HOUSE OF REPRESENTATIVES—*Wednesday, July 25, 1973*

The House met at 12 o'clock noon.

Rev. George Aberle, Westminster Presbyterian Church, Medford, Oreg., offered the following prayer:

Almighty God, at this crucial moment in the history of our Nation we pray for the House of Representatives in all its responsibilities, deliberations, and decisions. Give to each of its Members insight into the true nature of the issues before them, the wisdom to know what is right, and the courage to do it. As those elected to national office must frequently, enable them to be the most sensitive to the needs of all of our citizens.

Guide these men and women, our God, not only in their deliberations but also in the spirit of their interaction, that they may be a mighty force to bring liberty and justice to the people of this Nation and the world. 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 agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1090. An act to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 426) entitled "An act to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HART, Mr. TUNNEY, Mr. GRIFFIN, and Mr. COOK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1149. An act to promote commerce and to meet the need of consumers of goods and products by increasing availability of railroad rolling stock and equipment through improved utilization techniques and financial guarantees for new acquisitions, and for other purposes; and

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch.

THE REVEREND GEORGE ABERLE

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

Mr. DELLENBACK. Mr. Speaker, it is a very real pleasure for me today to have the minister of my home church give the opening invocation to begin this day's session of the House of Representatives.

As a relative newcomer to our not overly large city of Medford, Oreg., Reverend Aberle brought with him at least three tremendously fine assets.

One, he brought with him a deep Christian commitment which is apparent in his daily life in our community.

Second, he brought with him an extraordinarily fine family. I might add that they are with Reverend Aberle in his visit to Washington and are present in the Members visitors' gallery at this moment—his wife, Marilyn, his daughter, Kathy, and his son, Rick.

Third, he brought with him a sense of humor and a personality which fit admirably into a community that we think is a delightful place to live. We feel that Medford is a warmer and richer place to live by virtue of the Aberles being part of our church family and our community.

So again I say that it is a real pleasure for me to have my friend George with us today. I appreciate the Chaplain of the House, Dr. Latch, making this possible, and I am sure that my colleagues join with me in expressing our appreciation to Reverend Aberle and his family for sharing with us these moments of communion with God.

SINGLE EMERGENCY NUMBER, 911

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

Mr. ROUSH. Mr. Speaker, I would like today to add a number of names to the list of those cosponsoring legislation which I have introduced to assist States and local communities which endeavor to adopt "911" as the single emergency number.

I do so because additional Members of Congress have expressed an interest in cosponsoring this legislation. And I do so for an additional reason.

Just last week the Congress completed action on the emergency medical services legislation, legislation encouraging and assisting communities to provide for themselves integrated emergency medical services. One of the most important components of such a system involves communications and the emergency medical services legislation that now awaits the President's signature called for the adoption of the "911" emergency number in all such systems established under this bill as soon as possible.

For those of us vitally interested in emergency communications, passage of this legislation was an important achievement. However, medical emergencies do not exhaust the list of emergencies; fires and crimes are equally important. And it is most desirable that communities which adopt "911" as a part of their medical emergency communications system, extend this number to police and fire emergencies so that they will then have a single, easily remembered, quickly dialed phone number for securing aid in time of crisis.

I am also reintroducing this bill today in order to encourage communities along these lines. Through the Federal Communications Commission, my proposal provides funds to assist in making "911" available to cities for all emergencies. I am happy to add the names of my colleagues.

SALARY INCREASE FOR CONGRESS UNTHINKABLE

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

Mr. QUILLEN. Mr. Speaker, today when we are engaged in such a difficult fight against inflation, it is unthinkable that Congress should approve legislation which would provide a salary increase for Members of Congress. Such an irresponsible action would be outrageous.

How can this measure be justified to the people who are now fighting a seemingly never-ending battle against inflation?

How can we expect our constituents to tighten their belts and to restrain wage demand for the good of the country when we, their elected officials, set such an example?

Economy begins at home, and if inflation is to be stopped or even slowed down, it must begin with the Federal Government. Most of us have campaigned on platforms of fiscal responsibility. We now have the opportunity to fulfill these commitments by defeating this legislation, and I urge each Member to do so.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE A REPORT ON H.R. 9130, UNTIL MIDNIGHT SATURDAY, JULY 28, 1973

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Saturday, July 28, 1973, to file its report on H.R. 9130.

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

There was no objection.

POTATOES $3.15 A PECK

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

Mr. BURKE of Massachusetts. Mr. Speaker, this morning at breakfast I was talking to Mrs. Burke and she was telling me what happened yesterday when she bought 5 pounds of potatoes in the grocery store. The cost of those 5 pounds of potatoes was $1.05, which means that a

peck of potatoes today is being retailed at the exorbitant price of $3.15 a peck.

This is an outrageous condition to exist in this country. Lettuce is selling for 89 cents a head. Onions are selling for 69 cents a pound. The prices are going through the ceiling, and the poor people of this country have no way to cope with it.

Last week I tried to have an amendment adopted to have the Department of Agriculture provide seeds for home gardeners throughout America so people living in the urban areas would be able to grow vegetables at least to try to compete with these rising costs in prices.

Three dollars and 15 cents for a peck of potatoes. This is a staple food item. It is something that the poor family depends upon, and it is up to this Congress to do something about it.

MISS HOLTZMAN AND THREE AIR FORCE OFFICERS SEEK INJUNCTION AGAINST CAMBODIA BOMBING

(Miss HOLTZMAN asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous matter.)

Miss HOLTZMAN. Mr. Speaker, I should just like to bring to the attention of my colleagues a very momentous decision that occurred earlier this morning. I have been a longtime opponent of our military activities in Southeast Asia, and as one who has given a great deal of study to the Constitution, have been deeply troubled about the constitutionality of the President's warmaking powers in Cambodia.

In April of this year I initiated an action in the Federal district court in Brooklyn. I was joined by three Air Force officers to seek an injunction against the bombing in Cambodia.

I would just like to advise the Members that this morning a Federal district judge of the eastern district of New York issued an injunction against the bombing in Cambodia. I think it is a crucial decision. It is the first time in this country that a court has declared a war unconstitutional, and I think it goes a long way to assert that the Congress alone has the fundamental right over the decision as to whether or not this country is to go to war.

CONFERENCE REPORT ON S. 1423, LEGAL SERVICES TRUST FUNDS

Mr. THOMPSON of New Jersey. Mr. Speaker, I call up the conference report on the bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent, the report having been printed for several days, that the statement be considered as read.

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

There was no objection.

(For conference report and statement, see proceedings of the House of July 17, 1973.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker and Members of the House, I urge your support for the conference report on the bill to permit the establishment of jointly administered trust funds to defray the costs of legal services. As my colleagues know, the bill passed the House by a vote of 257 to 149. Prior to its passage, the bill was amended in an attempt to permit only "open panel" legal services plans for clients.

The Senate bill, which had previously passed by a vote of 79 to 15, did not contain such a provision. The House conferees insisted upon the House amendment, and after lengthy conference debate, the Senate receded from its position, with an amendment, and a compromise was agreed to.

I can advise my colleagues that, with the addition of two words, the spirit of freedom expressed by the House amendment has been broadened. Under the compromise language, the participants would have the freedom to choose legal services plans of their choice. They would not be limited to only one type of plan. The participants, through their elected representatives in negotiations with their employers, will be able to adopt and utilize the type of legal services program that best suits their needs. They will not be restricted to any one type of legal services plan, be it open, closed, or some shade in between. They will have the same free range of plan options available to them in negotiating for legal services that they currently enjoy with respect to medical and to health plans.

They may opt for a plan that permits them to use participating attorneys in the community such as Blue Cross-Blue Shield health services plans, or they may choose to deal with a smaller group of lawyers analogous to Group Health Association services plans.

Whatever course is decided upon in this free negotiation, it will be the result of free bargaining in a free marketplace.

There will be freedom for the employer and employee to reach a meeting of the minds as to the most effective way to provide legal services.

The legitimate cost concerns of the employer will be considered.

The availability of competent counsel will be considered.

The needs of the employees will be considered.

I congratulate the House for recognizing the legitimate need for legal services on the part of middle-income Americans—and for passing legislation to deal with that need.

The compromise reached by the conferees strengthens that bill.

As thus amended, the bill, while preserving the concept of "freedom of choice" expressed in the House bill, would also:

First, eliminate any constitutional objections to the present language of the House bill;

Second, promote the development of choice of lawyer plans by bar associations, insurance companies, and other groups;

Third, insulate the Congress from regulating the practice of law, under this legislation;

Fourth, permit experimentation designed to hold down the cost of such programs; and

Fifth, eliminate any discrimination against jointly trusteed plans, thereby permitting the parties in this early stage to experiment with different approaches in the consumer marketplace.

While the permits of unrestricted and limited use plans have been debated endlessly in legal forums, the conferees believed that the inclusion of freedom of choice of attorneys would add a significant value that would not be available in limited plans. We believe, therefore, that the parties should be encouraged to give full consideration to "free choice" features as well as to other factors. But the choice, under our system should be reposed in the parties and not imposed upon them by governmental fiat.

The SPEAKER. The gentleman has consumed 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 3 additional minutes.

Because prepaid legal services will for the first time be made available under the terms of collective bargaining agreements through the adoption of this conference report, it is important that every consideration be given to the establishment of programs that are effective and truly responsive to the needs of the members of the labor organizations involved. Wasteful use of funds must be avoided and every effort must be made to assure the best results for the money expended. This can best be accomplished by seeking the advice and assistance of bar associations, employer groups, unions, the National Consumer Center Legal Services, and other knowledgeable sources which could give guidance in establishment and administration of local or regional plans.

The conference report has the broadest base of support: The American Bar Association—and I quote from a letter of July 17, 1973, from the ABA president:

> I would like to inform you of the unqualified support of the American Bar Association for S. 1423 as reported by the Joint Conference Committee.

That letter was sent to all Members of the House.

The conference report has the support of the entire labor movement, the National Consumer Center for Legal Services, the Trial Lawyers of America, the Consumer Federation of America, the National Education Association, the U.S. Catholic Conference, the National Farmers Union, the National Council of Senior Citizens and the Insurance Company of North America—among

many, many others—give their unqualified endorsement to the conference report.

The Senate accepted the conference report last week by a voice vote.

In 1935, again in 1947 and in 1959, the Congress established a national policy giving the Nation's workers the right to bargain collectively subject to the restraints as expressed in the legislation of those years. The system has worked remarkably well. It has always been the national policy subject only to specific restrictions to give the employers and employees the greatest possible freedom in the bargaining process.

I am particularly pleased that the Senate conferees who were at the beginning adamant in their insistence on their language finally relented and left the very essence of the Latta amendment in the conference report.

I would like to take this opportunity to commend the gentleman from Ohio (Mr. LATTA) for his contribution which I believe to be a valuable addition to the original language of the bill. No violence has been done to the gentleman's language, rather, his original intention to give the employers and employees maximum freedom of choice still exists and has been strengthened.

In closing, I might say that legal services will be infinitely less expensive to the employer and employee, because of their freedom to negotiate for such plan as best suits their local situation.

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

Mr. THOMPSON of New Jersey. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, I thank the gentleman for yielding.

The gentleman made the comment that the bill that passed the House by over a hundred votes, and I note by the RECORD of July 17 that this conference report passed the Senate on a voice vote. As I recall the discussion that took place, the main contention that arose in the negotiations on collective bargaining was whether there would be an open panel, or whether the worker would be able to choose his own lawyer.

That matter, as I understand it, has been solved by the committee.

Mr. THOMPSON of New Jersey. Mr. Speaker, at the bargaining table, not only the employee but the employer can agree on that.

If I might offer a hypothetical situation, assuming that there are 500 employees in industry in the gentleman's district, they sit and bargain with their employer. Under the conference report they can use any alternative that they want.

The SPEAKER. The time of the gentleman from New Jersey (Mr. THOMPSON) has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, in further explanation to the gentleman's question, the employer can choose 10 lawyers and the employees can choose 10 lawyers, or they can say that they will make the panel completely open and use the bar association of the county or of the State. They really do have freedom of choice, and this is the contribution which the gentleman from Ohio (Mr. LATTA) intended to make. We simply gave the alternative to them of bargaining collectively in the manner which best suits their needs.

Mr. O'NEILL. Mr. Speaker, I wish to thank the gentleman for his explanation of the matter. I want the gentleman to know that I support the legislation, and I hope the conference report is adopted.

Mr. THOMPSON of New Jersey. Mr. Speaker, I thank the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. ASHBROOK. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker and Members of the House, I rise today in order to indicate my position on the conference report H.R. 77. H.R. 77, as reported back to the House, is substantially different from that which left the House of Representatives and does not allow complete freedom of choice on the part of the individual worker in determining his or her legal representation. For that reason, I did not sign the conference report that is before us today. However, I do intend to vote affirmatively in support of the legislation and I would like to explain my position to the House.

This House has gone on record as in support of the concept of providing that unions and management may bargain collectively for the joint administration of legal services funds, so first let us recognize that issue is not before us today. The real issue at hand is to what degree the individual worker will have a determination in selecting his legal representation. The House bill has a complete freedom of choice plan with so-called open panels allowing for selection by the individual client of his legal counsel. Whereas, the conference language provides for a so-called closed panel, that is, a panel in which selection is made from a predetermined group. And thus the inherent question is whether or not a predetermined group is selected by his labor representation. Thus, the real issue at hand is whether or not the bargaining unit; that is, the union, represents the individual employee. Those who believe that the individual employee is represented by his employee bargaining unit will vote for the conference report, whereas those who still maintain that the bargaining unit does not adequately represent the individual employee, will vote against the conference report. As to the merits of the issue itself, it is well to recognize that it should not be Congress prerogative to predetermine the inherent nature of the specific plans under consideration by both management and labor in any predetermined way and that indeed, if our goal is to secure adequate legal representation for all individuals at a minimal possible cost, the House would be well advised to accept the conference report.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I rise to urge my colleagues to vote for adoption of the conference report on S. 1423. This report authorizes the establishment of trust funds to provide legal services for employees, their families, and dependents, and to be financed through the collective bargaining process.

I have seen few bills which have enjoyed such a wide spectrum of support as this one. The only difference between the House and Senate bills was the House amendment on which I believe, the conferees on the part of the House have worked out an eminently reasonable compromise. The conferees have made it clear that employers and employees, who wish to participate in the benefits authorized by this bill, shall have complete freedom of choice in determining which kind of legal services plan they wish to participate. I believe this compromise language strengthens the bill and broadens the spirit of freedom contained in the House amendment. It makes it clear that the people who are going to be paying for these plans and who are going to be receiving benefits under them, should be free to pick the plan best suited to their own needs.

I think the range of support for this bill is truly impressive. It includes the American Bar Association, all of organized labor, the National Consumer Center for Legal Services, the Cooperative League of the U.S.A., the National Council of Senior Citizens, the National Farmers Union, the U.S. Catholic Conference, and many other groups.

I commend the work of the conferees, and urge my colleagues to vote for adoption of the conference report.

Mr. ASHBROOK. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in opposition to the conference report on this bill. I do so for two reasons.

One is because I share with others of the House a concern over the effects of the conferees' decision on the Latta amendment. I think they have artfully and I must say effectively made it more difficult to go in the direction that the Latta amendment proposed, which was in fact a free choice on the part of an individual.

But I must say, also, I have reservations with regard to the bill in its present form, for which the conferees are not responsible but for which both the House and Senate are responsible, by virtue of the fact that this issue becomes one of mandatory rather than permissive collective bargaining. Having lost on the amendment that I offered in the House, I recognize that the conferees could not deal with this issue, but I must say, in all honesty, I think the conference report as it comes back, both because of its imperfection on the Latta language and

because of the longrun implications for collective bargaining, means that this is a step which we ought not to take.

This is why I oppose the conference report, and urge that my colleagues join me in voting against the conference report.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished majority whip, the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, I hope the House today will adopt the conference report on S. 1423, jointly administered trust funds for legal services.

S. 1423 is the first step in making needed legal services available to millions of American workers and their families through individually tailored programs worked out and financed through the collective bargaining process.

I wish to commend the conferees on the part of the House for working out an equitable agreement with the Senate on the only point on which the House and Senate bills differed. The compromise language adopted by the conferees enjoys widespread support, ranging from the American Bar Association, to organized labor, to major consumer groups.

I understand that this legislation is acceptable to the administration, and so far as I know there is no objection from the representatives of management.

I believe this bill enjoys broad support here in the House, and I hope that the conference report is promptly approved.

Mr. ASHBROOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this time to ask the chairman of the subcommittee, the gentleman from New Jersey (Mr. THOMPSON) to state for the record so it will be very clear, as a matter of legislative history, what the term "for counsel or plan of their choice" means?

As the gentleman from Ohio knows, within the conference itself there was some question as to what this sentence meant. There was no lack of understanding among the conferees, it was clear to this Member, although I did not support the amendment, it was very clear to me that the meaning of the Senate and House conferees was that the word "their" referred not to the individual employees, but to the negotiating parties.

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield, the gentleman from Ohio is exactly correct.

Mr. ASHBROOK. For purposes of legislative history, it is clear, then, as far as the conferees are concerned, we were referring to the negotiating parties, and not to the individual union member. There has been some question on this side, and I wanted to make that particularly clear for legislative history. Although I did not happen to vote for it.

Mr. THOMPSON of New Jersey. If the gentleman from Ohio will yield still further, it is clear not only as a result of this beneficial colloquy but it is set forth in the report that the word "their" applies to both parties.

Mr. ASHBROOK. I thank the gentleman from New Jersey.

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

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

Mr. COLLIER. Mr. Speaker, do I understand then that the individual member of a union, or a worker, does not have an individual choice of his counsel?

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield still further, no, the gentleman does not so understand. It is a matter ultimately of the negotiations of the union management, between the union members chosen as their negotiating representatives and the employer. The ultimate plan, under the conference report, can be completely open, it can be a panel or it can be a mixture, and it is one, under the traditional collective bargaining process, that will be brought back by the employee representatives for ratification by the membership, and by the employer representative to those to whom he is responsible, perhaps the Board of Directors.

Mr. COLLIER. If the gentleman will yield further, so the answer is that the individual does not have a choice?

Mr. THOMPSON of New Jersey. The individual initially, I will say to my friend, starts out with nothing. His negotiator arrives at a conclusion and then brings it back to the membership for ratification, and in virtually every instance I can conceive of, the individual will have his choice.

Mr. COLLIER. At the discretion of the employer?

Mr. THOMPSON of New Jersey. After ratification by the employer group—employee group of whatever is done at the bargaining table.

Mr. ASHBROOK. Will the gentleman not say, in summing up the situation as it now stands, the Latta amendment in effect gave the individual union member virtually unlimited choice of counsel under a legal service program—that is what the gentleman from New Jersey is saying—as amended in the conference report? The individual union member will still have choice, but that choice to some degree may be limited by the scope of plans agreed upon by the negotiating parties, but he still has the basic choice?

Mr. THOMPSON of New Jersey. That is possible, yes.

Mr. ASHBROOK. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, let me say to my good friend, the gentleman from New Jersey (Mr. THOMPSON) that I was quite taken back by his initial statement that my amendment had improved the bill. I was about ready to thank him for his comments but then in answer to a question in a colloquy with the gentleman from Ohio (Mr. ASHBROOK) I must reconsider. Certainly it is my belief, the same as he has stated in answer to the question of the gentleman from Ohio, that the conference committee has emasculated the Latta amendment, which guaranteed freedom of choice in selecting legal counsel to the union member, his family, and dependents. The union and the employer are now going to do the selecting for him. They are going to be at the negotiating table when this comes up and not the union member with his particular legal problems. Under such an arrangement, how can the employee have any voice in selecting his own attorney. I plan to oppose this conference report, and I will move for a recorded vote so that the membership can be recorded on this issue. They were recorded initially on this amendment by a vote of 270 to 126 in favor of permitting the union member to make this choice on matters pertaining to his private affairs.

I might say there is no doubt the conferees have substantially modified the position of the House. The four conferees on our side were unanimously opposed to the change. They did not sign the report for the very reason that the gentleman from New Jersey has indicated. They would not have a voice in this selection after the matter has been settled at the negotiation table. They will lose that choice at the bargaining table. I do not think this is what the American workman wants.

I might say that we have had an attempt at some very artful deception in draftsmanship. I do not think we ought to sit back and let this happen, because we were very specific in our position in the House about the workman's desire to have his own choice of counsel when dealing with his own personal and private affairs. We must remember that union affairs are not involved here. They will be dealing with the workingman's private affairs, his contract, his accident cases, his divorce cases, his tort actions, and all of his other legal matters.

Are we about to say to the American workman that we are going to accept this conference report and take your right from you to determine who is going to represent you in your private legal affairs? I think not. I think not. I have more faith and confidence in this House of Representatives than that.

How will the Members go back home and answer to the people who are to be affected by such legislation? How can the Members go back and say they voted for a conference report that gave some labor negotiator in Detroit, Mich., for example, the right to determine who counsel for union members shall be in settling his private affairs? I do not think the members will want to face the union membership if they so vote.

I want to say that I do not believe we have heard from the American Bar Association on this matter since its initial contact. Personally, I do not think the American Bar Association represents the thinking of many attorneys in this country on this legislation. I do not know of a single attorney who has ever been solicited by the association for his opinion on this legislation.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ASHBROOK. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, while this bill was before the Rules Committee, it

was indicated by the gentleman from New York (Mr. DELANEY) that he never heard of support for the legislation. He took a couple of weeks to check and then reported that he did not find one lawyer for it.

Has there been one contact made with the person to be affected by this legislation—the workingman? I haven't heard any mention of such a contact. Nothing has been said in debate setting forth his position.

Yet, here we are today, legislating changes in the Taft-Hartley Act, if you please, to establish the right to bargain for legal services for him for the first time in history.

During the past few weeks we have heard from individuals who should know better, about a couple of decisions rendered by the U.S. Supreme Court which are miles from being close to being in point on the issue at hand.

Yet, they have attempted to influence your vote by citing them. May I read briefly from them in order to show how ridiculous their citations happen to be.

They cited the case of the *United Transportation Union* v. *the State Bar of Michigan*, 401 U.S. 576 (1971), a U.S. Supreme Court case. Does it have any relevance to what we are attempting to do in this legislation? Here is what it says:

> The Michigan State Bar brought this action in January 1959 to enjoin the members of the Brotherhood of Railroad Trainmen from engaging in activities undertaken for the stated purpose of assisting their fellow workers, their widows and families, to protect themselves from excessive fees at the hands of incompetent attorneys in suits for damages under the Federal Employers' Liability Act.

I have read verbatim from the decision. Does it have anything to do with the right of the Congress of the United States to create rights which have been previously denied under the law and to say in creating this new right that the union worker shall have a free choice in selecting counsel to represent him in his private affairs?

They cite another case which certainly is not in point. They cite a case of the *Mine Workers* v. *the Illinois Bar Association*, 389 U.S. 217 (1967).

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. ASHBROOK. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, in this case the Illinois Bar Association and others brought this action to enjoin the petitioner union from the unauthorized practice of law. The union employed a licensed lawyer, solely compensated by an annual salary, to represent members and their dependents in connection with their claims under the Illinois Workmen's Compensation Act. The court held this was proper and legal and I agree.

But it is certainly not in point with what we are discussing today, but lo and behold, it was included in a letter dated July 16 from the United Automobile Workers, and went on to say that attempts to except closed panels from this legislation would be held unconstitutional, and so forth and so on.

Mr. Speaker, I used to teach law after I graduated from law school and had I been cited such irrelevant cases in support of a position by a first year law student, he would have been in danger of failing. Yet, we have had them cited to us as Members of the U.S. House of Representatives. How naive do they think we are? I know you have been contacted by the union leaders to support this conference report but I hope you will stick by your convictions previously indicated and vote down this conference report. Give the union worker the right of choice we gave him when this bill left the House in June.

Mr. BAKER. Mr. Speaker, I should like to associate myself with the remarks of the gentleman from Ohio (Mr. LATTA).

Mr. Speaker, I am deeply concerned about the rights of the individual. Certainly no individual relationship is more important to a person than that of the client-lawyer relationship. I just cannot see how any plan can be workable unless the individual has the right to make the choice of counsel, rather than be thrown into the pit by taking what might amount to a court-appointed lawyer. I feel that this conference report has destroyed any usefulness which the legislation might serve. Therefore, I will be forced to vote against the conference report.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 379]

Badillo	Fisher	Milford
Blackburn	Gray	Roe
Camp	Gubser	Ruppe
Clark	Gunter	Seiberling
Collins, Ill.	Hanna	Spence
Conyers	Hébert	Stanton, James V.
Derwinski	Holtzman	Teague, Tex.
Dickinson	Landgrebe	Ullman
Diggs	Long, Md.	Winn
Dingell	Mayne	Wyman
Drinan	Mezvinsky	

The SPEAKER. On this rollcall 401 Members have recorded their presence by electronic device, a quorum.

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

CONFERENCE REPORT ON S. 1423, LEGAL SERVICES TRUST FUNDS

The SPEAKER. When the point of order that a quorum was not present was made, the gentleman from New Jersey (Mr. THOMPSON) had yielded 4 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

The gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized.

Mr. WILLIAM D. FORD. Mr. Speaker, I want to thank the gentleman from Ohio for making the point of order to invite everyone over here for this important discussion. Unfortunately, some of the Members now present did not hear the cavalier way in which the other gentleman from Ohio dismissed the two Supreme Court decisions that were a center of a great deal of debate in the other body, and a great deal of consideration by the conferees.

The one case which arises out of the suit between the Michigan United Transportation Union versus the Michigan State Bar, has been through the U.S. Supreme Court. The gentleman says that it really is not a very important case, but I think the Members ought to know that if in fact the gentleman's amendment was intended to do what the gentleman says it is intended to do, this Supreme Court decision is supportive of it.

The Supreme Court held that the freedom of groups to set up plans of their own choice was protected by both the first and 14th amendments to the U.S. Constitution and that no body or group could amend or abridge their right to make such arrangements with such attorneys whom they felt would best meet the legal needs of their group.

As a result, the American Bar Association amended its canons in 1969 to permit group arrangements and, thereafter, all State bar associations followed suit so that today the various types of group arrangements are permissible—providing that they conform with applicable bar standards such as preserving the attorney-client privileges, no advertising, and do not prohibit a member of the group from using the services of other attorneys.

We believe that the action taken by the conferees, which some may refer to as a compromise, is consistent with the restrictions placed upon unions and employers by these decisions of the U.S. Supreme Court.

I might say that it is suggested that violence was done to the so-called Latta amendment on freedom of choice. Surely the gentleman does not suggest that if an employee in Montana is involved in a domestic relations case that he can put his fellow employees and union members, and the management or his employer to the cost of having him go to Philadelphia or New York to hire a lawyer because he wants the choice of the most popular name that he has recently read about in a magazine.

Obviously when one is talking about freedom of choice in these programs they are not talking about carte blanche to go wherever they want and spend whatever they want. Obviously there must not be limitations on freedom of choice. Can we expect that the other employees are going to be paying the fees for someone accused of murder? There will obviously be all kinds of modifications on the kinds of legal services that will be provided.

In addition to that, it must be clear that in exercising freedom of choice the employees would be expected to use reason. No employer is going to enter into an agreement that says to an employee, regardless of the importance of the case,

or the forum, or court in which the case is going to be decided, that the employer is going to pay for the employee to run all over the United States to hire his lawyers.

That is clearly not what is meant. If that is not what is meant, then there is not by the language that is in the conference report any derogation of this freedom of choice. If anything, it is broader than the language that left the House, because it requires freedom of choice at two levels. The Latta amendment removed the option of a closed panel of lawyers from the choices available to the parties to an agreement.

I urge a yes vote on the conference report with the change made in the effect of the Latta amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. ECKHARDT. Mr. Speaker, I urge my colleagues to vote for adoption of the conference report, and congratulate the conferees on the part of the House for working out a compromise agreement with the Senate which makes the House bill even more attractive for the average working man and woman.

The original version passed by the House contained an amendment which limited the choice of employers and employees under this bill to programs of legal services which operated with "open panels" of lawyers.

I have nothing against these open panel plans. I understand that the plan operated by the laborers union in Shreveport, La., utilizes such an open panel and the labor movement and the legal profession have been studying the progress of that plan with great interest.

I also understand that there are several thousand "closed panel" legal services plans operating around the country. Some of these are operated by labor unions, others are operated by coopertives, credit unions, and other consumer groups. These plans appear to be very popular and I understand that a tremendous amount of experimentation is going on with respect to how they are operated, how the attorneys are compensated, and what the benefits are to those who participate in these plans.

Some of the plans, such as the one operated by the Berkeley Co-op in Berkeley, Calif., retain one or two salaried attorneys for relatively routine legal work, and then refer out more complicated legal matters to panels of private lawyers who have agreed to participate in the plan.

Other closed panel plans, such as one administered by a laborers local union in Columbus, Ohio, operate with salaried attorneys who work exclusively for the plan. This method was apparently modeled after the neighborhood legal services offices founded by OEO.

Other closed-panel plans have been established by law firms or nonprofit corporations, and offer their services to either organized groups or members of the general public. The national legal care program in Norwalk, Calif., is a good example of this type of plan.

So a great deal of research and experimentation is going on to answer the question of how to give the public legal services at the lowest cost, consistent with the ethical and professional standards of the legal profession. What the House conferees have done in reaching their agreement with the Senate conferees is to make it absolutely clear that the Congress wants to give the potential consumers of legal services every opportunity to shop around to get the best legal services buy.

It may be that a local bar association, an insurance company, or some other organization is going to offer the best package of services at the best price. It may be that open panel plans will turn out to be a far better buy than closed panel plans. In any event, it would make no sense for the House to restrict legal services plans to one type over another.

The conferees have acted in the interests of the consuming public by making it clear here that the freedom of choice of plan is an important principle which should be jealously safeguarded. I urge my colleagues to adopt the conference report by an overwhelming margin.

Mr. ASHBROOK. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. WAGGONNER) such time as he may require.

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

Mr. Speaker, I take this time to ask my friend, the gentleman from New Jersey (Mr. THOMPSON) the manager of this conference report, a question or two about the conference report.

It has been said that the conference report expands the freedom of choice favorable to the individual. Does the individual union member have any say-so over a negotiated contract negotiated between labor and management which provides for prepaid legal services?

Mr. THOMPSON of New Jersey. The answer to my friend, the gentleman from Louisiana, is yes, and it occurs in two stages. First, in the selection of his negotiator and, secondly, upon ratification, the ratification opportunity which happens invariably when the negotiator on behalf of the employee comes back for ratification of the negotiations which he has completed and recommends.

Mr. WAGGONNER. All right. With regard to ratification, will there be or is there a provision which will allow the union member a separate vote on the issue of prepaid legal services to the extent that in the ratification of a negotiated contract he can act and speak to that specific question rather than be forced, as we so often are here in the House forced to act on a conference report which contains say 150 items, and there is a lot of good and a lot of bad mixed in—is this union member going to be faced with a similar situation wherein he can only accept or reject the overall contract?

Mr. THOMPSON of New Jersey. The answer in excess of 90 percent of the cases is that he will have an opportunity, a separate opportunity, unlike the situation which the gentleman describes with reference to conference reports; and, second, in other sections of the law he has the complete freedom to decide whether or not he wants to participate in any plan that is devised.

Mr. WAGGONNER. The gentleman is saying that he has the freedom of making a decision about whether or not he participates.

Mr. THOMPSON of New Jersey. If the gentleman will yield further, first he has the opportunity separately to argue the point, for or against.

Mr. WAGGONNER. All right. But it appears to me that this situation has developed, that once a contract between negotiators and management has been agreed to by the negotiators and management prior to ratification by the union, that the union man is going to be in the same shape with respect to those negotiated contracts that we in the House are here today with regard to the conference agreement which has been negotiated. We cannot speak separately in this body today to this prepaid legal question. We can only speak to the question if we reject the entire conference report. I do not want this issue obscured along with many other facets of some future contract agreement and place union members in a position they feel that because the wage increases for example which were negotiated, that such things override certain other bad things. For example, the postal employees were the most adamant people seeking postal reform. Why? Because it provided for collective bargaining and a pay increase. Now that they have got collective bargaining and the pay increase, they do not like the other facets of what they got in the postal reform, and I am fearful we are going to wind up with the same thing here.

Mr. THOMPSON of New Jersey. Although it is not totally relevant to this discussion, this offers me an opportunity to say that I think I made a mistake when I voted for that postal reform, but to get back to the gentleman's point, the individual union member has one more opportunity than does the gentleman from Louisiana in the current circumstance, in that he can speak out separately to his negotiators and debate this point. And then he has the same opportunity as enjoyed by the Members of the House in that he can send his negotiators back to the conference table.

Mr. WAGGONNER. But to send them back, must they reject the entire negotiated agreement?

Mr. THOMPSON of New Jersey. No, sir. No, sir. They can send back on an item. If I may be specific, last year in the west coast dock strike there were four or five items in disagreement between the longshoremen and the Pacific Maritime Association. The unions met; the members voted to reduce the differences to two and send their negotiators back specifically to negotiate.

Mr. WAGGONNER. But as the gentleman has spoken, I am getting more confused on the question of disagreement. I am talking about wherein there is agreement between management and union negotiators; what the situation might be.

Mr. THOMPSON of New Jersey. The situation, in a sense, is dual. The management people obviously, when they negotiate, have the responsibility to their board of directors or stockholders or both, and have to account to them and get an agreement from them. The union negotiators have a specific responsibility

to their individual and total membership.

Mr. WAGGONNER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. ASHBROOK. Mr. Speaker, I yield myself the last 2 minutes of our time.

Mr. Speaker, I would like, to briefly address myself to two points which seem to be very relevant in this discussion. I feel that I believe I have been objective in studying the merits of H.R. 77. I have no vested interests. I did not write it, and do not have pride of authorship. I attended all the hearings on the bill and was one of the conferees.

I think the majority took a position in conference which I do not believe to be correct, that the Latta amendment was capricious and would be impossible to implement. I recognize the difficulties in implementing the Latta amendment. I would say to some of my conservative friends something that has not been discussed here. It is quite often that theory and phenomenon are something different.

The theory of having absolute freedom of choice sounds admirable, but what most have not recognized is that every statistic indicates that freedom of choice prepaid legal service plans could cost anywhere from 5 to 20 times the cost of a package plan which might be negotiated by the parties to a contract. I favor freedom of choice and feel we should mandate it wherever possible. In this case, I am not sure that total freedom of choice is desirable. The parties will undoubtedly negotiate legal service plans which give a range of choices and this is proper in our collective bargaining framework.

This has not been considered. In a way, the Latta amendment makes it impossible for the parties negotiating to take into consideration matters of cost. I feel that panels will be more open than closed, but the parties should not have their hands tied in negotiations.

If this were basic, something as basic as the fourth or the fifth amendment, I would say, "I do not care what the cost is; mandate freedom of choice." I do not believe it is that basic in this particular case.

I did not sign the conference report because I felt we had completely moved away from the House position. Yet I would be candid to say I believe what we ended up with is not only a workable but also a reasonable means of implementing prepaid legal services.

Many people are against prepaid legal services of any type. I again say to my conservative friends that, I believe they are wrong. We should take every opportunity possible to encourage the parties in the free enterprise system to provide for themselves, because if we do not allow them to do this they in turn will turn to Washington for legal services provided by the Government.

I personally will vote for the conference report and I urge my colleagues to do likewise.

Mr. THOMPSON of New Jersey. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. LATTA. 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 256, nays 155, not voting 22, as follows:

[Roll No. 380]

YEAS—256

Abzug	William D.	Mosher
Adams	Forsythe	Moss
Addabbo	Fraser	Murphy, Ill.
Alexander	Frelinghuysen	Murphy, N.Y.
Anderson, Calif.	Frenzel	Myers
	Froehlich	Natcher
Anderson, Ill.	Fulton	Nedzi
Annunzio	Fuqua	Nix
Ashbrook	Gaydos	Obey
Ashley	Gettys	O'Brien
Aspin	Gibbons	O'Hara
Badillo	Gilman	O'Neill
Barrett	Ginn	Owens
Bell	Goldwater	Patman
Bergland	Gonzalez	Patten
Biaggi	Grasso	Pepper
Biester	Green, Pa.	Perkins
Bingham	Griffiths	Peyser
Blatnik	Grover	Pickle
Boggs	Gude	Pike
Boland	Haley	Podell
Bolling	Hamilton	Preyer
Brademas	Hanley	Price, Ill.
Brasco	Hansen, Idaho	Pritchard
Bray	Hansen, Wash.	Quie
Breaux	Harrington	Railsback
Breckinridge	Hawkins	Randall
Brooks	Hays	Rangel
Brown, Calif.	Hechler, W. Va.	Rees
Burke, Calif.	Heckler, Mass.	Regula
Burke, Mass.	Heinz	Reid
Burlison, Mo.	Helstoski	Reuss
Burton	Hicks	Riegle
Carey, N.Y.	Hillis	Rinaldo
Carney, Ohio	Holifield	Rodino
Carter	Holtzman	Roncalio, Wyo.
Chisholm	Horton	Rooney, N.Y.
Clark	Howard	Rooney, Pa.
Clay	Ichord	Rosenthal
Cleveland	Johnson, Calif.	Rostenkowski
Cohen	Jones, Ala.	Roush
Collier	Jones, Okla.	Roy
Collins, Ill.	Jones, Tenn.	Roybal
Conte	Jordan	Runnels
Conyers	Karth	Ryan
Corman	Kastenmeier	St Germain
Cotter	Kazen	Sandman
Coughlin	Kemp	Sarasin
Cronin	Kluczynski	Sarbanes
Culver	Koch	Schroeder
Daniels, Dominick V.	Kyros	Seiberling
	Leggett	Shipley
Danielson	Lehman	Shriver
Davis, S.C.	Litton	Sikes
de la Garza	Long, La.	Sisk
Delaney	McCloskey	Skubitz
Dellenback	McCollister	Slack
Dellums	McDade	Smith, Iowa
Dent	McFall	Smith, N.Y.
Diggs	McKinney	Staggers
Dingell	McSpadden	Stanton, James V.
Donohue	Macdonald	
Drinan	Madden	Stark
Dulski	Madigan	Steed
du Pont	Mailliard	Steele
Eckhardt	Mallary	Steelman
Edwards, Calif.	Mann	Stephens
Eilberg	Maraziti	Stokes
Erlenborn	Matsunaga	Stratton
Esch	Mazzoli	Stubblefield
Eshleman	Meeds	Stuckey
Evans, Colo.	Melcher	Studds
Evins, Tenn.	Metcalfe	Sullivan
Fascell	Mezvinsky	Symington
Findley	Minish	Thompson, N.J.
Fish	Mink	Tiernan
Flood	Mitchell, Md.	Udall
Flowers	Moakley	Van Deerlin
Foley	Mollohan	Vander Jagt
Ford, Gerald R.	Moorhead, Pa.	Vanik
Ford,	Morgan	Vigorito
Waldie	Wilson, Charles, Tex.	Yates
Walsh		Yatron
Whalen	Wolff	Young, Ga.
Widnall	Wright	Young, Ill.
Wilson, Charles H., Calif.	Wyatt	Zablocki
	Wydler	Zwach
	Wylie	

NAYS—155

Abdnor	Giaimo	Poage
Andrews, N.C.	Goodling	Powell, Ohio
Andrews, N. Dak.	Green, Oreg.	Price, Tex.
	Gross	Quillen
Archer	Guyer	Rarick
Arends	Hammer-schmidt	Rhodes
Armstrong		Roberts
Bafalis	Hanrahan	Robinson, Va.
Baker	Harsha	Robison, N.Y.
Beard	Harvey	Rogers
Bennett	Hastings	Roncallo, N.Y.
Bevill	Hinshaw	Rose
Blackburn	Hogan	Rousselot
Bowen	Holt	Ruppe
Brinkley	Hosmer	Ruth
Broomfield	Huber	Satterfield
Brotzman	Hudnut	Saylor
Brown, Mich.	Hungate	Scherle
Brown, Ohio	Hunt	Schneebeli
Broyhill, N.C.	Hutchinson	Sebelius
Broyhill, Va.	Jarman	Shoup
Buchanan	Johnson, Colo.	Shuster
Burgener	Johnson, Pa.	Snyder
Burke, Fla.	Jones, N.C.	Spence
Burleson, Tex.	Keating	Stanton, J. William
Butler	Ketchum	
Byron	King	Steiger, Ariz.
Casey, Tex.	Kuykendall	Steiger, Wis.
Cederberg	Landrum	Symms
Chamberlain	Latta	Talcott
Chappell	Lent	Taylor, Mo.
Clancy	Lott	Taylor, N.C.
Clawson, Del	Lujan	Teague, Calif.
Cochran	McClory	Thomson, Wis.
Collins, Tex.	McEwen	Thone
Conable	McKay	Thornton
Conlan	Mahon	Towell, Nev.
Crane	Martin, Nebr.	Treen
Daniel, Dan	Martin, N.C.	Veysey
Daniel, Robert W., Jr.	Mathias, Calif.	Waggonner
	Mathis, Ga.	Wampler
Davis, Ga.	Miller	Ware
Davis, Wis.	Mills, Ark.	White
Denholm	Minshall, Ohio	Whitehurst
Dennis	Mitchell, N.Y.	Whitten
Devine	Mizell	Williams
Dickinson	Montgomery	Wilson, Bob
Dorn	Moorhead, Calif.	Young, Alaska
Downing		Young, Fla.
Duncan	Nelsen	Young, S.C.
Edwards, Ala.	Nichols	Young, Tex.
Flynt	Parris	Zion
Fountain	Passman	
Frey	Pettis	

NOT VOTING—22

Camp	Hanna	Milford
Clausen, Don H.	Hébert	Roe
	Henderson	Teague, Tex.
Derwinski	Landgrebe	Ullman
Fisher	Long, Md.	Wiggins
Gray	McCormack	Winn
Gubser	Mayne	Wyman
Gunter	Michel	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gray for, with Mr. Teague of Texas against.

Mr. Long of Maryland for, with Mr. Fisher against.

Mr. Gunter for, with Mr. Henderson against.

Mr. Wyman for, with Mr. Camp against.

Mr. McCormack for, with Mr. Michel against.

Mr. Hanna for, with Mr. Landgrebe against.

Mr. Ullman for, with Mr. Winn against.

Mr. Roe for, with Mr. Derwinski against.

Until further notice:

Mr. Hébert with Mr. Gubser.

Mr. Milford with Mr. Don H. Clausen.

Mr. Mayne with Mr. Wiggins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the Chair will take unanimous-consent requests from Members, but not for speeches.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members who spoke during the debate on the conference report just agreed to may be permitted to revise and extend their remarks, and that all Members may be permitted to have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

IMPOUNDMENT CONTROL AND 1974 EXPENDITURE CEILING

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 further 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.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8480, with Mr. FASCELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, it had been agreed that section 102, beginning on page 4, line 19 and ending on page 5, line 2, would be considered as read and open to amendment at any point.

Are there further amendments to be proposed to that section of the bill?

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 4, strike out "shall" in line 20 and all that follows down through the period in line 25, and insert in lieu thereof the following: "shall cease within sixty calendar days of continuous session after the date on which the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution approving such impoundment in accordance with the procedure set out in section 104: *Provided*, That the Congress may by concurrent resolution disapprove any impoundment at any time prior to the expiration of the sixty-day period."

Page 5, line 1, after "disapproval" insert ", whether by concurrent resolution passed prior to the expiration of the sixty-day period or by failure to approve by concurrent resolution within the sixty-day period,".

Mr. PICKLE. Mr. Chairman, the amendment that I have offered would require that an impoundment cease after 60 days unless ratified by both Houses of Congress. This particular amendment, which was the essence of a bill introduced at the beginning of this session, as proposed jointly by the gentleman from Maryland (Mr. SARBANES), the gentleman from Michigan (Mr. WILLIAM D. FORD), and myself, would change section 102 of the bill, on page 4 of the committee bill, line 20. Our amendment would take out the word "shall" and then follow with language which the Members have just heard that says that both Houses must give affirmative action before an impoundment can take place. This language, I repeat, is on the affirmative basis. It says that an impoundment is not good unless ratified by both Houses of Congress.

We would want to remind the Members that this affirmative action requirement was part of the original impoundment bill introduced in both Houses of Congress, and this particular part of the measure was a provision in the bill that I and the gentleman from Maryland (Mr. SARBANES) and the gentleman from Michigan (Mr. WILLIAM D. FORD) and the gentleman from Massachusetts (Mr. HARRINGTON) had introduced at the beginning of this session and over 100 of our colleagues had cosponsored. This provision also is in effect the same as that in the Ervin bill which has passed the Senate and which requires that both Houses shall give affirmative action before impoundment can take place.

I do not think there is the necessity of repeating myself on arguments that were made here all day yesterday. I do think, though, that this particular affirmative approach represents the better balance between the executive and the legislative branches.

The amendment also does have one other proviso. That proviso states that the Congress can disapprove an impoundment by concurrent resolution, but the reason for this is that it would prevent the executive branch from impounding money within 30 days of the end of the fiscal year and then claiming that the appropriations expired before the Congress 60 days period of time to act. In other words, Congress may not want to wait 60 days to act on an impoundment, and the proviso states this as a fact of law.

I want to point out that that is related, though, to the 60 days and the affirmative action.

Mr. Chairman, if this particular amendment passes—and I think it should—it would mean that the Executive could not impound money unless both Houses of the Congress gave him that affirmative right.

There has been a lot of argument to question whether this is the better approach, or is the committee bill the better approach? I contend to the Members first that the President does not have the power to impound. I do not think he has the right under the deficiency Act except as specifically spelled out under the provisions of that limited measure.

If we go on the basis that the President does not have this right, then the only way he can be given the right to impound is for us to affirmatively give him that permission. Otherwise, we get ourselves involved in all kinds of constitutional questions. If we say he cannot do it unless we give permission, then we avoid all the constitutional pitfalls which many of us were discussing here yesterday. I think this is a clear-cut, simple, direct way to go about this particular matter.

To approach it otherwise, I think, gets us involved in the joint or concurrent resolutions, simple resolutions, and all the pitfalls. This also provides that this measure assumes that the GAO would make recommendations and that those which would be frivolous and of a minor nature could be handled in that manner. It would not impose a multiplicity of suits and could be handled simply in those cases by a voice vote.

I cannot imagine that the President would veto a measure that is put on this kind of basis; that is, if we gave him the right to impound. This affirmative approach would make it difficult to impound for the simple reason that when the Congress passes a law and it is sent to the White House and the President signs it, then it becomes a law.

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

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

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

Mr. PICKLE. I yield to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I want to commend the gentleman from Texas for his original initiative in filing the Pickle bill, of which I was a cosponsor.

I think the Pickle amendment makes more sense than anything else. It says, in effect, that the President does not have any power to impound, and if he is going to impound, then he can continue to do so only if and when, by a concurrent resolution, the Congress agrees to this particular impoundment.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Texas, and hope that the Pickle amendment is enacted by this House.

Mr. PICKLE. Mr. Chairman, I thank the gentleman. He has taken a great leadership in this very subject and has talked to me many times about it. Although he calls it the Pickle bill, it is the Pickle-Sarbanes-Ford bill, a bill which we introduced originally.

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

Mr. PICKLE. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support the amendment offered by the gentleman from Texas. It is stated in some quarters that this may make this resolution too strong and we may not be able to get the necessary two-thirds vote to override a possible Presidential veto.

Does the gentleman from Texas care to comment on that?

Mr. PICKLE. Of course, there is a possibility that this would make a strong approach, but I do not think we ought to think in terms of overriding a veto.

The question is, Does the President have the power to impound? I would say he could impound if we give him that right to do it. I think arguments about the veto would be minor ones.

The gentleman from California makes the point that, supposing we did pass this measure requiring that we give affirmative action. Can the Members imagine the President would ever veto a measure of this kind? There would not be any veto of it. The gentleman from California (Mr. DANIELSON) points out to me this morning that the President might want to impound. If we gave him the right to impound, he is not about to veto the very thing he has recommended.

Mr. HECHLER of West Virginia. Mr. Chairman, I think the gentleman from Texas has answered the argument on the point of Presidential impoundment extremely well. I strongly support his position.

But there are still those who are fearful that if this bill is made too strong, perhaps the President might veto the bill itself. I do not believe the Congress should water down, temporize, or trim on matters of such fundamental significance as the legislative power of the Congress of the United States. On the question of the power of the purse, the Congress of the United States under the Constitution has the power which its Executive has repeatedly attempted to usurp through unconstitutional use of what is termed "impoundment."

Therefore, I do not believe that the Congress should be intimidated by threats of a veto. Let us face up to this impoundment issue squarely, by passing the Pickle amendment, which clearly and forcefully reasserts the power conferred on the Congress by the Constitution of the United States.

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

Mr. Chairman, by way of preface, I want to say that I am pleased with the sense I got yesterday on both sides of the aisle from a number of those who spoke on this measure that it was not a partisan issue and that we were in fact dealing with some very important institutional questions concerning the relationship of power between the Congress and the executive. I know that not everyone takes that position, but I was encouraged that there were a number of Members on both sides who did.

I rise in support of the approach contained in the amendment offered by my distinguished colleague from Texas (Mr. PICKLE). In doing so, I want to go back for just a moment to consider how an impoundment arises.

I believe it is terribly important that we recognize an impoundment will take place only after one of two things has happened. The first is that the Congress has passed and the President has signed into law a bill, so that it has become law by our action and his action. The second is the Congress has passed and the President has vetoed and the Congress has subsequently passed over his veto into law a piece of legislation.

In both instances the law reflects a decisionmaking process by the Congress, and the subsequent action by the President of impounding is not to carry out a law which has been placed on the statute books according to the processes which govern how we proceed to legislate in the Congress.

It seems to me that the approach of the gentleman from Texas (Mr. PICKLE) is a better balance between the executive and the legislature in respect to this very important matter.

I ought to point out here that what is involved when we discuss the issue of impoundment is not only the question of power between the Congress and the Executive but also the question as to how our federal system is to operate. One of the most harmful of the effects of impoundment has been the impact upon State and local governments and upon programs and planning at the State and local government level.

