The degree of management of the growing importance of energy considerations is hard to gauge, but some top executives are obviously deeply involved in their company programs.

At the Rohr Corporation, Burt F. Raymes, chairman, is the chief planner of his company's conservation program.

Edward S. Donnell, president and chief executive officer of Montgomery Ward, is another top executive who has taken a personal hand in the company energy program. At the American Retail Federation's annual meeting, Mr. Donnell called on the retailing industry to take the lead in conservation as well as promoting energy-saving products.

A growing number of products are being marketed to the consumer on the basis of being energy savers. Air-conditioner manufacturers probably have taken the lead along these lines. It is a rare ad these days that does not mention the device's energy-saving status.

The Philco-Ford Corporation is promoting a new refrigerator-freezer line that the company contends saves about a third or more electricity in comparison with competitive products.

The Duro-Test Corporation has brought out a new light bulb that is supposed to consume 10 per cent less electric power without any loss of light.

No products have been discontinued because of the energy situation. However, one of the nation's most important products—the automobile—may be in the process of being seriously altered. In recent months the percentage of the market held by small cars has been increasing. No less an authority than Henry Ford 2d, head of the Ford Motor Company, predicts that small cars will represent more than half of the market within a few years.

Sales of recreational vehicles and pleasure boats have been sharply cut back, partially because of energy considerations.

Some companies have increased their business as a result of the "energy crisis." Usually these are companies that produce products or services for use in the oil, gas and utilities industries.

The management consulting firm of Arthur D. Little reported that there had been a dramatic increase in the number of organizations seeking its help on energy matters.

E. I. du Pont de Nemours & Co. has created an Energy Management Service to make energy-saving techniques available to other large power users on a commercial basis.

Specific conservation methods differ from industry to industry.

At Cooper Jarret, Inc., a trucking concern, its president, William B. Baker, sent a personal letter to each driver asking him to turn off his engine at every possible moment and enclosed with the letter a decal, bearing a list of "do's and don'ts" to be pasted on the truck's dashboard. The truckers have also been asked to drive at speeds most conducive to energy conservation.

Schenley Distillers, Inc., has revised production schedules and is operating its distilleries during the summer to take advantage of greater fuel availability during the non-heating season. The practice however, has its adverse effect because the cost of grain is higher during the summer.

Montgomery Ward has ordered higher temperatures in its stores in the summer and lower in the winter. The company has begun to provide bicycle racks outside its stores for customers and employes. In addition, the retail chain has printed a million brochures listing 65 tips on how to "Save Energy, Save Money" for distribution to customers.

American Airlines, United Air Lines and Trans World Airlines have a transcontinental capacity agreement on reducing the number of flights. This saved the three carriers some 120 million gallons of jet fuel last year.

# HOUSE OF REPRESENTATIVES—*Tuesday, July 24, 1973*

The House met at 12 o'clock noon.

Rev. James H. Cunningham, rector, the Church of Our Saviour, Charlottesville, Va., offered the following prayer:

Almighty God: Creator, Redeemer, and Sanctifier; by whose providence we have been given this great portion of Thy creation for our heritage. And by whose grace we have endured and prospered to this day.

In these days of uncertainty and turmoil give us a sense of purpose and direction. Help us to know Thy way and to walk in it. For only in seeking and doing Thy will shall we as a people fulfill our destiny.

Send Thy grace unto the President, the Vice President, the Speaker of the House, and the Members of this legislative body that they may be inspired and impelled by Thee to lead our people to the blessings of unity, integrity, and tranquillity.

In Thy holy name we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8947. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8947) entitled "An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIBLE, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. ROBERT C. BYRD, Mr. PASTORE, Mr. MCGEE, Mr. MONTOYA, Mr. HATFIELD, Mr. YOUNG, Mr. HRUSKA, Mr. CASE, Mr. STEVENS, Mr. SCHWEIKER, Mr. BELLMON, and Mr. RANDOLPH to be the conferees on the part of the Senate.

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

S. 2101. An act to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes.

## THE REVEREND JAMES H. CUNNINGHAM

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

Mr. ROBINSON of Virginia. Mr. Speaker, the prayer today was offered by a valued constituent of mine, the Reverend James H. Cunningham, rector of the Church of Our Saviour (Episcopal) of Charlottesville, Va.

The Reverend Mr. Cunningham has had a most interesting career, and I believe it has been most appropriate that he be invited by our beloved Chaplain, Dr. Latch, to visit with us today, in that Mr. Cunningham had extensive service in the Federal Government prior to his call to the ministry.

He was born in Wheeling, W. Va., but was reared here in the Nation's Capital, where he attended the public schools and was graduated from the Georgetown University School of Foreign Service in 1946.

For approximately 10 years, he worked in Government, principally in the Department of Commerce.

Thereafter, he was associated with the Charles Pfizer Co., a pharmaceutical firm, for 4 years.

On receiving the call, he entered Virginia Theological Seminary in 1957 and was graduated in 1960.

The Reverend Mr. Cunningham continues to serve his first church, in Charlottesville, where he holds the deep affection of his congregation and the high respect of the community.

It is a privilege to offer these few words to introduce him to the House.

## APPOINTMENT OF CONFEREES ON H.R. 8947, PUBLIC WORKS-ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1974

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the

Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none, and appoints the following conferees: Messrs. EVINS of Tennessee, BOLAND, WHITTEN, SLACK, PASSMAN, MAHON, RHODES, DAVIS of Wisconsin, ROBISON of New York, and CEDERBERG.

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8947, PUBLIC WORKS-ATOMIC ENERGY APPROPRIATIONS, 1974, UNTIL MIDNIGHT, JULY 25, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow night, July 25, to file the conference report on H.R. 8947, the public works for water and power development and Atomic Energy Commission appropriations, 1974.

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

There was no objection.

## CONCERNING THE FARM BILL

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

Mr. CONTE. Mr. Speaker, later today, a motion will be made to send the farm bill to conference.

I want to make sure that my colleagues understand exactly what is happening and why I am opposed to it.

The farm bill has been gutted. For consumers and taxpayers, who must shoulder its burdens, the farm bill leaves only slim pickings at very high prices.

The next step in the pillage of the farm bill comes today with the appointment of conferees.

I had intended to introduce a motion today that the House instruct its conferees to insist on the strict House language on payment limitations on Federal subsidy payments. This would salvage the only decent provision left in the bill.

But I may never get to offer my motion because the forces who have always catered to the subsidy hungry, big farm interests will offer a "sweetheart motion"—a motion so unimportant that its motives are obvious.

As only one proper motion to instruct is allowed, their ploy, of course, is to prohibit us from insisting on the strict payment limitation language.

It is a dirty trick and a sham to use a "sweetheart motion" to bury a controversial issue that a majority of the House Members have supported time and again. It is a frustration of the legislative process.

I intend to offer my motion to instruct the conferees on the payment limitation language as an amendment to the original motion to instruct. I urge my colleagues to support this amendment so that we can salvage something of the heart of this farm bill for the consumers and taxpayers of the Nation.

## TRIBUTE TO MORMON PIONEERS

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

Mr. HANSEN of Idaho. Mr. Speaker, today Idaho and many other parts of the Nation are observing Pioneer Day—the anniversary of the Mormons' entry into the Salt Lake Valley, 126 years ago.

The LDS Church has been a powerful force in the building of our Nation. Within a few years following their arrival in the Salt Lake Valley, the Mormons had established hundreds of communities in Idaho, Utah, Nevada, Arizona, Wyoming, and California. Their membership—which had started with six men and is now over 3 million—has since spread to all parts of the Nation and many parts of the world.

When the Mormon pioneers came they were poor in material goods. But they brought with them boundless energy, resourcefulness, a willingness to work hard, and to sacrifice. By applying these qualities of character to their task they contributed greatly to the material progress of the Mountain States. They built a civilization out of the wilderness. They caused the desert to bloom and the valleys to become productive.

They also left another legacy of much greater value to the Nation, particularly during this time of national crisis. They were sustained by a deep faith in God, a willingness to work together and to help each other. They set an example that this generation of Americans could do well to follow.

With the same faith, courage, and vision that enabled the early pioneers to overcome the difficulties they faced, we can also overcome the problems that confront the Nation today.

We are deeply indebted to the pioneers for their contribution to the building of America. We can best honor those who entered the Salt Lake Valley 126 years ago, however, by learning and applying in our own lives and in our own day the lessons their experiences has taught us.

Today, on Pioneer Day, let us remember the pioneer spirit and pay tribute to the courage and devotion of those who helped build our Nation.

## APPOINTMENT OF CONFEREES ON S. 1888, AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

Mr. POAGE. Mr. Speaker, pursuant to clause 1 rule XX of the rules of the House and at the direction of the Committee on Agriculture, I move to take from the Speaker's table the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, together with the House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

Mr. Speaker, I would merely suggest that this is the motion to send the Agricultural Act to conference. Unless we proceed now and do this, we may spend another 2 weeks as profitlessly as we spent the last 2 weeks. I would therefore hope we would move along and send this bill to conference without further delay.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. POAGE).

The motion was agreed to.

### PREFERENTIAL MOTION OFFERED BY MR. PRICE OF TEXAS

Mr. PRICE of Texas. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. PRICE of Texas moves that the managers on the part of the House, at the disagreeing votes of the two Houses on the bill S. 1888, be instructed to insist on the provisions of paragraph (26) of section 1 of the House amendment at page 38, lines 1 through 8 which read as follows:

"(B) by adding a new section 703 as follows:

"SEC. 703. Title IV of such Act as amended by adding at the end thereof the following:

"'SEC. 411. No agricultural commodities shall be sold under title I or title III or donated under title II of this Act to North Vietnam, unless by an Act of Congress enacted subsequent to July 1, 1973, assistance to North Vietnam is specifically authorized.'"

Mr. PRICE of Texas. Mr. Speaker, my motion to instruct conferees is designed to insure the ban of any aid to North Vietnam under Public Law 480 unless Congress by a separate act authorizes aid to that nation.

It was developed in the hearings that under present law it is possible for title II grants to be made to North Vietnam.

I, for one, believe that this would be most unwise and that Congress should have the final say on any foreign aid to this Communist nation.

Mr. Speaker, I move the previous question on the motion.

The SPEAKER. The question is on ordering the previous question.

Mr. CONTE. Mr. Speaker, I have an amendment to the preferential motion.

The SPEAKER. The Chair will state that ordering the previous question is the business before the House at this time.

The question is on ordering the previous question.

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

Mr. CONTE. 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 244, nays 155, present 1, not voting 33, as follows:

[Roll No. 374]

YEAS—244

| | | |
|---|---|---|
| Abdnor | Gubser | Podell |
| Alexander | Guyer | Powell, Ohio |
| Andrews, N.C. | Haley | Preyer |
| Andrews, N. Dak. | Hammer-schmidt | Price, Tex. |
| Arends | Hanrahan | Pritchard |
| Baker | Hansen, Idaho | Quillen |
| Barrett | Hansen, Wash. | Randall |
| Beard | Harsha | Rarick |
| Bergland | Hastings | Regula |
| Bevill | Hawkins | Reid |
| Biaggi | Hays | Rhodes |
| Blackburn | Hebert | Robinson, Va. |
| Bolling | Hechler, W. Va. | Rogers |
| Bowen | Henderson | Roncalio, Wyo. |
| Brasco | Hicks | Rooney, N.Y. |
| Bray | Holifield | Rose |
| Breaux | Holt | Rousselot |
| Breckinridge | Huber | Roybal |
| Brinkley | Hungate | Runnels |
| Brooks | Hutchinson | Ruth |
| Brown, Calif. | Ichord | Ryan |
| Brown, Ohio | Jarman | Sandman |
| Broyhill, N.C. | Johnson, Calif. | Sarbanes |
| Broyhill, Va. | Jones, Ala. | Satterfield |
| Burke, Fla. | Jones, N.C. | Scherle |
| Burleson, Tex. | Jones, Okla. | Schroeder |
| Burlison, Mo. | Jones, Tenn. | Sebelius |
| Burton | Jordan | Seiberling |
| Butler | Kazen | Shoup |
| Byron | Ketchum | Shriver |
| Carney, Ohio | King | Sikes |
| Carter | Kuykendall | Sisk |
| Casey, Tex. | Landrum | Skubitz |
| Chappell | Latta | Slack |
| Clancy | Lehman | Smith, Iowa |
| Clark | Litton | Smith, N.Y. |
| Clausen, Don H. | Long, La. | Snyder |
| Clawson, Del | Lott | Spence |
| Cleveland | McClory | Staggers |
| Cochran | McCollister | Stark |
| Cohen | McCormack | Steed |
| Collins, Tex. | McEwen | Steele |
| Conable | McFall | Steiger, Ariz. |
| Conlan | McKay | Stubblefield |
| Cotter | Madigan | Stuckey |
| Culver | Mahon | Symington |
| Daniel, Dan | Martin, Nebr. | Symms |
| Daniel, Robert W., Jr. | Martin, N.C. | Talcott |
| | Mathias, Calif. | Taylor, Mo. |
| Danielson | Mathis, Ga. | Taylor, N.C. |
| Davis, Ga. | Matsunaga | Teague, Calif. |
| Davis, S.C. | Mazzoli | Teague, Tex. |
| Davis, Wis. | Meeds | Thone |
| de la Garza | Melcher | Thornton |
| Delaney | Mezvinsky | Treen |
| Denholm | Miller | Udall |
| Dent | Minish | Ullman |
| Devine | Mink | Veysey |
| Dickinson | Mitchell, Md. | Vigorito |
| Dorn | Mitchell, N.Y. | Waggonner |
| Eckhardt | Mizell | Walsh |
| Edwards, Ala. | Mollohan | Wampler |
| Edwards, Calif. | Montgomery | Ware |
| Eilberg | Moorhead, Calif. | White |
| Evans, Colo. | | Whitehurst |
| Evins, Tenn. | Morgan | Whitten |
| Flood | Myers | Williams |
| Flowers | Natcher | Wilson, Bob |
| Flynt | Nedzi | Wilson, Charles H., Calif. |
| Foley | Nichols | |
| Ford, Gerald R. | Nix | |
| Fountain | Obey | Wilson, Charles, Tex. |
| Frey | O'Brien | |
| Froehlich | O'Hara | Wright |
| Fuqua | O'Neill | Wyatt |
| Gaydos | Owens | Wylie |
| Gettys | Parris | Yatron |
| Gilman | Passman | Young, Alaska |
| Ginn | Patten | Young, Fla. |
| Gonzalez | Pepper | Young, S.C. |
| Goodling | Perkins | Young, Tex. |
| Gray | Pickle | Zablocki |
| Griffiths | Poage | Zwach |

NAYS—155

| | | |
|---|---|---|
| Abzug | Brademas | Daniels, Dominick V. |
| Adams | Broomfield | |
| Addabbo | Brotzman | Dellenback |
| Anderson, Calif. | Brown, Mich. | Dellums |
| | Buchanan | Dennis |
| Anderson, Ill. | Burgener | Derwinski |
| Annunzio | Burke, Calif. | Diggs |
| Archer | Burke, Mass. | Dingell |
| Armstrong | Cleveland | Donohue |
| Ashbrook | Collier | Drinan |
| Aspin | Collins, Ill. | Dulski |
| Bafalis | Conte | Duncan |
| Bell | Conyers | du Pont |
| Bennett | Corman | Erlenborn |
| Biester | Coughlin | Esch |
| Bingham | Crane | Eshleman |
| Boland | Cronin | Fascell |
| Findley | Koch | Rooney, Pa. |
| Fish | Kyros | Rosenthal |
| Forsythe | Lent | Rostenkowski |
| Fraser | Long, Md. | Roush |
| Frelinghuysen | McCloskey | St Germain |
| Frenzel | McDade | Sarasin |
| Fulton | McKinney | Saylor |
| Giaimo | Macdonald | Schneebeli |
| Gibbons | Madden | Shuster |
| Goldwater | Mailliard | Stanton, J. William |
| Grasso | Mallary | |
| Green, Oreg. | Maraziti | Stanton, James V. |
| Green, Pa. | Mayne | |
| Gross | Metcalfe | Steelman |
| Gude | Michel | Steiger, Wis. |
| Hamilton | Minshall, Ohio | Stokes |
| Hanley | Moakley | Stratton |
| Harrington | Moorhead, Pa. | Studds |
| Heckler, Mass. | Mosher | Sullivan |
| Heinz | Moss | Thompson, N.J. |
| Helstoski | Murphy, Ill. | Thomson, Wis. |
| Hillis | Nelsen | Towell, Nev. |
| Hinshaw | Pettis | Van Deerlin |
| Hogan | Peyser | Vander Jagt |
| Holtzman | Pike | Vanik |
| Horton | Price, Ill. | Waldie |
| Hosmer | Quie | Whalen |
| Howard | Railsback | Widnall |
| Hudnut | Rangel | Wiggins |
| Hunt | Rees | Wolff |
| Johnson, Colo. | Reuss | Wydler |
| Karth | Riegle | Wyman |
| Kastenmeier | Rinaldo | Yates |
| Keating | Robison, N.Y. | Young, Ga. |
| Kemp | Rodino | Young, Ill. |
| Kluczynski | Roncallo, N.Y. | Zion |

PRESENT—1

Grover

NOT VOTING—33

| | | |
|---|---|---|
| Ashley | Ford, William D. | Mills, Ark. |
| Badillo | | Murphy, N.Y. |
| Blatnik | Gunter | Patman |
| Boggs | Hanna | Roe |
| Camp | Harvey | Roy |
| Carey, N.Y. | Johnson, Pa. | Ruppe |
| Cederberg | Landgrebe | Shipley |
| Chamberlain | Leggett | Stephens |
| Chisholm | Lujan | Tiernan |
| Clay | McSpadden | Winn |
| Downing | Mann | |
| Fisher | Milford | |

So the previous question was ordered.

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Stephens.
Mr. Murphy of New York with Mr. Downing.
Mr. Fisher with Mr Mann.
Mr. Gunter with Mr. Landgrebe.
Mr. Carey of New York with Mr. Milford.
Mr. Blatnik with Mr. Mills of Arkansas.
Mr. McSpadden with Mr. Harvey.
Mr. Roe with Mr. Johnson of Pennsylvania.
Mr. Shipley with Mr. William D. Ford.
Mr. Tiernan with Mr. Chamberlain.
Mr. Roy with Mr. Cederberg.
Mr. Hanna with Mr. Lujan.
Mr. Ashley with Mr. Camp.
Mrs. Chisholm with Mr. Leggett.
Mr. Clay with Mr. Badillo.
Mr. Winn with Mr. Ruppe.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PRICE) to instruct conferees.

Mr. GROSS. 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 371, nays 35, not voting 27, as follows:

[Roll No. 375]

YEAS—371

| | | |
|---|---|---|
| Abdnor | Aspin | Boggs |
| Adams | Bafalis | Bolling |
| Addabbo | Baker | Bowen |
| Alexander | Barrett | Brademas |
| Andrews, N.C. | Beard | Brasco |
| Andrews, N. Dak. | Bell | Bray |
| | Bennett | Breaux |
| Annunzio | Bergland | Breckinridge |
| Archer | Bevill | Brinkley |
| Arends | Biaggi | Brooks |
| Armstrong | Biester | Broomfield |
| Ashbrook | Blackburn | Brotzman |
| Brown, Calif. | Hanley | Parris |
| Brown, Mich. | Hanrahan | Passman |
| Brown, Ohio | Hansen, Idaho | Patten |
| Broyhill, N.C. | Hansen, Wash. | Pepper |
| Broyhill, Va. | Harvey | Perkins |
| Buchanan | Hastings | Pettis |
| Burgener | Hays | Peyser |
| Burke, Fla. | Hechler, W. Va. | Pickle |
| Burke, Mass. | Heckler, Mass. | Pike |
| Burleson, Tex. | Heinz | Poage |
| Burlison, Mo. | Henderson | Powell, Ohio |
| Butler | Hicks | Preyer |
| Byron | Hillis | Price, Ill. |
| Carney, Ohio | Hinshaw | Price, Tex. |
| Carter | Hogan | Pritchard |
| Casey, Tex. | Holifield | Quie |
| Cederberg | Holt | Quillen |
| Chamberlain | Horton | Railsback |
| Chappell | Hosmer | Randall |
| Clancy | Howard | Rangel |
| Clark | Huber | Rarick |
| Clausen, Don H. | Hudnut | Regula |
| | Hungate | Reid |
| Clawson, Del | Hunt | Reuss |
| Cleveland | Hutchinson | Rhodes |
| Cochran | Ichord | Rinaldo |
| Cohen | Jarman | Roberts |
| Collier | Johnson, Calif. | Robinson, Va. |
| Collins, Ill. | Johnson, Colo. | Robison, N.Y. |
| Collins, Tex. | Jones, Ala. | Rodino |
| Conable | Jones, N.C. | Rogers |
| Conlan | Jones, Okla. | Roncalio, Wyo. |
| Cotter | Jones, Tenn. | Roncallo, N.Y. |
| Coughlin | Jordan | Rooney, N.Y. |
| Crane | Karth | Rooney, Pa. |
| Cronin | Kazen | Rose |
| Daniel, Dan | Keating | Rostenkowski |
| Daniel, Robert W., Jr. | Kemp | Roush |
| | Ketchum | Rousselot |
| Daniels, Dominick V. | King | Roybal |
| | Kluczynski | Runnels |
| Danielson | Koch | Ruppe |
| Davis, Ga. | Kuykendall | Ruth |
| Davis, S.C. | Kyros | Ryan |
| Davis, Wis. | Landrum | St Germain |
| de la Garza | Latta | Sandman |
| Delaney | Leggett | Sarasin |
| Dellenback | Lehman | Sarbanes |
| Denholm | Lent | Satterfield |
| Dennis | Litton | Saylor |
| Dent | Long, La. | Scherle |
| Derwinski | Long, Md. | Schneebeli |
| Devine | Lott | Schroeder |
| Dickinson | McClory | Sebelius |
| Diggs | McCloskey | Seiberling |
| Dingell | McCollister | Shoup |
| Donohue | McCormack | Shriver |
| Dorn | McDade | Shuster |
| Dulski | McEwen | Sikes |
| Duncan | McFall | Sisk |
| du Pont | McKay | Skubitz |
| Edwards, Ala. | McKinney | Slack |
| Eilberg | Macdonald | Smith, Iowa |
| Erlenborn | Madden | Smith, N.Y. |
| Esch | Madigan | Snyder |
| Eshleman | Mahon | Spence |
| Evans, Colo. | Mailliard | Staggers |
| Evins, Tenn. | Mallary | Stanton, J. William |
| Fascell | Maraziti | |
| Fish | Martin, Nebr. | Stanton, James V. |
| Flood | Martin, N.C. | |
| Flowers | Mathias, Calif. | Steed |
| Flynt | Mathis, Ga. | Steele |
| Foley | Matsunaga | Steelman |
| Ford, Gerald R. | Mayne | Steiger, Ariz. |
| Forsythe | Mazzoli | Steiger, Wis. |
| Fountain | Meeds | Stephens |
| Frelinghuysen | Melcher | Stratton |
| Frenzel | Mezvinsky | Stubblefield |
| Frey | Michel | Stuckey |
| Froehlich | Miller | Studds |
| Fulton | Minish | Sullivan |
| Fuqua | Mink | Symington |
| Gaydos | Minshall, Ohio | Symms |
| Gettys | Mitchell, N.Y. | Talcott |
| Giaimo | Mizell | Taylor, Mo. |
| Gibbons | Moakley | Taylor, N.C. |
| Gilman | Mollohan | Teague, Calif. |
| Ginn | Montgomery | Teague, Tex. |
| Goldwater | Moorhead, Calif. | Thompson, N.J. |
| Gonzalez | | Thomson, Wis. |
| Goodling | Moorhead, Pa. | Thone |
| Grasso | Morgan | Thornton |
| Gray | Mosher | Towell, Nev. |
| Green, Oreg. | Murphy, Ill. | Treen |
| Green, Pa. | Myers | Udall |
| Griffiths | Natcher | Ullman |
| Gross | Nedzi | Van Deerlin |
| Grover | Nelsen | Vander Jagt |
| Gubser | Nichols | Vanik |
| Gude | Nix | Veysey |
| Guyer | Obey | Vigorito |
| Haley | O'Brien | Waggonner |
| Hamilton | O'Hara | Walsh |
| Hammer-schmidt | O'Neill | Wampler |
| | Owens | Ware |

| | | |
|---|---|---|
| Whalen | Charles H., Calif. | Yatron |
| White | Wilson, Charles, Tex. | Young, Alaska |
| Whitehurst | Wolff | Young, Fla. |
| Whitten | Wright | Young, Ill. |
| Widnall | Wyatt | Young, S.C. |
| Wiggins | Wydler | Young, Tex. |
| Williams | Wylie | Zablocki |
| Wilson, Bob | Wyman | Zion |
| Wilson, | | Zwach |

NAYS—35

| | | |
|---|---|---|
| Abzug | Ashley | Burke, Calif. |
| Anderson, Calif. | Bingham | Burton |
| | Boland | Chisholm |
| Conte | Fraser | Podell |
| Conyers | Harrington | Rees |
| Corman | Hawkins | Riegle |
| Culver | Helstoski | Rosenthal |
| Dellums | Holtzman | Stark |
| Drinan | Kastenmeier | Stokes |
| Eckhardt | Metcalfe | Waldie |
| Edwards, Calif. | Mitchell, Md. | Yates |
| Findley | Moss | Young, Ga. |

NOT VOTING—27

| | | |
|---|---|---|
| Anderson, Ill. | Gunter | Mills, Ark. |
| Badillo | Hanna | Murphy, N.Y. |
| Blatnik | Harsha | Patman |
| Camp | Hébert | Roe |
| Carey, N.Y. | Johnson, Pa. | Roy |
| Clay | Landgrebe | Shipley |
| Downing | Lujan | Tiernan |
| Fisher | McSpadden | Winn |
| Ford, William D. | Mann | |
| | Milford | |

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Downing.
Mr. Murphy of New York with Mr. Hanna.
Mr. Hébert with Mr. Milford.
Mr. Tiernan with Mr. Mills of Arkansas.
Mr. Shipley with Mr. Roy.
Mr. McSpadden with Mr. Mann.
Mr. Roe with Mr. William D. Ford.
Mr. Carey of New York with Mr. Gunter.
Mr. Clay with Mr. Badillo.
Mr. Fisher with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. POAGE, FOLEY, SISK, RARICK, JONES of Tennessee, TEAGUE of California, WAMPLER, GOODLING, and MAYNE.

## PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO MEET TODAY DURING HOUSE SESSION

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be allowed to meet during the session this afternoon while the House is considering legislation under the 5-minute rule.

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

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 8070, AUTHORIZING GRANTS FOR VOCATIONAL REHABILITATION SERVICES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8070) to authorize grants for vocational rehabilitation services, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, BRADEMAS, Mrs. MINK, Messrs. QUIE and ESHLEMAN.

## APPOINTMENT OF CONFEREES ON H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1974

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, EVINS of Tennessee, SHIPLEY, ROUSH, TIERNAN, CHAPPELL, GIAIMO, MAHON, TALCOTT, McDADE, SCHERLE, RUTH, and CEDERBERG.

## PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. 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 Missouri?

There was no objection.

## IMPOUNDMENT CONTROL AND 1974 EXPENDITURE CEILING

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 477

*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. 8480) to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Commtitee on Rules, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and 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.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am not clear as to whether there is serious opposition to the rule. Therefore, I shall not argue a case in connection with that potential opposition at this time. All I will say is that the rule is an open rule providing four hours of floor debate on what I consider to be an enormously important and an enormously difficult subject, a subject which the House should consider in its proper perspective.

The question of impoundment and regularizing impoundment proceedings is a matter that really has nothing to do with party or partisanship. It is a fundamental question of the Constitution and of the relationship among the various branches of Government. It has been my privilege to work on the particular legislation for most of the last 6 months, and I think it is very important that the matter be given adequate and careful consideration. As I know of no fight on the rule at this point in time, I reserve the balance of my time.

I yield to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN of Nebraska. Mr. Speaker, I thank the gentleman for yielding. In reply to the gentleman's statement, I wish to state that as far as I am concerned, I do not know of anyone who is going to ask for a rollcall vote on the rule itself nor on the previous question.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. The gentleman and I have discussed this legislation and related matters on several occasions. I know he has been in a number of discussions with the distinguished ranking Republican, the gentleman from Nebraska (Mr. MARTIN). I should have preferred another approach to the problem that this resolution seeks to remedy, but the gentleman and the Members on that side of the aisle have decided to take this course at this time and postpone the consideration of budget reform to another date. I think the two might have been combined, but be that as it may, that does not seem feasible on this occasion today.

What I am concerned about is, will the gentleman, speaking for himself and any others that he can speak for, give us on our side some assurance that the Committee on Rules will pursue the hearings that they are now carrying on and hopefully give very serious consideration to the reporting out of budget reform legislation?

Mr. BOLLING. I will try to reply to that in two sections. The first I think is important because it shows the intent of other Members aside from myself. The Rules Committee began hearings on that matter the other day, and it began with a statement by the chairman, a very se-

rious statement, indicating the seriousness with which he regarded the matter. The Members, the cochairman, and two of the vice chairmen of the Joint Study Committee, then proceeded to testify before the Committee on Rules in a manner which to me was most encouraging, and I think to the other members of the Committee on Rules, in that they demonstrated no rigidity.

They were flexible about the membership and about the process. They were very firm about the necessity for prompt action. I would say that my impression was very clear that a substantial majority of the members of the Rules Committee sought to go forward on the matter in an expeditious fashion to devise legislation which would be I believe perhaps an improvement over the report of the Joint Study Committee. I was very much encouraged. That is the first half of my statement.

The second half can be absolutely, flatly, totally completely unequivocal. I personally am and have been for years totally committed to the notion that the Congress must accept the responsibility involved in the creation of a process whereby we have a unified budget. I think that the time has come to have it. I think that the conditions exist so that we will have it. So as a matter of principle I can tell the gentleman I hope we will have it and expect that we will have it if it is at all possible in this session of Congress.

That is my personal view. I will want to be completely honest with the gentleman. There are some very important difficulties. There are rumors for example that Congress, and I do not believe them, might adjourn by the middle of October. It might be extremely difficult to accomplish the purpose I would have. So as an objective matter of principle I am wholly in favor of our reporting to the floor under an open rule a procedure that seems reasonable to accomplish the purpose of the Joint Study Committee.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

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

Mr. GERALD R. FORD. The gentleman's assurances as to his personal views and his analysis of the views of members on the Rules Committee reassures me as to his good faith in that we can expect some affirmative action by the Committee on Rules.

The gentleman knows that there was a serious effort made by 16 Members of the other body and 16 Members of the House, a bipartisan group, to come up with a proposition best known as the Ullman-Whitten proposal. I know there are many in this body who have reservations about this part or that portion of the proposal, but I think there is an overwhelming sentiment to do something affirmative to improve our consideration of the Federal budget.

I know the public is demanding that. So with the pressure from the public and the assurances that have been given by the gentleman, and I have had conversation with others on the gentleman's committee and the Democratic leadership, at least I am willing to expect that there will be some action and that we will have our day in court under an open rule on the floor of the House sometime hopefully and expectantly before we adjourn this session. On those assurances, Mr. Speaker, I at least will not fight the rule on this occasion.

Mr. BOLLING. Before I yield to the gentleman from California, I would like to say not facetiously that I believe the support for the gentleman's position and my position is massive and bipartisan.

I would like to say on the rule, although we will have greater opportunity to discuss the matter of impoundment later under the 4 hours of general debate, that I happen to believe that the matter that we will discuss this afternoon should be looked upon in the same fashion. There are, I know, a number of people who feel that this is a partisan effort by a particular Congress to reach a particular President's actions. I do not believe I would be dealing as seriously with the matter of impoundment, and so forth, if I thought that was all that was involved. I feel very strongly that this matter of impoundment, which is properly in my judgment treated separately from the matter of the budget, is extraordinarily important from the point of view of the Congress as a whole without regard to party.

I will say later in some detail why I believe that.

If I may, at this point I would like to yield to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

I think we are right, Mr. Speaker, to support 100 percent the statement made by my colleague from Missouri. I am thoroughly dedicated to expeditious action in connection with the budget bill, the Ullman bill, which is pending before us. I would hope that we might be able to have it before the House at the earliest possible time.

I think we all recognize that cannot be before the first of August because of the shortness, but certainly as soon thereafter as possible. I want to support fully the statement made by my colleague from Missouri (Mr. BOLLING). I assure my friend from Michigan (Mr. GERALD R. FORD) that I think there is dedication on the part of the committee to get this bill out as quickly as possible.

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

Mr. BOLLING. I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, I wish to join the gentleman from Missouri in assuring the minority that there is every sincere effort being exerted to get the Ullman-Whitten bill out of the Rules Committee. As the gentleman from Michigan probably knows, hearings will continue this Thursday on the Ullman-Whitten bill. From what I have been able to determine, I find that the overwhelming majority of the members of the Rules Committee are in favor of reporting a bill out.

There are certain reservations which we have. I, myself, have certain reservations to the measure as introduced. However, I do intend to vote for reporting the measure out.

What is more important I might add, is that the Speaker himself has urged members of the Rules Committee to give serious consideration to reporting the budget bill out.

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

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

Mr. O'NEILL. Mr. Speaker, I rise to ask support for the rule under which H.R. 8480—the impoundment control and 1974 expenditure ceiling—will be considered.

The rule is open and liberal, providing for 4 hours of general debate and then amendments. The bill is not locked in concrete; and any Member who wishes to amend its provisions will have that opportunity.

The Rules Committee held thorough and lengthy hearings on impoundment control before reporting out H.R. 8480 as a clean bill. The same committee is now devoting the same careful study and consideration to budget-control legislation.

It would be precipitous and ill-advised to attempt to link a bill that is still in its committee stage with one now ready for action by the full House.

H.R. 8480, is aimed at the separate and distinct problem of Presidential impoundments. It also deals with our immediate economic difficulties by imposing a ceiling on fiscal 1974 expenditures.

So the two bills are quite different in their scope and purpose. However, they are not incompatible. It is entirely possible to consider one bill without prejudice to the other, and if both should be ultimately enacted into law, there would be no conflict between them.

That is why I request again that the House adopt the rule to consider H.R. 8480 and let the Rules Committee proceed with its hearings on Whitten-Ullman. I am pleased that we have come to an agreement on the rule.

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

Mr. BOLLING. I yield to the distinguished majority whip, the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, the House should adopt the rule and resolve itself into the Committee of the Whole for the consideration of H.R. 8480—the impoundment control and 1974 spending ceiling bill.

H.R. 8480 is a major piece of legislation that deserves the undivided attention of the House. Nongermane amendments would merely burden the measure and confuse the issue before the House. Particularly, it is important that this bill be kept free of entanglement with budget-control legislation. Although the titles may sound similar these two kinds of legislation differ widely in their nature and content. The Rules Committee is now holding hearings on budget control. The bill on the floor today deals with impoundment, and the House should confine its debate today to that subject.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, following up on the colloquy just held between the distinguished minority leader (Mr. GERALD R. FORD) and the gentleman from Missouri (Mr. BOLLING) I would like to state that the five Republican members on the Rules Committee are most anxious to proceed expeditiously with reporting legislation to set up a legislative budget and a budget committee in the House.

This is a most important issue, and as far as the five Members on our side of the aisle are concerned, we are united in this effort. There will undoubtedly be some changes made in the Ullman-Whitten bill which is before us and which is the responsibility and work of the Rules Committee itself. I hope that we come out with a bipartisan bill in the end that all the Members of the House can support. I want to echo the support on our side of the aisle for this legislation.

Mr. Speaker, House Resolution 477, as the gentleman from Missouri has explained, provides for 4 hours of debate and an open rule on H.R. 8480, a bill to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to seek such impounding, and establish for the fiscal year 1974 a ceiling on total Federal expenditures.

Mr. Speaker, I am opposed to this bill. It is a political maneuver designed to cause a confrontation between the executive and legislative branches. This bill will not correct the problem it is supposed to solve. In the long run, it will produce harmful results which will further aggravate the problem. The problem is summarized in the opening lines of the statement of purpose in the committee report. I quote from the report:

> The purpose of this bill is to provide for more effective and responsible congressional control over both the expenditure and nonexpenditure of funds by the executive branch.

Mr. Speaker, we are all in favor of congressional control over the budget. However this bill does not improve the situation. The present congressional budget machinery makes it difficult to decide among competing priorities. No single committee has the responsibility to decide whether or not total outlays are appropriate in view of the current situation. As a result, each spending bill tends to be considered by Congress as a separate entity, and there is very little assessment of relative priorities among different spending programs. This kind of congressional budget procedure tends to produce large deficits consistently. In order to keep Government spending and the related inflation under control, the Executive is forced to make the hard choice about where the cuts will come. The Executive has not seized control of the budget. Congress has abdicated.

The real solution to this problem is for the Congress to establish effective budget control machinery as quickly as possible. Just last week, the Rules Committee finally began hearings on the recommendations of the Joint Study or Budget Control Committee, proposing effective congressional budgetary machinery. The solution to the problem of lack of congressional control over the budget is expeditious action on budget control machinery, not the anti-impoundment bill.

This bill, H.R. 8480, provides a procedure to force the President to spend funds, which otherwise would be impounded. This is not a solution. It only aggravates the problem of excessive spending. At the same time, in a move which requires political double-think the bill provides a 1 year spending limit. This is a short-term political gimmick to give an air of fiscal responsibility to a bill which can only lead to increased expenditures of taxpayers' money.

Let me review briefly a few of the major provisions in the bill. Title I of the bill establishes the procedure by which Congress can force the President to cease impounding. The President is required to notify Congress within 10 days after any impoundment of funds. Since impoundment is defined broadly in this bill, this reporting requirement will require expensive and wasteful administrative procedures in order to comply with the provisions of the bill. The special message notifying Congress would be referred to the Appropriations Committees of the House and Senate. The impounding would have to cease immediately if either House passed a simple resolution disapproving the impoundment within 60 days.

Mr. Speaker, a simple resolution disapproving an impoundment would be of doubtful legal effect in this situation. If we concede the necessity of an additional positive congressional action to require additional positive executive action, then surely Congress must act through a bill or joint resolution. A simple resolution would be inappropriate and ineffective.

H.R. 8480 also provides that the Comptroller General is to notify Congress of any impoundment not reported by the President, and in such cases, that notification would trigger the disapproval procedure.

Title I disclaims any intent to deal one way or the other with the constitutional powers of either the President or the Congress, or to ratify past impoundments, or to affect pending claims concerning any impoundment.

Title II establishes a spending ceiling of $267,100,000,000 for fiscal year 1974. The President is required to meet the spending ceiling by making roughly proportional cuts in all except a few specified programs. So long as these cuts are in accord with the proportionality requirements they would not be subject to the impoundment control procedure under title I. The budget ceiling in title II has no effect beyond fiscal year 1974.

Mr. Speaker, the spending ceiling is a short-term political gimmick to give an air of fiscal responsibility to a bill which in the long run can only force increased expenditure of the taxpayers' money. The long-term effect of this bill will be to require the President to spend money which otherwise would not be spent by requiring him to spend impounded funds. Yet, in order tc avoid being labeled as "big spenders," the supporters of this bill have added a 1-year spending ceiling, which is even lower than the President's proposed budget for fiscal year 1974. This is an attempt to play both sides of the issue. On the one hand, the President is told to spend the amounts appropriated even when this may be far in excess of his proposed budget. At the same time, the President is directed to restrict spending to a level below his own budget. The result of this political gimmickery is irresponsible legislation. It is a scheme to allow the Congress to overspend irresponsibly, and then require the President to make the necessary but unpopular budget cuts.

The Committee on Rules last week began hearings on establishing a Budget Committee in both the House and Senate with the power to set an overall legislative budget for all Federal expenditures. The legislative budget bill contains provisions which make it mandatory that the Congress stay within the legislative budget. This is the proper manner in which to approach this entire problem.

I strongly support legislation to establish a legislative budget with teeth in the provisions, but I just as strongly oppose the passage of this anti-impoundment legislation, which does not come to grips with the problem facing the Congress in regard to control over our expenditures.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Nebraska for yielding time to me.

Mr. Speaker, as a member of the Committee on Rules, it would be possible for me to make my remarks, I realize, during that period which we have reserved under the rule for general debate. However, I come to the well at this time to further allay the fears of the gentleman from Missouri and state that I will not contest or attempt to defeat the rule this afternoon.

I had previously in a "Dear Colleague" letter under date of July 23, 1973, addressed the Members and informed them of my intention to attempt to vote down the previous question on the rule for the purpose of offering what would otherwise be a nongermane amendment. That amendment would have simply provided that the provisions of this anti-impoundment legislation would not become effective until such time as Congress had enacted and there were in effect provisions of law dealing in a comprehensive manner with the reform of the congressional budgetary process.

I had become convinced, No. 1, that effort would not succeed. No. 2, I do not want to do anything that would be calculated in any way to harm what I think ought to be the most serious objective of this 1st session of the 93d Congress, and that is to pass effective and meaningful budget reform legislation.

Therefore, I shall not seek to defeat the previous question. But I would be lacking in candor if I did not also use my time this afternoon to express the firm conviction that at a time when we are talking about priorities in our country and, more particularly, spending priorities, the priorities in this Congress are sadly out of whack when we take 4 hours this afternoon and perhaps many

hours under the 5-minute rule to debate and to vote through a bill on anti-impoundment when we should be spending our legislative day and our legislative time on budget reform legislation.

That bill languished for 3 months in the Committee on Rules before we were able to get the concession that hearings should begin, and I am thankful that they have begun and I am thankful for the assurances we have had here this afternoon from the distinguished gentleman from Missouri (Mr. BOLLING), the gentleman from California (Mr. SISK), and the gentleman from Hawaii (Mr. MATSUNAGA), and I believe others that a sincere and sustained effort is going to be made to conclude those hearings in a timely fashion, and the committee therefore will report out a budget reform bill.

