urgently wish he would resign, do not want to see the President in jail.

But consider the logical consequences. If the House were to impeach, there would be a blitz to switch four or five Senate votes now in the Nixon column that, with impeachment's momentum behind it, might well succeed.

Since impeachment could only succeed centered on an "indictable crime," such as obstruction of justice, it would then be impossible to sing hail to a new chief and go home; if Congress found President Nixon guilty of a specific crime, then the special prosecutor would be duty-bound to seek indictment of private citizen Nixon for that crime.

No citizen is above the law, the prosecutor would argue with great logic; ex-President or no, a crime requires that justice be done. Since Mr. Nixon is not the type to plea-bargain or assert anything but his innocence, *it can be* expected that a District of Columbia grand jury would indict and a D.C. petit jury would convict. And the ensuing public clamor for clemency would not necessarily restrain a judge from entering the history books by imposing a short jail sentence.

Far-fetched? Somewhere along the line, would there not be a deal, a resignation, a bill of abatement, a hung jury or an accident to stem the flow of consequences? Perhaps.

But perhaps not. I have taken the reader down this highly hypothetical road to show that it can happen here and to urge some consideration of the consequences of impeachment.

The impeachment lobby does not want the public to think about the consequences to the nation of an imprisoned ex-President, for good reason: fear of arriving at the ultimate destination might cause us to turn off at the first exit. One step at a time, say the impeachers; let justice take its course; it is not helpful for them to admit the possibility that the paths of impeachment lead but to the clink.

Then, of course, would come revision: What have we done? That question would quickly change to "What have they done?" In this "Ox-Bow Incident" reaction, the majority who only wanted a President rebuked or censured would blame the politicians for the incarceration of a political opponent.

The Representative who voted for impeachment would then be hard put to explain that all that flowed from his vote had nothing to do with him.

Before the grand inquest becomes the grand inquisition, let us stop to think. Are we ready to go all the way?

The nation is not in such present danger of tyranny for us to set a precedent for the legal overthrow of elected leaders, and to open the possibility for their absolute degradation. Does anyone seriously suggest that the Nixon experience of the last year is not enough to deter some future President from taking a similar course, that only legal punishment will make the point?

Liberals who have fought Mr. Nixon over the years have a special responsibility now to take the long view. To consider all the consequences—including those that seem as remote as impeachment itself did not so long ago—before running the risk of being gripped by the momentum of retribution.

The road we are on is a rumor-greased expressway with fewer exits, than we think, and—as Jefferson wrote to Madison—"Impeachment has been an engine more of passion than justice."

HOUSE OF REPRESENTATIVES—*Wednesday, May 15, 1974*

The House met at 12 o'clock noon.

The Reverend R. Joseph Dooley, president, International Conference of Police Chaplains, offered the following prayer:

O Lord, our God, this day, Peace Officers Memorial Day, set apart by Presidential proclamation, we pray for the blessing of peace on all our dedicated law enforcement officers, who have given *their lives* in the performance of their duties.

We pause this spring day to remember the record-setting toll of 134 local, county, State, and Federal law enforcement officers killed in 1973—as well as the 39 officers who have died already this year. They placed the preservation of law and order above personal safety.

Truly, this is a tragic count. Even more tragic, Lord, than the loss of these valiant officers' lives, is the fact that their deaths left nearly three times their number in immediate family survivors.

Bless, guide, and inspire, Lord, the many men and women who work in governing our country. Grant them the humility they need to represent the people they serve, the generosity to give their very best, and the determination to serve America with love and dedication—as these peace officers have done. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3418. An act to amend section 505 of title 10, United States Code, to establish uniform original enlistment qualifications for male and female persons.

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

H.R. 14368. An act to provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14368) entitled "An act to provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. MUSKIE, Mr. MONTOYA, Mr. BAKER, Mr. BUCKLEY, Mr. JACKSON, Mr. BIBLE, and Mr. FANNIN to be the conferees on the part of the Senate.

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

S. Con. Res. 85. Concurrent resolution to proclaim October 14, 1974, a Day of National Observance for the 200th Anniversary of the First Continental Congress, and for other purposes.

POSTAL SERVICE FAILS MOTHER'S DAY TEST

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

Mr. FUQUA. Mr. Speaker, the U.S. Postal Corporation is up to its usual inefficient manner. On Thursday morning of last week I mailed a very nice Mother's Day card to my mother, a very dear, sweet, and loving mother. To my amazement, I found that the card was delivered Tuesday, 2 days after Mother's Day.

Mr. Speaker, I hope the Postal Service can improve its service just a little bit better than that displayed on this occasion.

ADMISSION OF WOMEN TO THE SERVICE ACADEMIES

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

Mr. FISHER. Mr. Speaker, due to considerable interest expressed by Members of the House and the commitment made by the chairman of the House Armed Services Committee on this floor on March 18, 1974, I wish to announce that the Subcommittee on Military Personnel, of which I am chairman, will commence hearings on several measures calling for the admission of women to the service academies on May 29, 1974.

The ranking minority member of the subcommittee, Mr. DICKINSON of Alabama joins me in stating that we intend to pursue our legislative inquiry into these proposals in considerable detail and to offer complete, open, and objective hearings on all facets of the issues involved.

We will commence our hearings on May 29 with testimony from Members of the House.

WHO WRITES THE LAWS?

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

Mr. RONCALIO of Wyoming. Mr. Speaker, upon returning from Wyoming last week, I called the Office of Federal Energy Administrator to find what date the price rollback of propane would take effect, pursuant to our note in the House on the Alexander amendment, and the conference report agreed to by the Sen-

ate last week. The price of propane was to be rolled back to the May 1973 level.

Mr. Speaker, despite the obvious legislative intent that the rollback ensue, I was told by the FEA that there may be no rollback of the price of propane. They hold that language is discretionary in the statute, and that despite the obvious legislative intent of the House and the Senate, no rollback is to be put into effect. Meanwhile, in Wyoming, propane has jumped up another 3 cents wholesale.

Mr. Speaker, I ask my colleagues, who writes the law of the land, the elected Representatives of the people or the administration downtown? This is the question.

FOOD FOR THOUGHT

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

Mr. BURKE of Massachusetts. Mr. Speaker, may I bring to the attention of the U.S. Congress an editorial that appeared in last Sundays' edition of the New York Sunday News, entitled "Food for Thought." Yes, it is food for thought, with vegetable prices soaring higher and higher each day and vegetables reaching heights out of reach for the average consumer.

My bill would cost the Federal Government $6 million a year and produce hundreds of millions of dollars in nutritious food and rekindle the spirit of self-sufficiency that has played such an important part in this Nation's development.

The editorial follows:

FOOD FOR THOUGHT

Rep. James Burke (D-Mass.) has suggested that the Agriculture Department supply Americans with free seed so they could grow some of their own food. Besides beating inflation. Burke said, home gardening would bring families together and teach urban youths that vegetables don't "come from the backroom of the supermarket."

It's an intriguing idea. But it would also help the battle against rising living costs if someone would devise a program to teach Congress that money doesnt grow on trees.

TERRORIST ABOMINATION

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

Mr. BINGHAM. Mr. Speaker, the Palestinian terrorists have achieved a new level of barbarity with their latest abomination.

The whole world should cry out in revulsion at the deliberate killing of children to achieve political ends.

What will the Arab States say now? Will they still seek to block action by the U.N. Security Council expressly condemning such atrocities?

There can be no excuse for silence now.

Meanwhile, we grieve for the families of those Israeli children who lost their lives before they had had a chance to live.

FEDERAL WASTE OF TAXPAYERS' MONEY

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

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, it has come to my attention that in 1972 the Department of Health, Education, and Welfare spent $23,000 of the taxpayers' money to conduct a study of why children fall off their tricycles.

The study concluded that children fall off their tricycles because they lose their balance or they run into objects.

It cost the Federal Government $23,000 to learn what every American mother knows. Over a week ago, I asked HEW for an explanation, but I have not yet received a satisfactory response.

As we all know, inflation is rampant throughout the Nation. Most sound economists agree that excessive Government spending is one of the major causes of this terrible inflation. We should not allow foolish programs such as this to waste the taxpayers' dollars and feed the fires of inflation.

There is currently no way Congress can learn of these absurd expenditures before the fact. They can only be uncovered through the audit procedures from the GAO or through an investigative reporter from the news media.

Consequently, the only corrective measures are disciplinary actions by the bureaucracy against the individuals responsible for wasteful programs.

PUBLIC OPINION AND CONGRESSIONAL REFORM

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

Mr. MARTIN of Nebraska. Mr. Speaker, the recent action of the Democratic Caucus in sidetracking House Resolution 988 shows a callous disregard for the concern which the American people are showing in the performance of this body.

More than 77 percent of the American people believe Congress is doing either a "poor" or "only fair" job, according to a recent public opinion survey conducted by the Sindlinger firm of Philadelphia. A mere .2 percent thought Congress was doing an "excellent" job.

The American people are clearly subjecting Congress to close scrutiny. They want their legislative institutions to work better than they have in the past, and they will expect us to work toward that end.

In this light, it is shocking that the Democratic Caucus, meeting in secret session on May 9, decided to delay and perhaps even kill the committee reform package reported by the Select Committee on Committees. Reform of our organization and procedure is becoming more necessary with every passing day, and the American people realize this. The action of the Democratic Caucus is not a worthy response to the concern expressed by the public.

Mr. Speaker, I think the American people expect us to act promptly, fairly, and publicly on the issue of congressional reform. Therefore I hope that House Resolution 988 will be speedily brought to the floor of the House for full public debate.

WHEAT AND BREAD PRICES

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

Mr. SEBELIUS. Mr. Speaker, I call for an end to silence within the baking industry. After the American Baker's Association leadership announced to the public that bread would soon be $1 a loaf and that this spring bread shortages would produce lines that would make the customers forget gas lines, we have heard nothing from this organization.

At the time, I stated that this was a shameful and factless scare tactic. Since that time, wheat prices have declined almost 50 percent. What has happened to bread prices? They have not declined one penny and in many instances have actually increased. Why?

If the earlier comments were not self-serving, I ask the ABA to state their case and make a full explanation to the American consumer. They should explain why a twofold increase should precipitate a threefold increase in bread prices when a similar decline in wheat prices does not produce even a marginal reduction in the price of bread.

Without such a followup, I can only question the motivation of these statements and the call for a wheat export embargo. I call upon consumers and producers to draw their own conclusions about the credibility and attitude of the ABA and their high officials toward the two segments of our national food chain which are vital to their survival.

Perhaps it is time that the American consumer purchase their own flour and make their own bread. There is no substitute for homebaked bread and pastry for taste and nutrition. Wheat and wheat food products have been referred to as the very staff of life. Bread is one of the four food groups that we need every day. I think it is time that consumers buy their own flour, which has declined about 20 cents on a 10-pound bag, and rediscover the taste of what our mothers and grandmothers baked.

There is nothing wrong, it seems to me, for some old-fashioned competition to serve the best interests of the American consumer.

VIETNAM VETERANS NEED HELP IN SECURING BENEFITS

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

Mr. WOLFF. Mr. Speaker, a serious problem confronts us today. It is the question of extending the time limitation during which Vietnam veterans must use their education benefits. Three months ago, the House passed and sent

to the Senate a bill containing a 2-year extension from 8 to 10 years. This bill also contained the 13.6-percent increase in the subsistence allowance. For 3 months, the Senate has dragged its feet on this bill with the result that today the rights of 300,000 veterans whose education benefits are due to expire on May 31 have been placed in jeopardy. Now the Senate has sent back to us a bill containing only the 2-year extension.

There will be an attempt made on the floor here today to substitute the House passed bill for the Senate passed measure. I hope that the House will give grave consideration to this, inasmuch as the benefits of 300,000 Vietnam veterans will end on May 31, and we must remember that if a conference between the House and Senate does not resolve the problem by May 31, the education of 300,000 vets will come to a halt, cutting off hopes for careers and ending job opportunities for many. I might also point out that thousands of veterans are faced with the dilemma of having to register for school before May 31 without the guarantee that GI benefits will be forthcoming. Even a week's delay in enacting the 2-year extension will cause grave problems.

Mr. Speaker, I think the Members should be alerted to the fact that the rights of these veterans are in jeopardy today. Congress must enact the 2-year extension without further delay.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. 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. 221]

Broomfield	Hawkins	Rangel
Burke, Calif.	Hébert	Reid
Carey, N.Y.	Helstoski	Rogers
Carter	Huber	Roncallo, N.Y.
Chisholm	Hudnut	Rooney, N.Y.
Clancy	Johnson, Pa.	Shuster
Clark	Leggett	Slack
Clausen, Don H.	Litton	Steiger, Ariz.
	McCloskey	Stubblefield
Clay	McCormack	Stuckey
Conte	Martin, N.C.	Sullivan
Conyers	Mills	Talcott
Davis, Ga.	Mollohan	Thompson, N.J.
Diggs	Morgan	Tiernan
Dorn	Mosher	Williams
Drinan	Nelsen	Wright
Dulski	Nix	Wyatt
Gray	Pettis	Young, S.C.
Green, Oreg.	Pike	
Gunter	Quillen	

The SPEAKER. On this rollcall 376 Members have recorded their presence by electronic device, a quorum.

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

PRESENTATION OF FLAG OF UNITED STATES FOR DECEASED MEMBERS OF READY RESERVE

Mr. FISHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5621) to amend title 10, United States Code, to provide for the presentation of a flag of the United States for deceased members of the Ready Reserve, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That section 1482 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(f) The Secretary concerned may pay the necessary expenses for the presentation of a flag to the person designated to direct the disposition of the remains of a member of the Reserve of an armed force under his jurisdiction who dies under honorable circumstances as determined by the Secretary and who is not covered by section 1481 of this title if, at the time of such member's death, he—

"(1) was a member of the Ready Reserve; or

"(2) had performed at least twenty years of service as computed under section 1332 of this title and was not entitled to retired pay under section 1331 of this title.".

Amend the title so as to read: "An Act to amend title 10, United States Code, to provide for the presentation of a flag of the United States for deceased members of the Ready Reserve and for deceased members of the Reserve who die after completing twenty years of service, but before becoming entitled to retired pay."

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

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I do so to ask the gentleman if the amendments are germane to the bill?

Mr. FISHER. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING ADDITIONAL APPROPRIATIONS TO CARRY OUT PEACE CORPS ACT

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12920) to authorize additional appropriations to carry out the Peace Corps Act, and for other purposes, with a Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, after line 6, insert:

SEC. 3. (a) Section 5(c) of the Peace Corps Act (22 U.S.C. 2504(c)) is amended by striking out "$75" and "$125" and inserting in lieu thereof "$115" and "$190", respectively.

(b) Section 6(1) of such Act (22 U.S.C. 2505(1)) is amended by striking out "$125" and inserting in lieu thereof "$190"

(c) There are authorized to be appropriated such additional sums as may be necessary to carry out the amendments made by subsections (a) and (b) of this section. Such amendments are to be effective for any fiscal year only to such extent and in such amounts as are specifically provided for such purpose in appropriation Acts.

(d)(1) Section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)1)) is amended by striking out "$50" and "$75" and inserting in lieu thereof "$75" and "$115", respectively.

(2) There are authorized to be appropriated in addition to the sums authorized to be appropriated pursuant to section 501 of such Act, such additional sums as may be necessary to carry out the amendments made by paragraph (1) of this subsection. Such amendments are to be effective for each fiscal year only to such extent and for such amounts as are specifically provided for such purpose in such appropriation Acts.

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

There was no objection.

The Senate amendment was disagreed to.

PROVIDING 10-YEAR DELIMITING PERIOD FOR PURSUIT OF EDUCATIONAL PROGAMS BY VETERANS, WIVES, AND WIDOWS

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3398) to amend title 38, United States Code, to provide a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object—and I shall not object. I do so to ask the distinguished gentleman from Texas the reason for his request and to give him time enough to explain it to the House.

Mr. TEAGUE. Mr. Speaker, in February of this year, after very careful consideration by the House Committee on Veterans' Affairs, that committee brought to this floor a bill pertaining to GI education, the main provisions being to provide a 2-year extension of time and then an increase of, for example, from $220 for a single veteran to $250. The cost was $1.1 billion. It meant approximately $50 million a month to our veterans.

That has been over in the other body since February. They have taken no action on the total bill, but they did send a bill back to this House doing nothing but extending the time for 2 years. What I propose to do here today is to take that bill and substitute the bill we sent over there unanimously, by a vote of 382 to 0, and which would also put in the $250 a month for veterans, and send it back to the other body for their action.

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I support the gentleman's request. The effect of this action will be to return to the other

body for their further consideration a bill that is identical to the bill that passed this House on February 19 by a record vote of 382 to 0.

On February 19th, Mr. Speaker, the House passed H.R. 12628, the Veterans Education and Rehabilitation Amendments of 1974. Among other things, the measure auhorized a 13.6 percent increase in monthly allowances payable to veterans and dependents attending school under the veterans benefit programs. The bill also contained a 2-year extension of the 8-year period during which educational benefits must be utilized.