Let me speak specifically to the amendment. The amendment says that if at the end of 60 days the Congress has not passed by concurrent resolution, in other words in both Houses, an approval of the impoundment, then the impoundment must cease. It takes the position that the Congress has already acted on the issue prior to the impoundment question arising, and that unless the Congress approves the President's impoundment within the period of 60 days then the impoundment ought to stop.

The question was asked as to the veto of the concurrent resolution. I would assume, without getting into the question which was discussed yesterday as to whether or not a concurrent resolution is subject to veto, whether or not it is an onion or a rose, as I recall that exchange, that if the President had asked for an impoundment and if the President in fact had impounded and if a concurrent resolution were passed approving the impoundment then the President of course would be in favor of that resolution taking effect. Therefore, in that instance there would not be a question of a veto.

But if the Congress failed to act, the impoundment would have to stop.

The final point I want to make is that unless we check impoundments there is really no way for the Congress to establish a different set of spending priorities from those of the Executive. It was for this reason that I stated at the outset that I thought the question we are dealing with here is so important in an institutional sense. What really is involved, I submit, is not the question as to what the total spending is to be and whether the total spending figure is at a level deemed to be appropriate. What is involved is the more fundamental question as to what shall make up the parts of that spending figure. Unless we find some way to check impoundments it is clear that the Congress will not be able to set different priorities with respect to which of our national problems we should emphasize in contrast to those which the Chief Executive has emphasized.

If that is the case, then it seems to me the Congress has indeed lost its budget-making ability and its decisionmaking capacity.

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

Mr. SARBANES. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

What is the mechanism for getting a vote on the concurrent resolution?

Mr. SARBANES. There is a procedure in the bill to refer it to the committee. The amendment does not knock out that committee process. It still permits the committee process. Of course, the bill also contains procedures for discharging the committee.

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

(On request of Mr. GROSS, and by unanimous consent, Mr. SARBANES was allowed to proceed for 1 additional minute.)

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

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

Mr. GROSS. Mr. Chairman, it could then be buried in committee; it could be filibustered in the other body, could it not?

Mr. SARBANES. That is conceivable. But the premise for this amendment is that the impoundment which has taken place is contrary to a decision which has been made by the Congress and the President or made by the Congress over the President's veto, and in both instances we have a matter which is law, and if the President seeks not to carry out that law, he should seek the affirmative approval of the Congress in order to do that.

Mr. GROSS. Then why not just offer legislation to prohibit impoundment of funds rather than go through the charade of perhaps never having the opportunity to vote?

Mr. SARBANES. No; this amendment stops short of that approach. It still attempts to make some accommodation with the arguments that have been raised on behalf of the Executive by those who claim there ought to be instances in which the Executive can exercise a certain amount of impoundment power.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me put this in proper perspective in consideration of the bill and the proposed amendment, as to how the entire paragraph will read:

> Any impoundment of funds set forth in a special message transmitted pursuant to section 101 shall cease within sixty calendar days of continuous session after the date on which the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution—

And so forth.

In other words, what this amendment does is this: It says that impoundment will cease within 60 days unless the Congress takes action by concurrent resolution.

It has been pointed out, Mr. Chair-

man, in this debate that under the definition of "impoundment," as in this bill in section 103, we will have literally thousands of messages from the President to the Committees on Appropriations of both bodies in regard to funds that under these definitions would be classified and defined as "impoundment."

Under the terms of the amendment offered by the gentleman from Texas (Mr. PICKLE) these impoundments would cease after 60 days unless the Congress took action by concurrent resolution. It would be literally impossible for the Congress to consider within 60 days the thousands of impoundments that would be required of the President to send up to the Congress. If we are going to have impoundments, Mr. Chairman, the Congress should take such action affirmatively and not just simply do it by lying down and playing dead. This is the wrong approach.

It is unworkable, it is impractical, it is not the right approach, and I oppose this amendment.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman's comment on this.

Does the gentleman really think that the executive would be sending up a large number of impoundment bills? Did the gentleman say, "Hundreds" of impoundment bills?

That is an improbability; it is very, very unlikely, unless we want to assume that we have got a frivolous or mischievous President who wants to send up impoundment bills which have no real substance to them.

Mr. Chairman, if that were the case, it could be handled in a proper manner. That could be handled administratively. I believe the Congress could act on that with a voice vote. The GAO would advise how this would be handled. The appropriation committees would make recommendations.

I think the gentleman is trying to assume or to impute the very impractical side of something that will not happen.

Mr. MARTIN of Nebraska. Mr. Chairman, let me just read part of the definition of "impoundment" as included in section 103.

It says: Impoundment is "withholding or delaying the expenditure or obligation of funds—whether by establishing reserves or otherwise—appropriated for projects or activities," and it goes on.

There are many reserves, I will say to the gentleman from Texas (Mr. PICKLE) that are by the direct order of the Congress.

This says "reserves." Let us say we appropriate $100 million for research and development or for construction projects, or a plane or a battleship, whatever it may be. You do not spend those funds the first day you get them, but you have to draw plans and specifications, advertise for bids, receive the bids and then a contract is awarded to the successful bidder. So you do not pay out all of the funds on the contract as soon as you award the contract in the first 30 days but, rather, pay it out on the basis of 90 percent of the work done each month.

Yet, by this definition, this is impoundment and you will require the President to report on these things. That is why I say there will be thousands of reports that will be made by the President under the terms of the definition of impoundment before us. The gentleman will not dispute that fact.

Mr. PICKLE. If the GAO were advised that this could be handled without the normal impoundment process, this House by voice vote would take action on it.

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

Mr. Chairman, I am in support of the amendment offered by the gentleman from Texas (Mr. PICKLE).

First of all, I would like to point out and associate myself with the prior comment that this is not a partisan measure. I understand that other Presidents from other parties at other times have impounded. That does not legitimate the procedure.

I would like to remind my friends on my left that it is entirely possible that at a future time there will be another President from another political party, and the question of impoundment may again arise. This question must be approached from the purely philosophical basis of what the Constitution intends. How should we meet our responsibility to support and defend the Constitution, and presume the separation of powers?

First of all, I would like to point out that the basic philosophy of our American system and our Constitution is that all legislation should originate in the Congress and be either approved by the President, or disapproved and passed over the President's veto, before it becomes the law of the land. But the important element is that legislation should commence in the Congress.

Now, with regard to impoundment, we are speaking of laws of the land which already exist and which the President, for whatever reason, has chosen not to execute fully, simply by impounding.

Under the committee bill, the provision that the President can change these laws by impoundment, subject only to a veto by the Congress, delegates to the President the power to change the laws. That is a gross error, for the power to change our laws must and should remain within the Congress.

Under Mr. PICKLE's amendment we preserve that constitutional difference by allowing the President, when the situation is appropriate, to recommend an impoundment and to change our expenditures and then leave it up to the Congres to decide whether or not to go along. That is a proper allocation of our governmental responsibility.

I may add I am not nearly so interested in the new federalism as I am in the old federalism. I think the quicker we get to it the better off we are going to be.

The second point that I wish to make is that we were worried yesterday about the President possibly vetoing a resolution. There can be no danger of a veto if we follow the affirmative approach advocated by the gentleman from Texas (Mr. PICKLE).

Can you imagine the President of the United States impounding funds and requesting the Congress to approve that impoundment and then vetoing a resolution which carries out his own wish? It would be incredible. Any time the President wishes to impound and the Congress approves the impoundment, there is no danger, I submit, of a Presidential veto.

The last point I wish to make is simply this: We must always be cautious in this Congress to cease delegating our powers to the Executive, be he Republican or Democrat. His party makes no difference. We must rid ourselves of this tendency to delegate.

Witness what can happen. In this instance, by a simple majority vote, 50 percent plus 1, we could delegate to the President the power to impound subject only to a congressional veto.

Suppose we want to get this power back in the future? A President, Republican or Democrat, might enjoy having this power of impoundment. So if we try to take back this power, what do we have to do? We have to pass another law repealing this law, and the President can very well veto it, whether he be Republican or Democrat.

That simply means that with a bare majority we can delegate away this power, but it will take a two-thirds vote of both of the Houses of the Congress to get that power back. So let us not fall into that trap.

The arguments raised by the gentleman from Nebraska (Mr. MARTIN), I submit, the gentleman's arguments relative to the pending amendment were addressed to the whole bill more than they were to the Pickle amendment, whch simply calls for an affirmative rather than a negative action by the Congress.

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

Mr. DANIELSON. I do yield to the gentleman from Nebraska. I mentioned the name of the gentleman from Nebraska (Mr. MARTIN) and I am glad to yield to the gentleman.

Mr. MARTIN of Nebraska. Mr. Chairman, I thank the gentleman for yielding.

The main point I was making is that this would create chaos in the Congress in regard to impoundment.

I have here the hearings from the other body, and I would like to read from them. This is from the statement of the Deputy Attorney General from the Department of Justice, Joseph T. Schmidt, and he says this——

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

(On request of Mr. MARTIN of Nebraska, and by unanimous consent, Mr. DANIELSON was allowed to proceed for 1 additional minute.)

Mr. MARTIN of Nebraska. If the gentleman will yield further, I will quote the material I mentioned:

> Under the bill's broad definition of impounding, thousands of individual impounding actions will occur each year. Given the pressures of more important matters, it would be realistically impossible for the Congress to give any worthwhile consideration to thousands of impounding actions, each year. In short, the bill seeks to prohibit impounding by the President altogether.

Mr. DANIELSON. That is correct. I do not dispute that, I simply state that the

objections of the gentleman from Nebraska go to the whole bill more apply than they go to the amendment offered by the gentleman from Texas (Mr. PICKLE).

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

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

Mr. WYDLER. Mr. Chairman, the gentleman stated that there is nothing political about this bill. I find that a little hard to believe.

Would the gentleman from California state that it is his opinion that if the President at the present time was a Democrat, that we would really be considering this legislation here in the Congress?

Mr. DANIELSON. We certainly would, if the President were impounding as the present President is impounding.

Mr. WYDLER. I thought the gentleman from California stated all Presidents had impounded.

Mr. DANIELSON. No.

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

(On request of Mr. PICKLE, and by unanimous consent, Mr. DANIELSON was allowed to proceed for 2 additional minutes.)

Mr. WYDLER. Mr. Chairman, if the gentleman would yield further, is it not correct that the gentleman from California opened his statement with the remark that all Presidents have impounded?

Mr. DANIELSON. That is not correct, I said that other Presidents of other parties at other times have impounded, not all Presidents.

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

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

Mr. PICKLE. Mr. Chairman, I concede that if the White House was occupied by a Democrat that there would probably be an effort under this very difficult matter of impoundment, but that this would probably be initiated by the Republicans, rather than someone on this side of the aisle. But I do not believe we ought to be allowed to be blinded by that fact.

I recognize, and I have said publicly in this debate, that depending on what position you are in, my friends, that determines whether you are for it, and determines how you may feel about it.

When the late beloved President Johnson was a Senator in the U.S. Senate, he made an impassioned speech on the floor of the Senate in which he stated that he thought once these bills were passed that they should be appropriated for the purpose for which they had been passed, and not be sacked up and assigned to some storeroom down in the basement somewhere. I asked him about that later, and he said, "Well, I was a Senator then, not the President." So it depends on the position one occupies at the time. I concede that.

But these things ought not to be involved in partisan politics. And it can be very likely that in 1976 that the representative of the Members on that side of the aisle may not and probably won't be occupying the address at 1600 Pennsylvania Avenue, so I believe that that ought to have a bearing on you folks on this matter at the present time.

Mr. WYDLER. Mr. Chairman, if the gentleman will yield further, I would like to ask the gentleman—because the gentleman said that at some time there will be another President, and that at such a time we might have a different point of view. Does the gentleman not realize that the bill before us is only going to be in effect for 1 year? Is the gentleman aware of that fact?

Mr. DANIELSON. I am, but I am also thinking about tradition and about precedent. You know, precedents become deeply rooted as time goes by.

I urge that this amendment should be supported.

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

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

Mr. DENNIS. Mr. Chairman, I would just like to say to my friend, the gentleman from California, that if this is going to be disposed of on a nonpartisan basis, which I should certainly prefer, then we had a real opportunity to do it here.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DENNIS, and by unanimous consent, Mr. DANIELSON was allowed to proceed for 2 additional minutes.)

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

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

Mr. DENNIS. My friend, the gentleman from Illinois (Mr. ANDERSON) wanted to introduce an amendment which in his words would "make the effective date of the impoundment control provisions contingent upon the effective date of legislation, which comprehensively reforms the congressional budget practice."

I should like to have voted for a truly nonpartisan bill with that amendment in it. What I should like to know is, if the gentlemen of the majority are sincere, why did they not bring the bill in here with that amendment made in order so that we could have a vote on it? Why did they not have real reform, and provide that congressional balance and restraint should accompany executive restraint?

I just circulated a questionnaire to the people in my district, the majority of whom said, "Do not stop the President from impounding at all." They would rather have us let him impound, because we will not show the restraint that this Anderson amendment would require and that we could have been allowed to vote on here. In that case we would have had a decent bill that I would have been happy to support.

Mr. DANIELSON. First, I want to thank the gentleman for so eloquently making his point. I am also delighted that he recognizes the distinction between a nonpolitical approach and a nonpartisan approach, which Mr. PICKLE mentioned. Of course, everything that happens on this floor is political, as it should be. However, to respond directly to the gentleman from Indiana, I should like to state that if that proposed law would be good next year, after we have better budgetary control, it is equally good this year. Let us not postpone this meritorious proposal. Let us move with it now. Let us adopt this useful amendment.

Mr. Chairman, I withdraw my motion to strike.

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

Mr. Chairman, this amendment poses a very simple, basic question for the Congress of the United States. Is the Congress going to make the laws of the country, or are we, to some extent going to allow the Executive to second guess us and have the final say? I think if we are going to continue to let the President have the final say, then let us all at least understand what we are doing. The Pickle amendment gives us a very clear-cut choice as to whether the Congress is going to have the final voice in deciding what the laws of this country are to be.

There are some who will say, as my friend, the gentleman from Indiana, says, that if we do not give the President the final say, we will act irresponsibly and without restraint.

I suggest that one of the reasons why the Congress has at times acted irresponsibly and without restraint in spending matters—and there is no question that it has—is because they have thought, "Oh, well, it does not matter because the President can always stop this if this is an unnecessary and wasteful appropriation."

I think that if we pass a measure like the one the gentleman from Texas has offered, then we will be compelled to exercise more responsibility and restraint. So it seems to me that the question is whether the Congress of the United States is going to measure up to its constitutional responsibilities, accept them, and say that when we have passed laws, they shall be faithfully executed by the President until such time as the Congress, through its normal processes, changes those laws.

I wonder if the gentleman from Texas would tell me, is not that the basic thrust of his amendment?

Mr. PICKLE. That is exactly the thrust of it. I contend that the Congress has the right to appropriate money to provide for the general welfare. Once an act becomes a law, then only the Congress should have a right to change that law, but actually take affirmative action. If we do not take that approach, we will get into a multitude of pitfalls on a constitutional question. Our amendment avoids all of that.

Mr. SEIBERLING. I thank the gentleman.

I should also like to point out that with the principle of his amendment adopted, it would also have a restraining effect on the Executive, because instead of impounding right and left as he sees fit, or some fellow under him sees fit, he will become selective, because there will not be any point in flooding us with a whole series of impoundments.

I had a discussion some months ago with one of the outstanding Republican

Members of the other body, and he was complaining bitterly to me about the then White House staff, many of whom fortunately are no longer there, when he introduced a moderate bill giving a little flexibility to the President in making changes in funding. After he had introduced the bill he got calls from a whole range of people in the White House who said, "We do not want any restraints on our right to transfer funds from one program to another." In other words, he said they wanted in substance a blanket authorization and appropriation of $268 billion, to spend as they saw fit.

That is the kind of attitude which has led us to the terrible situation being unfolded day after day on the other side of the Capitol in the hearings of the Ervin committee. It just seems to me the Pickle amendment is going to send a message loud and clear to the whole country that the Congress is going to take back the authority which it has had taken away from it.

Mr. PICKLE. Mr. Chairman, I agree with the gentleman. It would cause the President to be selective and more careful.

Mr. SEIBERLING. Does the gentleman agree that it would also make the Congress exercise more responsibility?

Mr. PICKLE. Indeed I do.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman.

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

Mr. Chairman, I have great respect for the gentleman from Texas, as the gentleman knows. I joined with him in the introduction of the so-called Pickle bill, but then by his amendment he raises the same question which was raised yesterday by the amendment offered by Mr. ANDERSON of Illinois—the question of constitutionality.

I can readily agree that where the Congress by action of both Houses by concurrent resolution approves of the impoundment, there is no question of a veto because no doubt the President would sign such a concurrent resolution. However, in the event of a disapproval on the part of the Congress by a concurrent resolution, the question of whether or not a concurrent resolution needs to be signed by the President in order to become effective arises.

Interpretations by constitutional scholars indicate that a concurrent resolution is not to be treated differently from a joint resolution. As I pointed out yesterday in quoting Senator Ervin, you cannot turn an onion into a flower by calling it a flower; just as you cannot turn a joint resolution into a concurrent resolution by calling it a concurrent resolution.

It appears from all indications, as was so ably pointed out by the gentleman from Texas (Mr. ECKHARDT) in his speech on the floor yesterday, that a concurrent resolution must be signed by the President. If the President chooses to veto it, then we would need a two-thirds majority to pass that concurrent resolution to disapprove of an action taken by the President under a previous law, which we passed and which the President himself signed.

I am certainly in agreement with the thought behind the Pickle amendment, but it unfortunately raises the constitutional question which would give the President added reason for vetoing the bill if the amendment were adopted. I urged the defeat of the amendment.

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

Mr. MATSUNAGA. I am happy to yield to the gentleman from Maryland.

Mr. SARBANES. I should like to respond to the legal point which the gentleman made, because I believe it does raise a valid question which needs to be answered.

As the gentleman recognizes, there is a dispute over whether a concurrent resolution has to go to the President for signature. Other legislation has passed the House resting on a different premise from this legislation. But if a concurrent resolution does not have to go to the President then there is in fact no problem, if it does not.

Mr. MATSUNAGA. That is correct.

Mr. SARBANES. If it does have to go to the President then the only period which is at issue is the 60-day period, because under this amendment at the end of 60 days if the Congress had not affirmatively approved the President's impoundment then the impoundment must stop. In that instance, if we have affirmatively approved an impoundment which the President has made, it is safe to assume, if in fact a concurrent resolution must be signed, that it will be signed. So the only period that is at issue is the 60-day period, where we may wish to act prior to the expiration of that period of time.

In any event, at the end of the 60-day period, unless we approve an impoundment, the President would have to stop at that point. That, it seems to me, is the way the relationship between the Congress and the Executive ought to function.

Mr. MATSUNAGA. I appreciate the point which the gentleman from Maryland has made. But then, in the event the Congress decides that it dares not take the risk of having the funds impounded for 60 days, because a 60-day impoundment may kill the program, in order to act under this amendment both Houses must act by concurrent resolution, which could be vetoed by the President. Needless to say, the difficulty of mustering a two-thirds majority would then face the Congress.

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

(On request of Mr. DANIELSON, and by unanimous consent, Mr. MATSUNAGA was allowed to proceed for 1 additional minute.)

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

Mr. MATSUNAGA. I am happy to yield to the gentleman from California.

Mr. DANIELSON. I wish to read the last paragraph of section 7, article I of the Constitution:

Every Order, Resolution, or Vote to which the Concurrence of the Senate and 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, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Mr. MATSUNAGA. Exactly. That is the point I was trying to make here.

Mr. DANIELSON. My point is that where the President requests an impoundment and by resolution the Congress approves that request for an impoundment, is it reasonable to believe the President would thereafter veto it?

Mr. MATSUNAGA. No. As I said earlier, when the President is in agreement with the Congress there is no real issue involved.

Mr. DANIELSON. I urge the gentleman to support the amendment.

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

Mr. Chairman, I do not really know how to go about opposing this amendment. I know it is well-intended.

No. 1. It imputes to the bill before us the ratifying of the President's power to impound. It does no such thing.

The bill before us, H.R. 8480, is completely neutral. It deals with a fact, not a theory.

There are impoundments. There are not hundreds of impoundments but there are thousands of impoundments. Some are the kinds of impoundments apparently some of my friends feel are the only impoundments; but there are a great many impoundments.

The Ervin bill, from the other body, which has the principle of this amendment within it provides for a very elaborate procedure in which the Congress delegates a great deal of responsibility to the General Accounting Office so all these thousands of impoundments, or conceivably even tens of thousands of impoundments, can be dealt with.

Mr. Chairman, the amendment is, in my judgment, wholly impractical and does not really go to the point that its supporters say it goes to, because H.R. 8480 says nothing about the constitutional powers. And if it did, it would not make any difference because we cannot in legislation change the Constitution; we have to pass a constitutional amendment.

What H.R. 8480 seeks to do is to provide for a regular procedure for dealing with the exceptional case when the Congress decides that a President has changed the policy—by impoundment unilaterally—that the Congress has already made, and the Congress does not approve the change.

It is a very limited, very self-disciplined, very carefully contrived process.

The committee very carefully considered the alternatives, because, after all, the other body had passed the other version a number of times, and we heard from the Senator from North Carolina; he was a witness before the committee. This was a matter which was very carefully considered.

Mr. Chairman, I urge that the amendment offered by the gentleman from Texas (Mr. PICKLE) be voted down, and I ask for a vote.

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

The CHAIRMAN. 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. 381]

Archer	Gunter	Minshall, Ohio
Blatnik	Hanna	Patman
Camp	Hébert	Pike
Chisholm	Holifield	Rees
Clark	Holtzman	Roe
Clausen, Don H.	Horton	Rosenthal
de la Garza	Jarman	Sisk
Derwinski	Landgrebe	Stokes
Diggs	Leggett	Teague, Tex.
Dingell	Long, Md.	Ullman
Fisher	Mayne	Winn
Fraser	Melcher	Wyman
	Milford	

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 396 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. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 318, not voting 19, as follows:

[Roll No. 382]

AYES—96

Abzug	Ford, William D.	Patten
Adams	Fraser	Pickle
Addabbo	Gonzalez	Pike
Anderson, Calif.	Grasso	Poage
Aspin	Green, Pa.	Podell
Badillo	Griffiths	Randall
Bennett	Harrington	Rangel
Bingham	Hawkins	Reid
Boggs	Hechler, W. Va.	Riegle
Brooks	Heckler, Mass.	Rodino
Burke, Calif.	Helstoski	Rooney, Pa.
Burke, Mass.	Hicks	Rosenthal
Chisholm	Holtzman	Roybal
Clay	Howard	Ryan
Cohen	Hungate	Sarbanes
Collier	Karth	Schroeder
Conte	Kastenmeier	Seiberling
Conyers	Kazen	Smith, Iowa
Corman	Koch	Stark
Culver	Lehman	Steelman
Daniels, Dominick V.	Macdonald	Studds
Danielson	Meeds	Teague, Tex.
Dellums	Mezvinsky	Thompson, N.J.
Denholm	Minish	Van Deerlin
Dent	Mink	Vanik
Dingell	Mitchell, Md.	Waldie
Dorn	Moakley	White
Drinan	Moorhead, Pa.	Wilson, Charles, Tex.
Edwards, Calif.	Moss	Yates
Eilberg	Nedzi	Young, Ga.
Evins, Tenn.	Nix	Young, Tex.
Fascell	O'Hara	
	Owens	

NOES—318

Abdnor	Andrews, N. Dak.	Arends
Alexander	Annunzio	Armstrong
Anderson, Ill.	Archer	Ashbrook
Andrews, N.C.	Ashley	Bafalis
Baker	Gross	Peyser
Barrett	Grover	Powell, Ohio
Beard	Gubser	Preyer
Bell	Gude	Price, Ill.
Bergland	Guyer	Price, Tex.
Bevill	Haley	Pritchard
Biaggi	Hamilton	Quie
Biester	Hammer-schmidt	Quillen
Blackburn	Hanley	Railsback
Blatnik	Hanrahan	Rarick
Boland	Hansen, Idaho	Rees
Bolling	Hansen, Wash.	Regula
Bowen	Harsha	Reuss
Brademas	Harvey	Rhodes
Brasco	Hastings	Rinaldo
Bray	Hays	Roberts
Breckinridge	Heinz	Robinson, Va.
Brinkley	Henderson	Robison, N.Y.
Broomfield	Hillis	Rogers
Brotzman	Hinshaw	Roncallo, N.Y.
Brown, Calif.	Hogan	Rooney, N.Y.
Brown, Mich.	Holifield	Rose
Brown, Ohio	Holt	Rostenkowski
Broyhill, N.C.	Horton	Roush
Broyhill, Va.	Hosmer	Rousselot
Buchanan	Huber	Roy
Burgener	Hudnut	Runnels
Burke, Fla.	Hunt	Ruppe
Burleson, Tex.	Hutchinson	Ruth
Burlison, Mo.	Ichord	St Germain
Burton	Jarman	Sandman
Butler	Johnson, Calif.	Sarasin
Byron	Johnson, Colo.	Satterfield
Carey, N.Y.	Johnson, Pa.	Saylor
Carney, Ohio	Jones, Ala.	Scherle
Carter	Jones, N.C.	Schneebeli
Casey, Tex.	Jones, Okla.	Sebelius
Cederberg	Jones, Tenn.	Shipley
Chamberlain	Jordan	Shoup
Chappell	Keating	Shriver
Clancy	Kemp	Shuster
Clark	Ketchum	Sikes
Clausen, Don H.	King	Sisk
Clawson, Del	Kluczynski	Skubitz
Cleveland	Kuykendall	Slack
Cochran	Kyros	Smith, N.Y.
Collins, Ill.	Landrum	Snyder
Collins, Tex.	Latta	Spence
Conable	Leggett	Staggers
Conlan	Lent	Stanton, J. William
Cotter	Litton	Stanton, James V.
Coughlin	Long, La.	Steed
Crane	Lott	Steele
Cronin	Lujan	Steiger, Ariz.
Daniel, Dan	McClory	Steiger, Wis.
Daniel, Robert W., Jr.	McCloskey	Stephens
Davis, Ga.	McCollister	Stokes
Davis, S.C.	McCormack	Stratton
Davis, Wis.	McDade	Stubblefield
de la Garza	McEwen	Stuckey
Delaney	McFall	Sullivan
Dellenback	McKay	Symms
Dennis	McKinney	Talcott
Devine	McSpadden	Taylor, Mo.
Dickinson	Madden	Taylor, N.C.
Diggs	Madigan	Teague, Calif.
Donohue	Mahon	Thomson, Wis.
Downing	Mailliard	Thone
Dulski	Mallary	Thornton
Duncan	Maraziti	Tiernan
du Pont	Martin, Nebr.	Towell, Nev.
Eckhardt	Martin, N.C.	Treen
Edwards, Ala.	Mathias, Calif.	Udall
Erlenborn	Mathis, Ga.	Vander Jagt
Esch	Matsunaga	Veysey
Eshleman	Mazzoli	Vigorito
Evans, Colo.	Melcher	Waggonner
Findley	Metcalfe	Walsh
Fish	Michel	Wampler
Flood	Miller	Ware
Flowers	Mitchell, N.Y.	Whalen
Flynt	Mizell	Whitehurst
Foley	Mollohan	Whitten
Ford, Gerald R.	Montgomery	Widnall
Forsythe	Moorhead, Calif.	Wiggins
Fountain	Morgan	Williams
Frelinghuysen	Mosher	Wilson, Bob
Frenzel	Murphy, Ill.	Wilson, Charles H., Calif.
Frey	Murphy, N.Y.	Wolff
Froehlich	Myers	Wright
Fulton	Natcher	Wyatt
Fuqua	Nelsen	Wydler
Gaydos	Nichols	Wylie
Gettys	Obey	Yatron
Giaimo	O'Brien	Young, Alaska
Gibbons	O'Neill	Young, Fla.
Gilman	Parris	Young, Ill.
Ginn	Passman	Young, S.C.
Goldwater	Patman	Zablocki
Goodling	Pepper	Zion
Gray	Perkins	Zwach
Green, Oreg.	Pettis	

NOT VOTING—19

Breaux	Landgrebe	Roncalio, Wyo.
Camp	Long, Md.	Symington
Derwinski	Mayne	Ullman
Fisher	Milford	Winn
Gunter	Mills, Ark.	Wyman
Hanna	Minshall, Ohio	
Hébert	Roe	

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BOLLING. Mr. Chairman, I ask unanimous consent that the remainder of title 1 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.

The portion of the bill referred to is as follows:

SEC. 103. For purposes of this title, the impounding of funds includes—

(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.

SEC. 104. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section and section 102 the term "resolution" means only a resolution of the House of Representatives or the Senate which expresses its disapproval of an impoundment of funds set forth in a special message transmitted by the President under section 101, and which is introduced and acted upon by the House of Representatives or the Senate (as the case may be) before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress.

(2) For purposes of this section and section 102, the continuity of a session shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period referred to in paragraph (1) of this subsection (and in section 102) and the thirty-day period referred to in subsection (d)(1). If a special message is transmitted under section 101 during any Congress and the last session of such Congress adjourns sine die before the expiration of sixty calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the sixty-day period referred to in paragraph (1) of this subsection and in section 102 (with

respect to such message) shall commence on such first day.

(c) Any resolution introduced with respect to a special message shall be referred to the Committee on Appropriations of the House of Representatives or the Senate, as the case may be.

(d) (1) If the committee to which a resolution with respect to a special message has been referred has not reported it at the end of thirty calendar days of continuous session after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same message which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same special message); and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same special message.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) Motions to postpone, made with respect to the consideration of a resolution with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

(g) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to any resolution referred to in this section shall be decided without debate.

SEC. 105. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other 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, and the President fails to transmit a special message with respect to such impoundment as required by this title, the Comptroller General shall report such impoundment and any available information concerning it to both Houses of Congress; and the provisions of this title shall apply with respect to such impoundment in the same manner and with the same effect as if such report of the Comptroller General were a special message submitted by the President under section 101, with the sixty-day period provided in section 102 being deemed to have commenced at the time at which the Comptroller General makes the report. As used in section 104, the term "special message" includes a report made by the Comptroller General under this section.

SEC. 106. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this title, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this title by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 107. Section 203 of the Budget and Accounting Procedures Act of 1950 is repealed.

SEC. 108. Nothing contained in this title shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect; or

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment ordered or executed before the date of the enactment of this Act.

The CHAIRMAN. The Clerk will report the committee amendment to section 104.

The Clerk read as follows:

Committee amendment:

Page 6, after the period in line 22, add the following new sentence:

If a special message is transmitted under section 101 during any Congress and the last session of such Congress adjourns sine die before the expiration of sixty calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the sixty-day period referred to in paragraph (1) of this subsection and in section 102 (with respect to such message) shall commence on such first day.

The committee amendment was agreed to.

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

Mr. Chairman, this session of Congress has been highlighted by a historic debate with the executive branch over the question of budget procedures and the impoundment of funds that have been appropriated by Congress.

First, let me say that I believe this debate does not have to be viewed as a confrontation between these two branches of Government. It is not a struggle simply for power or control of Federal finances. Rather, I believe that we have embarked on a long overdue examination of the way in which the Federal Government decides how to spend the people's money; a careful consideration of the best way in which we can at once move forward in solving the problems of the Nation, yet act in a way that is fiscally responsible.

Mr. Chairman, I have disagreed with the impoundment policies adopted by this administration. I believe that it is one thing to withhold funds to meet a national emergency, but it is quite another to impound funds so that moneys appropriated by Congress are canceled or cut back because the President considers the purpose unwise or wasteful.

That is why I have joined my distinguished colleague from Massachusetts, Representative CONTE, in cosponsoring the Congressional Spending Power Act of 1973 in order to rectify this situation. The bill provides that before any moneys can be impounded, the President must send a special mesage to Congress specifying the amount to be impounded and the projects and functions affected. Then, Congress must specifically approve the proposed impoundment within 60 days, or otherwise, the impoundment does not go into effect.

I believe that the bill offered by my colleague from Massachusetts (Mr. CONTE) is preferable to H.R. 8486 in that Congress must specifically approve a proposed impoundment rather than disapprove an already implemented impoundment or, in the case of S. 373, approve a proposed impoundment, rather than approve an implemented impoundment. Nevertheless, I believe that there is enough similarities among all of these bills so that a strong compromise can be agreed upon.

Those plans, Mr. Chairman, provide a reasonable and workable solution to the impoundment question. The "control of the purse" would be placed back in Congress, where it belongs, and the executive branch would be provided with a simple, prompt procedure to have its views on the spending of Federal money considered.

Yet, at the same time, I believe we must recognize that there is a great deal of validity to the President's view that Congress, in the past, has not acted in a fiscally responsible manner. In fact, if Congress had been more diligent and responsible, the President would not have been forced to impound funds in the first place. While this rationale is, I think, legitimate, it does not mean that we can allow the impoundment powers to continue unchecked. It does mean, however, that we must move forward to reform our budgetary procedures.

Because of this tremendous need for reform, I have been actively supporting the concept that Congress should put an end once and for all to our current system for considering spending issues in a hodgepodge manner without any regard to priorities or the total budget picture. Mr. Chairman, I firmly believe that we must move toward establishing new procedures whereby Congress meets at the beginning of each session to determine an overall budget ceiling. If spending goes above that ceiling, we would be required to meet again to: First, raise taxes to pay for the overspending, second, formally accept deficit spending or third, reduce appropriations we had earlier adopted. Certainly, such a procedure would be a far more responsible one than

the inadequate structure we now have in effect.

Moreover, Mr. Chairman, I view the debate today as one of the more important moments in this legislative session. Since almost all of our actions are ultimately involved with the appropriation of the people's taxes, we have an obligation to set a sound and rational policy on these important questions.

AMENDMENT OFFERED BY MR. HEINZ

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

The Clerk read as follows:

Amendment offered by Mr. HEINZ: Page 10, line 23, strike out "is repealed" and insert in lieu thereof "shall not be applicable with respect to funds impounded on or after the date of the enactment of this Act and before July 1, 1974".

Mr. HEINZ. Mr. Chairman, I will not take the 5 minutes on this.

This is an amendment to section 107 of the bill and is a conforming amendment to the amendment to section 101 which I offered yesterday and which was adopted by a rather persuasive voice vote in this body. It completes the intent of making this a 1-year bill. That is simply the purpose of it, and I hope the committee will be consistent and adopt this conforming amendment.

Mr. MARTIN of Nebraska. Will the gentleman yield?

Mr. HEINZ. I am glad to yield to the gentleman.

Mr. MARTIN of Nebraska. We accept the amendment on this side.

Mr. BOLLING. Will the gentleman yield?

Mr. HEINZ. I yield to the gentleman.

Mr. BOLLING. We accept the amendment. It is a conforming one to the one previously adopted, 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.

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 11, after line 10, add the following new section:

"SEC. 109. The foregoing provisions of this title shall take effect on January 1, 1974."

POINT OF ORDER

Mr. BOLLING. Mr. Chairman, I make a point of order against the amendment.

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

Mr. BOLLING. The point of order is that the amendment is not germane.

Mr. ANDERSON of Illinois. Mr. Chairman, if I may be heard on the point of order, I think perhaps the distinguished gentleman from Missouri and my colleague on the Committee on Rules has not correctly understood the amendment, because it is not the amendment that says that the foregoing provisions of this title; namely, title I, shall take effect on the effective date of this legislation which improves congressional control over budgetary outlay and the receipt totals in a comprehensive manner but merely fixes a date and says that the provisions of title I shall not become effective until January 1, 1974.

Mr. BOLLING. Mr. Chairman, then this amendment should have been offered at a different place as an amendment to the Heinz amendment, or else it is in effect a redundancy.

Mr. ANDERSON of Illinois. Mr. Chairman, if I may be heard further on the point of order, as I understand the Heinz amendment it has the effect of making it merely a 1-year bill. In other words, the antiimpoundment provisions would expire at the end of the current fiscal year. My amendment says that title I, the antiimpoundment provision, does not commence, does not become effective as a matter of law until January 1, 1974.

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

The amendment offered by the gentleman from Illinois (Mr. ANDERSON) provides that title I shall take effect on January 1, 1974. The amendment is objected to because of inconsistency and also because it is not germane. The Chair cannot rule on the consistency of the amendment offered by the gentleman from Illinois (Mr. ANDERSON) but the amendment certainly fixes a date certain which is not an unrelated contingency. The amendment is germane and therefore the Chair overrules the point of order.

Mr. ANDERSON of Illinois. Mr. Chairman, both on yesterday and today we have heard over and over again, particularly from the Members who are seated on my right, on the Democrat side of the aisle, that this is a nonpartisan bill; that they are not interested for a single moment in directing this legislation at the present incumbent in the White House, but that they are sincerely interested in getting a handle on the problem.

I think that this particular amendment, by merely delaying the effective date of the implementation provisions of title I of this act, gives them every opportunity to redeem the sincerity of that promise, and of that assertion. Because I think the problems of impoundment, as we have heard often enough already in this debate, are largely the result of our own inability in this House—yes, and in the other body as well—our inability to approach our spending decisions in a rational and restrained manner. Therefore, if we really want to deal effectively with the root cause of impoundments, then we ought to give first priority to our congressional budgetary process.

I am well aware that during the debate which took place under the rule we heard some very ardent assurances from the gentleman from Missouri (Mr. BOLLING) and from others on that gentleman's side of the aisle, that indeed we are going to get this kind of a bill, that hearings finally have begun, and that hopefully in October or November, or before the expiration of this first session of the 93d Congress, that will become law. And I hope that is indeed the case.

All I am suggesting is that by adopting this amendment we would merely demonstrate to the country that we do realize the responsibility that we have to reform our own house, to cast out the mote and the beam within our own eye before we look to the other end of Pennsylvania Avenue and charge the President and the White House with all of the responsibility for the fiscal situation that confronts the country today.

I am well aware that title II of this bill—and we will shortly consider the provisions of that title—grants the President the authority to make so-called pro rata impoundments in the current fiscal year if we exceed the $267.1 billion ceiling provided for in section (a) of title II. But I submit that that ploy is at best cosmetic, it is deceptive, it is a complete evasion of what ought to be congressional primacy over the purse strings of this country.

So if we want to assure the people of the country that we are really sincere about the need for budgetary reforms we would be well-advised to adopt the effective date for this legislation that I have suggested. Because all too often, I think, once a crisis is past, and there may be those in this House who would erroneously think that the impoundment crisis had passed because we had passed this legislation, but I think that nothing, nothing could be further from the truth than that; the impoundment crisis will only be solved when the date comes that we have adopted comprehensive budgetary reform legislation.

Because of my inability under the rules to submit the amendment tying the passage of this legislation clearly and cleanly to the enactment of such legislation, I have seized upon this means for the embodiment of a date. I think it is a reasonable date. We are not seeking to postpone the effective date ad infinitum, or to some indefinite date in the future; we are saying January 1, 1974. That ought to give the Congress time to act on this very vital and important subject of budgetary reform.

So I think that in the vote on this amendment we have an opportunity to go on record for budget reform. That is what we are voting for when we vote for this amendment. In my remarks I would hope that I have made it quite clear that that is the purpose of my offer in good faith of this amendment to title I of the bill.

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

Having been accused of being deceptive by the gentleman from Illinois, I decided I did not really want to ask him to yield to me, but I will admit that, while I do not think he is deceptive, I think that he is very confusing to me.

On yesterday I accepted an amendment offered by the gentleman from Pennsylvania (Mr. HEINZ) that would relate this impoundment bill to the same period of time as the temporary expedient spending limit that is involved in this bill in order to demonstrate conclusively our good faith in relation to a budget process. I do not propose to review again the commitment that I made and have to the Committee on Rules for reporting an adequate process whereby the Congress will have an overall budget, which I think is needed for very many years. I do not have any idea why the gentleman from Illinois offered this amendment. What it does is say in effect at this point that Mr. HEINZ' amendment, which relates it directly to the period of spending limit, 1 year and 1 year—that

only half of it will be operative for the impoundment amendment. There may be a logic to that, and there may be a reason for it.

I listened with some care to the gentleman's statement, but I do not see the reason, nor do I see the logic, and, therefore, I am confused and do not understand precisely what the gentleman from Illinois has in mind. He has already said that the provision that the gentleman now speaking supports is deceptive. If he is saying that the whole thing is a deception, I suppose that is his business, but I admit that what he offers is confusing, and I urge that it be voted down in the interest of consistency, in the interest of having a spending limit which is a temporary expedient for the fiscal year 1974, and an impoundment provision which is a temporary impoundment provision running for the same 1 year.

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

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

Mr. ANDERSON of Illinois. I am sure that once again the gentleman from Missouri, my friend and colleague on the committee, has misapprehended my position. I would never accuse him of being deceptive. I hope he realizes that I do feel that there are certain provisions in the bill I have referred to as being deceptive.

Mr. BOLLING. I listened to Senator ERVIN, a Member of the other body, this morning, and I, too, understand the language because it is my mother tongue, and "deceptive" is "deceptive."

Mr. ANDERSON of Illinois. If the gentleman will yield further, I refer, of course, not to the gentleman personally, but to the provisions in title II of the bill that I think are deceptive insofar as they represent or purport to be an attempt, and an unsuccessful attempt, on the part of the Congress to really regain control of the power of the purse. I will have more to say when we come to that section of the bill that deals with the pro rata impoundment feature, but I think it is highly inconsistent with the purpose that the gentleman I am sure in good faith is putting forth in espousing this bill.

But I would repeat, my comments relate to the operative provisions of the bill, specifically, title II, and not to the gentleman whose word, of course, I honor and respect.

Mr. BOLLING. Mr. Chairman, I urge the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to be proposed to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b), expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government shall not exceed $267,100,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) shall be reviewed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

AMENDMENT OFFERED BY MR. REUSS

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

The Clerk read as follows:

Amendment offered by Mr. REUSS: Strike out title II (beginning on line 11, page 11, and ending on line 10, page 14).

Page 1, strike out lines 3 and 4.

POINT OF ORDER

Mr. BOLLING. Mr. Chairman, I make a point of order against the amendment in that the amendment is offered to strike the title. The title has not been read, and therefore the amendment is not in order.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard?

Mr. REUSS. I do, Mr. Chairman. I would like to be heard briefly in response to the point of order.

The point in the reading at which the motion to strike occurs has been reached. I would think that the amendment is, therefore, in order.

The CHAIRMAN (Mr. FASCELL). A point of order has been raised that the amendment offered by the gentleman from Wisconsin (Mr. REUSS) seeks to strike matter beyond the portion of the bill which the Clerk has read, and there would be no way of striking anything except what the Clerk has read.

The Chair is constrained to sustain the point of order.

PARLIAMENTARY INQUIRY

Mr. REUSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REUSS. Mr. Chairman, at what point will my amendment to strike title II become in order?

The CHAIRMAN. The Chair advises the gentleman from Wisconsin that the Chair cannot answer that question, because the Chair does not know whether the gentleman will offer the amendment.

Obviously, the only amendment to strike which would be in order at this point would be to strike out the pending section.

AMENDMENTS OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer two amendments and I ask unanimous consent that they may be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. SIKES: Page 11, lines 13 and 14, strike out "(a) Except as provided in subsection (b), expenditures" and insert in lieu thereof "Expenditures".

Page 11, strike out lines 17 through 25.

Mr. SIKES. Mr. Chairman, I strongly support the concept of impoundment control. There must be a solution to the continuing fiscal conflict between the administrative and legislative branches of Government. Congress has, over the years, given up much of the authority entrusted to it by the Constitution.

One Chief Executive after another has sought additional powers at the expense of Congress. The fact that this Congress proposes to reestablish a proper line of demarcation in powers between the Chief Executive and the Congress is certainly to be commended. It is something that I am confident the Nation will welcome.

It is significant that steps now are being taken toward budget control and the related fields of impoundment control and expenditure ceiling limitation. It is essential that we proceed carefully. We are not obstructionists. We are not merely seeking power. We are seeking a realistic method for retaining a proper voice in the expenditures of Government. To do this, we must regain some of the ground previously lost.

In the field of impoundments, this Chief Executive has gone further than any previous President. This has effectively blunted the efforts of Congress in many important fields.

I applaud the effort which produced the bill now before us, but I believe it can be improved. My amendment will improve the bill. It is directed at section 201. This paragraph requires the Congress to reconsider the $267.1 billion expenditure ceiling if certain conditions change in the future. The language is not needed. It can be harmful.

The amendment strikes the requirement for Congress to review the expenditure ceiling for possible upward adustment if tax reform results in higher estimated revenues. I do not think we want to write in blanket authority to spend money over and above anticipated revenues. There are many who feel if there is a surplus, it should be applied against the deficit.

The committee print completely overlooks the primary role of a tax increase would be to lower the deficit and to combat inflation. In no way does the bill encourage reduced expenditures. Instead, it tends to confirm administration characterization of Congress as a "big spender." The bill does not require a review for downward adjustment of the ceiling should tax reform result in lower estimates of revenues. Historically, the track record of Congress on tax reform is not impressive. The last tax reform bill in 1969, resulted in a revenue loss of $6 billion in the last fiscal year 1973.

If there is a surplus over anticipated revenues, the regular appropriations procedures should apply.

Congress can, of course, choose at any time to review the ceiling. There simply is no requirement for the language of the bill.

Thus, unless my amendment prevails, we may be voting a commitment to sop up whatever additional revenues might become available. It encourages fiscal irresponsibility. Certainly this is not the intent of the sponsors of the bill. I should think they will welcome my amendment.

We live in a day and age when the Federal budget is sued not only to fund programs but is a vital tool to influence the economy. The language of the bill asks us to ignore this fact completely.

My amendment merely emphasizes the

need to get on with establishing a comprehensive budget control system.

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

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

Mr. BOLLING. I believe the point the gentleman makes is well taken. It is obvious the Congress could review the figure, given changed circumstances. The point the gentleman makes is well taken. I, for one, am happy to accept the amendments.

Mr. SIKES. I appreciate the position taken by the distinguished gentleman from Missouri. I hope the amendments will be approved.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Florida (Mr. SIKES).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. REUSS

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

The Clerk read as follows:

Amendment offered by Mr. REUSS: Strike out section 201(a) beginning on page 11, lines 13 through 16.

Mr. REUSS. Mr. Chairman, this fiscal responsibility amendment would in effect strike title II, although it applies at this time only to section 201(a). If it prevails, an effort will be made along the line to eviscerate the remainder of title II.

The purpose of the amendment is simple. The bill sets up a $267.1 billion spending ceiling. Yet there is not one word as to what the Joint Economic Committee thinks about the full-employment-without-inflation aspects of the provision; what the Committee on Appropriations thinks of the expenditure aspects of the provision; what the Committee on Ways and Means thinks of the revenue-raising aspects of the provision.

Instead, so far as my archeologists were able to determine, what was done was this. The President put in a budget request in January of $268.7 billion. The Senate, after inveighing against this for many months as a starvation budget, then reduced it by $700 million, to $268 billion, and now, unsatisfied with what the Senate did to it, we are asked to install a ceiling $900 million below that, of $267.1 billion.

My difficulty with it is that, under any sensible view, it is grotesquely below existing expenditures.

We have already, by back-door spending, put another billion in over the President's $268.7 billion. Already inflation has added another $6 billion of expenditures. And already court anti-impoundment decisions, not including yesterday's decision on housing, have added another $6 billion. So we are $13 billion in the hole without even getting to the $1.7 billion that has been lopped off the President's starvation budget request.

Furthermore, we delegate, it seems to me, exorbitantly to the President here. We allow him to hack and to cut, up to 13 percent, in "each functional category," with him to define it. He can very well look at the "functional category" of commerce and transportation, for example, and cut pensions for the mail carriers to the bone; cut the appropriations for mass transit, but leave untouched the shipbuilding subsidies which at that particular time may be excessive.

Finally, I believe the proposition is unworkable. There is only about $76 billion out of the $268 billion expenditure budget which is truly controllable. So all the onus would fall upon that one area, and we simply cannot squeeze that kind of expenditure cuts out of that amount.

So, Mr. Chairman, the whole exercise is one of frustration. I know that we all want the Goddess of Fiscal Responsibility to smile upon us for our votes. But I suggest that she will smile most benignly upon us if we will simply and quietly vote to cut out the spending ceiling, and speedily report out and vote upon the far-seeing Whitten-Ullman bill, the Budget Control bill, which will enable us to go about the task of budget-setting in an intelligent and responsible way.

Mr. LONG of Louisiana. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is no question about the fact that the state of fiscal affairs in the country today is such that we need to set for ourselves a goal, and that goal ought to be an attainable goal with respect to fiscal responsibility.

My feeling is that this is an attainable goal.

Second, there is, as was evident from the conversation between the gentleman from Florida and the gentleman from Missouri, the prospect that should the economic circumstances change during the course of the year, there would be no reason why the Congress could not look again at the situation.

Mr. Chairman, I believe both of those reasons, and those reasons alone—although there are other reasons—those reasons alone are sufficient in themselves to oppose this amendment.

Mr. Chairman, I urge that the amendment be voted down.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment cuts out the one almost redeeming feature in this entire bill, and I urge that the Members oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The question was taken; and on a division (demanded by Mr. REUSS) there were—ayes 8, noes 47.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SYMMS

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

The Clerk read as follows:

Amendment offered by Mr. SYMMS: On page 11, line 16, after the word "exceed" strike out the figure $267,100,000,000 and insert the figure $263,300,000,000.

Mr. SYMMS. Mr. Chairman, it is easy to see that my point of view is somewhat different than that of my colleague, the gentleman from Wisconsin (Mr. REUSS) who offered the previous amendment, which would have put no spending limit on this bill at all.

The process by which I arrived at the figure in my amendment is very simple. I took President Nixon's budget of $268.7 billion and reduced it by 2 percent. That gives us a figure of $263,300,000,000.

Now, Mr. Chairman, that is still a lot of money, and it is still a big budget. It is a very reasonable cut of 2 percent, one that could be implemented even-handedly across the board. It would make this bill much more responsible than just to try to curtail the President's power of impoundment in his efforts to stop needless spending of taxpayers' money. We live in this age of inflation and printing-press currency which is all Government caused. I believe that my amendment would in fact exert more congressional authority if it were to be accepted.