However, I repeat that if we had taken care of our budgetary problems at this end of Pennsylvania Avenue in the manner that we should have, there would not be any necessity for anti-impoundment legislation this afternoon.

I regret the fact that we have reversed the order of consideration of these particular measures.

Mr. BELL. Will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman.

Mr. BELL. I want to commend the gentleman for his comments and associate myself with his statement.

I think one of the most important projects we have before the Congress this year is to work on the budget reform bill. I would agree with the gentleman that this should certainly come before this impoundment legislation.

Mr. ANDERSON of Illinois. I want to say again I have been reassured by the comments I have heard on the floor this afternoon of the intentions to proceed expeditiously with this legislation.

It is, of course, a well-known fact that the road to perdition is paved with good intentions, and I suppose the legislative highway is littered with the skeletal remains and the bones of bills proposed in good faith and on which hearings were held and then somehow they never saw the light of day.

I hope it will never be necessary for me to take the well of this House and remind this body at some future date that my hopes for budget reform legislation were somehow not realized.

I want to alert the House to the fact that I will offer some amendments during the course of the afternoon or when we come to the point where amendments are in order, because I do not believe that this bill as presently written is a very good bill dealing with impoundment. I think insofar as it fails to exempt necessary impoundments under the Anti-deficiency Act from the provisions of title I it is poor legislation and should be amended accordingly. Insofar as this bill provides for prorata reductions by the President if we exceed the ceiling called for in the bill of $267.1 billion——

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. ANDERSON of Illinois. At a time when we are professing to be interested in reclaiming congressional power over the budget—and rightfully so—it is somehow inconsistent, I feel, to say that if we do not meet the ceiling, we will dump it in the lap of the President and tell him, "You go ahead and make a prorata reduction of those amounts we have appropriated in excess of the ceiling." I fail to see the consistency of that position, and I will offer an amendment that if we exceed the ceiling, Congress should assume the responsibility for that fact by the passage of an appropriate concurrent resolution revising the ceiling heretofore agreed on.

I feel also this legislation is deficient in that it provides a single House could approve of a Presidential impoundment. When we are dealing with the appropriation process, which we are, then surely we ought to provide for a concurrent resolution, at least, and we ought to have the concurrence of the House and the Senate on a matter that is dealing with the appropriation of public funds.

I will offer these amendments in the hope that we can improve this legislation.

Mr. BOLLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON. Mr. Speaker, the legislation which we are scheduled to consider today can significantly aid in our effort to restore the constitutional balance of power between a Federal executive with a demonstrated lust for power and our Federal legislative branch from which certain constitutional prerogatives have been, temporarily at least, usurped.

At the same time this legislation contains authority to place a congressionally mandated ceiling on Federal spending this year of $267.1 billion, more than $1.5 billion below the spending authority requested by the President in his budget message.

Our Constitution provides for the possibility of a Chief Executive of one political party and a legislative branch made up of a majority of members of a different political persuasion. However, other than the safeguards of checks and balances there is no provision in the Constitution to guarantee a harmonious relationship.

In the past harmony often has been achieved in this situation by casting aside partisan political differences and a willingness to work in a bipartisan spirit for that which is best for the Nation. This was perhaps best exemplified in the field of foreign affairs during the 8 years of the two administrations of President Eisenhower.

However, such a relationship cannot endure, if indeed it can be established, under an assault of vetoes, impoundment of funds for congressionally approved programs and other unilateral initiatives of dubious constitutionality designed to establish national priorities by executive fit. Unfortunately, this is the history of the current administration over recent months and the genesis of the legislation before us today.

This legislation is necessary because the President has by far exceeded any authority granted him by the Congress or the Constitution to withhold spending authorized by the Congress.

Under the Anti-Deficiency Act as amended in 1950 a President is given authority to withhold funds on a limited basis for use as a management tool to promote efficiency in government. Until recently impoundments have generally been instigated for this purpose.

However, this administration has used impoundment as a tool to alter national priorities approved by the Congress and supported by the people. Impoundment has been used to cripple or kill housing programs, environmental protection programs, human need programs and others. In effect it has been used as an item veto of programs approved by the Congress but not meeting the approval of the Executive.

In other words the individual judgment of the Chief Executive is permitted to outweigh and overrule the collective and considered judgment of the 535 voting Members of the Congress.

There is no doubt this was not the desire of the framers of the Constitution. It is not the desire of the majority of the Members of the House and Senate nor is it the desire of the majority of the American public.

While the procedures set forth in this legislation may not be the best, they certainly appear to be feasible. They at least adhere to the constitutional precept of majority rule, a precept which has been much abused in this and the previous administration.

A spending ceiling may be a distasteful concept to many who see so many needs unmet in America, particularly human needs. However these are exceptional times. Unless we restore order to our economic affairs our desire to provide for the needy and deserving among us for years to come may be diverted in a frantic attempt to ward off destruction of our economic system and a resultant decay in our standard of living.

The tap root of our national ability to provide for any individual, needy or self-supporting, is a strong and expanding economy. Stifle the economy over a long period of time and the root withers, perhaps dies.

Therefore the spending ceiling must not be viewed as a constraint on our desire to fund necessary Federal programs or an admission of any inability to confine ourselves to responsible spending. Rather it is a very necessary short-term medicine which must be taken in order to restore a healthful vigor to our economy. By accepting this discipline today we really, in effect, vote to provide ourselves with greater options and opportunities in the future when Federal revenues grow in a prospering and hopefully full employment economy.

Thus, Mr. Speaker, passage of this legislation before us will help restore the balance of power in Government in establishing priorities through appropriating and spending Federal revenues, while, at the same time, move to assure that these revenues will, within desirable bounds, increase in the months and years to come to provide both the executive and the

legislative the wherewithal to consider, propose and vote moneys to meet our national needs whose priorities shall be established by the Congress through proper appropriate consultation with the executive.

Mr. BOLLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise in support of the legislation.

Mr. BOLLING. Mr. Speaker, I yield 7 minutes to the chairman of the Committee on Rules, the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, the pending resolution, H.R. 8480, is legislation worked out by the House Rules Committee after it concluded extensive hearings on the original impoundment bill and other impoundment legislation submitted by several of our colleagues. The Rules Committee heard numerous witnesses during the days when the committee took testimony, including Senator ERVIN, who was sponsor of the impoundment legislation passed in the other body.

We have produced a stronger, more workable procedure which can command wide support among Members of all political and economic philosophies. This bill demonstrates congressional commitment to fiscal responsibility and its concern for the separate and equal status of the executive and legislative branches. A great number of Members and other witnesses deserve our thanks for the constructive suggestions and commentary which helped the committee frame a balanced and fairer bill.

Other new provisions of the impoundment bill under this rule and resolution—

Require the President to impound appropriated 1974 funds, within specified limits, if necessary to keep fiscal 1974 spending within the ceiling;

Direct the Comptroller General to assist with the enforcement of this legislation and authorize him to bring lawsuits, if necessary, to force compliance; and

Disclaim any intent to deal one way or the other with the constitutional powers of either the President or the Congress, or to ratify past Executive impoundments, or to affect any pending claims against impoundment, including those now undergoing litigation.

Three revisions in procedures would—

Make the congressional veto of an impoundment contingent upon action by only one House instead of both Houses, as provided in the earlier bill;

Require Congress to consider each impoundment message as a whole and prohibit Congress from disapproving only part of an impoundment; and

Require the Appropriations Committees of either House to act on a disapproving resolution within 30 days or surrender it to a discharge motion supported by one-fifth of the Members of the affected House.

Impoundment of fiscal 1974 funds is restricted as follows: The President is directed to impound such sums as necessary to keep spending within the $267.1 billion ceiling; however, the President must make his cuts proportionally in budget categories across the board, except that he must exempt from impoundment funds for interest, veterans' benefits, social insurance payments, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

Further, the President may cut no individual program or activity by an amount which would be 10 percentage points greater than the total impoundment percentage. Thus, if the President must cut spending by an overall 3 percent to stay within the budget ceiling, he could cut no single account by more than 13 percent.

Fiscal 1974 impoundments, made in accord with this law, would be exempt from impoundment review by the Congress. However, 1974 impoundments in violation of the law and impoundments occurring in future years would be subject to congressional review, as follows:

Within 10 days of an Executive impoundment, the President would be required to transmit to both Houses of Congress and the Comptroller General a notice giving detailed information on the impoundment. If the President later decides to revise the impoundment message, he would have to submit within 10 days a supplementary message explaining the changes.

Upon receipt of an impoundment notice, the Congress would have 60 days to consider a resolution of disapproval. Such resolutions may originate in either House and must be referred to the Appropriations Committee which would have 30 days in which to act, failing which a discharge motion supported by one-fifth of the Members of the affected House would free the resolution for floor consideration. The resolution is highly privileged and debate would be strictly limited. A resolution passed by majority vote of either House would require the President to cease the impoundment.

The Comptroller General would be assigned two major functions by the new law: He would submit to Congress an anaylsis of each Executive impoundment message, including his opinion as to whether the impoundment is in accordance with law; secondly, the Comptroller General is empowered to inform Congress of any impoundment not reported by the executive branch, and such action would trigger the review procedures outlined in this law. The Comptroller General is authorized to choose his own attorney and to sue any agent of the executive branch to force compliance with this impoundment law.

SENATOR ERVIN TESTIFIES

One of the numerous witnesses before the Rules Committee in behalf of impoundment legislation was Senator SAM J. ERVIN, JR., who commented on a decision by the Eighth U.S. Circuit Court of Appeals in St. Louis which this year has ruled that President's Nixon's impounding of Federal highway construction funds is illegal. Then he goes on to state that the President has impounded some $15 billion of Federal programs on housing, water pollution control, rural conservation, education, highways, and other areas; and the newspaper article commenting on the decision reports that five other States joined with the State of Missouri in condemning his procedure. They are Florida, Arkansas, Oklahoma, Tennessee, and Idaho.

Senator ERVIN also quoted Supreme Court Justice William H. Rehnquist in a New York Times article on February 1, 1973, as stating:

> With respect to the suggestion that the President has a Constitutional power to decline to spend appropriated funds, we must conclude that the existence of such a broad power is supported by neither reason nor precedent.

ANTIDEFICIENCY ACT

Mr. Speaker, during the debate today numerous comments will be made regarding the President's taking advantage of the Anti-Deficiency Act in his impoundments. Senator ERVIN set out in his testimony that the Anti-Deficiency Act is confined to practically three conditions, to wit: First, where there has been a change in the requirements of a project which render the expenditure of the total amount appropriated unnecessary to accomplish the project; or where by more efficient methods a project can be carried out without spending the entire fund; or where, in the third place, there has been a change in circumstances between the time the appropriation was made and the time for the expenditure of the appropriation.

Senator ERVIN also recalled an impoundment experience in President Truman's administration:

> Congress had anticipated that the Second World War would go on for a considerable period of time and had appropriated moneys to enlarge military hospitals and to build a new aircraft carrier, thinking it would be needed in the war.
>
> Then peace came unexpectedly, and it became unnecessary to spend these funds. President Truman under the third section of the anti-deficiency law withheld them. I think that is a very good thing. The Comptroller General is our agent. I think it is well for us to give him final authority in that one case because he is really our adviser and our agent looking after our interests.

A large number of Congressmen and Senators have cosponsored impoundment resolutions. I do hope that during this debate the Members of the House will give close attention and analyze the different methods for effective impoundment legislation that may be submitted through amendments or changes in the pending bill.

One of the most fallacious arguments which you will hear during the debate on impoundment is the baseless propaganda that the Congress has been a spendthrift body and that the executive department has been the Federal economizer, trying to protect the taxpayers of the Nation.

Nothing could be further from the truth. The Ways and Means Committee reports that when President Nixon assumed office in January 1969, our national debt was approximately $358 billion. Since his inauguration, President Nixon has requested Congress to raise the national debt six different times.

A few weeks ago the President requested that the national debt be raised another $20 billion. The Congress did not

grant his request but continued the request until next November, at which time, no doubt, the President's $20 billion request will be granted, at least for that amount and maybe more. Including this $20 billion, the national debt in November will total approximately $485 billion.

We all remember the President's 1968 campaign promise that his one ambition if elected would be to reduce the national debt. President Nixon has raised the national debt one-fourth of the total amount of our national debt since the days of George Washington.

The Appropriations Committee reports that since President Nixon's inauguration the Congress has reduced his annual budgets approximately a total of $30 billion. Of this amount the Congress, through antipollution legislation, transportation expansion, education, health, welfare, and so forth has spent some of this reduction. But the total expenditures of the Congress during the last 4 years has been well under the annual budget submitted by the President during his term in office. It is unfortunate that the news media do not reveal the true facts to the American taxpayers that it is not the Congress that should enjoy the title of "Federal Spendthrift."

The pending anti-impoundment legislation is probably the most important legislation this Congress will be called upon to enact, as it may in future years prove to have been the start of Federal particiaption in our economic expansion, help curb inflation, and restore prosperity and employment throughout the country.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOLLING. 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. 8480) to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. BOLLING).

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. 8480, with Mr. FASCELL 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 Missouri (Mr. BOLLING) will be recognized for 2 hours, and the gentleman from Nebraska (Mr. MARTIN) will be recognized for 2 hours.

The Chair recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, I have prepared a statement of some length in connection with the debate of title I of this bill. In its preparation I have had the help of a large number of people in and out of the Congress, individual Members, witnesses before the Rules Committee, witnesses before the Select Committee which is in the process of studying committee organization and procedure in the House, and staff members and experts from key committees of the House, the Congressional Research Service, Members and staff members of the other body and, of course, my personal staff.

This statement is somewhat long but it is short as it could be to serve the purpose of fully informing the Members of the concept, the content, and the real purpose of this legislation. Consequently, I ask unanimous consent for permission to read.

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

There was no objection.

Mr. BOLLING. Mr. Chairman, furthermore, I do not intend to yield until I have completed this statement.

Mr. Chairman, my statement is divided into a series of sections:

First. The purpose and approach of H.R. 8480.

Second. Comparison with S. 373.

Third. Statutory references in H.R. 8480.

Fourth. Analysis of minority and separate views.

Fifth. Separate views of the gentleman from Illinois (Mr. ANDERSON).

THE PURPOSE AND APPROACH OF H.R. 8480

The impoundment bill reported by the House Rules Committee maintains the sharing of powers between the legislative and executive branches established by the Constitution. It recognizes that the legislative branch has the duty to formulate national policies and that in this role Congress must determine how public funds are to be spent. It also recognizes that as the head of the executive branch, the President has day to day responsibility for carrying out policies and for the expenditure of moneys. Both roles are preserved in a formula which enables Congress to review and disapprove any impoundment action taken by the President. The formula has been used for a quarter of a century to enable the President to propose, and Congress to review, plans to reorganize Federal agencies.

H.R. 8480 requires the President to notify Congress of any impoundment action and provides for the termination of any impoundment disapproved by either House of Congress during a 60-day period. There also is provision for discharge of a committee from consideration of a resolution of disapproval if it has failed to report within 30 days.

The need for this legislation arises out of the unprecedented action of the President in withholding funds voted by Congress. While the exact amount of impoundments is in dispute and depends on whose definition of the term is being used, there can be no doubt that the President is using his impoundment power to terminate or curtail a broad range of programs enacted and funded by the Congress. There is virtually no kinship between the routine use of reserves by past Presidents to manage the Nation's finances and the large scale effort of the current administration to unilaterally change and disregard policies adopted by Congress.

In my opinion it is so probable as to be almost a sure thing that unless this Congress takes nonpolitical and nonpartisan steps to respond reasonably and effectively to this approach the next Democratic President whoever he is and whenever he is elected will find it expedient to use this same procedure. Why not? All Presidents in modern times regardless of party have taken the new powers developed or seized by their predecessors in the never-ending contest between the three branches of our Government for power and at a minimum used them and sometimes built on them.

Congress long has recognized the desirability of flexible executive power to regulate the flow of funds to programs and agencies. As far back as 1905, Congress directed Federal agencies to establish procedures for apportioning their funds over the course of the year in order to avert deficiencies. H.R. 8480 in no way impairs the continued ability of the President to apportion funds and to establish reserves. These actions can be taken without specific approval of Congress. But when the President under cover of the Anti-Deficiency Act or some other claim of statutory authority, withholds funds for the purpose of negating the intent of Congress, it is appropriate that Congress have the opportunity to intervene and register its disapproval. When no resolution of disapproval is adopted, the impoundment action will continue in force. But when either House of Congress disapproves, the impoundment must cease immediately because the disapproval demonstrates that the President's action is not in accord with the will of Congress. The disapproval of only one House suffices because the President's action in impounding is a change in the policy already adopted by both Houses. By its disapproval, the House or Senate vetoes the Presidential change in policy.

Thus H.R. 8480 strikes a balance between congressional control of the purse and executive flexibility. It does not require that Congress act in every instance that funds have been withheld nor does it delegate to the Comptroller General the power to determine whether a Presidential impoundment is authorized by the Antideficiency Act. The procedures formulated in H.R. 8480 would enable Congress to focus on those impoundments which it wishes to disapprove. In this way, it creates a simple process that is both manageable and effective.

COMPARISON WITH S. 373

S. 373 passed by the Senate diverges from H.R. 8480 in a number of ways. While both bills strive to bring executive impoundment under close congressional scrutiny and control, they follow different routes to the same end. Apart from differences in detail, the chief di-

vergences are: First, S. 373 hinges on action by both the House and Senate rather than by a single House; second, S. 373 provides for the cessation of any impoundment not approved within 60 days; third, S. 373 gives the Comptroller General an important role in determining whether an impoundment is within the authority of the Anti-Deficiency Act; fourth, S. 373 does not provide for referral of Presidential impoundment messages to congressional committees and for the use of committees for reporting impoundment resolutions; fifth, the Senate bill enables Congress to disapprove part of an impoundment.

Simple versus concurrent resolution. The argument for concurrence by both Houses rests on the proposition that impoundment resolutions establish national policy regarding expenditures and programs and hence the policies should be made by Congress rather than by one of its Houses. This line of reasoning leads S. 373 to a concurrent resolution rather than the simple resolution provided in H.R. 8480. However, H.R. 8480 recognizes that an impoundment resolution always deals with a matter concerning which Congress already has established policy. An impoundment can occur only after Congress has appropriated—or otherwise made available—funds for an agency or program. An impoundment, therefore, is a Presidential attempt to alter an established policy. When an impoundment takes place, the issue for Congress is whether to allow or to veto the change. For this reason, H.R. 8480 equips each House of Congress with the power to block a proposed change, for once a single House has expressed disapproval, the President no longer has a legislative possibility for securing a change in policy.

It might be added that the legislative veto procedure envisioned in H.R. 8480 corresponds to the process used for proposed reorganizations by the President. In both instances, the President is trying to change an adopted policy, and in both it should take the disapproval of a single House to maintain the status quo.

Approval versus disapproval. A related disparity between the two bills pertains to the manner in which Congress expresses its view on impoundment. H.R. 8480 provides for disapproval, with impoundments not disapproved during a 60-day period continuing in effect. S. 373 provides an approval procedure, with impoundments not approved during the 60-day period ceasing.

In line with the argument stated above, S. 373 treats an impoundment as ordinary legislative business which therefore requires positive action by Congress, while H.R. 8480 looks to a congressional veto of a proposed change. Each bill is open to some risk that in the absence of congressional action, some unintended result might occur. Thus, through oversight or the burden of congressional business, the House or Senate might neglect to consider disapproval or approval of an impoundment. Of course, both bills have comparable features for expedited consideration of impoundment resolutions, but it is nonetheless possible that some of the large number of executive actions falling within the definition of impoundment might slip through the net. The risk is greater, however, in the Senate version for it provides automatic cessation of any action that has not been approved. Even with the advisory service assigned to the Comptroller General, many separate actions might require congressional action. H.R. 8480 has the advantage that Congress need not act on every instance but can select those impoundments which warrant its consideration.

The Role of the Comptroller General. Both bills provide for transmittal of all impoundment messages to the Comptroller General who must then inform Congress whether, in his opinion, the impoundment is in accord with statutory authority. In addition, both bills require the Comptroller General to notify Congress of any impoundment not reported by the President and they empower the Comptroller General to bring court actions to secure compliance with the impoundment procedures.

However, S. 373 goes a big step further in delegating to the Comptroller General the responsibility for determining whether an impoundment is in accord with the Anti-Deficiency Act. This virtually places the Comptroller General in the position of deciding what matters shall be brought before Congress for action and, even more important, the status of those impoundments not approved by Congress. Thus, if Congress does not adopt a resolution of approval under S. 373, the impoundment would stand or fall depending only on the decision of the Comptroller General as to whether it is within the scope of the Anti-Deficiency Act. In effect, Congress delegates to the Comptroller General an important legislative function.

This role of the Comptroller General is made necessary by the approval procedure used in S. 373. Inasmuch as it would be impossible for Congress to act on the potentially thousands of impoundments covered by S. 373, the bill provides a weeding out process by the Comptroller General. But the problem of a flood of congressional actions is avoided in the House bill because Congress can select which actions it wishes to consider for disapproval. This obviates the need for a large Comptroller General role such as would be established by S. 373.

Committee action. H.R. 8480 provides for the processing of impoundment resolutions through the Appropriations Committees, while S. 373 provides for direct floor action without benefit of committee review. In order to mitigate the possibilities that a resoluton would be bottled up in committee, H.R. 8480 specifies that a committee would be discharged upon petition by 20 percent of the Members of either House or Senate and majority vote by that body.

There are several advantages to committee consideration. An impoundment action deserves the same kind of careful review that is furnished for other legislative business. In the absence of committee review, the possibility is greater that relevant facts may not be uncovered and that important factors would be neglected. The committee could examine all the evidence, give its recommendations to its House, and then allow Members to decide on the basis of the facts and views laid before them.

Moreover, the potentially large volume of impoundment actions facing Congress—in fiscal 1973 there were more than 100 which may have been outside the Anti-Deficiency Act—makes it essential that Congress have the benefit of careful study before it decides what to do.

With their comprehensive jurisdiction over spending measures, the Appropriations Committees are the logical candidates to consider impoundment resolutions. They can examine the impact of impoundment on the intent of Congress and on the overall financial posture of the Federal Government. They are in a position to ascertain the costs and the savings which may derive from impoundments and the effects of these actions on the quality and availability of Federal programs. All these are matters concerning which Congress ought to be informed at the time it acts on an impoundment resolution.

Partial approval or disapproval. S. 373 allows congressional approval of an impoundment in whole or in part. While it would be desirable to enable Congress to pinpoint its intent in regard to a particular impoundment, there is some question as to whether a simple or concurrent resolution is an appropriate device. Neither of these types of resolution is sent to the President for signature; consequently, they may not be used in lieu of bills or joint resolutions for the conduct of legislative business. This is one of the reasons why Congress does not amend reorganization plans but accepts or rejects them in whole.

Statutory references in H.R. 8480. H.R. 8480 contains three references to other legislation or sources.

One. Section 107—page 10, line 22—repeals section 203 of the Budget and Accounting Procedures Act of 1950. Section 203 was added in 1972 and amended in March 1973 to provide a procedure for the reporting of impoundments by the President. The substantive provisions of section 203 are incorporated in title I of H.R. 8480, and thus the repeal of this section does not mean any loss of congressional control of impoundments.

Two. Section 202(b)—page 12, line 16—exempts public assistance maintenance grants under title IV of the Social Security Act from the pro rata reserve. These grants cover aid to families with dependent children.

Three. Section 202(b)—page 12, line 14—refers to the list of budget accounts on pages 167–312 of the 1974 budget. These accounts are the basic categories by which programs are operated and spending is controlled. Each account represents a discrete activity or program. Ordinarily a number of budget accounts are aggregated to form a subfunction or a unit of appropriation. The budget accounts listing pinpoints the programs and activities authorized by Congress.

AN ANALYSIS OF MINORITY AND SEPARATE VIEWS

House Report No. 93–336 on the impoundment bill contains the minority views of four members of the House Rules Committee—pages 15–19—and the

separate views of the gentleman from Illinois (Mr. ANDERSON)—pages 21–23. These minority and separate views express a number of objections to H.R. 8480. Each of the objections is considered in the following paragraphs.

Constitutional separation of executive and legislative power. The minority position argues that separation of powers would be breached by allowing the Congress to intervene in executive actions. In fact, however, the reverse is true for an impoundment is little else but an executive intervention in legislative policymaking. If the minority wishes to preserve a complete separation of the two branches, they should propose the banning of all executive impoundments. H.R. 8480 recognizes—as the Constitution does—that our system of government is based on a commingling of powers, with Congress setting national policy and holding control over expenditures. This congressional role is protected in H.R. 8480, but in a way that gives the executive a substantial amount of financial and program flexibility.

If H.R. 8480 violates the separation of powers doctrine, would the minority also claim that the reorganization plan procedures also are improper? Yet the President recently requested another renewal of the Reorganization Act under which either House can veto a proposed reorganization.

Contradicts the Anti-Deficiency Act. The claim is made that routine reserves allowed by the Anti-Deficiency Act for prudent financial management would come under the new anti-impoundment procedures. It is further claimed that "nearly all impoundments are routine administrative actions." Whatever the validity of this view in the past, it certainly does not apply to 1973 when billions of dollars have been cut from dozens of old and new programs for the purpose of ending them despite the express intent of Congress.

Ideally, one would draw a distinction between reserves and impoundments and adopt new procedures only for the latter. But this is not practicable, in good part because the administration has impounded under the guise of setting up reserves. It has been the administration—not the Congress—which has obliterated the line between routine reserves and impoundments.

While all executive actions which delay or withhold funds must be reported to Congress, in no way does H.R. 8480 deter the President from taking actions which in his judgment are required for proper financial management. Such actions take effect at once and are continued unless one House disapproves within 60 days. Presumably, if Congress disapproves an impoundment, it is declaring that the withholding of funds has not been in accord with the Anti-Deficiency Act, but an attempt to violate its will. Genuine financial reserves will not be affected by H.R. 8480.

Expensive and wasteful reporting procedures. The claim is made that the broad definition of impoundments would require a vast monitoring and reporting system, most of which would be used for routine actions.

The definition is deliberately broad so that the executive should not be able to contrive evasions. The recent use of impoundments by the President demonstrates the need for broad language. The President ordered EPA not to allot $6 billion in contract authority for water pollution treatment facilities, yet this amount was not included in his list of reserves sent to Congress. Nor does the official impoundment list include funds—such as manpower—withheld when the President requested their rescission, or the 18-month housing moratorium. It does not include any of the money that is being withheld from HEW–DOL which was appropriated by Congress in a continuing resolution. In short, anything less than a comprehensive definition of impoundment and a comprehensive reporting system would invite the President to thwart the intent of this legislation. An adequate reporting system would not be costly and is a small price to pay for ensuring that the duly enacted will of Congress is adhered to.

The use of a simple resolution. The minority argues that a simple resolution to disapprove impoundments would be of doubtful legal effect and that Congress would have to act through a bill or joint resolution. It is strange indeed that the argument is not applied to the procedure for congressional review of reorganization plans, after which the impoundment device is modeled.

Why a simple resolution? Because Congress already has appropriated the funds so there is no additional need for positive congressional action. The funds are fully available without any further congressional action. But when the President impounds, it suffices for one House to indicate that the action is not in accord with its will. By its resolution of disapproval, that House indicates its intent that the appropriation not be blocked.

Current impoundments are no different from those in the past. The minority cites various past impoundments to buttress its claim that the current administration is conforming to precedent. Among the past impoundments cited are: President Truman's withholding of Air Force funds in 1949; President Eisenhower's refusal to spend Nike-Zeus money in 1960; President Kennedy's cutoff of B–70 bomber funds in 1961; and a series of program cutbacks by President Johnson in 1966 and 1967.

There are two responses to this argument. One is that Congress never has authorized the impoundment of funds to terminate programs. Most of the previous actions cited by the minority were taken against the will of Congress. H.R. 8480 represents the culmination of many years of congressional effort to do something about executive impoundments. Even if President Nixon merely were conforming to past practice, this would be no justification for his actions.

But in addition, there are important differences between current and past impoundments. The actions taken by Presidents Truman, Eisenhower, and Kennedy all related to the procurement of weapons. One can argue that in his role as Commander in Chief, the President has constitutional power to determine which weapons shall be purchased. Furthermore, none of these Presidents terminated military procurement. The Air Force did not stop purchasing airplanes and bombers, the Defense Department did not cease research on an antimissile system.

The actions taken by President Johnson in 1966 and 1967 came during the peak Vietnam buildup period and covered deferrals of $5.3 billion in funds. As was announced by the President when those actions were taken, the purpose was to postpone the expenditure of funds, not to terminate programs. Many of the funds held back in 1966 were released in 1967 as economic conditions warranted. This clearly is not the case today. The President's declared purpose has been to put an end to dozens of authorized programs. No past President has used his impoundment power for this purpose.

Recent impoundments have been due to the budget crisis and do not violate the will of Congress. The minority argues that the debt limit justifies and necessitates the impoundment of funds for otherwise it would not have been possible to keep within the statutory limit. A comparable argument is made that through their separate actions in 1972, the House and Senate accepted the President's $250 billion spending ceiling and thereby invited or compelled the President to impound.

Neither argument is valid. When estimated borrowing threatens to exceed the debt limit, a President normally goes to Congress to ask that the ceiling be raised. President Nixon himself has gone to Congress with such a request at least once a year. In fact, he requested a raise in the debt ceiling in May 1973, before this fiscal year was completed. Hence, if the President was concerned that spending would force a breach in the debt limit, his remedy was to propose an increase in the limit, not to impound programs.

It is a bizarre argument that if the House and Senate pass different bills which have some common elements, that those common elements are deemed to be adopted. But this is precisely the logic which is used to justify impoundments to preserve a $250 billion spending ceiling. When the ceiling was removed in conference, it lost all legal force and could not be used by the President to justify impoundments. It bears noting that in both the House and Senate, the $250 billion ceiling was conditioned on specific procedures for keeping within the limit. Only if the specifics were agreed to would the ceiling have any force. Thus, when the House and Senate were unable to agree on a method for maintaining the $250 billion level, it was deleted from the bill.

The transparency of the argument that impoundments have been motivated by the budget crisis is their selective use by the President. Not by happenstance, the cuts fall on those community and human programs that the President does not like. Not a single penny of military programs is to be terminated via impoundments. In short, the President has been impelled by political ideology not by financial exigencies.

The 1974 spending limit is a gimmick that will lead to higher spending. Admittedly, title II is a stopgap until permanent budget control legislation is adopted. But the minority cannot have their cake and eat it, arguing on the one hand that the United States is in the throes of a budget crisis, and on the other, that Congress is irresponsible in putting a lid on 1974 spending.

The minority prefers Presidential impoundments to congressional determination of priorities. They would delay any remedy until permanent budget controls have been perfected, or alternatively rush to emplace controls that have not been fully developed or tested.

Favored programs are exempted from the pro rata cuts. Eight programs have been exempted from title II's pro rata reserves, but not because they are favored but because of their special characteristics. The exempt programs fall into three categories: First, interest payments which are mandatory obligations and cannot be cut; second, judicial salaries which are exempt in order to preserve judicial independence; and third, the others are income maintenance programs. Cuts in these areas would have a direct and adverse impact on the most vulnerable portions of the population, the poor, the dependent childrer, the elderly, and the ill. Necessary reductions in Federal spending should not mean a cut in the monthly paycheck of social security recipients or the value of food stamps given to indigents.

SEPARATE VIEWS OF THE GENTLEMAN FROM ILLINOIS (MR. ANDERSON)

In his separate views, the gentleman from Illinois (Mr. ANDERSON) argues in support of the approach taken in H.R. 8876 which he has introduced. The main thrust is to tie impoundment legislation to budget reforms by coupling a bill based on the report of the Joint Study Committee to a modified impoundment bill.

While this approach is appealing, it also is premature. Significantly, the Joint Study Committee was silent on the impoundment issue; it preferred to treat the issue of budget reform apart from impoundment. And the two issues ought to be separate for they address different types of spending problems. Budget reform relates to the capability of Congress to set overall spending limits; impoundment relates to the practice of the President to withhold funds from particular programs.

A matter as complex as budget control cannot be handled without a period of careful study in committee. There are many controversial issues to be decided such as the composition and powers of the new budget committees. On these and other matters the gentleman from Illinois' (Mr. ANDERSON) own bill offers some significant revisions in the Joint Study Committee's approach. Undoubtedly, many other suggestions will be forthcoming at committee hearings and markups. In addition, the budget reform bill has numerous complex provisions relating to the new concurrent resolution process devised by the Joint Study Committee. A Senate committee has been at work a number of months on this legislation and it would be sensible to get a clear picture of what is emerging in the other body before taking final action in the House.

The simplest way to discredit budget reform is to make it unworkable. A precipitous rush to the Joint Study Committee formula would have exactly this effect. Not only is it essential to compose a bill that is technically workable, it also is necessary to build understanding and support in Congress for radically new budget methods. All this takes time and ought not be done hastily.

The gentleman from Illinois (Mr. ANDERSON) sees a conflict between title I with its impoundment controls and title II which compels pro rata reserves. But this most certainly is not the case. A pro rata reserve is not an impoundment but a bookkeeping device to keep within spending limits. An impoundment, on the other hand, is an executive action, to change spending priorities.

The gentleman from Illinois (Mr. ANDERSON) further charges that title II is irresponsible because it imposes no spending discipline on Congress while it forces the President to live within a spending limit. This is not the case, however. The $267.1 billion ceiling is a very real and potent constraint on Congress whose Members are aware that if they take action to exceed the limit, some of the programs they favor will have to be cut. Congress is not passing the buck to the President. It is legislating a spending limit which is binding on all branches of Government, and it is using the Executive power to carry out the spending ceiling.

If title II is discarded, the result will not be adoption at once of the joint committee approach but another year without spending controls. There is no reasonable possibility to implement a full-blown system for fiscal 1974. Title II offers a responsible and workable interim approach with the expectation that Congress will adopt a full system in time for fiscal 1975.

Mr. BOLLING. Let me say I appreciate the attention of those who have listened to this statement. It is the first time since I used to handle housing bills that I have made a lengthy statement of this sort, and I did it this time, as I did then, in order to express as fully as possible what I believe to be the points at issue in the matter, and by taking the trouble to go into them in detail, to express at least one Member's view of the enormous and totally nonpartisan importance of this matter.

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

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

Mr. ICHORD. Mr. Chairman, I want to commend the gentleman in the well for taking the time to make the statement that he has just made. I have listened to the gentleman very intently, and I will say that I generally concur therein. As the distinguished gentleman in the well well knows, during the first 4 years of the Nixon administration the President proposed a budget which resulted in the spending of in excess of $100 billion more than we took in. The President alone does not have dirty hands; the Congress also has dirty hands. We did cut somewhere in the neighborhood of $30 billion from the spending proposed, but we also added back $30 billion in other places. So the Congress substantially accepted what the President proposed.

I happen to be one of the Members who feels very strongly that spending in excess of $100 billion in only a 4-year period of time is the primary cause of the monetary problems that we are experiencing today.

So I want to commend the gentleman for the work he has done on this legislation. But I would say to the gentleman, and I should like to have his opinion on this, I feel very strongly that it is not feasible to separate the impoundment issue from spending controls. I feel that they are so inexplicably related that if we do separate the two, we are relieving the Congress of pressure to enact any effective budgetary control measures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLLING. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. And we have separated them in this bill, I believe, because we have the spending ceiling temporary and we have the impoundment provisions permanent. I hope that the gentleman in the well will accept an amendment making the impoundment provisions temporary also.

Mr. BOLLING. I would not be prepared to do that, because I think they are genuinely separate issues. I would adduce again as an argument the very simple fact that the joint subcommittee, which reported some time after work was begun on the impoundment measure, completely left out impoundments. I happen to believe that both issues are critical.

They are critical to exactly the same thing but they are not related to each other very much. They are critical as to whether the Congress survives as a representative institution. If we do not control in an overall fashion the question of spending and taxing on an annual basis I am convinced that we will be vestigial in 10 years. The people of this country simply are not going to put up with a body which is not responsible as far as the value of their dollar is concerned and as far as the level of employment is concerned. That is the reason that for so many years I have been advocating a whole variety of things, including a budget process in the Congress.

But the impoundment issue is a different kind of thing because it does not make any difference who does it, as soon as a President decides that he unilaterally has the power to select among programs, the Congress has lost its fundamental power of the purse.

There is no question about the fact that the two issues affect each other but they are separate issues. I happen to believe and have committed myself as strongly as I can individually, with no

hidden balls or shells involved, to the notion that we would bring something out. But I fundamentally believe they are different issues and I think the best proof is the fact that those 32 Members who reported unanimously—I cannot remember whether it was in March or April, long after we had started on impoundment—left out impoundment completely.

Mr. ICHORD. I would say to the gentleman I agree with the gentleman from Missouri that the President has arrogated to himself a power which practically amounts to an item veto. I am very much concerned about it. I think that the President has been wrong. I am opposed to impoundment, but I also feel very strongly if we are to solve the impoundment issue, and the gentleman well knows we will experience all kinds of contortions in our efforts to establish budgetary controls. I believe that we will never pass permanent budgetary control legislation if we keep the impoundment provisions as permanent legislation. The Congress will no longer have the pressure to act.

For that reason, unless an amendment is adopted, calling for the impoundment provisions to expire at the end of fiscal year 1974, I not only intend to vote against this measure but I also intend to write the President requesting a veto. I hesitate to use a threat which I hear coming from the other side altogether too often, but I do intend to ask him for a veto of it because I feel so strongly that we will never be able to work out budgetary control procedures once the pressure is removed.

Mr. BOLLING. That is one nice thing about this House of Representatives. Each one has a right to disagree with each other.

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

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

Mr. CEDERBERG. I would like to ask the gentleman where he got the figure of $267.1 billion for an expenditure ceiling?

Mr. BOLLING. I think there are a variety of ways. It is sort of fun to go into such a thing with the gentleman from Michigan because I know he is sophisticated on this matter. It was arrived at on the basis that I would like to try to explain in great detail but as the gentleman knows I would have to go back to the desk and get some of the details. It was arrived at in a variety of ways, and one was in the full knowledge that whatever spending limit we had at this particular time we would recognize it as being a goal or a target, because it may well be President Nixon will be seeking to increase the spending in the 1974 budget very substantially beyond the $267.1 billion we proposed or $268 billion, whatever he proposes.

I have spent 20-odd years on the Joint Economic Committee, just as the gentleman has, on the Appropriations Committee, and I know these ceilings are inevitably moving and changing targets. We came up with a judgment that we could have a responsible ceiling with a variety of different concepts that would be that lower figure and indicate our determination to join the President in trying to stem inflation. But the specifics are very varied and the real truth of the matter is, as the gentleman well knows, that within general spending areas anybody can have any budget he wants.

Mr. CEDERBERG. The gentleman realizes, does he not, that some of the appropriation actions we have already taken are way above what the President's spending ceiling was?

Mr. BOLLING. I also realize, and I know the gentleman does and I am delighted he is the first one to ask me about this kind of question, that we are talking about spending and not appropriating.

Mr. CEDERBERG. I am also.

Mr. BOLLING. And there still is a very great opportunity for a great deal of adjustment, and I know the numbers game as well as the distinguished gentleman, the ranking minority member of the Appropriations Committee does.

I know the numbers that are involved and how we cut appropriations for each of the last 20 years. I know about all the back door spending, and I know all the different techniques the gentleman knows. We really are not talking about anything very serious, except that if we pass this and get it through Congress and the President signs it, the Congress will then have to take another step before we can spend in fiscal 1974 beyond that ceiling. That is its effect.

Mr. CEDERBERG. Mr. Chairman, I do not want to take too much time and will try to get some of my own time later, but it just seems to me a rather inconsistent approach to propose an expenditure ceiling which is $1.6 billion below the President's recommendation, while at the same time we have already taken actions here which require expenditures in excess of what the President has recommended in his own budget. I am talking about outlays, not new obligational authority, which this Congress has increased by some $900 million over the President's requests.

How can the President remain within that ceiling we say we are going to have of $267,100,000,000 without impounding funds? As I understand the first title in this bill, it is to limit impoundments or to do away with them. It is a great inconsistency.

Mr. BOLLING. I believe the gentleman does not understand at all what is in title I.

Mr. CEDERBERG. I think I do.

Mr. BOLLING. Then we will recognize that we do not eliminate impoundments; we do not take any position on the propriety of the President's using the power as he has. We are entirely neutral in that regard, and it does not seem to me that there is any problem involved at all.

Mr. CEDERBERG. If the gentleman will yield further, this is an interesting approach, but I listened to the chairman of the Rules Committee, Mr. MADDEN of Indiana, and I happened to testify before the committee when the gentleman had the Rules Committee meet before the television lights in the Rayburn Building—and the whole purpose, if the gentleman will read the record, was to deny the President the right of impoundment. That is the theme of the whole thing.

Mr. BOLLING. I think, if the gentleman will take the trouble to read the hearings all the way through, he will find what I had to say about it. He will find a slightly different view expressed. I am not taking any responsibility for anybody else's views except my own. I made a speech, I think before we had the hearings, to the mayors of this country, to which I linked the two separate issues. I am not speaking for anybody else, but speaking for myself.

I happen to believe that the issue deserves the kind of consideration I am trying to give it. I hope everybody in the House will try to give it the same consideration, just as I think the budget issue deserves the same kind of consideration.

Perhaps the gentleman missed the paragraph wherein I said that if this were not done by this Congress now, we face precisely the same problem from a Democratic President in the future. I am trying very, very hard to make it clear that this is a problem of congressional control for which we ought to take full responsibility.