The 2-year extension authorized by the House-passed bill, H.R. 12628, becomes critical, Mr. Speaker, because the 8-year period expires on May 31 of this year for a substantial number of veterans, many of whom are currently in school.

For some unexplained reason, the Committee on Veterans' Affairs in the other body, with more than 2 months in which to complete action on the House passed measure, has not done so. Now, ignoring the increase in monthly allowances, they have belatedly extracted from the House bill the provision relating exclusively to the 2-year extension and passed it.

I said belatedly because it is apparent that they have already waited too long to insure the timely receipt of monthly allowances by veterans attending school. The Veterans' Administration has informed the distinguished chairman of the Committee on Veterans' Affairs that processing time alone would prevent checks from being mailed prior to June 3. Unfortunately the need for an appropriation of $77 million to fund this authorization will delay even further the timely delivery of education allowances.

Mr. Speaker, this body has already demonstrated its strong support of the 2-year extension by a unanimous vote on February 19. In the same vote, the House of Representatives expressed its strong support for a 13.6-percent increase in monthly educational allowances.

Each day of delay or failure of the other body to take action on H.R. 12628 deprives eligible veterans of more than $1.5 million in additional benefits. Mr. Speaker, I cannot be a party to such costly delays.

I therefore must support the proposed amendment which, if approved, will reiterate to the other body our strong resolve to increase monthly allowances as well as extend entitlement for 2 years.

Mr. Speaker, I withdraw my reservation of objection.

Mr. WOLFF. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman from Texas what happens to the 300,000 veterans whose rights run out on May 31, when the length of time, the 8-year period runs out, that is in the event that the Senate does not accept our bill?

Mr. TEAGUE. Mr. Speaker, if no action is taken, those some 300,000 veterans would lose their entitlement. It would certainly be the hope, and as the gentleman from New York well knows, we have consulted with the Speaker and some of the leadership, we would hope to see those rights of veterans are protected before May 31.

Mr. WOLFF. Mr. Speaker, further reserving the right to object, I certainly do not object to the additions of the House position, because as one of the original cosponsors of this legislation, I feel very strongly it must be enacted to take care of the problems of the veterans of our Nation; however, I want to be sure it will not cause a cessation of any benefits to those veterans who are now in school and who will be interrupted in their education because the 8-year program runs out. I am satisfied that the solution you and I worked out with the Speaker will insure the 2-year extension.

Mr. Speaker, I withdraw my reservation of objection.

Mr. BINGHAM. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Texas would not agree it would make sense to have a short extension of the existing law, perhaps 2 months, to protect the veterans' benefits that my colleague, the gentleman from New York, speaks of, so as to allow time to work out the differences between the Senate and the House on the more comprehensive bill.

I understand, for example, that the Senate is considering a tuition assistance program which goes beyond what the House did and which appeals to me very much as a program that would put the veterans' benefits in line with the GI benefits following World War II.

Assuming that the Senate accepts the House bill, that would not be included. Would it not be desirable to have a short extension of 2 months to the existing program to allow time to work out the differences between the Senate and the House?

Mr. TEAGUE. Mr. Speaker, first of all, the gentleman from Texas does not agree with the gentleman from New York about the discrepancy between the veterans of Vietnam and World War II. That is the first difference.

Certainly this bill has merit and if passed, we would hope it would take care of that.

Mr. BINGHAM. Mr. Speaker, I further want to ask the gentleman, what is the position of the gentleman and the position of the committee with regard to the tuition assistance program being considered in the Senate?

Mr. TEAGUE. Our committee has voted three times on that proposition and we have voted it down. As far as the gentleman from Texas, speaking for myself and not for the committee, I am 1,000 percent opposed to it.

I might say to the gentleman that the Committee on Education is holding hearings on that matter now in our committee.

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

Mr. BINGHAM. I yield to my colleague, the gentleman from New York.

Mr. WOLFF. For the gentleman's information, the subcommittee, as the gentleman indicated, is holding hearings on the direct tuition plan and anticipates it will offer that bill very shortly.

Mr. BINGHAM. I thank the gentleman.

Mrs. HECKLER of Massachusetts. Mr. Speaker, reserving the right to object, I yield to my distinguished colleague, the gentleman from Arkansas, the distinguished ranking minority member on the committee.

Mr. MAYNE. Mr. Speaker, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I yield to the distinguished gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I want to commend the gentlewoman and the gentleman from Texas for the fight they are putting up to see that this period of eligibility is extended for another 2 years.

This is a matter of vital importance which I believe all Members of the House should get behind to the fullest extent possible.

I thank the gentlelady from Massachusetts (Mrs. HECKLER) for yielding. Mr. Speaker, earlier today I introduced legislation identical to S. 3398 as passed by the Senate yesterday, legislation which would simply extend the period of time during which veterans must complete training from the present 8 years following last discharge or release to 10 years. Without such an extension, many veterans now in the midst of their education or training would no longer be able to utilize the educational assistance for which their service otherwise entitled them, for their eligibility would expire on June 1, 1974. Time is of the essence in this connection. Failure of the Congress to enact and the President to sign into law legislation extending eligibility beyond June 1, 1974, certainly for a minimum of 2 years, would be a national tragedy, working great hardships on those veterans who were delayed, often through no fault of their own, in starting their education or training or in working toward the advanced degree to which their service entitled them.

However, I have been convinced by the distinguished Member from Texas, the chairman of the House Veterans' Affairs Committee's Subcommittee on Compensation and Pension (Mr. TEAGUE), in his statements on the floor today, of the wisdom of his move to substitute the language of the Veterans' Education and Rehabilitation Amendments of 1974, H.R. 12628 as passed by the House with my strong support on February 19, 1974, for that of S. 3398, the simple 2-year extension of veterans training eligibility passed by the Senate yesterday, and to then return it to the Senate for its approval. The improvements in the educational assistance programs provided in H.R. 12628 are indeed urgently needed, and they might well fall by the wayside, mired in the Senate Veterans' Affairs Committee's apparent inability to arrive at a solution to its impasse regarding the details of this legislation, if the House concurs in the simple 2-year extension of benefits. In view of the sadly deficient level of present veterans training assistance payments under the exist-

ing law, failure to insist upon enactment of at least the benefit increases and improvements contained in H.R. 12628 as passed by the House would work serious hardships upon veterans and their families, and upon the institutions in which they are enrolled. In fact, failure to increase benefit rates at the same time eligibility is extended may make the extension of eligibility somewhat an exercise in futility, for many veterans would find it an economic impossibility to seek to continue their training or education under the present program's benefit schedules.

I strongly urge the Members of this House to vote in support of the motion, thereby giving the Members of the other body opportunity to accept. S. 3398 as amended by the language of H.R. 12628. I urge the Members of the Senate to approve this package, though the benefits may appear lower in some instances than those some Senators might advocate, for certainly this is a case where a bird in hand is indeed worth two in the bush. I further urge the President to make every effort to sign this important and urgently needed legislation into law and to implement it fully and speedily. There has been far too much delay on this matter already. Let us show not only ourselves but all America just how efficiently and speedily our institutions of Government can move to meet this real crisis and to provide the benefits America's veterans and their dependents have been promised and which they fully deserve.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to propound a question to the distinguished gentleman from Texas. As the original author of the legislation which he is suggesting to substitute for the Senate bill today, I certainly support all of those objectives, and indeed every provision in the bill is meritorious, desirable, and overdue.

My greatest concern is that we enact the extension of the GI bill eligibility period for the Vietnam era veterans, because this is a crucial question for over 300,000 veterans whose benefits will expire May 31. It seems to me that should be our first priority and that the other provisions, as important as they are, can be considered after we consider this extension issue.

Mr. Speaker, my question goes to the issue of the need for an authorization. Is it not true that the Veterans' Administration yesterday advised the chairman of the committee that it does not have enough funds in its account to continue the monthly payments beyond May 31?

Mr. TEAGUE. That is correct. The Administrator of the Veterans' Administration advised the committee that they need $77 million.

Mrs. HECKLER of Massachusetts. Is it not true that an extension of this program would require an authorization before a supplemental appropriation would be in order before this House?

Mr. TEAGUE. That is correct.

Mrs. HECKLER of Massachusetts. Then, it seems to me that the need for an appropriation lends added urgency to the question of extending the entitlement period for 2 years. I simply cannot understand the lack of foresight on the part of the Veterans' Administration in not providing for the anticipated continuation of this program. Nevertheless the fact is that they need to have an authorization.

Should this issue go to conference—and I have tremendous respect for the gentleman's leadership in the conference—will it be possible to urge the Senate to act within this limited time span, within the May 31 deadline, so that these Vietnam veterans will receive equal treatment with their colleagues from other wars?

Mr. TEAGUE. It is my understanding that the other body is meeting today to take some action in this regard.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I thank the gentleman for his comments. I feel it is absolutely crucial that we enact an authorization, so that we can get to work on passing an emergency supplemental appropriation to continue the payments beyond May 31. The extension of the eligibility for the 300,000 veterans in this program must be our highest priority, and I urge the conferees on this legislation to come to an agreement as soon as possible in order to meet this priority. We simply must not allow this program to lapse.

Mr. Speaker, I withdraw my reservation of objection.

Mr. BIAGGI. Mr. Speaker, reserving the right to object, let me say that I anticipated this development several weeks ago. Therefore, I introduced a bill that dealt with a simple 2-year extension, a bill devoid of any other complications.

After the other body passed a simple 2-year extension bill on Monday, I started a push for passage of my bill. I have over 50 cosponsors after only 24 hours. I anticipated arriving at this point today. The House acted unanimously in the early part of this year to provide additional benefits for veterans. The other body, unfortunately, is providing the problem. We find ourselves in somewhat of a crunch. The chairman is as concerned as I am with some $50 million a month that is being denied veterans each month we delay action. Yet if we fail to provide at least an extension before the end of this month, more than 300,000 veterans will be cut off completely.

Mr. Speaker, the question I ask is, assuming that the Senate does not respond to the action we take today, and assuming we then proceed under suspension on May 20 to deal with a simple extension as we have agreed upon, just what will be the result?

Mr. TEAGUE. First, the other body in the last 3 months has kept $150 million out of the pockets of the GI's going to school. I personally am very much interested in the extension, and also in that $50 million a month. Certainly, I will not expect us to do nothing just because the other body does nothing. I certainly want the House to do whatever is necessary to retain the extension rights of those 300,000 veterans.

Mr. BIAGGI. Mr. Speaker, I withdraw my right to object.

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

There was no objection.

Mr. HILLIS. Mr. Speaker, I rise in support of S. 3398 as amended. While I am fully aware of the impending deadline of June 1, 1974, when educational entitlement will be terminated for some of our veterans, because the 8-year period in which they must use their educational benefits will have tolled. I am also concerned about all of our veterans who have been awaiting a long overdue increase in their educational allowances. Many of them, too, will terminate their educational programs, but for a different reason. They will not be able to afford to remain in school.

In my estimation, both of these groups are equally in need of immediate legislative action. In February, the House sent to the Senate a bill, H.R. 12628. It contained provisions which with timely action by the other body would have avoided the concern and anxiety many of our veterans are now undergoing.

I favor completely the extension of the 8-year delimiting period to 10 years, but in good conscience I cannot support a bill that will only eliminate a hardship for some while others fully as deserving will lose out because of inadequate allowances. In view of this I can support S. 3398 only as amended to include the increase in the educational allowances.

Mr. DORN. Mr. Speaker, on February 19, the House of Representatives passed, by a vote of 382 to 0, a bill which would give Vietnam veterans a 2-year extension of training time, granting a cost-of-living increase of 13.6 percent and equalizing the vocational rehabilitation program with provisions of the World War II program.

This bill has languished in the Senate, with no action being taken until Monday of this week when the Senate, in an effort to extract themselves from the problem which has been created by their delay, passed a bill (S. 3398) which takes only one provision of the House-passed bill, H.R. 12628, relating to the 2-year extension, and sent it back to the House for action. No action has been taken on the more comprehensive House-passed bill. No action has been taken on the proposal to grant veterans a cost-of-living increase.

There is no argument that there is merit to extending Vietnam veterans training time from 8 to 10 years. If action is not taken promptly to extend the period, on May 31 several thousand veterans who are in training, or who would like to go to school, will have their plans temporarily disrupted, and we certainly do not wish to see this. On the other hand, failure to pass the cost-of-living increases would adversely affect more than a million veterans enrolled in training. Each month that the other body has delayed has cost the veterans of this country about $50 million. It is incomprehensible to me as to why the other body would delay further on the cost-of-living increase and I see no reason that benefit cannot be passed along with the 2-year extension and the other provisions of the House-passed bill.

Information is being disseminated that if the House does not act immediately, veterans whose eligibility would otherwise expire on May 31, 1974, will be interrupted and will not receive their next check on time. Unfortunately, the other body has delayed acting on this legislation so long now that it appears

there is no way to prevent disruption in training eligibility for those whose time expires on May 31. We have been advised by the Veterans' Administration and OMB that the agency has no funds for the payment of education assistance benefits to veterans whose eligibility under current law expires May 31, 1974, and to continue in training beyond that date if Congress extends entitlement. The Veterans' Administration has estimated that it will need $77 million for this purpose by June 30, 1974, and that the agency does not have funds available in other appropriations to meet this expense.

In addition, the agency is pointing out that there will be complicated administration problems and it will need additional operating expenses to carry out the extension. OMB has indicated that if Congress extends the eligibility period from 8 to 10 years that a supplemental appropriation will be needed to fund this additional benefit.

The report which I have received from the Administration regarding its need for additional funds is as follows:

VETERANS' ADMINISTRATION,
Washington, D.C., May 14, 1974.

HON. W. J. BRYAN DORN,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This has reference to your letter of this date concerning legislation (S. 3398) currently being considered by the Congress to extend the time period for utilization of GI bill benefits. As you know, this legislation would extend from 8 to 10 years the time period within which veterans of service after January 31, 1955 have to utilize their educational assistance benefits. With limited exceptions, approximately 4 million post-Korean veterans whose eligibility would otherwise expire May 31, 1974 would continue to be eligible for such benefits for an additional two years.

Implementation of this legislation will impose major administrative and funding difficulties during the balance of this fiscal year:

1. Cases to be reviewed for a possible extension of the current enrollment period must be identified. Each such case must be individually reviewed to verify that the current enrollment period extends beyond May 31, 1974. For each case so verified a separate award must be prepared by the regional office and referred to the Data Processing Center at Hines, Illinois for payment. Time constraints preclude making such payments by the June 1 delivery date. *The earliest possible date these checks could be mailed would be June 3.*

2. No funds have been provided for payment of educational assistance benefits to veterans whose eligibility under current law expires May 31, 1974, and who continue in training beyond that date under an extended entitlement. We currently estimate that a 1974 Readjustment Benefit supplemental appropriation of approximately $77 million will be required for this purpose by June 30, 1974. In this connection it is pointed out that higher-than-anticipated 1974 Compensation and Pensions obligation levels preclude any possibility of a transfer of funds from that appropriation account. Further, additional General Operating Expenses costs will be incurred in implementing the proposed legislation.

I will be pleased to provide any additional information you may desire in this connection.

Sincerely,

DONALD E. JOHNSON,
Administrator.

It is most regrettable that the other body did not take up this problem in a more expeditious fashion so that these additional funds could have been included in the supplemental appropriation which the Congress sent to the President a few days ago. I have no doubt that our Appropriations Committees will cooperate to furnish such additional funds for any benefits authorized by the Congress through extending training time, but this will take some time and spokesmen for OMB and VA indicate that it is not likely that this can all be accomplished and prevent a delay in benefits even though the extension provision which we are considering becomes effective June 1, 1974.

Mr. Speaker, it is most unfortunate that veterans, Members of Congress and veteran organizations are being led to believe that the simple solution to this problem is for the House to take up the piecemeal bill which the Senate has passed. Unfortunately, this is not true. We should make a decision now about what we are going to do not only on the 2-year extension, but on increased benefits resulting from the cost-of-living raise, so that the increased funding needs for this legislation can be handled in an orderly fashion by our Appropriations Committee.

It is for this reason that our committee is amending S. 3398 by adding all of the original provisions of the House-passed bill and sending it back to the Senate. We urge the other body to act immediately on this bill so that veterans can have their extension and their cost-of-living increase, and so that Congress can immediately set about to appropriate the funds necessary for these increased benefits.

I am well aware that there are all sorts of novel tuition schemes being considered in the other body, which is certainly their privilege. If the other body chooses to hold extended hearings on these subjects, certainly it is their right to do so. But I do not think that more than a million veterans in training at this time should be deprived of their cost-of-living increase while talks continue about this controversial subject.