Then the Congress could stand up and say that they are making a real effort for real fiscal responsibility particularly at a time when the American people are being asked to hold down their personal expenditures, to pay higher interest rates, and to undergo freezes on the prices of the products they produce, limit wage increases to meet approval of the Government guidelines.

It seems to me as though a 2-percent cut in the proposed budget on the part of the Federal Government is in fact very reasonable. I would say to my colleagues on the Republican side of the aisle that this amendment will give you an opportunity to vote for a lower figure than is in the proposed legislation. It will give all of my colleagues on the Democratic side of the aisle an opportunity to vote for a figure that is even lower than the $267.7 billion in the bill.

I think that covers the purpose of the amendment. There is no need to belabor the point further.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. SYMMS. I will be happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I rise to endorse the gentleman's amendment. Even though it is a 2-percent cut in the proposed budget for fiscal year 1974. I hasten to add that the figure is about $13 billion over the budget for fiscal year 1973. So again it is not any budget that we cannot live with. This is a figure which is completely acceptable, in my judgment, to the American people and something that ought to be supported on the floor of the House if we believe in a spending ceiling.

Mr. SYMMS. I thank the gentleman from Michigan.

I would say further that this still would not put this budget in balance. We are still talking about printing-press currency to pay the Federal Government's bills.

Mr. MARTIN of Nebraska. Will the gentleman yield?

Mr. SYMMS. I will be happy to yield to the distinguished gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, on our side of the aisle and on behalf of the members of the Committee on Rules on our side, I accept the gentleman's amendment.

Mr. SYMMS. I thank the gentleman.

I now yield to the distinguished gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I want to associate myself with the amendment offered by the gentleman from Idaho and congratulate the gentleman. We finally have someone in the House deciding to do something to cut down on the expenditure of money that we do not have.

Everybody talks about reducing the fiscal budget and talks about deficit spending. This is the opportunity either for them to cut bait or fish or else go home. This is the opportunity to do the something that Members have been talking about.

I congratulate the gentleman and support his amendment.

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

Mr. SYMMS. I yield to the gentleman.

Mr. BENNETT. Mr. Chairman, I would like to congratulate the gentleman on his amendment.

Mr. Chairman, I rise in support of the amendment by the gentleman from Idaho (Mr. SYMMS). I hope it will be accepted.

Mr. Chairman, an able lawyer, applying for admission to the New York bar in December 1963, wrote:

> The principles underlying the government of the United States are decentralization of power, separation of power and maintaining a balance between freedom and order.
>
> Above all else, the framers of the Constitution were fearful of the concentration of power in either individuals or government. The genius of their solution in this respect is that they were able to maintain a very definite but delicate balance between the federal government and state government, on the one hand, and between the executive, legislative and judicial branches of the federal government, on the other hand.

This same able lawyer, who, incidentally, was admitted to the bar of the State of New York and was later elected President of the United States in the 1968 elections and reelected in 1972, recently completely abrogated his thesis in the 1963 paper with an edict not unlike a Catherine de' Medici decision of the 16th century. Or, at least, people did so in his name. No signature by him doing this has ever come to light. But a press release indicates he did it.

This act by the White House destroyed the delicate balance between the Federal Government and the State government by cavalierly breaking a contract between the U.S. Government and the State of Florida; and dictatorially repealed an authorized law of Congress by permanently halting the Cross-Florida Barge Canal. The White House did not even give notice to the public or to Congress that this was going to be done or allow any objective presentation of views on the subject at all.

The 18th century French writer Montesquieu wrote in The Spirit of the Laws on the Constitution of England:

> When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Later, Justice Brandeis said:

> The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power.

In the recent case of the Cross-Florida Barge Canal, the President both promoted inefficiency in Government by stopping a vital and worthwhile national project, one-third complete, and creating great uncertainty and loss of taxpayers' funds and predictable damage to the environment, but he also acted in an unconstitutional and arbitrary manner.

My statement today deals with the President's edict to terminate the Cross-Florida Barge Canal and shows that he was misled on the law backing his decision, just as he was misled by his environmental advisors, to the detriment of the 7 million citizens of Florida and the 23 million annual visitors to our State and the economy and national security of America.

The canal case is a current classic in the "impoundment of funds" field and perhaps the worst example of Presidential disregard of the U.S. Constitution in history.

The responsibility of the President of the United States is as stated in section 3 of article 2 of the Constitution to "take care that the laws be faithfully executed." He has the power of veto in the process of enactment or repeal of a law—section 7 of article 1—but after a bill is signed into law and appropriations are made he cannot repeal the law himself without congressional repealing; and the President must execute or carry out the duly enacted law. He can, of course, recommend that the law be repealed. No principle of American constitutional government is more fundamental than this to our heritage or more clearly stated in our Constitution.

The keystone of our Government is its division into the three separate branches: legislative, executive, and judicial. One of our Founding Fathers, President James Madison, expressed it well in the Federalist Papers, No. 47, when he wrote:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

So in defining the powers of the new President our forefathers wrote into our Constitution:

> He shall take care that the laws be faithfully executed.

The Cross-Florida Barge Canal was specifically authorized in 1942 by Public Law 77–675. Although its value to the defense needs of our country were recognized in its authorization, the shortage of manpower for its construction during World War II postponed the appropriations needed for its commencement. But the appropriations have been made continuously ever since 1964 and now total $60 million; and the project is now more than a third complete.

In 1970 in the House report on the appropriations bill the following statement was made:

> The committee has included in the bill the $6,000,000 including carryover funds, proposed in the budget to continue construction of the project . . . the committee does not feel that it would be warranted, in the light of the current facts available, in delaying construction of the project which was started in 1964 and is now about 30 percent complete . . . Considering, therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area.

It is not proposed to discuss here the merits of the canal; but only the legality of a Presidential edict to terminate the project. The merits which amply justify the project, have been reportedly testified to in congressional hearings. However, the facts are briefly that about $50 million have been spent on this canal: First, which the Joint Chiefs of Staff supported to provide an additional and shorter line of communication between the gulf coast and the east coast that would reduce exposure of shipping to submarine attack, and second, which several independent studies found to be justified for economic and job producing reasons, and third, which many geologists, and all congressional public hearings, open to all points of view, gave a clean bill of health to on ecological grounds. No ecological study by any agency of the U.S. Government has ever concluded that the canal should not be built.

On January 19, 1971, the President issued a press release in which he said, "I am today ordering a halt to further construction of the Cross-Florida Barge Canal," which has been construed to be a termination by employees of the Civil Service Commission.

After repeated requests to the White House, on February 25, 1971, the White House staff furnished the following statement on the legal authority of the President to terminate the Cross-Florida Barge Canal without congressional approval, reciting that this was the opinion of the Department of Justice.

> An appropriation of funds for a particular project or activity is ordinarily regarded as permissive in nature and not as equivalent to a direction that such projects or activity be undertaken or that such funds be spent. See 42 Ops. A. G. No. 32, p. 4 (1967); McKay v. Central Electric Power Cooperative, 223 F. 2d 623, 625 (C.A.D.C. 1955).

The only court decision cited to uphold the quoted conclusion was McKay against Central Electric Power Cooperative—an REA cooperative. This case does not in any way support the President's action on the canal; because, unlike the canal which was specifically authorized and specifically appropriated for, the REA contracts in the McKay case depended—solely for any specific performance on such contracts—upon the language of a general appropriations law for electrical transmission facilities, while the law made no reference whatsoever to particular projects or particular contracts. In fact, the legislative history of the law in the electrical case indicated an intent to exclude the contracts sought to be performed; but this was not relied upon in the appellate decision, but only the fact that the legislation was silent on the specific project and the specific contracts involved. The court observed that the claimants might, despite the court's ruling on specific performance of the contracts, sue the Government for breach of contract in another suit.

Clearly, the above cited case is not only no authority for the President's action on the canal matter; but it is in fact authority against the President having authority when the project involved, such as the canal, is both authorized and appropriated for by specific provision of law. This would be true whether a suit is for specific performance or for breach of contract.

The only other authority relied upon by the administration for its position was the 1967 opinion of Attorney General Ramsey Clark upholding the power of the President to impound Federal-aid highway funds before they had been obligated by approval of a specific qualifying project. This impoundment was not to end any project but only to temporarily reduce the level of spending to curb inflation. No contractual obligations of the United States were involved in any way. Clearly that decision is not analogous in any way to the President's order to terminate completely a project duly and specifically authorized and funded by legally enacted law. The Attorney General said:

It is my conclusion that the Secretary has the power to defer the availability to the States of those funds authorized and apportioned for highway construction which have not, by the approval of a project, become the subject of a contractual obligation on the part of the Federal Government in favor of a State.

Moreover, since the purposes of action here is not to reduce the total amount of the funds to be devoted to the Federal-Aid Highway Program but merely to slow the program for a limited period, hopefully it will have no adverse effect on the completion of the program "as nearly as practicable" by the end of the period envisaged in 23 U.S.C. 101(b).

The Attorney General in the above opinion stated:

The Courts have recognized that appropriation acts are of a fiscal and permissive nature and do not in themselves impose the executive branch an affirmative duty to expend the funds. Hukill v. United States, 16 C. Cl. 562, 565 (1880); Campagna v. United States, 26 C. Cl. 316, 317 (1891); Lovett v. United States, 104 C. Cl. 557, 583 (1945), affirmed on other grounds, 328 U.S. 303 (1946); McKay v. Central Electric Power Cooperative, 223 F.2d 623, 625 (C.A.D.C. 1955).

The Library of Congress Reference Service paper "Impoundment by the Executive of Funds Which Congress Has Authorized It To Spend or Obligate" at page 15 observes of the above Attorney General's opinion that the cited cases do not "sustain the broad proposition for which they were cited."

In the Hukill case, above cited, the United States had enacted an appropriations law which would pay postal employees for services rendered in the South during the Civil War, under certain circumstances; and then provided that any unexpended balance would be turned over to the Treasury in 2 years. After the 2 years expired, Hukill attempted to enforce the payment terms of the appropriations law. Although holding against Hukill because he had not shown that he had not therefore been paid for the same services by the Confederacy, the Court also held that if he had not been so previously paid he could have recovered under the above statute. In deciding this, the Supreme Court said:

An appropriation by Congress of a given sum of money, for a named purpose, is not a designation of any particular pile of coin or roll of notes to be set aside and held for that purpose, and to be used for no other; but simply a legal authority to apply so much of any money in the Treasury to the indicated object.

Every appropriation for the payment of a particular demand, or a class of demands, necessarily involves and includes the recognition by Congress of the legality and justice of each demand, and is equivalent to an express mandate to the Treasury officers to pay it. This recognition is not affected by any previous adverse action of Congress; for the last expression by that body supersedes all such previous action.

The Hukill case is clearly not a case that supports as legal the action of the President in the canal matter. To the extent that it is in point, it would support the continuation of the canal under the duly enacted appropriations laws even if there were no prior authorization law. However, the canal has no deficiency in authorization and does not need to rely on the Hukill case.

The Campagna case, above cited, is a case in which a Marine Band musician sued for a salary of $23 per month as distinguished from a rate of $17 since the appropriations statute involved provided for "30 musicians at $40, 8 at $26, and 15 at $23 per month each, $9,000." After observing that Congress was confronted with paying musicians whose pay varied because of longevity, and so forth, the Court held as follows:

An appropriation is per se nothing more than the legislative authorization prescribed by the Constitution that money may be paid out at the Treasury. Frequently there is coupled with an appropriation a legislative indication that the designated amount shall be paid to a person or class of persons, and from such an appropriation a statutory right arises upon which an action may be maintained. Occasionally an appropriation act goes still further, and expressly or by necessary implication changes preexisting law so as permanently to increase or diminish the compensation of an officer, agent, or employee of the Government. (Faris Case, 23 Stat. L., 374).

The above case is no authority whatsoever for the termination of any project. Insofar as there was a project in the Campagna case—the hiring of musicians—there was no interruption of it. Only the amount of wages was ruled adverse to the claimant and even this was upon an interpretation of a particular statute, as affected by legislative intent.

In the Lovett case, the only case cited above that has not already been discussed, the plaintiffs sued for their wages as employees of the U.S. Government for a period of time after November 15, 1943, Congress having enacted in July of 1943 a law which provided that no Federal funds should be expended to pay them for any services rendered after November 15, 1943, unless prior to such date the President should have appointed them "with the advice and consent of the Senate." They were never so appointed, but they served beyond the November 15 date under less formal appointments. The Court ruled that the statute did not destroy the obligation of the Government to pay for services rendered and therefore did not prevent a judgment in favor of the plaintiffs for the wages involved even for services after the November 15 date. In the opinion of Justice Madden in this case, the following statement was made:

It may well be that under our Constitution, and under any constitution which might be devised for a free people, one branch of the Government could, temporarily at least, subvert the Government. The Judges might refuse to enforce legal rights or convict criminals. The President might order the Army and Navy to surrender to the enemy. Congress might refuse or appropriate money to pay the President or the Justice of the Supreme Court and the other courts. But any of these imagined actions would not be taken pursuant to the Constitution, but would be acts of subversion and revolution, the exercise of mere physical power, not lawful authority. And conduct by any branch of the Government less ruinously subversive, but, so far as it goes, equally unconstitutional, is likewise an exercise of physical power rather than lawful authority.

It is clear that the authorities relied upon by the Justice Department in advising the White House, do not give any support at all to the action taken. In no such case was there specific authorization and specific appropriation for a project that was terminated; and the cases clearly deny, rather than support, the administration's position. In fact, the decisions could not hold otherwise in view of the specific constitutional mandate that the President "shall take care that the laws be faithfully executed." The same memorandum which revealed the Department of Justice recitation of cases above referred to also observed:

The Department of Justice advises us that since the funds presently available for construction of the canal have been appropriated without fiscal year limitation, no further legislative action would be necessary to make such funds available for a resumption of construction. Whether a reauthorization would be necessary as a basis for future appropriations is a matter for Congress to decide.

Of course, Congress had already decided. The authorizations and appropriations were made by law and the President has tried by himself to repeal that law, an unconstitutional effort.

In making the above statement, the Justice Department has in fact conceded that the President cannot repeal a law; and since the laws that authorized and appropriated for the canal still exist they must admit that the Constitution requires these laws to be carried out by the President until they are legally repealed.

In view of the constitutional provision which binds the President to execute and carry out the law, and in view of the fact that the Department of Justice has produced no authorities to support the President's power to terminate the canal—which it obviously could not do in the face of the Constitution—only a few leading cases will now be discussed which the Justice Department failed to mention but which clearly show that the President has no power to terminate the canal unless and until the laws providing for the project are duly repealed. The President does, of course, have the right to veto a bill; but once it is passed with Presidential consent or by another vote overriding the veto he must carry out the laws of the land. Otherwise, as

Justice Madden said, above, the deed would be one of physical power rather than of lawful authority.

Under our system of government it is the legislative branch which is to make and decide policy. The executive branch is supposed to carry out the policies declared by Congress. (31 Cong. Dig., No. 1, p. 1, at 2 (1952).) (See MacLean, President and Congress: The Conflict of Powers, 61 (1955).)

The following comments rely heavily on the excellent article by Gerald W. Davis in the October 1964, edition of Fordham Law Review.

Whether the Constitution in directing the President to "take care that the laws be faithfully executed" vests in him discretion as to the execution of laws was argued in *Kendall* v. *United States ex. rel. Stokes.* (37 U.S. (12 Pet.) 524 (1838).) Postmaster Kendall had disallowed claims of Stokes for carrying the mail. Congress passed an act directing Kendall to credit Stokes with the amount due. Kendall again refused to pay the claim, contending that only the President, under the power to see that the laws are executed, could require that he pay the claims. The Supreme Court upheld a mandamus ordering the payment, holding that the President was not empowered to dispense with the operation of law upon a subordinate executive officer:

When Congress imposes upon any executive officer any duty they may think proper which is not repugnant to any rights secured and protected by the Constitution . . . in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President . . .

To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible.

This is a decision of the U.S. Supreme Court.

To avert a nationwide strike of steelworkers in April 1952, which he believed would jeopardize national defense, President Truman issued an Executive order directing the Secretary of Commerce to seize and operate most of the steel mills. According to the Government's argument in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U.S. 579 (1952)), the directive was not founded on any specific statutory authority, but upon "the aggregate of the President's constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces." The Secretary of Commerce issued an order seizing the steel mills and the President promptly reported these events to Congress, but Congress took no action.

It had provided other methods of dealing with such situations and had refused to authorize governmental seizures of property to settle labor disputes. The steel companies sued the Secretary and the Supreme Court rejected the broad claim of power asserted by the Chief Executive, holding that:

The order could not properly be sustained as an exercise of the President's military power as Commander in Chief . . . nor . . . because of the several constitutional provisions that grant executive power to the President.

Mr. Justice Black, who delivered the opinion of the Court, noted:

In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent or equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States . . ." After granting many powers to the Congress, Article I goes on to provide that Congress may "make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President . . . The power of Congress to adopt such public policies as those proclaimed by the order is beyond question . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof."

Mr. Justice Douglas, in a concurring opinion, noted:

The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend that it is the function of the Congress to legislate. Article II, Section 3, also provides that the President "shall take care that the laws be faithfully executed." But . . . the power to execute the laws starts and ends with the laws Congress has enacted.

The three dissenting Justices did not assert that the President could act contrary to a statute enacted by Congress. They argued that there was no statute which prohibited the seizure and that there was "no evidence whatever of any Presidential purpose to defy Congress or act in any way inconsistent with the legislative will."

Mr. Justice Jackson, concurring with the majority opinion, remarked on the "poverty of really useful and unambiguous authority applicable to concrete problems of Executive power as they actually present themselves." He suggested that "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." Justice Jackson then listed the situations in which a President may doubt, or others may challenge, his powers and indicated the legal consequences of the factor of relativity to the powers of Congress:

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power . . .

2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

In the canal matter, the President has taken a step such as Justice Jackson describes in the third situation above, that is one incompatible with the intention of Congress in duly enacted laws. Therefore, "he can only rely upon his own constitutional powers, minus any constitutional powers of Congress."

The weight of authority is against the existence of an inherent Presidential power to impound appropriated funds—Goostree: The Power of the President To Impound Appropriated Funds: With Special Reference to Grants-In-Aid to Segregated Activities, 11 Am. U.L. Rev. 32, 42 (1962).

The general theory underlying the Constitution is that Congress shall be responsible for the determination and approval of the fiscal policies of the Nation and that the executive shall be responsible for their faithful execution—Report of the President's Committee on Administrative Management, at 15 (1937).

This division of authority was stated by President Wilson in a message to Congress on May 13, 1920:

The Congress and the Executive should function within their respective spheres. . . . The Congress has the power and the right to grant or deny any appropriation, or to enact or refuse to enact a law; but once an appropriation is made or a law passed, the appropriation should be administered or the law executed by the executive branch of the Government. (Report of President's Committee on Administrative Management at 15.)

Congress has the final responsibility, subject to constitutional limitations and the President's veto power, for deciding which activities are to be undertaken by the Government and the amount of money to be spent on each. The President's role is to recommend to Congress a unified and comprehensive budget and to administer the budget as finally enacted—Committee on Organization of the Executive Branch of the Government Report on Budget and Accounting in the U.S. Government, at 12–13 (1955).

Although an authorization may be considered as only constituting permission to expend funds for a particular purpose, an appropriation of funds implies

a directive that such funds be expended to effect the purpose indicated.

Congress in making appropriations has the power and authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations. . . .

The purpose of the appropriations, the terms and conditions, under which said appropriations were made, is a matter solely in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same. Any attempt by the judicial branch of our government to interfere with the exclusive powers of Congress would be a plain invasion of the powers of said body conferred upon it by the Constitution of the United States. (Spaulding v. Douglas Aircraft Co., 60 F. Supp. 985, 988 (S.D. Cal. 1945), aff'd, 154 F. 2d 419 (9th Cir. 1946).)

The Supreme Court has also held that when Congress makes an appropriation in terms which constitute a direction to pay a sum of money to a particular person, the officers of the Treasury cannot refuse to make the payment—see, for example, *United States* v. *Louisville* (169 U.S. 249 (1898); *United States* v. *Price*, 116 U.S. 43 (1885); compare 22 Ops. Att'y Gen. 295 (1902).)

The cases cited clearly demonstrate that the President cannot lawfully disregard a duly enacted law. It could be argued that Congress by statute has authorized the President to exercise discretion as to whether funds appropriated for a particular public works project should be expended or impounded. An examination of the statutory authority for the impounding of appropriated funds, except for purposes of economy and efficiency in executing the purposes for which the appropriation is made.

The President cannot dispense with the execution of the laws, under the duty to see that they are executed. To hold otherwise would be to confer upon him a veto power over laws duly passed and enrolled. To accord discretion to a President as to what laws should be enforced and how much, would enable him to interpose a veto retroactively.

Some may say, what can one do to see that the President carries out the Constitution? In the matter of the Cross-Florida Barge Canal not only has the State of Florida entered into expensive contractual arrangements with the Federal Government on this matter, but many local real estate owners have been taxed through the years to contribute the local funds that have been expended in Florida for this canal. The Canal Authority of the State of Florida, the official body for this project in the State, has filed suit in the Federal court in Jacksonville asking that the President's order be declared to be of no effect, illegal and constitutionally void. Other official government bodies involved have also entered this suit, including the Jacksonville Port Authority.

I believe the courts will uphold the Constitution and prohibit the President from unilaterally attempting to repeal the law. But if the courts do not or there is unreasonable delay, Congress should attempt to find a way to prevent such abuse of power by the Executive.

It is sincerely to be hoped that the President will reconsider this matter and at least let the proponents of the canal be heard on the issues, which has not yet been allowed. Particularly, since the evidence is strong that the reasoning of the President's action overlooked the fact that the Oklawha River can be inexpensively bypassed and that no wildlife preservation is in fact achievable by terminating the canal. These matters were mistakenly relied upon in the President's press release.

The most recent action in regard to the canal relates to the $150,000 the Congress appropriated in the current fiscal year for an environmental impact study of the canal. This money, too, has been impounded by the President which I feel violated the law in two areas: first in impoundment and secondly by not providing an environmental impact statement on the canal as required by law. The environmental laws we have passed outline a procedure of first having an environmental impact study, which was not done in the case of the canal; and then the laws say the Executive is to make a recommendation to Congress on such a study for appropriate congressional action. No such recommendation has yet been made in the case of the canal, only unilateral action by the President based on no ecological study or impact statement at all.

AMENDMENT OFFERED BY MR. CRANE TO THE AMENDMENT OFFERED BY MR. SYMMS

Mr. CRANE. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

Amendment offered by Mr. CRANE to the amendment offered by Mr. SYMMS: On page 11, line 16, after the word "exceed" strike out the figure $263,300,000,000 and insert the figure $260,000,000,000.

Mr. CRANE. Mr. Chairman, I will not take a great deal of the time of this body in discussing the amendment to the amendment offered by the gentleman from Idaho, which I think certainly deserves the support of this body. But, on the other hand, as he pointed out in his remarks, it is still a deficit budget.

If this House is going effectively to restrain the President from impounding moneys as a means of attempting to produce balanced books in the interest of all the taxpaying citizens and putting a curb on inflation, it seems to me that the responsible position of this body should be to guarantee a balanced budget.

As I understand it, $260 billion would represent a balanced budget based on anticipated income. I do not see how the Congress of the United States can seriously talk in terms of handcuffing the President in this vital area if it is not going to exercise the degree of restraint that warrants taking that power away from the President.

And that clearly, in my judgment, is to guarantee that we will balance the books. The $260 billion figure does that.

I would urge all Members to look favorably upon this most desirable amendment.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, despite the gentleman from Iowa and the gentleman from Illinois and the gentleman from Wisconsin, the figure of $267.1 billion was not just pulled out of a hat. It was an attempt to deal realistically with the kind of proposition that the President suggested, $268.9 billion, and actually go below it because of the disastrous things that were occurring around the world and in the country with regard to the economy.

That is the serious part of what I would like to say. The less serious part is that I clearly have been outdone. I do not feel that I have been undone, but I am rather disturbed to realize that what I have been reading in the papers about a revolt within the Republican Party against the President apparently is so. I think that the President would have a dreadful time if we ended up with either one of these figures, $263.3 billion or $260 billion.

I do not believe that the modest and reasonable and sensible reduction proposed in the committee bill would in any way be embarrassing.

Now, I have not had the opportunity to consult with the President, but I am quite sure that the more drastic cuts would be very difficult for the President. I hope that the Members of this House will take seriously the figure that was proposed initially by the committee as a good-faith effort. And I recognize the good faith and the sincerity of the gentleman from Illinois. Frankly, the only thing that surprises me about the latter's amendment is that it is so high.

But I urge the defeat of both amendments.

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

Mr. BOLLING. With pleasure.

Mr. GROSS. The gentleman is not from Iowa. He is from Idaho.

Mr. BOLLING. I apologize. I apologize to both the State and to the gentleman.

Mr. GROSS. I will be glad to claim the amendment, however.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. CRANE) to the amendment offered by the gentleman from Idaho (Mr. SYMMS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 252, not voting 25, as follows:

[Roll No. 383]

AYES—156

Andrews, N.C.	Byron	Devine
Archer	Chappell	Dickinson
Arends	Clancy	Duncan
Armstrong	Clausen,	du Pont
Ashbrook	Don H.	Edwards, Ala.
Bafalis	Clawson, Del	Eshleman
Baker	Cochran	Flowers
Beard	Cohen	Flynt
Bennett	Collier	Fountain
Biaggi	Collins, Tex.	Frey
Blackburn	Conlan	Froehlich
Bray	Conyers	Gaydos
Brinkley	Crane	Gilman
Broomfield	Cronin	Ginn
Brown, Mich.	Daniel, Dan	Goldwater
Broyhill, Va.	Daniel, Robert	Goodling
Burgener	W., Jr.	Gross
Burke, Fla.	Denholm	Grover
Butler	Dennis	Gubser
Burleson, Tex.	Dent	Guyer

Haley
Hanrahan
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jones, Tenn.
Kemp
Ketchum
Kuykendall
Landrum
Latta
Litton
Lott
Lujan
McCloskey
McKinney
McSpadden
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Michel
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
O'Brien
Parris
Passman
Poage
Powell, Ohio
Price, Tex.
Randall
Rarick
Rinaldo
Robinson, Va.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Roy
Runnels
Ruth
Ryan
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shuster
Skubitz
Snyder
Spence
Steelman
Steiger, Ariz.
Symms
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Wampler
Ware
Whitehurst
Williams
Wilson, Bob
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, S.C.
Zion
Zwach

NOES—252

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clark
Clay
Cleveland
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Helstoski
Hicks
Hillis
Holtzman
Horton
Howard
Hungate
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Long, La.
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
Madden
Madigan
Mahon
Mailliard
Mallary
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roncallo, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walsh
Whalen
White
Whitten
Widnall
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyman
Yates
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NOT VOTING—25

Blatnik
Camp
Derwinski
Fisher
Gettys
Gray
Gunter
Hanna
Hébert
Holifield
King
Landgrebe
Long, Md.
Macdonald
Mayne
Milford
Mills, Ark.
Minshall, Ohio
Patman
Roe
Sandman
Thompson, N.J.
Winn
Wolff
Wyatt

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS).

RECORDED VOTE

Mr. GERALD R. FORD. 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. 384]

AYES—205

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bell
Bennett
Bevill
Biaggi
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Delaney
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Fountain
Frenzel
Frey
Froehlich
Gaydos
Gilman
Ginn
Goldwater
Goodling
Grasso
Gross
Grover
Gubser
Guyer
Haley
Hammer-schmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Henderson
Hillis
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
Kuykendall
Landrum
Latta
Lent
Litton
Lott
Lujan
McClory
McCloskey
McCollister
McKinney
Mailliard
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mazzoli
Miller
Minish
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
Parris
Passman
Pettis
Pritchard
Quillen
Railsback
Randall
Rarick
Regula
Rinaldo
Roberts
Robinson, Va.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Runnels
Ruth
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyman
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOES—206

Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Foley
Forsythe
Fraser
Frelinghuysen
Fulton
Fuqua
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hansen, Wash.
Harrington
Hawkins
Hays
Heinz
Helstoski
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Long, La.
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roncallo, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Sarbanes
Schroeder
Seiberling
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Teague, Tex.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waldie
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Yates
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—23

Brooks
Camp
Fisher
Ford, William D.
Gettys
Gray
Gunter
Hanna
Hébert
Hinshaw
King
Landgrebe
Long, Md.
Mayne
Milford
Mills, Ark.
Minshall, Ohio
O'Brien
Patman
Roe
Ryan
Thompson, N.J.
Winn

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall,

in accordance with this section, reserve from expenditures and net lending, from appropriations or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) the President shall reserve amounts proportionately from appropriations and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in the United States Budget in Brief), except that—

(1) no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries; and

(2) no reservations from authority available for any functional category or subfunctional category shall have the effect of reducing the total amount available for any specific program or activity (as set out in the budget accounts listing in the Budget of the United States Government for Fiscal Year 1974, pages 167–312) within that particular category by a percentage which is more than 10 percentage points higher than the net percentage of the overall reduction in expenditures and net lending resulting from all reservations made as required by subsection (a).

(c)(1) Reservations made to carry out the provisions of subsection (a) shall be subject to the provisions of title I of this Act unless made in accordance with the proportional reservation and percentage requirements of subsection (b).

(2) In order to assist the Congress in the exercise of its functions under this title and title I with respect to reservations made to carry out the provisions of subsection (a), the Comptroller General shall review each such reservation and inform the House of Representatives and the Senate as promptly as possible whether or not, in his judgment, such reservation was made in accordance with the requirements of subsection (b).

(d) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or combination of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Mr. BOLLING (during the reading). Mr. Chairman, I ask unanimous consent that the remainder 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 12, strike line 1 through line 10 on page 14, and insert in lieu thereof the following:

"SEC. 202. (a) It shall be the responsibility of the Congress to take such action as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

"(b) Before the close of the first session of the Ninety-third Congress, the Congress shall complete action on a concurrent resolution which reaffirms or revises the limitation specified in section 201.

"(c) For the purposes of this section, if such concurrent resolution or any amendment thereto provides for an increase in the limitation specified in section 201, such resolution or amendment shall also provide for a corresponding increase in the overall level of revenue or in the public debt limit, or a combination thereof.

"(d) For the purposes of this section, if estimated expenditures and net lending will exceed the limitation specified in section 201, a concurrent resolution reaffirming such limitation and any amendment thereto, shall provide for appropriate reductions in existing budget authority consistent with such limitation."

Mr. BOLLING. Mr. Chairman, I reserve a point of order.

Mr. ANDERSON of Illinois. Mr. Chairman, I think it was Gertrude Stein in "Sacred Emily" who said: "Rose is a rose is a rose is a rose."

I had believed that an impoundment is an impoundment, and I had also thought that the thrust of the debate over the past 2 days was to the effect that Presidential impoundments were a terrible thing indeed, that they were literally shredding the constitutional fabric of our Republic. Imagine, therefore, my shock and surprise to turn to page 9 of the committee report and find these words, and I quote:

Since the bill authorizes impoundments of the type described in title II, the President is not required to report impoundments made in accordance with . . .

In other words, Mr. Chairman, it is quite clear from the language contained in section 202(a) of title II that while we are allegedly striking down and striking at the Presidential power of impoundment in title I of this bill, we turn right around in title II and say, well, just in case we cannot live up to our promises, just in case we cannot keep a $267.1 billion spending ceiling, then we are going to tell you, Mr. President, to go ahead and on a pro rata basis impound funds.

Mr. Chairman, the amendment which I have just offered is one which substantially alters the spending control provisions of the Madden bill. Whereas H.R. 8480 directs the President to hold spending under the $267.1 billion expenditure ceiling established by this title for fiscal 1974, my amendment would strike this sweeping new impoundment authority granted to the President, and in its place substitute congressional responsibility for observing that expenditure limitation.

I think it is not only ironic but ridiculous not deceptive that we should be parading this bill today as some kind of limitation on the President's impoundment authority when title II turns right around and grants the President sweeping new authority to make what are called pro rata or across-the-board impoundments. This provision really points out the political gimmickry and hypocrisy of the spending ceiling which is touted as being $1.7 billion below the President's budget request.

Oh, we can talk about how we voted for a spending ceiling nearly $2 billion less than the President's proposed ceiling, but are we willing to take the tough decisions to hold spending under that ceiling? The answer is obviously no, for instead of accepting responsibility for adhering to that limitation, we simply say, "Let the President do it by impounding funds across the board." In the meantime, there is nothing in this bill to restrain us from substantially exceeding that limitation; we can spend, spend, spend, and when things get way out of hand we can simply pass the buck to the President and say:

"It is now up to you to cut, cut, cut; but we certainly do not want to accept the responsibility and blame for any reductions which may be necessary."

This provision is analogous to the husband and wife who agree to spend $100 on Christmas presents for the children; but the wife goes out and runs up a bill of $200; and then, when the bill comes in after Christmas and the husband complains to the wife that they just don't have that extra $100, the wife instructs him to take $20 worth of gifts away from each of their five children. When the husband does so, the wife turns to the children and says, "look at what a mean cruel man your daddy is; he does not want you to have all those nice presents."

Mr. Chairman, when, oh when, are we going to face up to the responsibility in this Congress to live within our means and to demonstrate to the American people that we are indeed capable of setting spending priorities within a fixed limit?

While this bill is boasting a spending ceiling of $1.7 billion less than the President's request, our own Joint Committee on Reduction of Federal Expenditures is informing us in its Budget Scorekeeping Report No. 4, issued June 30 of this year, that as a result of actions already taken by this Congress, our estimated fiscal 1974 outlays are already at least $1 billion over the President's budget request of $268.7 billion. For some reason or another, that just does not square with the ceiling being trumped in this bill.

Last Wednesday, June 18, in his phase IV message, the President gave special emphasis to the importance of a restrained fiscal policy in the anti-inflation effort. In his words, and I quote:

The key to success of our anti-inflation effort is the budget. If Federal spending soars and the deficit mounts, the control system will not be able to resist the pressure of demand. The most common cause of the breakdown of control systems has been failure to keep fiscal and monetary policy under restraints. We must not let that happen to us.

The President went on to propose a balanced budget for fiscal 1974 to combat inflationary pressures. In his words:

It is clear that several billion dollars will have to be cut from the expenditures that are already probable if we are to balance the budget. That will be hard, because my orig-

inal budget was tight. However, I regard it as essential and pledge myself to work for it.

The President then made the following plea; in his words:

I urge the Congress to assist in this effort. Without its cooperation achievement of the goal cannot be realistically expected.

Mr. Chairman, I think it is important to point out that the prestigious Brookings Institution, hardly an administration front group, in its book, "Setting National Priorities: The 1974 Budget," concedes that given the economic and revenue situation, the President had no alternative to the tight budget he has proposed for fiscal 1974. According to the Brookings study:

Had the President proposed full employment budget deficits of from $15 to $20 billion in fiscal 1974 and 1975 the economy would surge ahead at an even faster rate—at least for a while. And there is also fairly general agreement that this would be risky. In the short run, faster economic growth would intensify inflationary pressure and in the longer run too sharp a pace of advance would carry the serious danger of an unsustainable boom in business investment in plant, equipment and inventories, with the possibility that a subsequent collapse would bring on a new recession.

The study goes on, and again I quote:

In an economy with a GNP of $1.2 billion no one can say with confidence that a precisely balanced budget for fiscal 1974 is absolutely necessary, or that a federal deficit of a few billion dollars would bring on the consequences described above. But deficits of $15 billion to $20 billion are another matter. Incurring deficits of this size was not, in fact, a sensible option for the President.

Mr. Chairman, I make these points by way of emphasizing the need for the amendment which is before us—an amendment which would place the responsibility squarely on the shoulders of the Congress for observing the fiscal 1974 spending ceiling. I think we do have a responsibility in these inflationary times to exercise fiscal prudence and restraint and we cannot, as the Madden bill would have us do, simply pile all the responsibility onto the shoulders of the President.

My amendment adopts the recommendations of the Joint Study Committee on Budget Control that before we adjourn this first session, we act on a concurrent resolution which either reaffirms or revises the expenditure limitation contained in this bill. If we reaffirm it, then we are saying that we are holding spending within that limit; if we should revise it upward, then we are bound by my amendment to provide in that concurrent resolution an offsetting increase in revenues, either through tax reform or an income tax increase, or an increase in the public debt limit, or both. My amendment also provides that if we wish to hold to that expenditure limit even though estimated expenditures will exceed the limit, then we must provide for a reduction in existing budget authority in that resolution—in other words, we must make the decision where to reduce spending.

Mr. Chairman, as I have said before, the pro rata impoundment authority of the Madden bill constitutes a congressional evasion of primacy over the purse strings because it passes the buck to the President at a time when we are supposedly clamoring for control of the buck; my amendment would put the spending control ball back in the congressional court where it rightfully belongs. I therefore urge its adoption.

Mr. Chairman, I hope that Members on both sides of the aisle will support the amendment.

Mr. BOLLING. Mr. Chairman, I do not propose to press the point of order.

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

Mr. Chairman, I did not press the point of order, although one may lie, because I think it is very important to understand what this amendment does. I think it would be a great mistake for those who favor, as I do, a successful, useful budget process, to vote for it, because it might be called a mini-joint study committee, much modified, short form bill.

What it does is say that, after the Rules Committee has had a day of hearings in which the two co-chairmen of the joint study committee who recommended the Whitten-Ullman bill indicated that they were very flexible, and even thought that there should be a number of changes in their proposal. We should act today on some kind of makeshift plan.

Much of the debate on this bill has been on whether we in the Rules Committee are going to report out something to deal with this terribly complex and difficult problem.

What the gentleman from Illinois seeks to do in a few lines is to put in a budget process that has not been thought out, has not been considered, and it seems to me clearly misses the point. The reason for a spending ceiling is to solve for the short term a problem we clearly cannot solve for the long term except by a judiciously constructed bill, which I believe 90 percent of us want, but do not have yet because we have not had time to work out the bill. We have had a lot more time to work on impoundment than we have on the recommendations of the Joint Study Committee.

This is a mini-version of a budget process for the Congress.

The people who know the history of the failure of the 1946 reorganization to provide a method whereby the Congress could be responsible in dealing with the budget know that one disastrous failure completely killed the proposed reform. To put this in the bill is to assure that we do not have effective control of the budget process by the Congress.

It is very difficult to say how it would work, whether it would work, or what it would do. Any Member who is serious about wanting the Congress to report a well-thought-out, carefully considered, workable process for the Congress taking control of the budget will want to vote this down and keep on insisting that we in the Rules Committee consider expeditiously and report reasonably promptly something that will work.

There is hardly any point in dealing with these things unless we get something that will work.

I urge the Members to vote down the amendment.

Mr. CAREY of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall place in the RECORD a series of arguments addressed to this amendment and why it does not belong in this bill. A brief part of the argument goes to the debt ceiling as a device for containing budget deficits. That involves a liberty bond amendment. It does not adress itself to the temporary debt ceiling or the permanent debt ceiling, and is therefore far afield from the matter in this bill. I believe the amendment should be defeated.

Mr. Chairman, I support H.R. 8480, the impoundment control and expenditure ceiling bill now before the House. I think it is a beginning in reestablishing the powers of the purse in Congress. I certainly agree there must be increased control by the Congress over not only actual authorizations and appropriations, but over the preparation and selection of budget inputs—thus permitting the Congress to make well-informed and judicious choices of national spending priorities.

However, in considering the wisdom of this type of impoundment and expenditure control legislation, I believe the Congress should look not only at the specifics of this bill but at the entire economic context within which we plan to legislate. We are proceeding in the House in no informational vacuum. We are all well aware of the prodigious feat of economic mismanagement with which this administration has burdened the American people, the Congress, the American dollar and the world community of free economies.

Therefore, I think it incumbent on the Congress, in light of this disastrous misuse of discretionary economic powers given to the President, to provide some statutory language which puts on the administration's shoulders the responsibility of presenting a strictly balanced budget, or presenting a budget message which includes fiscal recommendations to equalize proposed Federal expenditures with projected Federal revenues. Perhaps, as a refresher on economic mismanagement—101—it might be helpful to run through the economic necrology brought about by Nixonomics over the last 4 years and the economic albatross this continued ineptitude has placed around all our necks.

Mr. Chairman, the avowed goal of the various game plans and phases to which we have been subjected has been the control of inflation and the establishment of "full employment." Well, neither of these goals has been achieved—inflation is worse than ever and the unemployment figure continues to hover around 5 percent—an unacceptable figure; though far less disastrous than the horrors of a 6-percent-and-above rate that saw well over 5 million Americans out of work and millions more underemployed, or working only part time.

Wholesale prices have risen at an astounding annual rate of 22 percent. The annual rate for agricultural prices is an unbelievable 47 percent and industrial prices, as a whole, have risen at a 12-percent rate. The 8-percent rate in consumer prices through May is double the rate for 1972.

But what has caused this inflation coupled with chronic high unemploy-

ment? Mr. Chairman, the answer to that question is bewildering in both its complexity and in what it reveals about the economic catastrophe designed and brought to us by the same people who have brought us to the integrity and probity gap—which itself has added to our economic difficulties here and abroad.

First of all, I think we must blame a great deal of our economic mess on the uncertainty and lack of confidence managers of economic forces have had in the ability of this administration to restore stability to the economy.

This on-again, off-again, up-and-down economic combination yo-yo and roller coaster has destroyed confidence. It has caused price increase balloons during periods of freeze, severe economic dislocations, cancellation of investment plans, and the loss of jobs entailed, price rushes to beat the next economic dipsydoodle thrown at consumer and producer alike. What this economy needs right now is less politically inspired economic kneejerks and more of a period of stable and balanced aggregate demand growth.

Matching abandonment of phase II in ineptitude, and almost surpassing it as a politically inspired causative factor of inflation, have been our domestic and trade agricultural policies. Food prices have led the inflation parade, but the reasons for this are not just the desire of farmers to make up for lost time and income. We have the shortsighted sale of wheat and feed grains to the Soviet Union and other international short-term buyers who have taken our bargain-basement grain and run; with no guarantee of any type of long-term agriculture market entry as a minimal quid pro quo for the United States. We were euchred again, economically, and the American consumer, you and I, have paid the price for this ephemeral prelude to détente with the Soviets.

Now we not only have no guaranteed access to Soviet and other agriculture markets, but we have shortchanged and politically embarrassed our long-term, good international customers elsewhere.

The focus of this discussion of inflation and the contributions made to it by price control failures, lack of economic confidence and stability, and agricultural policy debacles both at home and abroad, is the resulting whopping Federal deficits resulting. Lack of full employment, inflation, and economic stagnation during the years of 1969 through 1972, have resulted in deficits of $78 billion since this administration first took office. More than one-fourth of the total debt of the United States has been piled up since 1969.

Mr. Chairman, I understand and agree with the arguments justifying the use of Federal deficit spending as any anticyclical mechanism. I do believe that Federal spending can prime the economic pump and does have a positive impact on both unemployment rates and general economic growth. However, it is also my belief that full employment deficits cannot be expected to carry the full burden of righting an economy as sick as ours has been over the past 4 years.

Mr. Chairman, I think that the most pressing economic need right now is to restore some degree of stability to the economy and thus restore the lost confidence of American business, the consumer, and our trading and investing partners around the world. A good first step in that direction would be to require the administration to present the Congress with either a completely balanced budget or present, in the budget, revenue-raising recommendations to pay for any items that exceed the total of projected Federal revenues for the fiscal year in question.

I think that a further refinement of this approach is also possible by requiring the President to include in the budget message detailed listings and explanations of various programs and funding increased considered, but rejected for inclusion in the budget itself. Explanations of these budget alternatives should be accompanied by costs and means of raising revenues to pay for them.

The programs listed in this alternative spending addendum to the budget should be those in which the Congress, some governmental agency, or representative national organizations, express a serious and continuing interest.

This approach provides the Congress with some significant flexibility not only to consider alternative programs and the revenue measures that would make their inclusion in a balanced budget possible, but would also provide the Congress with substitutions for programs the President may prefer, but that the Congress finds of a lower priority than some of those included in the alternatives addendum.

Basically, what I am proposing is a method of preventing the type of massive deficit spending the President has used over the past 4 years—deficits derived from unemployment, economic stagnation, and inflation—inflation caused by and feeding on these same deficits.

Passage of the legislation I propose would thus provide flexibility to the Congress in setting both national spending and fiscal priorities. It would also permit the Congress to consider program alternatives and yet legislate within fiscally acceptable parameters.

Mr. Chairman, I realize this pending bill is not the most appropriate vehicle to which I might attach my proposal. I also realize that an escape mechanism must be supplied by which the President can apply to the Congress for permission to spend beyond Federal revenues in order to stimulate the economy somewhat. It is for these reasons that I shall wait until legislation dealing directly with the budget process comes before the House.

Today, it is my purpose to alert the leadership and the membership to my intentions in this regard. I believe that in the interests of economic stability, congressional reform, and fiscal sanity, the Congress must move in the direction contained in the legislation I propose to offer. Any Members interested in joining me in this effort are urged to advise me of their intentions.

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

Mr. Chairman, I rise to reluctantly oppose the amendment of my colleague on the Committee on Rules.

I should like to point out that subparagraph (c) of his amendment states as follows:

For the purposes of this section, if such concurrent resolution or any amendment thereto provides for an increase in the limitation specified in section 201—

That is the $267.1 billion limitation—

Such resolution or amendment shall also provide for a corresponding increase in the overall level of revenue or in the public debt limit, or a combination thereof.

This would propose to increase the debt limit by a concurrent resolution, or would propose to provide for increases in revenue by a concurrent resolution.

Mr. Chairman, I just do not believe this is the way to go about this. As a consequence, I must oppose the gentleman's amendment.

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

Mr. MARTIN of Nebraska. I am happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I appreciate my friend yielding.

I merely wanted to point out that the intent of the language I put in subparagraph (c) of the proposed amendment to section 202(a) is not such that this would actually be the organic act that would increase the debt limit. I would quite agree with the gentleman that that would have to be in the form of a bill, as we normally enact increases of that kind.

This would be an instruction or a mandate for the committee to take that action.

Mr. MARTIN of Nebraska. Mr. Chairman, I point out to the gentleman that the wording in his amendment does not specifically state that.

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

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

Mr. SISK. Mr. Chairman, I appreciate the gentleman's yielding to me.

I simply rise, of course, in opposition to this amendment.

I join with some of my other colleagues here in very strong opposition to the amendment, because, with all due respect to my good friend, the gentleman from Illinois (Mr. ANDERSON), I believe we are muddying up the waters.

Yesterday, for example, in the colloquy in which the gentleman from Missouri (Mr. BOLLING) was involved with the minority leader, the gentleman assured the House that we are going to proceed expeditiously, whether it be tomorrow or sometime in the future, to really move this budget program to the floor and give the Members an opportunity to act in a logical, sensible way to meet this problem. I would hope that we do not muddy up the waters at this particular time with half measures.

Mr. Chairman, this is the only point I wish to make. I have great respect for my good friend, the gentleman from Illinois (Mr. ANDERSON) but I hope that the House will see fit to vote down this amendment.

Mr. Chairman, I thank the gentleman for yielding.

Mr. KEMP. Mr. Chairman, I rise in support of the amendment and wish to associate myself with the remarks of my colleague from Illinois (Mr. ANDERSON).

At this time, when we are engaged in much deliberation and debate in the whole area of budget control, and when we are seeking to reassert our authority over the Federal budget, it seems an appropriate time and place to make our views on this issue more clear. The magnitude of the issue, I sometimes think, is not really understood. We have got to begin to live up to our responsibilities.

Recent history simply does not reflect well on the Congress in this regard. Last year, during consideration of the Labor-HEW appropriation bill, the other body saw fit to add an additional billion dollars to the appropriation which was already a billion-plus dollars over the President's budget. In my opinion, at that time, the other body did a most remarkable thing. They gave the President authority to cut any one area of the bill by up to 10 percent. The effect of that provision, in terms of congressional responsibility, was to say that Congress simply did not want to make the difficult priority decisions; that Congress did not want to cope with the inevitable charges which would arise when those priority cuts were ultimately made; and that Congress did not have the essential courage or conviction to cut Federal programs when fiscal reality was staring it in the face. Rather, they left it up to the President; they shirked their responsibility; and dictated that the President was to be responsible for exerting fiscal discretion. That was to be the way the Nation might live within its means. Apparently, by putting the onus of responsibility for cuts on the executive branch, the other body circumvented the kind of criticism which will inevitably arise when programs which have their individual constituencies are threatened by economic realities. Interestingly enough, such discretionary authority which the Congress gave the President apparently does not constitute prima facie evidence for impoundment authority.

Mr. Chairman, it seems to me that the passage of this amendment would put the Congress on record and would help us to face up to our responsibilities in making the difficult decisions that must be made if we in this Congress are to rediscover what fiscal responsibility and sound fiscal policy really are. I strongly urge the adoption of the amendment before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The amendment was rejected.

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

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

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. FRENZEL: Strike out all after the enacting clause and insert in lieu thereof the following:

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 section 102, 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).

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 the House of Representatives and the Senate by passage of a concurrent resolution expressing the disapproval of the Congress of such impoundment.

SEC. 103. For purposes of this title, the impounding of funds includes—

(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.

SEC. 104. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other 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, and the President fails to transmit a special message with respect to such impoundment as required by this title, the Comptroller General shall report such impoundment and any available information concerning it to both Houses of Congress; and the provisions of this title shall apply with respect to such impoundment in the same manner and with the same effect as if such report of the Comptroller General were a special message submitted by the President under section 101, with the sixty-day period provided in section 102 being deemed to have commenced at the time at which the Comptroller General makes the report.

SEC. 105. Section 203 of the Budget and Accounting Procedures Act of 1950 is repealed.

SEC. 106. Nothing contained in this title shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect; or

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment ordered or executed before the date of the enactment of this Act.