Mr. CEDERBERG. If the gentleman will yield briefly, let me say that it is not only a problem for future Democratic Presidents. The Democratic Presidents in the past had the same problem, and used the same impoundment procedure, with increased percentages.

Mr. BOLLING. Not the same procedures. I think the gentleman did not hear that part where I said earlier there was a difference, a very substantial difference, because in each case that has been cited, the President in modern times was stretching out or actually impounding military funds. The President has a different function as President and as Commander in Chief.

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

Mr. BOLLING. Mr. Chairman, I yield myself 2 additional minutes.

Mr. CEDERBERG. Mr. Chairman, let me conclude by saying of my distinguished friend from Missouri, I have always found, when he has approached a subject, he has done it in a fair and honest way, and I appreciate that very much. I realize that he has made a great study of this problem, and I compliment him for it.

My own personal opinion is that I happen to believe that this bill is completely inconsistent in the two titles, and I will hope to try to point that out.

Mr. BOLLING. That, it seems to me, as I said earlier in connection with the remarks of my friend from Missouri, is what the ballgame is all about. We disagree; we discuss; we decide.

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

Mr. BOLLING. I yield to my colleague from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, in the earlier discussions I understand at this point the matter was not raised, in seeking to vote down the rule on the previous question, of adding the joint congressional budget.

Would the gentleman indicate in his view that we will get to consider that later?

Mr. BOLLING. That was discussed at some length in the colloquy between the minority leader and myself. I expressed the general view, which was later supported by the distinguished gentleman

from California and the distinguished gentleman from Hawaii, that the Rules Committee was going to produce a bill on that subject, though perhaps not identical. I expressed my own view, which is the strongest possible support for that, and the hope it will be done this year. I believe it will be.

Mr. RANDALL. With those considerations I intend to support, of course, H.R. 8480, and I simply want to add to the remarks of commendation that all of us on the Missouri delegation, I am sure, are proud of the work of our dean, and we compliment him.

Mr. BOLLING. I thank the gentleman.

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

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

Mr. ECKHARDT. I wish to commend the gentleman from Missouri for his very lucid statement of the proposition presented here and I also wish to commend the Rules Committee for dealing with an extremely difficult and complex problem which I believe is at the very forefront of our congressional concern.

As the gentleman knows, I have had some preference for the Ervin approach, as opposed to the Mahon approach.

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

Mr. BOLLING. Mr. Chairman, I yield myself 1 additional minute, and I yield further to the gentleman from Texas.

Mr. ECKHARDT. I note that the bill which has come from the Rules Committee goes a very long way toward solving the principal constitutional objection I had to the Mahon approach.

I was concerned about the Mahon approach, which I thought made the concurrent resolution fungible with the general legislative authority of Congress and therefore making it subject to veto under article I section 7 of the Constitution.

I understand the present bill merely provides a condition subsequent by which one of the Houses may insist that the impoundment was not permitted. In other words, Congress would make it clear that it did not intend in the original legislation to permit impoundment, provided the condition subsequent, that is, the resolution of one body showed that such body did not agree.

I certainly do wish to compliment the committee on that approach. I believe it is a very workable approach. I believe it avoids the almost certain confrontation we would have had with the President under the Mahon bill when the President attempted to veto a concurrent resolution.

I particularly wish to compliment the committee.

Mr. BOLLING. On behalf of the Rules Committee, I thank the gentleman.

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

Mr. BOLLING. Mr. Chairman, I yield myself 2 additional minutes.

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

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

Mr. REUSS. I thank the gentleman for yielding.

I, too, want to commend the gentleman very sincerely for the historic statement he has made here this afternoon.

The gentleman has said that there is before us an impoundment bill which represents a distillation of the best wisdom on the subject. I believe that is an accurate description.

The gentleman has also said that so far as he is concerned the Committee on Rules will be reporting out in due course, and with all dispatch, a congressional budget control bill, and that it can be enacted this year.

I applaud both those statements.

The gentleman has said it has been a long time since he has made a long statement. He should do it more often, so far as I am concerned.

Mr. BOLLING. I thank the gentleman.

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

Mr. BOLLING. I yield to the gentleman from New Jersey.

Mr. RODINO. I, too, wish to commend the gentleman for the statement he has made before the House today, and to applaud the action of the committee. I believe it is long past due.

Mr. Chairman, the recent impoundment actions of the President are a serious interference with the constitutional power of Congress to make laws. If the President is permitted to decide which laws and programs he will carry out and which he will not enforce through the tactic of impounding funds, then it is truly the power of the American people that will be eroded.

The framers of the Constitution had great faith in the ability of the American people to act wisely through their elected Representatives in Congress and to use their wisdom to make the laws.

In enacting legislation to control water pollution, to build highways, to improve the educational opportunities of our young people, and to raise the level of health care, Congress was responding to the needs and desires of the people. It was ultimately the people, acting through their elected Representatives, who determined that funds should be appropriated to carry out those laws.

In impounding funds for these programs without the approval of Congress, the President encroaches on the power of the people to make laws through their elected Representatives. It is, therefore, essential that Congress now take action and enact the Impoundment Control Act in order to prevent the continued unauthorized withholding of funds.

Legislation is necessary to deal with impoundment because the absence of definite standards and guidelines in the present laws, which do give the President a certain amount of discretion over appropriated funds, apparently is an invitation to the President to attempt to prevent the spending of funds for certain programs.

The President has some statutory authority to refuse to spend appropriations, for example, when savings can be effected in programs, or to apportion funds over the life of a program. But, this authority which is founded in the Antideficiency Act (31 U.S.C. 665) is very narrow, as decisions by Federal courts have indicated. It does not authorize the wholesale impoundment of funds for specific programs, although this is what the President has been doing.

It is time for Congress to insure that the President does not usurp the authority of Congress over appropriations by exercising discretion over funds which Congress has never delegated to him.

The pending legislation is a major step toward eliminating the controversy over impoundment. The procedures established by the Impoundment Control Act will insure that, in the future, impoundment will be controlled and supervised in an appropriate manner by Congress.

The proposed legislation also is an important step in the direction of greater congressional supervision generally over the operations of the executive branch. Close supervision of budgetary matters is essential to establishing the kind of congressional oversight that is necessary to insure that activities of the executive branch are within the authority delegated to it by Congress.

To be sure, there have been acts of impoundment in the past. But, these were infrequent and sporadic. The scale of recent impoundment actions is unprecedented. They demonstrate the need for the Impoundment Control Act and for the precautions and procedures that it will provide. Therefore, I strongly support the pending legislation.

Mr. BOLLING. Mr. Chairman, I thank the gentleman from New Jersey.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. BOLLING) has expired.

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

The CHAIRMAN. The Chair advises the gentleman that he is close to the 1-hour time limit. The gentleman has consumed 55 minutes.

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

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

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for yielding. I thank the gentleman for his fine remarks and also for his personal commitment, as well as the efforts of his colleagues on the Committee on Rules in the matter of the congressional budget.

I am sure the gentleman agrees with me that as important as this proposal is, it is in no way a substitute of any kind for congressional action toward a congressional budget.

Mr. BOLLING. Absolutely. They are separate matters, and as far as I am concerned, I have said repeatedly that we must act on the other matter as well.

Mr. ULLBAN. Mr. Chairman, it is my hope that that matter will come up late in September or early in October, and under a reasonable schedule I know that it could. I know also that the gentleman from Missouri will do all he can to get the matter on the floor.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I, too, would like to commend the gentleman from Missouri for a very scholarly statement. I did not agree with all of his statement, but I still would like to congratulate him for the excellent presentation which he has made.

Mr. Chairman, H.R. 8480 is legislation to provide a procedure under which the

House of Representatives, or the Senate may disapprove the President's actions in regard to impounding funds and require him to cease such impounding. It also establishes for the fiscal year 1974 a ceiling on total Federal expenditures.

The legislation is very poorly drawn and contradicts itself in that in section 1, it provides a mechanism for overriding impoundment of funds. Whereas in the second section, the bill places a ceiling on total expenditures for fiscal year 1974, but in addition directs the President to reduce expenditures across the board by up to 10 percent, except for certain programs which are exempted.

The bill provides that the President must notify both the House and Senate within 10 days after impounding funds. The President's message, which must be a separate message on each impoundment action, goes to the Appropriations Committee. Either the House or the other body may take action within 60 days, nullifying the President's action. If such action is taken by either body, the President must immediately release the funds which he has impounded.

The bill further provides for a method by which a motion to discharge the committee may be made by any individual favoring the resolution. It may be made, however, only if supported by one-fifth of the Members of the House involved, a quorum being present, and is highly privileged. Debate on the discharge resolution is limited to one hour and debate on the resolution to disapprove of the President's impoundment action is limited to not more than 2 hours; equally divided between those favoring and those opposing the resolution. A copy of the President's message to the Congress must be sent to the Comptroller General.

The Constitution makes no provision for the legislative branch of the Government to veto Presidential action. There is grave doubt among constitutional lawyers as to the constitutionality of this procedure.

The proper vehicle, Mr. Chairman, by which fiscal responsibility would rest in the hands of the Congress is through the passage of legislation to establish a Budget Committee and a legislative budget with teeth in the legislation to stay within the ceiling.

The Rules Committee started hearings on this legislation last Thursday, and I hope will expeditiously conduct these hearings and report out a bill for consideration on the floor of the House in the not too distant future.

The Legislative Budgetary Control Act, which would set up a Budget Committee in both the House and the other body, is the proper manner in which to solve the fiscal dilemma, which exists between the legislative and executive branches of our Government.

The definition of impoundment of funds is loosely drawn in the bill included in section 103 of the bill and I quote:

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any other type of executive action or inaction which effectively precludes the obligation or expenditure of available funds or the creation of obligations by contract in advance of appropriations as specifically authorized by law.

In the broadest sense there are four types of impoundments. The first type is that which is mandated by Congress. For example, $158,854,000 of the $2,500,000,000 appropriated in 1973 for Food Stamps is in contingency reserve by act of Congress.

The second type is that which is defined in the Anti-Deficiency Act of 1905 (31 U.S.C. 665) as amended. These impoundments generally are noncontroversial. The act authorizes reserves to be established to meet contingencies. $837,000 of VA funds for medical administration presently are in reserve for this purpose. The act also allows reserves for savings. These may result from efficiency—Congress once appropriated $1,000,000 to eradicate the Mediterranean Fruit Fly, but the executive accomplished this purpose for half the cost. Or savings may come when an unexpected occurrence makes expenditure of the appropriation unnecessary.

Finally the act allows deferral of expenditures to achieve the "most effective and economical use" of the funds. All the Defense money impounded this year is deferred for this reason; it will be released when adequate plans and projects have been approved.

The third type of impoundment is a deferral to slow down the rate of expenditure, as in the case of aid-to-highway money since 1967.

The final type of impoundment is a reduction or termination of a program, as in the ending of REAP and the Urban Rehabilitation Loans.

There has been a long history of impoundment of funds by the executive branch of the Government. The first recorded impoundment occurred in 1803. In late 1802 the Spanish port of New Orleans was closed to east coast shipping and Mississippi flatboat trade. Meanwhile, Napoleon's France prepared to take over the Louisiana Territories. Congress, angered, and fearing war with France, appropriated $50,000 for Mississippi gunboats in February 1803. The purchase of Louisiana, announced July 4, 1803, ended all danger of war. Jefferson therefore deferred construction of the gunboats until the next year, to allow careful study of the best military design. This precedent clearly falls within the definition of the Anti-Deficiency Act, as it is a deferral to achieve the "most economical use of funds" and resulted from an unexpected occurrence after the date of appropriation.

There is very little information about impoundments prior to World War II. In 1941, as war approached, Roosevelt deferred public works and highway projects, claiming the funds were needed for defense purposes. This is the first large-scale example of a deferral to slow down spending. There were protests from Congress and, as the level of deferred projects approached a half billion dollars by 1943, some attempts were made to enact mandatory language.

In 1949 Congress appropriated money to increase the number of Air Force Groups from 48 to 58. Truman impounded the additional money, stating that 48 groups were enough. This is the first large-scale example of the fourth type of impoundment, to reduce or terminate unwanted programs. Congressional intent on the issue was not clear, however, since the Senate originally had voted against the extra groups, and acceded to the House bill only because of pressure to adjourn, and under the expectation that Truman would impound the money.

In 1950 Truman canceled construction of the supercarrier U.S.S. *United States*, a major project termination.

In 1958, 1959, and 1960 Eisenhower impounded development funds for the Nike-Zeus ABM system, leaving only research funds. After 3 years, Congress stopped pushing the project.

In 1961 Congress added $180,000,000 for speedy development of the B–70 bomber system. Kennedy impounded the extra funds. In 1962, it added the money again, and considered the insertion of mandatory language in the authorization. It backed down on the mandatory language under pressure from the White House, and Kennedy again impounded the add-on money.

In 1967, with the Vietnam war escalating, Johnson impounded over $5,000,000,000 from domestic and non-Vietnam defense programs. This was the first time since World War II that major civilian works were affected. Johnson's cutbacks were across the board, and constituted deferrals rather than reductions in most cases.

In 1968, 1969, and 1970 Congress passed spending ceilings, implicitly forcing impoundments. In 1970 and 1971 impoundments, though at a high level, followed standard patterns with a few exceptions such as cuts in the model cities program. In fiscal 1973 the administration is using impoundment in a wide area of domestic programs, to reduce or terminate unwanted programs.

Mr. Roy Ash, Director of the Office of Management and Budget testified before the Rules Committee at our hearings on this legislation on April 5. In part, he stated as follows:

It is our view, Mr. Chairman, that the need to establish effective budget controls is a problem that squarely confronts both the Legislative and the Executive branches, and that its magnitude far transcends any disagreement between them. Budget controls are absolutely imperative if we are going to avoid a tax increase, and still another round of inflationary pressures, and can only come about when the Congress has won its *own* battle to reform its *own* fiscal machinery.

The Congress could, therefore, more fruitfully devote its time and energy to Constructing and adopting procedures which will permit it to deal comprehensively with control of budget totals and the actions it must take to live within those totals.

Again, I reiterate, Mr. Chairman, this is the vehicle through which the Congress can get control over total spending. That can be done only through the bill on which the Rules Committee is currently holding hearings, and it provides for a Budget Committee to set a legislative budget and with teeth to stay within the total budget limitations. Very like-

ly the House will pass this legislation this afternoon, but there is no doubt, but that the President will veto the bill. Further, there is little doubt, but what the Congress will sustain the President's veto. As a consequence, this debate on this measure is a debate of futility.

The CHAIRMAN. The time of the gentleman has once again expired.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, first of all I should like to commend the previous speakers, whether I agree with them or disagree with them, because this is a bill on which there has been meaningful debate in the Committee on Rules. There have been extended hearings, and there certainly has been a divergence of opinion. For my own position, I oppose this legislation but very strongly favor the enactment of budgetary control legislation.

Since I have been in the Congress, I have sensed a need for budget control legislation. It just seems incomprehensible to me to be voting on expenditure after expenditure without any type of budget control and then expect somehow for the President, whether he be Democrat or Republican, to finally come up with the necessary balancing act to make everything come out all right. Then when we reach a point such as we have reached several times in the past, not only in this administration but in prior administrations, where there has to be some impoundment of funds, we immediately position ourselves so that we criticize the President for doing that which we have forced him to do. To say the least, this is the height of fiscal irresponsibility, and I cannot subscribe to it.

Certainly everyone in this Congress realizes that we have to keep upping the national debt because we operate in the red year after year.

All during the discussion in the Committee on Rules, and certainly today on the floor, the thought has been running through my mind as to how we could ever as Members of Congress, if this legislation should by chance ever become law, force the President of the United States to spend funds that he does not have?

I know immediately somebody will say, Why, all we have to do is increase the debt ceiling and permit him to borrow more money. They forget one thing, that that same President has to sign the legislation to increase the debt ceiling. We could pass it over his veto. However, when we come to the place where we cannot pass it over his veto, he refuses to sign the legislation, and it does not become law, and then where are we? We are on the horns of a dilemma, and every Member knows it.

This hypothetical situation shows or reveals the ridiculousness of this type of legislation. It is all right to talk about impoundment, and it certainly is discussed back home when one of our favorite projects has been the subject of impoundment.

The gentleman from Nebraska has alluded to some of the precedents where Presidents have impounded funds, and certainly I subscribe that it is the duty of any Chief Executive to impound funds that he believes should not be spent in the best interests of the country. The practice of impounding funds, through various techniques and for various reasons, reaches back as far as President Jefferson, who declined to spend an appropriation for gunboats in 1803. President Franklin Roosevelt was the first to make extensive use of impounding devices to control total Government spending, inflation, and related economic effects.

Yet, during the course of hearings on this bill, we have heard the charge that current impoundments are "different." This charge is totally without foundation. While I do not necessarily agree with the substantive arguments in question, or with the specific impoundments actions taken thereunder, there is ample precedent for Presidential impoundments. Let me review a few examples:

In 1949, President Truman refused to spend congressional appropriations to enlarge the Air Force. The President's justification:

> Increasing the structure of the Air Force above that recommended in the 1950 budget would be inconsistent with a realistic and balanced security program, which we can support in peacetime and would interfere with orderly planning for the three services based on a unified stategic concept. I am therefore directing the Secretary of Defense to place in reserve the amounts provided by the Congress in H.R. 4146 for increasing the structure of the Air Force.

In 1960, President Eisenhower refused to spend congressional appropriations for initial production of the Nike-Zeus. The President's justification:

> It is the consensus of my technical and military advisers that the system should be carefully tested before production is begun and facilities are constructed for its deployment. Accordingly, I am recommending sufficient funds in this budget to provide for the essential phases of such testing. Pending the results of such testing, the $137 million appropriated last year by the Congress for initial production steps for the Nike-Zeus system will not be used.

In 1961, President Kennedy refused to spend congressional appropriations for the B-70 bomber, and the Dyna-Soar space glider project. The following justification was given by then-Secretary of Defense McNamara:

> The progress of the administration's accelerated defense build up makes unnecessary the use of additional defense funds appropriated by the Congress above the amount requested by the administration. The extra money which Congress urged upon the Administration was composed of $514.5 million for additional B-52 bombers; $180 million to press development of the B-70 long-range supersonic bomber; and $85.8 million for the Dynasoar rocket-aircraft research vehicle project. The decision to continue our present program was made after a most thorough review of all aspects of the matter. * * * The clear conclusion of this latest analysis was that the program progress of the Administration's accelerated defense buildup makes unnecessary the use of additional funds appropriated.

In 1966, upon signing the Agriculture and Related Agencies Appropriation Act of 1967, President Johnson stated:

> * * * the total of appropriations effectively provided in the bill—after taking into account both increases and decreases—is $312.5 million above my budget request. During a period when we are making every effort to moderate inflationary pressures, this degree of increase is, I believe, most unwise. Rather than veto this bill and add still further to an already crowded congressional calendar, I intend to exercise my authority to control expenditures. I will reduce expenditures for the programs covered by this bill in an attempt to avert expending more in the coming year than provided in the budget.

In his 1966 message to the Congress on fiscal policy and stable economic growth, President Johnson said:

> Certain actions have become clearly necessary to protect the interest of our people in stable prosperity and I intend to take those actions now. I am going to cut all federal expenditures to the fullest extent consistent with the well-being of our people. I am prepared to defer and reduce Federal expenditures: by requesting appropriations for Federal programs at levels below those now being authorized by the Congress, by withholding appropriations provided above my budget recommendations whenever possible, and by cutting spending in other areas which have significant fiscal impact in 1967.

President Johnson subsequently announced a $5.3 billion reduction in fiscal 1967 Federal expenditures. The President said:

> Today with the $5.3 billion reduction in Federal programs, we have taken another step to preserve our prosperity. By that action, we will stretch out, postpone, withhold, and defer the less essential items of our programs.

Mr. Chairman, as we can see from these precedents, impounding is a well-established executive practice, in which Congress has generally acquiesced. Impounding has been used by Presidents of both political parties.

Just today before the Committee on Rules the chairman and other members of the House Foreign Affairs Committee appeared for a rule on the Foreign Assistance Act, now called the Mutual Development Cooperation Act of 1973. I predict that many of these members who were before our committee asking for a rule, who helped prepare and subscribe to its report, will be voting for this anti-impoundment legislation when we vote on it today. However, I would like to call to their attention an item appearing on page 11 of their committee report which reads as follows:

> Opponents of the foreign assistance program are critical not only of the unexpended balances but of unobligated balances which are also described as sizable. They argue that the Executive has asked for and Congress has voted more money than can be used. This complaint rests on the theory that money appropriated must be spent regardless of the changing circumstances. The committee does not endorse an imprudent approach in dispensing public funds. If a particular program does not materialize as planned it is a mark of sound management to withhold the obligation of funds.

Mr. Chairman, even though I do not support the foreign aid bill I support this language which was put in the committee report. I ask, how can you subscribe to this position and vote for the anti-impoundment bill? On the bottom of that same page it sets forth all of the unobligated funds and particularly

with the Department of Defense, the foreign assistance program, and the Department of Agriculture program and others. We have a sum total on June 30, 1973, of unobligated, unreserved funds of $184 billion.

Do we want to turn this $184 billion loose on the American economy? If we pass this legislation it could be turned loose, or a sizable portion of it. Do we want this much more red ink and the inflation it could bring? This is what we are talking about today. We are not talking about some small project in our district that has been held up. We are talking about all of these unexpended, unreserved funds.

This is a very serious question. Certainly as I indicated at the outset I intend to vote against this bill, but I intend to support budgetary control legislation which will put proper restraints on this body and the other body so that we can at least start to get our fiscal house in order.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, this is the finest example I ever saw of the House attempting to put the cart before the horse. I think everybody who has spoken here has indicated that he would like to have the budgetary system brought under control. My question is: Why do we not do it? Why do we kill or try to kill the only means by which budgets have been put under control before we adopt a system, for the purpose of establishing control over the budget?

We have available the mechanism for doing that. It is a bill in the Rules Committee to establish budget control. I am very pleased with the manner in which the Rules Committee is handling it. They propose to get the legislation out as soon as they possibly can. I hope they will. I know they will try. But I do not know what the haste is as far as this bill is concerned. Why is it not prudent to wait until the budgetary control bill is enacted, and then perhaps we can see whether or not an anti-impoundment measure is necessary?

I have always felt that if the Congress of the United States exercised its responsibilities under the Constitution, providing for a means of controlling budgets, and if those means were followed faithfully and the budgets were in fact under control, that there would be no reason for any President to impound in such a way as to offend the Congress. Such control does not now exist, and I believe that until it does, this legislation should not be passed and should not even be considered.

Anyway, here we have it. There has been much said about the reason for impoundments, and I would like to do what I can to shed a little bit more light on this. I am not going to review the various instances of impoundments which have been made by other Presidents. This has been well said by others.

I would like to say to my good friend from Missouri (Mr. BOLLING) that I cannot help but be intrigued by the manner in which his fine legal brain was able to determine that President Kennedy really did not terminate a program when he ended the B–70. I am sure that the present President, and I think probably past Presidents, would be greatly amazed if they realized their role as Commander in Chief went so far as to dictate to the Congress the type of weapons systems which the Congress should adopt and build.

The gentleman, however, is very persuasive and I am sure many people were persuaded. I have to inform him that I was not, in that particular instance.

However, looking beyond the reasons that this President has had for impoundments, let us look at really what he has impounded. The figure is about 3 percent—3 percent of the total budget was impounded in the last fiscal year. If we were to assume that 3 percent were to be impounded each fiscal year, we would come up with a figure of somewhere between $5 and $6 billion. Actually, of course, taking cases as they were, the President did impound $6.5 billion last year in order to come within the $250 billion ceiling which was imposed.

I say that it was imposed, even though I am fully aware of the fact that the ceiling was not in the debt limit legislation which was adopted by the Congress when it finally went to the White House for signature. It was not actually in that legislation because of a technicality. But everybody knew that the Congress expected the President to try to hold the expenditures to $250 billion. In fact, my good friend, the chairman of the Ways and Means Committee, in response to a colloquy from me at the time the debt ceiling bill conference report was on the floor, stated that in his mind there was no doubt that we intended to impose a spending ceiling on this President. So, the President did his very best and was very successful in operating the Government within that ceiling in fiscal 1973. I would think that we would be praising the President for doing what the Congress indicated it wanted him to do, instead of castigating him for impoundments.

It is obvious that he can only stretch the cloth as far as the cloth will stretch. We have given him a limitation, and then we have given him spending authority which was in excess of that limitation. Obviously, he either had to break the limitation or he had to impound, and he did impound. That type of impoundment will be done in future years, particularly under the bill which we have before us today.

This bill provides that in the event there is spending authority in excess of the ceiling, that the President may impound proportionately. This, I think on the face of it, sounds like a fair approach, but when we examine it, we find it is not fair, it is not proper, and probably is not very smart, because although the bill sets forth, as it properly should, certain sacred cows, certain areas in which impoundments cannot be made and which are not applied in this bill, the implication is that in order to keep below the ceiling which is imposed here, the President will have to do some impounding proportionately.

Where will he impound? It boils down to two places, roughly. One is defense and one is domestic spending, other than those areas which are exempted by the bill. So, the President of the United States will find it necessary to cut proportionately.

If he cuts the Federal Communications Commission, or the Securities and Exchange Commission, or the cancer program proportionally, what he will have to do is to cut people, because this is the main expenditure for which these Departments spend money. This is cutting where it hurts. But, so far as the Department of Defense is concerned, there are lots of ways the President could impose a proportional cut without cutting people at all and without hurting too much so far as the Department is concerned. He could, if he desired, cut whole weapons systems. Yet, because he must cut proportionally, he cannot make the obvious, easy cuts.

I might say also this bill is imperfect in that it does not allow any leeway for consideration of special circumstances, circumstances in which perhaps a program in a given Department would be found to be unnecessary after the appropriations are made. There is no provision made for that.

So I say to the Members that the way in which this bill is set forth is not wise. It does not give the flexibility which is required after the Congress has done its work.

Let me say, Mr. Chairman, I do not like the idea of impoundments any better than anybody else does. As a Member of the House I resent the idea that the Executive can impound, can end programs, and so on and so forth. But again may I repeat that until we find a better way to control spending, until we take that better way and make it a part of the budget procedure of the House and the Senate, then in my opinion this bill should be defeated. It will be taking away the only protection, the only bulwark the people of the United States, the taxpayers, have against unwise spending which would be foisted upon them by some actions of Congress which might be perfectly well intended but which would nevertheless result in huge budget deficits and further inflation.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

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

Mr. DEL CLAWSON. Mr. Chairman, the importance of establishing national priorities in a reasonable manner as a basis for the orderly operation of the Federal Government is nowhere better demonstrated than in H.R. 8480, the anti-impoundment bill currently under consideration. It is demonstrated conversely—and that is appropriate—because I submit that this legislation presents the House with unique, unfortunate opportunity to demonstrate "the power of negative thinking."

The bill ignores the crucial need to establish procedures so that Congress can legislate program priorities within fiscally responsible budget totals. Instead priority is given to an attack on the Executive impoundment procedure, inviting sure veto and possible constitutional confrontation.

The Constitution leaves no doubt con-

cerning the roles of the Congress and the President. They are defined unequivocally: The Congress legislates, and the President executes those laws. This bill, however, seeks a fundamental change in the long-established relationships between the legislative and executive branches and would severely hamper the Executive's responsibility to "execute" the laws enacted by the Congress. The bill would involve the Congress directly in the day-to-day management of Federal programs in a way which is certain to hamstring the legislative process as well.

By constitutional arrangement, and by the dictates of sound management, officers of the executive branch use discretion to pace the level and rate of spending throughout the year to assure the most effective and economical conduct of Government programs and to avoid deficiencies.

If enacted, this bill would make the exercise of these basic Executive responsibilities subject to congressional veto. Thus, H.R. 8480 would reduce the President's ability to respond promptly and effectively to program needs and to changes in economic conditions. At a minimum, responsible execution of Federal responsibilities calls for Government spending to be lowered when the economy is getting overheated, and there are those who will insist that Government spending is the key. But no matter the economic school of thought, this bill would frustrate its implementation.

Title II of the bill establishes an outlay ceiling for fiscal year 1974 and requires the President to meet the spending ceiling by making arbitrary "proportionate" cuts by functional categories. This provision departs from the principle of selective reductions based on the relative merits and priorities of Government programs. Furthermore, it will create havoc in a number of agencies whose activities are primarily labor intensive. For example, for activities of the FBI, drug control, Federal prisons, Internal Revenue Service, Federal Aviation Administration, Customs, passports, regulatory functions, and so forth—a cutback in appropriations is quickly translated into reduced spending and may require a reduction in force. On the other hand, agencies dealing with activities such as procurement, construction, and defense weapon systems might not realize the effects of a cut in appropriations until 1 or more years later.

The proportionate reduction-type approach is a shotgun approach which does not permit program evaluation to assure that the incremental dollar is spent most effectively for the highest priority programs. It would allow some agencies to go relatively unscathed while requiring others to cut back essential and important programs immediately.

It might be argued that in the present legislation, Congress is acting consistently, with its own well-established record of inconsistency. During the 92d Congress with apparent agreement between the House and Senate on a debt ceiling of $250 billion, spending was closer to $261 billion.

In the same dubious tradition of inconsistency the legislation before us establishes a level of appropriation lower than the President's budget, and simultaneously it adds a costly piece of governmental machinery. It requires reports on hundreds of routine administrative actions not now covered by such paperwork, and at untold cost.

An additional inconsistency. Recognizing that the next national crisis may well be the threat of engulfment in a flood of Federal newsprint the General Accounting Office has been ordered to conduct a stern review of Executive paperwork. H.R. 8480, however, directs the establishment of monitoring and reporting procedures which can only increase the proliferation of paperwork to unheard-of levels.

But the contradiction with most serious implications, is for the Congress to insist on its constitutional power of the purse while simultaneously denying itself the machinery to carry out that responsibility and in effect shifting the decisions on national directions, and priorities as this legislation does, to the executive branch.

It is my belief that responsible exercise of the power of the purse dictates that the House reject H.R. 8480 and turn promptly to consideration of practical proposals to structure the budget to meet established national needs. Such responsible action would defuse the impoundment issue and reaffirm the balance between the executive and legislative powers as established by the Constitution. The choice would be to use the legislative machinery positively rather than negatively.

Mr. LONG of Louisiana. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I want to declare my strong support for H.R. 8480 which, in my view, will protect the Congress from further excessive, arbitrary and unlawful impoundments by the executive branch.

This bill will also provide for a budgetary ceiling of $267 billion—a rigid ceiling—which is $1.6 billion less than the President's budget.

I am opposed to mingling this bill with so-called budget control legislation which proposes, among other things, to establish new committees and change the rules of the House and Senate—obviously proposals that will require extended debate and separate consideration. This should be considered separately.

The basic premise of this bill is to restore to the legislative branch—the Congress—the appropriations power which has been substantially eroded over the years to the executive branch.

I should like to point out that in 10 separate Federal court cases, nine Federal courts have held that excessive impoundments are illegal—this proves that the executive branch is acting wrongfully and illegally by assuming power which under the Constitution is vested in the Congress.

While we all recognize that most Presidents have impounded appropriated funds in limited amounts—none have gone as far or been as excessive in amounts as impounded by President Nixon and the present Office of Management and Budget.

As an example of this unconstitutional and illegal practice, I should like to point out further that the Office of Management and Budget in fiscal 1971 impounded and withheld appropriations for every public works project in the country added to the administration budget request by the Subcommittee on Public Works Appropriations.

Every single congressional add-on was impounded, Mr. Chairman—and our committee was singled out for special punitive attention—the work of our committee was negated, delayed and slowed down for a full year until the funds were released.

I want to point out further that the Comptroller General of the United States—the Honorable Elmer B. Staats—in testimony before committees of the Congress has stated as follows:

> We are not aware of any specific authority which authorizes the President to withhold funds for general economic, fiscal or policy reasons.

General economic policy has been the administration's stated reasons for massive impoundment coupled with its own conclusions that certain progressive programs enacted by the Congress should be terminated by executive fiat and impoundments.

Not only has General Staats declared such impoundments to be without authority—but also the courts have so held that impoundments are illegal.

This bill simply puts teeth into the constitutional provisions setting out the powers of the Congress by requiring that any impoundment must, in effect, be subject to review by the House and Senate.

Furthermore, the budgetary ceiling which this bill proposes is $1.6 billion below the President's budget recommendation.

This reinforces custom and tradition in the Congress which has customarily cut presidential appropriation requests for 25 years.

The issues here relate to priorities—whether to substantially increase the defense budget and spend billions for foreign aid, as the administration proposes—or whether to give a greater priority to domestic needs of our people at home.

In other words, the administration wants to dictate to the Congress across the board how every dollar shall be spent—and any deviation is labeled "budget-busting" when in reality Congress is simply asserting its constitutional power of the purse to set its own priorities.

We have seen this administration withhold appropriations arbitrarily and at will—wage war without consent of Congress—negate legislation through executive fiat—and drastically revise and restructure authorized programs of the Federal Government without the constitutionally required approval of the Congress.

The American people according to a recent Gallup poll overwhelmingly endorsed the provisions of this bill.

The American people want to strengthen the Congress—and certainly the Members of Congress should be sensitive not only to the will of the people but to the fact that the constitutional power and authority of Congress must be restored, reasserted, and preserved.

This is a good bill.

A historic bill which should go a long way toward halting the drift of appropriations power and authority from the Congress to the executive branch.

This bill should help return "the powers of the purse" to the Congress.

Its passage is long overdue.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I think today's little exercise on H.R. 8480 could most aptly be described as "let-it-all-hang-out day," for I doubt if there are any among us whose district has not been hurt at one time of another by one type of impoundment or another; and this bill does provide a vehicle, indeed an outlet to protest those impoundments and release a lot of pent-up steam on behalf of our constituencies. So, I suppose from that standpoint alone, this is a useful exercise though one of very limited scope and dubious legislative value or effect. In fact, one of my colleagues on the Rules Committee has termed this bill, as it now stands, a rather "worthless," "silly" and "meaningless" measure because it is going to be vetoed and the veto will probably be sustained, and where will that leave us?

I do not come before this committee as an apologist for or a proponent of Presidential impoundments in perpetuity; I find impoundments just as distasteful and unwelcome as the next person. At the same time, I recognize the very hard choices and unpalatable alternatives which confronted the President in attempting to hold fiscal 1973 outlays under $250 billion which he felt was the most the economy could sustain without further inflationary damage. And I also recognize that the Congress gave him very little assistance in making those choices and holding spending to that level. Indeed, on one day we embraced the President's ceiling, and then, in the same bill, we turned around and repealed it 1 day after enactment. In that same bill we created a Joint Committee on Budget Control to give us final recommendations the following February on how to reform our spending procedures in the Congress; but the February deadline rolled around and the joint committee issued a preliminary report and asked that it be given until the end of the year to issue a final set of recommendations.

After some considerable pressure and prodding, the joint committee did come forth with a final report and a bill on April 18 of this year, and I think the joint committee is to be commended on its fine efforts. And yet, while everyone seemed primed for budget reform at the beginning of this session, interest suddenly cooled with the prospect of real budget reform staring us in the face in the form of H.R. 7130.

In the meantime, the gentleman from Texas (Mr. MAHON), in cooperation with the leadership on the other side of the aisle, introduced an impoundment control bill, H.R. 5193 on March 6, 1973. The House Rules Committee began hearings on this bill less than 25 days later, and concluded those hearings in 2 months on May 21. Then, on June 7, a new bill was introduced by the chairman of the Rules Committee, H.R. 8480, which differed substantially from the Mahon bill on which the hearings had been conducted. And yet, without further hearing, the latter bill was reported by the committee on June 27.

Despite the fact that the Rules Committee concluded hearings on impoundment in the latter part of May, and despite the fact that the Joint Study Committee's budget reform bill has been pending in rules since April 18, it was not until June 27 that the Rules Committee finally got around to conceding the beginning of hearings on budget reform, and it was not until July 19, 3 months and a day after the introduction of the bill, that hearings actually began.

The point I am trying to make of all this is that we have our own priorities in this body strangely out of whack. In attempting to rush this impoundment control bill through ahead of budget reform legislation, we really are not solving any problem, we are only creating new problems for ourselves. We are saying, in effect, let us end Presidential spending controls now and maybe do something about controlling congressional spending later; if spending should get way out of hand in the interim, so be it; we are working on it.

But Mr. Chairman, at this critical juncture in our Nation's economic history, I submit that we can ill-afford to adopt such approach. The President made a forthright appeal to the Congress last week during his phase IV message to assist him in the anti-inflation effort by exercising fiscal restraint. And yet, 1 short week later we are considering legislation which would force the President to abandon the fiscal restraint he has been exercising while doing nothing about substituting for those restraints our own set of spending control procedures. This should be what we are considering today, and not a bill which simply adds another confrontation coal to the fires of constitutional crisis.

I think there is an opportunity today to improve this bill in such a way that it does hold forth a more constructive approach to this whole problem. I have proposed an amendment which would help accomplish this goal. It would strike the prc rata Presidential impoundment authority in title II for fiscal 1974 and in its place substitute a procedure whereby the Congress would be accepting full authority for observing the fiscal 1974 expenditure limitation.

I hope the Members of this body will accept this amendment as well as the other amendments which I intend to offer in an attempt to improve this legislation. In brief, those other amendments would: First, make it possible to exempt from the impoundment control procedures those routine impoundments which, in the determination of the Comptroller General, are clearly in accordance with the Anti-Deficiency Act; second, provide for concurrent rather than simple resolutions of disapproval; third, make it possible to selectively package the concurrent resolutions of disapproval; fourth, make it easier to discharge the Appropriations Committees from further consideration of such resolutions if they have not been acted upon within 30 days; and fifth, make it possible to amend these concurrent resolutions of disapproval on the floor of each House. I have included the full texts of these amendments in the "Dear Colleague" letter which I circulated yesterday, and they can also be found in the July 10 RECORD at page 23147.

Mr. Chairman, I think it might be useful and appropriate in concluding these remarks to put this whole issue of impoundments in proper perspective. Impoundments, as defined by this legislation, are not something which has been invented by the present administration. They have been practiced by Presidents dating back to Jefferson. Nor are the impoundments practiced by the present administration greater in terms of total outlays than those practiced under the previous two administrations. According to the impoundment report issued by the Office of Management and Budget on July 13, 1973, the total amount of funds being held in reserve as of June 30 of this year was $7.7 billion or a $700 million reduction from the last reporting date which was April 14. The latest reserve figure amounts to 3.1 percent of estimated total budget outlays for fiscal year 1973.

That compares with a range of from 7.5 percent to 8.7 percent between fiscal years 1959 and 1961. At the end of 1967, the amount of reserves as a percentage of total outlays was 6.7 percent. At the end of fiscal 1972 it was 4.6 percent. And keep in mind that we are talking about only 3.1 percent of total outlays in fiscal 1973 as compared with an average range of 6 percent over most of the last decade. So, as a percent of total outlays, the fiscal 1973 reserves are about half the average reserve percentage of the last 10 years.

To put this matter in further perspective, the lion's share of the impoundments do not come down on the human resource side of the budget, as contemporary popular myth would have us believe, but rather on the space-defense-public works side of the budget. The latter category accounted for some 70 percent of the impounded funds in fiscal 1973, while only 9 percent of impounded funds were in the areas of community development housing, education, manpower, health, and income security.

I think it is especially important to keep these facts and figures in mind as we deal with this legislation today, for we might otherwise be left with the impression, from what is said, that the impoundments which are being practiced today are somehow of an unprecedented magnitude and scope and are aimed primarily at human resource programs. Such allegations just do not have any basis in fact.

Nevertheless, I for one am willing to accept an impoundment control bill with modifications so long as it recognizes budget reform as at least a coequal priority. I take this position partially in the spirit of compromise, and partially on the basis of my strong belief that the Congress should be exercising its constitutional prerogatives in the area of spending, both in terms of setting priorities and controlling expenditures.

I think if this body does accept the amendments which I intend to offer and proceeds in an expeditious and thoroughgoing manner to establishing congressional budget reform machinery and procedures we will, in the words of our present Budget Director, "have taken a major step toward defusing the impoundment issue."

We can, by our action here today, Mr. Chairman, begin to defuse that issue or only further confuse that issue. I would hope that this body is now ready to take the more constructive approach and thereby put confrontation politics behind us. Let us recognize that in budget control legislation, and not in impoundment control legislation alone, we have an unprecedented opportunity to achieve the most monumental of congressional reform in this century. Let us get on with it.

Mr. Chairman, I think the time has come for this body to clearly indicate for the record its intention to restore congressional control over the budget process.

Quite frankly, I feel nothing could be more germane to the problem of impoundments than the need for congressional control over the budget process. For if we had the will and determination and machinery to exercise effective spending control at this end of Pennsylvania Avenue, we would not be confronted with the problem of how spending control was being exercised at the other end of the avenue. Last fall, as part of the debt limit bill, both Houses of Congress adopted a $250 billion expenditure ceiling; and yet, the bill which finally emerged from conference contained a provision which repealed that provision the day after enactment. The President subsequently set about to do all he felt he legally could to hold spending within that limit. While there were those who dismissed the $250 billion ceiling as unrealistic and an election year political gimmick, the fact is, as reported to us last week by the President, that he was actually able to hold spending under $249 billion—and keep in mind that that still meant a $17 billion deficit. The reductions made by the President were not popular and were primarily responsible for the legislation which is before us today. But ask yourselves, what would that deficit have been if he had not taken those actions? How much graver would our economic situation be today if he had spent everything which the Congress authorized and appropriated?