The time to act is now and I can think of no legitimate reason for further delay on the part of the other body.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1662 of title 38, United States Code, is amended—

(1) by deleting "eight" in subsection (a) and inserting in lieu thereof "ten";

(2) by deleting "8-year" in subsection (b) and inserting in lieu thereof "10-year";

(3) by deleting "8-year" and "eight-year" in subsection (c) and inserting in lieu thereof "10-year" and "ten-year", respectively; and

(4) by deleting at the end thereof the following new subsection:

"(d) In the case of any veterans (1) who served on or after January 31, 1955, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to his last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing his ten-year period of eligibility for educational assistance, any period during which he was so detained and any period immediately following his release from such detention during which he was hospitalized at a military, civilian, or Veterans' Administration medical facility.".

SEC. 2. Section 1712 of title 38, United States Code, is amended—

(1) by deleting "eight" in subsection (b) and inserting in lieu thereof "ten"; and

(2) by deleting "eight" in subsection (f) and inserting in lieu thereof "ten".

SEC. 3. Section 604(a) of Public Law 92-540 (82 Stat. 1333, October 24, 1972) is amended by deleting "eight" and inserting in lieu thereof "ten".

AMENDMENT OFFERED BY MR. TEAGUE

Mr. TEAGUE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE: Strike out all after the enacting clause of S. 3398 and insert in lieu thereof the provisions of H.R. 12628, as passed on February 19, 1974, as follows:

That this Act may be cited as the "Veterans' Education and Rehabilitation Amendments Act of 1974".

SEC. 2. Chapter 31 of title 38, United States Code, is amended as follows:

(1) by amending paragraphs (1) and (2) of subsection (a) of section 1502 to read as follows:

"(1) arose out of service during World War II, the Korean conflict, or the Vietnam era; or

"(2) arose out of service (A) after World War II and before the Korean conflict, (B) after the Korean conflict but before August 5, 1964, or (C) after the Vietnam era, and is rated for compensation purposes as 30 per centum or more, or if less than 30 per centum, is clearly shown to have caused a pronounced employment handicap."; and

(2) by amending the table contained in section 1504(b) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$193	$240	$282	$20
Three-quarter-time	145	180	212	15
Half-time	97	120	141	10
Farm cooperative, apprentice, or other on-job training:				
Full-time	168	203	235	16."

SEC. 3. Chapter 34 of title 38, United States Code, is amended as follows:

(1) by deleting in the last sentence of section 1677 (b) "$220" and inserting in lieu thereof "$250";

(2) by amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in colum IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$250	$297	$339	$20
Three-quarter-time	188	223	254	15
Half-time	125	149	170	10
Cooperative	201	236	268	16";

(3) by deleting in section 1682(b) "$220" and inserting in lieu thereof "$250";

(4) by amending the table contained in paragraph (2) of section 1682(c) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$201	$236	$268	$16
Three-quarter-time	151	177	201	12
Half-time	101	118	134	8";

(5) by deleting in section 1696(b) "$220" and inserting in lieu thereof "$250";

(6) by inserting in clause (3) of section 1652(a), immediately after "1661(a)," the following: "except as provided therein,";

(7) by adding at the end of section 1661(a) the following:

"For purposes of this subsection, in determining the period to which any eligible veteran is entitled to educational assistance under this chapter, the initial period of active duty for training performed by him under section 511(b) of title 10 shall be deemed to be active duty if at any time subsequent to the completion of such period of active duty for training such veteran served on active duty for a consecutive period of one year or more.";

(8) by amending section 1662—

(a) by deleting "eight" in subsection (a) and inserting in lieu thereof "ten";

(b) by deleting "8-year" in subsection (b) and inserting in lieu thereof "10-year";

(c) by deleting "8-year" and "eight-year" in subsection (c) and inserting in lieu thereof "10-year" and "ten-year", respectively; and

(d) by adding at the end thereof the following new subsection:

"(d) In the case of any veteran (1) who served on or after January 31, 1955, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to his last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing his ten-year period of eligibility for educational assistance, any period during which he was so detained and any period immediately following his release from such detention during which he was hospitalized at a military, civilian, or Veterans' Administration medical facility.";

(9) by deleting in section 1673(d) "chapter 31, 34, or 36" and inserting in lieu thereof "chapter 31, 35, or 36";

(10) by adding at the end of section 1682 a new subsection as follows:

"(d)(1) Notwithstanding the bar in section 1671 of this title prohibiting enrollment of an eligible veteran in a program of education in which he is 'already qualified', a veteran shall be allowed up to six months of educational assistance (or the equivalent thereof in part-time assistance) for the pursuit of refresher training to permit him to update his knowledge and skills and to be instructed in the technological advances which have occurred in his field of employment during the period of his active military service.

"(2) A program of education pursued under this subsection must be commenced within twelve months from the date of the veteran's discharge or release from active duty and must be pursued continuously (except for interruptions for reasons beyond the veteran's control).

"(3) A veteran pursuing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate payable as set forth in the table in subsection (a)(1) or in subsection (b)(2) of this section, whichever is applicable.

"(4) The educational assistance allowance paid under the authority of this subsection shall be charged against the period of entitlement the veteran has earned pursuant to section 1661(a) of this title."; and

(11) by amending section 1685—

(a) by deleting "$250" wherever it appears in subsection (a) and substituting "500" in each case;

(b) by deleting "one hundred hours" wherever it appears in subsection (a) and substituting "two hundred hours" in each case; and

(c) by deleting "(not to exceed eight hundred man-years or their equivalent in manhours during any fiscal year)" in subsection (c).

SEC. 4. Chapter 35 of title 38, United States Code, is amended as follows:

(1) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $250 per month if pursued on a full-time basis, (B) $188 per month if pursued on a three-quarter-time basis, and (C) $125 per month if pursued on a half-time basis.";

(2) by deleting in section 1732(a)(2) "$220" and inserting in lieu thereof "$250";

(3) by deleting in section 1732(b) "$177" and inserting in lieu thereof "$201";

(4) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $250 per month. If the charges for tuition and fees applicable to any such course are more than $78 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $78 a month upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $8.35 that the special training allowance paid exceeds the basic monthly allowance.";

(5) by amending section 1723(c) by deleting "any course of institutional on-farm training,"; and

(6) by amending section 1732 by redesignating subsection (c) as subsection (d) and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) An eligible person who is enrolled in an educational institution for a 'farm cooperative' program consisting of institutional agricultural courses prescheduled to fall within forty-four weeks of any period of twelve consecutive months and who pursues such program on—

"(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

"(B) a three-quarter-time basis (a minimum of seven clock hours per week), or

"(C) a half-time basis (a minimum of five clock hours per week),

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in paragraph (2) of this subsection, if such eligible person is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the person is enrolled.

"(2) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing a farm cooperative program under this chapter shall be computed at a rate of (A) $201 per month if pursued on a full-time basis, (B) $151 per month if pursued on a three-quarter-time basis, and (C) $101 per month if pursued on a half-time basis."

SEC. 5. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by deleting in section 1786(a)(2) "$220" and inserting in lieu thereof "$250";

(2) by amending the table contained in paragraph (1) of section 1787(b) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$182	$203	$223	$9
Second 6 months	136	158	177	9
Third 6 months	91	112	132	9
Fourth and any succeeding 6-month periods	45	67	86	9";

(3) by amending section 1787(b)(2) to read as follows:

"(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be (A) $182 during the first six-month period, (B) $136 during the second six-month period, (C) $91 during the third six-month period, and (D) $45 during the fourth and any succeeding six-month period.";

(4) by amending section 1784(b) to read as follows:

"(b) The Administrator may pay to any educational institution, or to any joint apprenticeship training committee acting as a training establishment, furnishing education or training under either chapter 34, 35, or 36 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to report to him by law or regulation. Such

reporting fee shall be computed for each calendar year by multiplying $3 by the number of eligible veterans or eligible persons enrolled under chapter 34, 35, or 36 of this title or $4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title, on October 31 of that year; except that the Administrator may, where it is established by such educational institution or joint apprenticeship training committee that eligible veteran plus eligible person enrollment on such date varies more than 15 per centum from the peak eligible veteran plus eligible person enrollment in such educational institution or joint apprenticeship training committee during such calendar year, establish such other date as representative of the peak enrollment as may be justified for such educational institution or joint apprenticeship training committee. The reporting fee shall be paid to such educational institution or joint apprenticeship training committee as soon as feasible after the end of the calendar year for which it is applicable."; and

(5) by adding at the end of section 1788(a) the following:

"Notwithstanding the provisions of clause (1) or (2) of this subsection, an educational institution offering courses on a clock-hour basis below the college level may measure such courses of a quarter- or semester-hour basis (with full-time measured on the same basis as provided by clause (4) of this subsection), provided that (A) the academic portions of such courses require outside preparation and are measured on not less than one quarter or one semester hour for each fifty minutes net of instruction per week per quarter or semester; (B) the laboratory portions of such courses are measured on not less than one quarter or one semester hour for each two hours of attendance per week per quarter or semester; and (C) the shop portions of such courses are measured on not less than one quarter or one semester hour for each three hours of attendance per week per quarter or semester: *Provided*, That in no event shall such course be considered a full-time course when less than twenty-five hours per week of attendance is required.

SEC. 6. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V—VIETNAM ERA VETERANS COMMUNICATION CENTER

"§ 251. Establishment of the Center

"(a) There is established in the Veterans' Administration a Vietnam Era Veterans Communication Center (hereinafter referred to in this subchapter as the 'Center') which shall be headed by a core group composed of not less than five employees of the Veterans' Administration, each of whom is a veteran of the Vietnam era. There shall be at least one employee of the Veterans' Administration in each veterans' assistance office established pursuant to section 242 of this title who shall be a Vietnam era veteran and who shall be responsible to the core group.

"(b) The Center shall consist of such other employees as the Administrator deems necessary to carry out the purposes of this subchapter.

"§ 252. Functions of the Center

"The Center shall make an initial evaluation (and report the results of such evaluation to the Administrator and to the Congress within three months after the effective date of this subchapter) and thereafter make a periodic evaluation of—

"(1) the effectiveness of the veterans outreach services program established by subchapter IV of this chapter, particularly as it applies to Vietnam era veterans; and

"(2) make recommendations, based on its evaluations under subparagraph (A), to the Administrator and to the Congress for establishing new, and improving existing, methods and procedures to be implemented by the Veterans' Administration (whether through such subchapter IV or otherwise) to insure that all veterans are made aware of, and are assisted in applying for, all benefits and services under laws administered by the Veterans' Administration.

"§ 253. Reports to the Congress and the Administrator

"In addition to the initial report required under section 252 the Center shall make a report to the Congress and to the Administrator every six months on its activities under section 252.".

(b) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER V—VIETNAM ERA VETERANS COMMUNICATION CENTER

"251. Establishment of Center.
"252. Functions of Center.
"253. Reports to the Congress and the Administrator.

SEC. 7. Any veterans who becomes eligible for an additional period of educational assistance under chapter 34 of title 38, United States Code, by virtue of the enactment of item (7) of section 3 of this Act and who was discharged or released from active duty (qualifying him for such additional period) prior to the date of enactment of this Act shall have a period of twenty-four months from the date of such enactment to use such additional period of educational assistance.

SEC. 8. The rate increases provided by this Act shall become effective on the first day of the second calendar month which begins after the date of enactment.

Mr. TEAGUE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas.

The amendment 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 amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons; to make improvements in the educational assistance programs; and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE. 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 Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1769, FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1769) to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. TEAGUE, DAVIS of Georgia, SYMINGTON, MOSHER and BELL.

APPOINTMENT OF CONFEREES ON H.R. 13998, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1975

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13998) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE, HECHLER of West Virginia, FUQUA, SYMINGTON, MOSHER, BELL, and WYDLER.

EGG RESEARCH AND CONSUMER INFORMATION ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1100 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1100

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. 12000) to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and production to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments

as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1100 provides for an open rule with 1 hour of general debate on H.R. 12000, the Egg Research and Consumer Information Act of 1974.

H.R. 12000 allows the egg industry of the United States, with the cooperation of the U.S. Department of Agriculture, to draft and put to referendum a national plan through which individual egg producers might assess themselves up to 5 cents for each case of commercial eggs. Funds received would be used for the purpose of consumer education and information programs, research, advertising, promotion to enhance the utility, desirability, and image of eggs, egg products, spent fowls, and spent fowl products.

H.R. 12000 provides that an egg board, if approved by the referendum, composed of 18 members recommended by certified egg industry organizations and appointed by the Secretary of Agriculture, will control all collected funds and contract with agencies, organizations, and universities, and so forth, for specific work to be done in promotion and research.

Mr. Speaker, I urge the adoption of House Resolution 1100 in order that we may discuss and debate H.R. 12000.

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

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

Mr. GROSS. Mr. Speaker, can the gentleman give us any information with respect to the bill, S. 3231, the poultry indemnification bill? Has that "chicken" bill been scratched?

Mr. SISK. Mr. Speaker, so far as I know, it has been, temporarily. I might say to my good friend, the gentleman from Iowa, by the way, that this is a case of the egg coming before the chicken, inasmuch as we have the egg research and consumer information bill before us for consideration now. I hope the gentleman recognizes that fact.

The bill which the gentleman has just referred to, as I understand it, is off the calendar for this week. I cannot give the gentleman any further information.

Mr. GROSS. Does the bill have a rule?

Mr. SISK. Mr. Speaker, the committee on Rules has brought a resolution out. Of course, that resolution has not been adopted on the floor of the House as yet.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this:

Would it be possible that points of order are waived as far as that bill is concerned, or does the gentleman know?

Mr. SISK. Which bill is the gentleman referring to?

Mr. GROSS. The chicken indemnification bill.

Mr. SISK. As I recall, there will be a waiver in connection with an amendment that will be offered. That is a committee amendment. There is no general waiver on the bill, no.

Mr. GROSS. There is a waiver in connection with some amendment to the bill. Would that be for the purpose of making an amendment germane to the bill?

Mr. SISK. Well, of course, any germane amendment would be in order because the rule, as proposed, will be a completely open rule.

Mr. GROSS. So what is proposed with respect to that bill, if I understand correctly from what the gentleman has said, is to do what we have long and often protested in the House, which is to agree to make an ungermane amendment germane to a Senate bill; is that correct?

Mr. SISK. Yes. We were requested to make in order an amendment by the committee which would require a waiver, or else it would be subject to a point of order, and the Committee on Rules is so recommending that procedure to the floor. Of course, it will be up to the Members, at the time the resolution is called up, as to the disposition of that matter.

Mr. GROSS. So when that matter arrives on the floor of the House we will be in the position of doing what we condemn on the part of the Senate.

Mr. SISK. Well, I suppose, if the gentleman desires to put it that way, we could be considered to be in that position.

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

Mr. SISK. Mr. Speaker, I urge the adoption of the resolution.

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

Mr. Speaker, as has been noted, House Resolution 1100 provides for an open rule with 1 hour of general debate on the Egg Research and Consumer Information Act, H.R. 12000.

H.R. 12000 is specific enabling legislation which would allow the egg industry, in cooperation with the Department of Agriculture, to draft and put to referendum a national plan through which individual egg producers may assess themselves up to 5 cents for each case—30 dozen—of commercial eggs. These funds would be used for consumer education and information programs, research, advertising, and promotion. This bill would cover participation only of commercial producers with laying flocks of 3,000 or more.

If approved in referendum, an Egg Board, composed of 18 members recommended by certified egg organizations and appointed by the Secretary of Agriculture, will control all collected funds. The Agriculture Department estimates that $7.5 million would be available annually to the Egg Board. All expenditures of the Egg Board must be approved by the Secretary of Agriculture.

Minority views were filed by Mr. Goodling arguing that "H.R. 12000 should be amended to require administrative expenses for operating the egg promotion program to be paid from egg research and promotion checkoff receipts."

Mr. Speaker, I support this rule.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JONES of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12000) to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Indiana (Mr. BRADEMAS) as Chairman of the Committee of the Whole and requests the gentleman from California (Mr. HOLIFIELD) to assume the Chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12000 with Mr. HOLIFIELD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN pro tempore. Under the rule, the gentleman from Tennessee (Mr. JONES) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. ZWACH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, today we have before us a piece of legislation which, believe it or not, is a request from the commercial egg industry for permission to tax itself. This industry wants the Government only to help it design an egg research and promotion program and then hold a referendum on the program.

If this referendum is successful, commercial egg producers would assess themselves up to 5 cents per case of eggs. A case, incidentally, equals 30 dozen eggs. The U.S. Department of Agriculture estimates that should the program become operational, about $7.5 million annually would be raised. Let me point out that there are no Government matching funds or appropriations for the research and promotion programs.

Administrative costs of the Government would be only about $100,000 per year. The initial cost—to hold hearings, design the program, and conduct the referendum—would be about $150,000, a one-time cost. These amounts appear almost insignificant compared to what we spend on other programs.

In an effort to answer questions before they are raised on the floor, I want to bring up some subjects that have caused confusion in our consideration of the bill so far. First, let me say that this bill, the Egg Research and Consumer Information Act, has absolutely no relation to the poultry indemnity bill which has received a lot of publicity. That bill

will be brought up at a later date, but today it is important that there is no confusion in your minds on this point. The two bills are not related and each should be judged on its own merit.