SEC. 107. Notwithstanding any other provision of this Act or any other law, no impoundment of funds which (as specified by the President or by the Federal officer making the impoundment) is intended to curtail or eliminate a congressionally authorized program, and not merely to postpone obligations or expenditures thereunder, shall have the effect of reducing the total amount available for any specific program or activity (as set out in the budget accounts listing in the Budget of the United States Government for the fiscal year involved, or, if larger, as authorized and appropriated or otherwise made available by the Congress) by more than 20 per centum; and the total of all such impoundments of funds in any fiscal year shall not have the effect of reducing aggregate expenditures and net lending during such fiscal year under the Budget of the United States Government by more than 5 per centum.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b), expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government shall not exceed $267,100,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsec-

tion (a) shall be reviewed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditures and net lending, from appropriations or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) the President shall reserve amounts proportionately from appropriations and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in the United States Budget in Brief), except that—

(1) no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries; and

(2) no reservations from authority available for any functional category or subfunctional category shall have the effect of reducing the total amount available for any specific program or activity (as set out in the budget accounts listing in the Budget of the United States Government for Fiscal Year 1974, pages 167–312) within that particular category by a percentage which is more than 10 percentage points higher than the net percentage of the overall reduction in expenditures and net lending resulting from all reservations made as required by subsection (a).

(c) (1) Reservations made to carry out the provisions of subsection (a) shall be subject to the provisions of title I of this Act unless made in accordance with the proportional reservation and percentage requirements of subsection (b).

(2) In order to assist the Congress in the exercise of its functions under this title and title I with respect to reservations made to carry out the provisions of subsection (a), the Comptroller General shall review each such reservation and inform the House of Representatives and the Senate as promptly as possible whether or not, in his judgment, such reservation was made in accordance with the requirements of subsection (b).

(d) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or combination of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Mr. FRENZEL. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. FRENZEL. Mr. Chairman, my amendment in the nature of a substitute makes four pretty simple changes in the bill that is before us.

The first one is that in section 102 the disapproval by either House of Congress is changed to require disapproval of Congress by concurrent resolution.

Second, section 104, which establishes the rule for handling disapproval by resolution is no longer needed and is deleted in my substitute.

Third, section 106, the general authority for the Comptroller General to sue the Executive, is deleted in my substitute.

The final change, and the most significant, is the addition of a 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 activity by more than 20 percent, and further provides that total impoundment shall not exceed 5 percent of the total budget in a given year.

The 20 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 or appropriated or otherwise made available by the Congress.

Mr. Chairman, I believe my proposal is superior to that pending before the House because it would cause fewer confrontations between the legislative and executive branches of the Government, and because of the stipulated allowance for impoundment. Congress, on the one hand, would have a guarantee that no program would be either eliminated or gutted. On the other hand, congressional disapproval of impoundments would be less likely to be sustained, because Congress would have to go through the obviously more difficult procedure of passing a concurrent resolution.

This proposal is based on my belief that impoundments are often necessary, particularly in our large, changing, and highly complex economy. I feel it is a vital power of the executive branch, especially in the last several decades of our country's history, in which Congress too often has succumbed to the irresistible urge to tax the people beyond their willingness to pay. But I believe Presidential impoundment powers should be defined by law and should be limited by law.

I consider the version pending before this House to be superior to the Ervin version, but I do not think either one recognizes the need for the Executive to exercise control over spending in a swiftly changing economic environment.

My bill proposes a simple trade-off. It says that we will have to go through a little more difficult version of actually vetoing an impoundment. But in return, we will have the assurance that the Executive cannot terminate any program by impoundment and, in fact, he cannot cut any program by more than 20 percent, and we have the further assurance that the Executive cannot cut the total budget by more than 5 percent. My substitute seeks to balance the role of the legislative and executive branches, and assumes that impoundment is a useful and necessary Executive tool.

It allows us to use the traditional processes. It is a far more sensible approach than either the bill pending in this House or the one which passed the other house. Both of those bills make congressional overrides of impoundment far too easy. Especially is this true with respect to the other body which is wont to accept the persuasions of any of its Members on any fiscal question in the name of senatorial courtesy.

There are dangers in my amendment, also. It does not deal with the problem of filibusters. I was reluctant to rewrite the Senate rules for them, but I do not object to amendments in this regard.

A more serious risk is that there is not enough incentive for us to accept our own responsibility. Under my bill, Congress could simply appropriate 5 percent more than is necessary. Even under my impoundment resolution the Executive would be in a weakened position. However, the normal process of vetoing tends to balance this particular difficulty.

Mr. Chairman, I think I am offering a rational and sensible substitute, and I would appreciate a vote in its favor.

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

Mr. Chairman, I have great respect for the gentleman from Minnesota, and thus I regret having to be pretty blunt about this substitute. I do not know whether by inadvertence or otherwise, but the running gears of this particular one got knocked out.

The way in which Congress would function to follow the procedure that the gentleman suggests have been deleted by the deletion of a great deal of language starting with line 15 at page 5.

As I see the bill, the substitute would be totally inoperative. Although I know the gentleman's intentions are good, I simply do not believe this version has had adequate consideration and urge it be voted down.

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

The amendment in the nature of a substitute was rejected.

Mr. REID. Mr. Chairman, I wish to state my support for H.R. 8480, and I will of course vote for it. But I do so with mixed feelings.

This bill contains much that is positive and encouraging. It stakes out for the Congress a clear position in response to President Nixon's unwarranted and in many cases unconstitutional impoundment of funds appropriated by the legislative branch. By enacting this bill, we will be taking a significant step toward restoring the prerogatives and responsibility of Congress in overseeing how the people's money is spent.

During fiscal year 1973, President Nixon impounded some $18 billion— approximately 7 percent of the total Federal budget. Most of the funds impounded had been voted by Congress to implement major environmental and social programs.

The President's intent in impounding these moneys was not merely to achieve accounting efficiency, as he is authorized to do in appropriate cases under the Antideficiency Act of 1905. Instead, Mr. Nixon

has utilized impoundment as a means of thwarting the clear will of Congress with respect to certain important Federal programs. He has in effect "vetoed" these programs without vetoing them in the prescribed constitutional manner, thus avoiding the possibility that his veto could be overridden.

In one major case, the President has impounded some $6 billion of sewage plant construction funds which the law not only expressly directs him to allocate among the States but which were authorized by the Congress over the President's veto.

There is no legal authority for the President to use impoundment as a weapon of policy, as President Nixon has so flagrantly done. Moreover, as court after court has ruled in recent months, there is no legal basis for the President to impound funds which have expressly been ordered allocated or expended by Congress.

It is most assuredly the time for Congress to stand up and put an end to executive branch abuse of impoundments. Ultimate control over the spending of the taxpayers' money must lie with Congress, which is both more frequently and more directly accountable to the people than is the President. The question is really whether we, the Congress, are going to continue to permit this President or any other to disregard with impunity the legislative mandates which we enact on behalf of the people.

H.R. 8480 is a welcome and necessary step in the right direction. By creating a mechanism whereby Congress may control Presidential impoundments by either permitting or disapproving them on a case-by-case basis, we will be well on our way toward correcting the imbalance of power between the two branches in this vital area. In this regard, I believe the Senate bill is preferable to the present House bill, in that it requires affirmative action by Congress to approve an impoundment.

While it is a welcome step, we must recognize that this bill is only a modest effort. Much more will need to be done before Congress fully reclaims the constitutional prerogatives vested in it.

Specifically, in my judgment Congress must reconstitute its own watchdog agency, the General Accounting Office, with new powers to exercise oversight under the direction of Congress over administration of the Federal budget by the executive branch. This agency must be equipped to evaluate and report to Congress with respect to the consistency with congressional intent of each proposed budgetary action by the executive.

No impoundment of funds should be allowed under law unless it has first received the specific approval of both Houses of Congress or, in appropriate cases, the Comptroller General acting as a delegate of Congress.

Conversely, and of extreme importance in light of recent revelations about massive secret military operations in Cambodia in 1970, the Comptroller General should be empowered to effect a cutoff of funds being spent by the executive unlawfully or clearly contrary to the legislative intent of Congress.

These strong measures are offered in H.R. 2403, which I introduced earlier this year with 47 colleagues.

I hope that the bill before us today will launch a renewed sense of responsibility and resolve on the part of Congress.

The real question of restoring coequal powers to Congress is not the constitutional question, but more fundamentally, a question of will. If Congress has the will and the independence it can restore checks and balances to our Government.

Further, a thoughtful and powerful Congress would be in a position to encourage, indeed to insist on, cooperation by the executive branch. What is needed in our system of government is a capacity of both the executive branch and Congress to work together in the national interest, with a clear understanding by both of their accountability to the American people.

Failure by the Congress to act in this area can lead only to a one-sided confrontation which the Congress would lose—an outcome whch would be inimical to the best interest of the American people.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will resoundingly approve this bill, H.R. 8480, the Impoundment Control and 1974 Expenditure Ceiling Act.

The principle purpose of this measure is to reaffirm and reestablish the power and authority of the legislative branch of the National Government to separately determine priority programs and the funding of them, in the general public interest.

Although most authorities acknowledge the separate power of the Congress to declare and determine such priorities and program funding, our recent political history shows only too clearly that the White House has repeatedly acted to infringe upon and interfere with such legislative determination, both directly and indirectly, even after congressional override of a Presidential veto.

The devious instrument of impoundment has unfortunately been used to substantially reduce and even eliminate housing, medical care and research, educational, highway, transportation, social services and a host of other human need programs approved by the Congress and supported by the majority of the American people.

Because of these facts and circumstances it appears that the Congress has no alternative but to develop and adopt specific measures especially designed to restrain and nullify certain Presidential procedures and stratagems that result in thwarting the will of the people, as expressed by the Congress, through imperial exercise of impoundment by Executive administrative action.

It is simply because of these multiplying executive projections that so many concerned constitutional experts and respected journalists have been impelled to remind us all that our unique system of representative government was wisely and judiciously and purposely established by the Founding Fathers to circumvent and reject any attempted dictatorships of all and every kind. The adoption of this measure will serve to reemphasize and reestablish that original objective. The President can rightfully and dutifully recommend to the Congress but he cannot and ought not to attempt to rescind and negate the intent and provisions of laws, as approved by the majority of the Congress, in response to public need and request. This prerogative traditionally belongs, through the election process, to the people of the country and no one should try to usurp it from them.

Mr. Chairman this pending bill should also be accepted because it establishes a spending ceiling, which both the Congress and the administration endorsed in principle last year, of no more than $267.1 billion this fiscal year, which is $1.6 billion less than the President recommended in his budget message last January. This provision rightfully indicates the intent of the Congress, along with its determination of priority expenditures, to accept responsibility, for appropriate revenue raising action or expenditure reductions, if appropriations actually exceed the established ceiling.

It would be obviously inconsistent for the Congress to reclaim its authority over impoundments on the one hand and reverse itself, on the other, by almost entirely returning such control and authority to the Chief Executive. In all our appropriation actions we must therefore and constantly remind and emphasize, to ourselves, the imperative necessity of continuing to make responsible and concerted efforts to reduce and eliminate all waste, extravagance, duplication, and nonessential expenditures in every Federal agency.

In fact, and in spite of any adoption of this proposal before us, there remains, in order to accelerate our national economic recovery and stabilization, a vital necessity for achieving new congressional means and mechanisms for reviewing and developing the national budget in a realistic, coordinated manner which will insure that income is equal to expenditure, which will equip Members of Congress with expanded basic information and reliable estimation independent of the executive department and which will bring authorization and appropriation into balance with each other.

We cannot and should not delay or abandon our persevering efforts for true reform of budget procedures until the required changes have become factual. Mr. Chairman, while we pledge ourselves to this essential objective let us now adopt this impoundment and spending ceiling measure before us in the national interest.

Mr. ASHBROOK. Mr. Chairman, for years I have expressed deep concern over the gradual erosion of legislative authority and the growth of a vast pyramid of centralized power in the executive branch of government. In both foreign and domestic affairs, the House and Senate have watched silently as the executive branch bypassed the legislative process and at times expressly contravened the clear intent of Congress.

At last, however, Congress seems ready to reassert its constitutional prerogatives. One week ago this body voted to reestablish its authority in the area of war powers. Today the House has a bill before it which will reestablish its control

over the budget and its right to set spending priorities.

In some respects, Mr. Chairman, the battle over the budget and the issue of impoundment puts me in a paradoxical position. As my colleagues are well aware, I have consistently fought for reduced governmental spending and voted to sustain the President's veto of extravagant money bills. I do not believe, however, that impoundment by the executive branch offers a viable solution for this country's fiscal and economic problems. Congress cannot stand by idly and allow itself to be stripped of its constitutional prerogatives. I therefore join with those of my colleagues who would reassert congressional authority in the area of spending.

Over the years, we have heard liberals contend that the end justifies the means. As a strong conservative, I believe that constitutional principles never should be violated in order to secure short term benefits.

Mr. LEGGETT. Mr. Chairman, Over the last few months both the House and Senate have done extensive work on anti-impoundment legislation. The Senate has already passed one anti-impoundment bill. Senator ERVIN's S. 373, and the House Rules Committee is expected to bring their proposal to the floor in the very near future. I commend both bodies for acting quickly in this decisive area, but I think that we had better act cautiously on both of these measures lest we create more problems in the impoundment area than we solve.

This is not to say that we should abandon anti-impoundment legislation. If the Congress neglects to attack the President's unconstitutional and illegal impoundment actions, we will in a real sense neglect our primary constitutional obligation.

The Nixon administration, continues to argue that the withholding of funds by the executive branch is an old device used by Presidents dating back to Jefferson which places Federal money in reserves for routine financial reasons. It is clear, however, that the Nixon impoundments amount to a serious departure from the practice of previous administrations. The Nixon impoundments are not routine. They differ in size, scope, and intent from impoundments of previous Executives.

Office of Management and Budget Director, Roy Ash, has testified that $8.7 billion is currently being withheld by the White House. As I indicated in the RECORD on March 15, however, a Library of Congress study found that the items excluded from the OMB report bring the numbers to more than double the official amount. These exclusions include:

Six billion dollars of EPA contract authority for water and sewage treatment facilities.

Three hundred and eighty million dollars in proposed rescissions of 1973 appropriations.

One point nine billion dollars in HEW-DOL money appropriated via continuing resolutions and,

One billion dollars plus held by the various administration actions.

The Library of Congress report indicates that when these figures are added to the $8.7 billion reported by the administration, the level of impoundment reaches $18 billion, far above the amounts withheld by any previous President.

More importantly, the Nixon impoundments have been undertaken for entirely different reasons than in past administrations. In the past, impoundments have been defended on the grounds that they are necessary to regulate the flow of funds to agencies, particularly in the cases of long-lead time projects for which funds were appropriated on a no-year basis. As the Library of Congress has indicated, however, when agency plans firmed, the funds were released by OMB.

The same cannot be said for the Nixon administration. The 1974 budget and the President's impoundment report indicates that $6 billion of the reported $8.7 bill will never be spent as it was intended by the Congress. The President argues that these impoundments are needed in order to hold down spending and to maintain economic stability, but it is my contention that this is merely a shallow rationalization of a clear attempt by the President to circumvent Congressional authority and cut Federal spending without congressional approval.

The President should be concerned about the state of our economy, but as the chief official in the Government he should also be concerned about the Constitution of the United States. And the Constitution clearly extends the power of the purse to the Congress. In fact, courts in eight of the last nine impoundment cases have agreed with this contention, and have ruled that the Nixon administration impoundments are unconstitutional.

I commend Chairman MADDEN and the Rules Committee for addressing this important issue so aggressively. I believe that H.R. 8480 is a very good bill, and deserves the support of the entire House. It is important to point out that the Rules Committee has made some very important revisions in the form of this bill. Specifically, the bill very wisely provides that the House or Senate can disapprove of a Presidential impoundment through a simple, rather than a concurernt resolution that would require the action of both Houses. Thus, the procedure in H.R. 8480 parallels those established in the Legislative Reorganization Act.

The President, then, has the ability to go ahead and impound funds, but the Congress, who has ultimate power over the purse, can disapprove of the President's action through a simple resolution. This is a very workable approach.

I do, however, have some objections to H.R. 8480. In an effort to close all possible loopholes, the Madden bill defines impoundment broadly and loosely. As a consequence, the impoundment review process in Congress established by these bills would cover both the large number of routine actions for which congressional oversight may be unproductive as well as the smaller number of questionable actions which exceed the purposes of the Antideficiency Act.

By covering "all withholding or delaying the expenditure or obligations of funds" both Representative MADDEN and Senator ERVIN extend an elaborate notification and review procedure to actions that have little if anything in common with impoundments. The language probably includes the holding back of payments in contract disputes or in case of fraud, delays in the completion of work, the processing of grant applications, and the like. While the Madden bill is well meaning, it has attempted to hit a bee with a sledge hammer. The result may be less congressional control over impoundment actions instead of more, since a literal reading of these bills could lead to an inundation of Congress by thousands of trivial items.

Senator ERVIN recognized this drawback, and attempted to solve the problem by authorizing the General Accounting Office to distinguish between routine budgetary reserves and actual impoundments. Unfortunately, this escape hatch just isn't going to work. Under either S. 373 or H.R. 8480 the Comptroller General will be flooded with minor budgetary reserve notifications, and may be unable to distinguish between these common, legitimate reserves and the unconstitutional impoundments that have been the target of all impoundment legislation.

Moreover, by extending this vast authority to the Comptroller General S. 373 and H.R. 8480 may end up giving away more congressional power than they take back. Although the General Accounting Office is the investigative arm of Congress, it must be remembered that the Comptroller General is appointed by the President. As the FBI's experience in the Watergate affair has taught us, a neutral institution is not ipso facto free from partisan pressures as long as the director can be appointed by a political official.

While H.R. 8480 attempts to limit the President's ability to impound, both measures extend to the President de facto authority to impound for at least 60 days. The Madden bill allows the President to impound pending congressional disapproval, while the Ervin bill would have impoundments lapse after 60 days if not approved by Congress. A dangerous precedent is set in both instances.

The President does not have any legal authority to impound congressionally approved funds. He does have the authority, under the Antideficiency Act, to reserve funds for routine budgetary reasons, but a vast majority of this administration's impoundment actions cannot be rationalized by this act.

The Congress, and the Congress alone, has the constitutional authority to spend or not to spend money. Whatever good intentions the President might have to impound congressionally approved funds, he is clearly prevented in doing so by the *Constitution* of the United States.

Mr. O'NEILL. Mr. Chairman, the House of Representatives is considering today perhaps the most significant piece of legislation this session, H.R. 8480, the anti-impoundment bill.

And there is only one real issue of confrontation between the legislative and executive branches of Government over impoundments—and that is, to maintain the proper constitutional balance of fis-

cal power between the Congress and the President.

President Nixon has distorted the issue to one of spending. His grossly unfair and derogatory remarks about a spendthrift Congress are designed to conceal his real motive in impounding funds: to seize full and complete control of the policymaking authority of the Government.

The truth of the matter is, he wants to formulate all the policy while the Constitution says the priority is ours. The President has the right to sign legislation; the President has the right to veto legislation. But when we authorize and appropriate and after he has signed the bill, then the Constitution says he must spend the money.

However, if Congress has initiated a program that he personally disfavors, he vetoes it; and if we override his veto, he impounds the funds.

The Nixon impoundments go far beyond those of any previous President. In fact, he has moved close to one-man rule with his grasping at the national purse-strings. For while the Anti-Deficiency Act gives the President some discretion to withhold funds if their expenditure is clearly wasteful, it does not permit him to kill outright all the programs he opposes.

The Constitution provides only one method for the President to nullify an act of Congress—veto an entire bill. But when he arbitrarily and indiscriminately, through the use of impoundments, kills programs already authorized by Congress, he is committing an unconstitutional item veto.

I would like to call to the attention of my colleagues, the excellent editorial in the New York Times, July 24, 1973, which graphically and precisely explains how the President in effect has tried to transform an executive managerial discretion into an absolute and capricious item veto to kill entire programs and to frustrate the will of Congress.

I insert the following editorial in the RECORD at this point:

NO ITEM VETO

When Congress passed the Anti-Deficiency Act in 1905, it specifically recognized the right of the President to withhold appropriated funds in order to "effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments." Every Chief Executive has impounded greater or lesser sums of money because Government agencies had achieved operating economies or thought it more efficient to defer spending temporarily on particular projects.

President Nixon has abused this necessary executive power to kill entire programs and to frustrate the will of Congress on the size of programs which it has approved but which he is determined to scale down. He has, in effect, tried to transform a President's managerial discretion into an absolute item veto. If successful, he would tilt the balance of fiscal power between Congress and President heavily in the President's favor.

Congress and various citizens groups have challenged Mr. Nixon's assertion of power in the courts. The Administration has been losing every court test although the Supreme Court has not yet rendered a definitive decision. The stakes of battle are not small. In the fiscal year just ended, President Nixon impounded $18 billion, or roughly 7 per cent of the total budget, most of it in the environmental and social welfare programs.

The Congressional leadership meanwhile has been trying to work out legislation that would meet this problem in a constructive fashion, neither hobbling the President's right to manage the budget nor yielding too much of Congress' ultimate power over spending public money. In April, the Senate approved by a vote of 70 to 24 a bill by Senator Ervin of North Carolina to establish procedures which Congress can follow when money is impounded. The House leadership has scheduled action today on a revised version of the Ervin bill.

The House bill provides that if the President impounds funds, he should notify Congress within ten days. If there were no serious objections to the impoundment, and this might be true in many instances where the sums were small or were genuine savings due to improved efficiency, Congress would take no action and the President's decision would stand.

If there were strong Congressional resistance, however, the Appropriations committees would consider the matter and make recommendations to the House and Senate. If either chamber disapproved the President's action, the impounded funds would have to be released. The Ervin bill is even stiffer in this regard because under its terms, any impoundment would automatically end unless both houses voted to uphold the President within sixty days.

Such procedures provide a reasonable basis for compromise if Mr. Nixon wants an accommodation on this fundamental issue.

Mr. BUCHANAN. Mr. Chairman, I rise in support of this legislation with a great deal of reluctance.

While the measure in its present form has some merit, I would have much preferred the legislation as amended by the proposal of the gentlemen from Illinois (Mr. ANDERSON) which narrowly failed. It would also be far better if the Congress voted more consistently for economy and efficiency in government and restraint in spending, thus greatly reducing the possibility of impoundments.

I am well aware that Mr. Nixon is not the first to impound funds and has not even done so to the extent that at least one of his predecessors has done in the past, but in voting for this legislation, I am looking to the future.

We cannot afford, in my judgment, to permit some future President to determine, for example, the defense posture of this Nation by impounding half the funds the Congress had appropriated for this purpose.

Mr. Chairman, I would be perfectly delighted if I could vote maybe on H.R. 8480. It does not go far enough in requiring Congress to act with fiscal responsibility as it appropriates funds for the operation of the Government and Congress certainly must bear much of the burden for the fiscal problems which confront this Nation today.

One of the greatest needs in our time for reform in government is for definite funding sufficiently in advance of the fiscal year for departments and agencies to make rational decisions concerning the programs they administer.

The present system is one of absolute fiscal chaos.

Congress often does not appropriate or even authorize funds other than by continuing resolution until well into the fiscal year. This leaves the administering departments and agencies no basis for firm, advance planning. We are already nearly a month into the new fiscal year, yet action has yet to be completed on even one major appropriations bill.

Presidential impoundment compounds this felony to the point that it is a minor miracle if anything rational ever happens in the Government of the United States.

Both the Congress and the President are parties to the crime, but, Mr. Chairman, it most assuredly is a crime against good government and the people themselves.

For these reasons, I must reluctantly support this bad legislation lest the consequences of no congressional action should prove even worse for the country.

Mr. RANDALL. Mr. Chairman, I rise in enthusiastic support of the impoundment control and expenditure ceiling bill, H.R. 8480.

Since the beginning of the year we have seen Presidential impoundments on a massive scale never before witnessed in the history of this country. Of course, over the long pull, there have been, in former years, such devices and mechanisms known as "budgetary reserves." There have been instances, particularly in the areas of budget works where the capability of the Corps of Engineers was simply not equal to the appropriation which had been provided. In these kind of instances there was nothing wrong with the executive branch holding up some portion of authorized and appropriated funds to be used when the capability of the corps became apparent to handle the funding or to use the appropriated funds in efficient and effective manner.

But, Mr. Chairman, such minor and acceptable "budgetary reserves" of former years are a far cry from the billions and billions of dollars that have been impounded since the beginning of this calendar year. This kind of impoundment that has appeared in the past 6 months is a kind of a thing that thwarts the intention of the Congress and subverts the democratic process. If by such description we mean the will of the Congress as provided in the Constitution to be vested with the power of the purse and thereby control the appropriation process.

I am not sure of the exact amount of impoundments, but to my understanding there has been between $18 and $20 billion of impoundments in such departments as the Environmental Protection Agency, manpower training funds, Labor and HEW funds, housing, including Farmers' Home Administration emergency loans.

Mr. Chairman, I was a cosponsor of H.R. 1844 which would require the President to notify the Congress whenever he impounds funds and if Congress does not approve the impoundment within 60 days after the message is received, the impoundment is to cease.

It is my judgment that each Member should take a stand on the impoundment issue. In the last analysis he is either willing to forgive and condone impoundment or he should be willing to take a stand, even an adamant stand, against it. The issue of impoundment is not one to be willing to approve with a lukewarm

attitude. That is why it seems to me that all the different solutions to impoundment such as one House approving impoundment or one body disapproving impoundment or both bodies having to approve or disapprove impoundment over varying periods from 30 to 60 to 90 to 120 days reduces our discussion to the level of a kind of debating society for me. But I have to go on record to state that I favored the urban approach which it seemed to me had every sound argument in its behalf. Once the appropriation process and veto cycle had been completed the President must act to inform Congress if he decides to impound funds. If Congress does not approve impoundment within 60 days then the President must reinstate the funds. That was why I joined in H.R. 1844 on January 11, 1973, in a bill in which the principal sponsor was a gentleman from Texas (Mr. PICKLE). I supported the Pickle amendment when it came up for consideration during the debate on H.R. 8480.

Mr. Chairman, after all the enactment of legislation is a result of compromise, we all have our rathers. H.R. 8480 will permit either House to disapprove impoundment within 60 days. In the absence of such disapproval then impoundment would stand. As I have indicated both expressly and by implication I would have preferred the so-called urban approach or the so-called Pickle approach, both of which provided that unless a specific impoundment had been ratified by the Congress the impoundment would cease. H.R. 8480, however, is a compromise and while it does not automatically terminate the impoundment it does call for a procedure in which either body of Congress can disapprove and impoundment is disrupted.

Well, certainly, the House takes a significant step in the passage of H.R. 8480 to resolve the impoundment issue.

Mr. DOMINICK V. DANIELS. Mr. Chairman, the issue that is joined today in our consideration of H.R. 8480, providing for control of the President to impound funds lawfully authorized and appropriated by the Congress, is one of great importance to all Americans. Inherent in this controversy is the issue of not merely who shall determine the priorities of the Nation, but how those priorities shall be determined.

It has always appeared to me that the Constitution of the United States clearly settles the controversy by vesting in the Congress "all legislative power." The Constitution also commands that the President "take care that the laws be faithfully executed." Moreover, the Constitution specifically dictates that the President "shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

Clearly, the framers of our Constitution, which sets the rights, obligations, limits and responsibilities of our people and their government, meant in no uncertain terms that the Congress was to make the laws and the President, in whom is vested the executive power, was to carry them out. Of course, if the President determines strong disapproval of a bill, he may veto it. But that is his only recourse under the Constitution. But even in that event, two-thirds of those present in each House of the Congress may override his determination. Thus the Constitution provides that a bill may in the superior judgement of two-thirds of each House of Congress, become law notwithstanding the President's disapproval and he is nevertheless charged to enforce and execute its provisions.

The Congress recognized in 1905 and again in 1950 in the Anti-Deficiency Act that there are some circumstances where in the Congress has authorized and appropriated funds which, because of new events, need not or ought not be spent. The Congress therefore empowered the President to withhold the spending of those funds. But that power was limited by Congress in the act "to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments." Thus the Congress has consistently held to the constitutional position that it alone has the power to determine spending and priorities and specifically limited the action the President, in his obligation to execute the laws, might take. The Congress, recognizing the limits inherent in the legislative process provided only a fine-tuning mechanism to be used in special and limited circumstances to save money, prevent waste, and to provide for changed circumstances.

President Nixon, however, has used this authority, which other Presidents have hitherto used with the reason and restraint necessary in democratic government, to take upon himself power and authority not granted to him by the Constitution or law. He has refused to carry out programs lawfully authorized by the Congress and for which the Congress appropriated necessary funds. He has refused to carry out programs in spite of the fact that the Congress provided for a balanced budget. All of the impoundments were for domestic needs; for example: $1.9 billion for labor, health, library and education programs including funds to increase employment; $6 billion for water sewage treatment facilities needed by communities to meet not only long term but immediate needs; $283 million in manpower training funds; and $1 billion for housing, FHA emergency loans, and cutbacks in social services.

These are programs that Congress, after much consideration found necessary for the general welfare of the country. Each program was considered in each House of the Congress, first by one or more subcommittees which heard public witnesses including the President's spokesmen; then by a full committee which also may have heard testimony and then the program was considered by the full House of Representatives and the Senate. Thereafter, if the bills passed by the Senate and the House were different, the bills were again considered by a conference committee made up of Members of each House. Finally the Conference Committee bill was again considered by the House and Senate and only then sent to the President for his approval. After a program has been thus authorized, the same process is repeated when in order that the necessary funds are appropriated. All of the programs which President Nixon refused to carry out had been thus approved twice by the Congress and the President.

These programs were considered by the Congress under the full scrutiny of public attention by men and women elected by the people and subject to their desires, needs, and approval. Contrarily, the money was impounded by bureaucratic appointees in the Office of Management and Budget responsible to no one but the President and subject only to his desires, needs, and approval. They met in secret, closeted away from public scrutiny. Their decisions were not reviewed by representatives of the people but by men carrying out the orders only of one man, the President. The impoundment decisions resemble no democratic process. Rather they resemble the decisionmaking process behind the walls of the Kremlin; walls behind which the people have no means of expression, no way of influencing decisions which affect their lives, their safety, and their welfare.

Mr. Chairman, my constituents in Hudson County, N.J., have been the victims of these impoundments. The funds for manpower training and public employment are crucial for workers as well as the merchants from whom they buy. Likewise, the funds for sewer and water treatment facilities, libraries, education are critical to their general health, safety and welfare.

These programs are neither gifts from the Congress nor largesse from the President. They are a return of the tax money collected by the Federal Government from our constituents and returned to them in the form of necessary and needed services. The people have a right and are able to make their views known to their elected representatives who have an obligation to carry out their demands and provide for their welfare. If we, the elected representatives fail to carry out the desire of our constituents or fail to provide for their welfare, they have recourse to the ballot box. There is no such similar recourse by the people to the men who meet in secret in the Office of Management and Budget.

Mr. Chairman, H.R. 8480 is a reasonable means of enforcing the constitutional authority of the Congress and the responsibilities and limits of the Presidency. I would have preferred that H.R. 8480 had included the provision of Senator SAM ERVIN in the Senate bill. That bill provides that an impoundment by the President terminates after 60 days unless specifically considered by the Congress. The language in H.R. 8480 provides that the Congress must consider an impoundment within 60 days and if it does not, such an impoundment shall stand.

This may seem to be a distinction without a difference to some. But it seems to me that where the Congress has already determined to authorize and appropriate funds for a program, that decision should only be overturned by an initiative brought by those who believe it should be tempered by an impoundment.

Under H.R. 8480, Congress must overturn a Presidential decision made subsequent to enactment. I do not believe

this is necessarily consistent with the intent framed in the Constitution. Nevertheless, it is a provision we can live with. It is a difference which is overshadowed by the grave importance of the bill as a whole and I rise in support of H.R. 8480 notwithstanding that provision.

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

Mr. Chairman, there has been a good deal of conversation during the debate, although not in the debate, about the effect of court decisions on impoundments.

I ask unanimous consent to include a statement immediately following my present remarks.

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

There was no objection.

Mr. BOLLING. In recent months the right of the Executive to impound funds has been challenged with increasing frequency, and with almost invariable success, in Federal courts throughout the country. The fact that these courts have consistently denied the right of the Executive to impound has been cited by some persons as a reason for opposing the pending bill, basing their position on the argument that since the judiciary is adequately handling the problem there is no need for the establishment of a new procedure to deal with it.

A careful reading of the impoundment cases, however, tells a different story; despite the fact that the result in any given case is likely to be the same as under the procedure embodied in the bill, the cases themselves demonstrate the need for the new procedure and in fact provide what may be one of the strongest arguments in favor of the bill.

The key point is that the decision in every one of these cases was based explicitly upon the intent of the Congress, as ascertained by the court from the language of the statute involved and occasionally from its legislative history. Other factors—including constitutional considerations—were either treated as immaterial or cited, more or less in passing, as secondary or supporting reasons for the court's decision.

A brief reference to the holdings in a few of the most recent impoundment cases will make this point clear and illustrate the approach taken by the courts. In the highway funds case—*Missouri* v. *Volpe*, U.S. Court of Appeals, 8th Circuit, April 2, 1973—the court stated that the case involved only the simple question of whether or not the Secretary of Transportation has been delegated discretion to impose contract controls, expressly denying the existence of any constitutional question and holding that the Secretary—while he might have the right to impound funds for reasons based on the statute and consistent with its objectives—could not impound funds for reasons "collateral or unrelated" to the statute's intended purposes. In the mental health centers case—*National Council of Community Mental Health Centers* v. *Weinberger*, U.S. District Court for the District of Columbia, June 28, 1973—the court expressly held that the President has no statutory or constitutional authority to withhold the obligation of funds when the Congress by express statutory language has made it mandatory. In the neighborhood youth corps case—*Community Action Programs Executive Directors Association of New Jersey* v. *Roy Ash*, U.S. District Court for the District of New Jersey, June 29, 1973—the court stated that:

> The failure of the defendant to release, obligate, and expend the funds involved was "illegal in violation of the Economic Opportunity Act . . ., the Supplemental Appropriations Act . . ., and Article II, section 3 of the United States Constitution" because "the unequivocal intent of Congress in enacting [the laws involved] was to make mandatory and not discretionary the obligation, release, and expenditure of the funds appropriated.

The two recent cases involving the impoundment of water pollution control funds are particularly instructive. In the first of these—*City of New York* v. *Ruckelshaus*, U.S. District Court for the District of Columbia, May 8, 1973—the court looked carefully at the legislative history of the statute and concluded that Congress had made mandatory the allotment of the funds involved although it had probably given the executive discretion to limit the rate of the obligation and expenditure of such funds after their allotment; it therefore struck down the impoundment of funds by withholding allotments but did not rule on the question of impoundment by limiting obligations or expenditures.

In the other—*Campaign Clean Water, Inc.* v. *Richardson*, U.S. District Court for the Eastern District of Virginia, June 5, 1973—the court again examined the legislative history and this time concluded that Congress had given the executive discretion to impound by withholding allotments as well as by limiting obligations and expenditures, but it nevertheless ruled that the actual impoundments involved—of both types—were so excessive as to constitute "a violation of the spirit, intent, and letter of the act and a flagrant abuse of executive discretion" and were therefore null and void.

Even in the 1972 housing funds case in California—the only recent Federal case to uphold a challenged executive impoundment—the court's decision turned on the intended meaning of specific statutory language.

In view of the number and variety of the impoundment cases and the uniformity of the judicial approach embodied in them, it is clear that in the future, as in the past, the question of the executive power to impound will be decided—and should under the Constitution be decided—on the basis of what Congress intended, regardless of the forum or procedure selected for making the decision. In addition to the obvious fact that piecemeal judicial determinations on the question usually involve excessive expenditures of time and money, with resulting unnecessary risk that intended Federal benefits will be lost or unevenly distributed in many cases, there is a more fundamental reason why the procedure for dealing with the question of impoundment which is embodied in the bill should be preferred.

The procedure embodied in the bill would vest in the Congress the final determination of its own intentions and its own priorities in cases where actions taken by the executive place them in doubt; and it should be clear that 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. This would be true even if there were a single Federal court to hear all impoundment cases, since legislative intent is not always expressed in plain language and its determination by an outside entity too often involves inference and deduction, but the multiplicity of Federal courts further compounds the problem; each court must draw its own inferences on the basis of whatever information is presented or made available to it, and it is hardly surprising that two courts conscientiously applying exactly the same criteria may arrive at different conclusions—as in the water pollution control cases referred to above. In the recent impoundment cases certain words and phrases commonly found in Federal statutes were interpreted by some courts as a mandate and by others as a grant of discretion; and—on the basis of statements made in the decisions of the courts—at least one of the cases would almost certainly have been decided differently had it been brought before any one of several other courts.

The impoundment cases themselves, uniformly holding as they do that the intent of the Congress should be conclusive in determining whether an impoundment of funds is permitted under the law, thus may be viewed as providing a powerful argument in favor of adopting the kind of orderly and consistent procedure which is embodied in the bill.

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

Mr. Chairman, the vote which soon will occur on final passage of this bill could be the most historically significant vote to confront this Chamber this year. The question cannot be longer postponed, and we face the moment of truth.

It seems to me that, if we should fail to enact this bill restoring to the Congress its historic right to determine spending priorities, we would deserve the contempt of the public and the condemnation of history for having weakly or willfully assented to the most massive executive invasion in American history upon the most fundamental and most indispensible legislative power, the power of the purse.

It has been pointed out that while other Presidents at other times have indeed impounded funds, they have done so for the most part in limited amounts, over limited periods of time, and to serve limited purposes.

Never before have we been confronted with a situation in which the Chief Executive of the Nation has deliberately undertaken to utilize the impoundment technique as a unilateral tool to redirect the entire course of domestic public policy in the United States.

Never before has it been so broadly employed to arrogate to the President what amounts in effect to an item veto,

never sanctioned by the Constitution, and in effect a second veto employed in one case after the Congress had overridden the veto on the water pollution bill, not by the required two-thirds, but by almost a 10-to-1 vote. Despite this overwhelming expression of clear congressional intent, the President blithely ignored the will of Congress, substituted his own personal judgment, and cut the program in half.

Were we supinely to acquiesce in so bold a usurpation of our rights and responsibilities, we would deserve to be held in scorn by the very public who elected us to carry out those responsibilities.

Title II of the bill places this issue in its clear perspective. It is not a question of Democrats versus Republicans. It is not a question of big spenders versus little spenders. It is not a question of how much money in all shall be spent. Title II of this bill establishes by congressional enactment an expenditure ceiling well below the total amount requested for spending by the President of the United States. If total appropriations should exceed that aggregate figure, the President would be directed—not permitted, but directed—to trim all programs by the same pro rata percentage necessary to hold total spending within the established ceiling. Certainly this achieves effective budgetary control. It mandates it.

Once we act favorably upon this bill, it cannot be said that the Congress, the legislative branch, is indulging in irresponsible spending. The issue will not be how much; the issue will be, as it historically should be, who within that agreed expenditure ceiling has the right to determine where the money shall be spent.

I think every serious historian and every constitutional authority would agree that the power of the purse, the right to determine spending priorities, is absolutely the most fundamental of the legislative powers, all of which are clearly granted in article I, section 1 of the Constitution to the Congress of the United States.

And so I do not see, now that we have worked out the details of implementation, how anybody in this Chamber who believes in reinstating and reinforcing the legislative prerogatives, and who wants to stop this tidal erosion, can do other than support this bill.

I earnestly plead with my colleagues on the left and on the right to act not as Republicans, not as Democrats, but as legislators, as the friends of Congress, and as people whose overriding prejudice is simply a pronounced bias in favor of the separation of powers by which the Constitution has permitted this Nation to endure longer than any other republic on earth.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I think we need to have an anti-impoundment bill. I have some concern that Congress in trying to restore power to the Congress is giving away the power of the House. I say this for two reasons: one, the Senate has different procedures, different rules and regulations; they can, if they wish, act much faster and if they vote to disapprove the impoundment—the House has abdicated its responsibility to act. It has lost its opportunity to act. I voted for the Anderson amendment yesterday so that both bodies must act. Let me state a hypothetical case if I may. And this is my second reason for believing we are giving away the power of the House on appropriations. Yesterday, I went over all of the appropriation bills of 1972.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mrs. GREEN of Oregon, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 3 additional minutes.)

Mr. WRIGHT. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I went over all of the appropriation bills in the last session of Congress; with the exception of military construction, defense, foreign assistance, and the District of Columbia, the Senate increased the appropriations by a very large, a very substantial amount—to the tune of several billion dollars.

Mr. WRIGHT. If the gentlewoman will yield, I think that may be why the Senate is sometimes referred to as the "upper body." It is almost always upping our appropriation bills.

Mrs. GREEN of Oregon. The only sensible explanation I have heard, if I may say so. Let me state my question, if I may. Let us take a hypothetical case where the President impounds funds in a particular appropriation bill; the House has a resolution to stop the impoundment—to disapprove. However, the Members of the House decide that they are in agreement with the President on the impoundment, so they reverse the decision and by a very sizable majority agree on the impoundment in this particular case. Then the Senate takes action, and they say they disapprove of the impoundment by the President. So we have the House which says they agree with the impoundment and we have the other body taking action to disapprove the impoundment. Normally we would work it out in conference; we would reach some kind of agreement; but under this bill, as I understand it, the House action would go for naught because the bill before us today is so worded that if one body disapproves of the President's impoundment then that is it. Is that correct?

Mr. WRIGHT. The gentlewoman is basically correct, but that issue is no longer before us. That was settled in the Committee of the Whole earlier in the debate.

I think it appropriate that at this point we recognize the issue that does confront us, and that is whether or not the Congress will enact an anti-impoundment bill tied to an expenditure ceiling. I think the two titles of the bill present a proper balance. They put the whole issue in its proper context. Once the Congress has acted on an appropriation, it must be assumed that this is the will of the Congress of the United States. Therefore, the more difficult burden ought not to be upon the Congress to reassert its will. I believe it is proper that either House should have the opportunity to disallow the impoundment of a total category of funds, when that impoundment would emasculate or even terminate an entire program duly authorized and duly funded by the Congress.

I ask all Members on both sides to support this bill, not in the sense of partisanship, but in a united expression of our will to defend and preserve against encroachment the constitutionally delegated rights and responsibilities of the Congress of the United States.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, normally I would have taken time later in these proceedings to explain the motion to recommit which I plan to offer, but I think in view of the very sincere and eloquent statement of the gentleman from Texas (Mr. WRIGHT) and more particularly in view of the colloquy which we have just listened to between the gentleman from Texas and the gentlewoman from Oregon (Mrs. GREEN) that this would be the appropriate point in these proceedings to explain that motion.

That motion simply will be to try to put back into this bill the amendment that lost by a single vote yesterday of 206 to 205, an amendment that would provide that a concurrent resolution of disapproval would be necessary to block an impoundment action. Unfortunately—and I have great respect and great affection for the very able gentleman from Texas—this bill in its present form does not restore to this Chamber, to this House of Representatives, the right to determine the spending priorities in this Nation. Of course, that will only really come when we have the budget reform legislation that I am now convinced, because of the promises and the assurances that we have had, will be reported in legislation later this year.

However, as presently written, this bill would allow one body, the upper House, as he so aptly called it because they so often increase the appropriations prudently voted by this body—it would allow one House of this Congress, the Senate of the United States, to disapprove a presidential impoundment action which a majority in this body felt was prudent.

The distinguished chairman of the Committee on Appropriations originally in his bill offered the proposition that we, too, should have a coequal right, that we, too, should be permitted to act on a resolution of disapproval. Therefore, very wisely in his bill, and he spoke to this point yesterday in support of my amendment, he very wisely included a provision that both Houses should concur in a resolution of disapproval.

Therefore, I am as anxious as anyone, after serving in this House for 12 years with the great gentleman from Texas, watching with growing concern as we see the powers of this body ebb away and flow away from us. I want them restored, but I want them restored by legislation that will do it in a just and equitable manner.

I am not willing, by voting for this bill in its present imperfect fashion, to agree that the other body alone can disapprove an impoundment which we believe

in our wisdom and in our judgment should be sustained.

Therefore, I beg the Members, no matter how they feel about the subject of impoundment, and there are obviously diverse opinions on the subject, to at least support the motion to recommit and put back into this bill the right of this House along with the other body to act on impoundments, and then we can proceed to a vote on final passage.

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

Mr. Chairman, I know the Members would share my own disappointment that the amendment I had offered earlier, along with Mr. SARBANES, had not passed. It would have specifically required that the President cannot impound unless both Houses of Congress give him the affirmative permission. Had we passed that amendment, I think we would have avoided the question the gentlewoman from Oregon (Mrs. GREEN) raised, because we would have had to give permission first.

It would have avoided all these constitutional questions. The amendment also had in it a provision allowing for, under concurrent resolution, that we could have vetoed, or disapproved, in effect, a measure within the 60-day time. The gentleman from Illinois (Mr. ANDERSON) had a chance to vote on our amendment—which also would have allowed for a disapproval—but he did not choose to support that amendment.

I recognize that under the committee bill there may be some slight advantage to the Senate, or one might think there would be, and it would be a concern of ours, but I really think that what we ought to think in terms of now is, how do we advance a bill that would hopefully give us some kind of solution to this impoundment problem.

We ought to look at it then as a congressional matter and not as a House versus Senate matter, or vice versa. For that reason, I think it is more important to advance the bill.

This bill does allow for impoundment, but it can be disapproved by one House. It does set a spending ceiling, and on balance it is a lot better than the original bills which were introduced. I think we ought now to join in passage of this measure, move it to conference and come up with a bill that would give us a proper solution to this impoundment question.

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

Mr. Chairman, I believe my colleague from Illinois (Mr. ANDERSON) certainly directed his remarks to what I think is the key issue here in terms of regaining by this body control of the budget.

Mr. Chairman, while I can understand the concern of many with impoundment practices. I hasten to point out that impoundment is nothing new. The practice has existed since time immemorial.

Let me quote briefly from the remarks of the last four Chief Executives, three of whom, like President Richard M. Nixon, served in the Congress. Presidents John F. Kennedy and Lyndon B. Johnson share with the present occupant of the White House the distinction of having served in both the House of Representatives and the Senate.

In 1949 President Harry S. Truman who had served in the Senate for 10 years, said:

> I am—directing the Secretary of Defense to place in reserve the amounts provided by the Congress—for increasing the structure of the Air Force.

In 1960 President Dwight D. Eisenhower said:

> It is the consensus of my technical and military advisers that the [Nike-Zeus] 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 $137,000,000 appropriated last year by the Congress for initial production steps—will not be used.

In 1961 Robert S. McNamara, who was Secretary of Defense during the Kennedy administration, said:

> The progress of the administration's accelerated defense buildup 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 $514,500,000 for additional B–52 bombers; $180,000,000 to press development of the B–70 long-range supersonic bomber; and $85,800,000 for the Dynasoar rocket-aircraft research vehicle project.
>
> . . . The Clear conclusion of [our] latest analysis was that the program progress of the administration's accelerated defense buildup makes unnecessary the use of additional funds appropriated.

In 1966 President Johnson said:

> The total of appropriations effectively provided in the [Agriculture and Related Agencies Appropriation Act of 1967]—is $312,500,000 above my budget request. . . .
>
> Rather than veto this bill—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.

Also in 1966, in his message to Congress on fiscal policy and stable economic growth, Mr. Johnson said:

> I am prepared to defer and reduce Federal expenditures—by withholding appropriations provided above my budget recommendations whenever possible.

For most of my 16 years in this body I have been a member of the Committee on Ways and Means, where all tax legislation originates. My colleagues and I have the responsibility of raising sufficient revenue to operate the huge Federal establishment. If sufficient revenue is not raised through taxes, we must borrow the money. We have had to borrow so many billions that it has become necessary to raise the debt limit many times. Incidentally, it is all but mandatory for the President to impound substantial sums if he is to obey the law by keeping expenditures within the debt ceiling.

Beginning with the present Congress I have assumed several new responsibilities—membership on the Joint Committee on Internal Revenue Taxation, the Joint Committee on Reduction of Federal Expenditures, and the Joint Study Committee on Budget Control. While these assignments have presented tremendous new challenges, I have welcomed them because of the opportunity they have given me to get a panoramic view of the budget from both sides of the ledger. In other words, my right hand will know what my left hand is doing and vice versa.

All of my colleagues are familiar with the Joint Committees on Internal Revenue Taxation and Reduction of Federal Expenditures, which have functioned for many years. The Committee on Ways and Means goes back to the very beginning of our present constitutional system of government. On the other hand, the Joint Study Committee on Budget Control was established late last year.

The law establishing the Joint Study Committee provides that it shall make a full study and review of:

> The procedures which should be adopted by the Congress for the purpose of improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall review of each year's budgetary outlays which is fully coordinated with an overall view of the anticipated revenues for that year.

The Joint Committee is not to recommend procedures to reduce or increase spending or to reduce or increase taxes. It is supposed to propose procedures for improving congressional control of the budget rather than attempt to deal specifically with the current budgetary problems with respect to fiscal 1974.

If Congress is to effectively maintain and carry out its constitutional power over the purse, it must establish an effective permanent mechanism for budget control which will assure a more comprehensive and coordinated review of budget totals and determination of spending priorities and spending goals, together with a determination of the appropriate associated revenue and debt levels. This would obviate the reason for much, if not most, of the impoundment that has been put into effect by President Nixon.

On April 18 the entire membership of the Joint Study Committee on Budget Control sponsored H.R. 7130, the Budget Control Act, which would amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget director and staff, and for other purposes.

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

Mr. Chairman, I will not take 5 minutes. We have before us now a very practical matter. The Senate has twice passed a bill which requires two Houses to approve an impoundment in order for the impoundment to go into effect.

I presume I will be on the conference, and I would like very much to take to the conference to deal with the Senate on this rather difficult conflict between the two Houses, a bill that was as far away from their position as possible.

The bill that would be as far away as possible from that particular position would be the bill in its present form, which provides what I believe to be the better version from a constitutional point of view, and at this moment much the better version from a practical point of view.

I hope that when the motion to recommit is offered it will be resoundingly voted down so that we who will deal with the problem of reconciling the views will have a better opportunity to reach a conclusion which might be satisfactory to both bodies and might really restore to the Congress a portion of that power which it has allowed to slip away.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in opposition to H.R. 8480, which would require the President to notify Congress within 10 days after funds are appropriated that he is withholding full disbursement, stating the specific projects from which funds are withheld, the amount of funds being withheld, the fiscal, economic and budgetary impact of the action, and the reason for withholding or delaying of obligations by contract, and providing further that either House of Congress may by simple resolution adopted within 60 days of such notification, force release and full disbursement of such funds by the President.