It should seem obvious from this experience that our first priority should be to establish our own enforceable spending ceiling and to order spending priorities within that limitation. And yet, we have a bill before us today which would deny the President authority to hold down spending while doing next to nothing about our own propensity to push up spending. Oh, there is a provision in title II of the bill which grants the President the authority to make pro rata impoundments in fiscal 1974 if the Congress should overspend. But does not it seem a bit ironic in a bill which is purportedly aimed at controlling impoundments that we would be granting the President unprecedented new authority to make sweeping, across-the-board impoundments? And does not this constitute an open invitation for the Congress to play all sorts of games with appropriations bills in anticipation of the pro rata cuts, while completely avoiding and evading the central responsibility of making our own spending priority decisions within an agreed-upon limit? H.R. 8480, as it now reads, is not a responsible and responsive bill; it is a scenario for constitutional confrontation and political game playing. One of my Democratic colleagues on the Rules Committee put it another way when he said this bill is "worthless," "silly," and "meaningless." He went on to say that when we have a real opportunity to strike a blow for our prerogatives, we run for cover.

I would submit to you today that we do have a real opportunity to strike a blow for our prerogatives by enacting a comprehensive budget reform bill. For if we put our own fiscal house in order, we would obviate the need for impoundments. On April 28 of this year, I received a letter from Budget Director Roy Ash in which he said, and I quote:

> If the Congress can develop its own procedures to establish and maintain an appropriate budget total, and to set its priorities within (or very close to) that total, the Congress will have taken a major step towards defusing the impoundment issue.

Mr. Chairman, I realize that some of my colleagues on this side of the aisle are not enthusiastic about any impoundment control bill; and I realize that some of my colleagues on the other side of the aisle are not terribly enthusiastic about any budget reform bill. But I also know that the American people are looking to the Congress today, at a time when our economic and political systems are in great turmoil—are looking to the Congress for new leadership and for constructive and responsible action. They are not interested in more confrontation headlines which will only exacerbate the crisis of confidence in Government. They are looking for signs that will restore their faith in Government.

Today, in H.R. 8480, we can continue down the path of confrontation politics and further erode the confidence of the people in their Government; or we can, by going on record for budget reform as a first priority, set out on the new path of constructive cooperation and responsible leadership and begin to restore that sagging confidence.

Let me simply say in closing that while budget reform legislation has been pending in the Rules Committee for 3 months, only last week did we begin hearings on that legislation. There is now talk from the leadership about enacting a budget reform bill before the end of this year, and this is essential if it is to be in place and in operation in time for our fiscal 1975 spending activities and decisions. I fear that our interest in budget reform may again wane and we will again be plagued by that recurring fiscal nightmare which is our chaotic and calamitous budgetary process if we deceive ourselves by thinking that the bill which this resolution makes in order is a solution to the present fiscal crisis in the Federal Government.

Mr. MATSUNAGA. Will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman.

Mr. MATSUNAGA. I thank the gentleman for yielding.

I would like to agree with the gentleman in the well that perhaps the budget bill ought to have been considered by the House first. However, as a member of the Committee on Rules, the gentleman has had the experience, just as I have had, in voting for appropriation measures even before the authorization measures had been approved by the Congress. In this case we have had the anti-impoundment bill before us from the very beginning of the year, and it was not until the special Joint Committee on the Budget reported the budget bill to the Committee on Rules that we have had the budget bill before us. The time element has determined for us the order in which the bills are to be considered.

As the gentleman in the well has been assured by the leaders on this side of the aisle, we do fully intend to pursue the budget bill and I for one will do all I can to bring it on to the floor.

Mr. ANDERSON of Illinois. I thank the gentleman for his contribution. I know that the gentleman from Hawaii for one is completely sincere in that statement.

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

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, and Members of the Committee, I am pleased to have had the honor to be one of the sponsors of this legislation from the Committee on Rules. I believe it to be more than a coincidence that the Congress is considering at this time this measure to restore, or to reclaim, if you prefer, the power of the purse from the Executive, and is at the same time considering a resolution to restore, or to reclaim, as it were, the power to make war which, by the present and previous Executives has been exercised by the Chief Executive of the country.

I believe it was Thomas Jefferson who said that:

> A republic, while not always the wisest, is in the long run the safest depository of power.

The ancient struggle between the House of Commons and the King was over the control of the purse. The King wanted to make war at his will, but he needed the concurrence of the House of Commons to provide the funds with which to wage that war. Naturally, he, like other Executives, would often become impatient with the reluctance of the leg-

islative body to provide the funds that the royal will wished to expend. Just so, Executives in the present and in the past have been impatient with the tardiness of the Congress is doing what they would like done, in changing the laws when they would like them to be altered or repealed, and in declaring war, after long debate, if at all instead of the Executive having the power to mandate the Armed Forces of the United States when he desired to do so.

And when Congress has been reluctant or tardy in the assertion of its authority, it is rather natural that the Executive should have proceeded according to what, in his opinion, was in the public interest.

But again, Jefferson said that a Republic in the long run is the safest depository of power and a Republic means for the warmaking power and the power of the purse to be in the representatives of the people.

Now we are providing by resolution, already through the House, and I hope it will soon become the act of Congress, that the President cannot enter into war or engage in hostilities for any appreciable time without the concurrence of the Congress of the United States, the warmaking power being reserved to the representatives of the people.

Now we are saying in this resolution today that the President may, because of what he considers his legal authority presently existing or because of changed circumstances or the public interest as he sees it, say to the Congress, "I do not believe it desirable that your appropriation be literally carried out or expended, therefore I advise you that I do not propose to expend it as you have authorized me to do," giving his reasons therefor. Then under this measure we are considering today, if the Congress does not acquiesce; if both Houses do not give silent agreement to the President's attempt to withhold funds appropriated and not faithfully carry out the law of the Congress; if one House disagrees, then the action of the President is futile. This is in the public interest.

Mr. Chairman, and my colleagues of the committee, we are today considering another most important step, like the one we took here the other day in regard to the war-making power, in reclaiming power that the Congress alone should possess, the power to determine the expenditure of the public money and, above even that, the power to determine the priorities for which the public money shall be spent.

The Congress determines the public need; the Congress determines the public interest; and the President's constitutional obligation, as the forefathers particularly provided, is to take care that the laws be faithfully executed. The Constitution could have provided that the President shall execute the laws but those wisest of all men, those men who, as Gladstone said, struck off the greatest single document that ever came at a given time from the mind and hand of men, those men added two things further than just executing the law as the obligation of the President. They said in the Constitution that the President shall "take care that the laws be faithfully executed."

Therefore, it seems to me that the Constitution is clear and that we are following the Constitution by the reassertion of our legislative power over the purse in this resolution.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I cannot help but recall that early in this session one of the burning issues appeared to be the question of impoundments, and, as a result of this publicity on impoundments, the distinguished Committee on Rules did not hold hearings on impoundments in its hearing room here in the Capitol, but took a hearing room in the Rayburn Building so that everybody could appear on television and so that the public of our country could then be advised and notified of the importance of this question of impoundments. Here we are.

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

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

Mr. BOLLING. The Committee on Rules met there, I think, as I remember, specifically at the request and certainly with the concurrence of the minority so that people like Mr. Ash would have an opportunity to be heard fully in a room that was not as crowded as our own hearing room.

Mr. CEDERBERG. I had not heard that it was at the request of the minority, but I am delighted that we did have an opportunity to be heard fully.

However, let us see where we are now with this great and overriding question of impoundments. Here we are after the hearings have been held by the Committee on Rules, and we are debating it here today. There are 435 Members in the House, and we have about 25 on the floor. The Press Gallery, I think, is relaxing comfortably, so I see really the question of impoundments is not very exciting these days.

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

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

Mr. ANDERSON of Illinois. Would the gentleman want to have me offer the point of order that a quorum is not present? I shall be glad to do so.

Mr. CEDERBERG. No, I do not think I could really add anything more to the question, and I would not want to disturb Members who are in committee meetings.

I think the question we have before us now is one that has been debated for so long and so well understood and so well handled by the President that it is not even of any concern to the country any more. The simple facts are this. I listened to my good friend, the gentleman from Missouri (Mr. BOLLING) regarding the question of the $250 billion spending ceiling, and that somehow that ceiling did not have any effect at all.

The simple facts are, whether the Members like it or not, the Senate and the House passed a $250 billion spending ceiling. Because the House and Senate conferees could not agree on how to make the necessary reductions, they added a clause which voided the ceiling. However, the ceiling language is in the bill, and both House and Senate passed the ceiling. If this does not indicate to me that the Congress was interested in a spending ceiling in that area, then I do not understand it.

Let me tell the Members further that the spending ceiling was adhered to, and I do not think it brought any great trauma from around the country. Oh, there were a few executive secretaries in some of these lobbying agencies whose jobs depend upon making a noise in a situation like this. And I applaud them for it. They ought to be fired if they do not.

So we have now instead of spending $261 billion which was mandated by the Congress, that we are living within a spending ceiling of $250 billion, and I do not think anybody was very hurt by it at all.

Where are we today? I have listened with interest to my good friends on the other side saying really there is not any politics in this issue at all. There is never really any politics in this issue unless we have one party in the White House and the other party in the Congress.

There never was. There never was any furor over impoundments during the Johnson administration nor the Kennedy administration, and yet there were as many impoundments. Oh, we can have an argument that there are different kinds of impoundments, but the simple facts are we would not be having this kind of issue if we did not have different political parties in control in the White House and in the Congress. It is as simple and fundamental as that.

I suggest, if Members have not already done it, that they read the hearings of the Rules Committee. The first thing I would suggest is they read the statement of the chairman of the committee on this issue, and if that is not a political document on impoundment I have never read one. I will not take the time to read what it says, but if that is not political I do not know anything about politics.

Second, I have not seen him here on this debate on this very crucial subject.

I would suggest the Members read page 54. I had inserted in the hearings an article entitled "The Politics of Impounded Funds," reprinted from the George Washington Law Review, by Mr. Louis Fisher. This is an interesting document, and I would recommend that all Members read it.

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

Mr. CEDERBERG. I yield to the gentleman from Missouri briefly.

Mr. BOLLING. I wanted to mention that the chairman of the Rules Committee was here and participated.

Mr. CEDERBERG. Fine. I really did not mean anything disparaging by that. I know there are other things that he has that are much more important than this important subject we have here today, which turns out not to be very important.

What about this bill? This is one of the most interesting two-headed mon-

sters I have ever seen. In one part of the bill it says that we are going to deal with the question of impoundments, so we can make the President spend more money. We are not complaining about impoundments because he is spending too little. We are complaining because we want him to spend more.

So it goes into all kinds of details, and is an administrative monstrosity which puts an unusual and almost impossible burden on the Office of Management and Budget.

I might say this is an organization which is under attack, and we will probably have amendments next week to reduce the actions and activities of the Office of Management and Budget, at the same time this impoundment bill puts a huge workload on it.

We in the Appropriations Committee will be inundated with letters coming in by the hundreds because there are hundreds of impoundments items which will have to be investigated and reported by the General Accounting Office.

But what do we do in the other part of the bill? The President has recommended a budget of $268.7 billion. This bill sets a spending ceiling of $267.1 billion which would be a cut of $1.6 billion in the President's budget. What have we done so far in the House of Representatives just this year in this regard? On the Labor-HEW appropriation bill, we went $1.2 billion over the President's budget, but actually it is $1.8 billion because we took $600 million in the budget for advanced funding of community health centers, and used that $600 million for other programs where most of it will be spent in fiscal 1974. So in effect what we have is $1.8 billion in one bill. In the Independent Offices, HUD, Space Science, we are $500 million over.

That is only the first 6 months of this session. According to the figures that are put out by the Joint Committee on Reduction of Federal Expenditures, the House has gone $922 million in expenditures over and the Senate $2,255,000,000. On the one hand we do not want the President to impound, so we reduce his budget by $1.6 billion. On the other hand, we increase all these appropriations which have spending impacts. So if this bill is adopted, the President has to impound.

Does anyone disagree with that? He has got to impound. We are telling him he cannot impound unless it would be a percentage across all of those agencies except those that are exempted in the bill. What will happen? In many areas such as narcotics, customs agents, the Internal Revenue Service, are personnel oriented. If we cut 3 or 4 or 5 percent, we have to cut people out of those areas. That does not even make any sense as a method by which we are going to try to control this kind of budget.

I am all for spending limitations. I voted for every one of them, and I do not think I have ever been known as a big spender around here. I attended the Joint Committee on the Budget hearing and I am going to testify before the Rules Committee on Thursday.

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

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. The thing I do not like about the current proposals of the joint committee is that they would set up congressional OMB which prepare a congressional budget for the executive agencies. If the Members do not think that is going to cost 500 to 700 employees, plus going down two different roads and duplicating everything, they are wrong. I have serious reservations about that.

I still maintain that the real impact of this bill does not concern many people any longer. There is not any question in my mind that if this bill were to be sent to the President, he would not have any choice but to veto it, and I would hope that he would.

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

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

Mr. WYLIE. Mr. Chairman, the gentleman has made the point that other Presidents have impounded funds. The gentleman from Missouri, who spoke in the well earlier, said that action by prior Presidents could be explained away by the fact that their impoundments were made with reference to military appropriations by the President as Commander in Chief.

I would just like to point out that President Johnson impounded highway trust funds. I know, because the move affected a section of interstate highway being constructed in my district. I would say to the gentleman that this had little relationship to military appropriations.

Mr. CEDERBERG. May I just plead that, along with all the rest of us, when President Johnson was impounding highway funds I was up here condemning him for it. I was against impoundments, and in some areas I am still against impoundments. However, why do we not face up to the fact that we are talking about a political issue whose impact as far as the American people is concerned is not very broad? As a matter of fact, the impoundment actions that have been taken so far have been in the best interests of the taxpayers.

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

Mr. CEDERBERG. I yield to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I think we are trying to find some way to resolve this difference between the executive branch and the legislative branch. I have listened very carefully to the many points the gentleman has made, and I have one question.

(At the request of Mr. EVANS of Colorado and by unanimous consent, Mr. CEDERBERG was allowed to proceed for an additional 2 minutes.)

Mr. EVANS of Colorado. Mr. Chairman, I understand there are feelings that this is political. Personally, I wish we had resolved this issue in the Johnson administration. I criticize myself for not having done so.

My question is this: No matter what method we come to in Congress for getting responsible budgets and appropriations, the final question still occurs that the President would disagree unilaterally, whether Democratic or Republican, and disregard the will of the Congress. Does the gentleman have a suggestion on this?

Mr. CEDERBERG. Of course I have a suggestion. If the Congress lives within the budget as proposed, we will not have any trouble with impoundments. I think one of the reasons we get into this problem is because we—and I am part of this organization—have been fiscally irresponsible.

We have been pushing upon the executive branch expenditures far in excess of what it has requested. This was true under the Johnson administration and is true under this administration.

One of the problems we get is that these bills come in here, they all look good politically, we vote for them, and then worry about what the Appropriations Committee has to do later.

Mr. EVANS of Colorado. I take it from what the gentleman says that what we have to do to solve this problem is to have harmonious agreement between the executive branch and the legislative branch.

Mr. CEDERBERG. No, we need harmonious agreement between the actions here on the floor, the Appropriations Committee, and the other body, and live within fiscal restraints.

Mr. EVANS of Colorado. Does the gentleman not envision many times when the Presidency and the Congress might be under the same party and yet they still might have a disagreement on decisions? Should we not prepare for that?

Mr. CEDERBERG. I do not disagree with that, but I do not believe that problem came up because of fundamental disagreement at all. It was because of the fact that we had an increase in the debt limit and we have spent $100 billion more than we have taken in in the past 4 years. I hear political statements, "Look what happened under your administration; $100 billion more." Every dime was appropriated by the Congress and demanded to be spent by the Congress; and it would be more than that, if the Congress had its way.

Mr. BOLLING. Mr. Chairman, before I yield further I should like to make one small comment. I believe I will try to arrange a nonpartisan debate between the chairman of the Rules Committee and the ranking minority Member of the Committee on Appropriations.

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

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

Mr. CEDERBERG. We had a little debate in the hearings. It is in the front of my portion of hearings.

Mr. BOLLING. I believe the gentleman said the audience was small here, and perhaps it was smaller there. Perhaps we should have a larger audience.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, the impoundment control and spending ceiling legislation we are considering in the House today is a partial response to a constitutional crisis over control of the Federal pursestrings. The present administration, flouting the Constitution, laws, and tradition has been driving toward

complete domination of all decisions about how and where the Federal Government is to spend the people's money.

The administration's principal weapon in this drive has been the impoundment of billions of dollars of congressionally appropriated funds.

This weapon has shaky legal foundations but powerful political ones, since the President has charged that the fiscal irresponsibility of the Congress makes the drastic impoundment procedure necessary. Until Congress reforms its procedures for appropriating funds and balancing expenditures and revenues, that charge will continue to be made with telling effect on public opinion.

The necessity for such reform was strongly underlined by a group of 30 freshman Democratic Representatives in April of this year. In an unprecedented special order on the constitutional crisis precipitated by Presidential impoundments and other practices, we joined in a resolution which read, in part, as follows:

> The undersigned freshmen Members of the 93rd Congress hereby express their endorsement of the Joint Committee on the Budget and affirm their commitment to the people to assist the Congress in providing an adequate means for comprehensive congressional review of the budget and to formulate more equitable laws for the purpose of raising revenues and to reassert that the raising of these revenues and the establishment of national priorities is the responsibility and duty of the legislative branch of government.

When the Joint Committee released its final report, this same group of freshman Members of Congress reaffirmed our sense of urgency about the need for a new system of fiscal discipline, but declined to give a specific endorsement of the Joint Committee's recommendations.

We freshman Democrats have not been alone in deploring the encroachments by the executive branch on the congressional power of the purse. The practice of impoundment in particular has met nearly universal, but to date largely ineffective, opposition in the Congress. And, despite at least nine Federal court decisions declaring specific impoundments illegal, the practice continues, making legislation like H.R. 8480 necessary.

This bill establishes a reasonable procedure by which Congress can require the President to cease an impoundment of appropriated funds. If either the House or the Senate passes a resolution disapproving an impoundment within 60 days of Presidential notification, the impounded funds would have to be released. Earlier in this session, I cosponsored legislation which would have required the President to win the approval of both Houses of Congress in order to sustain an impoundment, but the bill before us today strikes me as a workable compromise.

However, Mr. Chairman, this is not meant to imply that there are not improvements which can and should be made in this bill, or that it is an adequate response to the need to reassert congressional control over the budget. For example, I think the Congress should have the flexibility to disapprove only selected parts of any Presidential message on impoundments, and that the full House should be able to amend any disapproval message on the floor of the House after it has been reported by the Appropriations Committee. I note that the committee feels that such action would be of doubtful legality; that is, amending a simple resolution. Further, H.R. 8480 gives the President the authority to make prorated reductions in all Federal expenditures if congressional appropriations should exceed the $267.1 billion spending ceiling mandated in this bill. It is clearly inconsistent for the Congress to reassert its control over impoundments on the one hand and then to reverse itself by giving that control away on the other. If our appropriations exceed the spending ceiling, we should be forced to bite the bullet ourselves and providing for increasing revenue or raising the debt ceiling or reducing expenditures to harmonize appropriations with the expenditure ceiling.

Even more important than these changes, Mr. Chairman, is the necessity for a thorough reform of congressional procedures for dealing with the budget. We cannot allow H.R. 8480 to become our sole response to this problem. That temptation will be a strong one, since this bill deals the most noxious and well-publicized aspect of the budget control problem, and might allow some Members of this body to return home with the claim that H.R. 8480's ceiling on expenditures demonstrates Congress new-found fiscal responsibility. In fact, there remains a pressing need for developing new congressional mechanisms for examining and shaping the budget in a coherent, coordinated manner which match income and expenditure, which provide information and evaluation independent of the executive branch, which bring authorizations and appropriations into line with each other. We cannot allow ourselves to relax our drive for reform of budget procedures until such changes have been made, regardless of our success with the legislation before us today.

H.R. 8480 is more than a cosmetic on the fabric of the budgetary process. It is a necessary step in Congress reaffirmation of its presence—I urge its passage.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I intend to offer an amendment to H.R. 8480 to strike title II, which sets a fiscal 1974 spending ceiling of $267.1 billion.

I have nothing against a spending ceiling. I supported the President's $268.7 billion target early in the year, although I disagreed with his allocation of funds within the target. The whole Whitten-Ullman budget reform proposal, of which I am a cosponsor, is based on the notion of a spending and authorization ceiling.

But the spending ceiling in H.R. 8480 is simply an irresponsible attempt to out-Nixon Nixon. The events leading to this legislation were as follows: one, Nixon proposes $268.7 billion ceiling; two, the Senate denounces Nixon budget cuts for 5 months and then passes spending limit of $268 billion, slightly lower than the President's; three, the House, similarly critical of Nixon's "low" budget ceiling for half the year, dreams up a $267.1 billion ceiling, thus cutting the targets of both the President and the Senate.

We have far too little information about economic conditions and the impact of this bill. In two volumes of hearings on impoundment, this spending ceiling is discussed rarely, and never in the detail which H.R. 8480 spells out. We need an economic analysis from the Joint Economic Committee, estimating the size of the surplus or deficit needed to bring full employment and price stability. We need figures from the Appropriations Committee, showing the spending requirements of the public sector. And we need from the Ways and Means Committee an estimate of the financial requirements of the private sector and some recommendations regarding a tax increase, decrease, or reform in fiscal 1974. Without this information we cannot and must not put our heads in a noose by adopting a spending ceiling.

Mr. Chairman, I have four specific objections to Title II: the ceiling is too low, the bill gives the President too much discretion, the formula for cutting is unwise and possibly unworkable, and the whole procedure is premature.

This ceiling is too low. Let us look at the cuts which would be necessary, given conservative assumptions about the trend of unrestrained expenditures in fiscal 1974, even to stay under the President's $268.7 billion ceiling.

Congress has already voted measures worth an additional $1 billion in outlays.

Because of inflation, uncontrollables, if they follow the averages for the past 5 years, will rise about $6 billion. The interest on the public debt is a good example of uncontrollable increases. Interest has exceeded the original estimate each year by an average of $1.6 billion. The administration announced in June, 1973, that fiscal 1974 interest would be $1.4 billion over the January estimate. With interest rates continuing to rise sharply, the 1974 increase should prove considerably greater, perhaps as great as the $2.5 billion increase in fiscal 1970—like the present, a time of severe credit crunch.

Several recent court decisions have ordered the release of impounded funds; H.R. 8480 works towards a similar end. Release of these funds could add at least $6 billion to the budget.

Adding the above amounts, cuts of about $13 billion—$1 billion for congressional spending, $6 billion for the increase in uncontrollables, $6 billion for the release of impounded funds—would have to be made to stay within the President's original figure. On top of this, another $1.6 billion would have to be cut—raising total cuts to $14.6 billion—to stay within the $267.1 billion ceiling proposed in H.R. 8480.

This is bad budgetmaking. Inflation has already undercut government activities. In January, a $268.7 billion outlay total was called an "austerity budget"; after an 8.7 percent increase in the Consumer Price Index, $268.7 billion should be recognized as a "starvation budget." To balance the budget we should raise

revenues through tax reform and make judicious cuts in expenditures—perhaps along the lines suggested by the recent Brookings Institution study — rather than reduce expenditures further and in an arbitrary manner.

My second objection to title II is that it gives the President far too much authority. The intent of the bill is clearly to restrict Presidential discretion by forcing him to make cuts proportionally. Through imprecise language, the bill fails in that intent.

First, the bill says only that the cuts must be proportional among "each functional category and to the extent practicable, subfunctional category." This gives the President wide leeway. For instance, under the "functional category" of Commerce and Transportation, the President could conceivably cut Post Office pensions and mass transit, while leaving intact Federal subsidies for ship construction. Congress would lose all semblance of setting national priorities.

Second, the bill allows the President to make cuts in any program up to 10 percent greater than the "net percentage of the overall reduction in expenditures." Ten percent is actually quite a lot of latitude. By comparison, Congress each year in its action on appropriations changes each item in the President's budget proposals by less than 5 percent, on the average. H.R. 8480 would give the President twice that latitude.

My third objection to title II is that the "formula" by which cuts are to be made is unwise—hitting too few programs too hard—and possibly unworkable.

The bill specifically exempts some $136 billion worth of uncontrollable expenditures. This means that the full brunt of the cuts would fall on only $132.7 billion—less than half of total outlays. Of this $132.7 billion, another $56 or $66 billion is relatively uncontrollable—that is, it involves contracts, prior-year obligations, housing payments, supplemental security income, et cetera. So only about $76 billion—between one-third and one-fourth of the federal budget—is genuinely controllable.

Cutting $14.6 billion from less than half the budget will mean severe reductions for a limited number of programs. Programs which can be cut will have to be cut, on the average, between 11 and 19 percent.

What are the programs most likely to be cut under this proposal? Child nutrition programs, health manpower and services, aid to education, manpower and emergency employment funds, Indian education and welfare, could be cut to the bone.

Furthermore, ambiguous language in section 202(b)(2) raises the possibility that the formula is actually unworkable. It is not clear whether "net percentage of the overall reduction" refers to the average percentage cut in total expenditures, or the average cut in non-exempted expenditures. If the latter, the formula, due to the disparity in size between total outlays and controllable outlays, will be unworkable at certain levels of restrained expenditures. Assuming that $132.7 billion is controllable, the formula becomes unworkable at unrestrained expenditures of $291 billion; if only $76 billion is controllable, the formula breaks down at $277 billion, a figure well within existing spending projections.

My final objection to title II is that it is premature. For Congress to set a spending ceiling at this point would be arbitrary. To give the President wide discretion to make cuts would be irresponsible. The Rules Committee is now holding hearings on H.R. 7130, the proposal for congressional budget reform reported out by the Joint Study Committee on Budget Control. With certain improvements, this bill can set up an effective congressional budget process. We need a spending ceiling. Let us adopt one in the context of total congressional budget decisionmaking.

It is argued by some who recognize serious problems with the spending ceiling that Congress must have a fiscal responsibility vote, that the President will veto the bill anyway, that it does not really matter whether the bill makes any sense. I say that this is a fiscal irresponsibility vote. The ceiling is a dangerous abdication of congressional authority, badly conceived, badly drafted, and with every potential for embarrassing its supporters. Let us pass up this easy vote and concentrate on serious budget reform.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, as one of the sponsors of H.R. 8480, and a member of the Rules Committee which wrote the bill in its present form, I urge passage.

This legislation is the product of some of the most extensive and thought-provoking hearings ever held by the Rules Committee, and I commend the distinguished chairman of our committee, my good friend, the gentleman from Indiana (Mr. MADDEN), for his initiative and leadership in the course of those hearings.

Members of Congress from both Houses, constitutional scholars and administration spokesmen all contributed to the dialogue which produced H.R. 8480 in its present language.

Mr. Chairman, despite the exchange of different views which we have already heard this afternoon and can expect to hear in the course of the debate, the bill does not pose a partisan issue. Rather, it involves a clarification of the relationship between the two independent, coequal branches of government, the executive and the legislative. I can imagine in the future a Democratic President and—God help us—a Republican Congress, experiencing the same difficulties we find today. I, for one, would expect to find myself making the same argument then as I am making today—that Congress must reassert its constitutionally mandated duty to determine priorities, to set the policies which any President is required by the Constitution to execute faithfully.

Impoundment, to be sure, is not a new practice, and it is certainly true that Presidents other than the incumbent, impounded. Moreover, Congress has authorized the President to impound under certain circumstances. The anti-Deficiency Act, for instance, gives the President the power not to spend appropriated funds if the congressional purpose is accomplished with the expenditure of lesser amounts. For example, if Congress appropriated $100 million to find a cure for cancer, and a cure was found after only $25 million was spent, no one would argue that the Constitution requires the President to spend the remaining $75 million.

Unfortunately, Mr. Chairman, impoundment by the Executive in recent years has gone well beyond this limited purpose. Whole programs have been threatened with extinction in the name of budget-cutting.

In a number of recent instances, including highway trust funds and OEO, Federal courts have rejected the administration's arguments, and forced compliance with congressional spending decisions. In effect, H.R. 8480 merely regularizes the procedures to be followed in reviewing controversies of this type.

One point raised by the Executive in defense of its practices has been that Congress has given it inconsistent mandates, that in addition to specific program appropriations the President must comply with laws requiring him to take steps to control inflation. That would be more persuasive if the response had been an across-the-board cut of a certain percentage. Instead, this administration has chosen to use this "inconsistency" in congressional directions to justify the phasing out or even termination of programs which did not agree with the administration's plans or philosophy. Nonetheless, it seems clear to me that H.R. 8480 responds directly to this particular administration argument. In effect, H.R. 8480 would give Congress the opportunity to say, "If we have given you inconsistent direction in the past, we hereby clarify our intent. Cease this particular impoundment—or, continue it."

The mechanism set up in H.R. 8480 is in my judgment a workable approach, which represents a reasonable compromise between what have become known as the "Mahon" and the 'Ervin" approaches. As the Senate-passed Ervin bill would do, H.R. 8480 would prevent one House of Congress from overturning a spending decision originally made by both Houses. On the other hand, the requirement of the Mahon approach that Congress take affirmative action to void a Presidential impoundment is retained. Either House could, by passing a simple resolution, disapprove of a particular impoundment. If neither took positive action within 60 days, the impoundment could continue.

One final provision of H.R. 8480, Mr. Chairman, is the ceiling it sets on fiscal year 1974 expenditures. That ceiling is established at $267.1 billion, or $1.6 billion less than the amount asked for by President Nixon in his budget message. This is not mere gimmickry, as some have maintained, Mr. Chairman. It is a rational attempt to keep spending within reasonable limits. It provides a mechanism for making roughly proportional cuts in all nonmandatory programs. In other words, it retains in Congress the prerogative of deciding which programs

will continue, which will be increased, and which will be terminated.

H.R. 8480 is a responsible piece of legislation, one responsive to needs that have been demonstrated over the past several years. The procedures contained in the bill will make our Government function more smoothly, regardless of which party controls the White House or the Congress. I urge all of my colleagues, on both sides of the aisle, to support H.R. 8480.

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

Mr. MATSUNAGA. I am happy to yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Chairman, briefly, let me run over the provisions of H.R. 8480 once again.

Title I is the impoundment-control portion. It provides that the President must notify the Congress within 10 days of any impoundment after which Congress has 60 days in which it may veto any impoundment by a vote of either House. A resolution of disapproval would have to go through either Appropriations Committee, but there is a provision to begin discharge proceedings after 30 days if one-fifth of the Members wish it. The bill does not contain the congressional item veto that appeared in an earlier version because constitutional authorities felt that such a provision might be unconstitutional. Finally, title I would enlist the assistance of the General Accounting Office in analyzing impoundment messages and making sure that the President reports all impoundments as directed.

Title I addresses itself to the President's excesses and abuses, during the past few years, of the very limited impoundment authority in the Anti-Deficiency Acts and in unwritten tradition. Historically, it has been the understanding between President and Congress that impoundment is to be used as an administrative tool to promote efficient management.

However, President Nixon has stretched this very limited, very specific authority into a broad and arbitrary means of seizing a dangerous amount of power. The President has used impoundment to thwart the will of Congress, to pick and choose among the laws enacted by Congress and to enforce only those that please him. It is the obligation of Congress to preserve its power of the purse and to defend its responsibilities from the expansion of an overly ambitious executive.

Title II of the bill is the 1974 spending ceiling. It says that the Government may spend no more than $267.1 billion this fiscal year. That figure is $1.6 billion less than the President recommended in his budget message last January, and the bill would direct the President to impound funds if necessary to stay within the ceiling. However, the President would be required to impound equitably across the board, with the exception of public assistance, veterans benefits and other items which are exempted, and there would be an absolute limit on the amount he could take from any category. He could not use this impoundment to kill any programs.

There has been some concern that this title might impose undue hardship on certain programs, should impounded funds be released by the administration. The argument goes that if housing funds, for example, are released, an across-the-board reduction under title II would take proportionately more from Defense—which has only its 1974 authority—than from housing which would have its 1974 money plus released funds from 1973.

I think Members have little to fear on that score. The President has shown little disposition to release impounded funds. If he had, there would be scant need for this legislation.

As Members know, the Senate has already acted on this matter. The Ervin bill was passed last May 10, and the Senate has tried to tack its provisions onto other bills as riders in an attempt to encourage House action.

The Rules Committee and the leadership have given this issue long and thoughtful consideration. It is time now for the House to make a disposition. I urge Members to adopt the rule and to take up and pass H.R. 8480.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. LONG).

Mr. LONG of Louisiana. Mr. Chairman, as a member of the Committee on Rules and also as a sponsor of this legislation, I recommend its enactment. I further join with the gentleman from Missouri, the gentleman from Hawaii, and the gentleman from California in a commitment to pursue, aggressively, the matter of budget control legislation. Contrary to the view of my distinguished friend the gentleman from Missouri, I feel such legislation is an essential part of the entire package.

If we read the plain words of the Constitution, they certainly give Congress the power of appropriation. With it, I think, goes the responsibility for determining how public funds are to be spent.

Nobody can say that the words today have the same effect as they did in 1787 when they were written, or even as they had in 1967, before the present administration took control of the White House and undertook their widespread and, I think, unprecedented impoundment campaign.

There are many reasons why spending control has gravitated from Capitol Hill to the White House, but none is more immediate or direct than the impoundment practices of the President and his agents. Impoundments make a mockery of the separation-of-powers doctrine. They destroy the basis for an independent and effective legislative branch. Every impoundment is in defiance of a legislative act. Congress appropriates; the President withholds. Congress makes policy; the President negates it. Congress establishes a program; and the President terminates it. The common element of every impoundment is the challenge to the purpose and existence of the legislative branch.

For this reason it seems to me, Mr. Chairman, that the very first step in rebuilding the budget and appropriations process in the Congress must be to curb the unconstrained and growing use of impoundments, because only after Congress has taken its stand on this issue does it make sense for it to restructure its appropriations machinery.

Those who would challenge Congress to act responsibly in the spending of money must first recognize that responsibility cannot flourish where power is absent. Congress cannot be asked to take responsibility for the whole of Federal spending when it has a tenuous and uncertain voice in individual program decisions. It is pure myth to expect Congress to set the totals when it cannot control the parts.

The issue must be faced squarely by joining together in a single bill a congressional procedure for controlling unilateral impoundments with a congressional decision on total 1974 spending. The two features go together just like Mutt and Jeff, because only when impoundments have been brought under effective control is it feasible to establish a ceiling on spending.

Without impoundment legislation a limitation on total spending would invite more abuse and disregard of legislative intent.

Today this House can take a stand on two issues that, I believe, agitate the American people: First, a control on total spending and an end to far-reaching impoundments that have brought sudden death to essential services and essential programs. Let there be no doubt that the vote that we are taking is for both a control of spending and for control of executive discretion.

It is not an issue of Republican versus Democrat or Liberal versus Conservative. On these issues there can be no partisan division. I doubt that there is a single Member in this body who does not favor spending control, and I doubt that there is a single Member in this body who does not feel that the President has gone too far in his impoundment practices. A "yes" vote on this bill will accomplish, in my opinion, both of these objectives.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I take the well because I had been one of those who disagreed with the predecessor bill, the Mahon bill, because I thought it had certain constitutional problems that would ultimately result in a confrontation on the question of whether or not a concurrent resolution was vetoable. That reason has been removed from this bill.

I think that this is the best approach that is now being offered with respect to controlling impounding.

I must respectfully disagree with the distinguished gentleman from Michigan (Mr. CEDERBERG).

I feel that this bill is not designed to force the President to spend more money but rather to require the President, any President to faithfully execute the laws. That is the issue involved in this bill.

As a matter of fact, there are many ways that the President can spend less money and be in compliance with this bill.

I would like to say, though I agree in general with the gentleman from Louisiana, I do somewhat disagree with his contention concerning the impropriety of impoundment generally. I think that the wrong of impoundment is the argument that the right to impound stems from the power of the President, that it in some manner stems from the Constitution. It does not except possibly in the narrowest instances, and I cannot even think of an instance at the present time. It may be said, almost absolutely, that any right which exists to impound must stem from an implication of a congressional act, a law.

That, of course, is what this legislaton recognizes. In the report it is stated accurately that hundreds of bills come before Congress each year which contain seeds of impoundment and that some withholding of funds occurs as a result of the implications of those bills which are passed into law. This legislation very wisely does not reverse, does not turn loose funds impounded, automatically after 60 days, as the Senate bill does. It permits either House to look at the impoundment and determine whether or not it was within the original purpose of the bill as that House understands it, and then to take action if the impoundment is of that improper nature that the gentleman from Louisiana points out, and to take action to prevent that money from being impounded as for instance so as to destroy a desirable program, to undermine the purpose of the legislation. That is what this bill does.

It permits extensive withholding of expenditures by the President in hundreds of acts, which are passed during the course of a session. It only reserves the power in each body of Congress to say, "Mr. President, we intended that the program go forward, and you may not in the name of frugality destroy a desirable program."

In addition to that, title II of the bill sets out one category of withholding of funds by the President that we cannot in either body touch. Neither body can prevent him from impounding, so to speak, those funds which are held back proportionately, across the board except for those exempted funds, in order to keep under the ceiling of title II. This is not within the reach of either body's legislative veto.

It strikes me that this bill gives plenty of room for frugality, plenty of room for withholding the expenditure unnecessary of funds, but at the same time it accomplishes the major purpose of the legislation, that is to require that the President faithfully execute the laws of the land.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, during the 5-minute rule, I or the gentleman from Maryland (Mr. SARBANES) or the gentleman from Michigan (Mr. WILLIAM D. FORD) will probably offer an amendment to section 102 of the bill. Since this Congress first began formulating impoundment legislation I have steadfastly maintained that the best approach for congressional review of impoundments is for both Houses to approve the impoundment.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 376]

| | | |
|---|---|---|
| Annunzio | Gubser | Patman |
| Ashley | Gunter | Railsback |
| Badillo | Hanna | Reid |
| Buchanan | Hastings | Riegle |
| Burke, Calif. | Hawkins | Roe |
| Camp | Hébert | Runnels |
| Clark | Holifield | Shipley |
| Clay | Jarman | Sisk |
| Conyers | Johnson, Pa. | Skubitz |
| Devine | King | Staggers |
| Diggs | Kuykendall | Stuckey |
| Esch | Landgrebe | Teague, Tex. |
| Evins, Tenn. | McSpadden | Ullman |
| Fish | Melcher | Whitten |
| Fisher | Milford | Winn |
| Fraser | Mills, Ark. | Zion |
| Gray | Morgan | |

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8480, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 383 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Chair had recognized the gentleman from Texas (Mr. PICKLE) for 5 minutes.

Mr. PICKLE. Mr. Chairman, when the quorum call was ordered I had just started on a statement in which I had advised the House that when the 5-minute rule would come I intended to offer an amendment, or else it would be offered by Mr. SARBANES or Mr. WILLIAM D. FORD of Michigan, and would be an amendment to section 102 of the bill.

Mr. Chairman, since this Congress first began formulating impoundment legislation, I have steadfastly maintained that the best approach for congressional review of impoundments is for both Houses to approve the impoundment.

The bill as it presently stands would negate an impoundment if one House disapproved the impoundment.

I have serious questions about the rightness of this approach.

I think we are going to have serious constitutional problems with the approach outlined in the committee bill.

Let us look closely at what is involved legislatively with anti-impoundment procedures.

The Congress appropriates moneys. The President signs the appropriations into law—he makes it the law of the land.

Then the Executive impounds the money. In short, the Executive nullifies a law or part of a law.

To say that the Congress, by doing nothing, allows a law to be nullified by executive fiat is a gross abdication of congressional authority. It is to allow the Executive—not the Congress—to make the law.

On the other hand, to have the Congress approve an impoundment is to do no more than to ask the Congress to pass a modified appropriations bill.

Again, I say that the Constitution clearly states that the power over appropriations shall lie with the Congress. The only way an appropriation passed into law should be changed is by a further congressional action.

That would be the only legal way to change an appropriation.

Modifying an appropriation can be done legally through the Antideficiency Act, a law set by the Congress. Changing an appropriation by congressional approval of an impoundment would afford us another, legal tool in this field.

I know many will say there is no constitutional question involved in impoundment because the method used in the committee bill is like that used in the Reorganization Act.

But the Reorganization Act is not like the procedure involved in impoundment. A reorganization is a proposal. That is all—a proposal. It is not like an appropriation.

Impoundment, however, concerns withholding funds which have been appropriated by law. Changing them requires changing the law, which ought only be done by the Congress.

Mr. Chairman, many impoundment bills have been introduced. The committee has worked with these various bills, and the final draft proposed by the committee has mainly changed technical procedural differences between the earlier versions. There has, of course, been added a budget ceiling, which I prsonally feel is a good addition.

But, Mr. Chairman, one part of the impoundment represents the heart of the matter; and the heart of the matter is, "How does the Congress approve or disapprove an impoundment?"

The answer to this question is not alone procedural, nor does it represent a technical question. Congress should exercise its full constitutional obligations in this matter. The only way to do this is to require affirmative action by both Houses of Congress before an impoundment can stand.

I will not take the time of the House repeating the various statements many of us have made on the impoundment question.

I only say that the power of the Congress is the power of the purse.

The ebbing of the power of the legislative branch has all too often in history marked the path toward one-man or bureaucratic-run government. This is the antithesis of democracy. This is really what we are talking about here today.

The Congress must maintain its constitutional power over the purse.

To say that the nullification of a law through impoundment is a correct procedure unless the Congress specifically says no, is giving up too much of our crucial legislative authority to the Executive.

On the other hand, to say that the whole Congress must specifically ratify an impoundment is merely to follow the basic legislative principle that the Congress has final say over spending.

It is to say that the Congress shall maintain full control of one of its main powers.

