Mr. ARENDS), for today and the balance of the week, on account of death in family.

Mr. FOLEY (at the request of Mr. MCFALL), for today, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. MCFALL), for today, on account of illness.

Mr. JOHNSON of Colorado (at the request of Mr. GERALD R. FORD), for May 1 and the balance of the week, on account of official business.

Mr. RANDALL (at the request of Mr. SISK), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COCHRAN) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 15 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. YOUNG of Alaska, for 10 minutes, today.

(The following Members (at the request of Mr. OWENS) and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 5 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WOLFF, for 15 minutes, today.

Ms. ABZUG, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. DULSKI, for 15 minutes, on May 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. CHISHOLM and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,402.50.

(The following Members (at the request of Mr. COCHRAN) and to include extraneous matter:)

Mr. ZION.
Mr. KEATING.
Mr. BLACKBURN.
Mr. YOUNG of Florida in five instances.
Mr. DERWINSKI in three instances.
Mr. WYMAN in two instances.
Mr. HUDNUT.
Mr. FISH.
Mr. VEYSEY in two instances.
Mr. SARASIN in two instances.
Mr. COCHRAN.
Mr. ZWACH.
Mr. BRAY in two instances.
Mr. MCCLOSKEY.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. ANNUNZIO in 10 instances.
Mr. MOAKLEY.
Mr. BADILLO in two instances.
Mr. GAYDOS in 10 instances.
Mr. RARICK in three instances.
Mr. BURTON.
Mr. REUSS in five instances.
Mr. GONZALEZ in three instances.
Mr. WALDIE in eight instances.
Mr. DRINAN.
Mr. GIBBONS.
Mr. YATRON.
Mrs. GRASSO in 10 instances.
Mr. HARRINGTON in 10 instances.
Mr. NICHOLS.
Mr. HELSTOSKI in 10 instances.
Mr. CORMAN.
Mr. RONCALIO of Wyoming in 10 instances.
Mr. LITTON.
Mr. DOMINICK V. DANIELS.
Mr. MOSS.
Mr. BRECKINRIDGE.
Mr. FASCELL in three instances.
Mr. MATSUNAGA in six instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1165. An act to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1494. An act to amend section 236m of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to limit the number of employees that may be retired under such Act during specified periods.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 11 minutes p.m), the House adjourned until tomorrow, Wednesday, May 2, 1973, 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:

845. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on Federal civil defense contributions to States for equipment and facilities during the quarter ended March 31, 1973, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended [50 U.S.C. App. 2281(i)]; to the Committee on Armed Services.

846. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Age Discrimination in Employment Act of 1967 to extend the Act to State and local governments; to the Committee on Education and Labor.

847. A letter from the Director, National Science Foundation, transmitting a report on Federal support or universities, colleges, and selected nonprofit institutions during fiscal year 1971, pursuant to the National Science Foundation Act, as amended; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

848. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during March, 1973, pursuant to U.S.C. 1174; to the Committee on Government Operations.

849. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Export-Import Bank of the United States for fiscal year 1972 (H. Doc. 93–94); to the Committee on Government Operations and ordered to be printed.

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. McSPADDEN: Committee on Rules. House Resolution 370. Resolution for the consideration of H.R. 6388. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes; (Rept. No. 93–160). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 371. Resolution to provide for the consideration of H.R. 6370. A bill to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes; (Rept. No. 93–161). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 372. Resolution providing for the consideration of H.R. 6452. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes; (Rept. No. 93–162). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 6646. A bill to provide that certain changes in the loan and purchase program for the 1973 peanut crop which the Department of Agriculture is contemplating shall not be made; (Rept. No. 93–163). 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. ANDREWS of North Dakota:

H.R. 7368. A bill to provide for the disposition of funds appropriated to pay a judgment entered by the Indian Claims Commission in favor of the Three Affiliated Tribes of Fort Berthold Reservation in dockets numbered 350–A, E, and H, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.R. 7369. A bill to repeal subsection (c) of section 245 of the Immigration and Nationality Act, to permit adjustment of status of persons from the Western Hemisphere on the same basis as other aliens; to the Committee on the Judiciary.

H.R. 7370, A bill authorizing the entry or parole into the United States of Cuban refugees; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself, Mr. KLUCZYNSKI, Mr. METCALFE, and Mr. PRICE of Illinois):

H.R. 7371. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of the U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. CULVER:

H.R. 7372. A bill relating to payments to producers for participation in the 1973 feed grain program; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 7373. A bill to preserve and insure the continued operation of transportation properties owned or operated by carriers by railroad in reorganization and confronted with liquidation; to protect the security interests of the United States in such properties; to provide for the payment of just and reasonable compensation for said properties; and, to provide for the national defense; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H.R. 7374. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 7375. A bill to amend section 210 of receiving benefits thereunder; to the Committee on Public Works.