As the minority members of the Committee on Rules have pointed out, the charge that Congress is frustrated by Presidential impoundments is invalid. Impoundment is only a symptom of the budget crisis.

The debt limit we passed last fall permitted only enough additional Federal borrowing to finance expenditures of about $250 billion this fiscal year. As part of the debt limit legislation, both House and Senate adopted a ceiling of $250 billion on expenditures. But the ceiling was voided in conference, because the House and the Senate could not agree whether, much less how, to make the individual program reductions needed to reach the agreed-upon total. So, in effect we expressed agreement with the President that he should not exceed $250 billion, but at the same time acknowledged that we in Congress were unable to make the hard choices between programs.

It was my privilege and honor a few short months ago to be appointed to the Joint Study Committee on Budget Control, and to participate in drafting H.R. 7130, which was introduced on April 18, 1973. Creation of this Joint Study Committee had seemed to me to be a ray of hope that the Congress for the first time in my 20 years here was about to reverse its long strides toward ever more fiscally irresponsible actions. We worked hard in the joint committee and H.R. 7130 which we recommended to the Congress, was a first step long overdue in the direction of overhauling our budgetary machinery so that we might not need to depend on whoever the man was occupying the White House at any given period of time to save us from our reckless drive toward bankrupting the Government of the United States.

Unfortunately, our colleagues on the Committee on Rules, responding more, I believe, to the loud cries of beneficiaries of some of our more popular programs than to the less loud, but more desperate cries from taxpayers caught in the tightening vise of inflation, decided to impose upon the President a whole new set of complicated procedures for saving us from our recklessness, rather than considering the joint committee's recommendations which would relieve him of the responsibility and the blame for attempting to control runaway Federal spending.

Title II of the bill sets a $267.1 billion spending ceiling, an objective with which we can all agree. But the conditions it imposes for achieving the goal are across-the-board cuts on all but a few selected Federal programs without regard to the merits of the programs or the special circumstances surrounding their funding. The long term effect would be to require the President to spend money now impounded, then stay within the prescribed spending limit, 70 percent of which he cannot control, by making large proportionate cuts into every Federal program except those it specially exempts; that is, public assistance maintenance grants and food stamps.

Mr. Chairman, the time has come for Congress to restore its power over the Federal purse, but attempting to tell the President he cannot delay nonessential spending is not the way. The way, we all know and all must eventually follow, is the way already recommended by the Joint Study Committee on Budget Control, to set up our own machinery for determining how much the American taxpayers can afford to pay, and for forcing ourselves to exercise restraint and fiscal responsibility, often in the face of loud cries of dismay, to provide adequate, but not excessive funding for those programs which will best serve the needs of those who sent us here to represent them in the Congress of the United States.

Mr. ROBINSON of Virginia. Mr. Chairman, I am strongly in favor of responsible congressional action to fix, and to observe, an annual ceiling on Federal spending, and I have joined in sponsorship of several legislative approaches to this objective.

If the Congress adopted such a ceiling, as applied to its own appropriation process, there would be little need for Presidential impoundments.

It is not responsible legislating, in my view, however, for the Congress to restrict Presidential impoundments on the one hand and require the President to meet a spending ceiling on the other, when, at the same time, appropriation bills are moving toward the President with totals substantially exceeding the budget recommendations.

A particular defect of the measure before us is the provision permitting specific Presidential impoundments to be overridden by an expression of just one of the two Houses of the Congress.

Leaving aside a substantial constitutional question which intrudes on our consideration of the mechanics of this bill (H.R. 8480), I have to conclude that it would be unwise and deceptive for us to approve this measure. It would limit the only effective means of curbing active spending in situations in which the Congress, despite its pride in the power of the purse, has appropriated with profligate disregard for fiscal realities.

In undertaking to place the President under a spending ceiling, it would circumscribe his discretion in achieving compliance. It would not circumscribe the Congress as to pending or future appropriations.

Rather than this makeshift, we should bring to the floor and pass effective budgetary control legislation embracing a firm congressional ceiling on appropriations. Having done this, we would be more firmly based in our protestations against impoundments by the Executive.

The CHAIRMAN. Under the rule, the Committee rises.

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, pursuant to House Resolution 477, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ANDERSON of Illinois. In its present form I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. ANDERSON of Illinois, moves to recommit the bill, H.R. 8480 to the Committee on Rules with instructions to report back the same to the House forthwith with the following amendments: 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."

On page 6, strike lines 5 through 14 and insert in lieu thereof the following: "(b)(1) For the purposes of this section and section 102 the term 'resolution' means only a concurrent resolution which expresses the disapproval of the Congress of an impoundment of funds set forth in a special message transmitted by the President under the first section of this Act, and which is introduced and acted upon by both the House of Representatives and the Senate before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress."

The SPEAKER. Does the gentleman from Illinois desire to be heard on the motion to recommit?

Mr. ANDERSON of Illinois. Briefly, Mr. Speaker.

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, I shall not take 5 minutes, because, as I said earlier, I feel it was appropriate to discuss the nature of the contents of the motion to recommit following the address to the committee by the gentleman from Texas (Mr. WRIGHT).

I merely want to suggest that in addition to the amendment which was defeated yesterday by a single vote the language in the motion to recommit which refers to striking lines 5 through 14 on page 6 and inserting certain language in lieu thereof is merely intended for the purpose of conforming that section of the bill with the requirement for a concurrent resolution in lieu of a resolution by either House.

Mr. BOLLING. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Illinois (Mr. ANDERSON).

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

RECORDED VOTE

Mr. ANDERSON of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 212, not voting 14, as follows:

[Roll No. 385]

AYES—208

Abdnor	Dickinson	Kemp
Anderson, Ill.	Dorn	Ketchum
Andrews, N. Dak.	Downing	Landrum
Archer	Duncan	Latta
Arends	du Pont	Lent
Armstrong	Edwards, Ala.	Lott
Ashbrook	Erlenborn	Lujan
Bafalis	Eshleman	McClory
Baker	Findley	McCloskey
Beard	Fish	McCollister
Bell	Flowers	McDade
Biester	Flynt	McEwen
Blackburn	Ford, Gerald R.	McKinney
Bray	Forsythe	Madigan
Broomfield	Fountain	Mailliard
Brotzman	Frelinghuysen	Mallary
Brown, Mich.	Frenzel	Mann
Brown, Ohio	Frey	Maraziti
Broyhill, N.C.	Froehlich	Martin, N.C.
Broyhill, Va.	Fuqua	Mathias, Calif.
Buchanan	Gilman	Mathis, Ga.
Burgener	Ginn	Michel
Burke, Fla.	Goldwater	Miller
Burleson, Tex.	Goodling	Minshall, Ohio
Butler	Green, Oreg.	Mitchell, N.Y.
Carter	Gross	Mizell
Casey, Tex.	Grover	Montgomery
Cederberg	Gude	Moorhead, Calif.
Chamberlain	Guyer	Myers
Clancy	Hammer-schmidt	Nelsen
Clausen, Don H.	Hanrahan	Nichols
Clawson, Del	Hansen, Idaho	O'Brien
Cleveland	Harsha	Parris
Cochran	Harvey	Passman
Cohen	Hastings	Pettis
Collier	Hébert	Peyser
Collins, Tex.	Heinz	Powell, Ohio
Conable	Henderson	Price, Tex.
Conlan	Hillis	Pritchard
Conte	Hinshaw	Quie
Coughlin	Hogan	Quillen
Crane	Holt	Railsback
Cronin	Horton	Rarick
Daniel, Dan	Hosmer	Regula
Daniel, Robert W., Jr.	Huber	Rhodes
Davis, Wis.	Hudnut	Rinaldo
Dellenback	Hunt	Roberts
Dennis	Hutchinson	Robinson, Va.
Derwinski	Jarman	Robison, N.Y.
Devine	Johnson, Colo.	Roncallo, N.Y.
	Johnson, Pa.	Rousselot
	Keating	Ruppe
Ruth	Steelman	Ware
Sandman	Steiger, Ariz.	Whitehurst
Sarasin	Steiger, Wis.	Whitten
Satterfield	Stratton	Widnall
Saylor	Symms	Wiggins
Scherle	Talcott	Williams
Schneebeli	Taylor, Mo.	Wilson, Bob
Sebelius	Taylor, N.C.	Wyatt
Shoup	Teague, Calif.	Wydler
Shriver	Thomson, Wis.	Wylie
Shuster	Thone	Wyman
Sikes	Towell, Nev.	Young, Alaska
Skubitz	Treen	Young, Fla.
Smith, N.Y.	Ullman	Young, Ill.
Snyder	Vander Jagt	Young, S.C.
Spence	Veysey	Zion
Stanton, J. William	Waggonner	Zwach
Steele	Walsh	
	Wampler	

NOES—212

Abzug	Fulton	Owens
Adams	Gaydos	Patman
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	Gubser	Preyer
Badillo	Haley	Price, Ill.
Barrett	Hamilton	Randall
Bennett	Hanley	Rangel
Bergland	Hansen, Wash.	Rees
Bevill	Harrington	Reid
Biaggi	Hawkins	Reuss
Bingham	Hays	Riegle
Blatnik	Hechler, W. Va.	Rodino
Boggs	Heckler, Mass.	Rogers
Boland	Helstoski	Roncalio, Wyo.
Bolling	Hicks	Rooney, N.Y.
Bowen	Holifield	Rooney, Pa.
Brademas	Holtzman	Rose
Brasco	Howard	Rosenthal
Breaux	Hungate	Rostenkowski
Breckinridge	Ichord	Roush
Brinkley	Johnson, Calif.	Roy
Brooks	Jones, Ala.	Roybal
Brown, Calif.	Jones, N.C.	Runnels
Burke, Calif.	Jones, Okla.	Ryan
Burke, Mass.	Jones, Tenn.	St Germain
Burlison, Mo.	Jordan	Sarbanes
Burton	Karth	Schroeder
Byron	Kastenmeier	Seiberling
Carey, N.Y.	Kazen	Shipley
Carney, Ohio	Kluczynski	Sisk
Chappell	Koch	Slack
Chisholm	Kyros	Smith, Iowa
Clark	Leggett	Staggers
Clay	Lehman	Stanton, James V.
Collins, Ill.	Litton	Stark
Conyers	Long, La.	Steed
Corman	McCormack	Stephens
Cotter	McFall	Stokes
Culver	McKay	Stubblefield
Daniels, Dominick V.	McSpadden	Stuckey
Danielson	Macdonald	Studds
Davis, Ga.	Madden	Sullivan
Davis, S.C.	Martin, Nebr.	Symington
de la Garza	Matsunaga	Teague, Tex.
Delaney	Mazzoli	Thompson, N.J.
Dellums	Meeds	Thornton
Denholm	Melcher	Tiernan
Dent	Metcalfe	Udall
Diggs	Mezvinsky	Van Deerlin
Dingell	Mills, Ark.	Vanik
Donohue	Minish	Vigorito
Drinan	Mink	Waldie
Dulski	Mitchell, Md.	Whalen
Eckhardt	Moakley	White
Edwards, Calif.	Mollohan	Wilson, Charles H., Calif.
Eilberg	Moorhead, Pa.	Wilson, Charles, Tex.
Esch	Morgan	Wolff
Evans, Colo.	Mosher	Wright
Evins, Tenn.	Moss	Yates
Fascell	Murphy, Ill.	Yatron
Flood	Murphy, N.Y.	Young, Ga.
Foley	Natcher	Young, Tex.
Ford, William D.	Nedzi	Zablocki
Fraser	Nix	
	Obey	
	O'Hara	
	O'Neill	

NOT VOTING—14

Camp	King	Mayne
Fisher	Kuykendall	Milford
Gettys	Landgrebe	Roe
Gunter	Long, Md.	Winn
Hanna	Mahon	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Camp for, with Mr. Gunter against.

Mr. Kuykendall for, with Mr. Hanna against.

Mr. Landgrebe for, with Mr. Long of Maryland against.

Mr. Mayne for, with Mr. Roe against.

Until further notice:

Mr. Fisher with Mr. King.

Mr. Gettys with Mr. Winn.

Mr. Milford with Mr. Mahon.

The result of the vote was announced as above recorded.

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

Mr. GERALD R. FORD. 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 254, nays 164, not voting 15, as follows:

[Roll No. 386]

YEAS—254

Abzug	Eckhardt	McKinney
Adams	Edwards, Calif.	McSpadden
Addabbo	Eilberg	Macdonald
Alexander	Esch	Madden
Anderson, Calif.	Evans, Colo.	Mahon
Andrews, N. Dak.	Evins, Tenn.	Mailliard
Annunzio	Fascell	Mallary
Ashbrook	Findley	Mann
Ashley	Flood	Mathis, Ga.
Aspin	Flowers	Matsunaga
Badillo	Flynt	Mazzoli
Barrett	Foley	Meeds
Bell	Ford, William D.	Melcher
Bennett	Fountain	Metcalfe
Bergland	Fraser	Mezvinsky
Bevill	Froehlich	Miller
Biaggi	Fulton	Minish
Biester	Fuqua	Mink
Bingham	Gaydos	Mitchell, Md.
Blatnik	Giaimo	Moakley
Boggs	Gibbons	Mollohan
Boland	Gilman	Montgomery
Bolling	Ginn	Moorhead, Pa.
Bowen	Gonzalez	Morgan
Brademas	Grasso	Mosher
Brasco	Gray	Murphy, Ill.
Breaux	Green, Oreg.	Murphy, N.Y.
Breckinridge	Green, Pa.	Natcher
Brinkley	Griffiths	Nichols
Brooks	Gude	Nix
Brown, Calif.	Haley	Obey
Brown, Mich.	Hamilton	O'Hara
Buchanan	Hanley	O'Neill
Burke, Calif.	Hansen, Wash.	Owens
Burke, Mass.	Harrington	Parris
Burlison, Mo.	Harsha	Patman
Burton	Hawkins	Patten
Byron	Hays	Pepper
Carey, N.Y.	Hébert	Perkins
Carney, Ohio	Heckler, Mass.	Peyser
Casey, Tex.	Heinz	Pickle
Chappell	Helstoski	Pike
Chisholm	Henderson	Poage
Clark	Hicks	Podell
Clay	Hillis	Preyer
Cleveland	Holifield	Price, Ill.
Cohen	Holtzman	Pritchard
Collins, Ill.	Howard	Railsback
Conte	Hungate	Randall
Conyers	Ichord	Rarick
Corman	Johnson, Calif.	Rees
Cotter	Jones, Ala.	Reid
Cronin	Jones, N.C.	Reuss
Culver	Jones, Okla.	Riegle
Daniel, Dan	Jones, Tenn.	Rinaldo
Daniels, Dominick V.	Jordan	Roberts
Davis, Ga.	Karth	Rodino
Davis, S.C.	Kastenmeier	Rogers
de la Garza	Kazen	Roncalio, Wyo.
Delaney	Kluczynski	Rooney, Pa.
Dellums	Koch	Rose
Dent	Kyros	Rosenthal
Diggs	Landrum	Rostenkowski
Dingell	Leggett	Roush
Donohue	Lehman	Roy
Dorn	Litton	Ryan
Downing	Long, La.	St Germain
Dulski	McCloskey	Sarasin
du Pont	McCormack	Sarbanes
	McFall	Satterfield
	McKay	Schroeder
		Seiberling

Shipley	Stuckey	White
Sikes	Studds	Whitten
Sisk	Sullivan	Wilson,
Skubitz	Symington	Charles H.,
Slack	Taylor, N.C.	Calif.
Smith, Iowa	Teague, Tex.	Wilson,
Staggers	Thompson, N.J.	Charles, Tex.
Stanton,	Thornton	Wolff
James V.	Tiernan	Wright
Stark	Udall	Yatron
Steed	Ullman	Young, Ga.
Steele	Vanik	Young, Tex.
Stephens	Vigorito	Zablocki
Stokes	Waggonner	Zwach
Stratton	Waldie	
Stubblefield	Whalen	

NAYS—164

Abdnor	Grover	Regula
Anderson, Ill.	Gubser	Rhodes
Archer	Guyer	Robinson, Va.
Arends	Hammer-	Robison, N.Y.
Armstrong	schmidt	Roncallo, N.Y.
Bafalis	Hanrahan	Rousselot
Baker	Hansen, Idaho	Roybal
Beard	Harvey	Runnels
Blackburn	Hastings	Ruppe
Bray	Hechler, W. Va.	Ruth
Broomfield	Hinshaw	Sandman
Brotzman	Hogan	Saylor
Brown, Ohio	Holt	Scherle
Broyhill, N.C.	Horton	Schneebeli
Broyhill, Va.	Hosmer	Sebelius
Burgener	Huber	Shoup
Burke, Fla.	Hudnut	Shriver
Burleson, Tex.	Hunt	Shuster
Butler	Hutchinson	Smith, N.Y.
Carter	Jarman	Snyder
Cederberg	Johnson, Colo.	Spence
Chamberlain	Johnson, Pa.	Stanton,
Clancy	Keating	J. William
Clausen,	Kemp	Steelman
Don H.	Ketchum	Steiger, Ariz.
Clawson, Del	Kuykendall	Steiger, Wis.
Cochran	Latta	Symms
Collier	Lent	Talcott
Collins, Tex.	Lott	Taylor, Mo.
Conable	Lujan	Teague, Calif.
Conlan	McClory	Thomson, Wis.
Coughlin	McCollister	Thone
Crane	McDade	Towell, Nev.
Daniel, Robert	McEwen	Treen
W., Jr.	Madigan	Van Deerlin
Danielson	Maraziti	Vander Jagt
Davis, Wis.	Martin, Nebr.	Veysey
Dellenback	Martin, N.C.	Walsh
Denholm	Mathias, Calif.	Wampler
Dennis	Michel	Ware
Derwinski	Mills, Ark.	Whitehurst
Devine	Minshall, Ohio	Widnall
Dickinson	Mitchell, N.Y.	Wiggins
Drinan	Mizell	Williams
Duncan	Moorhead,	Wilson, Bob
Edwards, Ala.	Calif.	Wyatt
Erlenborn	Moss	Wydler
Eshleman	Myers	Wylie
Fish	Nedzi	Wyman
Ford, Gerald R.	Nelsen	Yates
Forsythe	O'Brien	Young, Alaska
Frelinghuysen	Passman	Young, Fla.
Frenzel	Pettis	Young, Ill.
Frey	Powell, Ohio	Young, S.C.
Goldwater	Price, Tex.	Zion
Goodling	Quie	
Gross	Quillen	

NOT VOTING—15

Andrews, N.C.	Hanna	Milford
Camp	King	Rangel
Fisher	Landgrebe	Roe
Gettys	Long, Md.	Rooney, N.Y.
Gunter	Mayne	Winn

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Andrews of North Carolina for, with Mr. King against.

Mr. Mayne for, with Mr. Camp against.

Mr. Rooney of New York for, with Mr. Landgrebe against.

Until further notice:

Mr. Long of Maryland with Mr. Fisher.

Mr. Gunter with Mr. Milford.

Mr. Roe with Mr. Hanna.

Mr. Gettys with Mr. Rangel.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to require the President to notify the Congress whenever he impounds funds during the fiscal year 1974, 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."

A motion to reconsider was laid on the table.

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from the further consideration of a similar Senate bill (S. 373) and I ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 373

An act to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, 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, orders the impounding, or permits the impounding of budget authority, and to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a ceiling on fiscal 1974 expenditures

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

TITLE I—IMPOUNDMENT CONTROL PROCEDURES

SECTION 1. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is no authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expressly delegated by statute;

(6) by the Antideficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority, in a narrowly defined area, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Antideficiency Act, the executive branch has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligational authority enacted by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to effect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to reestablish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the reordering of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted for making such impoundments.

SEC. 2. (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 budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; 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 such message may be printed by either House as a document for both Houses as the President of the Senate, and Speaker of the House may determine.

(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 as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the im-

poundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within fifteen days after the receipt of the message as to his determination thereon. 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 3 and section 5 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 3 and 5 of this Act shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each 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 that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by a special message pursuant to subsection (a).

SEC. 3. 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 shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 5 of this Act; *Provided, however,* That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 4. For purposes of this Act, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available,

(2) withholding, relaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 5. The following subsections of this section are enacted by the Congress:

(a) (1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President, dated ———, Senate (House) Document No. ——."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated ————, Senate (House) Document No. —— (in the amount of $———)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 2(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c) (1) of this section).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) of this section for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in either House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 2 of this Act or by the Comptroller General pursuant to section 6 of this Act.

SEC. 6. If 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 takes or approves any impounding action within the purview of this Act, and the President fails to report such impounding action to the Congress as required by this Act, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this Act shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however,* That the sixty-day period provided in section 3 of this Act shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

SEC. 7. Nothing contained in this Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 8. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the pro-

visions of this Act by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 9. (a) Notwithstanding any other provision of law, all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provide otherwise under this Act.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this Act or by the Antideficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective recission of such appropriation by the Congress.

SEC. 10. If any provision of this Act, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons, impoundments, or circumstances, shall not be affected thereby.

SEC. 11. The provisions of this Act shall take effect from and after the date of enactment.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b) of this section, expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government, shall not exceed $268,000,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) of this section shall be reviewed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations, or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) of this section, the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in table 3 of the United States Budget in Brief for fiscal year 1974), except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) of this section shall be subject to the provisions of title I of this Act, except that—

(1) if the Comptroller General determines under section 2(c) of title I, with respect to any such reservation, that the requirements of proportionate reservations of subsection (b) of this section have been complied with, then sections 3 and 5 of title I shall not apply to such reservation.

(d) The provisions of section 3 of title I of this Act shall not apply to any impoundments or reservations made under title II insofar as they prohibit reimpounding or reservation.

(e) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

MOTION OFFERED BY MR. BOLLING

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

The Clerk read as follows:

Mr. BOLLING moves to strike out all after the enacting clause of S. 373 and to insert in lieu thereof the provisions of H.R. 8480, as passed, as follows:

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, at any time on or after the date of the enactment of this Act and before July 1, 1974, 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, in each month which begins on or after the date of the enactment of this Act and before July 1, 1974, 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).

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.

SEC. 103. For purposes of this title, the impounding of funds includes—

(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.

SEC. 104. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section and section 102 the term "resolution" means only a resolution of the House of Representatives or the Senate which expresses its disapproval of an impoundment of funds set forth in a special message transmitted by the President under section 101, and which is introduced and acted upon by the House of Representatives or the Senate (as the case may

be) before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress.

(2) For purposes of this section and section 102, the continuity of a session shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period referred to in paragraph (1) of this subsection (and in section 102) and the thirty-day period referred to in subsection (d)(1). If a special message is transmitted under section 101 during any Congress and the last session of such Congress adjourns sine die before the expiration of sixty calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the sixty-day period referred to in paragraph (1) of this subsection and in section 102 (with respect to such message) shall commence on such first day.

(c) Any resolution introduced with respect to a special message shall be referred to the Committee on Appropriations of the House of Representatives or the Senate, as the case may be.

(d)(1) If the committee to which a resolution with respect to a special message has been referred has not reported it at the end of thirty calendar days of continuous session after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same message which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same special message); and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same special message.

(e)(1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) Motions to postpone, made with respect to the consideration of a resolution with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

(g) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to any resolution referred to in this section shall be decided without debate.

SEC. 105. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other 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 emloyee of the United States, and the President fails to transmit a special message with respect to such impoundment as required by this title, the Comptroller General shall report such impoundment and any available information concerning it to both Houses of Congress; and the provisions of this title shall apply with respect to such impoundment in the same manner and with the same effect as if such report of the Comptroller General were a special message submitted by the President under section 101, with the sixty-day period provided in section 102 being deemed to have commenced at the time at which the Comptroller General makes the report. As used in section 104, the term "special message" includes a report made by the Comptroller General under this section.

SEC. 106. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this title, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this title by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 107. Section 203 of the Budget and Accounting Procedures Act of 1950 shall not be applicable with respect to funds impounded on or after the date of the enactment of this Act and before July 1, 1974.

SEC. 108. Nothing contained in this title shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect; or

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment ordered or executed before the date of the enactment of this Act.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. Expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government shall not exceed $267,100,000,000.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditures and net lending, from appropriations or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) the President shall reserve amounts proportionately from appropriations and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in the United States Budget in Brief), except that—

(1) no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries; and

(2) no reservations from authority available for any functional category or subfunctional category shall have the effect of reducing the total amount available for any specific program or activity (as set out in the budget accounts listing in the Budget of the United States Government for Fiscal Year 1974, pages 167–312) within that particular category by a percentage which is more than 10 percentage points higher than the net percentage of the overall reduction in expenditures and net lending resulting from all reservations made as required by subsection (a).

(c)(1) Reservations made to carry out the provisions of subsection (a) shall be subject to the provisions of title I of this Act unless made in accordance with the proportional reservation and percentage requirements of subsection (b).

(2) In order to assist the Congress in the exercise of its functions under this title and title I with respect to reservations made to carry out the provisions of subsection (a), the Comptroller General shall review each such reservation and inform the House of Representatives and the Senate as promptly as possible whether or not, in his judgment, such reservation was made in accordance with the requirements of subsection (b).

(d) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or combination of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Amend the title so as to read: "An Act to require the President to notify the Congress whenever he impounds funds during the fiscal year 1974, 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 motion was agreed to.

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

The title was amended so as to read: "A bill to require the President to notify the Congress whenever he impounds funds during the fiscal year 1974, 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."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8480) was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON TREASURY-POSTAL SERVICE APPROPRIATIONS, 1974

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Treasury, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

Mr. EDWARDS of Alabama reserved all points of order on the bill.

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

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture have until midnight tonight to file a report on the bill, S. 1697.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 9360, MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 506 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 506

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. 9360) to amend the Foreign Assistance Act of 1961, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, 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 amndments 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. After the passage of H.R. 9360, the Committee on Foreign Affairs shall be discharged from the further consideration of the bill S. 1443, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9360 as passed by the House.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 506 provides for consideration of H.R. 9360, which, as reported by our Committee on Foreign Affairs, would give new direction, both in substance and form, to our foreign assistance programs. The resolution provides an open rule with 2 hours of general debate, the time being equally divided and controlled by the chairman and the ranking minority member of the committee.

The proposed rule provides that after general debate, the bill shall be read for amendment under the 5-minute rule, at the conclusion of which the rule further provides that the committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall then be considered as ordered on the bill and amendments thereto to final passage, without intervening motion except one motion to recommit.

After the passage of H.R. 9360, the rule also provides that the Committee on Foreign Affairs shall be discharged from the further consideration of the bill S. 1443, and it shall then be in order in the House to move to strike out all after the enacting clause of the Senate bill and insert in lieu thereof the provisions contained in H.R. 9360 as passed by the House.

Mr. Speaker, the U.S. foreign aid program as it was conceived and administered in the past, has in recent times been the subject of considerable criticism both in and out of Congress. H.R. 9360 incorporated the changes which the Committee on Foreign Affairs, after lengthy study and deliberation, has decided are needed to reform and reinvigorate U.S. economic assistance to developing countries.

Within the poor countries which will receive U.S. bilateral development assistance, the new legislation would directly benefit the poorest majority of the people and enable them to participate more effectively in the development process. General purpose capital transfers are to be minimized. Instead, allocation of funds will be made principally to help resolve common and pervasive development problems in these poor countries, such as food and nutrition, rural development, population growth and health, and education and human resources.

In addition, H.R. 9360 would establish a new Export Development Credit Fund to expand U.S. exports to the poorest countries without increasing our budgetary outlays. The proposed Fund would make credit available for exports of development related goods and services to the lowest income countries.

In keeping with this new approach to foreign assistance, the proposed legislation provides for a change of the title of the Foreign Assistance Act to the "Mutual Development and Cooperation Act," and the name of the Agency for International Development to the "Mutual Development and Cooperation Agency."

The new names reflect the emerging view that this Nation has a direct self-interest in the development of the countries which are extended assistance, and that their development affects the functioning of the world's cooperative systems in such fields as trade, monetary affairs, and investment.

Mr. Speaker, H.R. 9360 authorizes the appropriations of $1.046 billion for economic aid and $1.155 billion for military aid for foreign assistance programs in fiscal year 1974. In fiscal year 1975, $886 million is authorized for economic aid programs. There are no provisions in the bill for military aid in fiscal year 1975.

Mr. Speaker, I urge the adoption of House Resolution 506 in order that H.R. 9360 may be considered.

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

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

HOUR OF MEETING TOMORROW

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

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

Mr. MATSUNAGA. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the House has just completed action on the so-called impoundment bill. During the course of that bill, and toward the conclusion of the consideration, emotional speeches were made about the erosion of the powers of Congress.

I presume the gentleman from Hawaii has read the latest version of the foreign giveaway to the extent that some $3 billion of additional money will be expended on programs incident to the foreign giveaway?

Mr. MATSUNAGA. The presumption of the gentleman from Iowa is correct.

Mr. GROSS. The House will have an excellent opportunity tomorrow, some 24 hours or less after having approved the impoundment bill, to do something about the order of priority in spending. But, equally as important, it will have the opportunity tomorrow to demonstrate whether it says what it means and does what it says on the issue of delegated power to the President.

Running through this bill are all kinds of delegated power to the President.

Since it is my understanding that we will adopt the rule tonight and adjourn, it will be my business on tomorrow to give the House an opportunity to vote as to whether it wants to further embellish such powers in the matter of spending this $3 billion.

I thank the gentleman for yielding.

Mr. MATSUNAGA. For the information of the Members, we will just adopt the rule tonight and not go into debate, as the gentleman from Iowa has just suggested. I will be looking forward to hearing the gentleman from Iowa tomorrow. I will say this to the gentleman, that what the gentleman and I say here will not be long remembered, but if the gentleman does decide to vote for this bill, the world will never forget what he did here.

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

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

Mr. GROSS. If I do, as far as I am concerned, the world will come to an end there and then.

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 506 provides for the consideration of H.R. 9360, the Mutual Development and Cooperation Act of 1973. This bill will be considered under an open rule with 2 hours of general debate. The rule also makes it in order to insert the House-passed language in the Senate bill, S. 1443.

The primary purpose of H.R. 9360 is to authorize funds for foreign assistance programs.

The bill authorizes $2,833,868,000 for fiscal year 1974. This figure includes both economic and military assistance. The bill also authorizes $889,068,000 for fiscal 1975, which amount covers economic aid only.

Of the $2,833,868,000 authorized for fiscal year 1974, $1,046,868,000 is for economic assistance, $632,000,000 is for post-war reconstruction in Vietnam, Cambodia, and Laos, and $1,155,000,000 is for military assistance.

By way of comparison, the total amount authorized for foreign assistance programs for fiscal year 1937 was $2,629,-821,000.

In addition to authorizing funds, H.R. 9360 makes a number of other changes in present law. This bill changes the title of the Foreign Assistance Act to the "Mutual Development and Cooperation Act" and the name of the Agency for International Development to the "Mutual Development and Cooperation Agency."

The committee report also indicates that this bill represents a new approach to foreign aid. The idea is to focus bilateral development assistance on acute problem areas and encourage developing countries to allow the poorest people to participate more effectively in the development process.

The bill proposes the establishment of a new Export Development Credit Fund which would make credit available for exports of development related goods and services to the lowest income countries on terms that would, first, enable U.S. exporters to compete, and, second, be easier for these countries.

H.R. 9360 requires all military assistance to Laos and South Vietnam to be authorized under the Mutual Development and Cooperation Act of 1973 rather than the Department of Defense budget after June 30, 1974.

Another section in this bill repeals section 620(e) of the act regarding foreign expropriation of American property known as the "Hickenlooper amendment."

Mr. Speaker, the able gentleman from Iowa has explained the bill, setting forth the funds involved in the foreign aid bill, as I call it, although renamed the Mutual Development and Cooperation Act of 1973.

My position on foreign aid, Mr. Speaker is well known in the House. I am opposed to the bill, but I shall reserve my time.

I have no requests for time.

Mr. MATSUNAGA. 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.

WATERGATE STAFF SPY?

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

Mr. DEVINE. Mr. Speaker, the fairness of the media and balanced reporting has again been spotlighted as a result of the press conference yesterday of our former colleague, George Bush, Republican national chairman.

The subject matter had to do with the Chief Investigator of the Watergate Committee, Carmine Bellino, and sworn affidavits of three individuals that surveillance and electronic spying were instituted and supervised by Mr. Bellino during the 1960 Presidential campaign. Mr. Bellino, a confidant and idolizer of the late Senator Kennedy, apparently sought an advantage for the "Great Debates" as is set forth in the affidavits.

Mr. Speaker, with their usual "fairness" the Washington Post buried this on page 26, and the New York Times ignored it.

The material referred to follows:

AFFIDAVIT

John W. Leon, 525 Dupont Circle Building, Washington, D.C. being duly sworn, voluntarily deposes and says:

1. I am a licensed investigator doing business in the District of Columbia and Maryland under the agency name Allied Investigating Services with offices in the Dupont Circle Building, Washington, D.C. This has been my profession for more than fifteen years.

2. I have known Carmine S. Bellino, Chief Investigator, Senate-select Watergate Committee for more than twenty years.

3. During the 1960 Presidential Campaign, John F. Kennedy versus Richard M. Nixon, I was retained by Carmine Bellino to infiltrate the operations of Mr. Albert B. "Ab" Hermann, then and now an official of the Republican National Committee. Following an unsuccessful attempt to penetrate the office operations of the Republican National Committee, I was instructed by Carmine Bellino, to place "Ab" Hermann under physical surveillance, and to observe the activities of and visitors to Mr. Hermann's office, utilizing field glasses from my office, a nearby vantage point. Additionally I attempted to pick up conversation in Mr. Hermann's office, utilizing an electronic device known as "the big ear", aimed at Mr. Hermann's window from a nearby vantage point. This activity took place for five or six days in September or October, 1960. The results of my efforts were reported to Mr. Carmine Bellino who was assisting Robert F. Kennedy during the Presidential Campaign.

4. During the 1960 Presidential Campaign Carmine Bellino also directed Washington, D.C. investigators John Joseph Frank, Oliver W. Angelone, and Ed Jones in efforts to develop information concerning the Nixon activities and strategy. Messrs. Frank and Jones assisted me in surveillances of Ab Hermann on two or three nights each.

5. The services of Ed Jones during surveillances of Ab Hermann were made available to me by Carmine Bellino, who instructed Ed Jones to meet me in the vicinity of Mr. Hermann's Republican National Committee office. During hours of conversation with me Mr. Jones described himself as "the world's greatest wiretapper" and told me that he had successfully tapped the telephones of James Hoffa, former Teamsters' Union President, acting under the direction of Carmine Bellino for Robert F. Kennedy. According to Ed Jones, Mr. Hoffa's telephones had been tapped in Tampa, Florida.

6. During long conversations with me Ed Jones stated that he had tapped the telephones of three ministers in the Mayflower Hotel in the fall of 1960. According to Jones, Carmine Bellino suspected that these ministers were responsible for some of the anti-Catholic, anti-Kennedy literature that was distributed during the 1960 campaign. Ed Jones told me he could not spend much time with me on surveillance because he had several good wiretaps going for Bellino.

7. On the morning following the Kennedy-Nixon television debate (a crucial factor in the election) John Frank, Oliver W. Angelone, and a third investigator whose name I cannot recall were discussing the debate in the office adjacent to mine in the Dupont Circle building. There was agreement that Mr. Kennedy was extremely well prepared for points raised by Mr. Nixon—that he "had the debate all wrapped up". Oliver Angelone remarked "Jonesy really did his job well this time." Although I did not participate in installation of eavesdropping devices and did not tap telephone lines for Carmine Bellino during the 1960 campaign, I am confident that Ed Jones and Oliver Angelone successfully bugged the Nixon space or tapped his phones prior to the television debate.

8. Carmine Bellino has served on the staff of several U.S. Senate Committees and has been closely identified with Senators Robert F. and Edward Kennedy. Prior to the Watergate inquiry, Mr. Bellino served as Chief Investigator, U.S. Subcommittee on Administrative Practice and Procedures, chaired by Senator Edward Kennedy.

9. During the late 1950s and early 1960s Oliver W. Angelone was a successful private investigator in the Washington, D.C. area. He had many contracts, had several good-paying clients, possessed sophisticated bugging and wire-tapping equipment, and had the nerve needed to tackle eavesdropping activity. He also had master keys to hotels in Washington, D.C. including the Carlton and Mayflower. Mr. Angelone is currently employed as an investigator, General Services Administration in New York City.

10. Ed Jones served on the Senate Labor-

Racketeering Committee staff headed by Chief Counsel Robert F. Kennedy.

11. John Joseph Frank, Oliver W. Angelone, and I were indicted in the Washington, D.C. eavesdropping matter at the Mayflower Hotel in 1962 involving El Paso Gas Co. and Tennessee Gas Co. This case received wide publicity in the news media during the period 1962–1964.

Dated at Washington, D.C. this 8th day of June, 1973.

JOHN W. LEON.

AFFIDAVIT

Joseph Shimon, being duly sworn deposes and voluntarily states:

I have been a private investigator in the Washington, D.C. area for more than ten years. Prior to 1962 I served on the Metropolitan Police Force and in 1960 was an Inspector in that Department.

In late summer or early fall, 1960, I was approached by Oliver W. "Bill" Angelone, a private investigator, with offices on Jefferson Place, Washington, D.C. We had lunch at Billy Martin's Restaurant and after lunch conferred in Mr. Angelone's office.

Mr. Angelone explained to me that he was doing some work for Carmine S. Bellino, who was supervising investigative activity for the John F. Kennedy Presidential Campaign Committee. Mr. Angelone said that Republicans campaigning for Richard M. Nixon planned to occupy the top two floors of the Wardman Park Hotel and that he (Angelone) planned to install eavesdropping devices in that space.

Since Angelone was aware that I had several contacts with the security personnel at the Wardman Park Hotel he solicited my assistance to gain access to the top two floors at the hotel. He suggested that keys to the space be obtained and the security force be "taken care of". Additionally Mr. Angelone requested that I participate as a member of the "bugging" team to accomplish the installation of electronic eavesdropping devices.

After considerable discussion of the proposed bugging activity I declined Mr. Angelone's offer because I did not desire to jeopardize my status in the Metropolitan Police Department.

During the 1960 Presidential Campaign I was aware that Bill Angelone, John Joseph Frank, John Leon, and Ed Jones were engaged in investigative work for Carmine S. Bellino and the Kennedy Campaign Committee, but I did not participate in their activities.

JOSEPH SHIMON.

AFFIDAVIT

Edward Murray Jones, being duly sworn deposes and voluntarily states:

I am 67 years of age and reside in the Philippine Islands.

Prior to 1965 I was employed in investigative work for more than 15 years.

During the 1960 Presidential Campaign I was employed by the John F. Kennedy Campaign Committee for three or four months. During this period I was generally supervised by Mr. Carmine Bellino. My assignments were in the area of background checks, political research, and checking security of space and communications of Democrat facilities.

At no time during the 1960 Campaign did I participate in or have knowledge of telephone tapping activity or utilization of any electronic eavesdropping devices against Republican Party officials.

It is my recollection that I did participate in two surveillance efforts prior to the 1960 Presidential election. Although I could not identify the subjects of these surveillances, I assume there were Republican officials or supporters. Two or three teams and cars were used in the surveillance and other members of the team had the responsibility of identification of the subject. I recall that Carmine Bellino was present on one or both surveillances.

One of the surveillances was at National Airport, Washington, D.C., where we attempted to pick up an individual coming to Washington. The other surveillance effort involved an individual with offices in the vicinity of 19th and M Streets, N.W., Washington, D.C.

EDWARD MURRAY JONES.

BENIGN NEGLECT AND BROKEN PROMISES CONTAINED IN HANDLING ENERGY CRISIS BY THE ADMINISTRATION

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

Mr. MACDONALD. Mr. Speaker, in the course of the first session of this Congress, a great many Members have addressed the House on the subject of the energy crisis. Indeed, I know of no other subject which has attracted as much attention and debate, nor one which has produced as much confusion and misinformation.

As the ranking majority member of your Committee on Interstate and Foreign Commerce and chairman of the subcommittee assigned responsibility for energy matters. I have endeavored to measure the dimensions of the crisis and to chart an appropriate legislative course to deal with it. While that effort continues, I must report to you that—with each passing day—I grow more convinced that crisis conditions do not exist in fact but only in the advertising copy of the major oil and gas companies. Increasingly, economists and engineers have come forward to testify to the adequacy of domestic and world reserves to meet our short- and long-term demand for fossil fuels. To this the companies now respond that the problem is not that there are shortages in the basic fuels but that we have failed to provide sufficient economic incentives for corporate America to go get them. For those of my colleagues who have heard this argument let me only point out that the largest of the major oil companies reported an increase in earnings of 54 percent in the second quarter of this year—and that this was accomplished in spite of price controls. How will we be able to create economic incentives sufficiently high to encourage increased production when oil companies are permitted to profit so handsomely from the shortage?

I remain skeptical. There is, however, one aspect of the so-called energy crisis which is very real and that is the shortage of refined petroleum products. Over 2,000 independent marketers of gasoline who have been driven out of business in the last few months can attest to this shortage as can the thousands of motorists in Denver who have been forced to wait in long lines for limited supplies of gasoline. In my own section of the country, New England, the shortage has been especially acute and its effect on the independent jobber and retailer especially devastating.

Several Members have suggested on this floor that the gasoline shortage has been contrived or orchestrated by the major oil companies to purge from the business their only significant competitors, the independent nonbranded dealers. I do not know the truth of that allegation but—whether intended or not—this clearly has been the result.

In April Congress included authority in the Economic Stabilization Act Amendments of 1973 to permit the President to order mandatory allocations of gasoline and other petroleum products to prevent the major oil companies from taking unfair competitive advantage during the period of shortage. The President decided, instead, to rely on a "voluntary" program which encouraged the major companies to share their supplies with their competitors. As we are all aware, the voluntary program has failed miserably. Convinced that it would, I introduced legislation in May to set up a mandatory allocation program to preserve the independent marketing segment of this industry. Because nearly one-third of the Northeast market is serviced by independents, virtually the entire New England delegation joined me in this effort as well as 74 other cosponsors. Similar legislation was introduced by my colleagues from other sections of the country. Nevertheless, I believe most of us who urged mandatory controls were hopeful that the administration would see the light and act to make legislation unnecessary. This hope was soon shown to have been misplaced.

After the situation worsened in June, the full Commerce Committee was convened for the priority consideration of my proposal to legislatively mandate controls. Our initial witness, Deputy Secretary of the Treasury William Simon, appearing on behalf of the administration, urged the committee not to take action. We were told a decision on whether to go to mandatory controls would be made within the week by the administration. Knowing that the Congress would not be able to act within a week's time to bring legislative relief for the independent marketer, I was willing to wait an additional 7 days to see if the administration would finally do the right thing.

Seven days stretched to 8, then 9, then 10. I was disposed to be patient. The President was in the hospital; his energy adviser, Gov. John Love of Colorado, was new to the job. Yet with each additional day's delay, the competitive situation grew worse. I began to probe the bureaucratic reaches of the administration to find out when a decision would be made and announced. With each inquiry I received new promises that a decision was forthcoming. It is now 15 days since the committee was told a decision would be made "within the week."

When I asked Governor Love to come before the committee to report on what is delaying the decision, I was told that the earliest he could do so would be the end of next week. I recognize, of course, that he has an extremely difficult task before him and there are great demands placed on his time, but to refuse to appear until the day before the Congress proposes to adjourn evidences on behalf

of the administration indifference to the problem facing the independent marketer and to the concern which has been expressed by the Congress.

Mr. Speaker, I do not report these events with a sense of anger—although I think there is some basis for that. Rather I feel a sense of regret and disappointment because I can only conclude that the failure of the administration to act results either from a paralysis of the decisionmaking process or a lack of resolve to take steps which are opposed by the major oil companies. Whatever the cause, small business and the American people will pay the price for the indecision of these last weeks. If, as a result, independent distributors and dealers of gasoline are forced out of the market, the price could well be measured in the millions of dollars.

A WARM WELCOME TO THE SHAH OF IRAN

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

Mr. SIKES. Mr. Speaker, America should show particular appreciation for the presence in our country of the Shah of Iran. His country's friendship for the United States has been well and effectively demonstrated time and again through the years. This is all the more significant because in the Mediterranean and Persian Gulf we have in recent years lost, not gained, friends. The problems we have in achieving understanding in that area are growing, and so is the importance of the area to us and the free world. The Shah's influence and that of his government is very important indeed in the search for peace and understanding throughout the area.

Our distinguished guest should be doubly welcome in this country because his is a sound and enlightened administration. Under his guidance, the concern which has been shown for the average citizen has been surpassed in few, if any, nations of the area. Certainly the progress which has been made in improving the lot of the people of Iran is an outstanding demonstration of wise leadership.

The Government and the people of the United States should overlook no opportunity to show our friendship for the Shah and his government. Good friends, strong friends are rare indeed. Those whose goals are so commendable are truly an asset to world accord, and, world progress.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THE HEALTH CUTS RANG FALSE FROM THE START

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

Mr. O'NEILL. Mr. Speaker, I am glad to see that the master planners at HEW have decided that their so-called economies in health programs are unacceptable to the American people and to the Congress.

A departmental planning memo reveals that HEW is going to give up on its attempts to save some $1.8 billion by taking it out of the hides of the elderly, the poor, and the average citizen.

The administration's proposals to cut medicare benefits and to eliminate health programs have rung false from the beginning. By including such cuts in his budget, President Nixon was able to present Congress with a deceptively low budget total last January.

However, the administration must have known from the start that Congress was not about to accept cuts in medicare or the elimination of mental health centers and other vital health programs.

That is not economy; that is callousness toward those who most need health care and who can least afford it.

DISCRIMINATORY FREIGHT RATES

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

Mr. DE LA GARZA. Mr. Speaker, the south Texas district which I represent is unfairly penalized by discrimination in interstate freight rates of manufactured products, agricultural commodities, and raw materials.

I refer specifically to such rates maintained by common carrier by rail between points in my area and the Midwest and between points in Florida and the Midwest. On certain products the rate is weighted as much as one-third against south Texas.

As a result, our people are missing out on opportunities for the location in our area of processing plants which would give jobs that are badly needed and which would provide additional markets for our agriculture.

The importance of this situation extends far beyond my own district. We hear daily about the dollar crisis and the energy crisis, but unless steps are taken to improve the outlook for the American farmer we are shortly going to face a food crisis of serious magnitude.

The number of American farms is dwindling. Each year more than a million acres of land go out of production. Current unrest over rising food prices must not be allowed to obscure the fact that the farmer's prices are set by the inexorable law of supply and demand. In other businesses, you figure costs and add a profit. Farmers cannot do that; their products must be offered in the marketplace when they are ready for consumption. The prices the farmer receives tend to fluctuate up and down. And when they are down, his increased costs have to be absorbed; they cannot be passed on.

When discriminatory freight rates are added to this picture, the farmer's economic situation becomes untenable. That is what is happening today in my south Texas district.

I have therefore introduced a bill to require the Interstate Commerce Commission to investigate certain interstate freight rates for the purpose of determining whether such rates are unjust or unreasonable. If that is found to be the case, my bill provides that the Commission shall take such remedial action as may be appropriate.

Mr. Speaker, this is a matter of great and immediate concern to the people I represent. I ask the support of my colleagues for my bill.

CUTBACK OF 50 PERCENT IN EPA'S SOLID WASTE MANAGEMENT STAFF

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

Mr. STAGGERS. Mr. Speaker, earlier this year the Congress passed the Solid Waste Disposal Act extension. The purpose of that act was to allow the EPA solid waste management program to continue operating during fiscal year 1974 at current levels, while the Congress held hearings and decided how to amend that act in the best interest of the Nation.

Later this year or early in the second session, the Subcommittee on Public Health and Environment will be holding hearings to review the Solid Waste Act. I am concerned to learn, however, that over 50 percent of EPA's Solid Waste Management staff has been cut back in the last 6 months and that further manpower reductions are likely to occur.

Therefore, I have today sent a letter to Mr. Roy Ash, Director of the Office of Management and Budget, urging that all further personnel reductions be halted until Congress can hold hearings and review the solid waste law.

Mr. Speaker, I include for the RECORD at this point a copy of my letter to Mr. Ash:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 24, 1973.

Hon. ROY ASH,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. ASH: Earlier this session Congress passed the Solid Waste Disposal Act Extension. That legislation extended the expiring authorizations under the Solid Waste Disposal and Resource Recover Acts for a single year. Not one penny more was authorized for fiscal year 1974 than for the previous year.

The purpose of this legislation was to afford the Congress a full opportunity to review and evaluate the existing programs under these Acts and to determine which were working, which weren't, and which could better be handled by State or local government. In the meantime, it was felt that the existing program should continue at current levels.

Present plans call for the Subcommittee on Public Health and Environment to begin holding hearings on these Acts late this session or early in the second session.

It has come to my attention, however, that since February of 1973, the number of personnel in the Environmental Protection Agency's Office of Solid Waste Management (and related research and regional personnel) has been reduced from 310 to under 165. I have also learned that further cuts scheduled for August would reduce personnel levels to 120.

I am concerned that such cutbacks before the Congress has had a full opportunity to review the Act are not in the best interest of the Nation or consistent with the intent of the Extension Act passed early this year.

I, therefore, respectfully urge you to withhold any further personnel reductions in the Solid Waste program until Congress can act.

In light of the impending terminations, I would request your prompt and personal attention to this matter.

Sincerely yours,

HARLEY O. STAGGERS,
Member of Congress,
Chairman.

SHADES OF SHIRLEY TEMPLE

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

Mr. KOCH. Mr. Speaker, I have a Shirley Temple story that I would like to tell to the Congress which I think my colleagues will find interesting. The Members will recall that when the Martin Dies investigation was going on, Shirley Temple was investigated because Chairman Dies thought that she was a Communist.