It is to say that the Congress shall be an equal branch of this Government.

Nothing else will suffice if this Government is to remain a Republic ruled by law.

By way of summary, Mr. Chairman, I say the amendment we will offer is to say that before there can be an impoundment there must be affirmative approval by both Houses of the Congress. This avoids all the constitutional problems, and it seems to me that it puts it on a clear and fundamental basis. It does acknowledge that there is no right for impoundment. It goes to the heart of the matter, and says there can be impoundment if both Houses will grant it.

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

Mr. PICKLE. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I think the gentleman from Texas (Mr. PICKLE) has made a very powerful argument in support of a course of action which is necessary in the constitutional crisis we now face. I intend to support the amendment when we get to the 5-minute rule. It seems to me that the best way to reestablish congressional power over the purse strings is to insist that Presidential impoundment of funds appropriated can only be legalized if given affirmative approval by the Congress.

Mr. PICKLE. I thank the gentleman from West Virginia very much.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, it is long past time for Congress to give serious consideration to the issue of impoundment of funds. We have neglected this responsibility in the past, in my opinion, because there has been great political affinity between the Congress and the President. Congress has not been eager to challenge excesses in the exercise of executive authority when it would involve an embarrassing confrontation with the majority's political leader or an obviously popular President of the opposing party. No such restraints exist at the present time. The majority in this Congress is hardly able to control its enthusiasm for provoking a challenge to the authority of Richard Nixon in the context of the impoundment controversy, or any other handy issue appropriate for that purpose.

The legislation on the floor today is one of the few beneficial byproducts of this burning animosity for Richard Nixon which the majority makes no effort to conceal. The basic impoundment issue needs to be confronted and if it takes a Richard Nixon in the White House and a Democratic majority in Congress to force the issue to the fore, so be it. It is unfortunate, however, that such an important question must arise in a partisan political setting. Regrettably, the pending legislation reflects the current, ugly political mood which pervades this city.

The central question is whether the President possesses the authority to withhold the spending of funds previously appropriated by Congress. If such authority exists, it must be found in the Constitution, the statutes enacted by Congress, or, as some have contended the inherent authority of the President to act in the public's economic interest. The question should be analyzed in terms of these asserted foundations for executive impoundment authority.

In these remarks, I do not intend to deal with each of these propositions with the degree of scholarship that the subject matter properly demands. Time allows only a few pointed observations with respect to each.

Let me deal first with the easy issues.

The proposition that the President possesses inherent authority to impound funds is without merit. Our system confers inherent power on no official, institution, or agency of government. Inherent power is reserved solely to the people. The people have delegated portions of their total authority to various units of government with the understanding that the delegatee must have reasonable flexibility to do that which is necessary and proper to exercise the authority delegated. But all else the people have reserved unto themselves.

To recognize the doctrine of inherent Presidential authority, beyond that which has been delegated or as is necessary and proper to exercise authority expressly conferred, is to recognize virtual limitless power in the President. Such a doctrine may be appropriate in a monarchy, but it is wholly inconsistent with our constitutional Republic.

I turn now to the question of the statutory authority of the President to impound funds. It is not necessary to dwell at length on this question, since if such authority exists under antideficiency or other laws, such authority is surely subject to repeal or modification by Congress. The present legislation if enacted into law would supersede any existing statutory authority of the President in this field. The crux of the matter, therefore, is whether the proposed statutory scheme is wise. I intend to consider this matter after first disposing of the remaining contention that the Constitution itself confers impoundment authority on the President, any statute to the contrary notwithstanding.

The constitutional authority of the President is to be found primarily in article II of that document. It is an "executive power" and can be summarized by the command that he shall "faithfully execute the office of President." It is the "office" of the President to "recommend to their [Congress] consideration such measures as he shall judge necessary and expedient," and to execute the laws passed in accordance with the constitutional procedure. Nowhere can lawmaking authority be found or fairly inferred as being vested under the Constitution in the President. Although impoundment is essentially a negative act, it is indistinguishable for purposes of analysis from a repeal pro tanto of an act of Congress. Repealers are as much a part of the exclusive domain of lawmakers as any other legislative act.

Although I should like to develop this question in greater detail, I cannot find from any review of the Constitution or its history that the President possesses constitutional authority to impound funds previously enacted by Congress, without its consent.

Perhaps it is necessary to respond to an argument made frequently today. There is historical precedent, it is said, for Presidential impoundment of funds. This is, of course, true. But the precedents should be accorded little weight unless these prior acts were supportable under the law. I am willing to concede that Presidents have acted in the past under some statutory authority, at least as they have generously construed that authority. But we are discussing a new law. If enacted, no President hereafter would be able to rely upon the uncertain statutory authority of the past to justify a future impoundment.

In summary, Mr. Chairman, if impoundments are an occasional necessity if the President is to manage the programs which Congress has committed to his execution, that authority must be granted by statute. Present statutory authority is uncertain at best. We should legislate clearly and concisely in this field and we should do so now.

The question thus before us is whether in the pending legislation, we would act wisely and well. I regret that, in the present form the bill takes, the answer is "No."

Title II of the bill imposes a spending ceiling of $267.1 billion. The difficulty is that Congress seeks to restrain the President by this ceiling, when it is the Congress, not the President, which authorizes the spending in the first place. The reason for this misplaced restraint is simple politics which, as I have said, unfortunately pervades this legislation. Title II is a political gimmick by which Congress seeks to force the President to make the cuts which Congress is obviously unwilling to make on its own.

Those who have argued persuasively that spending is a prerogative of the Congress have fatally flawed their logic by authorizing a system of Presidential impoundments in title II.

Quite apart from the logical inconsistency of this position, title II authorizes impoundments in an irresponsible manner. Pro rata reduction of spending makes no sense at all. Impoundments can be justified only on a highly selective basis where a change of circumstances requires a current reappraisal of the assumptions upon which legislation was originally enacted.

There is a need for impoundment legis-

lation. I want to support a responsible bill, but H.R. 8480 is wide of the mark.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Chairman, I thank the gentleman for yielding. I rise to associate myself with the remarks of the distinguished gentleman from Michigan (Mr. CEDERBERG).

Mr. Chairman, we have before us today an impoundment control proposal which violates my concept of the intent of the Constitution of the United States. It defies a concept which I have nurtured since my first thread of understanding of our system of government—and my first elementary school class.

I am speaking of a basic premise of the Constitution—that the responsibilities and authorities of the executive and legislative branches of our Government should be independent and that neither should be subservient to the other.

It has always been my humble opinion that it is the responsibility of the Congress to appropriate funds for the operation of the Government and the corresponding responsibility of the executive branch to administer the spending of those funds.

This legislation, H.R. 8480, seems to assume that Congress has the authority to undo, by statute, a provision of the Constitution, and for that reason I find it incredible that it is on the floor of this House awaiting our up or down vote.

If this division of responsibilities were not abundantly clear from the language of the Constitution—and I believe that it is—then how can one dispute the actual procedures and guidelines charted by the framers of the Constitution beginning with the First Congress?

The first President to assume responsibility for the spending of the funds appropriated by the Congress was George Washington. In 1803, Thomas Jefferson impounded an appropriation for gunboats. The practice we have called impoundment in recent years has always been with us, and has always been an important, integral part of our governmental process.

In the business world, it might be called budget management.

In the Federal Government, the Congress sets the budgetary guidelines—it sets the maximum amount that can be spent—and the Executive assumes the role of manager of that budget.

If there are occasions when circumstances change after funds are appropriated by the Congress, or if by some rare chance there is reason to believe that Congress has been overzealous in its appropriations process, or overly optimistic in its assessment of the tax revenues—it has been the traditional and constitutional role of the executive branch to take such considerations into account.

Any move by the Congress to deny or to subvert this very necessary part of our system of checks and balances is, in my judgment, alien to the principles of government upon which this country was founded.

Along with this basic confrontation with the Constitution, the bill before us would be at odds with my concept of our system of checks and balances.

It would force the end to any Presidential impoundment should either House—the Senate or the House of Representatives disapprove of the withholding of funds.

This, in my estimation, is an undesirable precedent to establish—and an extremely dangerous one.

There are serious potential difficulties with the logistics of the proposed budget cuts. The section of the bill which cuts the budget ceiling by a billion dollars is admirable—and I find that to be one of the few provisions of this legislation which has real merit.

However, the pro rata provisions—requiring across the board cuts when impoundments are made—would surely lead us into a new kind of poker game right here in the Congress, and in every Department of Government.

Every voice asking for moneys would automatically up their demand—playing for a position that would allow them to withstand projected cutbacks.

The pro rata provision completely ignores the need to inject judgment and commonsense into budget management. For while a specific cut in the defense budget—perhaps the elimination of a particular project—might be highly desirable, such a cut would generate a need to make pro rata slashes in other fundings.

Mr. Chairman, I submit that this provision would infect the appropriations process with an epidemic of absurdity. It taxes my imagination to try to visualize the mess we would find ourselves in.

The only positive aspect of this legislation which I can find is the proposed reduction in the budgetary ceiling by some $1 billion.

And this point, I would say, graphically outlines the real question and the real need which brought us to this showdown over Presidential impoundments.

That need is for the Congress to get control of its own process—and its own responsibilities.

Mr. Chairman, I am convinced that the President is within his constitutional realm in managing the spending of funds to stay within the current $268 billion budget. The fact that Congress now suddenly is called upon to vote upon a $267 billion ceiling by those who made the impoundments necessary—those who oppose the President cutting any funds to stay within a $268 billion ceiling—tells me that Congress has some responsibilities of its own which are going unattended.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I do not propose to have miraculous remedies for the problem, but I just want to make some observations. I remember years ago there was a very famous radio program, Major Bowes, and it employed an applause meter to determine which of the performers was entitled to the No. 1 prize. When I watch the political manipulation occurring in our country, I begin to draw the conclusion that many times "applause meter" politics is being played. We talk about the Congress appropriating; we talk about the Congress authorizing; but when funds are impounded, Congress screams.

I want to note that the greatest contributor to inflation in our country has been the Congress of the United States of America. Later on, I want to call the Members' attention to some very, very famous speeches that were made on this floor last session, not by Republicans but by Democrats. I say that in a complimentary way.

It so happens that I have a very deep concern about the welfare of my country. My parents were immigrants. They were poor. Yet this great Nation has since given me the opportunity of being in this body. Many times we country boys who come to town here stand back and do not say much, and we listen to the pros talk.

Frankly, I just want to reemphasize what I said: The Congress of the United States is responsible for the inflationary trend more than any other segment of our society.

May I refer to the gentleman from Arkansas (Mr. MILLS). Last session he stood by his desk and made one of the most courageous speeches I have heard in a long time, wherein he pleaded for a ceiling on spending. He pointed out that the Congress of the United States has not met its responsibility. It has shown no restraint, and we have to do something about it. He pleaded for a ceiling on spending and he is a Democrat.

The next speaker was the gentleman from Mississippi (Mr. COLMER) chairman of the Committee on Rules—a Democrat—who said we are at the financial crossroads.

The next speaker was the gentleman from Texas (Mr. MAHON) a Democrat, who said we have got to find a better way to avoid financial disaster.

But the Congress goes on appropriating money, authorizing more money all the time, without any regard to the total budget, and without regard to the total stability of the fiscal policy of the United States.

Now we see our dollar in disrepair in the world money market. The United States of America no longer stands out as that strong country with a strong fiscal policy, the great leader. It is because we in the Congress do not have the guts to say:

> We think your idea is a good one, but this is all we can afford this year, and we will move next year toward your objective.

I see in the Separate Views regarding this measure a statement by the gentleman from Illinois (Mr. ANDERSON). He says, and I quote:

> We could easily obviate the need for impoundments if we were willing to overhaul our congressional budgetary machinery and install an effective mechanism for controlling our spending activities.

Mr. Chairman, those of us who live out on the farm, who went through a depression, did not buy all of our machinery in 1 year. We bought it piece by piece as we could afford it. We did not

mortgage our farm and lose it. We hung on and carefully proceeded toward our objective.

As I view our congressional activities, I believe we search for the applause meter approach too often and fail to recognize that if the country is to survive, a strong fiscal policy is a part of the foundation that must be preserved. I think we in the Congress of the United States many times fail to recognize that. I hope we find a better way to take a look at the total budget, to take a look at our total income, and then try to tailor our spending so that it meets our income. We must keep our country fiscally strong, keep it stable, because that is the foundation on which America is built.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, I support this legislation.

Mr. Chairman, H.R. 8480 would prescribe further guidelines on the uses of impoundment by the President. It would be a logical extension of the impoundment legislation enacted in 1905 and 1950—the Antideficiency Acts—and of the unwritten but acknowledged use of impoundment by Presidents to promote efficient management.

This is not a bill aimed at preventing economy in government. In fact title II does quite the opposite: it requires the President to stay within a spending ceiling for 1974 or to impound to meet that ceiling.

In similar fashion, title I does not prevent the President from making reasonable withholdings of funds if he can get a job done for less than Congress has appropriated. All of us in Congress expect prudent and economical management from the executive branch.

But what we do not want is the usurpation of authority that impoundment has come to represent in these past few years. President Nixon has converted what was essentially a financial management tool into a major instrument of policy revision.

He extended impoundment beyond its accepted purposes and employed it to reduce Federal programs or in some cases to abolish them altogether. He severely curtailed the highway program and the water pollution control program—both multibillion-dollar programs—and he tried to do away with the Office of Economic Opportunity altogether.

The President said, in many of these instances, that he was acting to stem inflation. In other cases, he said he was weeding out programs which had outlived their usefulness and should be abolished.

In some of these instances, the President may be right. But he does not have the authority to act, as he has, without congressional approval. He does not have power to change national policy, enacted by the Congress and signed into law by the President. He cannot arbitrarily decree that a long-established program shall be terminated, or that a new one mandated by Congress shall not come into existence. Neither inflation nor an outdated program gives the President the right to act unilaterally without the consent of Congress.

H.R. 8480 would establish a check-and-balance system governing all future impoundments. The bill would give the President a means of ascertaining the will of Congress on a given impoundment.

If, for example, he can show that funds for highways or sewage plants should be deferred because of inflation or other reasons, the Congress could give its assent. If he felt that a particular program should be terminated, he could obtain the approval or disapproval of the Congress.

This bill does not in any way prohibit the President from achieving economies or proposing such changes in programs as he thinks necessary. But it does reaffirm the responsibility of Congress to concur or to disapprove of his actions, and it provides for an orderly procedure for such consideration by the Congress.

THE COURTS

During the past year or more, the courts have been almost unanimous in ruling against the administration on impoundment lawsuits brought by State or local jurisdictions whose funds were withheld. Some persons have said that the court rulings are a vindication of the position of Congress.

Although I am heartened by such rulings, I do not feel that they deal adequately with the problem of impoundment, particularly as a constitutional question. In all instances, the courts have ruled on the narrow grounds of the instant case and have made no attempt to determine the constitutionality of the President's impoundment action. The cases were decided simply on the basis of language in the legislation expressing an unequivocal congressional mandate that certain amounts be spent for certain purposes.

Quite simply, future impoundment litigation will be decided—as it should be—on congressional intention. Obviously, neither a Federal court nor any other body is as well qualified to determine the intentions and priorities of the Congress as the Congress itself. H.R. 8480, in effect, would vest in the Congress the final determination of its own intentions and its own priorities in cases where actions by the Executive place them in doubt.

In addition, enactment of this law would obviate the need for piecemeal judicial actions, which usually involve excessive expenditures of time and money and the unnecessary risk that intended Federal benefits will be lost or unevenly distributed.

And finally, Congress should not let the courts act for it; Congress should act affirmatively on a great constitutional issue that affects Congress as an institution.

The Senate counterpart bill—S. 373, sponsored by Senator ERVIN—passed the other body on May 10. Our own bill has been in the hearing and incubation stages for several months. It is our turn to act.

Mr. ANNUNZIO. Mr. Chairman, I stand in support of H.R. 8480. It is time for this body to take steps to restore the legislative branch to its historic and constitutional role. It is time to restore the division of powers between the executive and legislative branches to the form and delicate balance that the architects of this Government constructed.

The practice of impounding funds, so prevalent in the present administration, corrupts the Constitution, distorts the intention of its framers, and in so doing denies the prerogatives and responsibilities of this Congress.

Impounding corrupts the basic constitutional principles of checks and balances and separation of powers. It distorts the intention of the framers to give Congress the power—the sole power—to appropriate money, a power considered essential to representative government. James Madison argued in Federalist 58:

> This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

The Constitution nowhere provides for an item veto, yet the selective impounding of funds provides the President with just such an instrument of power. The Constitution charges the President with the responsibility of "faithfully" executing the laws, but by impounding funds authorized and appropriated by law, the President denies the law, with no opportunity for Congress to override his action.

It is our responsibility to reestablish the separation of powers. It is our responsibility to reassert congressional control of the Federal purse. We cannot delay any longer. We must act now.

I believe that the legislation before us today is the appropriate vehicle to begin to reestablish the separation of powers and reassert congressional control of the purse.

Title I of this bill specifics impoundment control procedures. It requires the President to notify Congress when he or his agents impound funds which have been duly authorized and appropriated by Congress. The President must explain his actions to the Congress by means of a special message and then the Congress may judge if his actions are appropriate and in the best interest of the Nation.

The President will no longer be permitted to circumvent the will of Congress. He will not be permitted to eliminate programs authorized and funded by Congress if either House, within 60 days of receiving an impoundment message, passes a simple resolution disapproving it.

In short, this bill helps to reestablish the rights and responsibilities of the Congress to control Federal spending. The decision as to how to allocate our Federal funds cannot be delegated to the will and caprice of executive officials.

I support this bill for a second reason. If the Congress is willing to reassert itself in gaining control of Federal spending, we must also make a concerted effort to reduce and eliminate waste and duplication in Federal spending. We must

carefully and fully review existing programs, examine plans for new programs, and set priorities for spending. Title II of this bill provides for a ceiling on fiscal 1974 expenditures. I believe that such a provision is a proper step to adopt if the Congress is to meet its obligations and responsibilities to the Nation.

Mr. PODELL. Mr. Chairman, the United States is in the midst of a constitutional crisis. During the last two decades, the executive branch has encroached upon powers rightfully belonging to the other branches of Government. It is the obligation of Congress to reassert its constitutionally designated role. H.R. 8480, the "anti-impoundment" bill, can be one more step in the process of legislative revitalization.

The will of Congress has repeatedly and unconstitutionally been thwarted by the executive branch. Programs and projects which have gained the support of a socially conscious Congress, have been castrated by an unyielding Executive. Billions of dollars in lawfully appropriated money have stagnated in the limbo of impoundment.

There is nothing in the Constitution to justify Presidential impoundment of funds. Whether or not he agrees with the legislative intent, the Executive's primary obligation is to enforce the laws of the land. The framers of our Constitution had too much experience with tyrants to allow one man to choose which laws to enforce and which laws to ignore.

At this point, I feel it is important to relate a brief story which clearly portrays our present state of legislative impotence.

For several years, the Coney Island-Bensonhurst area in my congressional district has been plagued by inadequate sewage treatment facilities. Old and rotting equipment has led to the pollution of a small body of water, the Coney Island Creek, which borders on many crowded residential communities. Consequently, the area has developed a serious health hazard and poses a threat to the safety of my constituents.

I was quickly informed of this problem by the residents of the Coney Island-Bensonhurst area. Both the New York City Environmental Protection Agency and the New York State Department of Environmental Conservation agreed that upgrading of the existing sewage facilities was absolutely necessary for the health and well-being of the community. Particularly, the "Owl's Head" treatment plant was a constant polluter of the creek area. The project was given priority status for incoming Federal funds, and I promised my constituents that I would do everything in my power to increase anticipated appropriations.

Last year, after many months of hard work by both myself and my colleagues in the House and Senate, the amount of money appropriated for sewage treatment was significantly increased. Although the President did veto this legislation, the Congress exercised its constitutionally granted power to override. I was confident that there would soon be enough available funds to finance the Coney Island project, and I happily relayed the news to my constituents.

Then, to my utter shock, President Nixon unconstitutionally impounded $6 billion of the lawfully appropriated money. One hundred and thirty-two million of this amount was slated for New York City. I have just recently received word from the New York State Department of Environmental Conservation that the impoundment will make it impossible for several deserving Brooklyn projects to be funded. One of these projects is the "Owl's Head" plant in the Coney Island area.

What shall I tell my constituents? That the legislative process has failed them? That they will just have to suffer under intolerable conditions because the President of the United States refuses to carry out the will of Congress? What can I tell them?

Earlier this session, I introduced a bill which would have forced the President to submit all proposed impoundments for congressional approval. The bill before us today is slightly weaker in its procedural structure and I would prefer the enactment of my original legislation. However, it is imperative that the Congress act now. Inaction will be tantamount to acquiescence. The American people are demanding a return to congressional equality and my constituents are demanding an answer. I know my colleagues will join me in support of this important legislation.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the Mahon-Madden impoundment resolution. I do so with some ambivalence, because I am among the large numbers of Members of Congress who have suffered the frustration of seeing impoundments made in areas where I felt spending was absolutely necessary.

The impoundment procedures exercised currently, and by Presidents of recent memory, seem to me to be damaging to my concept of local determination by local governments. Now, certain impoundments represent substantial program cuts or complete program terminations. In this situation, local governments cannot carry out their plans which usually are dependent on State and Federal funds to match their own local levies. The same is true with certain State functions. In many cases impoundment has caused a great lack of incentive to local governments to supply local services, because those governments get discouraged when others of their programs have been frustrated.

Nevertheless, I feel impoundment is a vital power of the executive branch, especially in the last several decades of our country's history, as Congress has too often succumbed to the irresistible urge to tax the people of this country beyond their willingness.

I believe that impoundment powers should be defined by law. I believe that impoundment powers should be limited by law. But, although I consider the Mahon version far superior to the "Nelly bar the door" Ervin version, I do not believe that either recognizes the need for the Executive to exercise control of spending in a complex and swiftly changing economic environment.

My choice for a responsible policy on impoundment is set forth in a bill I have introduced today using the Mahon bill as a base. Specifically, it makes the following changes in the Mahon bill:

First, in section 102 the disapproval by either House of Congress is changed to require disapproval by the Congress by concurrent resolution.

Second, section 4, which establishes a set of rules for handling disapproval by resolution is no longer needed because both Houses have rules to handle concurrent resolutions. It is deleted.

Third, section 106, the general authority for the Comptroller General to sue the Executive is deleted because under the new section 107, resolutions disapproving impoundments would be infrequent and could be accompanied by a grant of powers to an appropriate agency to sue if necessary.

Fourth, title II, a ceiling on fiscal year expenditures, is deleted because section 107 is intended to provide sufficient safeguards and incentive for fiscal 1974 and other years as well.

Fifth, the most significant change is the addition of section 107 which provides that there shall be no impoundment of funds which have the effect of reducing the total spending available for a specific program or activities by more than 15 percent and provides that total impoundment shall not exceed 5 percent of the Federal budget. The 15-percent reduction is based on the budget accounts listed in the budget of the U.S. Government for the fiscal year involved or, if larger, as authorized and appropriated or otherwise made available by the Congress.

The effectiveness of this proposal, like the effectiveness of either the Mahon or Ervin proposals is really dependent on the approval by the Congress of a responsible budgeting procedure such as that recommended by the Ullman-Whitten Committee, which is now pending in the Rules Committee of this House. All these proposals are further dependent on a reorganization of the authorizing committees which establishes clearer lines of responsibilites and eliminates competition, duplication and overlap. Absent these determinations by the Congress, the establishment of an impoundment procedure of any kind is likely to work to the detriment of the people, since the Congress would be giving up what recent history has shown would be the only effective check on its enthusiasm for spending beyond the country's means.

Where I believe my proposal is superior to the one pending before this House is that is would cause fewer confrontations between the Executive and the legislative branches because of the stipulated allowance for impoundments. The Congress would have a guarantee that no program could be either eliminated or gutted. On the other hand, impoundments would be more likely to be sustained because the Congress would have to go through the more difficult procedure of passing a concurrent resolution to override an impoundment.

My proposal has, therefore, a strong basis that impoundments are often necessary, particularly in our large and changing highly-complex economy.

The trade off here is to make a congressional override of an impoundment more difficult, but at the same time to guarantee that impoundments will be limited and cannot eliminate any particular program.

As in any proposal, there are dangers in mine. This proposal does not deal effectively with the problem of a Senate filibuster. The obvious reason for this is that the Senate has its own rules for handling concurrent resolutions in which I am reluctant to meddle. On the other hand, I would not object to others inserting language which could guarantee a prompt response by the other body.

A more serious risk in this proposal is that there is not enough incentive for Congress to accept its own responsibility for fiscal responsibility and priority setting. Under my proposal an irresponsible Congress could well overappropriate knowing that the President's ability to impound has been limited to an overall 5 percent. Some of this risk is reduced by the normal process of veto, which can be sustained by only one-third of either House.

Generally, my proposal seeks to balance the role of the legislative and the executive branches. It assumes that impoundment is a useful executive tool but allows for an override system using the traditional processes of the Congress. In my judgment, it is a far more sensible approach than the Ervin bill which is wholly unacceptable and the Mahon bill which makes impoundment overrides far too easy, especially in the other body which is wont to accept the persuasions of anyone of its Members on any fiscal question.

I urge the House to consider this proposal, because I sincerely believe that it is a superior approach to the issue of impoundment.

Mr. BADILLO. Mr. Chairman, H.R. 8480, the impoundment control and expenditure ceiling legislation, is a proper and necessary response to an unprecedented campaign by the Nixon administration to override the will of Congress in establishing national priorities through the legislative and appropriations processes. It has come about because this administration set itself up as the sole judge of how Federal funds were to be spent and which already enacted programs would be allowed to function.

Unlike the temporary and limited impoundments undertaken by previous administrations, which largely took the form of funding deferrals, the Nixon administration's policy has been massive and permanent impoundments—item vetoes of congressional appropriations—and largely among urgent domestic programs aimed at meeting human needs.

The administration's impoundment estimates total $8.7 billion—a frightening figure under any circumstances. A more accurate estimate, however, was prepared by the Library of Congress, which found that, in addition to the impoundments acknowledged by the administration, there was an additional $9 billion impounded, including:

The sum of $6 billion in Environmental Protection Agency contract authority for water sewage treatment facilities; $382 million in rescissions in fiscal 1973 appropriations—proposed in the fiscal 1974 budget—including $283 million in manpower training funds; $1.9 billion in Labor/HEW funds appropriated by continuing resolution but unspent because of the President's decision to hold spending by those departments $1.9 billion below the amount provided by Congress in the vetoed fiscal 1973 appropriation; $1 billion held up by administrative actions such as the recently declared illegal moratorium on subsidized housing, manpower enrollments, cutoff in FHA emergency loans, and changes in social service regulations.

These impoundments have affected the entire Nation, but aimed as they were at social programs based on human needs, they have had the most devastating impact in the central cities. Unless H.R. 8480 is enacted without crippling amendments, the urban fiscal crisis will be worsened to an inhuman extent.

In my own city of New York, the dimensions of the administration's impoundment policies are mind-boggling. Members of the New York City congressional delegation received this week a breakdown of the impoundment impact in the current fiscal year by program area. As a dramatic illustration of how the Nixon administration's arrogance is affecting the Nation's largest city, I present herewith that memorandum:

PROGRAM AREA AND ANTICIPATED LOSS IN FISCAL YEAR 1974 TO NEW YORK CITY IN MILLIONS OF DOLLARS

EDUCATION

Title I (Aid to the Disadvantaged). HEW desires to impose the "hold-harmless" concept to 73–74 funding of Title I programs. Instead of receiving $310 million, the State of New York will receive $255 million. The City receives 62% of all Title I funds. The potential loss to the City is: $34.0.

Higher Education program losses due to Administration plans to reduce institutional aid, are at least: $3.0.

Milk subsidy payments to the Board of Education have been cut by: $1.4.

HEALTH

Training and Research (Health Manpower and Research Grants) Assistance cut-backs: $35.0.

Personal Health Services (Neighborhood Health Centers) Cut-backs: $2.0.

LABOR

Summer Youth Program (Difference between 7/10/73 release of $12.1 million to the City, and the Summer 1972 funding level of $21.0 million: $8.9.

Labor Department Contract Reimbursements covering 1972–73 Concentrated Employment Program, Job Corps, On the Job Training, and New Careers Program: $7.9.

Emergency Employment Act PEP funds not allocated in 1973–74 because the Administration did not request extension of the program: $28.0.

HOUSING

Open Space Grant program; funds are frozen: $2.4.

Basic Water and Sewer Grant program; funds are frozen: $6.3.

Lack of subsidy under the 236 Subsidized Housing Program for over 7,700 units, that are under construction or could be started by the end of the fiscal year, and the total value of which would be about $308 million. Funds are frozen: $15.5.

PUBLIC HOUSING

Loss of subsidy for the Public Housing Program for 14,000 units that would be available for HUD assistance during 1973–74, and the total value of which would be about $525 million. Funds are frozen: $31.6.

Modernization subsidy; funds are frozen: $10.0.

SOCIAL SERVICES PROGRAM

Day care programs: Due to the federal ceiling on social service expenditures, a significant change takes place in the funding formula for expansion of the City's day care program. Instead of a sharing formula in which the Federal Government assumes 75% and the State and City the remainder, now it is a 50/50 split between the Federal Government and the State and City Governments. Based on an estimated 73–74 day care budget of $124.1 million, the loss of federal funding based on the change of formulas amounts to: $31.0.

Senior Citizen Centers: The City desires to expand its senior citizen centers to 163 by 7/1/74. Because of the ceiling and the formula changes, the City will probably not receive its minimum need of: $3.0.

Other social services program (e.g., homemakers, family planning, adoption, youth services, DSS staff) cut-backs due to the formula changes: $26.0.

OEO/CAP would be dismantled under the Administration's Budget. The amount the City's Community Development Corporations would need to continue their current level of operation is: $20.0.

RECREATION

Outdoor Recreation grant program; funds are cut back: $4.2.

WATER POLLUTION CONTROL

Potential loss under the November 1972 decision by the U.S. EPA to not release full state allotments mandated by the 1972 Amendments (City's successful law suit is still being appealed by the U.S. Government.): $132.5.

Total, $402.7 million.

Mr. PRICE of Illinois. Mr. Chairman, we are considering legislation which will go far toward restoring to Congress its constitutional power of the purse. Presidential impoundment has been abused to the point where it seriously contravenes the intent of the representatives of the American people. When the Congress says, "We want to spend this amount of money to solve this problem," and the President can arbitrarily say, without using an overridable veto, "I am not going to spend the money; I am going to let the problem go unsolved," the power of the Congress to make law is seriously encumbered, and as a result the right of the people to representation in this Government is seriously curtailed.

Impoundment is without a doubt uncountenanced by the Constitution. The President's own Supreme Court appointee, Justice William Rehnquist, possibly the most scholarly and conservative constitutionalist on the Court, said in 1969:

With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.

Lower Federal court judges are apparently in agreement with this interpretation. As of June 10 of this year Federal courts had rejected impoundment in eight of nine cases. Just yesterday Federal District Judge Charles R. Richey ordered the administration to reinstate federally subsidized housing programs which it stopped funding last January. Judge Richey deemed the impoundment unconstitutional and said:

> It is not within the discretion of the executive to refuse to execute laws passed by Congress, but with which the executive presently disagrees.

Judges of every judicial philosophy have rendered these decisions against the administration actions.

There are several grave constitutional objections to impoundment. First, it seriously violates the separation of powers between the executive and legislative branches of this Government. The Constitution provides that the power of Congress to raise and spend money is subject to no check but a veto which can in turn be overridden by the Congress. An impoundment action, which cannot be overriden, is of course not a constitutional veto. It seems only consistent that an administration which regards separation of powers as so sacred in other areas would be more sensitive to the same issue when it comes to impoundment.

Section 3 of article II of the Constitution entrusts the President with the faithful execution of the laws enacted by Congress. Failure to spend money which Congress has appropriated and earmarked for a particular program is not consistent with that mandate.

The most constitutionally disturbing aspect of impoundment is that it places in the hand of the President an absolute veto of legislation. The Constitution is emphatic that a law be subject to passage over the President's veto. In Federalist No. 69 Hamilton wrote eloquently on the "qualified negative" of the President, saying that the proposed Constitution insured a system where the Chief Executive, unlike the King of England, could not absolutely reject the will of the representatives of the people. Impoundment often amounts to an absolute negative, a conscious effort to halt programs which the President is unable to halt through traditional legislative means.

It should be noted that H.R. 8480 includes a 1974 expenditure ceiling. Sound expenditure control deserves support and congressional machinery for dealing with the issue should be implemented. It is the constitutional considerations, hower, which finally dictate that H.R. 8480 must be passed.

This bill includes most of the features essential to ending abuse of impoundment. The bill requires that all impoundments be promptly reported to both Houses of Congress. It applies not only to the President, but also to the Director of the Office of Management and Budget, the head of any department or agency, or any officer or employee of the United States. It provides for appropriate court action to secure compliance with the will of Congress.

The crucial issue, however, is and will ultimately be the operation of the control mechanism itself. Should an impoundment be dealt with negatively, that is, allowing it to continue unless Congress expressly rejects it within a stated time? Or should the mechanism be affirmative, that is, having the impoundment cease automatically unless Congress expressly approves of it within a stated time? H.R. 8480 embodies the former, negative mechanism.

Certainly the negative mechanism will provide us with an adequate means by which impoundments can be ended, and for this reason H.R. 8480 deserves enthusiastic support.

It should be noted, however, that a Senate bill, S. 373, embodies the affirmative mechanism where by an impoundment would cease in the absence of congressional approval of it. The basic difference between these two mechanisms lies in the placement of the burden of action. In H.R. 8480 the burden is on the Congress to cease an impoundment, while in S. 373 the burden is on the administration to have it approved. The question, then, is where the burden should be placed in order that impoundment control have the greatest restorative effect upon the separation of powers. The fact that it is the Congress which seeks to reassert its legislative powers may suggest that the burden should lie with the executive branch. If the executive has indeed usurped the legislative prerogative, to place the burden on the Congress may be rather unwarranted restraint. Because implicit in the negative approach of H.R. 8480 is a recognition of the President's right to impound funds.

Further, under H.R. 8480 the President could veto the anti-impoundment resolution itself. Thus, in a certain situation where the President had vetoed both authorization and appropriations bill and both vetoes had been overridden, and he had then vetoed an H.R. 8480 impoundment resolution, the Congress would have to vote on the legislation a sixth time before it finally became effective. If the burden were placed on the executive to have an impoundment approved, this could not happen.

There are some problems with the S. 373 affirmative mechanism. Many trivial, routine impoundments would have to be approved by the Congress and might disrupt the normal legislative process. S. 373 attempts to solve this problem by having the Comptroller General decide whether any impoundment is authorized by the Anti-Deficiency Act. If it is, no congressional action needed be taken to approve of it. This does, of course, mean delegation of congressional power to review Presidential impoundments. However, this delegation seems no less desirable than that of H.R. 8480, which directs the Comptroller General to provide Congress with information concerning impoundments reported by the President, to notify Congress of any impoundment not reported by the President, and to bring civil actions on behalf of Congress to enforce compliance with the legislation. Both bills bear an attendant risk that some unconstitutional impoundments may go unreported. The risk is minimal, however, because of direct legislative jurisdiction over the Comptroller General.

Another possible solution to the legislative disruption problem under an affirmative system might be to provide that only impoundments above a certain dollar amount would require congressional approval.

These are subjects for the consideration of the conferees. I merely suggest that we must make the final impoundment control law not a half-hearted grumbling which the President will ignore, but a resolute declaration which he must heed. Let us reassert our power to legislate, which is in the final analysis the power of the American people over the will of a single man.

Mr. ALEXANDER. Mr. Chairman, I rise today in support of passage the bill before us today. The Presidential practice of impounding funds which the Congress has appropriated for use in carrying out the programs which it has authorized is one of the most serious issues of our times.

We must face up to it. Congress must assert itself as a coequal branch of the Federal Government system and exercise its rights and responsibilities, assigned by the Constitution, in the area of setting national priorities and Federal spending.

The problem which we consider today is a complex one. Impoundments have ambiguous legal status and an uncertain history. Today we have an opportunity to act to provide some clarification on the legal status. The problem of impoundments revolves around the Congress constitutional power over the national purse and responsibility to legislate and the constitutional responsibility of the President to:

> Take care that the laws be faithfully executed. (Article II, Sec. 3, U.S. Constitution.)

Now is the time for Congress to squarely face the challenge thrown out by the executive branch, reform itself and recapture control of the Federal budgetmaking process. The Congress must make it clear to the executive branch that the budget will be developed by and the national priorities will be set by the 535 elected representatives of the people—as intended by the Constitution.

As Members of the Congress we must act responsibly. We must develop a fiscal policy that holds the line on Federal spending and spends as wisely and efficiently as possible in response to the needs of the Nation.

For too long we have been tricked by the illusion that all the Nation's ills will yield to doses of money—and that we have enough to bring about the cure.

The fact is that not all the problems will be solved with money and even if they would, the Nation's taxpayers simply cannot magically cough up enough money to solve all the problems at once, or, even in a very short period of time.

The people know this to be true. And they are fed up with simplistic spending answers which dig deeper into their pocketbooks through taxes and inflation created by Federal programs which spend

more money than is taken in by the National Treasury.

And, because they are fed up, and, because they recognize that Congress has let slip too much of its budgetary responsibility, the executive branch feels it can, with impunity, ignore the will of the Congress.

The responsibility for the constitutional dilemma in which we find ourselves falls equally heavy on the shoulders of the executive branch and the Congress. It results from Congress failure to keep its hold on the budgetmaking procedure and to insist on the executive branch using appropriated funds as is intended by the Congress or refrain from doing so only at the direction of the Congress. It also results from the executive branch's insistence on twisting existing laws in such a way as to allow it to claim the right of a line item veto—a right which does not exist in the Constitution.

It is a truth easily understood by the heads of even the smallest households, businesses, or industries that if you regularly spend more money than you take in you risk bankruptcy. The fact is that the Federal budgets approved by the Congress, while usually not exceeding the President's requests, have more often than not called for spending more than the Treasury takes in.

Through such actions as the passage of the Anti-Deficiency Act, the Budget and Accounting Act, and debt ceiling legislation, the Congress has charged the executive branch with considerable responsibility in the apportioning of funds and controlling the national debt. But, in no case has the Congress delegated to the Executive the authority to impound funds so as to achieve the ends of the economic and/or social philosophy of the incumbent administration. Yet, increasingly, with this administration, that has been the justification given for fund impoundments.

The very limited authority which has been delegated to the Executive has been used by it to resist or distort the intent of Congress that certain priorities be observed in spending Federal funds to address the needs of the Nation. And, it has been used to insulate the executive branch budget decisionmakers in the Office of Management and Budget from the need to be responsive to the Congress.

Impoundment is not a new development which came about with the arrival of President Nixon. It has a history almost as long as that of our system of government. Both Republican and Democratic Presidents have employed it to refuse to make expenditures authorized by the Congress.

As of January 29, 1973, this administration had impounded $8.7 billion. During the past decade, Presidents have made impoundments ranging in the neighborhood of 6 percent of the total unified budget. President Thomas Jefferson apparently was the first to use the impoundment device for refusing to spend as authorized by the Congress.

The time for budgetary reform is now. And, the major burden for making those reforms lies with the Congress. There is no indication that the executive branch will voluntarily give back to the Congress the powers it has grabbed away. So, Congress must take those powers back.

The President says that he is justified in refusing to spend as Congress has authorized because Congress has not lived up to its responsibilities in budgetary matters. And he is right—as far as he goes. He is tragically wrong, though, to believe that the people want the budgetmaking and spending powers of the Federal Government gathered into the hands of an executive branch which operates on the 1-man rule principal.

They want that power to reside in the Congress as the Constitution intends it to.

There are a number of proposals now before the Congress which are major steps in that direction. This impoundment legislation which we are discussing here; the proposal to require that the director and the deputy director of the Office of Management and Budget be confirmed by the Senate and the work of the Joint Committee To Study Budget Control are among these.

Congress must act swiftly to establish a fiscal policy which holds the line on spending. It must resist efforts by the Executive to abolish programs which are performing well meeting the needs of the people and to substitute new, unproven programs which have as their principal virtues their novelty and the support of the administration.

Congress must clearly reestablish itself as the setter of national priorities and the Federal budget.

Congress must reform and equip itself to handle the job of budgetmaking and controlling Federal spending—and do that job in such a way that the spending does not lead us ever deeper into the morass of national debt.

Passage of legislation requiring congressional action on impoundments by the President, and requiring that the President make those decisions known to the Congress within a clearly specified time limit is an important part of the task Congress must perform to properly discharge its budgetary responsibility.

Therefore, I urge this Committee and the Congress to approve legislation requiring the President to respond to direction from the Congress in this matter of impoundments.

Thank you for giving me this opportunity to comment on this critical question.

Mr. BOLLING. Mr. Chairman, I have no further request for time.

Mr. MARTIN of Nebraska. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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

TITLE I—IMPOUNDMENT CONTROL PROCEDURES

SEC. 101. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States impounds any funds authorized or made available for a specific purpose or project, or orders, permits, or approves the impounding of any such funds by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of the funds impounded;

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

(3) the date the funds were impounded;

(4) any account, department, or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment, and the specific projects or governmental functions involved;

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

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment; and

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

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate; and each such message shall be printed as a document for each House.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day it is transmitted to the House of Representatives and the Senate. In order to assist the Congress in the exercise of its functions under sections 102 and 104, the Comptroller General shall review each such message and inform the House of Representatives and the Senate as promptly as possible with respect to (1) the facts surrounding the impoundment set forth in such message (including the probable effects thereof) and (2) whether or not (or to what extent), in his judgment, such impoundment was in accordance with existing statutory authority.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall within ten days transmit to the Congress and the Comptroller General a supplementary message stating and explaining such revision. Any such supplementary message shall be delivered, referred, and printed as provided in subsection (b); and the Comptroller General shall promptly notify the House of Representatives and the Senate of any changes in the information submitted by him under subsection (c) which may be necessitated by such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after such transmittal.