Another question which is often raised is why does the program include only producers with 3,000 or more layers. USDA figures show that producers with 3,200 layers or more account for about 87 percent of the U.S. egg supply. The Nation's egg producers range in size from those owning a few laying hens to those owning a million or more. However, even though small producers with fewer than 3,000 layers will not be eligible to vote in the referendum, they will not contribute to the fund either. At the same time, these smaller producers are likely to benefit from the program nevertheless. Benefits from the research programs and the promotion programs will accrue to all egg producers, regardless of the size of their operations. So, the small producers will be benefiting from programs financed by contributions from the larger commercial producers.

Why is such legislation necessary is a question which has been raised by some Members. In response, let me say that the Federal Government has cooperated with numerous other commodities in programs of this type. Currently, there are national programs for potatoes, wheat, cotton, and milk along with regional programs for numerous fruits and vegetables. Many of these self-help commodity programs are conducted under the authorization of the Agricultural Marketing Agreements Act of 1937. Some had to have specific enabling legislation such as H.R. 12000. However, eggs are specifically exempted from the 1937 act, so we have decided that specific enabling legislation would be in order.

Almost every industry and segment of our economy conducts research and promotion programs in order to compete in the marketplace. However, such programs on a national basis are generally beyond the capability and resources of individual egg producers. The great amount of time required in producing and selling eggs has prevented producers from developing and carrying out adequate and coordinated programs of research and promotion necessary for the maintenance of markets, and has prevented them from developing new products to meet consumer demands of variety, convenience, and quality.

Some members have expressed concern about producers who may not desire to participate in the program. First, let me say that at public hearings held in my subcommittee on this bill we found almost 100 percent producer support. However, the program is voluntary nevertheless. In the first place, the producers have to adopt the plan in a referendum. It must pass by either a favorable vote of two-thirds of those producers voting or by a majority of the producers if that majority is responsible for at least two-thirds of the eggs produced. Finally, if an individual producer does not desire to participate in the program, his assessment will be reimbursed upon application. This program is so voluntary that it would have been foolish to design it that way without being confident of producer support. We are confident of that support and believe there will be a high level of participation in it.

The effect of such a program on the retail price of eggs is a question which concerns all of us. This bill will not raise the retail price of eggs. Anyone who has ever sold a farm commodity can tell you that his price was dictated to him. Farmers market their goods in a competitive marketplace. This assessment would be deduced from the amount paid the producer at the point of the first sale. His take-home check will be the market price minus the assessment. This small assessment is not one which will be attached at the bottom and ultimately paid by the consumer. Egg producers will bear the entire cost.

In case you have not had a chance to read the committee report, let me remind you of this fact. The per capita consumption of eggs has decreased drastically since 1950. At that time, the average American was consuming 389 eggs per year. The figure in 1973 was 292 eggs per person. Along with this declining demand the egg industry has been characterized by widely varying prices and levels of production. One of the areas for research likely will be an effort to discover the reasons for fluctuating consumer demand for eggs.

Mr. Chairman, I have tried to clear up some of the points that have previously been raised concerning this bill. Let me say that I like people who try to help themselves. The industry has been working on this proposal for years. When it came to the subcommittee, we accepted the vast majority of the amendments offered by the administration. I believe the administration is satisfied with it. When the bill came to the full committee, it was discussed thoroughly and approved unanimously. I see every reason to support this bill and at this time want to welcome the comments or questions of my colleagues.

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

Mr. JONES of Tennessee. I yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Chairman, I am a member of the House Agriculture Committee, and wish to say that I have been impressed with the unity and support H.R. 12000, the Egg Research and Consumer Information Act, apparently has generated throughout the United States. Egg producers appear to be united in the belief that they can help themselves through a coordinated program, such as H.R. 12000 will permit.

When the Subcommittee on Dairy and Poultry, chaired by my colleague from Tennessee (ED JONES) scheduled 2 days of public hearings on this legislation, the egg industry came with a single statement endorsed by 41 organizations. Because of their unity, only 1 day of hearings was needed. Among the organizations supporting the egg industry's statement were the South Dakota Poultry Improvement Association, the Midwest Poultry Federation, and the Midwest Egg Producers Cooperative Association. All of these organizations ably represent poultry and egg producers in my State of South Dakota. The spokesman for the industry at the hearings made a statement I think deserves repeating because I think it represents the consensus among egg producers across the country concerning this legislation:

> It is the desire of all of us to have the opportunity to work toward the establishment of this assessment plan and to have the opportunity to vote "yes" or "no" on any plan proposed under this legislation.
>
> It is not our desire to force any egg producer to be a part of the program if he sincerely desires not to support the plan drafted and approved by the majority of his fellow egg producers.

The statement continued:

> We are competitors, and as such, each of us want to be sure that the other man is playing the game by the same rules we are. The proposed legislation sets up the mechanics whereby every commercial egg producer, whether he be in Maine or Florida, Washington or Texas will be on the same assessment basis.

The spokesman characterized this legislation as "an opportunity to cooperate."

I support this legislation because I believe that agricultural producers should be encouraged to work together to accomplish their common goals. In the past we have seen many people come to Congress asking us to solve their problems for them. The Egg Research and Consumer Information Act is a request of the egg producers across America for Congress to give them an opportunity to work collectively toward solving some of their problems themselves. The egg industry is asking for no Federal appropriations, no taxpayers' money to finance projects and programs they believe will aid their industry. They are willing to finance their own programs through an organized assessment system based proportionately equal to each egg producer's production of commercial eggs.

I must point out that this legislation does require an appropriation for the U.S. Department of Agriculture to carry out its responsibilities under this act. But such an appropriation is not unusual and all such funds will be for the expenses of USDA and not egg industry programs. USDA has reported that there are over 20 similar commodity programs under its jurisdiction at the present time.

I commend the egg industry for supporting such a self-help, self-financed program, and I call on my colleagues in the Congress to give them the necessary enabling legislation represented in H.R. 12000 that they need to create this national endeavor.

Mr. JONES of Tennessee. I thank my colleague, the gentleman from South Dakota, and a distinguished member of the Agriculture Committee, for his comments.

Mr. ZWACH. Mr. Chairman, I yield myself such times as I may consume.

Mr. Chairman, first may I pay my compliments to the chairman of the subcommittee who conducted the hearings that brought out this bill. It was a very thorough job. Everybody interested was heard.

This is legislation that is requested by the industry, so far as we know unanimously requested by the industry. They have some problems in that they are scattered all over the United States.

About the only way that they could proceed would be in this manner.

Mr. Chairman, other producers in the United States, the cotton producer, the peanut producer, and many of the vegetable producers, under the marketing agreement have proceeded in similar legislation to carry out coordinated efforts in advertising for the production and consumption of their products. The majority of the producers must approve this legislation and must also represent two-thirds of the egg producers of the country.

Over a 20-year period, the egg consumption in our country has gone from 387 per capita to 306 per capita. There is a real need for improved efficiency in production, in transportation, and in the marketing, and this is what these producers desire.

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

Mr. JONES of Tennessee. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Georgia (Mr. MATHIS).

Mr. MATHIS of Georgia. Mr. Chairman, on March 26 of this year, Mr. Robert Lathem, an egg producer in the State of Georgia, and president of the Georgia Egg Association, presented testimony before the House Agriculture Subcommittee on Dairy and Poultry in support of H.R. 12000, the Egg Research and Consumer Information Act. Mr. Lathem presented his statement in behalf of three leading poultry and egg associations in the State of Georgia—the Georgia Egg Association, the Georgia Egg Commission, and the Georgia Poultry Federation.

These three organizations represent the majority of egg producers in my home State, and Mr. Lathem was speaking for all of those producers through a single, unified statement in behalf of this legislation. Georgia is the second largest egg producing State in the United States, and is recognized as the No. 1 poultry producing State of the Nation. Georgia ranks second in egg production behind the great State of California, and is second in broiler production to the fine State of Arkansas, but combined Georgia leads both in total farm income from poultry production.

I think it is noteworthy, Mr. Chairman, that 41 State, regional and national poultry and egg organizations endorsed a single, joint statement in testimony before the Dairy and Poultry Subcommittee. Such unity typifies the broad support H.R. 12000 has received from egg producers across the United States. This legislation represents a request from the Nation's egg producers for this Congress to give them an opportunity to work out their own problems with their own money with the cooperation of the U.S. Department of Agriculture.

The State of Georgia was one of the first States to approve a statewide marketing order setting up a State self-help program for egg producers. The producers have established the Georgia Egg Commission and assess themselves 2 cents per case of eggs. In a recent referendum among Georgia egg producers, the vote to continue the work of the commission passed by an 83-percent majority. This was the fourth such referendum and it has always passed by an overwhelming margin.

In his statement of March 26, Mr. Lathem stated:

> The egg producers of Georgia support their Commission enthusiastically. They pride themselves on the fact that this is a producer-financed organization providing a needed service to the consumers of their state. We believe that a national program would equally benefit the entire nation, and for this reason we urge passage of H.R. 12000.

Mr. Lathem's statement went on to tell how the producer-financed program in the State of Georgia had benefited low-income families through educational programs, how recipe development had brought about greater awareness of nutrition, and how thousands of consumers annually request information from the commission. The commission has financed research into egg quality to constantly try to produce the highest quality egg possible. Mr. Lathem concluded his statement with the observation that—

> While serving as a promotion arm for our state's egg industry, the Commission has, in truth, served in a more vivid way as a consumer-oriented organization.

Georgia egg producers produce approximately 1 million dozen eggs every day, so obviously not all of those eggs are consumed in the State of Georgia. More than half of the eggs produced in my State move out to markets North and West where our producers must depend upon informed consumers to continue using eggs on a steady basis. From the experience gained through their own State promotion and research programs, the egg producers in Georgia definitely feel that the consumer information provided by organizations such as the Georgia Egg Commission should not be bound by State lines and that a national consumer information and education program is needed.

The Egg Research and Consumer Information Act will provide egg producers in the United States with an opportunity to establish a coordinated program of research, promotion, consumer education, and advertising similar to what the egg producers in the State of Georgia established many years ago. I commend the excellent work of the egg producers in my home State, and I commend the Nation's egg producers for seeking this legislation through which they can establish a meaningful program on a national basis.

I encourage my colleagues to join with me in expressing support for the egg industry's desire to develop and finance its own self-improvement programs by voting in favor of H.R. 12000 here today.

Mr. GILMAN. Mr. Chairman, I welcome the opportunity to lend my support to the passage of the Egg Research and Consumer Information Act, a measure that goes a long way toward restoring the egg industry to its rightful competitive place in the marketplace. I commend my good colleague, Chairman ED JONES, of the Dairy and Poultry Subcommittee, for his arduous work on this bill and for his success in rallying full support of the bill from our Nation's egg producers. Poultrymen from my own area of southeastern New York, representing the "Egg Farmers in Real Trouble Association" and the New York State Poultry Industry Coordinated Effort, Inc., have urged the adoption of this type of legislation in our meetings with Department of Agriculture officials.

In recent years, attacks upon the nutritional value of eggs have seriously depressed the egg industry in the United States. A generally depressed egg market, further hampered by incredible feed prices last year, resulted in the wholesale slaughter of chicks and the closing of many large farms. In a period of uncertain domestic food supplies, we cannot stand by and watch the further deterioration of an industry that provides the American consumer with one of its most reasonable, nutritious foods.

This legislation affords egg producers with a framework within which they can choose to assess themselves minimal sums that collectively will be used for purposes of consumer education, information, advertising, and promotion. This self-assessment and cooperation among producers of a commodity has functioned successfully on a national basis in the cotton, potato, lamb's wool, wheat, milk and milk products industries. Similar programs on behalf of 19 additional commodity groups have functioned successfully on State and regional levels.

It is hoped that the lessons learned in these past and ongoing efforts will benefit the American egg industry. Likewise, the advice and counsel of the Department of Agriculture has been and will continue to be of great value. If we are to reverse a trend that has resulted in a decline of consumption of 100 eggs per person per year since 1950, a coordinated effort such as this measure proposes is of the utmost importance.

Accordingly, I urge my colleagues to support this measure.

Mr. BAUMAN. Mr. Chairman, few Americans probably realize how large our egg industry is. It is a fact that those of us in the United States consume more than 60 billion eggs every year, and it is obvious that an industry so large has a major impact on the nutritional value of the diets of each and every one of us.

The bill before us today will provide valuable support for this important industry, contributing significantly to the research and marketing efforts of those in the business of producing eggs. Significantly, this is not another "let the government do it" piece of legislation. Rather, it establishes a cooperative effort between private industry and the Department of Agriculture, an effort to be financed almost entirely by the industry itself. Similar projects involving other commodities, such as peanuts and cotton, provide a precedent for such cooperation.

Similar efforts have already been tried at the State level, and at present 16 States have egg research and promotion programs operating at various levels of success. But it has become clear that a national effort is needed to deal with the problems of fluctuating productivity and price levels, in order to assure a continued supply of fresh eggs to America's consumers.

This will be important to my State of Maryland, as well as the many other States with major segments of the Nation's egg production within their borders. Egg production in Maryland will

approach 350 million eggs this year, with a total value of more than $13 million. Much of this production comes from my district, and I am pleased to lend my support to this bill today. It will help insure a productive future for the egg industry in Maryland and throughout the Nation, and a continued supply of fresh eggs for all of us who enjoy them daily.

Mr. STEELE. Mr. Chairman, I would like to take this opportunity to express my support for H.R. 12000, the Egg Research and Consumer Information Act.

The State of Connecticut is not large in egg production, as compared to such major producing States as Georgia, California, Pennsylvania, North Carolina, and others, but in 1972, producers in my State sold 2,556,000 cases of commercial eggs and had a gross income from eggs of $38.7 million. Agriculture is very important in the State of Connecticut, and it is obvious that the egg industry is a major contributor to our State's agricultural economy.

I wish to point out that egg producers in small egg producing States also support H.R. 12000 because it will offer them an opportunity to work with other producers in solving mutual marketing problems. Producers in my State will exercise the same voting power in any referendum as producers in other States, and their voice will be heard in programs of the proposed Egg Board since the Secretary of Agriculture is required to appoint members of the Egg Board both geographically and proportionately equal to the egg producing areas of the country.

Through the past several years, we have witnessed the rapid decline in the numbers of small farms across the United States. In many cases, these small farmers have ceased farming because they could not compete with the larger, more technically informed farming operations. The egg industry in my area of the country is still family-type operations, with many cooperating in centralized, cooperative purchasing and marketing programs. As producers are able to work collectively on common marketing problems, I believe they will be insuring a greater future for all members of the egg industry in the entire United States.

Under the proposed legislation, small producers of 3,000 laying hens or less, will be exempted from paying assessments to the national program, but the benefits of national advertising, promotion, consumer education, and research will accrue to all producers, both small and large. Additionally, any egg producer who does not want to financially support the national program may seek and receive a total refund of any assessments made against his production.

Probably more important than the benefits which will accrue to egg producers are the benefits consumers are likely to receive under this legislation. We are told that market research will give producers answers to the varying consumer preferences and, therefore, aid producers in adopting marketing programs to meet these varying demands. Producers are interested in providing a variety of new ways consumers may use eggs and other products of the egg industry, but individually, they have been unable to develop new recipes, new products, or disseminate information available from outside sources.

I applaud the work of the egg industry in seeking this self-help, self-sustaining legislation. As enabling legislation, it can only be activated by the affected egg producers themselves, working through the U.S. Department of Agriculture, and no program can be voted into existence without the substantial approval of egg producers voting in referendum. I wish also to point out that two leading poultry and egg organizations in the Northeast—the Northeastern Poultry Producers Council and the Northeast Egg Marketing Association—are on record supporting this legislation.

Mr. Chairman, I encourage my colleagues to support this legislation.

Mr. CLEVELAND. Mr. Chairman, as an original cosponsor of H.R. 12000, the Egg Research and Consumer Information Act, I am pleased to vote for its passage and urge my colleagues to join in supporting this measure.

The voluntary program to enable producers to join in cooperative research, consumer education and information activities is widely supported by the industry, including producers in New Hampshire who have requested my support.

Restriction of its provisions to larger producers, the modest 5-cents-per-case levy, the requirement for approval in a referendum and management of the program by industry representatives in cooperation with the Department of Agriculture all strike me as eminently reasonable provisions. It is only fair that we extend to egg producers the same mechanism already available to producers of several other commodities.

I see particular merit in the phase of the program directed toward development of expanded markets for domestic sales and exports abroad. And research efforts leading to product improvement and reduction of losses throughout the distribution chain should benefit consumers as well as producers.

Finally, I consider legislation of this type wholly in keeping with a proper role of Government whereby the Federal agency's supervisory activities are limited under a genuinely self-help program by and for producers. Again, I urge colleagues to join in supporting this program and commend the gentleman from Tennessee (Mr. JONES) for his contribution in authoring this legislation.