Today's story involves Lori Paton, a 15-year-old high school student from New Jersey. Miss Paton was given a class project, in which she was assigned to explore the political ideologies from left to right, and to write a report. By mistake she addressed one of her inquiries to the Young Socialist Alliance, a Communist group, and they sent her their newspaper and other material.

Believe it or not, the FBI ran a cover on her letter, and an agent subsequently came to her school, interviewed her principal, and asked about the girl's character and her interests. One of the most alarming aspects of the story is that the FBI is scanning our mail. But Miss Paton should not feel alone in her surveillance by the FBI, Mr. Speaker, since as we know, the FBI also maintain dossiers on Members of Congress. These are outrages.

Like Shirley Temple, this young lady may have a future in the movies, Mr. Speaker.

For the benefit of my colleagues, I have appended today's New York Times story which describes this incident. The article follows:

JERSEY GIRL SUES THE FBI OVER AN INTERCEPTED LETTER

(By Joseph F. Sullivan)

NEWARK, July 24.—A damage suit has been filed in Federal District Court here charging the Federal Bureau of Investigation with intercepting a letter written by a 15-year-old high school girl as part of a school project and with subsequently investigating her character and activities.

In addition to seeking $65,000 in damages, the suit, which was filed by the Rutgers Constitutional Litigation Clinic and the American Civil Liberties Union of New Jersey, requests a court order forbidding the F.B.I. from intercepting or interfering with mail sent by citizens to lawful political organizations.

The plaintiffs in the suit are Lori Paton of Chester, a pupil at West Morris-Mendham High School; her father, Arthur Paton, and William Gabrielson, chairman of the school's social studies department.

FROM LEFT TO RIGHT

According to Frank Askin, a cooperating attorney of the A.C.L.U., the girl wrote a letter in February requesting information about the Socialist Labor party as part of a social studies project entitled "From left to right," which sought to explore various political ideologies.

"By mistake, she addressed the letter to the Young Socialist Alliance on Charles Street in New York," he said, "and the organization sent her its newspaper and other material." The Young Socialist Alliance is affiliated with the Socialist Workers party.

On March 28, according to the complaint, an F.B.I. agent visited Richard Matthews, principal of her school, and began inquiring about the girl's character interests. Mr. Matthews, who is on vacation and unavailable for comment, reportedly became concerned that a harmless school exercise could inspire an F.B.I. investigation, and he informed the American Civil Liberties Union of the visit.

Lori Paton, who was at home today with her mother, Nancy Paton, said that Mr. Matthews had immediately summoned her and the social studies teacher in the hope that they would arrive before the agent left the school.

"The agent apparently thought I had graduated," she said. "When he heard I was still a student and the letter was part of a class exercise, he quickly dropped his questioning and left."

Lori said her initial reaction to the investigation was one of disbelief. "I couldn't fully understand what was happening," she said. "When I became aware of it, the thing that disturbed me most was that they were doing it behind my back."

"Although we want to be assured my name isn't on any lists, the main reason for the suit is the principle involved and the fact that this type of thing could really interfere with the educational process."

News of the visit caused a flurry of activity at the school. "The thing became blown up and was discussed at length in our history class and in the school newspaper," Lori said.

The girl said her decision to follow through with the litigation had been greeted by a mixed reaction on the part of her friends and classmates.

"DOING THE RIGHT THING"

"Most of my friends said I was doing the right thing, and those who thought it should be dropped said they could understand my reasoning," she said. "The trouble is, I can't understand theirs."

Mrs. Paton said she was "a little shocked and angry" when she learned that her daughter was the target of an investigation, and said she supported Lori's decision to press the suit.

CONGRESSIONAL FELLOWSHIP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona. (Mr. UDALL) is recognized for 60 minutes.

Mr. UDALL. Mr. Speaker, 20 years ago a unique experiment, now known as the congressional fellowship program, was started by the American Political Science Association. Six young men and women were selected and served as the first congressional fellows in 1953. Incidentally, Congressman KEN HECHLER, then working for APSA, was instrumental in starting the program and served as its first director.

Since that time the program has grown substantially. Its contributions to the Congress have multiplied, and over the years many Members of Congress have participated. Upon this occasion, the 20th anniversary of the program, we want to tell our colleagues about the program, its operation, the fellows and their work.

The uniqueness of this program deserves further explanation. The fellows are selected through a highly competitive and rigorous screening process. Successful applicants have excelled in academic accomplishments and in their fields of work. They possess a high level of professional competence and are able to handle assignments of high responsibility with very little instruction and supervision. As a result, Members request many more congressional fellows than the program is able to provide.

I have always felt that any fellow who has survived the screening process would be a welcome and exceptionally helpful addition to my staff. I know that many of my colleagues share my views.

The primary purpose of the program is to provide congressional fellows with a comprehensive view of the Congress. An intensive, month-long orientation exposes them to all facets of the congressional environment. Then fellows learn by working about 4 months in either the House or the Senate. A switch to the other body for another 4 months of work completes the scene. The 20th group of fellows, now concluding their tenure on the Hill, have had this unusual chance to study the Congress from the inside and from different perspectives. I can think of no better way for anyone to learn the ins and outs of the Congress in a short period of time.

I could say much more about the program, but the story has recently been summarized by the American Political Science Association. I ask unanimous consent that this summary statement be reprinted at the conclusion of my remarks.

I have been associated with the program since my arrival in the Congress, and more than a dozen fellows have worked in my office. I have served too on the program's advisory board. From this involvement I can personally attest to the excellence of the congressional fellowship program. It has great significance to the Congress and to the Nation. Those who support the program and its fellows deserve the gratitude of all Members of the Congress.

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

Mr. UDALL. I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to join with the gentleman from Arizona in this tribute on the congressional fellows program.

The most beautiful thing about the program is that it provides mature, trained assistance to the individual Member or committee at no cost other than space and some office supplies. While the focus of the program is to provide a learning experience for the fellow and a better understanding of the legislative process, all of the fellows in my office have undertaken substantive assignments on legislative and constituent matters.

The variety of assignments undertaken by fellows is staggering. They research legislation for Members, help develop legislation, write reports, brief Members on committee and floor activities, respond to constituent mail, arrange hearings,

meet with lobbyists, serve as aides in trips to the district or in international conferences and represent the Member at meetings and conferences. As one example, the fellow in my office currently has independently responded to the many concerns, questions and problems arising from the oil and gasoline shortage and the implementation of the voluntary allocation program.

In the 20 years since the program began, 571 fellows have served in the Congress. In the House 164 Members have participated in the program. In addition, Fellows have been assigned to 21 committees and subcommittees. In the first year of the program, there were six fellows.

This year, the 20th, there are 44 fellows serving in both the House and Senate. About half of them are Federal civil servants, while the remainder are from the fields of political science, journalism, and law.

The American Political Science Association furnishes a full-time Director, Mr. Thomas Mann, and support services from the national office. Members who wish to participate in the program should contact Mr. Mann.

The value of the program is beyond question. Members, fellows and outside observers all attest the value of the experience for not only Members and fellows, but for the Congress as a whole and for the agencies and groups with whom the fellows have contact after the program.

The alumni of this program represent a broad spectrum of people involved in the public's business. They are university officials and professors, Federal executives—many at the supergrade levels—White House aides, congressional committee and office staff and foundation and business executives.

On this occasion, I am proud to recognize the accomplishments of the congressional fellows program and to commend the American Political Science Association and the Civil Service Commission as well as my fellow Members for their continued interest and support.

Mr. UDALL. Mr. Speaker, I thank my colleague for completing this picture of the congressional fellowship program. Other Members who have participated have eagerly responded to our invitation to join in this colloquy.

I include the following:

CONGRESSIONAL FELLOWSHIP PROGRAM

Sponsored by the American Political Science Association since 1953, the Congressional Fellowship Program is designed to equip outstanding young political scientists, journalists and federal agency executives with a better understanding of the national legislative process. The program has provided over 500 Fellows a first-hand view of Congress through an intensive orientation program and an internship assignment in Congress.

The Congressional Fellowship Program is distinctive in several important respects. First of all, participants are very well-qualified, having obtained advanced academic degrees and/or substantial work experience. Second, Congressional offices are receptive to having Fellows and the demand for Fellows greatly exceeds the supply. Third, the work performed by Fellows is of a high calibre, typically involving duties comparable to those of itgislative assistant and press secretary. Finally, the program has an excellent reputation among participants in the Congressional process, including Congressmen, executive agency officials, lobbyists and the press.

PARTICIPANTS

Each year the program includes approximately 40–50 Fellows. The political scientists and journalists (numbering around 15) are supported by the Association with funds received from foundation grants. The remaining Fellows participate in the program through affiliate arrangements. Some are career civil servants (Grades 13–16) who are supported by agency training funds and sponsored by the Civil Service Commission; other affiliate Congressional Fellows have been supported by the Asia Foundation, the Commonwealth Fund, the American Friends of the Middle East, the Bush Foundation, and the Joseph E. Davies Foundation. In addition, the program will soon include young medical doctors in a special health policy section funded by the Robert Wood Johnson Foundation.

The political science and journalist Fellows are selected in a nationwide competition. Around 150 applications are received for the fifteen places available. Special efforts have been made to have participants from disadvantaged groups—Women, Blacks, American Indians, Chicanos—represented among the award winners. While several stages are involved in the selection process, including personal interviews, the final responsibility for selection rests with the Advisory Committee, which is composed of political scientists, journalists, and bipartisan representation from the legislative and executive branches of government. This committee is also responsible for assisting the Association in determining policy for the program.

PROGRAM SCHEDULE

The program commences in early November with an orientation period that includes seminars with numerous legislators, administrators, lobbyists, and others covering a wide range of topics relating to Congress and public policy-making. During this time Fellows also begin exploring individual office assignments. Negotiations are conducted by the individual participants with Congressional offices of their choice. Fellows begin work in their House or Senate offices in December. They serve in each house of Congress for approximately four and a half months. A continuing series of seminars are scheduled during the entire year to supplement the intern experience. Fellows also travel with their Representative and Senator to the Congressional district or state during the course of a year.

OFFICE ASSIGNMENTS

The Congressional Fellows have participated in a wide variety of educational activities with over 300 Members of Congress and committees for whom they have worked. Some have been given major responsibility for drafting legislation, arranging Congressional hearings, coordinating lobbying activities, and briefing Members for committee deliberations and floor debate. Others have concentrated on campaign problems, assuming responsibility for strategy and speech writing, and making an occasional trip to the home state or Congressional district. Some Congressional Fellows have participated in international conferences abroad, serving as a staff aide to their Congressman or Senator. Whatever the specific mix of responsibilities, the work of the Congressional Fellows is typically professional and highly valued by the Member for whom he or she serves.

PROGRAM ADMINISTRATION

The program is administered by a Director, with the full support of the Association's national office staff. The Director is responsible for structuring the orientation period and subsequent seminars, advising Fellows in the office selection process, maintaining liaison with Members of Congress and other interested publics, and coordinating the selection of new Fellows.

EVALUATION

The success of the program in its first two decades of operation can be assessed from a variety of perspectives. Formal independent evaluations in 1964 by Everett Cataldo of Florida Atlantic University and in 1971 by Ronald Hedlund of the University of Wisconsin-Milwaukee contain evidence that virtually all past congressional Fellows view their experience in the program as highly positive and instrumental in their upward career mobility. Members of Congress have gone on record numerous times expressing their satisfaction with and support of the Congressional Fellowship Program. Most recently, the Speaker of the House, the Minority Leader, and 58 Congressmen made the following statement in support of the program.

It is our judgment that this program has been one of the most productive and useful educational programs in the Congress. In addition to the mutual benefits accruing to Congressional offices and the participating Fellows, we feel that the better understanding of Congressional operations by future leaders in the Executive Branch, the academic community, and journalism, contributes in a most positive way to public information and discussion of the important issues facing Congress as well.

Comparable individual assessments have been made by many more Representatives and Senators.

Finally, there appears to be a general consensus among political scientists, especially Congressional scholars, journalists and many governmental officials that the Congressional Fellowship Program has made in the past and continues to make an impressive contribution in understanding public policies and in upgrading teaching and research, political reporting, congressional staffing and executive administration.

FUNDING

Funded initially by the Edgar Stern Family Fund of New Orleans and subsequently in large part by the Ford Foundation, the Program has received additional contributions from a substantial number of foundations and corporations, including the Courier-Journal and Louisville Times Foundation, the New York Times Foundation, the Shinner Foundation, the Poynter Fund, the Revlon Foundation, and the Helen Dwight Reid Foundation.

Mr. RIEGLE. Mr. Speaker, I am pleased today to have this opportunity to voice my admiration and support for the congressional fellowship program. In its 20 years of existence, this excellent program has allowed more than 500 young Federal agency executives, journalists, and political scientists each to spend nearly a year working in congressional offices.

It is essential that these emerging national leaders have opportunities of this type to gain a firsthand understanding of the legislative process. Many of the issues that divide our Nation today are worsened by a lack of adequate understanding between the respective branches of Government. The executive branch and the legislative branch must be able to work together effectively—if we do not, we cannot expect to lead our people. It is also vital that the press and the academic community better understand the processes and pressures of the Gov-

ernment from the inside, and the congressional fellowship program has certainly made a major contribution in this area.

The congressional fellows, however, are not the only beneficiaries of this program. Those of us who have been fortunate enough to have fellows work in our offices can testify to the fact that they offer top quality professional expertise, discipline, and a willingness to dig in and work on problems. In my 6½ years in the House, I have had the pleasure of working with four fellows—Mr. John Iglehart, Mr. Edward Stock, Mr. Harry Freeman, and Mrs. Patricia Taylor. They have undertaken a variety of tasks including conducting public opinion surveys, coordinating a parliamentary exchange program, doing research for congressional hearings, preparing testimony, and participating in all aspects of the day-to-day business of my office. They have also traveled with me to my district, Flint, Mich., to become directly acquainted with the people and problems there.

Mr. Speaker, in summary I would like to express my personal appreciation for the congressional fellowship program and indicate my strong support for its continuance. It is an important effort to improve the effectiveness and quality of government and deserves the support of all of us in the Congress.

Mr. CORMAN. Mr. Speaker, I think it is most appropriate that we recognize the 20th anniversary of the congressional fellowship program, and I appreciate this opportunity to join my colleagues in praising this worthwhile program.

Over the past years, I have had several congressional fellows in my office. Because of the information, experience and skills they have brought with them, each one has made an important contribution to my office and helped me and my staff better perform my legislative responsibilities. Each fellow has also indicated his appreciation for the opportunity provided by the program and the understanding and insight derived from this unique experience.

Both parties benefit a great deal from this program. I have certainly appreciated the assistance of the fellows that have worked for me. And I am sure it would take many volumes to include all of the scholarly research, newspaper articles and classroom lectures that reflect information and understanding derived from participating in this program.

It is important, especially at a time when there is so much talk of the isolation of public officials and the erosion of public confidence in political leaders and institutions, that the Members of Congress support programs like the congressional fellowship which encourage the movement of individuals between political and nonpolitical positions; and which allow some of those who teach, research, and write about politics to experience first hand the complexities of contemporary issues and the operations of political institutions.

Mr. DELLUMS. Mr. Speaker, today marks the 20th anniversary of the congressional fellowship program. I have had the opportunity to have a fellow serve in my office and to have worked with fellows on the staffs of several other Members. Without exception, I found the fellows to be outstanding.

The diversity and professionalism of the fellows has brought new viewpoints and considerable expertise to the Hill. I believe that the exposure to the legislative process of the participants from the press, academia, civil service and from abroad has facilitated the understanding and working of the entire governmental process.

The increasing inclusion of greater numbers of women and minorities in the program is a significant contribution to the rise of these young women and minorities in their fields of endeavor.

The congressional fellowship is the only fellowship program associated with the Congress. Its contributions are also unique. Much of the political research on the national legislative process has been done by former fellows. The role of former fellows reads as a who's who of executive bureaus, college faculties, congressional staffs and the press.

I salute the American Political Science Association for its administration of the program.

Mr. PEYSER. Mr. Speaker, I want to use the opportunity of the 20th anniversary of the congressional fellowship program sponsored by the American Political Science Association to add my voice to the many who have spoken out in praise of this outstanding program.

During my service in Congress in the last two terms, I have had the pleasure of having two congressional fellows serve in my office. These young men, Mr. Robert Kane who came from the General Services Administration, and Mr. Sam Bowlin, who came from the General Accounting Office, are indeed a credit to this fine program, and to their own respective organizations. They were a great help to me in working on research projects, in my committee work and in helping me be of service to my constituents. I believe the congressional fellowship program provides the Congress with a tremendous opportunity to bring outstanding young professionals in to congressional offices and to permit them to work side by side with Members, to learn more about the legislative process.

I hope this program will continue for many years in the future and we should all be grateful to the American Political Science Association for its sponsorship.

Mr. DRINAN. Mr. Speaker, I wish to join my colleagues today in praising the congressional fellowship program. This program gives a wide variety of individuals the unique opportunity to participate in the important legislative process.

As many of my colleagues already know, the congressional fellowship program selects 15 people from more than 150 applicants; and gives them an intensive 9½-month education in the workings of Congress. These fellows attend seminars with prominent legislators, administrators, lobbyists, and others covering a wide range of topics relating to Congress and the entire legislative process.

In the recent past, I was privileged to have a woman from the Social Security Administration work in my office as part of this program. I found her invaluable in assisting me in the many varied duties of my legislative work. In particular, she aided me greatly in adding to my knowledge of the problems relating to social security.

This program is particularly important to our society in today's untrusting political climate. These fellows are tomorrow's leaders. By enabling them to do in depth work in various congressional offices, the various foundations which have supported this program insure that these future leaders of America will have the knowledge and experience which constitute a solid foundation for their careers in government.

It is my sincere hope that this program will be able to continue through the continued generosity of various funds and institutions. I urge every Member of Congress to join with us today in support of this program.

Mr. TOWELL of Nevada. Mr. Speaker, it is a distinct pleasure to congratulate the American Political Science Association on the 20th anniversary of the congressional fellowship program. I have been fortunate to have Mr. Paul W. Newton from the Department of the Navy, Office of Civilian Manpower Management, as a congressional fellow on my staff since April. Mr. Newton sold me on the program first through his initial conversations with me about the background and purpose of the program, and then through his contribution as a member of my staff these past 3 months. The benefits of the program to the fellows can only be exceeded by the valuable contribution they make to the Members and committees for whom they work.

As a freshman Member of this Congress, I am constantly encouraged by the high caliber of staff resources available to enable me to do my job better. The APSA congressional fellowship program is certainly no exception. With my first exposure to the program, I had no idea of the pervasiveness and acceptance of the participants in the Congress, the executive branch, the academic community and the media. I have since come to highly respect the purposes of the program and the participants. I am very happy today to join with my colleagues in the House in commending the APSA on its fine program.

Mr. LONG of Louisiana. Mr. Speaker, I would like to join my voice to those of my colleagues in congratulating the congressional fellowship program on its 20th anniversary.

For the last 5 months I have enjoyed the services of one of these congressional fellows, an outstanding young political scientist from the University of California, Dr. Stephen H. Balch. Dr. Balch has proved himself an invaluable asset during his all too short stay in my office. He has ably performed a wide range of functions for me, particularly in the areas of legislative research, and in the preparation of speech materials. His presence has done much to stimulate the efforts of my fine, but unavoidably overworked regular staff. Like most congressional fellows,

who come to the program with considerable experience in administration, academics or journalism, Dr. Balch's background has allowed him to play an innovative role as a source of fresh and imaginative ideas. With this year's congressional fellowship program coming to a close, Dr. Balch will soon be leaving my staff to assume a responsible administrative post in the City University of New York. His departure will leave a gap in my office that will not be easily filled.

Dr. Balch is not atypical of the level of talent that this program has supplied to Congress over the last two decades, and this wealth of ability has become all the more important now that the legislative branch must struggle to hold its own in the constitutional system.

Of course, the benefits of the program flow in two directions. Not only does the Congress benefit through tapping a reservoir of skills that would not otherwise be available to it, but the fellows themselves enrich their experience and deepen their understanding of how our political process works. Moving out into key positions in our society former fellows can effectively communicate to others the insights that they gathered during their year in the program.

It is my hope that 10 years hence we will all gather again to celebrate the 30th anniversary of this program, not only because of our own personal stake in its continuation, which is substantial, but because of the significant contribution it makes to the strengthening of our representative institutions.

Mr. HARRINGTON. Mr. Speaker, this year marks the 20th anniversary of the congressional fellows program, one of the most useful and productive educational programs in the Congress. I would like to commend the fellowship program for its valuable contributions in the past, and to wish it continuing success in the future.

Since the program began in 1953, sponsored by the American Political Science Association, it has given more than 500 journalists, political scientists, and Federal agency executives the opportunity to work as staff members in House and Senate offices. The fellows work on a short-term basis and are paid by funds from private sources.

The 300 offices on the Hill which have had fellows have benefited in a great many ways. The offices receive, free of charge, professional, highly qualified assistance from fellows who have expertise in a variety of areas, and who are capable of taking major responsibility for drafting legislation, briefing Members of Congress, arranging hearings, writing speeches and doing other congressional work. The offices benefit in another way, too. A fellow who is not paid by the office and who is not part of the permanent staff can often observe the workings of the office in a detached, disinterested way, and offer constructive criticism.

My office has had six fellows over the past 4 years—four journalists, one law professor, and an executive in a Federal agency. Their contribution to my office has been extremely valuable, and they have worked in a whole range of issues from impoundment to gun control.

The fellows themselves say they have benefited immeasurably from their experiences in the program. They have left, for a year, jobs in which they might have grown stale, or hit a plateau, and have had the opportunity to test themselves in a new environment, and to grow personally and professionally. They have had the chance to participate from the inside in the complex processes of government. The fellows, when they return to universities, to newspapers, or to the Federal Government, bring back new insights and new understanding which they can share with others.

The fellowship program has made in the past and continues to make a real contribution to understanding public policies, to upgrading teaching and research, political reporting, congressional staffing and executive administration.

The program, with its private, independent base of support, also represents a positive way for the private sector to contribute to the improvement of the operations of our Government.

I have enjoyed my experiences with congressional fellows in the past, have appreciated their contributions to my office, and look forward to having another fellow when the program resumes in the fall.

Mr. VANDER JAGT. Mr. Speaker, it is a great pleasure for me to join in recognizing the 20th anniversary of the congressional fellowship program. For these two decades this unique program, sponsored by the American Political Science Association, has brought political scientists, journalists, law professors, civil servants and scholars from other countries to Capitol Hill. Hundreds of Members of the House and Senate have had congressional fellows on their staffs.

The congressional fellowship program is founded upon the premise that practical experience at the staff level constitutes an extremely effective means of learning the national legislative process. Most academics selected for this program have returned to teaching, carrying into college classrooms the rich personal insights which can only be obtained through participation in the life of the Congress. Federal administrators have become more valuable to their agencies as a result of their exposure to the policymaking process. Journalists have returned to their newspaper staffs with a greater capacity to report congressional activities.

As rich as this professional program has been for the more than 500 men and women who have received this award, I believe that an equal value has accrued to Congress through its involvement in the program. The backgrounds of congressional fellows enable them to assume positions of significant responsibility in Members' offices and on committee staffs, and in these roles the fellows make an important contribution to our national legislative institution.

Mr. Speaker, I commend the American Political Science Association for its excellent administration and sponsorship of this program, which exemplifies the finest of relationships between an academic discipline and the governmental process.

Mr. O'HARA. Mr. Speaker, I want to thank the distinguished gentlemen from Arizona (Mr. UDALL) and Wisconsin (Mr. STEIGER) for arranging for this special order so that the House can pay a deserved tribute to the congressional fellowship program of the American Political Science Association—to the officers and members of that association for managing the program, to the Stern Family Fund, and the Ford Foundation for their continuing generosity in shouldering the major financial burden of the program, to the other foundations who have made significant contributions, and to the agencies of the United States who have allowed some of their best career people to take a "year off"—to misstate the case rather seriously—in order to participate. But most of all this gives us an opportunity to thank the congressional fellows themselves who have made a rich, diverse and invaluable contribution to the staffing of the Congress—its Members and its committees.

As most of the Members of this House know, Mr. Speaker, the contribution the congressional fellowship program has made to the legislative process has been many-sided. Many of us have benefited directly from having congressional fellows on our staff during their fellowship period. And I will talk about that later. A great many of the congressional fellows have remained on the Hill or have gone to work for organizations ancillary to the legislative process.

Other congressional fellows have returned to the executive branch and have in many cases, deepened the sensitivity of those agencies to the needs of the Congress and the nature of the policymaking process.

And many others have returned to the campuses or to the city rooms of their newspapers and have contributed in their teaching or reporting to a deepened public understanding of the processes by which our laws are made.

The congressional fellowship program of the American Political Science Association, Mr. Speaker, has been a 20-year contribution to the Congress and to the public interest which is beyond price. I hope that the current plans to write "finis" to this experiment are not realized.

Let me close on a personal note, Mr. Speaker, I am not talking from a wholly disinterested point of view. My office, my subcommittees, and the Democratic Study Group during my chairmanship all benefited from the congressional fellowship program.

I have enjoyed the services of 10 congressional fellows in my own office staff during my 15 years in the House. These include Jim Klonoski, now chairman of the political science department at the University of Oregon: Richard Warden of the United Auto Workers Legislative Staff, and my own Administrative Assistant subsequent to his fellowship, Nelson Guild, now president of Frostburg State College, Henry Feuerzeig, Assistant Attorney General of the Virgin Islands, Armin Rosencranz, now an urban planning consultant in California, Harry Lenhart of the staff of National Journal, Wayne Shannon, now with the University

of Connecticut, Jim Horner, an NLRB field attorney in Cincinnati, Tom Mann, now director of the congressional fellowship program itself, and Al Franklin, who after his fellowship joined the staff of my own Subcommittee on the Education and Labor Committee, on which staff he today serves as Counsel.

These names are not the end of the list. In addition to Dick Warden and Al Franklin, I have also employed three other ex-fellows. These include Bill Shands, once my Administrative Assistant, now with the Central Atlantic Environment Service, Dick Conlon, whom I hired as staff director for the Democratic Study Group—a function he is still performing in a very admirable manner, and Jim Harrison, who has worked with the Education and Labor Committee since 1965, and has been staff director of the two subcommittees I have chaired—the Subcommittee on Agricultural Labor and presently the Special Subcommittee on Education.

There have been 571 congressional fellows in these 20 years, Mr. Speaker. All of them have served all of us well.

Mr. CONTE. Mr. Speaker, I want to commend my colleagues, Mr. STEIGER of Wisconsin and Mr. UDALL, for taking this time today to commemorate the 20th anniversary of the congressional fellowship program.

As one who has benefited from this program in the past and, in fact, is benefiting right now, I join my colleagues here in praise of a most worthy and mutually rewarding undertaking.

I am hopeful that the congressional fellows I have had in my office have secured a valuable insight into the role of a Congressman and into the political, legislative and organizational realities within which that role is carried out.

When top caliber people such as these fellows are exposed to this congressional climate in an intimate, day-to-day manner, the result is a greater understanding of our legislative system and, therefore, our entire governmental system. Hopefully, that greater understanding is accompanied by a greater appreciation of our system.

But if the program is beneficial to the highly qualified personnel who are chosen to participate, it is every bit as beneficial to the Members fortunate enough to be the recipients of their services. For the fellows bring with them a quality and an expertise that serves our offices, and therefore, our constituencies, in a very high manner.

Mr. Speaker, there could be no better example of this than the present congressional fellow serving in my office. Mrs. Lorraine Torres holds a permanent position at the National Institutes of Mental Health. Selected as a congressional fellow, she has served in my office for the past 4 months and her firm grasp of all matters relating to the health field has been of incalculable assistance to me and to my efforts in this area.

I was firmly committed to this program long ago. However, if I had not been, I would be now because of the excellent contribution this woman has made to my office.

While the congressional fellowship program is 20 years old today, it is ever-young and vital, reflecting the enthusiasm and professionalism of its participants. I would like, at this time, to congratulate all of those connected with the administration of this fine program, past participants, and of course those men and women who are serving the Congress so well in this 20th anniversary year.

Mr. ESCH. Mr. Speaker, it gives me a great deal of pleasure to join with the gentlemen from Wisconsin and Arizona (WILLIAM STEIGER and MORRIS UDALL) in paying tribute to a program which typifies a spirit of cooperation between the Congress and the various branches of Government, the congressional fellowship program. This program enables bright, young professionals from diversified backgrounds to spend a year participating in the workings of Congress involving duties comparable to those of legislative assistant and press secretary. Their contact has established an invaluable resource of mutual understanding between the executives in the agencies of the Government and the Members of Congress with whom they deal. At the same time, they have given those of us here on the Hill a tremendous opportunity to develop long-lasting relationships with the various Government departments and to understand better their attitudes and circumstances under which they work.

I have had an opportunity to have a number of congressional fellows on my staff over the past 6 years and they have been uniformly helpful. They have brought their expertise from the agencies to bear on legislation with which my office was concerned and have been of assistance in avoiding administrative problems in the writing of new legislation. As they have returned to the agencies, their knowledge of the way in which the Congress works has been valuable to my office in assisting us to solve many constituent problems.

I am delighted to pay tribute to the congressional fellowship program to the hundreds of fellows who have taken part in it over the past 20 years. It is one of those tremendous ideas which really works and which has made a great contribution to the smoother working of American Government.

Mr. PICKLE. Mr. Speaker, I would like to join Mr. UDALL and Mr. STEIGER in commending the congressional fellowship program of the American Political Science Association on the occasion of the program's 20th anniversary.

The establishment of a program for the study of Congress as an institution has been a noteworthy and useful undertaking. It is significant to note that having fellows and interns assist officials elected to law making bodies is now being practiced in Canada, Great Britain, and several other countries. For those nations with a viable, participatory democracy, it would seem important to have a group of noninvolved individuals understudy the law making and representative processes of government.

As many of you know, the American Political Science Association sponsors between 40 and 50 participants each year drawn from political scientists at universities, journalists of the printed and broadcast media, career civil servants of the executive agencies, law school professors, a correspondent from Great Britain, and participants sponsored by the Asia Foundation. Beginning later this year, the program will also include young physicians funded by the Robert Wood Johnson Foundation.

Since March I have had a congressional fellow in my office. I cannot begin to say how helpful his service has been.

The young man is Don Cook, who came into the program from the Environmental Protection Agency.

He has handled the great bulk of my legislative briefings. He has helped gather information for committee work.

He has done a little of everything and done it well. He has literally been an administrative assistant in the first sense.

His service has been good, and it will be hard to replace him when he goes back to the EPA. I consider him an able executive.

Mr. Don Cook has taught me how valuable this program is.

I have also spoken to a group of fellows informally in a general give-and-take session about the Congress. This meeting was one of the most enjoyable afternoons that I have had this session.

To Don Cook I say thank you; and I say thank you to those whose foresight have impetus to the congressional fellowship program.

So, Mr. Speaker, when I speak of the congressional fellowship program I speak with firsthand knowledge.

I would urge that other Members take advantage of this program in the future. I would do it again in a second and figure our office was blessed.

Mr. Speaker, the congressional fellowship program is good for the Congress.

Mr. OBEY. Mr. Speaker, it is a pleasure to join in this tribute to the congressional fellowship program of the American Political Science Association on the occasion of its 20th anniversary.

I have been fortunate to have a congressional fellow on my staff in each of the last 3 years. I have been able to assign them to legislative and district projects that needed to be done but just could not have been done without them.

While the congressional fellowship program is the best source of outside assistance I have encountered since coming to Congress, it is by no means a one-sided arrangement. The program is mutually instructive and beneficial. The fellows gain a valuable legislative perspective—especially from a House office—that they could not get any other way.

I only hope that the first 20 years of the program do not turn out to be the last. The American Political Science Association is seeking further financial support for the program, and I hope it succeeds. The program richly deserves future support.

Mr. BINGHAM. Mr. Speaker, in recent years so-called intern programs, under which outsiders have an opportunity to serve as congressional staff for a time, have proliferated on Capitol Hill. The congressional fellowship program stands

in a class by itself among such programs Indeed, congressional fellows are more than interns. They are highly trained professionals on loan to Congress under the auspices of the American Political Science Association, sponsors of the congressional fellowship program.

This year, the congressional fellowship program is celebrating its 20th anniversary, and I am pleased at the opportunity to join with my colleagues in paying tribute to it and in congratulating the administrators of the program and everyone who has been associated with it since 1953.

I have had many congressional fellows serve in my office since I came to Congress in 1965. They have been of uniformly excellent character and capability, and have contributed substantially to my work and to the work of the Congress. Over 300 other Members of Congress and congressional committees have benefited from the presence of congressional fellows. In addition to the program's obvious value for the fellows, it serves continuously to breathe new life and energy and ideas into the legislative process. I sincerely hope that the generous financial support the program has had will continue and that the program will go forward for another 20 years and more. So long as it does, the fellows and their program will always be welcome in my office and, I'm sure, in every office in the Congress.

Mr. MEEDS. Mr. Speaker, I appreciate this opportunity to express my appreciation of the valuable contribution the congressional fellowship program has made to understanding of the legislative process among journalists, academics, and other participants.

In the 20 years of the program, the cumulative impact has been increasing public awareness through the campus and the news media of how Congress functions and what representative democracy really means. I have now had three fellows from the program in my office and found the experience mutually beneficial. That is, I hope they learned as much from me as I learned from them.

The American Political Science Association is to be commended for its leadership in the coordination and conduct of the congressional fellowship program. Also to be commended is the Civil Service Commission, in working under the program to do some consciousness raising in the bureaucracy about the role of Congress.

The congressional fellowship was the original and still is the most comprehensive attempt to bring opinion leaders inside the halls and offices on Capitol Hill fellowship program on the occasion of public policy.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I welcome this opportunity to join with my colleagues in extending congratulations to the congressional fellowship program on the occasion of its 20th anniversary.

I have had congressional fellows work in my office for five of the past 10 years and can personally testify to the worth of the program both for the fellows and for the Members of this body.

The American Political Science Association, which sponsors the congressional fellowship program, is to be commended for offering these young political scientists, journalists and civil servants the outstanding educational experience of working in congressional offices.

We Members of Congress find that the program is one of mutual benefit—and in the real world a program based on mutual benefits is one which has a good chance to work successfully. For while the fellows benefit by learning first hand about the workings of Congress, the Congressman benefits from the able staff work these young professionals can provide.

On this, its 20th anniversary, I wish the congressional fellowship program long life and continued success.

Ms. ABZUG. Mr. Speaker, today marks the 20th anniversary of the congressional fellowship program. In its 20 years this program has succeeded in bringing over 500 highly qualified and highly skilled young professionals to work on the Hill. One of the outstanding features of this program is its conscious effort to attract minority groups: women, blacks, American Indians, and Chicanos. In this way, the program not only extends its benefits to all segments of our society, but it also gains the variety of perspectives which these different representatives bring to the program. The contributions of all these congressional fellows has been considerable.

A few years ago, I had the privilege of having Ms. Joanne Omang with me as part of the congressional fellowship program. Ms. Omang took on the frenetic job of my press secretary. She handled press releases and requests and made speech arrangements. She helped write statements on a wide variety of subjects and worked on a number of bills, following them from their conception to the floor of the House. She was extremely capable and hard working and a real asset to the office.

Ms. Omang is now a reporter for the Washington Post and has told me how valuable she has found her experience as a congressional fellow. She gained first-hand experience in all ends of the legislative process. She enjoyed learning about the Government procedures and discovering the varieties of pressure and excitement involved in the workings of the Congress. She found that her experience as a congressional fellow helped her to resolve many of her conflicting and mistaken impressions of people and life in politics, and helped her to make plans for her career in journalism.

But this is just one example. The congressional fellowship program has provided the same invaluable educational experience for 570 other young people with backgrounds in journalism, political science, civil service, and law. For these fellows, the first-hand view of congressional business may prove one of the most helpful learning periods for the shaping of their futures. While they may not all go into politics, the understanding they have gained of the process of Government operations will greatly affect their contributions to society in whatever field they choose to adopt.

The congressional fellowship program has been instrumental in creating a greater comprehension of the workings of the Government of this Nation. This understanding has been valuable not only to the lawmakers of this country, who have gained from the ideas and skills brought by the fellows, but by ordinary citizens who may gain a clearer conception of our Government through contact with these fellows.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

STATEMENT ON RECORDED VOTES

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

Mr. YOUNG of Florida. Mr. Speaker, the recorded teller vote was enacted as part of the Legislative Reorganization Act of 1970, whereby the practice of Members voting on amendments without having their names recorded was ended. This, I believe, was an important milestone in the history of the Congress.

Until the advent of this reform which took effect during the first session of the 91st Congress, a Member could vote without the homefolks knowing how he stood on a given issue, unless it was a recorded vote on final passage of a measure. The reform came along and spoiled things for Members who would rather sidestep an issue under the obscurity of a nameless vote.

Now, Mr. Speaker, it seems that a move is on to make it once again easier for members to sidestep an issue under a cloak of anonymity by reducing the frequency of the recorded teller votes by more than doubling the number of Members needed to demand such a vote. Such action, Mr. Speaker, would abrogate the people's right to know, a right that I feel is as important as the right of free speech. How else can the people decide upon the merits of their elected representatives unless they know where those elected representatives stand on all the issues. Why should any Member be unwilling to let the public know how he votes? The Congress fondly talks of how the executive branch of Government should operate with more candor. Can individual Members of Congress be any less candid?

It was my privilege to serve as a member of the senate of the State of Florida for 10 years. During that period, I cosponsored one of the most far-reaching pieces of "people" legislation that was ever enacted in Florida, the "Government-in-the-Sunshine Law." This law opened up to the people of Florida the entire spectrum of government and as a consequence, has made it easier for the voters of Florida to judiciously choose

their elected representatives, from city hall to the highest State office.

The right of the people to know cannot be taken too lightly by anyone in government and I say it is incumbent upon the Congress to operate in the "sunshine" as much as is humanly possible.

I concur fully with my colleague, Mr. CLAWSON, that the problem with the recorded teller system is not that the system has not worked but that in reality, it has worked too well because it has forced Members to take a public stand and that can only bode good for the Congress and the Nation.

THE MERIT BILL

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

Mr. SHRIVER. Mr. Speaker, I am today joining my colleague from Illinois (Mr. ERLENBORN) and others in the introduction of retirement pension protection legislation. The Multiprotection of Employee Retirement Income and Trust Act, or MERIT, attempts to assure that people get the pensions they have worked for.

The purpose of this act is two-fold. We want to encourage more employers to provide pension plans for their employees, and we want to make certain the employees' pension rights are fully protected.

MERIT would regulate more private and public pension plans and would require greater disclosure to participants. Regular and adequate funding of pension plans by employers would be required to insure that the plans are actuarially sound. Three options of early vesting standards are provided to meet the needs of different pension plans. MERIT would be administered and enforced by the Secretary of Labor.

This bill would require that workers be told of their pension and welfare rights and benefits and of the condition of their plans in plain, understandable terms. Later, when the employees apply for social security benefits, they would also get notice of the pension benefits acquired from various employers.

A summary of the bill follows:

SUMMARY OF THE MULTIPROTECTION OF EMPLOYEE RETIREMENT INCOME AND TRUST ACT (MERIT)

COVERAGE

As with most pension proposals, coverage differs from title to title; but the MERIT bill would regulate most private and public pension and welfare plans. The exceptions are Federal plans, plans required under workmen's compensation, unemployment compensation, and disability insurance laws; and plans with fewer than 26 participants. For the most part, those areas not covered by the bill would remain subject to State laws.

ADMINISTRATION

All of the provisions of the MERIT bill would be administered and enforced by the Secretary of Labor. Pension and profit-sharing plans, however, would still have to comply with Internal Revenue Service regulations to qualify for tax deductions. Cooperation among Federal agencies would be encouraged to avoid duplication and undue expense.

DISCLOSURE

The MERIT bill would require that workers be told of their pension and welfare rights and benefits, and of the condition of their plan in understandable terms. It also would require that the Labor Secretary be informed annually of these matters.

Reports to the Secretary would include schedules of party-in-interest transactions and loans and leases in default; but pains have been taken to assure that reporting and disclosure would be meaningful. Reporting to the Secretary by plans with fewer than 100 participants would not be required.

Every pension and profit-sharing plan would have to file an application with the Secretary for qualification and registration. A certificate would be issued and continued in force so long as the eligibility, vesting and funding requirements are met.

REGULATION OF FIDUCIARIES

Elementary honesty would be required of all fiduciaries. The bill would exclude profit-sharing plans from the diversification requirement.

VESTING

As a worker's seniority on the job goes up, he may gain progressively greater pension rights, called vested rights because they may not be taken from him. Each of the other major pension bills proposes one of three ways of vesting. The MERIT bill embraces all three.

Our studies have graphically illustrated that the effect of a particular vesting standard on individuals varies from plan to plan, depending upon a myriad of factors. So does the cost of vesting. Rather than insist that all plans conform to one standard, the MERIT bill would allow each plan to choose a graded 15-year vesting, a 10-year vesting, or the Rule of 50, whichever best suits the needs of the pension beneficiaries.

The graded 15-year rule assures a worker of 30 per cent of his pension rights after eight years' service, rising by 10 per cent per year until 100 per cent is achieved after 15 years on the job.

The 10-year rule would require that a worker get a fully vested interest after 10 years on the job.

Under the Rule of 50, pension rights would be 50 per cent vested when the worker's age plus his years of service equals 50. Then his vested interest would increase by 10 per cent for each additional year on the job until 100 per cent has been reached.

Vesting would become effective two years after enactment, and would be retroactive to the extent of a covered worker's past service at that date.

FUNDING

As an employee works toward retirement, his pension is funded if a proportionate part of his pension is paid regularly into the reserve. Thus, when he becomes ready to retire, his pension would be ready for him. There would be no need to pay his pension out of current income (or, in the case of a public employee, out of current taxes).

We know that there are single-employer plans, multi-employer plans, private plans and public plans. The MERIT bill intends that they all be funded, but would not force all of these plans—with their many differences—into the same mold.

The minimum funding standard proposed in the MERIT bill is much like that required by the accounting profession for financial statements. In a defined-benefit plan (in which a worker is promised a certain amount per month upon retirement), this translates into annual minimum contributions by the employer equal to present cost plus forty-year amortization of the unfunded accrued liabilities of all benefits provided by the plan.

At the same time, our bill recognizes that vested benefits should be funded. The funding standard contains a simplified calculation which would automatically spread over a period of time the remaining unfunded vested liabilities, including both actuarial gains and losses.

Actuarial predictions are not perfect. The MERIT bill takes cognizance of this by requiring that actuarial gains and losses be spread over the entire future working life of employees in the plan.

The bill would permit flexibilities which appear to be absent from other proposals. For example, contributions by the employer in excess of the minimum required could be used to offset future minimum contributions.

Additionally, present law limits tax deductions on employer contributions for past service. If the annual minimum contribution required under the bill would exceed that for which a tax deduction could be taken, the excess could be carried over. In this way, the minimum contribution would always be tax deductible.

The MERIT bill would not disrupt present accounting and actuarial practices.

PORTABILITY

The MERIT bill does not include a portability provision. This is so for several reasons.

Most multi-employer pension programs handle portability as a matter of course; but single-employer plans are so diverse that they could comply with a portability law only with extreme difficulty.

Good vesting makes a portability law unnecessary, but workers should have a means to facilitate the record keeping of their vested benefits. The MERIT bill would require a pension plan administrator to give each terminating worker a statement of the employee's benefits, and the procedure for collecting them. This information also would be reported to the government. When the employee applies for Social Security benefits, he would also get notice of the pension benefits he has acquired from various employers during his working life.

TERMINATION INSURANCE

A specific provision for termination insurance is not provided in the MERIT bill. If a pension fund is adequately funded, there is no need for this government interference.

Under the MERIT bill, assets would be distributed when the plan terminates so as to be fair to all beneficiaries. There would be an equitable distribution of assets. Contributions by employees would be returned first. Then, priority for the remaining assets would be given to retirees and those eligible to retire as to those benefits they could most reasonably expect.

A worker's equity could not be lessened solely because of a merger; and a pension plan's assets could not be raided by workers who quit their jobs because the MERIT bill would permit payment of those claims only to the extent the worker's benefits are funded.

TRADE ACT OF 1973

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

Mr. BLACKBURN. Mr. Speaker, I have testified before the House Ways and Means Committee on June 14, 1973, regarding the new Trade Act of 1973, also known as H.R. 6767. My statement, covering the main issue raised in my testimony, is part of the CONGRESSIONAL RECORD of June 15, 1973. On July 10 my honorable colleague, Mr. ICHORD, took a Special Order to discuss the New

American-Soviet Trade Policies. I have made a contribution to the discussion with a detailed statement dealing with intricacies and implications of the present political and commercial trade policies of the Soviet Union and its consequences for American economy, American consumer and taxpayer, and security of our country.

One of the subjects upon which I have elaborated was the credit worthiness of the Soviet Government. In order to shed more light on this particular issue I would like to call my colleagues attention to a recent letter from George D. Woods, the president of the Foreign Bondholders Protective Council, and former president of the World Bank. The letter has appeared in the New York Times on July 6, 1973, and represents a statement of great significance in regard to the Soviet refusal to live up to its international financial obligations as a successor government.

I would like also to stress that my staff's inquiries have clearly revealed that the Soviet Government has not complied with the existing standards of the international law. It has repudiated on several occasions the international debts incurred by the predecessor government. I consider this to be very characteristic for the behavior of the Soviet Government, and especially in view of the fact that the other Communist governments, including the government of mainland China, have settled or have agreed to settle the financial obligations they have inherited as successor governments.

Related newsclipping from the New York Times follows:

RUSSIA'S 1916 DEBTS: THE CREDITORS ARE STILL WAITING

To the Editor:

I agree wholly and unreservedly with the statement, "It is gratifying that the leader of the Soviet Union understands the advantages of international trade and finance," in the June 25 editorial "Ruble Diplomacy."

The editorial concludes, "The creditor must first have trust in the would-be debtor," with which I also agree. In this regard, matters pertaining to government-to-government indebtedness between debtor U.S.S.R. and creditor U.S.A. are apparently being appropriately treated by the responsible officials on both sides.

However, the matter of privately held Russian debt is still unresolved. In 1916, U.S. private investors purchased $75 million of Imperial Russian Government notes, which have been in default as to both principal and interest since 1919. In addition, there are claims of U.S. citizens against the U.S.S.R. amounting to about $120 million, which were certified by the foreign Claims Settlement Commission some years ago.

All the governments in Eastern Europe with centrally planned (socialist) economies have acknowledged their prewar debts, excepting U.S.S.R. and East Germany. In addition, Poland has announced a temporary debt settlement and intends to negotiate a final settlement by mid-1975. Hungary and Rumania are engaged in conversations looking toward settlement.

In the recent Nixon-Brezhnev communique, there is a statement of agreement "that mutually advantageous cooperation and peaceful relations would be strengthened by the creation of a permanent foundation of economic relationships." This appears in the communique under "Commercial and Economic Relations." I submit that an important building block, in such a permanent foundation would be acknowledgment of debts to private U.S. creditors, accompanied by an expression of intention by debtor U.S.S.R. to negotiate a settlement of them.

GEORGE D. WOODS,
New York, June 26, 1973.

NOTE.—The writer is president, Foreign Bondholders Protective Council, and former president of the World Bank.

A TRIBUTE TO "MAC" GODLEY AND OUR DEDICATED FOREIGN SERVICE OFFICERS IN SOUTHEAST ASIA

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

Mr. KEMP. Mr. Speaker, having just returned from my third trip to Southeast Asia in 5 years, and despite the problems still existing in that beleaguered part of the world, I have personally witnessed great progress over the last few years. It was therefore especially disturbing to read of the Foreign Relations Committee's unprecedented rejection of the very able and dedicated career diplomat, G. McMurtrie Godley, to the post of Assistant Secretary of State for East Asian Affairs.

I agree wholeheartedly with the recent Wall Street Journal editorial which I ask to be included at the end of my remarks. The editorial very aptly labels the rejection as a "petty act of retribution."

I was very impressed with the exceptionally high level of dedication and competence of our Foreign Service officers in Southeast Asia whose efforts to implement American foreign policy have been called into question by this shortsighted action. The Foreign Relations Committee has dealt a severe blow to all of our Foreign Service officers by saying, in effect, that they risk being punished for carrying out American foreign policy with too much enthusiasm.

Mr. Speaker, I am proud of our achievements in Southeast Asia under the skillful direction of President Nixon and Dr. Kissinger. While our endeavors have not met with complete success, nonetheless, our allies are still independent, non-Communist, and hard at work at the job of nation building with our help.

It was obvious to me on this trip to Cambodia, as well as on my visit to Laos and South Vietnam 2 years ago, that if it were not for American military and economic assistance, there would be millions of people in Southeast Asia whose hopes for a free future would have been extinguished long ago. I salute our Foreign Service officers—Ambassador Godley, as well as Ambassadors Emory Swank to Cambodia, Leonard Ungar to Thailand, Walter McConaughy to Republic of China, Philip Habib to Korea, Ellsworth Bunker, former Ambassador to Vietnam, and Deputy Chief of Mission to Laos, John G. Dean. I would be remiss if I did not include former Deputy Assistant Secretary of State for East Asia and Pacific Affairs, William H. Sullivan, our new Ambassador to the Philippines, and Ambassador Martin to South Vietnam from this list of distinguished career diplomats and Foreign Service officers whose contributions to America's foreign policy deserve recognition and commendation, particularly in light of the petulant and vindictive behavior of the Foreign Relations Committee. I include the editorial at this point in the RECORD:

PETTY ACT OF RETRIBUTION

The Senate Foreign Relations Committee's rejection of G. McMurtrie Godley as Assistant Secretary of State for Far East Asian Affairs was more than an extreme act of petulance directed at the White House, It amounted to giving in to impulses that in another age were labelled "McCarthyism."

The reason the Committee rejected Mr. Godley, Committee Chairman J. W. Fulbright admitted, was that the career Foreign Service officer showed too much enthusiasm for U.S. military involvement in Southeast Asia when he served as ambassador to Laos. But since enthusiasm can hardly be quantified, what Senator Fulbright and the committee majority were really objecting to was that Mr. Godley faithfully carried out U.S. policy in Laos.