(f) The President shall publish in the Federal Register each month a list of any funds impounded as of the first calendar day of that month. Each such list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 3, at line 23, after the period add the following: "If the Comptroller General determines that the impoundment was

in accordance with section 3679 of the Revised Statutes (31 U.S.C. 665), commonly referred to as the 'Antideficiency Act', the provisions of section 102 and section 104 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 102 and 104 of this Act shall apply."

Mr. ANDERSON of Illinois. Mr. Chairman, the amendment which I have offered is identical to that contained in the Senate-passed Ervin bill, S. 373. This amendment would exempt from the impoundment control procedures of this act those impoundments which, in the determination of the Comptroller General, are clearly in accordance with the authority granted to the President under the Anti-Deficiency Act. Subsection (c) (2) of the Anti-Deficiency Act provides that in apportioning any appropriation, reserves may be established to provide for contingencies or to effect savings as a result of changing requirements, greater efficiency of operations, or changing circumstances.

Mr. Chairman, I think such an exemption of routine and noncontroversial impoundments is absolutely essential if we are to avoid being bombarded by and having to consider hundreds of impoundment resolutions. To quote from the Senate report on the Ervin bill:

Testimony adduced at the hearings . . . indicated that hundreds of impoundments of a routine nature are made each year under the Antideficiency Act, and that consequently Congress would be flooded with resolutions of approval if congressional action were required on each of these.

Mr. Chairman, there will be some who will attempt to make the point that while this exemption may be necessary in the Ervin bill, which automatically terminates an impoundment after 60 days if no action is taken by the Congress, it is unnecessary in the Madden bill, in which an impoundment is approved unless one House of Congress passes a resolution of disapproval.

But I would submit that this exemption is just as essential in the Madden bill since, if a routine noncontroversial and perfectly legitimate Antideficiency impoundment happens to be coupled with a controversial impoundment in the same message, there is no way in the Madden bill for separating the two. The resolution of disapproval must deal with the entire message. We would therefore be placed in the unfortunate and perhaps unconstitutional position of having to disapprove an impoundment which is simply in the best interests of affecting a savings or providing for a contingency. So, I think it is especially important under the Madden bill that we have this prior screening procedure by the Comptroller General to weed out the routine and noncontroversial impoundments which are clearly within the authority granted by the Anti-Deficiency Act.

Now, there may be some who are reluctant to grant this discretionary authority to the Comptroller General because there is some difference of opinion as to what is and is not permitted under the Anti-Deficiency Act. But I think the testimony of the Comptroller General, in which he narrowly defines and proscribes the limits of that authority, should offer ample assurance on this matter. In Mr. Staats' words, and I quote:

There is abundant legislative history in connection with the enactment of the Antideficiency Act to support our conclusion that this legislation goes no further than authorizing the President to establish reserves to provide for contingencies, to reflect savings, and to take into account changes in requirements subsequent to the appropriation action, and to reserve funds because of changing circumstances. We are not aware of any specific authority which authorizes the President to withhold funds for general economic, fiscal, or policy reasons.

Commenting on this statement, the Senate committee report on the Ervin bill establishes the legislative history on this point by stating, and I quote:

The committee intends for the Comptroller General, in carrying out his duties under S. 373, as amended, to subscribe to the restricted view of the Antideficiency Act voiced by Mr. Staats during the hearings and to make his determinations accordingly.

I would simply want to reaffirm that view in this body in making the legislative history on this amendment. I fully concur with the interpretation of the Comptroller General in construing the authority granted under the Anti-Deficiency Act.

I therefore urge adoption of this amendment.

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

Mr. Chairman, I do so with some reluctance, because I know the gentleman from Illinois has given this matter serious consideration and offers the amendment in good faith. But I do so because my basic interest in this legislation is to have one piece of legislation that deals with restoring to the Congress the power to carry out its constitutional duties.

While I am aware that the Comptroller General is often described as the creature of the Congress, he has a more complicated creation than that. What we would do by adopting this amendment would be to give to the Comptroller General the power to make a decision as to congressional intent which I believe we should retain for ourselves.

Under the Ervin bill, the Senate bill, it was essential that the Comptroller General play a major role, at least in the judgment of the other body, because they were going to have to approve every impoundment. Clearly the other body was not prepared to accept this duty, nor do I believe we should, of dealing with every single impoundment on a positive basis. That might raise considerable confusion as to whether it was a problem under the Anti-Deficiency Act and so on and so on and so on.

So this bill we are dealing with today deals only with the exceptional case, where the Congress through a process clearly defined, of limited duration, decides that a matter is important enough to justify vetoing the President's impoundment. That involves a decision as to whether it is an impoundment or not. It really is very difficult to decide in some cases whether an impoundment is an impoundment, a proper exercise of carrying out the law under the Anti-Deficiency Act, and so on.

It just seems to me it is not reasonable for us to delegate a fundamental interpretation of our own action. What did we mean when we did so and so? Does it properly follow under the Anti-Deficiency Act, or do we consider it an impoundment?

I see no reason to delegate that authority to the Comptroller General. I believe we have set up a process which very clearly would work. It would be needed in a limited number of cases, because only in a limited number of cases would we be acting on whatever action the President took.

Therefore, I oppose the amendment as delegating this power from the Congress to the Comptroller General, power that we ought to keep in our own hands, and I suggest that the Senate did it because of the nature of their bill and we do not have to do it because of the nature of our bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

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

RECORDED VOTE

Mr. ANDERSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 229, not voting 24, as follows:

[Roll No. 377]

AYES—180

| | | |
|---|---|---|
| Abdnor | du Pont | McCollister |
| Anderson, Ill. | Edwards, Ala. | McEwen |
| Andrews, N. Dak. | Erlenborn | McKinney |
| Archer | Esch | Madigan |
| Arends | Eshleman | Mailliard |
| Armstrong | Findley | Mallary |
| Ashbrook | Fish | Maraziti |
| Bafalis | Ford, Gerald R. | Martin, Nebr. |
| Baker | Forsythe | Martin, N.C. |
| Beard | Frelinghuysen | Mathias, Calif. |
| Bell | Frenzel | Mayne |
| Bray | Frey | Miller |
| Brinkley | Froehlich | Minshall, Ohio |
| Broomfield | Gilman | Mitchell, N.Y. |
| Brotzman | Goldwater | Mizell |
| Brown, Mich. | Goodling | Moorhead, Calif. |
| Brown, Ohio | Gross | Myers |
| Broyhill, N.C. | Grover | Nelsen |
| Broyhill, Va. | Guyer | O'Brien |
| Buchanan | Hammer-schmidt | Parris |
| Burgener | Hanrahan | Passman |
| Burke, Fla. | Hansen, Idaho | Pettis |
| Butler | Harvey | Peyser |
| Carter | Hastings | Powell, Ohio |
| Cederberg | Heckler, Mass. | Price, Tex. |
| Chamberlain | Heinz | Pritchard |
| Clausen, Don H. | Hillis | Quie |
| Clawson, Del | Hinshaw | Quillen |
| Cleveland | Hogan | Railsback |
| Cochran | Holt | Regula |
| Cohen | Horton | Rhodes |
| Collier | Hosmer | Rinaldo |
| Collins, Tex. | Huber | Robinson, Va. |
| Conable | Hudnut | Robison, N.Y. |
| Conlan | Hunt | Roncallo, N.Y. |
| Conte | Hutchinson | Rousselot |
| Coughlin | Jarman | Ruppe |
| Crane | Johnson, Colo. | Ruth |
| Cronin | Keating | Sandman |
| Daniel, Robert W., Jr. | Kemp | Sarasin |
| Davis, Wis. | Ketchum | Saylor |
| Dellenback | Kuykendall | Scherle |
| Dennis | Latta | Schneebeli |
| Derwinski | Leggett | Sebelius |
| Devine | Lent | Shoup |
| Dickinson | Lott | Shriver |
| Drinan | Lujan | Shuster |
| | McClory | Skubitz |
| | McCloskey | Smith, N.Y. |

| | | |
|---|---|---|
| Snyder | Thomson, Wis. | Wiggins |
| Spence | Thone | Wilson, Bob |
| Stanton, J. William | Towell, Nev. | Wyatt |
| Steele | Treen | Wydler |
| Steelman | Vander Jagt | Wylie |
| Steiger, Ariz. | Veysey | Wyman |
| Steiger, Wis. | Waggonner | Young, Alaska |
| Symms | Walsh | Young, Fla. |
| Talcott | Wampler | Young, Ill. |
| Taylor, Mo. | Ware | Young, S.C. |
| Teague, Calif. | Whitehurst | Zion |
| | Widnall | Zwach |

NOES—229

| | | |
|---|---|---|
| Abzug | Fuqua | Owens |
| Adams | Gaydos | Patten |
| Addabbo | Gettys | Pepper |
| Alexander | Giaimo | Perkins |
| Anderson, Calif. | Gibbons | Pickle |
| Andrews, N.C. | Ginn | Pike |
| Annunzio | Gonzalez | Poage |
| Ashley | Grasso | Podell |
| Aspin | Gray | Preyer |
| Barrett | Green, Oreg. | Price, Ill. |
| Bennett | Green, Pa. | Randall |
| Bergland | Griffiths | Rangel |
| Bevill | Gude | Rarick |
| Biaggi | Haley | Rees |
| Biester | Hamilton | Reid |
| Bingham | Hanley | Reuss |
| Blackburn | Hansen, Wash. | Riegle |
| Boggs | Harrington | Roberts |
| Boland | Harsha | Rodino |
| Bolling | Hawkins | Rogers |
| Bowen | Hays | Roncalio, Wyo. |
| Brademas | Hechler, W. Va. | Rooney, N.Y. |
| Brasco | Helstoski | Rooney, Pa. |
| Breaux | Henderson | Rose |
| Breckinridge | Hicks | Rosenthal |
| Brooks | Holifield | Rostenkowski |
| Brown, Calif. | Holtzman | Roush |
| Burke, Calif. | Howard | Roy |
| Burke, Mass. | Hungate | Roybal |
| Burleson, Tex. | Ichord | Runnels |
| Burlison, Mo. | Johnson, Calif. | Ryan |
| Burton | Jones, Ala. | St Germain |
| Byron | Jones, N.C. | Sarbanes |
| Carey, N.Y. | Jones, Okla. | Satterfield |
| Carney, Ohio | Jones, Tenn. | Schroeder |
| Casey, Tex. | Jordan | Seiberling |
| Chappell | Karth | Sikes |
| Chisholm | Kastenmeier | Sisk |
| Clancy | Kazen | Slack |
| Clark | Kluczynski | Smith, Iowa |
| Collins, Ill. | Koch | Staggers |
| Conyers | Kyros | Stanton, James V. |
| Corman | Lehman | Stark |
| Cotter | Litton | Steed |
| Culver | Long, La. | Stephens |
| Daniel, Dan | Long, Md. | Stokes |
| Daniels, Dominick V. | McCormack | Stratton |
| Danielson | McFall | Stubblefield |
| Davis, Ga. | McKay | Stuckey |
| Davis, S.C. | Macdonald | Studds |
| de la Garza | Madden | Sullivan |
| Delaney | Mahon | Symington |
| Dellums | Mann | Taylor, N.C. |
| Denholm | Mathis, Ga. | Thompson, N.J. |
| Dent | Matsunaga | Thornton |
| Diggs | Mazzoli | Tiernan |
| Dingell | Meeds | Udall |
| Donohue | Melcher | Van Deerlin |
| Dorn | Metcalfe | Vanik |
| Downing | Mezvinsky | Vigorito |
| Dulski | Minish | Waldie |
| Duncan | Mink | Whalen |
| Eckhardt | Mitchell, Md. | White |
| Edwards, Calif. | Moakley | Whitten |
| Eilberg | Mollohan | Williams |
| Evans, Colo. | Montgomery | Wilson, Charles H., Calif. |
| Evins, Tenn. | Moorhead, Pa. | Wilson, Charles, Tex. |
| Fascell | Morgan | Wolff |
| Flood | Mosher | Wright |
| Flowers | Moss | Yates |
| Flynt | Murphy, Ill. | Yatron |
| Foley | Murphy, N.Y. | Young, Ga. |
| Ford, William D. | Natcher | Young, Tex. |
| Fountain | Nedzi | Zablocki |
| Fraser | Nichols | |
| Fulton | Nix | |
| | Obey | |
| | O'Hara | |
| | O'Neill | |

NOT VOTING—24

| | | |
|---|---|---|
| Badillo | Hébert | Milford |
| Blatnik | Johnson, Pa. | Mills, Ark. |
| Camp | King | Patman |
| Clay | Landgrebe | Roe |
| Fisher | Landrum | Shipley |
| Gubser | McDade | Teague, Tex. |
| Gunter | McSpadden | Ullman |
| Hanna | Michel | Winn |

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEINZ

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

The Clerk read as follows:

Amendment offered by Mr. HEINZ: Page 2, line 1, after "United States" insert ", at any time on or after the date of the enactment of this Act and before July 1, 1974,".

Page 4, line 14, strike out "each month" and insert in lieu thereof ", in each month which begins on or after the date of the enactment of this Act and before July 1, 1974,".

Mr. HEINZ. Mr. Chairman, this is the first of two amendments that I must necessarily offer for my purpose, this amendment being to section 101 of the bill. If this amendment should prevail—and I certainly hope that it shall—I would offer another necessary amendment to achieve my purpose to section 107 of the bill.

Mr. Chairman, what my amendment, very simply, does is that it amends title I by limiting the anti-impoundment provisions in this bill solely to this fiscal year, which is exactly the same period that the spending ceiling provisions in this bill provides for in title II. I offer this amendment as a friend of the principle embodied in the bill, as a friend of meaningful and wise spending ceiling legislation, which, in my view, can and should and must go hand-in-hand with sensible anti-impoundment legislation.

I believe we need such legislation, but I believe at the present time that the bill in its present form is not adequate to the task. I believe, instead, that if we are to be consistent in our purpose and to be fair to the objectives of the bill that a spending ceiling provision and an anti-impoundment provision should apply to exactly the same time period. As the bill stands now, this simply is not the case. We set a permanent anti-impoundment provision and a temporary, in fact, a 1-year spending ceiling provision. It is not simply for the sake of consistency that we should limit the anti-impoundment provisions for 1 year.

The fact of the matter is in spite of a considerable job done by the committee and the distinguished gentleman from Missouri there are a great many things we do not know about this bill. There are a great many things we do not know about how it is going to work. We do not know for example really how the GAO or anybody else is going to determine what an impoundment is. I was on the phone to GAO this morning and they told me that very frequently they will not be able to tell us whether an impoundment takes place until after the fiscal year is over and the money is returned to the Treasury. In which case the remedy for an impoundment is impossible because the funds would then no longer be spendable.

Second, there are problems that can arise when an administration's spending pushes up against the debt ceiling that this body has not seen fit to raise, and yet under the provisions of this bill, as I understand it, we would force the President to spend that money if one House, one body intended for him to spend that money.

There are a great many problems with this bill and I would sincerely urge each and every Member here to consider my amendment seriously as a means of putting this bill on no more than a trial basis for the period of 1 year.

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

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

Mr. ANDERSON of Illinois. Mr. Chairman, I congratulate the gentleman from Pennsylvania for offering this amendment.

I think one additional reason could be given why it is an excellent amendment, that is hopefully by July 1, 1974 we will have redeemed the promise made on the floor of this House this afternoon that the Rules Committee is going to report out and this House is going to act on meaningful budgetary reform legislation. If that happens we will have largely solved the problem and there will not be any necessity for the kind of intricate machinery set up under title I of this bill. I think if we are really going to hold people's feet to the fire on budgetary reform we should seriously consider the gentleman's amendment.

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

(On request of Mr. BROWN of Michigan and by unanimous consent, Mr. HEINZ was allowed to proceed for 2 additional minutes.)

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

Mr. HEINZ. I yield to the gentleman from Texas, the chairman of the Appropriations Committee.

Mr. MAHON. Mr. Chairman, I would hope that we could approach this bill in a nonpartisan way. I find much to support in this amendment. I myself feel this ought to be a 1-year bill both with regards to the impoundment review provision and the expenditure ceiling. There was to have been a similar amendment offered on this side of the aisle. But I believe some accommodation can be worked out. The gentleman has offered his version. I intended to support some such amendment, so I support the amendment offered by the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, I thank the gentleman from Texas, the chairman of the Appropriations Committee, and I appreciate his support of my amendment because my amendment does exactly what the gentleman from Texas wants it to do.

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

Mr. HEINZ. I yield to the gentleman from North Carolina.

Mr. PREYER. Mr. Chairman, I had planned to offer a similar amendment. I therefore support the amendment offered by the gentleman from Pennsylvania. I am very much opposed to impoundment. As practiced, I think it is unconstitutional, and I do not think it saves any money or leads to lower taxes. I do think

we must limit it to 1 year in order to keep the pressure on for budgetary reform. Impoundment is important, but budgetary reform is vital. The only way we can make Congress a viable institution is by setting up proper machinery for budget making, similar to the Ullman-Whitten bill. I fear if we do not keep the pressure on by limiting impoundment to a single year, an impoundment bill would become a permanent thing, we would let the impoundment language stand and let the President make the decisions, and we would never get meaningful budgetary reform.

Mr. HEINZ. I thank the gentleman from North Carolina. I think he makes some very good observations. I appreciate his support of my amendment. I understand, he would have offered a substantially similar amendment had I not offered this amendment.

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

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

Mr. MATSUNAGA. Mr. Chairman, does the gentleman intend to support the bill if his amendment is to be adopted?

Mr. HEINZ. I understand there are some other amendments to be offered and it would be premature for me to make a judgment but I think unless there are some very bad amendments offered I would expect to support the measure.

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

Mr. Chairman, obviously the Rules Committee has not had a meeting, but I have canvassed a number of members and find that the amendment is acceptable to them.

I think it is a very good amendment, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. Any impoundment of funds set forth in a special message transmitted pursuant to section 101 shall cease if within sixty calendar days of continuous session after the date on which the message is received by the Congress the specific impoundment shall have been disapproved by either House of Congress by passage of a resolution in accordance with the procedure set out in section 104. The effect of such disapproval shall be to require an immediate end to the impoundment.

Mr. BOLLING (during the reading). Mr. Chairman, I ask unanimous consent that section 102 of the bill 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 Missouri?

There was no objection.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 4, strike line 24 through line 2 on page 5, and insert in lieu thereof the following: "by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 104 of this Act."

Mr. ANDERSON of Illinois. Mr. Chairman, this amendment strikes the provision of H.R. 8480 which now permits either House of Congress to terminate an impoundment by the passage of a simple resolution of disapproval, and in its place substitutes a requirement, identical to that contained in the original Mahon bill, that both Houses must act on the disapproval resolutions. I might also mention that the Senate-passed Ervin bill provides that resolutions of approval and disapproval be concurrent rather than simple.

Mr. Chairman, I am rather surprised at the simple resolution procedure provided for in the Madden bill given the prerogatives of this body in the area of spending. For what we are saying in this bill is that the other body alone may make the sole determination to terminate an impoundment, no matter how legitimate and necessary we in this body may feel that particular impoundment is. And I think we are all well aware of the propensity of the other body to outspend this body. I think the Madden bill as it now stands constitutes a clear abdication of this body's prerogatives in the appropriations process, and furthermore, that it is an open invitation to the other body to completely tie the hands of the President in attempting to effect savings. The least we can do is to reserve to ourselves the clear authority to review and act on each and every impoundment message.

The other point I would make is that if we do not allow for concurrent resolutions of disapproval, there is no way we can amend these resolutions either in the Appropriations Committees or on the floor. As the Madden bill now stands, the procedure is identical to that under which we consider executive reorganization plans, that is, a simple resolution of disapproval which cannot be altered in any way, for obvious reasons; for if one House amended such a resolution and then disapproved the impoundment it would not be fair to the other House which had under consideration, in effect, a different proposition, that is, the original and unaltered Presidential message.

I think it is far preferable to provide for concurrent resolutions of disapproval so that both bodies may deal on a selective basis with the President's message, and not be forced to accept or reject the message in its entirety. I, therefore, later intend to offer two other amendments, if this one is accepted, the first of which would permit for the introduction of resolutions which deal selectively with an impoundment message, and the second of which would permit the amendment of these resolutions on the floor of both Houses.

There are those who will argue that the requirement in the bill that a special message be submitted whenever funds are impounded "for a specific purpose or project" requires a separate message on any individual item for which funds are withheld. But the bill does not define "purpose or project," and I would point out that this same language was contained in the Mahon bill, H.R. 5193, and the author of that bill conceded that it would still be possible for the President, in his words, to strategically package his impoundment messages. I do not think we should give the President this advantage which may make it more difficult to pass a resolution of disapproval. I instead agree with the chairman of the Appropriations Committee that the Congress should have the prerogative to strategically package its resolutions and deal on a selective basis with the impoundments contained in a message, and deal selectively with only one impoundment with respect to the amount of the impoundment we disapprove. But if we are to do this, we must change the procedure from a simple resolution of disapproval to a concurrent resolution.

That is the thrust of the amendment now before us, and I urge its adoption.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I want to associate myself with the remarks of the gentleman. I believe his amendment certainly justifies the support of all the Members of this body. I congratulate the gentleman on his amendment.

Mr. ANDERSON of Illinois. If Members want to protect the prerogatives of the House, which I understood was the purpose of the exercise this afternoon, they certainly do not want to give to the other body the right alone, without any concurrence by the House, to disapprove an impoundment. I believe we ought to retain that power for ourselves.

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

The gentleman has not even mentioned the possibility of his amendment requiring that the concurrent resolution then go to the President and become subject to the President's veto.

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

Mr. ECKHARDT. I will when I have commenced my statement.

Mr. ANDERSON of Illinois. On that point particularly, if the gentleman will yield, I believe in the debate we had just a few days ago on the subject of the War Powers Resolution we had ample legislative history here on the floor to the effect that the precedents of this House clearly establish that the force and effect of a concurrent resolution are not such as to require Presidential approval.

Mr. ECKHARDT. I thank the gentleman, but I believe the precedents of this House will not reverse the Constitution. The provisions in the Constitution which govern this point are extremely explicit. They are as follows:

Every Order, Resolution, or Vote to which the Concurrence of the Senate and the House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, * * *

Being disapproved, of course, it would require a two-thirds vote to pass the matter over his veto.

That is in the Constitution; that is not in the rules.

There is an extremely interesting legal opinion on the question which was printed for the first time in the June 1953, Harvard Law Review. It was contained in an article by Robert H. Jackson, Associate Justice of the Supreme Court of the United States.

At the time of the events here described, he was the Attorney General of the United States. Precisely the same question came up at that time. At that time Senator Connally introduced a bill in Congress which was subject to going out of effect upon a concurrent resolution of both Houses so determining. Since President Roosevelt did not want to oppose the passage of the bill at that time, he filed a legal opinion with the Attorney General, and I believe he was absolutely right in his statement.

He stated in the legal opinion signed by Franklin Delano Roosevelt as follows:

The Constitution contains no provision whereby the Congress may legislate by concurrent resolution without the approval of the President.

Mr. Chairman, what he was saying is that in the case of a bill which contained a provision that would permit Congress later by concurrent resolution to remove the strictures of that law, to alter that law, such later action was itself done by the concurrence of both Houses and was, therefore, subject to the constitutional requirement that it be submitted to the President.

Well, obviously if we write into this bill the provision that the President shall report when he is impounding funds and then this body by concurrent resolution may tell him to cease impounding the funds, and then that concurrent resolution goes to the President, he is going to veto it. He had impounded the funds in the beginning; he is certainly going to use his right to veto.

If this proposition is arguable on the other side—and I think it is; as a matter of fact, Senator Connally argued the matter on the other side—if it is arguable on the other side, then we run into a direct confrontation with the President, because I feel sure that the President would veto such a legislative veto of his impoundment even if a respectable legal argument could be made that he did not have such power.

Then where do we stand? We have passed a concurrent resolution which he says is vetoable; he vetoes it; he continues the impoundment, of course.

If we pass this amendment to this act today, he will seriously cripple the legislation that is before this body at this time.

Mr. Chairman, I strongly urge that we vote against such an amendment to this bill.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT) has expired.

(On request of Mr. BROWN of Michigan, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Michigan. Mr. Chairman, I am fascinated by the gentleman's argument.

Is it the gentleman's argument that under the Constitution one House can act more effectively by a resolution than two Houses acting concurrently? Is that the gentleman's interpretation of the Founding Father's provision in the Constitution?

Mr. ECKHARDT. Yes, in this instance it is. The gentleman's question is very well put.

Mr. Chairman, the reason for it is this: That Congress may delegate authority without keeping any control over that authority, with no strings with which it may pull the authority back. In other words, Congress may delegate, for instance, control of some of its powers. It may delegate to any agency of Government its right to act. It may delegate to one of its subordinate bodies, to a committee, or to one of its Houses the right to act.

But when Congress purports to delay final action until concurrent action by both bodies may be taken—as soon as it does that, it permits itself to take wide-ranging action at such later date and this is subject to veto.

Mr. BROWN of Michigan. Mr. Chairman, would the gentleman acknowledge that the Houses acting concurrently with the force of law can delegate to the two Houses acting concurrently anything they can delegate to one House without the President's signature.

Mr. ECKHARDT. No, because when they attempt to do that, then the delegated ultimate authority to be exercised by the two Houses is fungible with Congress' ordinary, broad legislative authority. For instance, the resolution could be amended in either House and the process involved would be indistinguishable from any other legislation. Therefore it would fall under the provisions of article I, section 7 of the Constitution and would be subject to Presidential veto.

Mr. BROWN of Michigan. I would suggest if the gentleman is arguing against the concurrent resolution seriously, he is arguing against the power of either House to act as this bill proposes.

Mr. ECKHARDT. No. That is not true at all. As a matter of fact, there is plenty of precedent in previous laws which permit a condition subsequent to legislative action.

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

Mr. Chairman, I am tempted to leave this question to the good hands of the gentleman from Texas (Mr. ECKHARDT). He made the constitutional argument very clear. But it seems to me it may be necessary to rehearse the situation that is involved here.

The Senate passed a bill which says no impoundment of any kind goes into effect unless it is approved. The House is considering a bill which says that if there are impoundments, the Congress may, under a very specific procedure, veto them.

There was an awful lot of thought that went into this. I am not claiming my side of the argument is necessarily correct, but I started out on one side and was convinced that the other side had the better of the argument.

I started out as a legitimate proponent of the Mahon bill. However, as I considered the matter, I recognized the facts of the argument just made by the gentleman from Texas, which is that as soon as we go to a concurrent resolution, in my judgment, we have gone to a veto of a resolution.

The process we are setting up and the process we are trying to set up is a process on all fours with the process that has worked over a period of years on recognization. We have a situation that exists; a law has been passed appropriating funds; the law has passed the whole Congress; it has passed the President either by his approval or by his veto being overriden. We have a status quo, at which point the President moves in and not under color of law and not under the Anti-Deficiency Act decides that he will change the policy by unilateral action. If we seek to veto that by concurrent resolution, then we send it back to him for a veto but the procedure we propose essentially follows the well-established procedure, the other procedure, by which we alter a policy of status quo, the Reorganization Act.

The President then says "I want to change this policy that the Congress and I willy-nilly have established. I want to change it, and therefore I am impounding funds." We do exactly and precisely the same thing that we do in Reorganization Acts. The Reorganization Act is on all fours with this.

This is the logic of the position, and I think it is an overwhelming logic.

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. BOLLING. Certainly.

Mr. BROWN of Michigan. I would suggest that an appropriation bill is somewhat different from a Reorganization Act. The initiative and the impetus for an appropriation bill is the Congress, whereas in the Reorganization Act the impetus and the initiative is the Executive.

Let me just say, if I may, that it seems to me, with what I consider to be the irresponsible and oftentimes almost reconcilable action of the other body, I do not think this House ought to become a handmaiden for its prerogatives.

Mr. BOLLING. I had a great-uncle who used to come up and visit me when I first came to the Congress and he used to say something essentially like that. He would say the only thing wrong with the Congress was easily cured, namely, to abolish the Senate. However, until some such thing is done—and I am not recommending it—they are a precisely equal body. I am not arguing whether they are better or worse or good or bad. What I am arguing is how to have an effective regularized position of the Congress vis-a-vis the President on the question of impoundment.

I do not believe that the point about the other body has any real pertinence. I think we have to try to figure out the best way to have a civilized approach to an extraordinarily difficult problem

which is going to be with us for a very long time.

Mr. BROWN of Michigan. Mr. Chairman, if the gentleman will yield further, let us assume that this body happened to agree with the decision of the President, at some point in time, to impound funds. What is our alternative to concur with the action of the President by passing a bill which requires the concurrence of the Senate when it has adopted a resolution not to concur in impoundments? This House is the fiscal House, and all money matters have to originate in the House.

So it seems to me it would be better if the gentleman would amend his position to say the prerogative for a nonconcurrent resolution is the prerogative of the House, period.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BOLLING was allowed to proceed for 1 additional minute.)

Mr. BOLLING. Mr. Chairman, I would be more inclined to take that as a serious argument if it met the argument that the gentleman from Texas (Mr. ECKHARDT) made, and that I have tried to make. We are trying to deal with a constitutional problem of some consequence, and not with what kind of a Senate we have today or the kind of a House we may have tomorrow.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield to me?

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

Mr. BLACKBURN. I appreciate the gentleman yielding.

Am I to understand the gentleman to mean that it would be uncivilized for this body to act in this regard? The gentleman from Missouri says that the gentleman is looking for a civilized manner in which to handle this. So I would ask the gentleman from Missouri would it be uncivilized for us to deal with this problem?

Mr. BOLLING. No. The bill we have before us says that the President has been impounding for a variety of reasons, and we are trying to figure out a technique by which to deal with the problem. I consider this civilized, rather than assuming only one House exists, or only the Executive exists.

I am glad the gentleman from Georgia asked for the clarification.

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

Mr. Chairman, I urge my colleagues to vote against the pending amendment.

As some of the speakers expressed during the general debate on this bill, we begin with the assumption that the President is going to veto the bill. The committee members accordingly decided to eliminate all the reasons, if possible, that the President could use, based on constitutional grounds, to veto the bill. The question arose during the hearings that where a concurrent resolution is required, regardless of what you call it, it is in effect a joint resolution which needs to be signed by the President, and facing, of course, the risk of Presidential veto.

As a matter of fact, Senator ERVIN stated that you cannot change an onion into a flower by calling it a flower, just as you cannot change a joint resolution into a concurrent resolution by calling it a concurrent resolution. Because of this constitutional question, and because we have ample precedents, as in the case of the Executive Reorganization Act, where one of the two bodies may veto the action of the President, we of the Rules Committee thought it would be better that we provide for either one of the two Houses with the power to veto.

I, therefore, urge my colleagues to stick to the version of H.R. 8480, which will not raise the additional constitutional question which the proposed amendment would raise.

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

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

Mr. DENNIS. Mr. Chairman, I would like to ask my distinguished colleague, the gentleman from Hawaii, if he is correct that you cannot change a joint resolution to a concurrent resolution by calling it one, if that is true, why did the gentleman's side of the House only a few days ago vote for a war powers bill which attempted to do that very thing on the very basis that you could do that?

Mr. MATSUNAGA. I was quoting, as the gentleman undoubtedly heard me quote, Senator ERVIN, a distinguished and well-known authority on constitutional questions, and because there were other testimonies corroborating his position we decided to take the safe course.

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

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

Mr. BOLLING. I thank the gentleman for yielding. It might interest the gentleman from Indiana to know that both the gentleman from Texas (Mr. ECKHARDT) and I voted against the war powers.

Mr. MATSUNAGA. Mr. Chairman, I yield back the remainder of my time.

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

Mr. Chairman, it seems to me there are two very cogent reasons why this compromise resolution that the committee reported out and sponsored on the floor here today should be adopted. They are, first, the President has the authority to make recommendations to the Congress at any time he wishes under the Constitution. What in substance he does under this resolution is if he disapproves of an expenditure that the Congress has authorized, if he thinks that the law justifies withholding of the expenditure, if he thinks the circumstances have changed, if he thinks that the public interest dictates that the money is not to be expended, he in substance recommends to the Congress that he not spend the money. If Congress acquiesces, after due notice, in the President's recommendation, the legislative authority has not been flaunted; it has not been disdained. If the Congress is silent, by neither House disapproving the President's action, it acquiesces by its silence in the recommendation received from the President.

Second, the amendment offered by the gentleman from Illinois in requiring the Congress to enact a concurrent resolution to disapprove the President's action in impounding funds will require the Congress in substance to repass the appropriation. Another possible burden this amendment might impose arises from the difference in the procedures of this and the other body. I do not believe that the able gentleman has provided in his amendment against the filibuster in the other body, which often occurs or may occur there. So the gentleman by his amendment would impose upon the Congress, in order to get its will carried out by the Executive, the necessity of passing the appropriation impounded again, which encounters the possibility of delay that procedurally may occur in the other body.

So the compromise offered by the majority of the Committee on Rules providing that the disapproval of either House voids the impounding of the President is a very desirable compromise. I hope the amendment will not be agreed to.

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

Mr. Chairman, I am not sure that I can qualify as a very profound constitutional lawyer. I have a feeling, however, that the constitutional issue cannot be resolved through the enactment of this bill. I do intend to vote for the bill in its present form or as it is amended, because I think we need to move this bill through the Congress. The question remains, how are we going to make the President expend the funds that are being impounded? The committee bill proposes a disapproval resolution passed by either House. If we want to make it abundantly clear what the congressional intent is, it would be better, in my judgment, to provide for a concurrent resolution. This procedure provides for action by both Houses in the confrontation with the President. Action by both Houses would make crystal clear the position of the Congress in regard to the matter in dispute.

I do not think that under the committee bill or under the amendment we are going to make the President necessarily expend the funds. But some procedure is needed to help us move toward a better resolution of the question of impoundment.

In his original approach to this question, Senator ERVIN provided for the veto by approval of a simple resolution by just one House, but he has thought better of that. The bill that has passed the Senate now provides for the concurrent-resolution approach.

I think the bill before us today has met some other problems very well. It prevents strategic packaging of impoundments by the Executive in a given "special message" by requiring that each impoundment be treated separately.

I think the committee is right, also, in recommending that we should not undertake to amend the impoundment action, because we would run into the argument that positive legislative action requires the signature of the President. In my view, the amendment before us is flawed somewhat by providing for such amendment.

We should provide for a vote up or down either by one House or by two Houses. I am inclined to favor action by both Houses on an impoundment as being more compelling in a confrontation between the Congress and the President.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

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

RECORDED VOTE

Mr. ANDERSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 206, not voting 23, as follows:

[Roll No. 378]

AYES—205

| | | |
|---|---|---|
| Abdnor | Forsythe | Mitchell, N.Y. |
| Anderson, Ill. | Fountain | Mizell |
| Andrews, N. Dak. | Frelinghuysen | Montgomery |
| Archer | Frenzel | Moorhead, Calif. |
| Arends | Frey | Myers |
| Ashbrook | Froehlich | Nelsen |
| Bafalis | Fuqua | Nichols |
| Baker | Gilman | O'Brien |
| Beard | Ginn | Parris |
| Bell | Goldwater | Passman |
| Bevill | Goodling | Pettis |
| Biester | Green, Oreg. | Peyser |
| Blackburn | Gross | Powell, Ohio |
| Bray | Grover | Price, Tex. |
| Broomfield | Gubser | Pritchard |
| Brotzman | Guyer | Quie |
| Brown, Mich. | Hammer-schmidt | Quillen |
| Brown, Ohio | Hanrahan | Railsback |
| Broyhill, N.C. | Hansen, Idaho | Rarick |
| Broyhill, Va. | Harsha | Regula |
| Buchanan | Harvey | Rhodes |
| Burgener | Hastings | Rinaldo |
| Burke, Fla. | Heinz | Robinson, Va. |
| Burleson, Tex. | Henderson | Robison, N.Y. |
| Butler | Hillis | Roncalio, N.Y. |
| Carter | Hinshaw | Rousselot |
| Casey, Tex. | Hogan | Runnels |
| Cederberg | Holt | Ruppe |
| Chappell | Horton | Ruth |
| Clancy | Hosmer | Sandman |
| Clausen, Don H. | Huber | Sarasin |
| Clawson, Del | Hudnut | Satterfield |
| Cleveland | Hunt | Scherle |
| Cochran | Hutchinson | Schneebeli |
| Cohen | Jarman | Sebelius |
| Collier | Johnson, Colo. | Shoup |
| Collins, Tex. | Keating | Shriver |
| Conable | Kemp | Shuster |
| Conlan | Ketchum | Sikes |
| Conte | Kuykendall | Skubitz |
| Coughlin | Landrum | Smith, N.Y. |
| Crane | Latta | Snyder |
| Cronin | Lent | Spence |
| Daniel, Dan | Lott | Stanton, J. William |
| Daniel, Robert W., Jr. | Lujan | Steele |
| Davis, Wis. | McClory | Steelman |
| Dellenback | McCollister | Steiger, Ariz. |
| Dennis | McDade | Steiger, Wis. |
| Derwinski | McEwen | Stratton |
| Devine | McKinney | Symms |
| Dickinson | Mahon | Talcott |
| Downing | Mailliard | Taylor, Mo. |
| Duncan | Mann | Taylor, N.C. |
| du Pont | Maraziti | Teague, Calif. |
| Edwards, Ala. | Martin, Nebr. | Thomson, Wis. |
| Erlenborn | Martin, N.C. | Thone |
| Eshleman | Mathias, Calif. | Towell, Nev. |
| Fish | Mathis, Ga. | Treen |
| Flowers | Mayne | Ullman |
| Flynt | Michel | Vander Jagt |
| Ford, Gerald R. | Miller | Veysey |
| | Minshall, Ohio | Waggonner |
| Walsh | Williams | Young, Fla. |
| Wampler | Wilson, Bob | Young, Ill. |
| Ware | Wyatt | Young, S.C. |
| Whitehurst | Wydler | Zion |
| Whitten | Wylie | Zwach |
| Widnall | Wyman | |
| Wiggins | Young, Alaska | |

NOES—206

| | | |
|---|---|---|
| Abzug | Gaydos | O'Neill |
| Adams | Gettys | Owens |
| Addabbo | Giaimo | Patten |
| Albert | Gibbons | Pepper |
| Alexander | Gonzalez | Perkins |
| Anderson, Calif. | Grasso | Pickle |
| Andrews, N.C. | Gray | Pike |
| Annunzio | Green, Pa. | Poage |
| Ashley | Griffiths | Podell |
| Aspin | Gude | Preyer |
| Barrett | Haley | Price, Ill. |
| Bennett | Hamilton | Randall |
| Bergland | Hanley | Rangel |
| Biaggi | Hansen, Wash. | Rees |
| Bingham | Harrington | Reid |
| Blatnik | Hawkins | Reuss |
| Boggs | Hays | Roberts |
| Boland | Hechler, W. Va. | Rodino |
| Bolling | Heckler, Mass. | Rogers |
| Bowen | Helstoski | Roncalio, Wyo. |
| Brademas | Hicks | Rooney, N.Y. |
| Brasco | Holifield | Rooney, Pa. |
| Breaux | Holtzman | Rose |
| Breckinridge | Howard | Rosenthal |
| Brinkley | Hungate | Rostenkowski |
| Brooks | Ichord | Roush |
| Brown, Calif. | Johnson, Calif. | Roy |
| Burke, Calif. | Jones, Ala. | Roybal |
| Burke, Mass. | Jones, N.C. | Ryan |
| Burlison, Mo. | Jones, Okla. | St Germain |
| Burton | Jones, Tenn. | Sarbanes |
| Byron | Jordan | Saylor |
| Carey, N.Y. | Karth | Schroeder |
| Carney, Ohio | Kastenmeier | Seiberling |
| Chisholm | Kazen | Sisk |
| Clark | Kluczynski | Slack |
| Collins, Ill. | Koch | Smith, Iowa |
| Conyers | Kyros | Staggers |
| Corman | Leggett | Stanton, James V. |
| Cotter | Lehman | Stark |
| Culver | Litton | Steed |
| Daniels, Dominick V. | Long, La. | Stephens |
| Danielson | Long, Md. | Stokes |
| Davis, Ga. | McCloskey | Stubblefield |
| Davis, S.C. | McCormack | Stuckey |
| de la Garza | McFall | Studds |
| Delaney | McKay | Sullivan |
| Dellums | Macdonald | Symington |
| Denholm | Madden | Thompson, N.J. |
| Dent | Matsunaga | Thornton |
| Diggs | Mazzoli | Tiernan |
| Dingell | Meeds | Udall |
| Donohue | Melcher | Van Deerlin |
| Dorn | Metcalfe | Vanik |
| Drinan | Mezvinsky | Vigorito |
| Dulski | Minish | Waldie |
| Eckhardt | Mink | Whalen |
| Edwards, Calif. | Mitchell, Md. | White |
| Eilberg | Moakley | Wilson, Charles H., Calif. |
| Esch | Mollohan | Wilson, Charles, Tex. |
| Evans, Colo. | Moorhead, Pa. | Wolff |
| Evins, Tenn. | Morgan | Wright |
| Fascell | Mosher | Yates |
| Flood | Moss | Yatron |
| Foley | Murphy, Ill. | Young, Ga. |
| Ford, William D. | Murphy, N.Y. | Young, Tex. |
| Fraser | Natcher | Zablocki |
| Fulton | Nedzi | |
| | Nix | |
| | Obey | |
| | O'Hara | |

NOT VOTING—23

| | | |
|---|---|---|
| Armstrong | Hanna | Mills, Ark. |
| Badillo | Hébert | Patman |
| Camp | Johnson, Pa. | Riegle |
| Chamberlain | King | Roe |
| Clay | Landgrebe | Shipley |
| Findley | McSpadden | Teague, Tex. |
| Fisher | Madigan | Winn |
| Gunter | Milford | |

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BOLLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8480) to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures, had come to no resolution thereon.