Mr. VANIK, Mr. Chairman, I am strongly opposed to the legislation before the House today to create and subsidize egg advertising. As reported by the committee, the administrative costs for this program will cost the American taxpayers $150,000 per year.

It is argued that this Board should be created, since similar boards have been created for other product areas. Where will this process end? Soon we may have boards for every item of produce and manufacture in the Nation. Rather than create new boards, the old ones should be eliminated.

An effort will be made to eliminate the cost to the Treasury of administering this promotion program. Even if this step were taken, I would oppose this legislation. I fear that the creation of a product advertising board will result in the development of a cartel in the industry. It will be conducive to increased "cooperation," marketing coordination, and pricing coordination—in short, the development of a monopoly industry.

It is likely that such an Advertising Board will encourage minimum standards for their products. The result will be that a large amount of produce—such as smaller eggs, for example—will be prevented from entering the marketplace, even though many individuals would need and could use the lower-priced products banned by the cartel.

I urge the defeat of this anticonsumer legislation.

Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 12000, which deserves the support of the House as well.

The egg producers of this Nation need this bill to help reverse the very sharp drop in per capita egg consumption. In the last 20 years, consumption of eggs has dropped from 387 to 306 eggs per person annually.

H.R. 12000 would authorize the Secretary of Agriculture to issue orders providing for the establishment of an Egg Board. This board would develop, subject to the Secretary's approval, appropriate plans or projects for research, advertising, promotion, and consumer education with respect to eggs, egg products, spent fowl and products of spent fowl, and the disbursement of necessary funds for such purposes. The Secretary would appoint an 18-member Egg Board from qualified nominees representing producers from regions of the United States designated by the Secretary.

The bill requires approval by referendum of egg producers before an order can become effective or to be ended.

The rate of assessment paid by producers and collected by the handlers to support the program authorized by this bill could not exceed 5 cents per case of commercial eggs or the equivalent Certain small egg producers of hatching eggs would be exempt. Producers who do not favor the program would have the right to demand and receive a refund of the assessment.

The egg industry strongly supports this bill and agrees with both the Department and the committee that market promotion, including advertising, will strengthen their position in the marketplace and increase the demand for their commodity.

In brief, Mr. Speaker, the committee has produced a bill that has both bipartisan and administration support.

It will be nearly totally self-financing and should benefit both producers and consumers of eggs.

Mr. LITTON. Mr. Chairman, on behalf of the egg producers in the State of Missouri, it is a pleasure for me to speak in support of H.R. 12000, the Egg Research and Consumer Information Act. It is likewise a pleasure for me to personally endorse the efforts of the egg industry to get the story of their products told to consumers nationwide.

The Missouri Egg Merchandising Council, the Midwest Poultry Federation, Inc., and the Midwest Egg Producers Co-

operative Association, all of which represent egg producers' interests in my State, were among the 41 State, regional, and national poultry and egg organizations endorsing a unified industry statement before the House Agriculture Subcommittee on Dairy and Poultry on March 26.

Egg producers in the State of Missouri established a few years ago the Missouri Egg Merchandising Council, and finance it with an assessment of 6 cents per case of eggs produced. This is a tremendous program, I understand, but producers recognize that selling eggs and telling consumers about their products is a job not confined to the borders of the State of Missouri. Therefore, these progressive farmers of Missouri endorsed H.R. 12000 and enthusiastically recommend that this Congress pass this legislation as soon as possible so they can get on with the job before them.

Many Members of Congress are familiar with the campaign I undertook more than a year ago, attempting to organize the Nation's farm organizations into a unified program to tell America's agricultural story to consumers. We have been somewhat successful with this endeavor, and I believe it has stirred several individual commodity groups, such as the egg industry, to seek means through which their own story might be told.

Consumers need to become better informed about their mutual problems with agriculture, but, more importantly, consumers need better nutritional information. The Agricultural Council of America is designed to do part of this job, but individual commodity groups must work toward promoting the nutritional qualities of their products. Telling a positive story is tough and will require cooperation.

Egg producers in Missouri, and other States, have demonstrated what can be done when commodity producers band together to finance promotion, research, consumer education, and advertising. Egg producers in most of the States having State self-help programs, like Missouri, Georgia, North Carolina, and others are in support of H.R. 12000, which would *permit them to* organize a national program with similar goals.

I think H.R. 12000 embraces the attributes of good, self-help legislation. It proposes to permit the egg industry, in cooperation with the Secretary of Agriculture, to draft and vote upon an order to establish a national program for promotion, research, consumer education, and advertising. Such a proposal must be approved by either two-thirds of the producers voting, or by a majority of the producers voting who represent at least two-thirds of the egg production. Even after such an overwhelming vote, producers who do not wish to financially support the national program may request and receive, a full refund of any assessments made against his production. The proposed 18-man Egg Board, appointed by the Secretary, must represent egg producers in all sections of the country and, with the approval of the Secretary, will direct programs and allocate expenditure of collected funds.

In the May issue of Agriculture, U.S.A., published by the Agricultural Council of America, J. Patrick Kaine, president of the Agricultural/Industrial Equipment Division of International Harvester, observed:

Our behind-the-scenes efforts in producing reliable, economical products make news only in trade magazines we read. But ours is also the responsibility to "spread the good news" in terms, and by means that will catch the consumer's attention—to tell the positive story of agricultural achievement.

I believe the egg industry realizes the need to tell consumers the "positive story" of eggs, egg products, and the industry's many other products. I support this industry self-help proposal, and I encourage the Members of this House to likewise endorse the efforts of the egg industry by voting in favor of this legislation.

Mr. JONES of Tennessee. Mr. Chairman, I have no further requests for time.

Mr. ZWACH. Mr. Chairman, I have no further request for time.

The CHAIRMAN (Mr. BRADEMAS). The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act shall be known as the "Egg Research and Consumer Information Act."

LEGISLATIVE FINDINGS AND DECLARATION OF POLICY

SEC. 2. Eggs constitute one of the basic, natural foods in the diet. They are produced by many individual egg producers throughout the United States. Egg products, spent fowl, and products of spent fowl are derivatives of egg production. These products move in interstate and foreign commerce and those which do not move in such channels of commerce directly burden or affect interstate commerce of these products. The maintenance and expansion of existing markets and the development of new or improved markets and uses are vital to the welfare of egg producers and those concerned with marketing, using, and processing eggs as well as the general economy of the Nation. The production and marketing of these products by numerous individual egg producers have prevented the development and carrying out of adequate and coordinated programs of research and promotion necessary for the maintenance of markets and the development of new products of, and markets for, eggs, egg products, spent fowl, and products of spent fowl. Without an effective and coordinated method for assuring cooperative and collective action in providing for and financing such programs, individual egg producers are unable to provide, obtain, or carry out the research, consumer and producer information, and promotion necessary to maintain and improve markets for any or all of these products.

It has long been recognized that it is in the public interest to provide an adequate, steady supply of fresh eggs readily available to the consumers of the Nation. Maintenance of markets and the development of new markets, both domestic and foreign, are essential to the egg industry if the consumers of eggs, egg products, spent fowl, or products of spent fowl are to be assured of an adequate, steady supply of such products.

It is therefore declared to be the policy of the Congress and the purpose of this Act that it is essential and in the public interest, through the exercise of the powers provided herein, to authorize and enable the establishment of an orderly procedure for the development and the financing through an adequate assessment, an effective and continuous coordinated program of research, consumer and producer education, and promotion designed to strengthen the egg industry's position in the marketplace, and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States. Nothing in this Act shall be construed to mean, or provide for, control of production or otherwise limit the right of individual egg producers to produce commercial eggs.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(b) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(c) The term "commercial eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing.

(d) The term "hen" or "laying hen" means a domesticated female chicken twenty weeks of age or over, raised primarily for the production of commercial eggs.

(e) The term "egg producer" means the person owning laying hens engaged in the production of commercial eggs.

(f) The term "case" means a standard shipping package containing thirty dozen eggs.

(g) The term "hatching eggs" means eggs intended for use by hatcheries for the production of baby chicks.

(h) The term "United States" means States of the United States of America.

(i) The term "promotion" means any action, including paid advertising, to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl, in an organized campaign or program.

(j) The term "research" means any type of research to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl, and the accumulation and dissemination of statistical and research data with respect thereto.

(k) The term "consumer education" means any action to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl, through organized consumer oriented campaigns or programs.

(l) The term "marketing" includes the sale of commercial eggs, egg products, spent fowl, or products of spent fowl, in any channel of commerce.

(m) The term "commerce" means interstate, foreign, or intrastate commerce.

(n) The term "egg products" means commercial products produced, in whole or in part, from shell eggs.

(o) The term "spent fowl" means hens which have been in production of commercial eggs and have been removed from such production through slaughter.

(p) The term "products of spent fowl" means commercial products produced from spent fowl.

(q) The term "hatchery operator" means any person engaged in the production of egg-type baby chicks.

(r) The term "started pullet" means a hen less than twenty weeks of age.

(s) The term "started pullet dealer" means any person engaged in the raising and sale of started pullets.

(t) The term "processor" means any person engaged in the operation of assembling, receiving, grading, packing, or breaking of commercial eggs.

(u) The term "breaker" means a person engaged in the further processing of commercial eggs.

(v) The term "distributor" means a person engaged in the sale and/or distribution of commercial eggs.

EGG RESEARCH AND PROMOTION ORDERS

SEC. 4. To effectuate the declared policy of this Act, the Secretary shall, subject to the provisions of this Act, issue and from time to time amend, orders applicable to persons engaged in the hatching and/or sale of egg-type baby chicks and started pullets, persons engaged in the production and marketing of commercial eggs, processors, breakers, and distributors of commercial eggs, and persons engaged in the purchase, sale or processing of spent fowl. Such orders shall be applicable to all production or marketing areas, or both, in the United States.

NOTICE AND HEARING

SEC. 5. Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this Act, he shall give due notice and opportunity for hearing upon a proposed order. Such hearing may be requested and proposal for an order submitted by an organization certified pursuant to section 16 of this Act, or by any interested person affected by the provisions of this Act, including the Secretary.

FINDING AND ISSUANCE OF AN ORDER

SEC. 6. After notice and opportunity for hearing as provided in section 5, the Secretary shall issue an order if he finds, and sets forth in such order, upon the evidence introduced at such hearing, that the issuance of such order and all the terms and conditions thereof will tend to effectuate the declared policy of this Act.

PERMISSIVE TERMS IN ORDERS

SEC. 7. Orders issued pursuant to this Act shall contain one or more of the following terms and conditions, and except as provided in section 8, no others.

(a) Providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising of, sales promotion of, and consumer education with respect to the use of eggs, egg products, spent fowl, and products of spent fowl, and for the disbursement of necessary funds for such purposes; *Provided, however,* That any such plan or project shall be directed toward increasing the general demand for eggs, egg products, spent fowl, or products of spent fowl. No reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against eggs, egg products, spent fowl, or products of spent fowl of other persons: *And provided further,* That no such advertising, consumer education, or sales promotion programs shall knowingly make use of false or unwarranted clauses in behalf of eggs, egg products, spent fowl, or products of spent fowl or false or unwarranted statements with respect to quality, value, or use of any competing product.

(b) Providing for, establishing, and carrying on research, marketing, and development projects, and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, spent fowl, and products of spent fowl, and the creation of new products thereof, to the end that the marketing and utilization of eggs, egg products, spent fowl, and products of spent fowl may be encouraged, expanded, improved or made more acceptable, and that producers of said products shall be informed of data collected by such activities and for the disbursement of necessary funds for such purposes.

(c) Providing that hatchery operators, persons engaged in the sale of egg-type baby chicks and started pullet dealers, egg producers, breakers, processors, persons marketing commercial eggs and persons engaged in the purchase, sale, or processing of spent fowl, maintain and make available for the inspection such books and records as may be required by any order issued pursuant to this Act and for the filing of reports by such persons at the time, in the manner, and having content prescribed by the order, to the end that information and data shall be made available to the Egg Board and to the Secretary which is appropriate or necessary to the effectuation, administration or enforcement of the Act, or of any order or regulation issued pursuant to this Act: *Provided, however,* That all information so obtained shall be kept confidential by all officers and employees of the Department of Agriculture, the Egg Board, and by all officers and employees of contracting agencies having access to such information, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of the number of persons subject to an order or statistical data collected therefrom, which statements do not identify the information furnished by any person, (2) the publication, by direction of the Secretary, of the name of any person or persons requesting and receiving refunds, together with a statement concerning amount of refund and general statements relating to total refunds made by the Egg Board during any specific period, or (3) the publication by direction of the Secretary of the name of any person violating any order, together with a statement of the particular provisions of the order violated by such person. or company. Any such officer or employee violating the provision of this subsection shall, upon conviction, be subjected to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office.

(d) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this Act and necessary to effectuate the other provisions of such order.

REQUIRED TERMS IN ORDERS

SEC. 8. Orders issued pursuant to this Act shall contain the following conditions: (a) Providing for the establishment and appointment, by the Secretary, of an Egg Board which shall consist of not more than eighteen members, and alternates therefor, and defining its powers and duties which shall include only the powers (1) to administer such order in accordance with its terms and provisions, (2) to make rules and regulations to effectuate the terms and provisions of such order, (3) to receive, investigate and report to the Secretary complaints of violations of such order, and (4) to recommend to the Secretary amendments to such order. The term of an appointment to the Egg Board shall be for two years with no member serving more than six consecutive years, except that initial appointment shall be proportionately for two, four, and six years.

(b) Providing that the Egg Board, and alternates therefor, shall be composed of egg producers or representatives of egg producers appointed by the Secretary from nominations submitted by eligible organizations, associations, or cooperatives, and certified pursuant to section 16, or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible organizations, associations or cooperatives, then from nominations made by such egg producers in the manner authorized by the Secretary, so that the representation of egg producers on the Board shall reflect, to the extent practicable, the proportion of eggs produced in each geographic area of the United States as defined by the Secretary: *Provided, however,* That each such egg producing geographic area shall be entitled to at least one representative on the Egg Board.

(c) Providing that the Egg Board shall, subject to the provisions of subsection (g) of this section, develop and submit to the Secretary for his approval any advertising, or sales promotion, research, and development plans or projects, and that any such plan or project must be approved by the Secretary before becoming effective.

(d) Providing that the Egg Board shall, subject to the provisions of subsection (g) of this section, submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of advertising, and promotion, research, and development projects.

(e) Providing that each egg producer shall pay to the first processor of such producer's eggs, an assessment based upon the number of cases of commercial eggs processed for the account of such producer, in the manner as prescribed by the order, for such expenses and expenditures—including provision for a reasonable reserve—as the Secretary finds are reasonable and likely to be incurred by the Egg Board under the order during any period specified by him. Such processor shall collect such assessment from the producer and shall pay the same to the Egg Board in the manner as prescribed by the order. The rate of assessment prescribed by the order shall not exceed 5 cents per case of commercial eggs or the equivalent thereof. Such assessment may also be levied against foreign commercial eggs, entering the United States domestic markets, by the Secretary as he may deem advisable pursuant to provisions of the order.

(f) Providing that the Egg Board shall maintain such books and records and prepare and submit such reports from time to time, to the Secretary as he may prescribe, and for appropriate accounting by the Egg Board with respect to the receipt and disbursement of all funds entrusted to it.

(g) Providing that the Egg Board, with the approval of the Secretary, shall provide by contract or otherwise for the administration, development and carrying out of the activities authorized under the order pursuant to section 7 (a) and (b) and for the payment of the cost thereof with funds collected pursuant to the order. Any such contract shall become effective upon approval by the Secretary and shall provide that the contracting party shall keep accurate records of all of its transactions and make an annual report to the Egg Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require.

(h) Providing that no funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

REQUIREMENT OF REFERENDUM AND EGG PRODUCER APPROVAL

SEC. 9. The Secretary shall conduct a referendum among egg producers not exempt hereunder who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, for the purpose of ascertaining whether the issuance of an order is approved or favored by such producers. No order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such order is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the commercial eggs produced during the representative period by producers voting in such referendum.

SUSPENSION AND TERMINATION OF ORDERS

SEC. 10. (a) The Secretary shall, whenever he finds that any order issued under this Act, or any provisions thereof, obstructs or does not tend to effectuate the declared policy of this Act, terminate or suspend the

operation of such order or such provisions thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of egg producers voting in the referendum approving the order, to determine whether such producers favor the termination or suspension of the order, and he shall suspend or terminate such order six months after he determines that suspension or termination of the order is approved or favored by a majority of the egg producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, and who produced more than 50 per centum of the volume of eggs produced by the egg producers voting in the referendum.

(c) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this Act.

PROVISIONS APPLICABLE TO AMENDMENTS

SEC. 11. The provisions of this Act applicable to orders shall be applicable to amendments to orders.

EXEMPTIONS

SEC. 12. The following shall be exempt from this Act:

(a) Any egg producer whose aggregate number of laying hens at any time prior to assessment has not exceeded three thousand laying hens.