Senator McCarthy made similar arguments while browbeating career Foreign Service officers. According to him, Mainland China fell to the Communists because of treasonous U.S. foreign policy, therefore officials who faithfully carried out that policy were giving aid and comfort to treason.

The Foreign Relations Committee majority did not charge treason, but the vote implies that Ambassador Godley should have substituted his judgment for official U.S. policy in Laos, or at least made public any misgivings he may have had about carrying out orders.

To say the least, that is a curious definition of the ambassadorial function—one the committee majority would hardly attempt to defend were it not really availing itself of the opportunity to repudiate administration Southeast Asian policy by taking it out on Mr. Godley. Such retribution is uncomfortably reminiscent of attempts by Senator McCarthy and his loyalists to repudiate U.S. policy toward Russia by opposing the nomination of career diplomat Charles Bohlen as ambassador to Russia because he had been an interpreter at Yalta and therefore was part of the "Truman-Acheson policy of appeasement."

Mr. Bohlen was confirmed overwhelmingly, and McCarthyism eventually faded because it was finally perceived as deplorable. Even Americans who found much to criticize in postwar U.S. policy toward Russia and China realized that no foreign service could function effectively under the concept of loyalty proposed by Senator McCarthy.

Now, almost 20 years later, the question arises whether the Foreign Service can function effectively under the concept of loyalty implied by the Foreign Relations Committee's vote against Mr. Godley.

NATIVE CLAIM NO IMPEDIMENT TO TCP

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

Mr. ANDERSON of Illinois. Mr. Speaker, the settlement of Canadian native claims has been frequently portrayed as an insurmountable obstacle to the construction of a Mackenzie Valley crude oil pipeline. Because of the complexity of the issue and our experi-

ences in settling the native claims in Alaska, many have come to believe that this one factor could delay a Canadian pipeline many years. Unfortunately very little investigation into this area has been done; the result has been ill-informed debate by both sides of the issue. At my request, the Environmental Defense Fund—EDF—conducted a thorough analysis of this problem and assessed its impact on a trans-Canadian pipeline.

Their study makes three conclusions:

First, the Canadians are committed to the settling of the native claims and have indicated that pipeline construction can begin prior to final settlement;

Second, native claims would have to be solved for construction of the gas pipeline; and

Third, the Alaskan pipeline was set to be built prior to the settlement of Alaskan native claims.

Furthermore, the EDF analysis affirms the Canadian Government attitude that native claims will not delay the building of a Canadian pipeline.

I include the following:

MEMORANDUM REGARDING RESOLUTION OF CANADIAN NATIVE CLAIMS

Proponents of the trans-Alaska pipeline have argued that resolution of native claims in Canada would delay implementation of an alternative trans-Canada pipeline. They point out that native claims in Alaska have been resolved but that a settlement in Canada has not been reached.

There is no dispute that various issues concerning native claims must be resolved. This does not mean, however, that a Canadian native claims settlement will delay progress of trans-Canada pipelines. Three central points in support of the argument that a settlement will not cause delay should be stressed before discussing native claims in detail.

First, the Canadian government is committed to negotiating a settlement of native claims. It has also indicated, however, that pipeline construction can, if necessary, begin in advance of a final settlement.

Second, even assuming settlement of Canadian native claims must precede approval of a pipeline, those claims would have to be resolved in advance of approval of a trans-Canada gas pipeline. Permit applications for the gas pipeline are expected to be filed by the end of this year, prior to the time permit applications for an oil pipeline could be filed. If native claims had to be resolved prior to approval of applications for a pipeline, therefore, they would presumably have been resolved in connection with the gas pipeline before the approval stage for the oil pipeline was reached.

Finally, the settlement of Alaska native claims did not delay the trans-Alaska plan for one day. Other factors, principally the litigation under the National Environmental Policy Act of 1969 and the Mineral Leasing Act of 1920, prevented implementation of TAPS. Settlement of Alaska native claims proceeded simultaneously with that effort.

There is no reason to believe that Canadian native claims would not similarly be settled while other preparations such as the processing of applications for a trans-Canada pipeline took place. Moreover, there is sound reason to believe that native claims would be resolved promptly if the lack of a settlement were the only factor delaying a pipeline. Like the natives in Alaska, the natives in Canada generally support pipeline development; they simply want a share in the benefits. The fact that native claims alone were delaying development would strengthen the bargaining position of the natives and probably result in a more attractive settlement for them. But it would still be advantageous for all parties to reach a prompt settlement so that construction could commence.

A fully informed judgment on the potential delay, if any, arising from settlement of native claims could be reached after discussions with the Canadian government and an objective analysis of the problems by an independent federal body under a Congressional mandate. There have been no discussions between the United States and Canada and no objective evaluation of native claims issues has been made. An examination of the public statements of the Canadian government and the current legal situation with respect to Canadian native claims, however, strongly suggests that appropriate discussions with Canada and thorough analysis would support the contention of this memorandum that settlement of native claims would not impede progress of trans-Canada oil or gas pipelines.

THE CONTEXT OF CANADIAN NATIVE CLAIMS

Canadian natives presently are engaged in litigation or negotiation concerning claims to ownership of land in the Yukon and the Northwest Territories, the areas which will be principally affected by development of a Mackenzie Valley transportation corridor for oil and gas pipelines, a highway and other facilities. Efforts to resolve native claims also are occurring in other areas, such as northern Quebec where a massive hydroelectric project at James Bay is planned.

Indians, including Inuit (Eskimos), have inhabited these areas from time immemorial. They thus claim aboriginal right to the land. Indians generally contend that their rights have been recognized by the British government and its successor, the federal government of Canada, by various acts. See, generally, Cumming & Mickenberg (eds.), "Native Rights in Canada" (2d ed., 1972).

A central basis of support for native claims is the the Royal Proclamation of 1973. The Proclamation recognized "that the several Nations or Tribes of Indians with whom We are connected, and who live under our protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them or any of them, as their Hunting Grounds." It thus proclaimed:

"And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our Said Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid; "Native Rights in Canada," pp. 221–92.

It has also been established, in the Royal Proclamation of 1763 and elsewhere, that the native claims to land may be extinguished by treaty or other sovereign act, although the natives are entitled to compensation for their loss. *E.g.*, "Native Rights in Canada," p. 3. The practice of the Brtiish government and subsequently the federal government of Canada, in dealing with native claims to land in the past, has been the signing of treaties granting certain lands, rights, and goods to the natives in exchange for the cession of whatever rights the natives had in the land.

A number of treaties, covering different geographic areas in Canada, have been negotiated and signed. Two of them, Treaties 8 and 11, involve areas affected by the proposed Mackenzie Valley corridor. However, the treaties do not cover all Indians in these areas. The context of native claims, accordingly, differs depending upon whether a treaty between the federal government and the Indian tribes previously has been signed.

Treaty Number 8 was signed with bands of the Cree, Beaver, Chipewyan and Slave Indians on June 21, 1899; other bands adhered to this Treaty at later dates. The Treaty covers parts of northern Alberta, Northeastern British Columbia and the southern Northwest Territories, including the southern part of the proposed pipeline route. Treaty Number 11 was signed June 27, 1921, between the federal government and bands of Slave, Dogrib, Hare, Loucheux and other Indians. It applies to much of the rest of the Northwest Territories, including the northern Mackenzie Valley and the Hay River Area.

The treaties have not been implemented; land to be reserved for natives has not been selected. Indians in the Northwest Territories, contending that the treaties are void for non-performance, have filed suit in the Northwest Territories Supreme Court. The Canadian government has indicated that it will honor its original treaty obligations and even offer compensation for wrongdoing in treaty administration. But it has maintained that it will not renegotiate the treaties.

The Indian tribes in the Yukon and the Inuit never signed treaties. The government has recognized that they have legal rights to lands under the Royal Proclamation of 1763. Preparation for or actual negotiations to resolve the claims of these non-treaty Indians currently are in progress.

THE POSITION OF THE CANADIAN GOVERNMENT

The Canadian government indicated its position regarding settlement of native claims in response to a recent State Department inquiry:

"Question. What is the status of consideration of native claims? What is the expectation as to time required for their settlement?

"Answer. The Indians of the Mackenzie Valley are signatories to Treaties 8 and 11. The government's obligation under these treaties has as yet not been fully met; the government has affirmed that it will meet these olbigations and toward this end has offered to set aside the necessary lands. However, recent indications are that the N.W.T. Indian Brotherhood is preparing to advance claims over and above that specified by treaty. In this respect, the brotherhood has attempted to file a caveat to protect lands they deem to be covered under the treaties. The matter is now before the Territorial Courts. The government has accordingly presented its case, alleging that the caveat by its nature is not registerable. It is expected that the resolution of this specific issue will take a number of months. Although the caveat, if registered, would not apply to mining and oil rights, it could affect the granting of a pipeline right-of-way. At the moment it is not clear how and within what time frame this matter could be resolved, should the problem arise.

"In the Yukon Territory no treaties are in effect. The government is, however, in the process of negotiating native claims (Indian and Metis) and indications are that a settlement could possibly be reached there within the next two years.

"Depending on the route chosen, the pipeline could pass through areas of the Mackenzie Delta where the Inuit (Eskimos) may have certain land claims. These have not as yet been fully defined and the government has made available funds to the Inuit Tapirisat for further research.

"In summary, indications are that settlement in the Yukon could be achieved within approximately two years, during which time the application could be heard and construction commenced. The situation regarding the Native Brotherhood in the N.W.T. is not yet sufficiently clear to allow a precise statement; and considerable research must still be carried out before Inuit claims become fully defined and therefore negotiable. It is

the government's intention to proceed with northern development in the best interests of Canada, as a whole, but at the same time the government is determined to ensure the just settlement of native claims."

The United States embassy in Ottawa, after discussion with unspecified Canadian officials, gave its views on the native claims issue in a telegram, only disclosed to Congress this week, responding to a State Department request. The embassy stated:

"3. Native Claims. GOC officials are confident native claims constitute no barrier to construction of pipeline. *Negotiations with non-Treaty Indians in Yukon, now getting underway, expected to take about two years, are limited to compensation and constitute no impediment to granting pipeline right-of-way.* Indians along Mackenzie Valley, with rights under Treaties 8 and 11, are entitled to land settlement but have yet to select land. Even if Indians should select land along right-of-way, *Treaties permit GOC to take land for projects in public interest upon provision of substitute acreage and compensation for any improvements, we understand Indians seeking challenge Treaties but legal precedents indicate Treaties will be upheld.* Political question nevertheless remains since elements of Canadian public sympathetic to Indians favor pipeline moratorium until claims settled." (Emphasis supplied.)

The Canadian Government's official statement and the U.S. embassy's advice on the issue reflect the position which the Canadian Government has consistently maintained. The Government intends to honor its present treaty obligations and negotiate a just settlement of outstanding claims. It has, in fact, supplied funding to Indians to permit them to research their claims and prepare for negotiations.

Progress with respect to negotiations has taken place. On April 11, 1973, Indian Affairs and Northern Development Minister Jean Chretien told the House of Commons that, "In the Yukon I am very hopeful we can come up with a solution which will be a pattern for the rest of Canada, that is, for the Indians who have not signed treaties." (*Hansard*, p. 3217). The next day, Chretien appeared before the House of Commons Standing Committee on Indian Affairs and Northern Development. He noted that non-Treaty Indians "[i]n the Yukon . . . have asked for negotiation." (p. 27). By May 7, Chretien was able to state, in an address to the Churchill Arctic Corridor Conference that, "For the Yukon in particular, a negotiator has been appointed and discussions with native people will begin shortly." (pp. 10–11).

The Canadian Government, as Minister Chretien explained to the Standing Committee on Indian Affairs and Northern Development on April 12, 1973, is even willing to "offer compensation for wrongdoing in the administration of the treaty" (p. 28). He stated that "[i]f the treaties fail to meet adequate standards of fairness, this failure must be acknowledged and a fair and adequate arrangement made to the satisfaction of the Indian people involved" (p. 27).

At the same time, the Canadian Government will not permit questions of the amount of money or land involved in the settlement to impede northern development which is, in fact, supported by Indians and is, as the Canadian Government indicated to the State Department, "in the best interests of Canada, as a whole." As Minister Chretien pointed out to the Standing Committee (p. 23):

"Then there is the situation where, if there is no alternative, we could use expropriation, just as expropriation applies to any other Canadian. What I want to be sure of is that where there is expropriation for the benefit of the province or of the federal government, they [the Indians] receive adequate compensation or an alternate piece of land."

The Canadian Government, of course, has expressed confidence that a fair settlement can be reached without delaying approval of a pipeline application. And, proponents of TAPS have offered no more than speculation in support of their argument that in Canada, unlike Alaska, settlement of native claims will delay pipeline development.

LEGAL PROCEEDINGS AND POTENTIAL DELAY

Litigation is presently pending in the Supreme Court of the Northwest Territories on questions of native rights to land. Natives there seek a freeze on land transactions pending settlement of their claims. The decision may ultimately be appealed to the Supreme Court of Canada.*

Litigation, such as that pending in the Northwest Territories, obviously creates a certain degree of uncertainty regarding the timing of native claims settlement. It is apparent, however, that the uncertainty can and will be resolved without delay in northern development. The U.S. embassy's advice to the State Department, quoted earlier, in fact, is that "negotiations with non-Treaty Indians in Yukon, now getting underway, expected to take about two years, are limited to compensation and constitute no impediment to granting pipeline right-of-way. . . . [T]reaties permit [Government of Canada] to take land for projects in public interest upon provision of substitute acreage and compensation for any improvements. We understand Indians seeking challenge Treaties but legal precedents indicate Treaties will be upheld."

For their part, the majority of Indians favors development. Minister Chretien, reporting to the House Standing Committee regarding government plans to commence immediate construction of the Mackenzie Valley highway, was examined on the attitude of natives (pp. 18–19):

"Mr. COTE. . . . Mr. Minister, concerning the construction of the Mackenzie Highway, you are communicating with the native groups in these areas; do you contact the bands that live along the highways you are building, or do you contact organizations that represent the natives, like the Yukon Indian Brotherhood or like the various brotherhoods that have appeared before this Committee? Do you meet with the chiefs, or with the inhabitants of the villages that you go through? How do you proceed?

"Mr. CHRETIEN. We communicated with all the Indian villages along the Mackenzie River. I said at the outset both in my remarks and in my answers to Mr. Fraser that, in 1968, during a trip along the Mackenzie I stopped in all the villages along the Mackenzie River, and I had discussions with the local authorities and in each . . .

"Mr. FRASER. What year?

"Mr. CHRETIEN. In 1968. At that time the Indians asked me: "When are you going to build the highway to link us up with Fort Simpson and Yellowknife?" They wanted a highway to put an end to their isolation at that time. I was obliged to tell them that the construction on the Mackenzie Highway was not a priority because of its excessive costs, and because of the small economic benefits that it would bring about. There were other more urgent problems to be settled.

"With the accelerated development of the Mackenzie Delta, oil and gas discoveries, drilling operations and other activities which led to the discovery of fishing products, if I might use this expression, the economic profitmaking capacity of the Mackenzie construction greatly improved. This is why we decided to proceed immediately.

"Mr. COTE. Of all the people that you met, how many are in favour of the construction of the highway? Is it 80, 90 or even 95 per cent of the population? Are there perhaps some people who are not in agreement with the terms and conditions?

"However, can we generally say that when this highway is built 95 per cent of the population will be satisfied and that only 5 per cent will criticize it? Or will 95 per cent of the population disagree?

"Mr. CHRETIEN. There will always be a certain number of people who will not be in agreement; however, I believe that the great majority of the inhabitants in the Mackenzie Region are in favour of the construction of this highway. Take, for example, the members elected to the Territorial Council: Mr. Butters in Inuvik, Mr. Trimble in Aklavik, and the representative for Fort Simpson, what is his name?

"An hon. Member: Nick Sibbeston.

"Mr. CHRETIEN. Nick Sibbeston. They all voted in favour of a resolution asking us to speed up the construction. We are facing up to the protests of some Indians who want to settle the treaties question beforehand. The government's position is very clear; we have told them during the past few years that we signed treaties numbers 8 and 11, under the terms of which they are entitled to a number of acres of land per family, and that they can choose them now. Obviously, as a technical measure, the Indians would prefer to know where the pipeline will be laid before choosing; however, this does not imply that we are not ready to fulfil our part of the contract. We invited them to choose their lands more than a year ago, and they are not ready to do so. Those who deal with the rights of Indians within the Northwest Territories Indian Association do not want us to proceed before this question is definitively settled. Therefore, it is up to them to choose their land if they wish, notwithstanding construction of the highway.

"Mr. COTE. You are quite confident that the majority of Indians do agree to the development. Moreover, you are aware of the economic benefits for Canada and those for the natives. Consequently, members of this Committee will find it hard to criticize you.

"Mr. CHRETIEN. There will always definitely be room for criticisms. I myself asked the representatives of the Northwest Territories to express their opinions, and they passed a motion, unanimously adopted, which was tabled before the Committee some minutes ago."

The Canadian Government, as indicated above, intends to negotiate a just solution. The negotiations, moreover, will not impede development, as the Canadians have explained and the U.S. Embassy has confirmed.

* * *

In summary, the Canadian government and the Canadian native share the basic objective of reaching a settlement of native claims without impeding northern development. The Indians seek to improve their negotiating position by pressing their claims before Parliament and the courts. The government, seeking a proper solution, has encouraged the natives by providing funding and expressing its desire to negotiate. Progress in negotiations is taking place and the government has estimated that native claims can be resolved without delaying pipeline progress. The government has the authority, by expropriation if necessary, to insure that settlement of native claims in Canada does not delay pipeline development. In view of the basic agreement between the government and native claimants regarding the desirability of development, however, it appears that a settlement will be reached in Canada, just as it was reached in Alaska, without

*Questions regarding Canadian native claims were before the Supreme Court of Canada in the past year in *Calder* v. *Attorney General for British Columbia*. The case was dismissed for procedural reasons. The members of the Court divided on the particular questions regarding Indian title in the context of that decision, although they agreed unanimously that title could be extinguished by proper action of the sovereign.

causing delay in development of a proposed pipeline.

JOHN F. DIENELT,
Washington Counsel.

July 18, 1973.

NATIONAL CATASTROPHIC DISASTER INSURANCE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, it was my distinct privilege to be a guest and principal speaker at a recent conference sponsored by B'nai B'rith, B'nai B'rith Women, and B'nai B'rith International to discuss the subject of national catastrophic disaster insurance.

The conference was held on Tuesday, July 24, 1973, and was well attended by various union, religious, social service, and veteran groups.

The subject of my talk at that time was a bill which is scheduled for hearings in the House Banking and Currency Committee beginning August 1—H.R. 4772, the National Catastrophic Disaster Insurance Act of 1973.

The response to the conference has been most encouraging and I would like to insert in the RECORD a copy of my speech, "Dealing With Disasters—A National Insurance Program."

DEALING WITH DISASTERS—A NATIONAL INSURANCE PROGRAM

I came here this morning from the Halls of Congress, and I know that you came here today from your homes, because all of us share an interest and concern for our country and all of us want to do the best thing for it. I know that all of you have a goodly number of other problems and responsibilities, as do I; and in that vein, I want to express to you my appreciation for your coming here today.

I am reminded of the story which Jack Kennedy told me once concerning Harry Truman's 1948 campaign. It seems that President Truman was a little low on campaign funds and on three separate occasions his campaign train ran out of money. While the train waited on some siding, Truman's campaign aides would scour the town or city for funds "just to keep us going another twenty-four hours". Well, with regard to this legislation which we have met to discuss today, I think I am in shape for twenty-four hours at least, but I am going to need your help after that!

I am going to need your assistance. The kind of assistance that will carry the message throughout the United States that a terrible problem exists with regard to the increasing natural disasters which have ravaged this country. And will further permit us to carry the message with regard to the proposed solution to that problem.

All of us can agree that the film we have just witnessed is both tragic and touching. That was the story of Agnes. But, in a manner of speaking, seeing that film is like viewing a terrible accident on the highway. We shudder in horror momentarily—think for a second about how unfortunate the driver and his passengers were—and then continue on our way down the road. Let me caution you, when you are dealing with disasters—be it a flood, a hurricane, an earthquake, or whatever—you cannot just turn your head and continue driving down the road.

Sinclair Lewis, one of the most celebrated of American novelists once wrote a book entitled "It Can't Happen Here". Lewis' moral was that it can happen here. In the matter of natural disasters, the moral is that it has happened—it will continue to happen—and it can very possibly happen tomorrow. There are presently two nasty looking tropical storms being tracked by the United States weather service in the Caribbean at this very moment. Three days from now they could be, God forbid, ravaging the coast of Texas, or Florida, or will it be Mississippi—it could be virtually any of the Eastern States. This is no cry of wolf in the dark. Currently, natural disasters are causing damage in the United States to the tune of over one billion dollars per year on the average—one billion dollars! And this does not include the Agnes year—1972—when damage in excess of four billion dollars occurred.

But this is only the physical damage to homes and businesses. What other costs are involved? The costs to the States and Federal Government are enormous. The costs to industry from destroyed factories and lost man hours on the job are beyond calculation. The economy of a region stricken by disaster stagnates for years. The mental costs of shattered dreams and drowned homes and possessions is well documented by the sharp leap in severe mental illness, even suicide, which follows the wake of a natural disaster. I can speak for the Agnes victims. We have had nothing but misery—misery—misery—misery—and we don't want it to happen again.

Clearly, what is needed is nothing less than a program of all risk insurance. Such comprehensive national disaster insurance would cover all perils such as flood, earthquakes, mudslides, windstorms of all types, and manmade disasters such as atomic accidents. This is the answer. This is the solution. This is the path we must take.

And I firmly believe I have that program in the National Catastrophic Disaster Insurance Act of 1973. That bill, introduced by me on February 27, 1973, has attracted the support and sponsorship of over sixty of my colleagues in the House of Representatives. These men are from the North, South, East, and West—Democrats and Republicans—liberals and conservatives. And they are all joined by the conviction that the time for Federal disaster insurance has come.

The program, which I will now outline for you, has five major points which you may wish to note:

1. It is *all-risk.*
2. It establishes a *national disaster insurance fund.*
3. It is *automatic.*
4. It has *land use controls.*
5. It is *retroactive* to June 1, 1972.

Firstly, it is all-risk It is comprehensive in that all types of disasters would be covered. It would cover the homeowner and businessman against losses which are essentially uninsurable at this time.

Secondly, it is automatic. When a man purchases regular homeowners or business insurance coverage, he would be surcharged on his policy an amount never to exceed five percent. Never to exceed five percent—it can be one-half of one percent at times. The amount of surcharge would reflect the actuarial risk of a disaster occurring in the purchaser's geographical region. That is, the chances that a disaster will strike him. Of course, the surcharge would be higher in high earthquake risk Los Angeles as opposed to low risk regions such as Burlington, Vermont. Immediately, upon enactment of this legislation, each and every property insurance policy would get an extra bit of coverage. That extension of coverage would protect the property owner against losses as the result of a disaster.

The surcharge payments, along with a one percent levy upon all payback amounts of Small Business Administration and Farmers Home Administration disaster loans, along with an initial appropriation by the Congress, would go into a large nationwide national disaster insurance fund. This fund would be administered by an office of disaster insurance in the office of the insurance administrator in the Department of Housing and Urban Development.

Strict land use controls are embodied in the bill. The States and municipalities are required to aid in the identification of special catastrophic disaster risk areas, and in these areas reasonable efforts would be required so as to minimize excessive losses at the time of a catastrophe. Indeed, no catastrophic disaster insurance will be made available for any property which failed to meet land use and other local ordinances aimed at restricting land development or occupancy in disaster-prone areas.

One last, and most vital, point. The bill contains a clause making payments retroactive to June 1, 1972. As I have stated on the floor of the House of Representatives many times, and as I repeat before you today, under no circumstances is this a giveaway. A millenium from today, when the dust of centuries has settled over our towns and cities, archaeologists of that far off day will ask not what victories we won in battle or political life, but rather what contribution we made to the human spirit. To turn our backs on the victims of the greatest natural disaster in our history is to ignore the humanitarian principles upon which this Republic was founded. To ignore their real suffering in human and economic terms is to ignore our cherished legacy of government for the people. When the National Disaster Insurance Act comes before the Congress, I will insist that the victims of Hurricane Agnes not be forgotten. This may seem to some to be impossible; however, I refuse, at this early date, to turn my back on those who have suffered so much.

You must remember, a disaster does not discriminate. It strikes rich and poor alike—the young and the elderly—the sick and the healthy—the leaders of the community as well as the very dregs of the society, and it strikes them all with equal viciousness and equal destruction.

A man once said with regard to a problem which seemed unsolvable, "We of the Republic sensed the truth that democratic government has innate capacity to protect its people against disasters once considered inevitable, to solve problems once considered unsolvable. We would not admit that we could ing, we had found a way to master epidemics just as, after centuries of fatalistic suffering, we had found away to master epidemics of disease" that man was Franklin Delano Roosevelt. He was speaking of the depression—a seemingly unsolvable problem. With the toll which natural disasters have taken upon this nation in recent years we too seem to be facing an unsolvable problem. Yet, with the introduction of a system of protection for our citizens based upon disaster insurance, we too may find the seemingly impossible solution.

And like FDR, when he came before the Nation seeking sustenance and help, I seek your help and your sustenance in the task ahead. Thank you.

PROTECTIVE LEGISLATION FOR POLICE, SHERIFFS, AND PROSECUTORS

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

Mr. GONZALEZ. Mr. Speaker, today I am introducing legislation that would require filing of surety bonds by plaintiffs in civil actions against law enforcement officers to defray reasonable costs of successful defense in such actions.

A short time ago a lawsuit was brought against one of my constituents who is a police officer which launched him and his family into poverty, even though he was proven innocent of the charges brought against him for actions taken during his line of duty. The family was forced into serious debt due to the legal fees incurred and they lost their home after having to mortgage it during those trying times. We can only imagine the tremendous amount of pressures and sufferings the officer and his family had to endure. This is an incredible situation and a very sad one.

Mr. ICHORD, in the last session of Congress, brought to the attention of this House facts which indicate that the case I posed is not an isolated one by any means. He documented the increase in the number of "frivolous" suits being brought against law enforcement officers, prosecutors, and others in the field of law. The excuses for bringing these suits are endless. It may be that it is a ploy to delay prosecution, to create publicity, to gain sympathy, or even to "get back" at those who were only performing a duty on behalf of the citizenry at large.

Since these suits must be defended with the lawman's own resources, it can but have ill effects on their performance for fear that they will be brought to trial themselves.

It is for this reason that I am introducing this bill aimed at helping lawmen sued for damages in Federal courts. Essentially, this measure would require plaintiffs to file a bond with the court conditioned upon the payment of reasonable investigation and legal costs if the defendant wins the suit. This would insure reimbursement, and would, hopefully, fend off those who do not really have a sound case.

This proposal is the only equitable alternative to the present situation, and it is essential that we undertake to help protect the law enforcement officers found innocent of charges.

It is my hope that this measure be seriously considered. Let us protect our "protectors" from ill-founded and catastrophic law suits.

RESULTS OF CONGRESSMAN JOHN BRADEMAS' DISTRICT POLL ON ISSUES AND SPENDING PRIORITIES

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

Mr. BRADEMAS. Mr. Speaker, like many Members of the House of Representatives, I have made it a practice to send periodic questionnaires to all the approximately 145,000 households in the Third Congressional District of Indiana on important issues facing us in Congress.

I take this time to announce the results from the tabulations of my most recent such poll, which invited responses on both national issues and Federal spending priorities from the people of Elkhart, LaPorte and St. Joseph Counties, Indiana.

Mr. Speaker, Third District citizens strongly favor mandatory controls on both wages and prices, 60 percent; closing tax loopholes that favor big business and the wealthy, 69 percent; and cuts in U.S. troops in Europe, 57 percent.

A substantial majority, 56 percent of persons polled, also called for insuring private pension plans against loss and permitting employees to transfer their pension rights from one job to another.

The poll showed overwhelming opposition, 74 percent to President Nixon's proposal for U.S. aid to North Vietnam.

Mr. Speaker, as I have indicated, the poll also asked citizens to indicate priorities for Federal spending.

Top areas for increased spending were: crime prevention and control, 70 percent; aid to the elderly, 65 percent; aid to the handicapped, 59 percent; health, 54 percent; education, 46 percent; and transportation, 41 percent. In the latter two categories—education and transportation—only 10 percent—education—and 15 percent—transportation—of the respondents felt that spending should be cut.

In other areas, the respondents felt that Federal spending should be decreased or held at present levels.

Persons responding to the poll clearly want cuts in Federal spending on space programs, 52 percent; and the military, 49 percent. Only 7 percent of the respondents felt that defense spending should be increased. Fifty-four percent favor holding spending to present levels on veterans and 41 percent want to continue the present levels for housing.

Clearly, Mr. Speaker, pocketbook issues—controlling inflation and plugging tax loopholes—are of great concern to the people of the third district.

When asked specifically how much Federal aid to education should increase, 31 percent said spending should be hiked to 15 percent of the total cost and 16 percent called for a 30 percent contribution. Thirty-five percent said Federal help should stay at the present level of less than 8 percent of the total cost.

Other results from the poll touched on minimum wage increases, with 39 percent of the respondents favoring a jump from the present $1.60 an hour to $2.25 an hour, while 35 percent supported a boost to $2.

Forty-seven percent of the respondents said that since the U.S. Postal Service became a private corporation 2 years ago, postal service had become worse, while only 8 percent said it had improved, and 41 percent said it had remained the same.

On agriculture, 47 percent of the answers indicated the Nation's farmers could best be helped by strengthening land conservation programs while 13 percent called for more programs to extend utilities to rural areas, and 12 percent for continuing farm subsidies for certain crops.

Mr. Speaker, I might here note that responses to the questionnaire were received from over 8,000 households. The answers to the questions were, somewhat surprisingly, almost uniform among the three counties of the district.

Mr. Speaker, at this point in the RECORD, I insert the tabulation of the results of the questionnaire:

RESULTS OF CONGRESSMAN JOHN BRADEMAS' POLL TAKEN IN MAY OF OPINION IN THIRD DISTRICT ON NATIONAL ISSUES AND FEDERAL SPENDING PRIORITIES

THE MAJOR ISSUES

1. Economy. In order to curb inflation, the Federal government should:

a. Continue the present voluntary wage-price control program, 16 percent.

b. Impose mandatory controls on wages only, 1 percent.

c. Impose mandatory controls on prices only, 13 percent.

d. Impose mandatory controls on wages and prices, 60 percent.

e. No Response, 9 percent.

2. Tax reform. The most important action Congress could take to reform taxes would be to:

a. Increase the individual income tax exemption, 8 percent.

b. Close loopholes in present tax laws favoring big business and the wealthy, 69 percent.

c. Allow property taxes to be deducted from Federal income tax, 14 percent.

3. Health insurance. The Federal government should:

a. Establish a program of health insurance to cover all Americans, 44 percent.

b. Establish a health insurance program to cover only the poor, 10 percent.

c. Continue to rely on private companies to provide health insurance, 39 percent.

d. No Response, 7 percent.

4. School aid. The Federal government now pays less than 8 percent of the cost of public elementary and secondary education. Federal aid for schools should:

a. Remain at the present level, 35 percent.

b. Be increased to 15 percent of the total cost, 31 percent.

c. Be increased to 30 percent of the total cost, 16 percent.

d. Be reduced, 11 percent.

e. No response, 7 percent.

5. Pension reform. Many employees have become increasingly concerned about protecting their private pensions. The Federal government should:

a. Require pension funds to be insured against losses, 22 percent.

b. Permit employees to transfer their pension rights from one job to another, 7 percent.

c. Require both (a) and (b), 56 percent.

d. Take no action with respect to private pensions, 8 percent.

e. No response, 8 percent.

6. Aid to North Vietnam. The President has declared he will ask Congress to approve aid for North Vietnam. Such aid should:

a. Be taken from the military budget, 19 percent.

b. Be taken from the budgets of domestic programs, 2 percent.

c. Not be provided, 74 percent.

d. No response, 5 percent.

7. U.S. Troops in Europe. Some observers have proposed that the United States reduce its troop strength in Western Europe. The Federal government should:

a. Maintain U.S. troops in Europe at the present level, 36 percent.

b. Increase U.S. troops in Europe, 2 percent.

c. Decrease U.S. troops in Europe, 57 percent.

d. No response, 5 percent.

8. Minimum wage. The Federal minimum wage is currently $1.60 per hour. At this rate an individual working a 40-hour week would earn $3,328 per year. The minimum wage should:

a. Be increased to $2.25 per hour ($4,680 per year), 39 percent.

b. Be increased to $2.00 per hour ($4,160 per year), 35 percent.

c. Remain the same, 21 percent.

d. No response, 4 percent.

9. Postal service. Since the U.S. Postal Service became a private corporation two years ago, postal service has:

a. Improved, 8 percent.

b. Become Worse, 47 percent.

c. Remained the same, 41 percent.

d. No Response, 4 percent.

10. Agriculture. The nation's farmers could best be helped by:

a. Additional programs to extend utilities to rural areas, 13 percent.

b. Continued farm subsidies for certain crops, 12 percent.

c. Strengthened programs to conserve the land, 47 percent.

d. No Response, 26 percent.

NATIONAL SPENDING PRIORITIES

Most observers agree that Federal spending must be held down to fight inflation. What must be decided is where government should cut spending and where spending should be increased, in short, where our national priorities lie.

Below is a list of areas in which the Federal government is to some extent involved. Please indicate, by marking an X in the appropriate box, whether you believe spending for each area listed should be increased, decreased or held at the present level.

[In percent]

	Increased	Decreased	Held at present level	No response
1. Health	54	5	34	7
2. Veterans	31	7	54	7
3. Education	46	10	37	7
4. Housing	21	29	41	9
5. Space programs	9	52	32	7
6. Farm programs	21	30	39	10
7. Military	7	49	36	8
8. Crime prevention and control	70	3	20	6
9. Child day care	22	33	36	9
10. Transportation	41	15	35	10
11. Aid to the handicapped	59	2	33	6
12. Aid to the elderly	65	2	27	5
13. Foreign aid	2	80	12	6

RINGLE LAYS IT ON THE LINE: NIXON'S THE ONE

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

Mr. BROWN of California. Mr. Speaker, many of our colleagues on the other side of the aisle have been going to great pains lately in their public statements to explain how the Watergate affair occurred without the President's knowledge or consent. They have explained how Mr. Nixon was misled by deceptive, evil members of his staff both before and after the fact of the Watergate break-in, and was taken entirely by surprise when he found out recently that something funny was going on.

William Ringle, a reporter with Gannett Newspapers, recently pointed out the absurdity of such claims in a commentary which was printed in a paper in my district, the San Bernardino Sun, on July 14. The article gives a concise and clear answer to the White House line being repeated by Nixon loyalists, and I offer it here for the enlightenment of our colleagues on both sides of the aisle, along with the suggestion that perhaps the time has come when Republicans must decide whether their primary loyalty must go to the man, Richard Nixon, or to our Nation, and the laws and Constitution which have enabled it to survive nearly 200 years. The article follows:

CLAIMS OF NIXON "NOT KNOWING" WON'T WASH

(By William Ringle)

WASHINGTON.—"I have racked my brain, I have searched my mind. Were there any clues I should have seen that should have tipped me off?"

That, according to Richard A. Moore, President Nixon's special counsel and his longtime associate, was what the President wondered "with great conviction" May 8. Should he have suspected earlier than March 21 that White House aides were involved in the attempt to cover up the Watergate burglary?

Were there any clues?

The simple answer is that the clues had been on perhaps 40,000 doorsteps in the Washington, D.C., area almost every morning. They were in the Washington Post.

To a lesser extent, they were also published in the New York Times and the evening Washington Star News.

In Washington, of all cities in the United States, the idea that anyone would need any "clues" to wonder about whether the White House was involved with Watergate is an absurdity.

Through the summer, fall, winter and spring, the Post kept up a drumfire linking presidential associates to the "infamies that now go under the generic term Watergate" (to borrow a phrase from Sen. Robert C. Byrd, D-W. Va.).

Just for starters, it was on Oct. 1 that the Post said that the Watergate burglary was part of a massive campaign of political spying and sabotage "directed by officials of the White House and the Committee for the Re-Election of the President." It said a secret kitty of between $350,000 and $700,000 had been used to finance these efforts.

Five days later the Post tied in the President's appointment secretary, Dwight L. Chapin, as the contact man.

The following day, Oct. 16, the Post identified Herbert W. Kalmbach, the President's personal attorney, as the one of five persons authorized to make payments from the fund.

Nine days later H. R. (Bob) Haldeman, considered the President's closest personal aide, was identified by the newspaper as another of the five authorized to approve the payments.

But it was not just the enterprise of the Post, the Times, Time or Newsweek alone. On Feb. 2 Chief Judge John J. Sirica of U.S. District Court said that he "wasn't satisfied" that the truth had been developed out of the trial of the seven Watergate defendants.

On March 23, L. Patrick Gray, President Nixon's nominee for head of the FBI, told the Senate that the President's legal counsel, John W. Dean, "probably lied" to FBI agents investigating the Watergate bugging last summer.

Still earlier, FBI files made public indicated that Kalmbach had been the payoff man for Donald H. Segretti, indicted in Florida for political "dirty tricks." And that is but a small part of the revelations.

In his testimony to the Senate Watergate Investigating Committee yesterday, Moore testified that he received two Washington Posts and a New York Times every day. And the President, contrary to rumor, reads the newspapers himself, Moore said.

Sen. Sam Ervin, D-N.C., the committee chairman, was clearly incredulous that Moore, a media expert, lawyer and newspaper reader, was not aware of what "the news media, day after day, week after week" told the people of the Washington area. He asked if "everybody in Washington, D.C., had an opportunity to learn about this besides the President?"

Ervin read Moore headline after headline from the Washington Post implicating top Nixon campaign and White House aides. He asked Moore if he had read each of these.

One he read was from the Jan. 15, 1973, Post reporting that five of the Watergate burglars were still being paid by the presidential campaign committee. As Ervin read on, it turned out that the Post was quoting a New York Times story.

"Sir, that's what's known as a double whammy," Moore retorted.

But Moore continued to insist that the President had not suspected his key White House aides until March 21, when he said Dean confessed a wholesale coverup operation. But it was not until April 30 that the President fired Dean and accepted the resignations of Haldeman and John Ehrlichman, his chief domestic counselor.

A week later, on May 8, when he wondered whether he should have spotted some clues, the President said (according to Moore):

"Maybe there were (clues) . . . I know how it is when you have a lot on your mind, and I did, but . . . I still wonder What do you think?"

Moore said he replied: "Mr. President, I did not have that much on my mind, and I did not see any clues."

ANNOUNCEMENT OF HEARINGS ON VICTIMS OF CRIME

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

Mr. EILBERG. Mr. Speaker, I wish to announce that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary will hold 1 day of public hearings on Wednesday, August 1, to consider H.R. 8777 and a companion bill, S. 300, which passed the Senate on March 29, 1973.

These bills would provide for the compensation of persons injured by certain criminal acts and would make grants to States for the payment of such compensation.

The hearing will be held in room 2237, Rayburn House Office Building and will commence at 10 a.m.

Testimony on these proposals will be received from: Members of Congress who wish to appear, representatives of the Department of Justice and various administrators of State compensation programs which provide benefits to the victims of crime.

SIX GREAT AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, one of America's great ladies, Mrs. Eugene Wyman of California, recently paid tribute to six of our great leaders who were lost to us during the past year.

Her words were so eloquent, her thoughts so universally endorsed, that I believe it is in order to share them with all who did not hear her. She spoke at the Democratic National Congressional Committee dinner, where she was chairman of the event.

Here are her remarks:

SIX GREAT AMERICANS

On the facade of the National Archives Building, inscribed in granite, is the legend, "What is past is prologue!"

That being so, what a glorious future we have in store for our Party and our Nation.

During the past twelve months the Democratic Party and the Nation have lost six great and dedicated Americans, men whose names will go down in history with honor and with great affection.

President Harry S. Truman, President Lyndon B. Johnson, Congressman Hale Boggs, George Collins and Nick Begich, and a private citizen, Eugene Wyman. In this one brief year past, we Democrats have recorded enough prologue for a century of greatness.

These six Americans had many things in common. Each loved his country. Each worked tirelessly for his party. Throughout their lifetimes they shared a special golden thread that bound them forever to American history and to us.

Harry Truman, about whom volumes are yet to be written, left us such a heritage. In one of his now famous observations, he pinpointed the deep sense of responsibility he felt for his position as President of the United States.

"The buck stops here!"

That one simple statement spelled out for all who followed in that exhaulted office, the guideline for instilling confidence in that office and for the leadership required of the man holding that office. It was a statement made by a statesman.

Harry Truman always did exactly what he had to do. He had courage and the courage to free the truth two very strong strands in that golden thread that binds all great Democrats together.

"Come, let us reason together," perhaps best summarizes Lyndon B. Johnson's greatest quality. His ability to lead stemmed from his willingness to reason and to make us reason.

We needn't remind most of you ladies and gentlemen in this hall tonight of his enormous capacity as a Congressman, as a United States Senator, as a Vice President and ultimately as President of the United States. Many of us worked with him. His great successes in the fields of civil rights, social reform, labor and the economic gains under his leadership, are the monument to his proud record and to his long and extremely productive stay in this city.

Harry Truman and Lyndon Johnson were truly great chiefs of our time. But what braves they had!

If any President had to be limited to but one ally, one friend, one worker, one confidant, Hale Boggs would have been enough. Hale Boggs, a tower of talent with an enormous sense of devotion and support for his constituents, which often included the entire population of the United States.

Were we to list all of Hale Bogg's accomplishments, the words could easily stretch far beyond the reaches of this great hall. His tensile strength lay in his devotion to his family, to his many friends, to his state and to his country.

George Collins, veteran, lawyer, public servant, husband and father. Congressman Collins, in his too short tenure, truly earned the title that went with his office. He was truly Honorable. His mere having been here has enriched us all.

Nick Begich, young, enthusiastic, talented. Representative from the newest State, who brought with him, the vigor and enthusiasm of a new and exciting frontier. His potential was oh, so great. Even in his short span, he was able to attract the attention of such diversified groups as Veterans of Foreign Wars, the NAACP, and the National Parent-Teachers Association. Who knows where this career may have led him . . . or even more significantly, where his career might have led us.

And what does one say about a man like Eugene Wyman? Presidents take their place as public figures in history. Elected officers recieve public attention. Their deeds are there for everyone to see. They are never anonymous. So it must be that men like Eugene Wyman must have a special dedication, for little of the public glory or recognition falls on their shoulders. Yet without men like Gene Wyman, under our present system, without their untiring efforts, our country may never have had the benefits of the talents and genius of the Trumans, the Johnsons, the Boggs, the Collins, or the Begichs. It is of a man like Gene Wyman that they say, "Without whom none of this would be possible." Eugene Wyman added unmeasurably to the unbreakable Golden Thread of the Democratic Party and its ideals.

In another hour of national sadness, a very eloquent American, Carl Sandberg wrote these words:

A bell rings in the heart telling it
And the bell rings again and again
Remembering what the first bell told
The going away, the great heart still—
And they will go on remembering
And they is you and you and me and me.

Can a bell ring proud in the heart
Over a voice yet lingering,
Over a face past any forgetting,
Over a shadow alive and speaking,
Over echoes and lights come keener, come deeper?

Can a bell ring in the heart
In time with the tall headlines,
The high fidelity transmitters,
The somber consoles rolling sorrow,
The choirs in ancient laments—chanting:

"Dreamer, sleep deep,
Toiler, sleep long,
Fighter, be restored now,
Sweet good night."

I ask you to join me in a silent prayer to the memory of Harry S. Truman, Lyndon B. Johnson, Hale Boggs, George Collins, Nick Begich and Eugene Wyman.

PRIVATE PENSION PROTECTION—NOW IS THE TIME TO ACT

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

Mr. ANNUNZIO. Mr. Speaker, in March of this year I had the privilege of testifying before the General Subcommittee on Labor as part of its very important field hearings on the problems of the private pension system. It is personally gratifying to see this subcommittee responding to the need for private pension protection. It is also very gratifying to see the General Labor Subcommittee going out and reaching the workers—to hear their side of the story directly. I think the field hearings held in Chicago, for instance, were most valuable in underscoring the seriousness of the pension problem and in providing us with important data that is necessary to pave the way for remedial action. I must commend Mr. DENT and the members of his subcommittee for their energies.

Mr. Speaker, all of us in this body are very much interested in the well-being of our workingmen and women. You may know that my interest goes back a number of years. I am very much aware of the needs of our working people, having served as the legislative and educational director for the United Steel Workers of America. I know firsthand what the pension problems are.

Mr. Speaker, for years we have all been receiving letters, reading stories, and finding out firsthand in our own districts that this Nation's private pension system has been failing too many of its workers. The record is full of hardship stories of thousands of workers who—after dedicating substantial parts of their working lives to one employer—do not receive the pension they had been promised. How full does the record book have to get before we do something?

We have all heard of too many companies going out of business and closing their doors. In doing so, not only do the individuals who work for these companies lose their jobs, but they often lose their pensions as well. Companies these days are being bought and sold like used cars. Often the acquiring company disbands the pension of the company it acquires. Yet there is no recourse available to the workers. They must bear the brunt.

In addition, companies which face financial difficulties prior to the actual closing down of their operations, are always faced with ways of reducing costs. Usually, the first place they look to is the payments they are making into their pension plan. Mr. Speaker, we also hear of workers being discharged shortly before their pensions are vested, or having to work until they reach retirement age before their pension credits vest. These are just some of the problems we have to deal with. It is for this reason that earlier this session I cosponsored H.R. 2858, which dealt with vesting, funding, fiduciary standards, and improved disclosure of plan operations; and H.R. 2973, which would have estabilshed a portability program for vested pensions and a private pension plan termination insurance program.

Mr. Speaker, after having the benefit of additional time to study the hearings record and committee reports relative to the merits of the pending bills, I have reshaped my thinking somewhat on what I believe constitutes the best possible piece of legislation.

I believe that the proposed Retirement Income Security for Employees Act, RISE—better known as the Williams-Javits bill (S. 4)—is that piece of legislation. This bill was unanimously reported out of the Senate Labor and Public Welfare Committee on April 18, 1973—Report No. 93-127. I wish to introduce the bill, as reported, here today.

RISE covers the same important "big five" provisions which I consider essential to pension reform and which were contained in the previous two bills I cosponsored. However, RISE puts these measures in one rather than two bills. Although the measures are fundamentally the same, there are several differences worth noting and which prompted me to introduce the bill in the House. Foremost among these are the topics of vesting and portability.

A major concern to all of us is the

long periods of time that workers have to stay with a company before they obtain a vested right to their pension credits. If they leave or lose their job, they forfeit their pension credits—almost like a lottery.

Some workers are discharged without cause shortly before they are to obtain their vested rights. They are left out on the street with nothing. Many of these workers are close to retirement age. They cannot go out and get a job to start crediting time toward a pension with some other company. They have a hard time just finding a job.

Mr. Speaker, it is for this reason that I am hoping the House will pass this important piece of legislation. The Senate bill already has 53 cosponsors.

RISE imposes minimum vesting requirements in pension plans, whereby employees—after 8 years of participation—would be entitled to a vested nonforfeitable right to 30 percent of their accrued pension benefits. Thereafter, each year they would acquire an additional 10 percent to such right until, at the end of 15 years of service, they would be entitled to 100 percent vested benefits. I might point out that where plans are determined by the Secretary of Labor to contain vesting formulas which provide a degree of vesting protection as equitable as the vesting schedule in the bill, compliance with the statutory vesting schedule may be waived by the Secretary.

Such a phased-in or graded vesting standard minimizes costs to employers while at the same time offering employees vested benefits after as few as 8 years of participation. It is not an "all-or-nothing" approach. Under other proposals, vesting would occur at one point in time—usually after 10 years.

The worker who leaves after 8 or 9 years would not be assured of anything; whereas under RISE he would be entitled to at least a 30 or 40 percent of his earned pension credits.

In this Congress, the administration has again sponsored legislation embodied in H.R. 7157 which would tie age in with years or participation in the pension plan in determining when the employees pension credits must vest. It does this under the so-called rule of 50. I find this objectionable. I strongly believe that vesting requirements should not be tied in with age. RISE purposely avoids that. Such a requirement could only exacerbate age discrimination.

Mr. Speaker, I believe pension reform should be in the way of a comprehensive bill. It should not be done in bits and pieces. This is another reason I am introducing RISE. RISE contains an insurance program to guarantee that vested pension credits of employees will be paid upon termination of a pension plan when there are not sufficient assets to pay the worker's vested benefits. It insures—as it rightfully should—benefits already earned and vested under the terms of the pension plan, prior to the date of enactment. After all, what good would it do our older workers if we do not provide them with a program which would insure the credits they have already earned after long service?

I would like to turn now to the subject of pension plan funding. Coupled with any insurance program is the need for plans to systematically fund liabilities. I would like to point out that the funding schedule mandated in RISE will contribute significantly to the financial integrity of private pension plans. Employers would have to meet two basic requirements. First, they would have to fund all normal service costs annually, and second, vested liabilities would have to be funded within 30 years. I do not think that is asking too much. In fact, many plans already operate on this basis. Mr. Speaker, I do not think companies should make pension promises unless they are prepared to back them up.

The proposed Retirement Income Security for Employees Act recognizes the difference between single employer and multiemployer plans. Separate funding regulations would therefore be established for multiemployer plans in recognition of the differences. Not only do multiemployer plans provide workers with greater mobility within the industry, but they also minimize the risk of plan terminations since more than one company is making contributions into the fund.

Mr. Speaker, the other difference of note between the legislation I previously sponsored and RISE concern portability of pension credits. RISE would establish a voluntary program for portability of pension credits through a central fund, whereby employees of participating employers may transfer vested credits from one employer to another upon change of employment. I stress the word voluntary because under H.R. 462 introduced by Mr. DENT as well as in the measure I cosponsored, participation in a portability program would be mandatory for all plans. After studying this matter carefully I concluded that this would be an unnecessary and complicated undertaking. The main thing is that a worker have a vested right to a pension. After all, without vesting, portability is meaningless.