## PERSONAL EXPLANATION

Mr. BOB WILSON. Mr. Speaker, on rollcall No. 344, providing for passage of H.R. 8949 which would establish flexible interest rate authority for VA home loans, I was recorded as "not voting." I was here and I voted "aye." I was deeply concerned over the lack of final congressional action to assure the continued availability of these home loans and would like this to be shown in the RECORD.

## THOMAS F. PHILLIPS, CITY EDITOR, SCRANTON TRIBUNE

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

Mr. MCDADE. Mr. Speaker, on July 16, the Scranton Tribune announced that Mr. Thomas F. Phillips had been named city editor emeritus, and that his place as city editor would be filled by Mr. Frank F. Sempa.

Tommy Phillips has been city editor of the Scranton Tribune for most of my life. Across his desk in that position have come news stories beyond counting, and his work as city editor has been acclaimed by every person who knows the newspaper world and who has read that paper.

The city editor is the very nerve center of the daily newspaper. From his desk goes the assignment of reporters and photographers to cover the stories that must be covered, and back to his desk goes the copy to be put together in the makeup of the daily edition. Unless he has a news sense that is precise and always functioning, the paper will die. The life of the Scranton Tribune is ample testimony to the news sense of Tommy Phillips.

Tommy is a delightful man. He is expansive, with a certain sense about him that tells you to come in and sit down. And many a reporter did just that. There is a saying in Scranton that more reporters learned their trade around the kitchen table of Tommy Phillips than anywhere else in our region. It is this same warmth, this same gregarious love of people, that put him on a first-name basis with virtually everyone in our area and with virtually everyone of note in the Commonwealth of Pennsylvania for the past 30 years. He is, in brief, the complete man, and the complete newspaperman.

We are fortunate that he will continue as city editor emeritus, as a columnist, and reporter on special assignment. He has given all of us a picture of what a rare talent can accomplish, and we need more of that talent in the future. He is

being replaced as city editor by Frank Sempa who has been a newspaperman for the past more than 30 years. I know that he will continue the great tradition.

With your permission, Mr. Speaker, I will here append an article from the Scranton Tribune of July 16, 1973:

PHILLIPS GIVEN EMERITUS STATUS; SEMPA ADVANCED TO CITY EDITOR

A transfer of editorial assignments in the News Room of The Scrantonian and The Tribune was announced Saturday by Al Williams, managing editor of the newspapers.

Thomas F. Phillips, city editor of The Tribune for some three decades, has been city editor emeritus and will continue with the Scrantonian-Tribune as a columnist and will handle special supplements.

Promoted to city editor is Frank F. Sempa, who has been a reporter and deskman for The Scrantonian-Tribune since the late 1930s.

Also joining The Scrantonian-Tribune staff as a deskman-reporter is Robert L. Campbell, formerly a staff writer for The Scrantonian-Tribune who has spent the past three years with The Associated Press in Philadelphia and Washington.

Phillips is a son of late W. Clyde Phillips and Nellie Jennings Phillips. A native of Scranton, he attended Scranton public schools and St. Thomas College, now the University of Scranton, where he received his A.B. degree.

He started in the newspaper business as a reporter and sports writer for The Scrantonian, later became editor of the Wilkes-Barre Telegram before returning to the staff of The Scrantonian-Tribune where he since has served as city editor. During his tenure with these newspapers he has covered every major beat as a reporter and has edited copy on practically every desk in the News Room.

Married to the former Ada Aronson, the couple has a daughter, Ellen Phillips Ladouceur.

Phillips has been active as a member of Scranton Lodge of Elks and the Purple Club. He also has been active for many years with the Heart Fund.

A charter member of Scranton Local 177, The Newspaper Guild, he has served as its president and was elected delegate to the annual Guild convention in St. Louis, Mo., in 1957.

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## HEADED FOR A COLLISION THAT WILL DO UNFATHOMABLE DAMAGE

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

Mr. ROBISON of New York. Mr. Speaker, last Thursday I inserted a Wall Street Journal editorial in the RECORD having reference—as it was entitled—to "The Oval Office Tapes."

I utilized the editorial, with some amplification in my own thoughts and words, as a plea—sent to the White House with a covering letter—for favorable consideration of the so-called Ervin committee's request for access to those taped conversations which were pertinent to its current Watergate inquiry. That letter—and plea—has not as yet been acknowledged nor, given yesterday's events, do I now expect it will be.

In any event, we are now headed, by virtue of the President's negative reaction, into an unprecedented and probably lengthy legal, or constitutional, conflict, the outcome of which cannot be foretold. The only certain outlook is for additional weeks, if not months, of uncertainty while—as I said last week—the Nation marks time when all about us are problems crying out for solutions which, in turn, depend largely upon firm and positive national leadership.

It still seems to me, Mr. Speaker, that things need not be so ordered—or disordered. Whatever may be the President's side to this issue of the tapes has not yet been fully disclosed to any of us, except in the most general terms. That side requires, I think, some amplification on his part which may, or may not, be forthcoming. But one item does seem clearer to me, now, than it did last week. That is, while there are obviously more reasons for denying the pertinent tapes to the Ervin committee on the grounds of either executive privilege or the doctrine of separation of powers, there are, conversely, less reasons for doing so when after all, a part of the Justice Department and, thus, of the executive branch.

Looking, first, at the Ervin committee, one can begin to harbor doubts about the general direction its inquiry has taken without, at the same time, being understood as suggesting there should be no such congressional inquiry. The latter is not my position, but as I noted here weeks ago in another statement the Ervin committee seems only really interested in one thing—that being the extent of Presidential involvement in either Watergate or its attempted coverup. As I have also suggested, if this is so then, in a sense, "impeachment proceedings" have already begun.

Regardless of that possibility, it does seem true that—as the further Wall Street Journal editorial I shall insert in a moment points out—"the Ervin committee has been becoming less and less judicious and more and more prosecutorial . . . (so that) the White House could be excused for seeking a more balanced forum for releasing evidence subject to differing interpretations."

I am not suggesting that either Senator ERVIN, or other member of his committee, nor its staff members are trying to be anything other than fair or as objective as possible under the circumstances. Given the political nature of this committee, however—creature of Congress as it is—and trying to look behind the President's surface explanation for his refusal to give it the tapes in question, in an effort to better understand the problems he foresees if he voluntarily does so, I shall not further pursue this issue in behalf of the committee.

But the special prosecutor's request—and now his subpena—is something else again. It has been reported that, in issuing that subpena, Mr. Cox declared that "no man is above the law." The President is undoubtedly reviewing his position again, in light of the Cox subpena and that statement, and in so doing I would hope he will also consider this line from the following editorial—

What can the Executive be forced to release if it cannot be forced to release evidence pertaining to common crimes that subvert the political process itself?

In the end, that may be a question that the Supreme Court—alone and however reluctantly—will have to answer. But in the next 2 days—since I understand the Cox subpena requires an answer by this Thursday—I would further hope that Mr. Nixon will, before rejecting it out of hand, again give thought to his role in all this, and to the cost to the Nation—if not to himself—of further weeks of uncertainty, expanding controversy, additional erosion of the President's support in the country, and a further slackening of his power to govern.

Now, Mr. Speaker, I do not know what those tapes will—or will not—prove. It may well be we have all blown their actual value up higher than we should; only Mr. Nixon really knows as to that. But I, for one, do not believe matters can go on much longer as they are—whether the tapes are released to Mr. Cox, or not. The President's attitude seems unnecessarily rigid to me, though the questions of timing and of choice of forum for showing some further willingness to cooperate with the people's desire to know the truth are his, not ours, to decide.

The search for that "truth" ought to go on in a way fitting the American system; and, in the interest of an effective Presidency, Mr. Nixon should make a further contribution to it. Perhaps "rescue" is not the proper word; I suspect the White House would prefer that I not use it. But, if Mr. Nixon is to be rescued from his present difficulties, that only can come, I suggest, from greater, not less, disclosure. The possible outfall from continued Presidential unwillingness to even seek some sort of compromise—especially regarding the pending Cox subpena—is not pleasant to contemplate, as witness the thrust of the fourth paragraph in today's lead editorial in the Wall Street Journal as now set forth:

ON COURSE FOR CRISIS

If the President's statement on release of the White House Watergate tapes means what it seems to mean, we are now facing a question far more fundamental and far more serious than either the burglary or the coverup. The White House position amounts to an assertion that the President can decree the law regardless of the other two branches of government, and if this issue comes to an ultimate test the results are likely to be disastrous to Mr. Nixon himself.

The President refused the Ervin committee's requests for the tapes and now the committee has issued subpoenas for them and for presidential papers related to Watergate. This will be tested in the courts, but there is no indication that the President is disposed to obey the eventual verdict if it goes against him. If separation of powers means the Legislative Branch cannot compel the release of the tapes, after all, it follows that neither can the Judical Branch. Indeed, the White House specifically said it could not release the tapes to Special Prosecutor Archibald Cox because then they would end up in the Judicial Branch. Mr. Cox also subpoenaed the tapes yesterday.

The stakes in this crisis become clear in envisioning the following course of events: To resolve a conflict over the subpoena, a court rules that the committee should have access to certain of the tapes under certain

limitations. The administration appeals to a special session of the Supreme Court, which upholds the ruling. The President continues to withhold the tapes, defying not only the Senate but the high court.

Congress starts to think less of burglary and more of the rule of law; if the President can make such decisions unilaterally, who needs Congress or the Court? To maintain its own self-respect, Congress reaches for its ultimate constitutional recourse, and it is the issue not of the burglary or the cover-up, but of the withheld tapes that triggers the start of impeachment proceedings.

Now, there is some distance to be traveled and many branches in the road to be passed before this destination is reached. The Ervin committee and Mr. Cox might not be willing to push their demands to such lengths. For that matter, as the Watergate affair has unfolded the President has backed away from several seemingly adamant positions, and that could happen again.

We could understand the White House position, in fact, if there were any hint of room for compromise. The Ervin committee has been becoming less and less judicious and more and more prosecutorial; the White House could be excused for seeking a more balanced forum for releasing evidence subject to differing interpretations. There are also considerable practical difficulties to be negotiated. Just what tapes should be released, for example? Perhaps, despite all the appearances, enough of a compromise can be worked out to avoid a complete crisis.

There is also a chance, similarly, that the President could prevail in the courts. The White House argues that if executive privilege protects anything, surely it protects direct conversations with the President. But, the committee and Mr. Cox will argue, what can the Executive be forced to release if it cannot be forced to release evidence pertaining to common crimes that subvert the political process itself? If there is no effective sanction against using the Executive Branch for, say, ballot-stealing or political goon squads, what is the meaning of constitutional government?

It is by no means clear that the President would have the stronger of the two arguments to begin with, and the case would be decided in circumstances that are highly adverse to his case. Withholding the tapes inevitably creates the impression that they are incriminating; if they were released immediately even ambiguous tapes would have tended to help the President's case. More generally, the Watergate scandal has been so sordid that it cries out for some sort of resolution, in fact for precisely a clean breast of all the facts. We cannot understand how the prerogatives of the presidency are protected by having the issue of executive privilege decided under these circumstances.

We can only hope that as events unfold the President proves less rigid than he seems so far. At the moment we seem locked on a course for crisis, headed for a collision that will do unfathomable damage to both the President and the nation.

## CONSUMER PROTECTION NEEDS

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

Mr. WYMAN. Mr. Speaker, 35 million families—or almost one-half of all the families in this country—use at least one credit card. Last year American consumers owed over $30 billion on their open-ended credit accounts, or roughly $400 per family. Increasingly, credit card buying and the paying of bills at the end of the month, is becoming an American ritual—a fact of consuming life.

With this much business being transacted by credit card, severe problems are arising. Billing errors and problems occur, and anyone who has ever corresponded with a computer knows how difficult it is to rectify a mistake or attempt to clarify confusion on a computer.

Consumer complaints about billing errors follow a common pattern. Typically, a consumer will discover an error on one of his charge accounts or credit card bill statements. Or he will not understand an item on a revolving finance charge. He will write to the creditors to explain his case or simply to make an inquiry. Then he waits and waits. Rarely will the consumer get a response. But what he will receive is a series of letters from the computer informing him he has not paid his bill, please pay this bill, then pay this bill or legal action will commence.

After this treatment—or after months of correspondence with the computer—people just give up and pay the disputed or misunderstood amount even though they do not feel they owe it. Some persistent souls actually do resolve these account disputes after years of patient effort. And as we all know, many bring their problems to their Congressmen and ask our help in resolving that continually growing finance charge for a product returned 8 months ago. Some write to Ralph Nader and some hire attorneys; one irate consumer testified before the Congress that he had spent $150 in legal fees to correct a $22 billing error.

Consumer protection is needed in this field. A method to quickly and fairly resolve credit billing disputes is a must when it is considered that the Federal Trade Commission received over 2,000 complaints on this concern last year, and a major newspaper survey found that 1 out of every 3 consumers have been involved in at least 1 billing problem.

Accordingly, I have introduced a bill to give the consumer help in resolving the end of the month bill paying ritual.

The bill has three titles: Fair Credit Billing; Amendments to the Truth-in-Lending Act; and Equal Credit Opportunity.

Title I, the Fair Credit Billing requires that creditors respond to customer inquiries within 30 days. It prohibits threatening letters. And it requires notification to the customer if the creditor is going to notify a credit agency that an account is delinquent. But importantly, if the account is still in dispute that must be clarified to the credit agency as well. The shrinking billing period is prohibited: A creditor cannot impose a finance charge on a revolving credit account unless the customer's bill statement is mailed at least 14 days prior to the payment due date. And no checking or saving accounts may be tapped to offset bills due to a bank credit card without a court order.

Title II, the Amendments to the Truth-in-Lending Act, acknowledges the good-faith efforts on the part of lendors to comply with that act. It also acknowledges the discrepancy that now exists between the Federal Reserve Bank guidelines under the act and the recent court decisions, and rectifies this problem.

Title III, Equal Credit Opportunity, simply brings lending into the modern era and prohibits discrimination on the ground of sex in granting credit.

Mr. Speaker, I urge the early hearing and adoption of this legislation.

## INVESTIGATION OF GOVERNMENT EXPENDITURES FOR PRIVATE RESIDENCES

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

Mr. BINGHAM. Mr. Speaker, on June 29—see pages 22419-22421, CONGRESSIONAL RECORD of June 29—I called upon Comptroller General Elmer Staats, the head of the General Accounting Office—GAO—to initiate a full investigation of the Government funds which were reportedly spent on the President's private residences in California and Florida and on the Vice President's private home in Maryland. I requested that the GAO make a full analysis of the expenditures for permanent improvements, furnishings, landscaping, and facilities for these homes in order to determine the specific purposes for which the funds were spent, whether any violation of Federal law was involved, and whether any claim may be made by the Federal Government upon the President and Vice President to reimburse the Treasury.

My request for this investigation was given national news coverage, and Americans from all over the country have written to me conveying their grassroots indignation with the Government excess and arrogance demonstrated by these expenditures. I would like to share some quotes from these letters with my colleagues.

I have read today in the CONGRESSIONAL RECORD of the $2 million spent on home improvements for the President and Vice-President. I am made as hell. What can I do?—Los Angeles, California.

This even beats the Harding Administration. I can only say thank you.—Elgin, Illinois.

Mr. Nixon has solved the housing problem—for Mr. Nixon!—Fullerton, California.

Bravo! Bravo! Bravo! Bravo! Bravo!

You are to be commended for having the courage to attack the brazen, bare-faced raid on the taxpayers' money for improving the private homes of President Nixon and Vice President Agnew.—Baltimore, Maryland.

San Clemente is beginning to look like the Taj Mahal.—Temple City, California.

President Nixon has done more in the "name of security" than anyone before him. For the life of me I can't see where a golf course or shrubs are needed for security.—Tacoma, Washington.

We are sick and tired of being fleeced, lied to, used and abused in the name of "security"—when it comes down only to Nixon's personal financial security.—Santa Monica, California.

The fact that Messrs. Nixon and Agnew hid behind the phrase "in the name of national security" is really not excusable to this Republican taxpayer.—Binghamton, New York.

Mr. Nixon spoke today of fiscal responsibility and I hope he will begin to realize that also means him.—Fullerton, California.

Surely two homes are not needed for the relaxation of a President. I do not know one person who does not resent the use of such amounts on a private home.—San Luis Obispo, California.

With whom does inflation begin and end? It makes me damn mad.—Pasadena, California.

Many of us wonder why we need three or four White Houses.—Highland, Indiana.

He wanted so much to live in the White House?—La Grange Park, Illinois.

In view of the President's thoughts relative to the energy crisis and the economy, why doesn't he try to conserve aviation fuel by eliminating the frequent trips to Key Biscayne and San Clemente?—Hinkley, California.

How did President Harry Truman get along at Independence, Missouri, without bullet-proof glass? I will take Harry any day.—Oak Park, Illinois.

President Nixon is living in royal splendor when many, many old people and young infants are in squalid circumstances.—Los Angeles, California.

Warmest well wishes for success in uncovering all of the dirty facts.—Bronx, New York.

It is evident, Mr. Speaker, that widespread disenchantment with the reverse Robin Hood philosophy of the present administration, which takes from the working person to aggrandize the rich and powerful, has set in around the Nation. It is my understanding that the Government Activities Subcommittee of the House Government Operations Committee is planning an investigation of the Government expenditures for these private home improvements. I urge my distinguished colleagues on that subcommittee to take note of the demoralizing effect upon the national spirit which this outlay of Government funds for personal purposes has had.

The distinguished national journalist, Russell Baker, has written an apt column on this subject in the New York Times entitled "Real Estate Blues," and I am inserting it in the RECORD at this point:

REAL ESTATE BLUES

(By Russell Baker)

"I had always thought it would be an awful thing to be President of the United States," writes a man from Iowa, "but I am having second thoughts since reading about the household improvements President Nixon has had installed in his California and Florida houses. In fact, I am now thinking seriously about announcing my candidacy for President, since I have read somewhere that the Secret Service takes a protective interest even in mere candidates.

"As I understand it, the $1 million or more in public money spent to improve the President's houses was laid out by the Secret Service to make his houses more secure. My own house is a security agent's nightmare. I estimate it would take $250,000 to put it in shape for simple basic security—the kind I suppose they give to mere candidates.

"I was particularly fetched when I read about the new wiring system the Secret Service had installed in San Clemente to eliminate a fire hazard, as well as the expensive pruning job they had done to make sure no tree limbs would fall on the President if he took a walk.

"I don't know about my wiring, but there is a fierce piece of termite damage under my dining room floor, or maybe it was carpenter ants that did it. House-eating bugs are all the same to me. In any case, I suppose the Secret Service has an expert who can tell the difference.

"I have been told that the supports under the floor can be replaced for maybe $1,500. To me that is an awful lot of money. About the same amount, I would guess offhand, as $250 billion is to the Federal Government.

"If I was a candidate for president, I assume, the Secret Service would not let me go into that dining room again until they had tapped Uncle Sam for the $1,500 and done whatever ought to be done under there. If I were President, I gather, they would put me in a whole new teakwood parquet floor—I don't know what that is actually, but it sounds rich—and shore up the house with steel beams.

"What got me seriously interested in this was the fact which I read way back on page 73 of some newspaper behind all that Watergate blather. The item said the improvements made for security cost more than the purchase price of both the President's houses.

"My first thought on that was, 'Well, here's a howdy-do! If this sort of thing is going to keep up, maybe we ought to make Presidential candidates in the future tell us how much we're going to have to pay to make their houses secure if they get elected.'

"I mean would all those young idealists have been so eager to vote for McGovern last time if they had known it was going to cost, say $5 million to make his private houses secure?

"The reasons I have been against being President up to now are (1) I hated the idea of living in Washington and (2) I couldn't stand having to associate with the kind of people Presidents spend their time with. Have you looked closely at those people on the televised hearings? Scarcely a man has come to that witness chair who hasn't made the hair stand up on the back of my neck. And when it isn't them, it's somebody like Brezhnev or Gromyko. I read somewhere that they were a relief for the President. Imagine having the kind of job where sitting around with Brezhnev is a relief!

"This thought still gives me pause, as the old-time novelists used to say before they all gave up and got rich writing sex manuals. However, President Nixon's example that I would no longer have to live in Washington is persuasive, especially since my natural disposition to go right on living in Iowa would bring the Secret Service flying in with a trunk full of money to get my house in shape.

"I'll tell you, friends, I am getting on in life, and there are not going to be many more raises at the shop, and this old house sops up money like a sponge.

"There is a leak in the cellar that would take about $103,000 to stop, I suspect. I've never dared to get an estimate, because I paid only $30,000 for the whole house. If I was President, I imagine, the Secret Service would have to haul the whole old cellar away and put in a new aluminum one so I could go down there without risk of catching the croup.

"I've got a back door that my son and most of his friends could get in and out of in the middle of the night regardless of locks—they're adolescents, and you know what that means. Cans of beer going up those back steps when they think I'm sleeping the sleep of the decrepit. I'll bet the Secret Service could give me a five-or-ten-thousand-dollar lock for that door that not even an 18-year-old boy could figure out. You know how dangerous it can be for a President to have beer cans going up the back steps at midnight.

"Once I got the old house fixed up by Uncle Sam I might even make a fair imitation of a President. I'd love to make one of those pious speeches laying it on the idlers and loafers who sit around asking what the Government can do for them instead of asking what they can do for themselves."

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## INFLATION

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

Mr. ADDABBO. Mr. Speaker, my constituents in the Seventh Congressional District of Queens, N.Y., are among the most abused consumers in the Nation. Everything, from rents to transportation to clothing and food and education, costs more in New York City than in other sections of the Nation.

And I might say that the constituents of the Seventh Congressional District are pretty sensible people. Things cost enough in Queens without someone going out of his way to deliberately make matters worse. And when that happens, my friends and neighbors in Queens want to know why. I consider that a very rational question for people to ask.

Just the other day, I received a postcard from a Mr. V. W. Davis of Jamaica, a community within Queens. Mr. Davis said simply that—

He is shocked and outraged to learn that the U.S. had negotiated to send additional millions of grain to Russia and China.

He goes on—

After the chaos and inflation caused by last year's giveaways when we had millions of tons in storage, the continuance and further implementation of such deals to our enemies is an outrage.

Mr. Davis said he wants to know where I was, and presumably the rest of Congress as well, when these deals were made. "The voters will remember," he concludes.

Well, I would like to respond to Mr. Davis and to all Americans who are fed up with skyrocketing food prices that the Congress is as angry and mad as the rest of the consumers are. And I expressly hope that voters do remember who was responsible for today's outrageous inflation.

No one in this Chamber today denies the President's rights to negotiate with other nations. It is his responsibility to do so, but he should never forget he is supposed to represent the best interests of Americans in his negotiations. Certainly the Russian Government feels more kindly about the United States as a result of these grain deals. You and I would display great affection for anyone who gets you out of a mess and digs into his own pocket to do so. Unfortunately for you and I, the President dug in our pockets when he made the grain deal with Russia.

Today's massive food price increases are a direct result of that decision by the President, a decision, incidentally, which was made in the typical secret fashion of the Nixon administration. And has become so abundantly clear in the Senate hearings on the grain deal, even those officials who were supposed to know what was going on were not always let in on the secret. The Congress, certainly, was once more the last to know.

I think we in the Congress ought to let the American people know that although we were unable to stop the original grain

deal and the subsequent option purchase, we have acted since that time to tighten up the administration's ability to work this kind of deal in the future.

I think America knows who got them in this mess just as it knows how much we in the Congress have done to try to stop further abuses of this nature. If that is self-serving, let it be so because that is the way it is. Let the voters remember, because after this administration finishes with them, it is about all they will have left.

## INTERNATIONAL TRADE SYSTEM

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

Mr. GIBBONS. Mr. Speaker, one of the most important economic and foreign policy issues confronting the United States today is reform of the international trade system. The two key elements in our effort to make the international trade system more responsive to the economic realities of today are the forthcoming round of multilateral trade negotiations beginning in Tokyo this fall, and passage by the Congress of constructive and farsighted trade legislation.

Earlier this month one of our distinguished colleagues from Iowa, JOHN CULVER, the chairman of the Foreign Affairs Subcommittee on Foreign Economic Policy, addressed the League of Women Voters National Conference in International Trade. In a penetrating speech he suggested how the executive branch and Congress could fashion the trade legislation needed to best serve U.S. foreign economic policy for the years to come.

Because of the need for well-grounded information and creative ideas on this matter, I insert Mr. CULVER's speech in the RECORD:

SPEECH BY CONGRESSMAN JOHN C. CULVER, CHAIRMAN, HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON FOREIGN ECONOMIC POLICY, BEFORE THE LEAGUE OF WOMEN VOTERS CONFERENCE ON INTERNATIONAL TRADE

It is a very great privilege to be asked to talk with you on the prospects in international trade. I am not sure that the tables should not properly be turned. For I have been on the listening end when the League has presented testimony on trade issues, and I am fully aware of both the depth of interest and depth of study which you have given to these issues. Moreover, the fact and issue brochure which you have circulated on trade this year provides a remarkably concise and penetrating exploration of the main themes in the current debate on trade. Rather than covering the same panorama, on which I can cast relatively little fresh light before this audience, I should like to place stress on two or three principal hinge points in the debate already underway and likely to intensify in the weeks ahead. I particularly want to touch on the adjustment aspects of trade legislation, and to suggest some ways in which we can achieve a better and yet workable balance between the Executive and Congress in the complex yet cumulatively historic negotiations which the next years will bring.

I need hardly stress that the consideration of the trade bill by Congress and the imminence of concurrent trade and monetary negotiations can have momentous consequences in the impulses they give both to our foreign policy and to the future character of our economy. How we handle the trade bill will be a shaping force for U.S. foreign economic policy for years to come. It could have paralyzing effects; it can be liberating. This is not an isolated or intramural domestic drama. How the trade bill and associated issues are handled is integral to the positions of our trading and economic partners and to the confidence they place in our economic good sense, stability, and staying power.

The uncertain prospects and timetable of the trade bill is one factor, for example, in the currently vulnerable position of the dollar abroad. The outcome of trade legislation will be a major index for countries in assessing the nature of United States foreign policy—whether we are realistically concerned primarily to limit untenable and debilitating security commitments or whether we are unrealistically attempting to devise some form of indiscriminate modern day political and economic isolationism with all the pitfalls that creates for the world community.

Equally the consideration of trade legislation—an event which does not occur more than once in a decade—or at even longer intervals—has large portents for our domestic economy as well. Though the United States in raw arithmetical terms is less dependent on the flow of international trade than many industrialized nations, nonetheless it is of heightening importance as it is plain to see not only in our historic relationships with the countries of Western Europe, but also in our unfolding new relationships with the Soviet Union, Eastern Europe, China, and of course, Japan. And if one considers so large a question as the future of our domestic energy sources, the pivotal importance of trade is inescapable. But a spreading awareness of the changes in world trade brings with it a greater sense of dependency, of accelerated change, and of competitive vulnerability here at home. That is why it is especially important to seize the opportunity to mesh a trade adjustment and manpower policy with trade negotiations and initiatives.

For the past four decades the United States has pursued a generally outward-looking foreign trade policy—a policy designed to seek expanded trade, from which all nations could benefit economically and politically. The United States did not take this course until after learning, from the hard experience of the Depression and Smoot-Hawley tariff years, the grave disadvantages of indiscriminate trade restrictions—political isolationism and retaliatory trade barriers, which in turn forced many American businesses to lay off workers. Since 1934 and the enactment of the Reciprocal Trade Act, and especially after World War II, the United States has encouraged cooperative and interdependent international economic policies.

On balance, the result of our outward-looking foreign economic policy coincided with unparalleled US economic growth, stimulated increased sales aboard, strengthened economic and political relations with foreign countries, and an increased standard of living at lower costs to consumers in the developed countries, including the United States.

In recent years, however, there has been growing concern in the United States about our mounting trade and balance-of-payments deficits, combined with a persistent and intolerable 5 to 6 percent domestic unemployment rate and surging inflation. We are confronted with these facts, but have generally been unable to reach a consensus as to their root cause, and more important have to date, been unable to develop truly constructive solutions.

Some concerned citizens have pointed to unfair trade practices engaged in by foreign companies and governments, which have gone unchallenged by the executive. Others have suggested that the root of our employment and trade difficulties are to be found in our domestic economy, through the lack of economic policies effectively controlling inflation and the failure to develop and rely on forward looking economic policies to stimulate innovation, productivity and vigorous competition.

In spite of these various views, three facts are clear. First, millions of American workers are gripped by the fear that imports are undermining their job security, and they are joined in this fear by diverse industries which feel the pressure of foreign competition. Second, the concerns being voiced by labor and management in the adversely affected sectors of our economy are genuine concerns, and cannot be ignored or answered by resorting to the vague conceptual slogans of either "free trade" or "protectionism." Finally, the post World War II economic system and era have come to a close, and a new set of domestic and international economic policies, relationships and institutions need to be developed.

These events are clear signals that the United States must develop and pursue fresh concepts to meet the problem of economic dislocations caused by imports and further economic interdependence. This points unmistakeably to the need for new trade legislation to confront the requirements of greater job security and opportunities for American workers—and in a way is truly humane, effective economically, and consistent with the best interests of the US role in the world economy.

In April and May of last year, the Subcommittee on Foreign Economic Policy, of which I am Chairman, held seven days of hearings to examine workable mechanisms for economic conversion as an alternative to trade wars. During these hearings, the subcommittee received testimony from knowledgeable private witnesses drawn from former government officials, universities, public interest groups, labor and business, as well as from key government officials. The League of Women Voters made an outstanding presentation.

The general consensus reached during the hearings was that trade adjustment assistance in its present form is burial assistance, but that a trade adjustment assistance program could be designed to provide prompt and effective assistance to workers, firms and communities who need it, at a lower cost to the economy, and without the foreign policy disadvantages of import restrictions.

For the purpose of providing a workable alternative to trade restrictions and trade wars, I introduced HR 4917—The Trade Adjustment Assistance Organization Act of 1973. The bill, which has the bipartisan cosponsorship of 45 members, is based on the recommendations made in the Subcommittee's report on adjustment assistance, and is, in my opinion, a reasonable and constructive means of making trade adjustment assistance a workable answer to economic dislocations caused by imports.

The Administration, however, does not seem to recognize the critical importance of trade adjustment assistance. At the same time that the Defense Department's Office of Economic Adjustment is preparing for a substantial extension of their often successful program of assistance to communities impacted by defense cutbacks, the Administration has seen fit to virtually abandon the concept of trade adjustment assistance in its trade recommendations to Congress.

Unhappily, the Trade Reform Act of 1973, as submitted by the Administration:

Proposes to decrease worker benefits.

Proposes not only to reduce the level of benefits, but to also lower the duration of benefits.

Completely abolishes substantive adjustment assistance to firms and industries. By abolishing this assistance, firms and industries are encouraged to seek relief in the form of quotas and tariffs instead of dealing with

the fundamental problem of making themselves more competitive.

In addition, the Trade Reform Act of 1973 provides inadequate job search and relocation allowances; and no provisions for the worker to retain his health insurance. Moreover, there is no provision for allowing older workers the option of early retirement; and no provision for an early warning system so that adjustment programs could be initiated before firms and workers actually are in trouble.

The United States deserves a more effective and humane trade adjustment assistance program than the one offered by the Administration in the Trade Reform Act of 1973.

The emphasis today must be put on a better delivery system, more substantive assistance and an early warning network to spot in advance those industries and companies which are running into the company is beyond hope and it can enroll workers into training programs before they are unemployed and their skills become obsolete. The government must anticipate problems and identify industries which need assistance. But, most important, the assistance must be adequate, practical and quick. Otherwise, we will always be in a position of doing too little, too late, and there will be no viable political alternative to protectionist tariffs and quotas.

HR 4917, the Trade Adjustment Assistance Organization Act of 1973, provides, I believe, the proper emphasis for an effective trade adjustment assistance program, and I hope the Ways and Means Committee will give the concepts contained in it favorable consideration as it develops its own legislative proposals.

In terms of cost, trade adjustment assistance is designed to provide assistance aimed specifically at the firms and workers who need it at a lower price to the economy and without the disabling foreign policy disadvantages of import restricting relief, such as increased tariffs and quotas.

Careful estimates indicate that an effective trade adjustment assistance program will cost not less than $150, nor more than $500 million.

These estimates must be compared to the costs of import restrictions. First, import restrictions can provoke trade wars which could seriously undermine our general economic health. As in the 1930's, American jobs and exports will be lost, not gained, because of trade wars. Second, import restrictions damage the US consumer by reducing competition for domestic producers and permitting them to raise prices. It is estimated that present US trade restrictions now cost US consumers as much as $7 to $15 billion every year.

In short, trade adjustment assistance is far less costly than import restrictions, and I am grateful that the League has endorsed the bill I have introduced.

The Trade Adjustment Assistance Organization Act of 1973 also directly reflects a broader issue which presented itself during our hearings on trade adjustment assistance—the issue of developing a national industrial conversion and manpower training program.

We live in an era of "future shock." The social and human costs of economic dislocation caused by rapid technological change, changes in consumer tastes, Government procurement programs, international trade, and other factors, make the development of effective adjustment mechanisms imperative where such dislocations occur.

Viewed in the context of the various factors which can cause economic dislocations, it is hard to justify helping workers suffering unemployment for some reasons while neglecting others whose unemployment arises from different causes equally beyond the workers control. To a firm or worker thrown out of business by impersonal forces, it makes no difference to him whether the cause is increased imports, changing consumer choice, technology, or rapid and sudden shifts in Government programs.

Moreover, as our orientation toward a military economy winds down, and as the 1970's bring a new awareness of the human and environmental problems which confront the Nation, we must develop a national priorities and economic conversion program which will serve to shift industry from less productive areas to those for which there is a need for greatly expanded services, manpower and capital investments—health, education, energy, housing, pollution control, mass transportation, and rural and urban development.

To deal more effectively with the problems of unemployment, inflation, low productivity, lack of competitiveness, worker dissatisfaction, and redirecting our economic priorities, the United States must commit itself to the development and implementation of national manpower power and industrial policy programs.

However, with the imminence of new multilateral trade negotiations, it is all the more timely to concentrate on developing a workable trade adjustment assistance program, which can also serve as a demonstration model for a national manpower and industrial program.

In submitting the Trade Reform Act of 1973, President Nixon has asked the Congress for wide authority to retaliate against restrictions on US exports; levy import surcharges; lower or raise trade barriers; and other trade rule changes. In its cumulative effect, the Trade Reform Act of 1973 would give the President far more authority over the foreign trade of the United States than any president has ever had before.

This delegation of authority comes at a time when the President has been challenging Congress on issues of executive versus legislative power—by claims of executive privilege, by impounding appropriated funds and by numerous vetos. In addition, the powers the President is asking for represent a double-edged sword since they can be used for protectionist and partisan political interests, as well as for statesmanlike reformation of the international trading system.

The executive, however, must have wide latitude in negotiating tariffs and trade arrangements. Furthermore, many of the actions needed to liberalize world trade rules and improve the US trading position cannot be handled by the Congress.

But the Congress too has a vital interest and fundamental role to play in shaping US foreign economic policy, and should, therefore, develop constructive means to exercise their responsibility.

First, the Ways and Means Committee and the Congress must closely scrutinize the Trade and Reform Act of 1973 and provide a reasonable and workable Congressional check on those powers which accord the President unusually new and broad authority.

Second, the Congress should form a bipartisan joint committee which would monitor the trade negotiations and the President's use of Congress' grant of authority. This special joint committee would convey the views of the Congress to the President in an effort to better coordinate trade policy during the trade negotiations as well as keep the Congress informed of the negotiations as they proceed.

It should be non-legislative, but broad enough to embrace bipartisan representation from Committees other than just Ways and Means and Finance, such as the Foreign Affairs, Banking and Currency and Agriculture Committees.

It should not be the primary aim of this Joint Committee to be a continual kibitzer or close daily monitor of the trade negotiations. However it is equally important during the forthcoming negotiations, which will enter new terrain—especially in non-tariffs and agricultural trade barriers—that there just not be periodic announcements of surprise trade packages for which there is neither the proper political environment or public acceptance. There must on trade issues be a cross-fertilization of ideas as well as information, and such a special joint committee can provide a proper framework and useful conduit.

What our experience has increasingly underscored is that trade and monetary negotiation and the necessary adaptations in the world system will require time, persistence, and skilled judgment, both professional and political. These problems will not evaporate with the passage of trade legislation, with the convening of formal trade negotiations, or with an automatic sequence of programmed decisions. Their solution requires more than expert prescription alone; they demand also political insight, leadership, and a proper interplay between the President, Congress, and the public. That is why I emphasize the need for a Joint Committee in Congress. That is also why a meeting of this character and the disinterested and sustained advocacy of the League of Women Voters so well fortifies the informed understanding necessary for the adoption of a responsible trade bill and for the strengthening of the world economy.

## NOWHERE TO GO BUT UP

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

Mr. PODELL. Mr. Speaker, in football, when it is fourth down and yards to go, a team punts and hopes for the best. This seems to be what the Nixon team has done in phase IV.

With his back literally to the wall, President Nixon last week announced his latest economic game plan. Hopefully, it will be more successful than some of his past attempts at coaching football. Frankly, I am seriously worried about the attitude expressed by the President in his message announcing phase IV. It seems that the President has abandoned all hope of controlling the recent disastrous rises in food prices that have plundered the purses of my constituents and of all the people in this country in the last few months.

This somber attitude may be indicative of a more realistic approach to this Nation's economic problems. Where before we had gladhanding platitudes and exhortations not to be concerned, that the situation would soon be better, the White House now tells us not to expect too much in the way of inflation control. While the President's message was filled with promises that if certain conditions were met, it would be possible to control inflation, it was all too easy to read between the lines. What I read was that, in spite of the President's best intentions, inflation will not be controlled until certain fundamental changes are made in our economic thinking. We are unlikely to see such changes—therefore, we may as well get used to paying ever higher prices for the necessities of life.

The President's message is replete with warnings that unless we balance the budget we shall be forever doomed to being dragged along the inflationary spiral. Now, balancing the budget has

been a favorite theme of every President in this Nation's history. It is, to borrow a phrase from Shakespeare, a consummation devoutly to be wished. I think that the budget can be balanced. But the question is, How is that goal to be achieved? For in every attempt to balance the budget, cuts must be made in Government programs and employment. And no matter where the cuts are made there will be people hurt, because they have lost their jobs, or areas hurt because they have lost a longstanding source of income.

It is a pretty safe guess, Mr. Speaker, that when the President speaks of balancing the budget, he stands ready to do so by impounding funds desperately needed by our cities, our children, our aged, and our poor. The courts of this Nation have said to the President that his powers do not extend to transgressing the will of the Congress by impounding funds which we have duly voted. Will the President be willing to drastically reduce spending on unnecessary Defense Department projects? Would he be willing to cut back spending on short-term military and subsidy programs, and invest instead in long-term human resources programs? Has he ever considered seriously the necessity to a nation supposedly at peace of such a bloated defense budget?

The Brookings Institution recently issued a report in which it was said that this Nation is allocating its available resources in an inefficient manner. Too much of our income is being allocated to the military and other areas which have only a short-range benefit, at best.

Coupled with this is the way in which we garner the resources which we then misallocate. Our tax structure, which once was touted as the most progressive in the modern world, has become so riddled by loopholes and exceptions as to be regressive in its effects. The greatest burden, in percentage of income actually paid in taxes, has fallen on the middle classes. This is certainly not new information. But, as prices continue to rise, not only for food, but for every necessity of modern life, we shall be hearing much more about the inequities of the tax system.

President Nixon intimates in his phase IV speech that it will be necessary to control inflation by controlling demand for products. This means taking more money out of the people's pockets, which in turn means higher taxes. If taxes are to be raised, will they be raised fairly? Will the giant corporations who make hundreds of millions of dollars in profits each year be asked to shoulder their share of the burden of running this country? Or will we see yet another onslaught against the pocketbook of the middle class?

Simply controlling the amount of money available for spending will not control inflation. Nor will cutting down on Federal expenditures. The picture is much broader than that. We will have to take a long, hard look at just where we spend our money and why. We will have to reexamine our fundamental assumptions about income taxation, in order to make our tax system truly progressive. We will have to decide not just whether or not we want our budget balanced, but whether it is to be balanced in favor of life or death.

The fight against inflation is more than that; it is a fight to make our Nation livable again. It is unfair to say to the housewife that she will have to eat less and pay more money for it, while at the same time continuing to pay farmers not to grow food. It is unfair to let farmers and packing houses go out of business because the high cost of feed grains makes it unprofitable for them to grow their flocks to maturity, and at the same time sell over one-quarter of our grain crop overseas. It is not just unfair, it is ridiculous, to tell the American consumer that he must reduce his level of demands for food and manufactured products, while the Pentagon spends more and more money every day on boondoggle projects.

I can understand why President Nixon did not make any firm projections about food and other prices leveling off. He has not simply gone out of the business of predicting economic trends. He undoubtedly will refuse to make the hard decisions necessary to revitalize the economy of this Nation. It was not until his back was literally against the wall that he imposed the freeze on meat prices and ordered an increase in the acreage under cultivation. President Nixon, in spite of his rhetoric to the contrary, did not make these decisions. They were made for him by a convergence of economic conditions and public outrage.