(b) Any flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks.

(c) Commercial eggs of foreign origin not exceeding one hundred cases in any one entry into the United States.

PRODUCER REFUND

SEC. 13. Notwithstanding any other provisions of this Act, any egg producer against whose commercial eggs any assessment is made and collected from him under authority of this Act and who is not in favor of supporting the research and promotion program as provided for herein shall have the right to demand and receive from the Egg Board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary but in no event more than thirty days and upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand is received therefor.

PETITION AND REVIEW

SEC. 14. (a) Any person subject to any order may file a written petition with the Secretary, stating that any such order or any provisions of such order or any obligations imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, providing a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 15(a) of this Act.

ENFORCEMENT

SEC. 15. (a) The several district courts of the United States are vested within jurisdiction specifically to enforce, and to prevent and restrain any person from violating any order or regulation made or issued pursuant to this Act. Any civil action authorized to be brought under this Act shall be referred to the Attorney General for appropriate action.

(b) Any egg producer or other person who willfully violates any provision of any order issued by the Secretary under this Act, or who willfully fails or refuses to collect or remit any assessment or fee duly required of him thereunder, shall be liable to a penalty of not more than $1,000 for each such offense which shall accrue to the United States and may be recovered in a civil suit brought by the United States: *Provided*, That (a) and (b) of this section shall be in addition to, and not exclusive of, the remedies provided now or hereafter existing at law or in equity.

CERTIFICATION OF ORGANIZATIONS

SEC. 16. The eligibility of any organization to represent commercial egg producers of any egg producing area of the United States to request the issuance of an order under section 5, and to participate in the making of nominations under section 8(b) shall be certified by the Secretary. Certification shall be based, in addition to other available information, upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to, the following:

(a) Geographic territory covered by the organization's active membership,

(b) Nature and size of the organization's active membership, proportion of total of such active membership accounted for by producers of commercial eggs, a chart showing the egg production by State in which the organization has members, and the volume of commercial eggs produced by the organization's active membership in each such State,

(c) The extent to which the commercial egg producer membership of such organization is represented in setting the organization's policies,

(d) Evidence of stability and permanency of the organization,

(e) Sources from which the organization's operating funds are derived,

(f) Functions of the organization, and

(g) The organization's ability and willingness to further the aims and objectives of this Act: *Provided, however*, That the primary consideration in determining the eligibility of an organization shall be whether its commercial egg producer membership consists of a substantial number of egg producers who produce a substantial volume of commercial eggs. The Secretary shall certify any organization which he finds to be eligible under this section and his determination as to eligibility shall be final. Where more than one organization is certified in any geographic area, such organizations may caucus to determine the area's nominations under section 8(b).

REGULATIONS

SEC. 17. The Secretary is authorized to make regulations with force and effect of law, as may be necessary to carry out the provisions of this Act and the powers vested in him by this Act.

INVESTIGATIONS; POWER TO SUBPENA AND TAKE OATHS AND AFFIRMATIONS; AID OF COURTS

SEC. 18. The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether an egg producer, processor, or other seller of commercial eggs of any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of this Act, or of any order, or rule or regulation issued under this Act. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and document which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, including an egg producer, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

SEPARABILITY

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 20. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this Act. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Egg Board in administering any provisions of any order issued pursuant to the terms of this Act.

EFFECTIVE DATE

SEC. 21. This Act shall take effect upon enactment.

Mr. JONES of Tennessee [during the reading]. Mr. Chairman, I ask unanimous consent that 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 Tennessee?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. JONES of Tennessee. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

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

There was no objection.

The Clerk read the committee amendments as follows:

Committee amendments:

Page 4, line 6, following the words "commercial eggs", insert the words "or eggs".

Page 4, line 8, following the word "process-

ing", strike the period and add the phrase "into egg products.".

Page 4, line 19, delete the word "fifty" and insert the words "the forty-eight contiguous"; and following the word "America" on line 20, delete the period, and insert the words, "and the District of Columbia."

Page 4, line 24, following the word "spent fowl", the second time it appears, insert a period and delete the remainder of the sentence.

Page 5, line 4, following the word "fowl", insert a period and delete the remainder of the sentence.

Page 5, line 8, following the words "spent fowl", the second time it appears, insert a period and delete the remainder of the sentence.

Page 5, line 10, delete the words "includes the sale" and insert in lieu thereof the words "means the sale or other disposition".

Page 5, line 15, delete the word "commercial".

Page 5, line 16, delete the word "shell".

Page 5, line 19, delete the word "through" and insert in lieu thereof the word "for".

Page 6, line 2, delete the words "raising and".

Page 6, lines 3 through 13, following the word "term" delete the remainder of the subsection, and subsections (u) and (v) in their entirety, and insert the words "'handler' means any person, specified in the order or the rules and regulations issued thereunder, who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets such eggs, including eggs of his own production.".

Page 6, lines 19 and 20, delete the words "and marketing", and following the word "eggs" on line 20, delete the phrase "processors, breakers, and distributors of commercial eggs" and insert in lieu thereof the words "and persons who receive or otherwise acquire eggs from such persons and who process, prepare for market, or market such eggs, including eggs of their own production,".

Page 7, line 23, delete the words "for the advertising of, sales promotion of," and insert in lieu thereof the words "for advertising, sales promotion,".

Page 8, line 12, delete the word "knowingly".

Page 8, line 17, following the word "marketing", insert a comma.

Page 8, line 23, following the word "and" delete the words "that producers of said products shall be informed of data collected by such activities," and insert in lieu thereof, "the data collected by such activities may be disseminated".

Page 9, line 5, delete the words "egg producers, breakers, processors, persons marketing commercial eggs" and insert in lieu thereof the words "persons engaged in the production of commercial eggs and persons who receive or otherwise acquire eggs from such persons and who process, prepare for market such eggs, including eggs of their own production,".

Page 10, lines 11 through 13, delete the words "the name of any person or persons requesting and receiving funds, together with a statement concerning amount of refund and".

Page 10, line 14, delete the word "total".

Page 10, line 18, following the word "person" insert a period and delete the remainder of the sentence.

Page 10, line 22, following the word "and" insert the words "if an officer or employee of the Egg Board or Department of Agriculture".

Page 11, line 24, following the word "of" insert the word "egg".

Page 12, line 2, following the word "by" insert the words "such egg".

Page 12, line 12, after the word "advertising" delete the word "or" and insert a comma in lieu thereof.

Page 12, line 13, following the word "promotion" insert a comma, delete the word "or", the first time it appears in such line, and insert in lieu thereof the words "consumer education," and insert a comma following the word "research".

Page 12, line 20, insert a comma following the word "advertising".

Page 12, line 21, delete the words "and promotion and research" and insert in lieu thereof the words "promotion, consumer education, research,".

Page 12, line 24, delete the words "first processor of such producer's eggs," and insert in lieu thereof the words "handler of eggs designated by the order or the Egg Board pursuant to regulations issued under the order,".

Page 13, line 2, delete the word "processed" and insert in lieu thereof the word "handled".

Page 13, line 7, delete the word "processor" and insert in lieu thereof the word "handler".

Page 13, lines 12 through 15, delete the sentence beginning with the words "Such assessment" and insert in lieu thereof the following sentences:

"To facilitate the collection of such assessments, the order or the Egg Board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in the industry. The Secretary may maintain a suit against any person subject to the order for the collection of such assessment, and the several District Courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy."

Page 14, line 5, delete the words "shall provide by contract or otherwise for the administration, development," and insert in lieu thereof the words "may enter into contracts or agreements for development".

Page 14, line 10, following the period, delete the balance of line 10 and line 11 in its entirety, and insert in lieu thereof the following:

"Any such contract or agreement shall provide that such contractors shall develop and submit to the Egg Board a plan or project together with a budget or budgets which shall show estimated costs to be incurred for such plan or project, and that any such plan or project shall become effective upon the approval of the Secretary, and further,".

Page 14, line 19, delete the words "an annual report" and insert in lieu thereof the words "periodic reports".

Page 15, following line 3, insert the following new subsection:

"(1) Providing the board members, and alternates therefor, shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Board."

Page 15, line 18, delete, following the word "or" the balance of Section 9 and insert in lieu thereof the following: "by a majority of the producers voting in such referendum if such majority produced not less than two-thirds of the commercial eggs produced during a representative period defined by the Secretary."

Page 15, line 10, delete line 10 in its entirety, and insert in lieu thereof:

"SEC. 12. The following may be exempt from specific provisions of this Act under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder."

Page 17, line 7, delete following the word "during" the balance of the subsection and insert in lieu thereof the following words: "a three consecutive month period immediately prior to the date assessments are due and payable has not exceeded 3,000 laying hens."

Page 17, lines 13 and 14, delete subsection (c) in its entirety.

Page 17, lines 19 and 20, delete the words "research and promotion program" and insert in lieu thereof the word "programs".

Page 18, line 1, following the word "days" insert the phrase:

after the end of the month in which the assessments are due and collectable,

Page 19, line 15, following the word "action" delete the period and insert in lieu thereof the following: ": *Provided*, That nothing in this Act shall be construed as requiring the Secretary to refer to the Attorney General minor violations of this Act whenever he believes that the administration and enforcement of the program would be adequately served by suitable written notice or warning to any person committing such violation."

Mr. JONES of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. GOODLING

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

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 13, line 5, after the words "reasonable reserve" insert the words "and those administrative costs incurred by the Department after an order has been promulgated under this Act".

Mr. GOODLING. Mr. Chairman, in a very short while this House in all probability will again be asked to raise the debt ceiling and I think we are talking in terms of $505 billion. This is necessary because the Congress of the United States, as I have said here on a great many occasions, has been completely irresponsible fiscally in the last few years. What I am proposing to do here is to save $100,000 a year to the taxpayers of the United States. I realize that is a very small amount but it is time we started saving both small amounts and large amounts.

Someone may say, and I can steal his thunder from him right now. We do have precedent for what we are doing here, asking the taxpayers to pick up the tab for a particular commodity group to advertise its product. I agree completely that there is a precedent for this, but for heaven's sake, let us quit multiplying bad precedents and let us start establishing some good precedents. Why should we not start a good precedent? Probably we could go back and correct some of the things which have been done in the past that were bad. I would like to see the House establish a good precedent today.

When this bill was reported out of the committee I had many calls from the people in my State of Pennsylvania complimenting me and thanking me for helping to get this bill out of the Agriculture Committee. I told everyone what I proposed to do with this amendment and every last one in Pennsylvania to whom I spoke over the telephone told me I was absolutely right and they all thought they should pay their own freight.

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

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

Mr. PEYSER. Mr. Chairman, I would

like to ask the gentleman if he has any idea how much money will be collected overall by the egg producers in this country?

Mr. GOODLING. It has been estimated that under this bill the egg producers will collect about $7.5 million annually.

Mr. PEYSER. Would it be reasonable to assume that the $100,000 cost will not really hurt their program at all if they were to pay for it out of their funds as we suggest? Would it be unreasonable to expect them to pay the $100,000?

Mr. GOODLING. As the gentleman knows, this $100,000 will not adversely affect the fund. My amendment proposes that it will come out of this $7.5 million fund that will be raised under this fund.

Mr. PEYSER. I would suggest that the gentleman has a very good answer to the problem and a very good method of saving $100,000.

Mr. GOODLING. I see absolutely no sound or logical reason why the taxpayers of the United States should pick up the tab for advertising and doing research on one particular farm commodity.

I trust the membership of this House will vote for this amendment.

Mr. JONES of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take 5 minutes. Let me say to the Members of this House and to my good friend, the gentleman from Pennsylvania (Mr. GOODLING) that the committee did consider this proposal. It was believed, however, that the precedent should begin somewhere else, rather than the small amount of money that is involved in this particular piece of legislation we have here today.

My good friend, the gentleman from Pennsylvania, offered the amendment in the committee. It was discussed and was defeated. For that reason, Mr. Chairman, I feel we should stay with the bill and vote down this amendment.

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

Mr. JONES of Tennessee. I will be glad to yield to the gentleman from Pennsylvania.

Mr. GOODLING. Will the gentleman admit we did establish a bad precedent when we set up these programs years ago?

Mr. JONES of Tennessee. I will not admit we did. I do not think we did, because when all our marketing programs began, we had surpluses of all kinds in this country. Some help had to be given to the agricultural sector of this country if we were to survive. If we want to do something about saving the U.S. Department of Agriculture, which is you and me and the rest of us, to save some money, we should begin somewhere else, rather than just a mere $100,000 when we offer a bill to help the egg producers today who are in dire straits.

Mr. GOODLING. When the gentleman says a mere $100,000, I insist if we are collecting $7.5 million, the egg producers in this country should be willing to pick up the tab for that "mere" $100,000.

I might further suggest that in our apple-growing profession we have programs in the various States and in each case growers are picking up the tab for them. We are not asking the taxpayers of the United States to help us advertise our apples. In my opinion, that is what the egg producers should do and the egg producers in my State are willing to do.

Mr. JONES of Tennessee. If the egg producers in the State of Pennsylvania particularly want to do that, we can work that out, too; but I think overall in this country of ours we need to go ahead with what we have.

I ask for the defeat of the amendment.

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

Mr. Chairman, I am reluctant to disagree with my colleague, the gentleman from Tennessee, who has done an excellent job as chairman of the subcommittee and does an excellent job of representing the people of his district. I know him to be a fair man and an understanding man; however, this seems to be an excellent place to start in setting a precedent. I believe the farmers would be more willing than any group I know of to commence efforts of this sort. We are talking about $100,000 out of $7.5 million. That leaves $7,400,000 to commence this program and it certainly seems to me to be a proper means of funding the whole program to relieve the Department of Agriculture of any expense.

I would hope that down the road we could eliminate Department expenditures for other similar programs, because I believe elements of the industry involved want to bear their own expenses. They are getting basically good value out of it, as well as the consuming public.

I support the amendment of the gentleman from Pennsylvania.

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

Mr. Chairman, it is a pleasure for me to speak in behalf of H.R. 12000, the Egg Research and Consumer Information Act. The commercial egg producers in the State of Florida have indicated solid support for this self-help legislation. The Florida Poultry Federation, Inc., the producer-oriented poultry organization representing all phases of the poultry and egg industry in the State of Florida, was among the 41 State, regional, and national organizations endorsing the unified statement of the egg industry supporting H.R. 12000 when hearings were held before the House Agriculture Subcommittee on Dairy and Poultry on March 26, 1974.

Even though the State of Florida is known for its sunshine and citrus fruit, I am happy to use this opportunity to point out that Florida is also one of America's leading egg producing States. According to statistics of the U.S. Department of Agriculture, in 1972 producers in my State realized a gross income of $58,930,000 from the production of eggs. More than 2.8 billion eggs were produced in Florida in 1972, and I am told that 1972 was a bad year.

As I understand the proposed legislation, the egg industry is asking for enabling legislation which will permit them to help themselves. They are saying to this Congress: "We want to continue marketing our product as individuals; we want to collectively tell consumers about our product and create new products from eggs to meet consumer demand; and we want to pay the tab ourselves."

What the commercial egg producers need is the Federal Government to set up the machinery through which this collective action can be legally conducted. As H.R. 12000 is written, the egg industry is inviting the Government to monitor all the programs they intend to carry out, they want the Secretary of Agriculture to oversee the recommendations of their Egg Board to be sure every egg producer's interest is served, and they want to assure the consumers of their products that the egg industry is interested in developing new products and services to meet the consumer's desires and wishes.

In the State of Florida, citrus fruit growers have witnessed what can be done when a commodity group bands together, with the cooperation of the United States and State Departments of Agriculture, to advertise, promote, and do research in the interest of itself and the consumers of their products. Other success stories can be related by other Members of Congress in whose districts agricultural producers have assessed themselves a portion of their sales in order to conduct coordinated programs to enhance the image of their product.

Many self-help commodity programs are carried out under the authorization of the Agricultural Marketing Agreements Act of 1937. The egg industry is specifically exempted from that act. I understand the egg industry decided to seek the specific legislation represented by H.R. 12000 rather than attempt to amend the Agricultural Marketing Agreements Act of 1937 because the egg industry did not desire any form of marketing controls as are authorized by that legislation. The egg industry, with the help of our colleague, Representative ED JONES of Tennessee, drafted specific legislation to fit the needs of the commercial egg industry without risking marketing controls. Mr. JONES is to be commended for the excellent job he has done.

I think the provisions of this legislation clearly spells out the fact that the egg industry desires only to help itself with its own marketing problems. These problems must first be recognized and an order drafted through the cooperation of the Secretary of Agriculture. Such order must be approved in a referendum of affected producers where approval requires two-thirds of those voting, or a majority vote of producers who collectively own at least two-thirds of the commercial eggs produced. Even after such an overwhelming vote of approval there are provisions in this legislation giving any egg producer who does not wish to participate the right to apply for, and receive, a full refund. Certainly, these are safeguard provisions which can assure this Congress that the egg industry wishes only an opportunity to cooperate among its members to carry out, collectively, work the individual members themselves cannot handle alone.