I believe that by making the program voluntary it would best serve the interests of both employers and employees alike.

Mr. Speaker, many of our colleagues were reluctant to support pension protection legislation in the past because of the scare tactics hurled at them by those opposed to pension protection. But I think as more and more evidence accumulated showing that pension protection is necessary, and as more and more technical data becomes available, the critics will cease altogether in trying to destroy our efforts.

In prior years data was scarce as to how many plans actually terminated, how many workers lost their pensions, how plans were inadequately funded, and perhaps most important, how much would mandatory vesting cost companies? We have obtained answers to these questions, answers which show that pension protection is not only vital to the continuation of the private pension system, but which also shows that such protection is both practicable and feasible. No longer can opposing forces scream that mandatory vesting would cost so much that it would force some plans to terminate or to substantially reduce pension benefits. No longer can they claim that mandatory vesting would put an end to the growth and vitality experienced by the private pension system, because, Mr. Speaker, it would not. For instance, the vesting cost study commissioned by the General Subcommittee on Labor showed that increased costs for mandatory vesting would be nominal. This was substantiated by a similar study conducted for the Senate Labor Subcommittee.

I think we must also keep these things in mind. First, any bill that is not going to cost anything is not going to do anything. Second, many plans are not going to experience any increase in cost as a result of mandatory vesting because they already provide vesting provisions more liberal than those called for in these bills. Third, those plans which might experience high increased costs are probably the plans which border on indentured servitude. These are the plans which make you spend your entire life with the company before you acquire a vested right to a pension benefit. Mr. Speaker, the plans that scream the loudest are those most in need of change. These are the plans that are the chagrin of the private pension system. Let us not let the plans which caused the need for this legislation in the first place be the ones which stall its passage.

Lastly, Mr. Speaker, the ultimate pension protection which will be afforded our working men and women is a program of insurance to protect pension benefits in cases of plan terminations. Without such a program, the pension promise will only be a bigger illusion. It will be a bigger illusion because we will be telling workers that the pension must vest earlier. Although the funding called for will tend to minimize the risk of financial inadequacy, funding will probably never catch up completely with liabilities. This is because plan benefits are quite often liberalized causing increases in the amount of the unfunded liability of the plan. If we truly want to offer our workers "peace of mind" we must establish an insurance program.

I am aware of an interim study which was released recently by the Departments of Treasury and Labor. A complete report is expected later this year. Although the study did not reflect a wide-scale loss of benefits from plan terminations in comparison to the benefits paid out, it reflected only the first 7 months of 1972. Notwithstanding, it showed that 8,400 workers in 293 plans lost benefits valued at $20 million. Keep in mind that this study was not for a complete year and more significant, the chance of risk of termination is still there year after year. I want to emphasize that you cannot look at the problem for just 1 year alone.

The study projected that possible benefit losses over a 30-year period might equal 3 percent. Following the same mathematical logic, this would amount to 4 percent over a 40-year period—which I believe more closely ap-

proximates a person's working career. Therefore, the risk of losing pension benefits over your working career would be about 1 in 25. That is a pretty substantial risk in my book—given the high stakes involved. Also, echoing the President's own words when he directed that the study be undertaken in December of 1971:

Even one worker whose retirement security is destroyed by the termination of a plan is one too many.

I would like to make one more point in closing. We are all concerned about the deficiencies that exist in the private pension system. We are also all concerned that about half of the Nation's work force does not enjoy coverage under a private pension plan. But let us not let our justified concern for the noncovered workforce divert us from the task immediately before us. The task is to shore up the deficiencies that currently exist in regard to the covered workforce.

I have heard recent suggestions that in view of the fact that half the workforce is not covered under the private system, the Government should require all employers to provide a minimum pension. The catch as I see it is that anything over the minimum would be left to the whims of the employers with hands off to the Federal Government. What you would in fact be doing is nothing for pension reform; I am sure that most plans would already be providing whatever minimal Federal benefit would be mandated. Therefore, these plans would not be affected at all. Such a scheme is only a diversionary tactic.

Mr. Speaker, the most immediate problem that we should deal with is that many workers have not been receiving the benefits they have earned. This problem arises from inadequate or nonexistent vesting, improper funding practices, and no plan termination protection. This, coupled with the need for better plan reporting and communication, is where we should be focusing our attention. Before we even contemplate a mandated extension of the private pension system, the system's glaring and recurring defects must be corrected. RISE would do this.

GRAND JURY REFORM WOULD END "DETENTION WITHOUT ACCUSATION," WOLFF SAYS

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

Mr. WOLFF. Mr. Speaker, I plan to cosponsor legislation to be introduced by Congressman RANGEL and Congressman ECKHARDT to reform the grand jury system in this country. This bill is designed to restore to the grand jury its original purpose of protecting individuals from harrassment and unwarranted prosecution.

In Fort Worth, Tex., five New Yorkers, Irish Americans, are being held without bail, accused of no crime, at the direction of a grand jury. Grand juries were originally created under English common law to protect citizens from the arbitrary accusatory powers which were then within the purview of the local sheriff. Unfortunately, over the years, the use of the grand jury in the United States has degenerated to a point where it has become a tool of our modern-day sheriff—the prosecutor's office.

The most blatant example of this abuse of authority is currently underway in Texas. Those five men are being held without bail for invoking the fifth amendment—their constitutional right—and refusing to testify before a grand jury. The guilt or innocence of these men is not at issue here. The important point is that under our Constitution, every accused individual is presumed innocent until proven guilty, and until convicted, that individual should not be denied his rights as an American citizen.

It has become clear in the case of the Fort Worth Five that continued incarceration is being used as a punishment and freedom as an inducement to persuade these men to testify. Held thousands of miles from their homes, families, and jobs, these men stand accused of no crime. If this bill were to become law, no one would ever again be faced with the threat of detention without accusation.

The bill provides a right to quash a grand jury subpena or vacate a contempt order if a primary purpose in incarceration is to punish a witness for his refusal to testify. It also provides a right to quash a grand jury subpena or vacate a contempt order if the court finds that the choice of venue of the grand jury would impose a substantial and unnecessary hardship on the witness or his family. It also limits contempt imprisonment to no more than 6 months.

I believe it essential that this legislation be considered and enacted at the earliest possible opportunity. It is clear that the original intent of the grand jury system is compromised in Fort Worth and perhaps in other cities as well. The preservation of our most basic rights under the Constitution are vital to the continuation of this Nation as the world's greatest democracy.

At this time, I would like to include the text of a letter I have received from Assistant Attorney General Henry Petersen about the Fort Worth Five. This letter clearly supports my contention that these five New Yorkers are being subjected to a twisted application of grand jury authority. The spurious reasoning employed by the Justice Department—as is evidenced seeking out individuals with Irish accents, and sympathizers of the Irish Republican Army—in holding these men underlines the necessity for this legislation.

I include the letter at this time:

JULY 9, 1973.

Hon. LESTER L. WOLFF,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in further response to your letter regarding the five individuals who have become known as the "Fort Worth Five" and have been incarcerated in the Northern District of Texas for contempt of court.

During the latter part of 1971, the Federal Government received information from several different sources indicating that individuals with Irish accents were attempting to purchase large quantities of firearms. Coincidentallly, about the same time Customs officials in Ireland uncovered a large shipment of firearms and grenades aboard the Queen Elizabeth II which had sailed from New York. These firearms and grenades were traced to sources within the United States. In the same time frame, late 1971, the Government received information from one source in Texas that sympathizers of the Irish Republican Army were attempting to make a large purchase of weapons and grenades from Mexican sources through a Texas contact. Investigation by Bureau of Alcohol, Tobacco and Firearms of the Treasury Department developed leads on several individuals, some of whom were known only by their aliases, who had attempted to arrange a large procurement of weapons for a very considerable amount of money. The size of the proposed buy indicated that these individuals were central figures in a gun running ring.

A grand jury was convened in Texas to seek indictments against the Texas contact in this investigation, the unidentified persons who were seeking to arrange the gun purchase, and to develop information regarding what appeared to be a nation-wide conspiracy to violate federal firearms laws by IRA sympathizers. In this regard individuals from New York were summoned to testify, because information had been developed as to their association with various groups and individuals attempting to purchase weapons illegally. Texas was chosen as the venue in the expectation of prosecuting Texas defendants and other figures, at that time, had appeared in Texas in connection with their illegal activities.

Five of the witnesses from New York, now commonly referred to as the "Fort Worth Five," and other New York witnesses were subpoenaed before the grand jury because the investigation at that point indicated that they may have had information about this transaction and related ones. The Government was seeking from them whatever information they had relevant to the investigation. They were protected from prosecution relating to these events by a grant of immunity.

The investigation by the grand jury in Texas was not a fishing expedition, merely probing into possible violations in other districts. Rather, it was an investigation of the first large-scale illegal purchase of weapons as to which the Government had received advance information. In the latter part of 1972 two licensed firearms dealers were prosecuted federally and convicted for selling firearms and failing to keep records. Another individual, James O'Gara, was also indicted federally for the purchase of weapons by means of false statement and false identification. The indictment against O'Gara alleges that he used the identification of several of the Fort Worth Five and others to purchase weapons illegally. O'Gara is also charged with illegally shipping weapons to Ireland.

These five men are incarcerated because they refused to testify under a grant of immunity and were therefore held in contempt of court. This civil sanction is imposed by the courts for refusal to testify pursuant to a lawful order to do so. The defendants can purge themselves of contempt by testifying before the grand jury. If the witnesses do not testify they will be released at the expiration of the grand jury under the provisions of Title 28, U.S.C., Section 1826.

We regret the hardship that this matter may have caused personally to these individuals. It was hoped that they would come forth with the information they had and testify before the grand jury.

We would also like to note for your information, grand juries in Philadelphia and San Francisco have also conducted probes into the overall conspiracy and firearms violations involved in gun running between the United

States and Northern Ireland. Several individuals have pleaded guilty to indictments which have been returned. Most of these firearms and explosives are procured and exported in violation of our laws. The Bureau of Alcohol, Tobacco and Firearms has a continuing active investigation underway into the overall conspiracy. The Department of Justice also has a duty to continue its efforts to identify and prosecute the perpetrators of these criminal acts.

Sincerely,

HENRY E. PETERSEN,
Assistant Attorney General.

RADIOACTIVE WASTE MANAGEMENT AT HANFORD AND OTHER ATOMIC ENERGY COMMISSION INSTALLATIONS

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

Mr. HOSMER. Mr. Speaker, as a direct consequence of the Nation's nuclear weapons program high-level radioactive wastes have been generating for many years. The lay public has been alarmed by recent news dispatches alleging that mishandling of large amounts of radioactive liquids stored by AEC installations imperils our very existence. The alarm arises partly because the dispatches fail to make clear that over a quarter of a century of waste storage history is being reported and that the incidents discussed occurred during that rather extensive time frame, not during just a brief and recent period.

Actually, no claim has ever been made that AEC carries out its waste management program absolutely perfectly. It does conduct the program with considerable candor, however, and has consistently and honestly advised the public whenever leaks have occurred.

At the Hanford, Wash., facility there are 151 underground tanks having a total capacity of 65 million gallons. About 423,500 gallons of waste have escaped since 1958 from 16 leaks. At the Savannah River, S.C., facility, AEC, about 700 gallons leaked in an incident which occurred in 1959. At the National Reactor Testing Station facility in Idaho, some wastes from routine disposals have reached a purely local water table, but have posed no threat due to their low amount of radioactivity.

The fact that no damage to persons or property has occurred from these incidents is no accident. Rather it is a tribute to Atomic Energy Commission's foresight and diligence. Things were planned in that way in the interest of public safety. Since some amount of leakage could not possibly be avoided, leaks were anticipated and, therefore, storage sites were located at out-of-the-way places with low-population densities. Consideration was given to the geological formations which underlie the tanks and overlie the water tables beneath. As a consequence none of the leaked material at Hanford has reached the water table. Indications are that none ever will, but even if it should, the radioisotopes of concern are likely to be absorbed in the soil along the way during their extremely slow underground movement.

It should be understood that the AEC waste storage program is a temporary one. It awaits the day coming soon when selection will be made of a technique for permanent disposal. Meanwhile, the program has been conducted wisely and in a far more responsible manner than some would have us believe.

The Commission has carried out its responsibiilties with a proper regard for the potential risk which these stored materials may pose.

Water and soil samples are taken regularly by the AEC in the vicinity of all of its waste storage sites. Deep wells are sampled in order to discover any radioactivity in ground waters in excess of that always present in nature. These tests confirm that radioactivity from leaks has not reached the underlying water table. The intervening soil has acted like a blotter to trap radioactive material in the near surface areas. Likewise, other stored materials, liquid and solid, have been confined to the storage sites and appear to be stabilized there.

RADIOACTIVE WASTE MANAGEMENT

In an industrial society, it is relatively simple to assure that not a single chemical or radioactive molecule could ever escape from its intended place of storage. For example, one might build a steel lined concrete tank within a steel lined concrete tank within a steel lined concrete tank ad gertrude steinium, as well as leak detection and monitoring systems, to achieve as many levels of protection as one wishes. But at some point the cost of this redundancy rises astronomically and becomes absurd in relation to risk. A balance must be reached between what is sought and its price. In short, a cost/benefit judgment has to be made to assure that public funds alloted to an installation such as Hanford are wisely expended.

AEC'S LONG-TERM PROGRAM; SOLIDIFICATION

The AEC's long-term waste storage program calls for solidification of waste materials awaiting final disposal to render them relatively immobile. New waste storage construction adopts the double shell concept of building steel lined concrete tanks within concrete vaults. A sophisticated leak monitoring system is incorporated in the construction. If there is leakage, it will be discovered and the material pumped to a new tank before it penetrates the outer shell. This represents a substantial technical improvement over installations built years ago. As time and a prudent rate of expenditure allows, the liquid material is dehydrated, solidified, and immobilized either in place or in doubly contained storage vaults designed to provide safe interim storage pending development of assured long-term storage techniques.

THE THREE STORAGE SITES

There follows further specific details regarding the three storage sites:

1. HANFORD

Hanford is located in a relatively arid region where rainfall, when it occurs, does not permeate to the underground water table, it is absorbed in the surface soil. In the same fashion the surface soil acts almost as an ion-exchange column; thus radioactive liquids do not penetrate to the deep soil levels. The water table in the Hanford tank farm area is 150 to 200 feet below the surface.

Hanford liquid wastes are evaporated to salt cake to immobilize them during interim storage. Unlike Savannah River and the National Reactor Testing Station, the Hanford high-heat waste tanks are not equipped with cooling coils. Heat produced by radioactive decay is dissipated by evaporative cooling and conduction. As soon as the decay-heat generation is acceptably low, the wastes are reduced to salt cake. Prior removal of long-lived fission products, such as strontium-90 and cesium-137, from high-heat liquid waste compresses the necessary storage period before reduction to salt cake from as long as 100 years to only about 5 years.

Specifically, the current waste-management cycle at Hanford involves:

First, separation, solidification, and encapsulation of the strontium-90—as strontium fluoride—and cesium-137 (as cesium chloride) from the liquid wastes generated from past operation of the Redox and Purex separations processes and from current operation of the Purex process, and storage of these encapsulated materials in cooling basins in a retrievable form.

Second, in-tank solidification, by evaporation, of the low-heat-generating wastes produced in the past by the bismuth phosphate process and the Redox and Purex wastes after aging for 3 to 5 years and the removal of strontium-90 and cesium-137.

The current schedule calls for in-tank solidification to be on a current basis in fiscal year 1976. By that time, about 90 percent of the volume of the wastes in-tank storage at Hanford will have a sufficiently low-heat generation rate to have been reduced to sludges and salts. By 1977, it is planned to have the encapsulation and storage in water-cooled basins of the strontium-90 and cesium-137 on a current basis.

2. SAVANNAH RIVER

Liquid wastes are being concentrated by evaporation in order to utilize existing tank space more efficiently and to convert the wastes to a less mobile solid form. Two evaporators are used, one has been in service since 1960, the other since 1963. For several years the volume of reduction by evaporation at Savannah River has exceeded the volume of high-level wastes generated by processing operations.

Low-heat liquid wastes are stored in single-shell steel-lined concrete tanks and evaporated almost entirely to salt crystals. High-heat liquid wastes are stored in double-shell freestanding steel tanks enclosed in concrete vaults either partially or completely lined with steel, and equipped with cooling coils. They are evaporated to the extent allowed by the structural and heat-dissipation capabilities of the tanks. Some salt crystals and sludges form in the cooled wastes. By 1976, more than 60 percent of high-level wastes at Savannah River are expected to be immobile sludges and salts.

3. NATIONAL REACTION TESTING STATION (NRTS)

Since 1963, a fluid-bed calcining process has been employed routinely to convert high-level liquid wastes generated by the Idaho Chemical Processing Plan—

ICPP—to a granular solid. The solidified wastes are stored near the surface in stainless steel bins inside concrete vaults and can be retrieved pneumatically. By fical year 1972, over 50 percent of the approximately 4,000,000 gallons of high-level liquid wastes generated at the site had been converted to calcine. It is planned to calcine all the ICPP high-level wastes. The capacity of the waste-calcination facility is such that the present backlog of liquid wastes could be converted to calcine in about 5 years.

FUNDING DATA

The following information is pertinent to AEC's waste management program:

The estimated cumulative costs at AEC sites through fiscal year 1974 are: Hanford, $281.2 million; Savannah River, $97.5 million; National Reactor Testing Station, $45 million; other $8.6 million, for a total through June 30, 1974, of $432.3 million.

The estimated operating costs budgeted for current fiscal year 1974 waste management operations at these three installations are: Hanford, $28.7 million; Savannah River, $7.4 million; National Reactor Testing Station, $5 million; other, $5 million, for a total of $46.1 million.

RADIOACTIVE WASTES PRODUCED BY CIVILIAN NUCLEAR POWER PROGRAM

The foregoing discussion is confined to wastes which have or will be produced by AEC operations. In addition to these AEC wastes, there are those which are consequent to our civilian nuclear power programs. Relative to these, an informative article appeared in the September 1, 1972, issue of Science magazine. Its authors are the respected Drs. Chauncey Starr and Phillip Hammond of the Electric Power Research Institute and Oak Ridge National Laboratory. In the words of Drs. Starr and Hammond:

In public discussion of nuclear power and public safety, much concern is expressed about the need for storing the radioactive waste for centuries. While such long-term storage is an essential part of nuclear power development, the projected public safety issue involved is minimal, compared with other environmental problems. The fact is that a completely adequate waste storage system is trivial in scope and cost, although not in importance. As with the oil filter in an automobile engine, we depend upon its being there and functioning properly, and would suffer hazard and expense if it were not; but it is not a significant item in cost or difficulty.

The article also calculates the amount of high level waste in solid form resulting from nuclear generation of the electrical needs of one person for 1 year. It turns out to be a volume of material about the size of an aspirin tablet. In total, all of the solid waste expected from civilian nuclear power programs through the year 2000 will occupy a volume of about 500,000 cubic feet, enough to cover one football field to a depth of 12 feet. The development of a demonstrably safe and long-term storage technique for this modest amount of radioactive waste material is well within the capabilities of our scientists and engineers.

REFORM TAXES THIS SESSION—GIVE THE WAGE EARNER A BREAK

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

Mr. PODELL. Mr. Speaker, In 1969, more than 3,000 Americans with incomes in excess of $200,000 paid no income tax; 56 of these were millionaires. In 1970, more than 100 Americans with incomes of $200,000 paid no income tax. Yet in 1971, an average worker earning $8,000 a year with a wife and two children paid $672 or 8.45 percent of his income, in Federal income tax, and another $464 or 5.8 percent for social security.

Tax reform is one of the most crucial matters facing the 93d Congress. While our Nation theoretically works under the guide of a progressive tax system in which an individual contributes according to his ability to pay, in practice this is not so. Tax loopholes are available to the privileged, while the hard-working wage earner and the small businessman continue to suffer.

Let us quickly examine just a few of the important tax inequities which we continue to permit:

If a man buys stock today for $100,000 and sells it 6 months and a day later for $150,000, only half of his profit is counted as taxable income. Moreover, the first $50,000 of a taxpayer's capital gain in any 1 year cannot be taxed at more than a 25 percent rate. A man earning that same $50,000 as a salary would have to pay at a 40-percent rate.

The working man who cannot invest any substantial amount of savings gets no benefits from the special treatment we give to capital gains. The wealthy feast from this provision.

The obligation of financing the social security system falls heavily upon the lower and middle income people of the working force. A wage earner with a $12,000 income will see his social security tax increase from $631.80 in 1973 to $702 in 1974 or 5.8 percent of his income. A wage earner with a $30,000 income will pay the same $631.80 this year, only 2 percent of his income.

While the amount of social security taxes increases, it is important to note that the proportion of goods and services that social security income purchases diminishes. When the average couple started to collect social security benefits at the end of 1950, they received about 50 percent of what the Department of Labor considered necessary for reasonable comfort and safety. Today the average elderly couple's social security benefit is equivalent to only about 40 percent of the Department of Labor's figures necessary for reasonable comfort and safety. An average couple receives $271 per month in social security benefits.

When compared to the White House Conference on Aging's determination of $412 per month for reasonable comfort and safety, the plight of our senior citizens becomes clear.

The injustices inherent in our taxing system are appalling. Income tax is the primary source of revenue for the Federal Government, but every year the U.S. Treasury is deprived of billions of dollars because of these loopholes in the income tax system.

Our rising revenue needs and the frustration of our Nation's taxpayers demand essential reform of this system. We must abolish the existing special exemptions which are ruthlessly taken advantage of by wealthy individuals and big business. We must insure greater purchasing power for the lower and middle class, as well as our esteemed senior citizens. We must strengthen our Federal Treasury by providing sufficient revenue for public requirements, but not out of the pockets of those who cannot afford it.

It is high time the burden of our Nation's tax program was spread more evenly throughout the population and our incomes more equitably distributed.

One of America's greatest boasts is that of equal opportunity for all citizens. As long as the rich have their wealth guaranteed by the Federal tax structure, this will be an idle boast.

SAFEGUARDING OUR PRIVACY

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

Mr. PODELL. Mr. Speaker, in the past, the individual's right to privacy has been considered among the most basic of our constitutional liberties. Justice Brandeis, in Olmstead against United States, characterized the right to be let alone as "the most comprehensive of rights and the right most valued by civilized men."

Today however, in this era of Watergate, it would appear that the right to privacy has become obsolete. Each day of the Senate Watergate hearings unveils another incident in which the Nixon administration has run roughshod over personal liberties. The bugging of telephone conversations, the burglarizing of personal files, and the compilation of enemies lists, are all indicative of the total disregard which this administration had for the privacy of the individual.

My personal experience has confirmed this view. For 3 years now, I have been subjected by this administration to acts of political harassment involving gross violations of my rights to privacy. Files containing important papers have been taken from my Washington office. In addition, both my law office in New York and my apartment in Washington have been burglarized.

But these incidents should not lead one to believe that only Government figures can have their privacy violated. Indeed, with our modern technology, the average citizen, just as much as the high official, is potentially subject to governmental invasion upon his privacy.

Recent reports of illegal drug raids against innocent people clearly illustrate this point. Law enforcement agents operating without warrants have smashed into the wrong homes in the middle of the night seeking drugs which were never there. In the process, ordinary citizens have been terrorized by those agents in their most private quarters. Some have been killed.

Probably the most dangerous threat to the individual's privacy is the Gov-

ernment computer. The growth in bureaucracy has increased to a point where no government collects more information about its private citizens than does the United States. Of course, various Government agencies need certain information about the individual in order to be of service to him. But too often, there are insufficient restraints upon the type of information obtained and how it is used.

Information regarding the individual's most personal activities are often computerized and exchanged between agencies without the citizen's knowledge. Several agencies, among them the Customs Bureau, Department of State, and FBI, have collected information on individuals who are considered "malcontents" or "subversives." This is a practice reminiscent of the McCarthy era. And since the citizen never sees his file, mistaken or irrelevant information which appears therein can and has been used to damage his career.

The greatest evil in these invasions of privacy is that once an individual becomes aware that he is being monitored, he is reluctant to engage in those activities which the Constitution protects and encourages. Freedom of speech, freedom of association, the right to assemble, all become a sham if their exercise is ruled out by fear and ostracism.

The threat which Government poses to the right of privacy calls for vigilant action. Along with my colleagues, Congressman KOCH, I have introduced H.R. 2998, a bill which would prescribe specific procedures for the collection and dissemination of information by Government agencies. Among other things, it requires the agency to notify the individual that a file on him exists, and to allow him to see the file, make necessary corrections, and limit the extent to which information in his file is disclosed.

Mr. Speaker, the need for legislation protecting our privacy is now greater than ever before. For too long we have been willing to accept the marvels of the computer and of instant communications without realizing that such technology has the potential to destroy our most sacred freedoms. We should welcome technological advances. But we must guard that progress does not compromise out constitutional liberties.

We must cling with religious zeal to the ideals set forth in the Constitution. Those ideals are the standards for personal freedom and human dignity against which the acts of Government and the acts of man are measured. Without them we are as hopelessly adrift as the sailor without a compass.

TO IMPROVE THE NATURALIZATION PROCEDURE

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

Mr. PODELL. Mr. Speaker, as American citizens, we value certain rights and traditions which we feel are the keystones of our democratic society. Among these are our right to privacy and our privilege against self-incrimination. The Bill of Rights of our Constitution safeguards these rights for every American citizen.

But when a man or woman wants to become an American citizen through the naturalization procedure, these rights are apparently unheard of. Indeed, in order to become an American citizen, you are called upon to incriminate yourself and make public the full details of your private life.

Form N–400: Application To File Petition for Naturalization, summarizes the naturalization procedures sanctioned by law. This form is a 4-page questionnaire which is used in open court for all to hear and question. Purportedly, its purpose is to screen applicants for citizenship, to make sure that we do not grant these rights and privileges to people who may be dangerous to our society.

On its surface, this is a laudable intention. But form N–400 goes far beyond the immediate purpose of screening out criminals and subversives. The form asks, among other questions, whether you have ever been a drunkard, whether you have ever made a bet, whether you have ever even advocated the possibility of polygamy, whether you have ever committed any infraction of the law of any country you have lived in, including traffic violations or any violation of the repressive laws of a Communist country. It is not even necessary that you were arrested for this violation; merely that you committed it. You are compelled to show that you are like Caesar's wife—above suspicion. You must demonstrate that you have never acted in any way that could be questioned by almost anyone else's moral standards. You can be denied citizenship if you answer "yes" to any of these questions or if you answer "no," and are even slightly incorrect.

Mr. Speaker, the American people are not immoral, but we are human. How many of the more than 200 million men, women, and children living in this country would be citizens if they had to apply under such a questionnaire?

This insulting and, perhaps, unconstitutional procedure for naturalization is the reason why nearly 4 million registered aliens live in the United States on a permanent basis, but do not apply for citizenship. They would like to become citizens—they are already paying taxes, contributing their labor and energy, and coping with the same problems that Amercian citizens do—but they will not submit to the indignities of form N–400.

Form N–400, which is based on section 101(f) of the Immigration and Nationality Act of 1952, is a throwback to an earlier self-righteous and discriminatory era. It implies that those who wish to become citizens of this Nation must meet a higher moral and ethical standard than anyone else, including those who are already American citizens. It must be changed.

Today I am introducing legislation to amend section 101(f). The new section 101(f) will provide just three grounds for questioning the moral character of an applicant for naturalization: A conviction of murder, trafficking in dangerous narcotics, and willful, knowing violation of the immigration laws. I have no doubt that this new section would provide ample protection for our Nation against those who would do her harm from within, while at the same time protecting the basic human dignity of those who wish to become American citizens.

Being an American citizen is a pleasure and a privilege. We enjoy more freedom in this country than anywhere else in the world. We are more fully respectful of the rights of the individual than in any other society in history. Is it not fair and proper then, that we extend the same courtesies and respect to those who wish to become citizens as we do to those who by accident or birth are already citizens?

The naturalization process is a memorable, emotion-filled occasion. Citizenship hearings should be an event to look forward to, and to remember with pleasure and pride, not something reminiscent of the Inquisition. I hope that my colleagues will join me in ending a useless, and embarrassing practice.

RETURN TRAVEL EQUITY FOR HAWAII EMPLOYEES

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MINK. Mr. Speaker, I have introduced legislation to provide equity for Federal employees from Hawaii who are separated from government service in the continental United States, by authorizing their reimbursement for transportation and travel expenses back to Hawaii.

Under current law, an employee transferred to a tour of duty outside the continental United States may be returned upon completion of his tour to the place of residence indicated in the travel agreement at the time of assignment. This means that persons who are from mainland United States areas and sent on assignments to Hawaii, may be returned to the mainland United States on completion of their tours. There is not statutory authority, however, to return employees to Hawaii upon completion of their assignments in the continental United States.

My legislation is designed to correct this inequity by authorizing the payment of travel and transportation expenses on the return of an employee who was a past resident in Hawaii, to Hawaii on completion of an assignment in the continental United States. Similar authority would be provided for employees whose actual place of residence prior to such assignment was Alaska, the U.S. territories and possessions, Puerto Rico, or the Canal Zone.

It seems to me that if these benefits are paid to employees from some States, they should be paid to employees from all States. Otherwise employees from Hawaii will continue to suffer discrimination.

In one instance, a Hawaii man was denied travel and transportation reimbursement after his separation and had to pay the expenses of sending his family of five from North Carolina to Hawaii. Instead of shipping his household goods he was forced to sell them at a loss of

more than $2,000. Had he been from a mainland State and separated in Hawaii, he would have received reimbursement for these costs.

I believe our Government should do all it can to promote equity in employment practices so that persons from particular States are not denied benefits given to those from other States. Therefore, I hope this legislation will be adopted.

PROPOSED AMENDMENT TO FOREIGN AID BILL

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

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I take this opportunity to advise the House I intend to offer the following amendment to the foreign aid bill:

AMENDMENT TO H.R. 9360, AS REPORTED OFFERED BY MR. DINGELL

Page 52, strike out lines 1, 2, and 3.

Renumber the succeeding section accordingly.

The amendment is explained in the following letter sent by me and a group of my colleagues:

MEMBER'S ATTENTION PLEASE: AMENDMENT TO BE OFFERED ON BEHALF OF THE UNDERSIGNED TO THE MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973 TO PROTECT AMERICAN FISHERMEN, JULY 25, 1973

DEAR COLLEAGUE: The Mutual Development and Cooperation Act of 1973, H.R. 9360, is planned for consideration on the Floor of the House for Wednesday, July 25 or Thursday, July 26, under a 2-hour open rule.

We are particularly concerned over section 28 of the bill, which repeals section 5 of the Fishermen's Protective Act, and at the proper time we plan to offer an amendment to strike section 28 of the bill.

During the past 20 years, the countries of Peru and Ecuador (which claim a 200-mile exclusive fisheries zone) have illegally seized more than 100 United States tuna vessels. The United States recognizes only a 12-mile fisheries zone off the shores of any country. These seizures have resulted in the payment of fines and fees by United States fishermen in the amount of nearly $4 million.

The Fishermen's Protective Act authorizes the Secretary of the Treasury to reimburse such vessel owners for fines and fees illegally assessed. Also, the Act provides for the owners of such vessels to be reimbursed for other losses incurred during the period of illegal detention.

Section 5 of the Act requires the Secretary of State to immediately notify the offending country of any reimbursement made to the vessel owner and to try to collect the claim from such country. If the offending country fails to pay the claim within 120 days after notified, the Secretary of State is required to transfer an amount equal to such unpaid claim from any funds programmed to that country for assistance under the Foreign Assistance Act to a revolving fund created by the Fishermen's Protective Act. A transfer in no way satisfies the claim and the Secretary of State is required to continue his efforts to collect such claim. The President could prevent such transfer from taking place if he certifies to the Congress it is in the national interest not to do so.

Since late last year and early this year, the countries of Ecuador and Peru have illegally seized 44 American tuna vessels. Total payments made by vessel owners to obtain release of their vessels and crews amounted to $2,305,416. Upon reimbursement of these amounts to the vessel owners—which is about to take place at anytime now—we will experience the first test case of the requirements of section 5 of the Act since it came into effect on October 26, 1972. To repeal this section of the Act at this time, will prevent an opportunity to see its effectiveness in stopping illegal seizures of American fishing vessels.

Your support of our amendment would be greatly appreciated.

Sincerely,

LEONOR K. SULLIVAN,
GLENN M. ANDERSON,
WENDELL WYATT,
LIONEL VAN DEERLIN,
JOHN D. DINGELL,
BOB WILSON,
JOEL PRITCHARD,
ROBERT L. LEGGETT,
Members of Congress.

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 to include extraneous matter:)

Mr. CONTE, today, for 1 hour.

Mr. YOUNG of Florida, today, for 5 minutes.

Mr. BLACKBURN, today, for 5 minutes.

Mr. SHRIVER, today, for 5 minutes.

Mr. KEMP, today, for 10 minutes.

Mr. ANDERSON of Illinois, today, for 30 minutes.

(The following Members (at the request of Mr. BRECKINRIDGE), to revise and extend their remarks, and to include extraneous matter:)

Mr. FLOOD, today, for 30 minutes.

Mr. GONZALEZ, today, for 5 minutes.

Mr. BRADEMAS, today, for 5 minutes.

Mr. BROWN of California, today, for 10 minutes.

Mr. EILBERG, today, for 5 minutes.

Mr. O'NEILL, today, for 10 minutes.

Mr. ANNUNZIO, today, for 5 minutes.

Ms. ABZUG, today, for 10 minutes.

Mr. WOLFF, today, for 5 minutes.

Miss HOLTZMAN, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BRADEMAS, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $552.50.

Mr. ROUSH in two instances.

Mr. MCCORMACK, to follow Mr. HOSMER today.

Mr. CEDERBERG, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $470.25.

Mr. ECKHARDT, immediately following the remarks of Mr. WILLIAM D. FORD on the conference report on S. 1423 today.

(The following Members (at the request of Mr. MITCHELL of New York), and to include extraneous matter:)

Mr. HOSMER in two instances.

Mr. CARTER in two instances.

Mr. ARENDS in two instances.

Mr. LENT.

Mr. FRENZEL in six instances.

Mr. WIDNALL in two instances.

Mr. WHITEHURST.

Mr. STEIGER of Arizona in two instances.

Mr. BOB WILSON in two instances.

Mr. PARRIS in five instances.

Mr. DU PONT.

Mr. FORSYTHE.

Mr. PRICE of Texas.

Mr. WYMAN in two instances.

Mr. KEMP in two instances.

Mr. MCKINNEY.

Mr. BRAY in two instances.

Mr. KETCHUM.

Mr. HOGAN.

(The following Members (at the request of Mr. BRECKINRIDGE) and to include extraneous material:)

Mr. BRINKLEY.

Mr. HARRINGTON in four instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. KYROS.

Mr. CLARK.

Mr. SYMINGTON.

Mr. MCSPADDEN.

Mrs. CHISHOLM.

Mr. MOLLOHAN.

Mr. ROONEY of Pennsylvania in two instances.

Mr. MACDONALD in two instances.

Mr. KASTENMEIER.

Mr. DORN in three instances.

Mr. VANIK in two instances.

Mr. ROONEY of New York in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1149. An act to promote commerce and to meet the need of consumers of goods and products by increasing availability of railroad rolling stock and equipment through improved utilization techniques and financial guarantees for new acquisitions, and for other purposes; to the Committee on Interstate on Foreign Commerce.

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1090. An Act to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 26, 1973, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1175. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for the period July 1972, through April 1973, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1176. A letter from the Acting Secretary of Health, Education, and Welfare transmitting a plan for a national heart, blood vessel, lung and blood disease program prepared by the Director of the National Heart and Lung Institute, pursuant to Public Law 92-423; to the Committee on Interstate and Foreign Commerce.

1177. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for January 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

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. DORN: Committee on Veterans' Affairs. H.R. 9474. A bill to amend title 38 of the United States Code to increase the monthly rates of disability and death pension, and dependency and indemnity compensation, and for other purposes; with amendment (Rept. No. 93-393). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee on Appropriations. H.R. 9590. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes. (Rept. No. 93-399). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1697. An act to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California; with amendment (Rept. No. 93-400). Referred to the Commitee 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. ABDNOR:

H.R. 9540. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak.; to the Committee on Veterans' Affairs.

By Mr. ANNUNZIO:

H.R. 9541. 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. BIAGGI (for himself, Mr. TALCOTT, Mr. MURPHY of New York, Mr. CONYERS, and Mr. QUILLEN):

H.R. 9542. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 9543. A bill to require the Interstate Commerce Commission to investigate certain interstate freight rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ERLENBORN (for himself, Mr. BLACKBURN, Mr. ESHLEMAN, Mr. FRENZEL, Mr. FREY, Mr. GILMAN, Mr. HINSHAW, Mr. HOSMER, Mr. KEATING, Mr. MCCLORY, Mr. MICHEL, Mr. RONCALLO of New York, Mr. SHRIVER, Mr. THONE, Mr. VEYSEY, Mr. WILLIAMS, and Mr. WON PAT):

H.R. 9544. A bill to revise the Welfare and Pension Plans Disclosure Act, and to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, and for other purposes; to the Committee on Education and Labor.

By Mr. FRASER:

H.R. 9545. 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. FRENZEL:

H.R. 9546. A bill to require the President to notify the Congress whenever he impounds funds, to provide that the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding and to place an overall limit on policy impoundments; to the Committee on Rules.

By Mr. GONZALEZ:

H.R. 9547. A bill to amend title 28, United States Code, to require filing of surety bonds by plaintiffs in civil actions against law enforcement officers to defray reasonable costs of successful defense in such actions; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 9548. 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. HARSHA:

H.R. 9549. 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 Miss JORDAN:

H.R. 9550. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 9551. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H.R. 9552. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. MACDONALD:

H.R. 9553. A bill to amend the Communication Act of 1934 for 1 year with regard to the broadcasting of certain professional home games; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER (for himself, Mr. BERGLAND, Mr. DENHOLM, Mr. JOHNSON of Colorado, Mr. MAYNE, Mr. NELSEN, Mr. NICHOLS, Mr. PRICE of Texas, Mr. RARICK, Mr. SISK, Mr. SMITH of Iowa, Mr. SCHERLE, and Mr. SYMMS):

H.R. 9554. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

By Mrs. MINK:

H.R. 9555. A bill to amend title 5 of the United States Code to provide that whoever contributes more than $5,000 to the political campaign of a Presidential candidate shall be ineligible to serve as an ambassador, minister, head of an executive department, or a member of an independent regulatory body while such candidate is President; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS (by request):

H.R. 9556. A bill to authorize the disposal of copper from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. RHODES (for himself, Mr. GOODLING, Mr. BURGENER, Mr. ANDREWS of North Dakota, Mr. HUDNUT, Mr. LENT, Mr. ZION, Mr. DICKINSON, Mr. TEAGUE of California, Mr. SCHNEEBELI, Mr. FORSYTHE, Mr. FISH, Mr. SHUSTER, Mr. WYLIE, Mr. COHEN, Mr. KEATING, Mr. VEYSEY, Mr. HASTINGS, Mr. J. WILLIAM STANTON, Mr. LOTT, Mr. STEELMAN, Mr. YOUNG of South Carolina, Mr. SYMMS, Mr. MALLARY, and Mr. NELSEN):

H.R. 9557. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RHODES (for himself, Mr. YOUNG of Illinois, Mr. MADIGAN, Mr. TOWELL of Nevada, Mr. TREEN, Mr. DELLENBACK, Mr. SMITH of New York, Mr. BRAY, Mr. COCHRAN, and Mr. COUGHLIN):

H.R. 9558. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RIEGLE:

H.R. 9559. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. ROUSH (for himself, Mr. COUGHLIN, Mr. GIAIMO, Mr. GILMAN, Mr. GREEN of Pennsylvania, Mr. HECHLER of West Virginia, Mr. HOSMER, Mr. HOWARD, Mr. LENT, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MCCLORY, Mr. MOORHEAD of Pennsylvania, Mr. PEPPER, Mr. RHODES, Mr. RIEGLE, Mr. ROSENTHAL, Mr. SARBANES, Mr. SIKES, Mrs. SULLIVAN, Mr. THONE, Mr. WARE, and Mr. WON PAT):

H.R. 9560. A bill to amend the Communications Act of 1934 to provide grants to States and units of local government for the establishment, equipping, and operation of emergency communications facilities to make the national emergency telephone number 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 9561. 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. SAYLOR (by request):

H.R. 9562. A bill to authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STARK (for himself, Mr. RARICK, Mr. REES, Mr. MITCHELL of Maryland, Mr. YOUNG of Georgia, Mr. GOLDWATER, Mr. GONZALEZ, Mr. O'HARA, Mr. OBEY, Mr. BROWN of California, Mr. ANDERSON of Illinois, Mr. LEHMAN, Ms. HOLTZMAN, Mr. EDWARDS of California, Mr. WALDIE, Mrs. BURKE of California, Mr. RIEGLE, Mr. FRASER, Mr. MOAKLEY, Mr. COTTER, Mr. GETTYS, Mr. ANNUNZIO, Mr. MOSS, Mr. DERWINSKI, and Mrs. SCHROEDER):

H.R. 9563. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

By Mr. STEELE (for himself, Mr. FRENZEL, Mr. MCEWEN, Mr. PRITCHARD, Mr. ROBINSON of Virginia, and Mr. VANDER JAGT):

H.R. 9564. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 9565. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9566. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

H.R. 9567. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 9568. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 9569. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. MCEWEN, Mr. PRITCHARD, Mr. ROBINSON of Virginia, and Mr. VANDER JAGT):

H.R. 9570. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 9571. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 9572. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

By Mr. STEIGER of Arizona:

H.R. 9573. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

By Mr. STUDDS (for himself and Mr. CLARK):

H.R. 9574. A bill to increase the subsistence payments to students at State maritime academies; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. MURPHY of New York, Mr. GROVER, Mr. CLARK, Mr. SNYDER, Mr. BIAGGI, Mr. LOTT, Mr. BOWEN, Mr. MOSHER, Mr. ASHLEY, Mr. LEGGETT, Mr. METCALFE, and Mr. ANDERSON of California):

H.R. 9575. A bill to povide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WYATT (for himself, Mr. LUJAN, Mr. RAILSBACK, Mr. BURGENER, Mr. BAFALIS, Mr. HOGAN, Mr. GUDE, Mr. MCDADE, Mr. SMITH of New York, and Mr. ANDREWS of North Dakota):

H.R. 9576. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL of Virginia:

H.R. 9577. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia, to amend title 28 of the District of Columbia Code relating to usury in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CARNEY of Ohio (for himself, Mr. DORN, Mr. TEAGUE of Texas, Mr. HALEY, Mr. DULSKI, Mr. ROBERTS, Mr. SATTERFIELD, Mr. HELSTOSKI, Mr. EDWARDS of California, Mr. MONTGOMERY, Mrs. GRASSO, Mr. WOLFF, Mr. BRINKLEY, Mr. CHARLES WILSON of Texas, Mr. TEAGUE of California, Mr. ZWACH, Mr. MARAZITI, Mr. HUBER, Mr. WALSH, and Mr. SAYLOR):

H.R. 9578. A bill to amend chapter 37 of title 38, United States Code, to improve the basic provisions of the veterans home loan programs and to eliminate those provisions pertaining to the dormant farm and business loans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARVEY (for himself, Mr. ASHLEY, Mr. BAKER, Mrs. BOGGS, Mr. BURTON, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DAVIS of Georgia, Mr. DULSKI, Mr. EDWARDS of California, Mr. ESCH, Mr. WILLIAM D. FORD, Mr. HAWKINS, Mr. JONES of Tennessee, Mr. MCSPADDEN, Mr. MAZZOLI, Mr. QUILLEN, Mr. RAILSBACK, Mr. SARBANES, Mrs. SCHROEDER, Mr. WINN, Mr. YATRON, and Mr. YOUNG of Alaska):

H.R. 9579. 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. KASTENMEIER (for himself and Mr. HARRINGTON):

H.R. 9580. A bill to amend the Voting Rights Act of 1970 to prohibit the States from denying the right to vote in Federal elections to former criminal offenders who have not been convicted of any offense related to voting or elections and who are not confined in a correctional institution; to the Committee on the Judiciary.

By Mr. MARAZITI:

H.R. 9581. A bill to amend title 18 of the United States Code to provide penalties for the murder, manslaughter, or attempted murder or manslaughter, of Federal law enforcement officers, members of federally assisted law enforcement agencies, Federal employees, and persons engaged in interstate and foreign commerce; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 9582. A bill to amend the Labor Management Relations Act, 1947 to extend injunctive relief specifically to prevent destruction of perishable food crops due to threatened or actual strike or lockups; to the Committee on Education and Labor.

By Mr. PATMAN (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BARRETT, Mr. BERGLAND, Mr. CLAY, Mr. DELLUMS, Mr. DULSKI, Mr. GREEN of Pennsylvania, Mr. HAMMERSCHMIDT, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KARTH, Mr. MURPHY of New York, Mr. PODELL, Mr. ROE, Mr. STUDDS, Mr. CHARLES WILSON of Texas, and Mr. YOUNG of Alaska):

H.R. 9583. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. REES:

H.R. 9584. A bill to amend title 39, United States Code, to provide for the furnishing of certain information with charitable solicitations sent through the mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROGERS (for himself, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. CARTER, Mr. HASTINGS, and Mr. HUDNUT):

H.R. 9585. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 9586. A bill to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 9587. A bill to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Texas:

H.R. 9588. A bill for the relief of the city of Aransas Pass, Tex., and the Urban Renewal Agency of the city of Aransas Pass, Tex.; to the Committee on the Judiciary.

By Mr. DIGGS (for himself, Mr. ADDABBO, Mr. BUCHANAN, Mrs. COLLINS of Illinois, Mr. CORMAN, Mr. CULVER, Mr. DANIELS of New Jersey, Mr. DULSKI, Mr. FASCELL, Mr. GUDE, Mr. HUNGATE, Mr. KASTENMEIER, Mr. LEGGETT, Mrs. MINK, Mr. REID, Mr. REUSS, Mr. STARK, Mr. VAN DEERLIN, and Mr. WHALEN):

H.J. Res. 683. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. FREY:

H.J. Res. 684. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. MCFALL:

H.J. Res. 685. Joint resolution to designate the third week of October of each year as "National Patients' Week"; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 686. Joint resolution providing for the designation of September 30, 1973, as "National Grandparents Day"; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H. Res. 508. Resolution; an inquiry into the extent of the bombing of Cambodia and Loas, January 20, 1969, through April 30, 1970; to the Committee on Armed Services.

By Mr. McKINNEY:

H. Res. 509. Resolutiodn expressing the sense of the House of Representatives that any individual who serves as the Director of the Energy Policy Office should be appointed by the President of the United States with the advice and consent of the Senate; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GONZALEZ introduced a bill (H.R. 9589) for the relief of Capt. George Moore, Jr., of the U.S. Air Force, which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, July 25, 1973*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Father of all, who has taught us that we are members one of another, help us to realize that we are one people under Thy rulership. Direct us that we may correct what is wrong, uphold what is right, and work together in harmony for the good of our land and the glory of Thy name. In this Chamber grant us grace to be faithful stewards of the high trust reposed in us by the will of the people.

Through Him who is Lord of life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 25, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 24, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination under the Department of Labor.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under the Department of Labor, will be stated.

DEPARTMENT OF LABOR

The second assistant legislative clerk read the nomination of Julius Shiskin, of Maryland, to be Commissioner of Labor Statistics, U.S. Department of Labor, for a term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Connecticut (Mr. WEICKER) for not to exceed 15 minutes.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1973—AMENDMENT NO. 409

Mr. WEICKER. Mr. President, I have submitted an amendment to S. 372, the Federal Election Campaign Act Amendments of 1973, which, if adopted would make available to the voters, 2 weeks before election to Federal office, a complete report of each candidate's finances. This report would account for all sources of money raised and all expenditures made or obligated, before the election.

The theory is that new regulations proposed in the amendment would bring the complete facts as to the role that money played in each campaign to the voters' attention 2 weeks before election, in plenty of time for the voters to make their own judgments about the role which money played in the campaign.

Now, Mr. President, my amendment is not based on any academic theory. It is not based on some desire to achieve the idealistically impossible. Rather, the amendment I am suggesting is based on my own personal experience. Candidly, so far as I am concerned, far too much time was spent thinking about and raising money during my campaign. It was a situation which I confront, and most politicians confront, whereby at the end of a campaign we run into deficits. We are not so lucky as our good friend from Vermont (Mr. AIKEN) who ran his campaign on $14. However, most of us end up with large deficits.

Also, I had the experience, and most politicians do, whereby a good portion of the funds we receive come to us not before the election but after we have won. Therefore, the tribute is not so much for what we stand for but rather the power of our office.

So in effect the amendment which I propose hits head-on these deficiencies which are as harmful to the candidate as they are to the public.

This public disclosure would afford greater insurance against the abuse of our system of elections, greater by far than new election laws, commissions, or provisions for stricter penalties.

Public opinion is, by far, the highest enforcer of high standards in this country. In its simplest terms, the amendment provides that as of a date 2 weeks before an election, no more contributions may be accepted, no more expenditures may be contracted for or budgeted for, and a complete financial report must be filed immediately. To accomplish this result, three separate amendments to the pending legislation would be required.

First, the reporting section would be amended so as to require each candidate to file a cumulative financial report of all contributions received and all disbursements made as of the date 2 weeks before the election.

At any time past that point nothing may be spent except that which is clearly set forth in the report and made a matter of public knowledge.

Second, the section on expenditures provides that no expenditures may be made in behalf of the political candidate after 2 weeks before the election for anything not reported as contracted for or budgeted for in the report of that date.

Far from hindering campaign operations, this amendment should be a blessing in disguise. Money could be spent in the last 2 weeks of the campaign, but only for items duly reported as contracted for or budgeted for in that period. This means that each candidate is responsible for keeping current all financial records, especially as the final preelection reporting date approaches.

Many persons might ask, Would not this be an impossible task to accomplish in the period before election? Yes, it would, if, in fact, the candidate did not commence to keep accounts from the time his first dollar was received and