The same attitude of "I'm doing this against my better instincts" is apparent throughout the text of his phase IV address. And it is this attitude of extreme reluctance which may be ultimately more dangerous to our Nation's economic well-being than either inflation or controls. For what the President is saying, in spite of all his warnings of how tough the new program will be, is that he would rather not control prices at all, and that he would rather let inflation run rampant.

The President, by dragging his feet, is giving tacit approval to the current trend toward higher prices. He is admitting that he is helpless to cope with ever-higher prices, and he is further admitting that it will not greatly disturb him to see prices continue to rise. He sees this as a sign of a healthy economy. I and my constituents see this as a sign of a government which does not act on behalf of the vast majority of people in this country. As far as the President is concerned, prices have nowhere to go but up.

## PROPOSED REGULATIONS FOR RURAL DEVELOPMENT ACT

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

Mr. ALEXANDER. Mr. Speaker, recently, the USDA published proposed regulations for the Rural Development Act of 1972. For those Members who represent districts containing rural areas, these proposals may be of great importance to the future of their constituents. As chairman of the Subcommittee on Family Farms and Rural Development of the House Committee on Agriculture, I am compelled to comment on these proposals:

I represent 21 counties in the northeast quadrant of Arkansas. My home county is the largest in the First Congressional District. It is situated midway between Little Rock and St. Louis—50 miles north of Memphis on the North-South Expressway.

My district represents the lowest per capita income, the highest rate of unemployment, the least number of doctors per 1,000 population, the most substandard housing of any district in the State, and the lowest educational achievement level.

However, the First Congressional District is first in out-migration of population. During the past quarter century we have lost approximately one-third of our total number of people.

They have moved away with their families to Memphis, St. Louis, Chicago, and Detroit.

We have literally poured out our problems that have filled the urban areas that surround us.

Our poor have moved away to the city:

They swell the welfare rolls in St. Louis.

They raise the crime rate in Memphis.

They crowd the classrooms in Chicago.

They fill the hospitals in Detroit.

And they add to the number of citizens who have lost hope of the American dream.

We lose our tax base, our labor supply, our people from Arkansas. And the complexities of the urban crisis are compounded by the continuance of this fact in our society.

In 1969, when visiting Bedford-Stuyvesant in New York, I took personal note of a little child who played near-naked in the streets where sewers overflowed from the gutters. In becoming acquainted with the child's father, who was drinking beer at 2 o'clock on Friday afternoon, he explained that he was in his mid-fifties, had been unemployed for several years, survived on welfare and veterans benefits and arrived in New York by way of North Carolina.

Having knowledge of this modern American tragedy, in 1970 the Congress established a national policy proclaiming its goal of balancing economic development between rural and urban areas. In 1972, we went a step further, and enacted the Rural Development Act which, at the time, was heralded by all to be a solution to the problem of national development.

It is my understanding that you want me to comment on the steps being taken to implement the Rural Development Act and the role our subcommittee should play in this field.

Since coming to Washington, I have discovered a new planet in the universe. This other world is known as the administration. It lives in one world and Congress lives in another.

In June, when I began reviewing some of the proposed regulations to the Rural Development Act, I was certain of this new discovery.

In the world in which I live, the Con-

gress enacted a law which we entitled "The Rural Development Act of 1972." This act authorized the establishment of Federal programs to be administered in the federal system by Federal agencies for the revitalization of rural America.

Let us review some of the VSDA proposed regulations:

Business grants: Applications shall be processed by FHA only after having been approved by the State Governor or State official designated by him and in accordance with any applicable cooperative arrangements.

Community facility loans: Applications shall be processed only after having been approved by the State Governor.

Real estate loans: The State Governor or his delegate will select the projects to be funded.

After reading these proposals I got the distinct feeling that in the world in which the administration lives that something different was enacted in 1972 entitled "Rural Revenue Sharing as Originally Proposed by President Nixon."

In the world in which I live, article II, section 3 of the Constitution of the United States says that the President "shall take care that the laws be faithfully executed."

In the world in which the administration lives that provision of the Constitution has been changed. It now seems to say that the President "shall take care that the laws be faithfully executed according to his wishes."

The proposed regulations under which the programs were to operate were published in the 10th month after the bill became law. They appeared in the Federal Register at a time when Congress—particularly the House—was laboring under the heaviest legislative schedule of this session.

Why?

First. Is it possible that the administration hoped that the Congress would be so busy with current legislation that it would not notice the provisions in the proposed regulations?

Provisions which would have the effect of delegating to the Governors of the States the administration of this program.

Provisions which tend to manipulate the RDA into rural revenue sharing.

Second. Is it possible that the executive branch hoped that Congress would ignore the USDA proposals so that new and additional credit resources would be subverted into supplemental credit?

Third. Is it possible that the executive branch expected the Congress not to notice that it had arbitrarily excluded from program benefits under the business and industrial development provisions for recreation logical and legitimate activities in such areas as recreation?

There are areas of the Nation's countryside, some of them are in the district which I represent, where the development of recreation projects are the most natural and reasonable avenue of economic development. Areas where recreation developments would mean not only economic revitalization but be a means of protecting and enhancing the natural environment and regional culture while making its enjoyment available to the whole Nation.

Congressional reaction to these proposed regulations has been swift.

The House and Senate have enacted amendments that reassert the congressional intent that the Rural Development Act is a Federal program, not State revenue sharing.

The administration's response to this effort indicates that it will make appropriate changes.

Let us look at the hard facts leading up to publication of the June regulations. The hope of breathing new life into rural America dimmed in January when the President's budget was made public:

Of the 33 provisions for which funding should have been requested only 16 appeared in the budget.

And the levels for which spending authority was requested was dishearteningly low.

Six months had passed.

It was apparent that the administration's verbal commitments to Rural development would not be backed up with a budget commitment.

There are 72 provisions in the bill for which implementing provisions are needed. Now 10 months after this bill has become law, regulations for only 38 provisions have been proposed.

And, the administration has flatly told the Congress that it does not intend to implement a dozen other provisions, and that some of the provisions which are implemented will be absorbed into existing programs rather than become new or expanded programs.

I am pleased that the administration is beginning to move to implementing this act. However, I am greatly disappointed with the direction in which some of its proposals have taken.

It now appears that full implementation, if we get it at all, will likely not come before fiscal 1976.

When the Congress passed the Rural Development Act last year, we fully recognized that it is not the final answer to the problems which face the Nation's countryside. What we were attempting to do was keep our word with the American people when the Congress enacted title IX of the Agricultural Act of 1970 calling for a sound national development balance between rural and urban America.

There are, I believe, three basic elements to any attempt to achieve this goal. The first is knowledge—the research and education necessary to move in an orderly manner toward the objective of revitalization and development of rural areas.

The second is establishment and operation of new credit assistance programs which, through a private and public enterprise partnership, will help finance the establishment of businesses, industries and community facilities and activities essential to improving the quality of rural life. And, finally, the establishment of a coordination system designed to direct into rural development programs the countryside's fair share of existing programs within the Federal system. Programs which, while they were intended to benefit all sections of the Nation, have to often concentrated on the massive problems of our highly urbanized areas and given little or no concern to the needs of our smaller communities.

Through the approval of the Rural Development Act, the Congress incorporated all these elements in its program for the Nation's countryside. This action was a clear rejection of the rural revenue-sharing program proposed by the President.

It was a mandate to the executive branch, and to the President, to get on with the business of keeping the promise Congress made in 1970.

As chairman of the subcommittee dealing with rural development in the House, it is my hope that we can focus on directing our efforts to achieving full implementation of the Rural Development Act and title IX of the Agriculture Act of 1970. This can best be achieved by reviewing all executive branch activities affecting rural areas and developing legislation needed to fill the gaps which exist or may become apparent in current legislation.

The Rural Development Act of 1972 is an opportunity to build on a foundation of experience and an opportunity to avoid the mistakes of the past. We would do well to draw on previous achievements and learn from the errors of such agencies as:

The Economic Development Administration;

The Old Area Development Administration;

The SBA;

The REA; and

The Department of Housing and Urban Development.

In conclusion, I would say to the administration that the Congress is determined to breathe new life into rural America, and that it will find no greater dedication of purpose, nor sincerity of effort than it could discover in the Congress. Let us link our separate worlds together in a spirit of cooperation under the same Constitution and make this program work.

## CREDIT AND WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG), is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, I would like to take this opportunity to commend my distinguished colleague from Missouri, Representative SULLIVAN, for beginning today oversight hearings on the subject of consumer finance. It is well known that the American economy is a credit economy. The American consumer uses credit to live better—to be better clothed and housed, to enjoy a vacation, to pay for a child's education or their own education. Probably no one in the House knows this better than Mrs. SULLIVAN. In fact, in May 1972, when I testified before the National Commission on Consumer Finance, it was Mrs. SULLIVAN who was chairing the meeting.

The subject of those hearings was the problem of discrimination against women in the extension of credit. Women con-

stitute 51 percent of the population and 40 percent of America's work force. Yet, there has been much empirical evidence and some statistical data to illustrate the problems women—be they married or single, divorced or widowed—have in securing their fair share of this fact of American life. To help secure that end and to remedy the problem of discrimination last May I introduced three bills that would make it illegal to discriminate on the basis of sex or marital status in retail credit, mortgages or personal and commercial loans. This was the first legislation of its kind in either the House or the Senate.

This problem is one that reaches and effects large numbers of American women. When I started talking about this situation in my travels around the country and in my district many women, both young and old, came and told me of their problems in securing credit. Many of the national women's organizations such as National Women's Political Caucus, the National Organization for Women and the Women's Equity Action League, engaged in an extensive lobbying campaign around this issue. I also heard from many individuals who were interested in this problem as well as many national journals and journalists.

At the beginning of the 93d Congress I reintroduced those three bills with 22 cosponsors and again urged that this matter be considered expeditiously. It was also in the beginning of the 93d Congress—and for Mrs. HECKLER, the 92d—that other of my colleagues introduced legislation on this subject. During this period I reviewed the legislation and in May redrafted and reintroduced a new bill that combined the elements of the three original bills into one. It would accomplish its purpose by amending the Truth-in-Lending Act. That bill now has 70 cosponsors and broad bipartisan support.

I also note that yesterday three members of the Consumer Affairs Subcommittee. Mrs. HECKLER and two other members, introduced the Senate legislation. This renewed action emphasizes the importance of this legislation. These three members of the subcommittee join three other members of the subcommittee, Mr. MITCHELL of Maryland, Mr. GONZALEZ, and Mr. MOAKLEY, who are cosponsors of my measure.

I hope that with yesterday's Senate approval of this measure, the introduction of new bills and the 70 cosponsors on my legislation that we can expect action soon to remedy this problem.

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## DEALING WITH TOTALITARIAN SOCIETIES

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

Mr. ICHORD. Mr. Speaker, in this period of seeming détente with the Communist world and while the United States seeks to negotiate arms limitations and increased trade with both Red China and the Soviet Union, we must not forget that we are dealing with totalitarian societies where the cries of the people for greater freedom are constantly being snuffed out like a flickering candle.

We must raise our voices in protest. Not to do so is to turn our back on our fellow man in vast areas of the world.

I have just recently learned that another gifted Russian writer is facing imprisonment in a mental hospital and expulsion from the Soviet Writers' Union because his works are critical and thus, displeasing, to the Kremlin authorities.

His name is Vladimir E. Maximov, age 41, and is considered by many in Western Europe who have read translations of his novel, "Seven Days of Creation," to be second only in talent to Alexander Solzhenitsyn who has long been recognized as perhaps the greatest Russian writer in the 20th Century.

Maximov's latest book, "Quarantine," is about to be published in West Germany and the Soviet Government has denounced the author as an enemy of the state.

According to information received from some of Maximov's friends in Moscow, he has been summoned to appear for psychiatric reexamination. He was similarly harassed by psychiatrists under orders of the Soviet secret police during 1972 on several occasions.

I am sure we are all familiar with the fact that the U.S.S.R. frequently confines intellectuals in mental institutions on the grounds that anyone who finds any fault with the Soviet Communist system must be insane.

A worldwide appeal is being made on Maximov's behalf to try to prevent his incarceration and further persecution and I have joined in this effort by writing to Soviet Ambassador Dobrynin. I wish to insert a copy of my letter in the RECORD at this point.

JULY 19, 1973.

HON. ANATOLIY F. DOBRYNIN,
*Ambassador, Union of Soviet Socialist Republics, Washington, D.C.*

DEAR MR. AMBASSADOR: It has been brought to my attention that your Government is considering the incarceration of the Russian writer, Vladimir Maximov, in a mental institution following a State-ordered "psychiatric re-examination." He is also facing expulsion from the Writers' Union.

I have been advised that his book, *Seven Days of Creation*, is about to be published in English, has already been translated into German, French, Italian and Spanish, and ranks, by the standards of many reviewers, in a class with the works of Alexander Solzhenitsyn whose creative genius is now well recognized throughout the world. His newest book, *Quarantine*, is also ready to be published in West Germany.

At a time when detente seems to be the order of the day and men of reason on all sides are endeavoring to put together such a fragile thing as a generation of peace and progress based on greater mutual understanding, it is very difficult to understand the continued persecution of intellectuals in the Soviet Union. It certainly dampens any enthusiasm Americans may have for increased cultural exchanges between our two countries.

You certainly know, from your years of service for your country in Washington, that men like Boris Pasternak and Solzhenitsyn have done much to stimulate an American interest in the peoples of the Soviet Union just as the writings of Dostoevski, Tolstoy and Turgenev helped bridge the gulf which tended to separate our forefathers from the realities of life in Tsarist Russia.

The cultural heritage of a country suffers immeasurably when creative talent is mistreated and suppressed. Such talent belongs to Mankind whether it be Russian, American, Chinese or Nigerian.

The creative spirit must not be allowed to perish in Russia or anywhere else and it is on this basis that I urge you to intervene with your Government on behalf of Vladimir Maximov.

Sincerely yours,

RICHARD H. ICHORD,
*Member of Congress.*

For those of my colleagues who have not had the benefit of hearing about Maximov before, I would also like to insert excerpts from an interview given by Maximov to his West German publisher:

EXCERPTS FROM AN INTERVIEW GIVEN BY VLADIMIR E. MAKSIMOV TO HIS WEST GERMAN PUBLISHER HERR SCHERTZ

Q. When and where were you born? Who were your parents, your brothers and sisters, and what were your relations with them?

A. I was born 41 years ago in Moscow in the family of a worker of a plant producing salicil, which is located in Sokolniki. My mother, Fedosya Savelyevna Samsonova, was an employee of a communal economic organization. She worked as a secretary, a case worker, and economist. My older sister Nina—now a rather vague, yet a bright spot in my memory of the past—died at the age of 11 from blood poisoning. With my younger sister, Yekaterina, Breitbart in marriage,—who at the present time lives in Israel—I maintain the closest relations, and hope to be able to continue to do so in the future.

Q. What schools, children's homes, camps and colonies have you lived in, and what were the conditions prevailing there?

A. Before leaving home, I succeeded in completing four years of studies at the Moscow general-education school No. 393. My wandering youth was several times interrupted by short-term "stops" in the homes for unheeded children (in Slavyansk, Batumi, Kutaisi, Ashkhabad, Tbilisi, Tashketn) and in the colonies (of Kutaisi, Ashkabad, Tashketn, and Sheksna) from which, as a rule, I managed to escape successfully (with the exception of the one in Sheksna). From bitter experience of my residence in the correctional institutions for children—standardized in accordance with the Makarenko system—I have gained a staunch conviction that any system, even the most attractive one, becomes an instrument of crime in the hands of fanatical apologists. Never, before or after, have I seen anything more loathsome, even though life had hardly ever treated me too charitably since. At the age of 16 I was sentenced to 7 years under a government decree directed against the pillagers of state property, and after a short stay in the Taganka prison, I was sent to the Sheksna labor colony for delinquent children, from which I also tried to escape, but was unfortunately captured. While still unconscious [after the treatment received at the hands of my captors], I was brought to the Vologda district mental hospital for psychiatric examintaion where I was pronounced insane and promptly committed, as they say, "for good."

Q. Tell us about your further education, the places of your residence, and your travels?

A. Leaving aside the brief haphazard periods of study during my stays in various correctional institutions, I received my education mostly from books. It is on the basis of what I've gleaned from books that I have formulated for myself a code of ethics, enriched later on by my voluminous experience in life. Along with my release papers, I was issued my first passport, though with a clause restricting my right to reside in certain cities. Having celebrated my 18th birthday, I, there and then, decided to volunteer for employment in the Arctic. I worked there

with the research expedition which was commissioned to plot the notorious "Dead Railroad", as a laborer in the Taymyr area, and later as supervisor of the river-transport workers club in Igarka. Still later, having gained some experience in construction, I worked as a mason and plasterer in Tuna, Krasnoyarsk, and Kemerovo. In 1952 I moved to the Kuban area where I was employed as a handyman at a brickyard, as a trailer maintenance man in a collective farm, as a cultural worker and newspaperman. In the latter capacity I have criss-crossed practically the entire country.

Q. What was the life and the fate of your father?

A. My father was a peasant from the village of Sychevka in the Tula district. In 1920 he was drafted from there into the Red Army, where he had joined the party. Upon demobilization—instead of going home—he moved with his young bride to Moscow, where he became active in political work, having sided with the workers' opposition movement. After the expulsion of Trotsky from the USSR, he was arrested several times, but was finally sentenced to imprisonment only in 1933. In 1939 he found himself among the "fortunate few", who were released as a result of the fall of [NKVD boss] Yezhov. Up to the very beginning of World War II he worked as a mucker in a mine in the vicinity of his native village. On June 22 [1941] he enlisted as a volunteer and was sent to the front where he was killed in action. The utmost poverty of our family, and the consequent everlasting struggle for existence, was not conducive to mutual trust and attachment among its members, and this is probably the reason why no close spiritual ties had ever developed between my mother and me. Partially this was also due to our intrinsic stubbornness, hers and mine. The greatest influence on my development was exerted by my maternal grandfather, a hereditary railroad worker, Savelly Anufriyevich Mikheyev, with whom I have spent the major part of my early childhood.

Q. When did you become interested in literature? Who, or which authors served to you as examples? Who was your literary mentor?

A. I wrote my first poem when I was eight years old, since then I continuously engaged in writing. Of whatever I happened to lay my hands on, the most fascinating to me were the works of Gorkiy and Leonov. Along with spiritual maturity there developed in me a passion and deep admiration for Dostoyevsky which overfilled my entire being. I entirely share Dostoyevsky's ineradicable "kindness for the fallen", the consistency of his moral principles, his refusal to accept any division of society into the righteous and the guilty ones. The wealth of issues he had unearthed could serve as an inexhaustible fountain of ideas for any contemporary writer. In the literary milieu of my generation I—from the very beginning—became an outcast, a pariah. Little, indeed, was I concerned with the problems which then occupied my colleagues among the writers: cases of mismanagement in agriculture, the drama of the domestic breed of beatniks, the cult of personality. Hence, their manifest and complete inability to understand me, and frequent out-spoken derision, particularly of my religious searchings. I strove to get directly "to the very essence of things", to probe the sources of the process which was tearing the society apart, to expose for myself its historic perspective. Let the reader be the judge of whether I have succeeded or failed in this endeavor. The version about the patronage allegedly extended to me by Konstantin Paustovsky—a writer whom I profoundly revere—is somewhat exaggerated. His role in my literary career was limited by his invitation for me to contribute some of my works to the collection of essays *Tarusskiye Stranitsy*, of which he was the editor. Since then I have never had a chance to see him. Grouped around him were mainly the former participants of the seminar he was conducting at the Literary Institute: Boris Balter, Lev Krivenko, Benedikt Sarnov, and others.

Q. How long did it take you to write the *Seven Days of Creation*, and under what conditions was the book written?

A. With the exception of the chapter, entitled "A Household Amidst the Skies", which was written somewhat earlier, the book was completed, so to say, in one breath, in a single continuous effort which lasted throughout 1969 and the very beginning of 1970. I wrote the book almost suffocating from my impatient desire to express all that was overfilling my soul. The nature of this angry impatience did, in fact, predetermine all the book's merits and all its shortcomings.

Q. What is your attitude to certain colleagues of yours—Tvardovsky, Solzhenitsyn, Yevtushenko, and the others?

A. First of all I consider it totally improper to associate a mediocre versifier, a resourceful literary wheeler-dealer, with the names of Tvardovsky and Solzhenitsyn, so highly respected in our literature. The amoral tribe of all sorts of yevtushenkos—these abhorrent products of our troubled epoch, who strive to offset a total absence of conscience and lack of any measure of genuine talent by demagogic opportunism and impudence—roam through the world as self-styled representatives of the "progressive elite" of Soviet intelligentsia. One can't help but wonder at the amount of truly naive credulity with which these well-paid literary salesmen are accepted in the West as "fighters" and even "martyrs". But the best strains in our literature are gaining an upward momentum. I could mention here a series of worthy names, such, for instance, as Vladimir Voynovich and Andrey Vitov, Vassiliy Aksyonov and Vassiliy Belov, Yuriy Kazakov and Boris Mozhayev, Mikhail Roshchin and Yuriy Trifonov, to say nothing of such a magnificent prose-writer of the older generation as Yuriy Dombrovsky.

Q. Your only trip outside the USSR was to Czechoslovakia. What were your impressions? What has motivated you to make this trip? Whom have you met there, and what subjects did you discuss?

A. Czechoslovakia was the first country where all my published works were translated, and where the first literary analyses of them appeared in print. It is only natural, therefore, that I, as the author, was eager to visit the country where I was understood and recognized. But the trip exceeded all my expectations. Fate has granted me a number of encounters which I shall remember as long as I live. I regret very much that I cannot mention here the names of the persons I met, and the top'cs we discussed, for the fear of causing them harm. The only feeling which imbues me whenever Czechoslovakia is mentioned could be expressed in one single word—gratitude.

Fully aware of what is happing to him, Maximov has recently written a letter to the Soviet Writers Union—a letter widely distributed underground throughout the Soviet Union and smuggled to the West. The measure of the man is incorporated powerfully in this letter and I insert it at this point in the RECORD:

TO THE SECRETARIAT OF THE MOSCOW ORGANIZATION OF THE U.S.S.R. WRITERS' UNION, FROM V. E. MAKSIMOV

It has come to my knowledge that the Secretariat of the Moscow Chapter of the RSFSR Writers' Union, in cooperation with its Prose Section Bureau, is scheduling a discussion of my novel *Seven Days of Creation* with all the administrative consequences ensuing therefrom. I am, therefore, writing this letter in anticipation of the proposed discussion, since I know in advance the character of your accusations and the quality of your arguments. There is no need for me to apologize to you for anything, nor do I have anything to regret. As a son and grandson of hereditary proletarians—a product of the working-class myself—I have written a book about the final development phase of a cause for which my father, my grandfather, and most of the members of the two families from which I stem, have sacrificed their lives. For me this book is a result of many years of thoughtful consideration of the oppressive, and now irreversible, phenomena of our times, and of my personal agonizing experiences. If—while remaining alone with your conscience—courageously and without prejudice you will look into the eyes of reality, there will—I am sure—arise in your minds many of the very same "whys" which have relentlessly haunted me as I was working on my novel.

Why is it that in the country of victorious Socialism, drunkenness has developed into a national tragedy? Why is it that our nation—having entered into the second half-century of its existence—is being torn apart by a kind of pathological nationalism? Why is it that indifference, corruption and larceny threaten to become a normal occurrence of our day-to-day life? Where should the source of all this be sought, what is the primary reason of such a state of affairs? Such basically were the questions which I was asking myself as I began to work on my book. I do not know, whether I have succeeded in providing a sufficiently convincing answer even to one of these questions, but you have no reason to doubt the sincerety of my intentions. All my senior predecessors from Dudinsev to Solzhenytsin—each according to his abilities and talent—were guided by the same desire to help their country and their people to understand the negative phenomena of our times, so that—freeing itself from the errors of the past—the nation could fearlessly move forward.

Unfortunately, those who had the power to turn these books into effective instruments of progress, have not only remained deaf to the voices that clamored for the truth, but have instead launched a violent attack against the authors. It is hard for me to judge who was interested—and why—in driving the disease even deeper into the system, but I have no doubt about the lamentable outcome of that kind of treatment: the consequences cannot be evaluated, the calamities are incalculable. If our society fails to recognize this fact today, tomorrow it may already be too late.

I am not in a position at the present time to indulge in defiant bravado. It was with a feeling of bitterness and loss that I shall quit the organization where I remained as a member for almost a decade. The men from whom I've learned how to live and work belonged to this organization, and some of them still do. The Writers' Union, and particularly its Moscow Chapter, is gradually being turned into the undivided property of the petty political marauders and travelling literary salesmen: all those mednikovs, pilyars, and yevtushenkos—the sundry demons of spiritual parasitism that they are.

I realize very well what awaits me after my expulsion from the Union. But at the end of my road I am heartened by the conviction that in the vast expanses of my native land, sitting under the electric chandeliers of the latest type, perched by kerosene lamps or sooty lanterns are boys who follow in our footsteps. They sit there, and write, wrinkling their Socratic foreheads. They write! Perhaps, it won't be their lot to change the sorrowful face of reality (this, incidentally, had never been the goal of literature) but there is one thing I do not doubt in the least—they will not permit their country to be buried secretly, no matter what the spiritual under-

takers of all colors and shades try to do to achieve this end.

Assuming full responsibility, I am

V. MAKSIMOV.

May 15, 1973.

I hope every Member of this House will take time to read the material regarding Maximov and join with me in asking Ambassador Dobrynin to urge his government to let Maximov go free. Thank you.

## THE LATE HONORABLE ROBERT L. HOGG, DISTINGUISHED WEST VIRGINIAN

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

Mr. HECHLER of West Virginia. Mr. Speaker, it is with a great deal of regret and sadness that I inform the House of the untimely passing last Saturday, July 21, of one of West Virginia's most distinguished citizens, the Honorable Robert L. Hogg, of Point Pleasant, who represented my State's Fourth Congressional District between 1930 and 1933. As the Representative of West Virginia's Fourth Congressional District, I rise to pay tribute to our former colleague.

Mr. Hogg, 79, had an outstanding and brilliant career in the fields of law and insurance as well as in public service.

He was educated in public schools in Mason County and after receiving his law degree from West Virginia University started practicing law in 1916 in Point Pleasant. He was the son of the late Susan K. and Charles E. Hogg, who at one time was dean of the West Virginia University Law School.

Mr. Hogg served with the American Expeditionary Forces in France during World War I, then came back to his beloved Point Pleasant where he was elected prosecuting attorney of Mason County, serving from 1920 to 1924. He then was elected to a 4-year term in the West Virginia State senate, and in 1930, was elected to the House of Representatives to fill the unexpired term of Representative James Hughes of my hometown of Huntington in Cabell County, who had died in office. Mr. Hogg was elected to a 2-year term in the Congress for the 1931–1933 term.

From 1935 to 1944, Mr. Hogg served as counsel to the Association of Life Insurance Presidents. In 1944, he became executive head of the American Life Convention, a position he held for 10 years in Chicago and Washington.

In 1954, he joined the Equitable Life Assurance Society in New York as vice president and advisory counsel, moving up to become vice chairman of the board before retiring in 1959 and returning to his native Point Pleasant.

Mr. Hogg was the author of numerous articles and coauthored "Hogg's Pleasings and Forms," a law textbook. He was also an expert on income taxes.

After his retirement from the Life Assurance Society, Mr. Hogg was counsel for the Charleston law firm of Jackson, Kelley, Holt and O'Farrell, 1960–1970.

Mr. Hogg had lived in Lewisburg, W. Va., for the last 10 years and was a member of the Old Stone Presbyterian Church there.

He is survived by his wife, Louise of Lewisburg; a daughter, Mrs. John "Mary Lynn" Shackelford of Rutland, Vt.; son, Dr. Charles E. Hogg of San Pedro, Calif., and five grandchildren; sister, Mrs. Nancy Coe of Columbus, Ohio, and a brother, William Hogg of Columbus.

Services were held Monday in the Old Stone Presbyterian Church and a graveside service was held this morning at Lone Oak Cemetery, Point Pleasant.

## LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. MCSPADDEN (at the request of Mr. O'NEILL), for today, 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. MITCHELL of New York) to revise and extend their remarks and include extraneous material:)

Mr. MCDADE, for 10 minutes, July 24.
Mr. HOGAN, for 5 minutes, today.
Mr. ROBISON of New York, for 15 minutes, today.
Mr. WYMAN, for 5 minutes, today.

(The following Members (at the request of Mr. THORNTON) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.
Mr. BINGHAM, for 10 minutes, today.
Mr. ADDABBO, for 10 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Mr. PODELL, for 30 minutes, today.
Mr. ALEXANDER, for 30 minutes, today.
Ms. ABZUG, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI to extend his remarks.
Mr. MADDEN and to include an article.

(The following Members (at the request of Mr. MITCHELL of New York) and to include extraneous matter:)

Mr. STEIGER of Arizona.
Mr. MITCHELL of New York.
Mr. BURGENER.
Mr. HILLIS.
Mr. ZWACH.
Mr. STEELE in two instances.
Mr. BOB WILSON in two instances.
Mr. MCKINNEY.
Mr. CONTE.
Mr. CARTER in two instances.
Mr. DERWINSKI.
Mr. LENT in five instances.
Mr. KEMP.
Mr. GUDE in five instances.

(The following Members (at the request of Mr. THORNTON) and to include extraneous material:)

Mrs. GRIFFITHS.
Mr. SISK.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. BRADEMAS in six instances.
Mr. TEAGUE of Texas in six instances.
Mr. HARRINGTON in four instances.
Mr. BINGHAM in three instances.
Mr. RANGEL in 10 instances.
Mr. OBEY in three instances.
Mr. PATTEN.
Mr. BADILLO.
Mr. O'NEILL.
Mr. SARBANES in five instances.
Mr. TIERNAN in two instances.
Mr. ULLMAN in five instances.
Mr. MOSS.
Mr. JONES of Tennessee.
Ms. ABZUG in 10 instances.
Mr. FUQUA.

## 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. 2101. An act to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes; to the Committee on Banking and Currency.

## BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 9172. An act to provide for emergency allotment lease and transfer of tobacco allotments or quotas for 1973 in certain disaster areas in Georgia and South Carolina.

## ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 25, 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:

1167. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of various transfers of funds under the Department of Defense Appropriation Act, 1973, pursuant to section 735 of the act (Public Law 92–570); to the Committee on Appropriations.

1168. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a list of excess defense articles to be furnished foreign countries on a grant basis, pursuant to section 8(d) of the Foreign Military Sales Act Amendments of 1971, as amended; to the Committee on Foreign Affairs.

1169. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

1170. A letter from the Secretary of the Interior, transmitting the Fifth Annual Report of the Alaska Power Administration,

covering fiscal year 1972; to the Committee on Interior and Insular Affairs.

1171. A letter from the Secretary of Transportation, transmitting the second annual report on the financial condition of the Central Railroad Co. of New Jersey, pursuant to section 10 of Public Law 91-663 (45 U.S.C. 669); to the Committee on Interstate and Foreign Commerce.

1172. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ending June 30, 1973, pursuant to section 203(f) of the act [8 U.S.C. 1153(f)]; to the Committee on the Judiciary.

1173. A letter from the Cochairman, President's Economic Adjustment Committee, transmitting a report on economic conversion for communties affected by the defense facility and activity realinements announced on April 17, 1973, pursuant to section 7 of Public Law 93-46; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1174. A letter from the Comptroller General of the United States, transmitting a report on a review of Federal library operations in metropolitan Washington; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 8789. A bill to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half-dollars, and quarters, and for other purposes (Rept. No. 93-391). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. S. 1989. An act to amend section 225 of the Federal Salary Act of 1967 with respect to certain executive, legislative, and judicial salaries (Rept. No. 93-392). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 503. Resolution providing for the consideration of H.R. 7482. A bill 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. (Rept. No. 93-393). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 504. Resolution providing for the consideration of H.R. 8920. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. (Rept. No. 93-394). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 505. Resolution providing for the consideration of H.R. 9286. A bill to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation, for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes. (Rept. No. 93-395). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 506 to provide for the consideration of H.R. 9360. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. (Rept. No. 93-396). Referred to the House Calendar.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8214. A bill to amend sections 112, 692, 6013, and 7508 of the Internal Revenue Code of 1954 for the relief of certain members of the Armed Forces of the United States returning from the Vietnam conflict combat zone, and for other purposes; with amendment (Rept. No. 93-397). 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. FREY (for himself, Mr. BAFALIS, and Mr. ROGERS):

H.R. 9508. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion; to the Committee on Agriculture.

By Mr. FREY (for himself, Mr. BRASCO, Mr. COUGHLIN, Mr. DAVIS of Georgia, Mr. FLOWERS, Mr. GUDE, Mr. GUNTER, Mr. KYROS, Mr. LEHMAN, Mr. MOLLOHAN, Mr. ROE, Mr. SARASIN, and Mr. WON PAT):

H.R. 9509. A bill to provide for a uniform application of safety standards for mobile homes and recreational vehicles in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself, Mr. FRASER, Mr. RANGEL, Mr. DELLUMS, Mr. FAUNTROY, Mr. STARK, and Mr. MCKINNEY):

H.R. 9510. A bill to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HARRINGTON (for himself and Mr. MATSUNAGA):

H.R. 9511. A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency; to the Committee on Armed Services.

By Mr. HAYS:

H.R. 9512. A bill to amend title III of the act of March 3, 1933, commonly referred to as the "Buy American Act", with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

By Mr. LEGGETT:

H.R. 9513. A bill to amend title 38 of the United States Code to prohibit the Administrator of Veterans' Affairs from seeking deficiency judgments with respect to certain loan obligations held by him; to the Committee on Veterans' Affairs.

By Mr. LEHMAN (by request):

H.R. 9514. A bill to amend section 142 of title 13, United States Code, to change the date of the taking of the census of agriculture, and the census of irrigation and drainage; to the Committee on Post Office and Civil Service.

By Mr. MADDEN (for himself and Mr. ROUSH):

H.R. 9515. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. MAYNE:

H.R. 9516. A bill to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MOAKLEY:

H.R. 9517. A bill to amend title 5, United States Code, to provide for equality of treatment with respect to married women Federal employees in connection with compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

By Mr. PATTEN:

H.R. 9518. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 9519. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. PODELL:

H.R. 9520. A bill to amend the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

By Mr. ROBINSON of Virginia:

H.R. 9521. A bill to authorize the donation of Federal surplus property to local governments; to the Committee on Government Operations.

By Mr. TALCOTT:

H.R. 9522. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of California:

H.R. 9523. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

By Mr. WIDNALL:

H.R. 9524. A bill to provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development; to the Committee on Banking and Currency.

By Mr. YATRON:

H.R. 9525. A bill to provide benefits comparable to black lung benefits to all widows of miners who die from employment in coal mines; to the Committee on Education and Labor.

H.R. 9526. A bill to amend the black lung benefits provision of the Federal Coal Mine Health and Safety Act of 1969 to provide benefits for widows and dependents of miners who die after having served more than 25 years in coal mines; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. ADDABBO, Mr. BROWN of California, Mr. BURTON, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. COHEN, Mr. CONYERS, Mr. HAWKINS, Mrs. HECKLER of Massachusetts, Mr. NEDZI, Mr. O'HARA, Mr. PEYSER, Mr. PICKLE, Mr. RANGEL, Mr. RONCALLO of New York, Mr. ROYBAL, Mr. RYAN, Mr. STARK, Mr. TALCOTT, Mr. VAN DEERLIN, and Mr. VEYSEY):

H.R. 9527. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and col-

leges as Reserve midshipment in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. BOB WILSON, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, and Mr. WRIGHT):

H.R. 9528. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BINGHAM, Mr. BOLAND, Mr. BRASCO, Mr. BROOKS, Mr. BROWN of California, Mr. BURTON, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CONYERS, Mr. DULSKI, Mr. HAWKINS, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. MOAKLEY, Mr. NEDZI, Mr. NIX, Mr. O'HARA, Mr. PEYSER, Mr. PICKLE, Mr. PIKE, Mr. RANGEL, and Mr. RONCALLO of New York):

H.R. 9529. A bill to increase the subsistence payments to students at the State marine schools; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI (for himself, Mr. ROYBAL, Mr. RYAN, Mr. STARK, Mr. STUDDS, Mr. TALCOTT, Mr THOMPSON of New Jersey, Mr. VAN DEERLIN, Mr. VEYSEY, Mr. CHARLES H. WILSON of California, Mr. WOLFF, and Mr. WRIGHT):

H.R. 9530. A bill to increase the subsistence payments to students at State marine schools; to the Committee on Merchant Marine and Fisheries.

By Mr. ASPIN (for himself, Mr. ASHLEY, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. EDWARDS of California, Mr. FULTON, Mr. GIAIMO, Mrs. HANSEN of Washington, Mr. HOWARD, Mr. KOCH, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. NIX, Mr. OBEY, Mr. PEPPER, Mr. REES, Mr. ROSE, Mr. SARBANES, Mr. SHUSTER, and Mr. TOWELL of Nevada):

H.R. 9531. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 9532. A bill to amend title 28 of the United States Code to provide for the dissemination and use of criminal arrest records in a manner that insures their security and privacy; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. CONYERS, Mr. GIBBONS, Mr. MCCORMACK, Mr. WALDIE and Mr. CHARLES H. WILSON of California:

H.R. 9533. A bill to regulate expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. METCALFE (for himself, Mr. BADILLO, Mr. WON PAT, Mr. PODELL, Mr. CLAY, Mr. MITCHELL of Maryland, Mr. FAUNTROY, Ms. ABZUG, Mr. EDWARDS of California, Mr. BURTON, Mr. ROONEY of Pennsylvania, Mr. HAWKINS, Mr. MURPHY of New York, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CARNEY of Ohio, Mr. GILMAN, and Mr CONYERS):

H.R. 9534. A bill to amend title 18 of the United States Code to establish an Office of the U.S. Correctional Ombudsman; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 9535. A bill to establish a national program for research, development and demonstration in energy technologies and energy conservation and for the coordination and financial supplementation of Federal energy research and development; to conduct a thorough review and assessment of the current status of research and development in energy technologies and energy conservation in both the public and the private sector; to increase efficiencies of energy production and utilization, reduce environmental impacts, develop new sources of clean energy, demonstrate specific technologies and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 9536. A bill to amend section 307 of the Communications Act of 1934 to prohibit blackouts of professional sports events which are sold out; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mr. ZWACH, Mr. RIEGLE, Mr. DULSKI, Mr. ABDNOR, Mr. RONCALLO of New York, and Mr. SMITH of New York):

H.R. 9537. A bill to provide reduced retirement benefits for Members of Congress who remain in office after attaining 70 years of age; to the Committee on Post Office and Civil Service.

By Mr. WYMAN:

H.R. 9538. A bill to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes; to the Committee on Banking and Currency.

By Mr. RIEGLE:

H.R. 9539. A bill to prohibit certain acts with respect to petroleum, petroleum products, and natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.J. Res. 681. Joint resolution proposing an amendment to the Constitution to permit tax credits for the support of religious educational institutions; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.J. Res. 682. Joint resolution to designate the 9th day of October of each year as "National Firefighters' Day"; to the Committee on the Judiciary.

By Mr. HAMILTON:

H. Con. Res. 275. Concurrent resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf"; to the Committee on House Administration.

By Mr. LOTT (for himself, Mr. BAFALIS, Mr. BROYHILL of Virginia, Mr. DENNIS, Mr. DICKINSON, Mr. DUNCAN, Mr. FISH, Mr. GOLDWATER, Mr. HINSHAW, Mr. HUDNUT, Mr. HUNT, Mr. HUTCHINSON, Mr. LANDGREBE, Mr. MOORHEAD of California, Mr. PRICE of Texas, Mr. SCHERLE, Mr. SMITH of New York, Mr. SNYDER, Mr. SPENCE, Mr. STEIGER of Arizona, Mr. TREEN, Mr. VEYSEY, and Mr. WHITEHURST):

H. Con. Res. 276. Concurrent resolution providing for continued close relations with the Republic of China; to the Committee on Foreign Affairs.

By Mr. BIESTER (for himself and Mr. MARAZITI):

H. Res. 507. A resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

285. By the SPEAKER. A memorial of the Legislature of the State of New York, relative to mass transit services; to the Committee on Interstate and Foreign Commerce.

286. Also, memorial of the Senate of the State of West Virginia, relative to the benefits for disabled veterans; to the Committee on Veterans' Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

254. By the SPEAKER: Petition of Frank M. Meyer, Blandford, Mass., relative to a commission in the armed services; to the Committee on Armed Services.

255. Also, petition of the Board of Commissioners, Allegan County, Mich., relative to general revenue sharing; to the Committee on Ways and Means.

# SENATE—*Tuesday, July 24, 1973*

The Senate met at 11 a.m. and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

### PRAYER

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

God of our fathers and our God, who in times past has watched over this Nation, grant to our leaders, in the crisis of our times, submission to Thy commandments and amenability to Thy will. Imprint upon our hearts the authority of the divine law, and such grateful remembrance of Thy goodness as may make us both ashamed and afraid to offend Thee. As a "nation under God" make us mindful that we live not only under Thy providence but also under Thy constant judgment—that our thoughts, words, and deeds are under divine scrutiny.

O Lord, grant to the whole Nation the spirit of forgiveness, magnanimity, and reconciliation. Bring that cleansing which releases that moral power without which a people cannot be good or great or strong. Shed Thy light upon our labors in this Chamber and imbue Thy servants with the wisdom and the will to live to Thy glory.

We pray in His name who came as Servant of all. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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