By Mr. GOLDWATER:

H.R. 7376. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 7377. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

By Mr. HOSMER (for himself, Mr. ANDERSON of California, Mr. BELL, Mr. BROWN of California, Mrs. BURKE of California, Mr. DEL CLAWSON, Mr. CORMAN, Mr. DANIELSON, Mr. GOLDWATER, Mr. HANNA, Mr. HAWKINS, Mr. HINSHAW, Mr. HOLIFIELD, Mr. KETCHUM, Mr. MOORHEAD of California, Mr. PETTIS, Mr. REES, Mr. ROUSSELOT, Mr. ROYBAL, Mr. TEAGUE of California, Mr. WIGGINS, and Mr. CHARLES H. WILSON of California):

H.R. 7378. A bill to amend title 10 of the United States Code in order to combine the 11th and 12th Naval Districts; to the Committee on Armed Services.

By Mr. KING:

H.R. 7379. A bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees; to the Committee on Education and Labor.

H.R. 7380. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLS of Arkansas (for himself, Mr. VANIK, Mr. BIESTER, Mr. MANN, and Mr. MARAZITI):

H.R. 7381. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 7382. A bill to authorize a program of research and development of alternative propulsion systems for automotive vehicles in commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 7383. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. OWENS (for himself, Mr. BINGHAM, Mr. BROWN of California, Mr. HARRINGTON, Mr. JONES of North Carolina, Mr. MAZZOLI, Mr. MOAKLEY, Mr. PEPPER, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. STARK, and Mr. WARE):

H.R. 7384. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7385. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 7386. A bill to provide a rule in cases of the "pocket veto" for the implementation of section 7 of article I of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 7387. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania (for himself and Mr. HARRINGTON):

H.R. 7388. A bill exempting State lotteries from certain Federal prohibitions; to the Committee on the Judiciary.

H.R. 7389. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RUPPE:

H.R. 7390. A bill to amend the National Flood Insurance Act of 1968 to extend coverage under the flood insurance program to include losses from the erosion and undermining of shorelines by waves or currents of water; to the Committee on Banking and Currency.

By Mr. STEIGER of Arizona:

H.R. 7391. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Navajo Tribe of Indians in court of claims case No. 49692, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 7392. A bill to authorize a study of the feasibility and desirability of establishing a Channel Island National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VAN DEERLIN:

H.R. 7393. A bill to extend daylight saving time to the entire calendar year for an experimental 2-year period, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 7394. A bill to restore to certain Government employees the right to participate, as private citizens, in the political life of the Nation, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself and Mr. PRITCHARD):

H.R. 7395. A bill to amend section 607(k)(8) of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. ZWACH.

H.J. Res. 532. Joint resolution designating the composition known as The Stars and Stripes Forever as the national march of the United States; to the Committee on the Judiciary.

By Mr. DIGGS:

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that additional copies of hearings be printed; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. MICHEL, Mr. TEAGUE of California, Mr. SMITH of New York, Mr. GUBSER, Mr. WIDNALL, Mr. WYATT, Mr. MCCLORY, Mr. BUCHANAN, Mr. CONTE, Mr. HEINZ, Mr. MCCLOSKEY, Mr. HANSEN of Idaho, Mr. ESCH, Mr. BIESTER, Mr. BELL, Mr. COUGHLIN, Mr. GUDE, Mr. HANRAHAN, and Mr. HORTON):

H. Res. 367. Resolution to appoint a Special Prosecutor; to the Committee on the Judiciary.

By Mr. LITTON:

H. Res. 368. Resolution requesting that six living former Supreme Court Justices serve as a panel to select a special prosecutor to investigate the Watergate affair; to the Committee on the Judiciary.

By Mr. REUSS (for himself and Mr. HECHLER of West Virginia):

H. Res. 369. Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: 180. A memorial of the Legislature of the Commonwealth of Massachusetts, relative to the United States allowing greater immigration to the people of Ireland; to the Committee on the Judiciary.

181. Also, memorial of the Legislature of the State of Montana, relative to Federal block grant assistance to upgrade law enforcement and criminal justice; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 7396. A bill for the relief of Arthur Rike; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 7397. A bill for the relief of Viola Burroughs; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 7398. A bill for the relief of Mrs. Alice T. Beacon; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 7399. A bill for the relief of Ramon Z. Echeveste; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 7400. A bill for the relief of Harold L. Rutherford; to the Committee on the Judiciary.

H.R. 7401. A bill for the relief of Harold L. Rutherford; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 7402. A bill for the relief of Dale Z. Brown; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

197. By the SPEAKER: Petition of the Inter-Tribal Council of Arizona, Scottsdale, Ariz., relative to the status of Indian tribal governments; to the Committee on Interior and Insular Affairs.

198. Also, Petition of D. O. Watson, Pelham, Ala., and other, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.