There has been some comments made about the appropriation requested by the U.S. Department of Agriculture. The Department has indicated it will cost $150,000 the first year to set up the program, conduct hearings, and conduct a national referendum. Then, it is estimated by USDA that it will cost $100,000 each year thereafter for it to carry out its duties under this act. Such a request is not un-

usual and it has traditionally been accepted that it was the duty of the Department of Agriculture to administer such commodity legislation. There are at least 5 national and 19 regional or local commodity programs currently under the jurisdiction of the U.S. Department of Agriculture for which there are appropriations to the Department sufficient to meet its administrative needs. The egg industry is not seeking any special treatment and certainly it does not wish to become the first and only commodity group which must finance the administrative costs of the Department of Agriculture.

There will be benefits accruing to the Department as it administers this program. Monthly, the Department will have access to reliable statistics on the number of farms producing commercial eggs, the number of commercial egg laying chickens on farms of America, the number of eggs produced, the trends in egg production, and numerous other bits of statistical information which are now unavailable to the Department. Such statistical benefits must certainly be valued higher than the appropriation request for this program.

Mr. Chairman, I could continue at length expounding on the need for, and benefits of, this legislation, but I don't think it is necessary. I am proud to have been a sponsor of this legislation, and I am proud of any group that comes to this Congress saying: "Let us help ourselves." I encourage all the Members of Congress to answer this request with an affirmative reply.

Thank you, Mr. Chairman.

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

Mr. Chairman, I want to join in supporting the gentleman from Pennsylvania (Mr. GOODLING) and commend him for the amendment which he has offered.

I know of no reason, no logical argument why the administrative costs should not be paid from the check-off imposed on egg producers. As a matter of fact, I wonder about the purpose of this bill. An egg is an egg. There is nothing else like it among all foods. It is unique. What is the competition, the substitute for an egg? What is the purpose by way of advertising to promote the use of eggs?

I eat eggs when I am hungry for them, I know they are nutritious and I know there is no substitute. So, I seriously question Federal legislation that would pave the way for taking $7,500,000 out of the pockets of egg producers and at the same time soak the taxpayers for $100,000 a year to pay the administrative expenses. If egg producers feel they need a promotion campaign let them get together in a voluntary check-off campaign and pay the bills in connection with it.

Mr. MATHIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. MATHIS of Georgia. Mr. Chairman, I would say to my good friend from Iowa that the origination of the idea of this legislation does not come from the members of this committee, but from the egg producers themselves. They are the people who want to increase the advertising and promotion for eggs and egg research. This is a bill offered by the egg producers and for the egg producers of America.

Mr. GROSS. But the Agriculture Committee does not mind telling other producers if it thinks they are wrong in their promotional efforts. Simply because certain egg producers want something does not necessarily mean that Congress must pass legislation to accommodate them.

Mr. MATHIS of Georgia. The gentleman is eminently correct; we do not have to do that. I think this committee decided that the egg producers were right. This is a self-help bill to increase the income from the commodity, as I am sure the gentleman knows, including wheat.

Mr. GROSS. Mr. Chairman, I can see television, radio, and the newspapers picking up a nice piece of change out of this for alleged promotional purposes, and I say again, for what reason I do not know.

Mr. MATHIS of Georgia. The gentleman says an egg is an egg is an egg. The same might be said about a Member of Congress. A Congressman is a Congressman is a Congressman, but that ain't necessarily so either.

Mr. GROSS. But there is a little difference. There is always a substitute for a Member of Congress.

Mr. MATHIS of Georgia. I think the gentleman might be safe in saying that some of them might be egg-headed.

Mr. GROSS. That could be true.

Mr. Chairman, I reiterate by support for the amendment and hope it will be approved but I have every expectation of voting against the bill on final passage for I can find no justification for it.

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

Mr. Chairman, this amendment, I think, will improve the bill, but I would hate to have anyone be under the impression that it would make a good bill out of the legislation. This bill, like several others that have been approved by the House, raises the fundamental question of whether we should use the sanction of the law to require unwilling producers to contribute to the cost of promoting their products.

The gentleman from Iowa alluded to the possibility that the egg producers want this legislation. Do they all want it? If they all want it, there is certainly no need for the legislation. They could voluntarily arrange for the checkoff and not have the force of law behind it. The fact is, they do not all want it.

There are some who choose not to chip into this commodity promotion scheme. It seems to me it is far wiser for us to leave this type of promotion to voluntary action. I recognize there is a precedent for this legislation, but I think it is a bad precedent and never too late to correct a previous mistake.

Mr. MATHIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. MATHIS of Georgia. Mr. Speaker, as the gentleman from Illinois well knows, there is a provision for a referendum in section nine of this bill.

Mr. FINDLEY. Yes, I am aware of that, but the referendum does not require 100 percent approval, and those who vote "no" but are nevertheless in the minority are compelled by the language to participate in the checkoff.

Mr. MATHIS of Georgia. If the gentleman will yield further, I would suggest that there is a section on page 17, and I will read it to the gentleman:

> Notwithstanding any other provisions of this act, any egg producer against whose commercial eggs any assessment is made and collected from him under authority of this act and who is not in favor of supporting the programs as provided for herein shall have the right to demand and receive from the Egg Board a refund of such assessment.

Mr. FINDLEY. Mr. Chairman, I know that such a procedure is provided in the law, and is provided in several other similar programs. The fact is that it is a rather cumbersome procedure that discourages producers from seeking the refund. I think it is far better to skip the assessment.

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

Mr. Chairman, I take this time to inquire of the floor manager, if I may have the gentleman's attention, whether or not the amendment of the gentleman from Pennsylvania provides that all the expenses of administration would have to be borne entirely by the egg industry.

If I understand it correctly, this type of proposal would be unprecedented. I know for a fact, we have programs for potatoes, for milk, wool, and cotton.

As I understand it, in none of these similar programs has the industry borne all of the expenses of administration.

Mr. MATHIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I will yield to the gentleman from Georgia, and ask if the gentleman can answer my question.

Mr. MATHIS of Georgia. Mr. Chairman, of course, this would be a precedent. The gentleman from Pennsylvania recognizes this. When he offered his amendment, he tried to explain it very eloquently. I think the gentleman from Pennsylvania did, in fact, offer legislation that would require all these commodities to pay their own cost.

Mr. RANDALL. If I have the attention now of the floor manager of this bill, I would like to ask him this question: Why do we seek out this one particular industry—the egg industry—when none of the others are treated this way?

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. I thank the gentleman from Missouri for yielding.

I would like to know the answer to that myself because it is not the intent of anybody on the subcommittee to have this done. We think it is a mistake.

Mr. Chairman, let me point out to you some of the commodities that have similar programs today, yet are administered by the USDA. Take cotton. Cotton is one of the biggest programs that we have. It is all part of USDA programs. The potato program is. The lamb and wool program, as well as wheat, milk, and milk products.

Of course, there are many local and regional programs that are also in the same category.

Mr. Chairman, why would any of us

want to pick out a small program such as this one, as far as the egg program is concerned, and have it administered by people other than the people in the U.S. Department of Agriculture.

Mr. RANDALL. Mr. Chairman, I think this would conclusively be one of the very best arguments for the defeat of this amendment. I have not had the benefit of studying the report thoroughly, but it seems to me this amendment is trying to undo, in effect, what the bill itself seeks to do.

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

Mr. RANDALL. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I wish to point out to the gentleman that he was not on the floor of the House when I made my opening remarks.

Mr. RANDALL Mr. Chairman, I am sorry that I was not here. I know I have suffered a considerable loss by not being present to hear the eloquent gentleman from Pennsylvania. I will say to the gentleman I will be glad to have the benefit of his views now.

Mr. GOODLING. Mr. Chairman, I will repeat for the benefit of the gentleman that I asked in my opening remarks if there is any justification to continue a bad precedent.

We establish these precedents. The gentleman is absolutely right when he says we have few precedents for doing what this bill calls for. But can the gentleman say that we should continue to set bad precedents year after year?

Mr. RANDALL. Mr. Chairman, I understand the gentleman's point. It comes down to a question of the fact as to whether these other precedents have been good precedents or bad precedents. Many think these other programs have worked very well. They have been successful over the long pull. I think the gentleman would have great difficulty getting any of the Members to agree that these other programs such as wool, cotton, or milk have not worked as intended. It is not what the gentleman thinks or believes but rather it becomes a question of fact as to whether these other programs have in fact, set good or bad precedents, and the facts prove the programs have worked and therefore it must be a good precedent to let USD bear the administrative costs.

What we have done in the past has been beneficial; it has been good for each of the industries mentioned. This is no time to change because there is no reason to change.

Mr. Chairman, I urge that this amendment be defeated.

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

Mr. Chairman, I think that the purpose of the amendment offered by the gentleman from Pennsylvania is good, and the reason it is good is that we are talking about a $7.5 million checkoff, and we are talking about a $100,000 figure for administrative costs that would come from the $7.5 million. I think this would be setting a good precedent, and would certainly be beneficial to the taxpayers.

Two wrongs do not make a right. Maybe we have been wrong in the past, so why should we not start in with a clean slate today and start letting these programs pay their own way?

Mr. MATHIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Georgia.

Mr. MATHIS of Georgia. Mr. Chairman, I know that the distinguished gentleman from Idaho would not seek to single out one single program to be treated in this way and then allow these same kinds of administrative costs to be paid for in other programs. I would suggest that the gentleman should simply seek equality and seek equity.

I know the gentleman from Idaho to be a fair man, and I know he wants to do the right thing.

Why pick on the egg producers? Let us start on the Idaho potato producers, if we want to start somewhere. Why pick out this one program?

Mr. SYMMS. Mr. Chairman, I wish to point out to the gentleman that we must start somewhere.

I will say to the gentleman that the Idaho potato producers do pay their own administrative costs within our State as part of the administrative program, which is a program that is very similar to this, except it is run on the State level and not on the Federal level.

This is a chance for us to start with a new precedent. I think today is a good day to start.

Mr. Chairman, I hope that the Members will support the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and on a division—demanded by Mr. MATHIS of Georgia—there were—ayes 44; noes 24.

RECORDED VOTE

Mr. MATHIS of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 151, not voting 44, as follows:

[Roll No. 222]

AYES—238

Abzug	Cederberg	Downing
Addabbo	Chamberlain	Drinan
Anderson, Calif.	Chisholm	Duncan
Anderson, Ill.	Clancy	du Pont
Archer	Clausen, Don H.	Edwards, Ala.
Arends	Clawson, Del	Eilberg
Armstrong	Clay	Erlenborn
Ashbrook	Cleveland	Esch
Ashley	Cohen	Eshleman
Badillo	Collier	Evans, Colo.
Bafalis	Collins, Tex.	Findley
Baker	Conable	Fish
Barrett	Conlan	Forsythe
Bauman	Conte	Frelinghuysen
Bell	Conyers	Frenzel
Bennett	Cotter	Frey
Biaggi	Coughlin	Froehlich
Biester	Crane	Gaydos
Bingham	Cronin	Giaimo
Brasco	Culver	Gilman
Bray	Daniel, Dan	Goldwater
Broomfield	Daniel, Robert W., Jr.	Goodling
Brotzman	Daniels, Dominick V.	Grasso
Brown, Mich.	Davis, Wis.	Green, Pa.
Brown, Ohio	Delaney	Griffiths
Broyhill, N.C.	Dellenback	Gross
Broyhill, Va.	Denholm	Grover
Buchanan	Dennis	Gubser
Burgener	Derwinski	Gude
Burke, Calif.	Devine	Guyer
Burke, Fla.	Dickinson	Haley
Butler	Donohue	Hanna
Byron		Hanrahan
Camp		Hansen, Idaho
		Harrington
Harsha	Miller	Selberling
Hastings	Minish	Shipley
Hébert	Minshall, Ohio	Shoup
Hechler, W. Va.	Mitchell, Md.	Shriver
Heckler, Mass.	Mitchell, N.Y.	Shuster
Heinz	Moakley	Skubitz
Hillis	Moorhead, Calif.	Smith, Iowa
Holtzman	Moorhead, Pa.	Smith, N.Y.
Horton	Mosher	Snyder
Hosmer	Murphy, Ill.	Spence
Hinshaw	Myers	Staggers
Hogan	Nelsen	Stanton, J. William
Holt	O'Brien	Stanton, James V.
Howard	Owens	Steele
Hunt	Parris	Steelman
Hutchinson	Patten	Steiger, Ariz.
Jarman	Perkins	Steiger, Wis.
Johnson, Colo.	Peyser	Stratton
Jones, Okla.	Pike	Studds
Kemp	Podell	Symms
Ketchum	Powell, Ohio	Taylor, Mo.
King	Price, Tex.	Thomson, Wis.
Kluczynski	Pritchard	Towell, Nev.
Koch	Railsback	Treen
Kuykendall	Rangel	Vanik
Lagomarsino	Regula	Veysey
Landgrebe	Reuss	Walsh
Latta	Rhodes	Wampler
Leggett	Riegle	Ware
Lent	Rinaldo	Whalen
Long, Md.	Robinson, Va.	White
Lujan	Robison, N.Y.	Whitehurst
McClory	Rodino	Widnall
McCollister	Roe	Wiggins
McDade	Rooney, Pa.	Wilson, Bob
McEwen	Rosenthal	Winn
McKay	Rostenkowski	Wydler
McKinney	Rousselot	Wylie
Macdonald	Roy	Wyman
Mallary	Ryan	Yatron
Mann	Sandman	Young, Alaska
Maraziti	Sarasin	Young, Fla.
Martin, Nebr.	Satterfield	Young, Ill.
Martin, N.C.	Scherle	Zion
Mayne	Schneebeli	
Michel	Sebelius	
Milford		

NOES—151

Abdnor	Ginn	Patman
Adams	Gonzalez	Pepper
Alexander	Gunter	Pickle
Andrews, N.C.	Hamilton	Poage
Andrews, N. Dak.	Hammer-schmidt	Preyer
Annunzio	Hanley	Price, Ill.
Aspin	Hays	Quie
Beard	Henderson	Quillen
Bergland	Hicks	Randall
Bevill	Holifield	Rarick
Blackburn	Hungate	Rees
Boggs	Ichord	Roberts
Bolling	Johnson, Calif.	Roncalio, Wyo.
Bowen	Jones, Ala.	Rose
Brademas	Jones, N.C.	Roush
Breaux	Jones, Tenn.	Roybal
Breckinridge	Jordan	Runnels
Brinkley	Karth	Ruppe
Brooks	Kastenmeier	Ruth
Brown, Calif.	Kazen	St Germain
Burke, Mass.	Kyros	Sarbanes
Burleson, Tex.	Landrum	Schroeder
Burlison, Mo.	Lehman	Sikes
Burton	Long, La.	Sisk
Carney, Ohio	Lott	Stark
Casey, Tex.	Luken	Steed
Chappell	McCormack	Stephens
Cochran	McFall	Stokes
Collins, Ill.	McSpadden	Symington
Corman	Madden	Taylor, N.C.
Danielson	Mahon	Thompson, N.J.
Davis, S.C.	Mathias, Calif.	Thone
Dellums	Mathis, Ga.	Thornton
Dent	Matsunaga	Traxler
Dingell	Mazzoli	Ullman
Eckhardt	Meeds	Van Deerlin
Edwards, Calif.	Melcher	Vander Jagt
Evins, Tenn.	Metcalfe	Vander Veen
Fascell	Mink	Vigorito
Fisher	Mizell	Waggonner
Flood	Montgomery	Waldie
Flowers	Moss	Whitten
Flynt	Murphy, N.Y.	Wilson, Charles, Tex.
Foley	Murtha	Wolff
Ford	Natcher	Yates
Fountain	Nedzi	Young, Ga.
Fraser	Nichols	Young, Tex.
Fulton	Obey	Zablocki
Fuqua	O'Hara	Zwach
Gettys	O'Neill	
Gibbons	Passman	

NOT VOTING—44

Blatnik	Clark	Dorn
Boland	Davis, Ga.	Dulski
Carey, N.Y.	de la Garza	Gray
Carter	Diggs	Green, Oreg.

Hansen, Wash.	Morgan	Teague
Hawkins	Nix	Tiernan
Helstoski	Pettis	Udall
Huber	Reid	Williams
Hudnut	Rogers	Wilson,
Johnson, Pa.	Roncallo, N.Y.	Charles H.,
Litton	Rooney, N.Y.	Calif.
McCloskey	Slack	Wright
Madigan	Stubblefield	Wyatt
Mezvinsky	Stuckey	Young, S.C.
Mills	Sullivan	
Mollohan	Talcott	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MOSS

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

The Clerk read as follows:

Amendment offered by Mr. Moss: Page 8, lines 12 and 14, after or strike out "unwarranted" and insert misleading.

Mr. MOSS. Mr. Chairman, I have discussed this amendment with the gentleman from Tennessee, and my understanding is that he is prepared to accept this amendment.

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

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

Mr. ZWACH. Mr. Chairman, I accept the amendment.

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

Mr. MOSS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Will the gentleman explain his amendment, please?

Mr. MOSS. I should be very happy to explain the amendment. The bill before the Members, on page 8, lines 12 and 14 uses a standard of "false or unwarranted." The standard historically used by the Federal Trade Commission is "false or misleading." "False or misleading" has been construed by a considerable body of case law. Regarding "false or unwarranted," the word "unwarranted" certainly has not been given any meaning or interpretation by the courts, and I think we would be hard put to know precisely what is intended. By bringing it into conformity with a more traditional concept, I believe that it clarifies and removes an otherwise ambiguous word from the legislation.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McFALL) having assumed the chair, Mr. BRADEMAS, 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. 12000) to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl, pursuant to House Resolution 1100, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. 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 pro tempore. 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.

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

Mr. RANDALL. 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 302, nays 90, not voting 41, as follows:

[Roll No. 223]

YEAS—302

Abdnor	Dent	Jones, Okla.
Adams	Derwinski	Jones, Tenn.
Alexander	Devine	Jordan
Anderson, Calif.	Dickinson	Karth
Andrews, N.C.	Dingell	Kastenmeier
Andrews, N. Dak.	Downing	Kazen
Archer	Duncan	Kemp
Arends	du Pont	Ketchum
Ashbrook	Edwards, Ala.	Kluczynski
Aspin	Eilberg	Kuykendall
Bafalis	Esch	Kyros
Baker	Eshleman	Lagomarsino
Barrett	Evans, Colo.	Landrum
Bauman	Evins, Tenn.	Latta
Beard	Fascell	Leggett
Bell	Fish	Lehman
Bergland	Fisher	Long, La.
Bevill	Flood	Long, Md.
Blackburn	Flowers	Lott
Blatnik	Flynt	Luken
Boggs	Foley	McClory
Boling	Ford	McCollister
Bowen	Forsythe	McCormack
Brademas	Fountain	McDade
Bray	Fraser	McEwen
Breaux	Frelinghuysen	McFall
Breckinridge	Frenzel	McKay
Brinkley	Frey	McSpadden
Broomfield	Froehlich	Madden
Brotzman	Fulton	Mahon
Brown, Calif.	Fuqua	Mallary
Brown, Mich.	Gettys	Mann
Brown, Ohio	Gibbons	Maraziti
Broyhill, N.C.	Gilman	Martin, Nebr.
Broyhill, Va.	Ginn	Martin, N.C.
Buchanan	Goldwater	Mathias, Calif.
Burgener	Gonzalez	Mathis, Ga.
Burke, Calif.	Goodling	Matsunaga
Burke, Fla.	Green, Pa.	Mayne
Burke, Mass.	Griffiths	Mazzoli
Burleson, Tex.	Gubser	Meeds
Burlison, Mo.	Gunter	Melcher
Burton	Guyer	Michel
Butler	Haley	Miller
Byron	Hamilton	Mink
Carney, Ohio	Hammer-schmidt	Minshall, Ohio
Casey, Tex.	Hanley	Mitchell, N.Y.
Cederberg	Hanna	Mizell
Chamberlain	Hansen, Idaho	Montgomery
Chappell	Hansen, Wash.	Moorhead, Calif.
Chisholm	Harsha	Moorhead, Pa.
Clancy	Hastings	Moss
Clausen, Don H.	Hays	Murphy, N.Y.
Clawson, Del	Hébert	Murtha
Clay	Heinz	Myers
Cleveland	Henderson	Natcher
Cochran	Hicks	Nedzi
Cohen	Hillis	Nelsen
Collins, Tex.	Hinshaw	Nichols
Conable	Hogan	Obey
Corman	Holifield	O'Brien
Crane	Holt	O'Hara
Daniel, Dan	Horton	O'Neill
Daniel, Robert W., Jr.	Hungate	Owens
Danielson	Hunt	Parris
Davis, S.C.	Hutchinson	Passman
Davis, Wis.	Ichord	Patman
Dellenback	Jarman	Pepper
Denholm	Johnson, Calif.	Perkins
	Johnson, Colo.	Peyser
	Jones, Ala.	Pickle
	Jones, N.C.	Poage
Powell, Ohio	Sebelius	Ullman
Preyer	Shipley	Van Deerlin
Price, Ill.	Shoup	Vander Jagt
Price, Tex.	Shriver	Vander Veen
Pritchard	Shuster	Veysey
Quie	Sikes	Vigorito
Quillen	Sisk	Waggonner
Randall	Skubitz	Walsh
Rarick	Spence	Wampler
Rees	Staggers	Ware
Regula	Stanton, J. William	White
Rhodes	Stanton, James V.	Whitehurst
Roberts	Stark	Whitten
Robinson, Va.	Steelman	Widnall
Robison, N.Y.	Steiger, Wis.	Wiggins
Roe	Stephens	Wilson, Bob
Roncallo, Wyo.	Stokes	Wilson, Charles, Tex.
Rooney, Pa.	Stratton	Winn
Rose	Symington	Wylie
Roush	Symms	Wyman
Rousselot	Taylor, Mo.	Yatron
Roy	Taylor, N.C.	Young, Alaska
Ruppe	Thompson, N.J.	Young, Fla.
Ruth	Thomson, Wis.	Young, Ga.
St Germain	Thone	Young, Ill.
Sandman	Thornton	Young, Tex.
Sarbanes	Traxler	Zablocki
Satterfield	Treen	Zion
Scherle	Udall	Zwach
Schneebeli		
Schroeder		

NAYS—90

Abzug	Findley	Rangel
Addabbo	Gaydos	Pike
Anderson, Ill.	Giaimo	Podell
Annunzio	Grasso	Railsback
Armstrong	Gross	Reuss
Ashley	Grover	Riegle
Badillo	Gude	Rinaldo
Bennett	Hanrahan	Rodino
Biester	Harrington	Rosenthal
Bingham	Hechler, W. Va.	Rostenkowski
Brasco	Heckler, Mass.	Roybal
Camp	Holtzman	Runnels
Collier	Hosmer	Ryan
Collins, Ill.	Howard	Sarasin
Conlan	King	Seiberling
Conte	Koch	Smith, Iowa
Conyers	Landgrebe	Smith, N.Y.
Cotter	Lent	Snyder
Coughlin	Lujan	Steed
Cronin	McKinney	Steele
Culver	Macdonald	Steiger, Ariz.
Daniels, Dominick V.	Madigan	Studds
Delaney	Metcalfe	Towell, Nev.
Dellums	Mezvinsky	Vanik
Dennis	Milford	Waldie
Donohue	Minish	Whalen
Drinan	Mitchell, Md.	Wolff
Edwards, Calif.	Moakley	Wydler
Erlenborn	Mosher	Yates
Biaggi	Murphy, Ill.	
	Patten	

NOT VOTING—41

Boland	Huber	Stubblefield
Brooks	Hudnut	Stuckey
Carey, N.Y.	Johnson, Pa.	Sullivan
Carter	Litton	Talcott
Clark	McCloskey	Teague
Davis, Ga.	Mills	Tiernan
de la Garza	Mollohan	Williams
Diggs	Morgan	Wilson, Charles H., Calif.
Dorn	Nix	Wright
Dulski	Pettis	Wyatt
Eckhardt	Reid	Young, S.C.
Gray	Rogers	
Green, Oreg.	Roncallo, N.Y.	
Hawkins	Rooney, N.Y.	
Helstoski	Slack	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rogers for, with Mr. Rooney of New York against.

Mr. Carter for, with Mr. Diggs against.

Mr. Stubblefield for, with Mr. Helstoski against.

Mr. Teague for, with Mr. Roncallo of New York against.

Mr. Hawkins for, with Mr. Dulski against.

Mrs. Sullivan for, with Mr. Boland against.

Mr. Charles H. Wilson of California for, with Mr. Gray against.

Until further notice:

Mr. Morgan with Mr. Young of South Carolina.

Mr. Brooks with Mr. Mills.

Mr. Carey of New York with Mrs. Green of Oregon.
Mr. Litton with Mr. Pettis.
Mr. Mollohan with Mr. Hudnut.
Mr. Slack with Mr. McCloskey.
Mr. Stuckey with Mr. Huber.
Mr. Wright with Mr. Johnson of Pennsylvania.
Mr. Reid with Mr. Williams.
Mr. Davis of Georgia with Mr. Talcott.
Mr. de la Garza with Mr. Wyatt.
Mr. Dorn with Mr. Clark.
Mr. Nix with Mr. Tiernan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Tennessee. 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 Tennessee?

There was no objection.

CONFERENCE REPORT ON S. 3062, DISASTER RELIEF ACT AMENDMENTS OF 1974

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 3062), Disaster Relief Act Amendments of 1974.

The Clerk read the title of the Senate bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman this question: When was the conference report made available?

Mr. JONES of Alabama. On Monday of this week.

Mr. GROSS. Mr. Speaker, did I understand the gentleman to say, Monday of this week?

Mr. JONES of Alabama. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is here objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 13, 1974.)

Mr. JONES of Alabama (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers be dispensed with.

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Speaker, I am pleased to submit to the House the report of the committee of conference on S. 3062, the Disaster Relief Act of 1974.

On April 10 of this year, the Senate passed S. 3062. The following day the Senate-passed bill was before the House for consideration. Ordinarily, we would have considered the Senate-passed bill in committee and reported it to the House with those amendments we considered necessary. However, with the tornado disasters which had recently occurred in many parts of the country, we considered it important that we move as quickly as possible to pass legislation to provide adequate relief for the victims of those disasters. For that reason, your Committee on Public Works recommended that a modified version of one section of the Senate bill which we had had a chance to consider be passed as an amendment to the Senate bill. This enabled us to go to conference with the Senate and give proper and needed consideration to the provisions of the Senate bill in the least possible amount of time.

Mr. Speaker, on April 25, after very careful consideration of the provisions of the Senate-passed bill and the House amendment, the conference committee agreed to the report which is now being submitted.

During the conference the House conferees had the time and the opportunity to study the Senate-passed bill in depth and to work the will of the House in securing what we believe to be an effective piece of legislation. During the floor debate on the House amendment to the Senate bill, much concern was expressed over the fact that the individual and family grant program contained in the Senate bill and the House amendment was not made retroactive to April 20, 1973, which was the date on which the forgiveness provisions under the Small Business Administration and Farmers Home Administration disaster loan programs expired. Without this retroactivity,, there would have been a gap of nearly a year during which disaster victims would have received inequitable treatment. At that time, the distinguished chairman of our Public Works Committee, the gentleman from Minnesota, and the distinguished ranking minority member, the gentleman from Ohio, expressed their intentions to make every effort to obtain agreement with the Senate conferees to make this individual and family grant program retroactive. I am pleased to report that the provision was made effective as of April 20, 1973. While this grant program is not a substitute for the earlier forgiveness provisions, it does meet similar needs. We feel that it would be most inequitable to have a forgiveness provision until April 20, 1973, and a grant provision as of April 1, 1974, with all those suffering damage as a result of a major disaster between those two dates receiving no comparable assistance.

The legislation agreed to by the committee of conference is quite similar to the Senate-passed bill, but with many important changes which we feel make it a much better bill. Among the provisions which were modified by the committee of conference are the following.

A provision, section 302(c), has been added authorizing payment under the emergency conservation program for the repair, restoration, reconstruction, or replacement of farm fencing damaged or destroyed by a major disaster. The Department of Agriculture has possessed authority to make 80 percent Federal cost-sharing payments to farmers for rehabilitation of farmlands damaged by natural disasters. This assistance, however, has been eliminated administratively by the Department of Agriculture. The provision in the conference substitute reinstates the assistance program.

The Senate-passed bill required that insurance adequate to protect against future loss must be obtained for any disaster-damaged property which has been replaced, restored, repaired, or constructed with Federal disaster funds if insurance is reasonably available. Unless such insurance is secured and thereafter maintained, no applicant for Federal assistance could receive aid for any damage to such property in a future major disaster. State governments could elect to provide self-insurance on their public facilities. They could not be eligible for disaster assistance for damage to property on which they previously received aid if they could have obtained insurance. The conference substitute limits the insurance requirement to facilities belonging to State and local governments, and to private nonprofit educational, utility, emergency, medical, and custodial care facilities. The insurance requirement is deleted insofar as it applies to property owned by private individuals.

Mr. Speaker, the House conferees accepted even this limited insurance requirement reluctantly. We have no reliable data on the relative total economic costs of protecting property through the acquisition of insurance from insurance companies and protecting property through self-insurance with Federal assistance in the case of a major disaster. We intend to watch this provision of the legislation very carefully to insure that it is a workable provision and does not constitute a windfall to the insurance industry.

The Senate bill provided that any local government suffering a substantial loss of tax and other revenues because of a major disaster and demonstrating need for financial assistance to perform its governmental functions would be eligible for a loan not exceeding 25 percent of its annual operating budget for the fiscal year in which the disaster occurred. Part or all of the loan could be canceled to the extent that local revenues during the following 3 full fiscal years are not sufficient to meet the operating budget of that government. The conference substitute is the same as the Senate bill, except that the cancellation provision is made mandatory. This will insure that local governments receive the aid contemplated by the bill.

Title V of the Senate bill provides assistance for redevelopment in both the private and public sectors in an area damaged by major disasters. This title

contained a provision for a revolving fund. The revolving fund has been deleted from the legislation and, instead, the economic recovery provisions will be financed through a $250 million authorization for appropriation.

Those are the more significant changes which were agreed to by the committee of conference. Mr. Speaker, I have a more detailed description of the provisions in the Senate bill and the changes agreed to by the conferees, and I ask unanimous consent that this description be included at this point in the RECORD. I wish, Mr. Speaker, to express my appreciation to the distinguished House conferees, the gentleman from California (Mr. JOHNSON), the gentleman from Texas (Mr. ROBERTS), the gentleman from Ohio (Mr. HARSHA), and the gentleman from Kentucky (Mr. SNYDER) for the fine job they did. I also wish to express my appreciation for the cooperation on the part of the distinguished Senate conferees.

I also wish to commend the chairman of our Public Works Committee, the gentleman from Minnesota (Mr. BLATNIK), for the outstanding leadership he has shown with regard to this legislation, and the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA), our fine Water Resources Subcommittee chairman, the gentleman from Texas (Mr. ROBERTS), the ranking minority member of that subcommittee, the gentleman from California (Mr. CLAUSEN) and all the members of the full committee and the subcommittee for their valuable efforts in formulating and bringing to a successful conclusion the legislation which we bring to the floor today. I would commend all the staff who worked so hard on this bill and in particular Errol Lee Tyler, and Gordon Wood.

Mr. Speaker, I believe that we have come up with a good piece of legislation and I urge the approval of this conference report.

I include the following:

S. 3062: COMPARISON OF SENATE-PASSED BILL AND CONFERENCE SUBSTITUTE

EMERGENCIES

The Senate bill distinguishes between major disasters and those of lesser magnitude, which are termed emergencies. Federal assistance available in the case of an emergency includes technical assistance, advisory personnel, equipment, food, other supplies, medical care, and the like. The conference substitute is the same as the Senate bill.

DISASTER PREPAREDNESS

Present law authorizes 50 percent matching grants not to exceed $250,000 per state to assist in developing disaster preparedness plans. S. 3062 authorizes a grant of up to $250,000 with no matching requirement. The purpose is to encourage states to prepare disaster preparedness plans. The conference substitute is the same as the Senate bill.

INSURANCE

The Senate bill requires that insurance adequate to protect against future loss must be obtained for any disaster-damaged property which has been replaced, restored, repaired, or constructed with Federal disaster funds if insurance is reasonably available. Unless such insurance is secured, no applicant for Federal assistance can receive aid for any damage to his property in future major disasters. State governments may elect to provide self-insurance on their public facilities. States which choose to act as self-insurers will not be eligible for disaster assistance because of damage to property on which they previously received aid.

The conference substitute limits the insurance requirement to facilities belonging to State and local governments, private nonprofit educational, utility, emergency, medical, and custodial care facilities.

The conference substitute also provides that the President shall have the authority to make determinations with respect to the availability, adequacy, and necessity of insurance. The President, in making such determinations, may not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner. It should be noted that it is the intention of the conferees that this legislation shall give the President authority to require lesser types and extent of insurance than are certified to him by such State insurance commissioners.

PENALTIES

The Senate-passed bill provides criminal penalties for those who knowingly misstate facts in connection with an application for disaster assistance and those who knowingly misapply the proceeds of a loan or other cash benefit. The conference substitute is essentially the same as the Senate bill.

AVAILABILITY AND DISTRIBUTION OF MATERIALS

The Senate bill authorizes the President to provide for a survey of the construction materials needed in the major disaster area for housing, farming operations and business enterprises and to take appropriate action to insure the availability and fair distribution of such materials for a period not to exceed 180 days.

The conference substitute is the same as the Senate bill, except that public facilities, repairs, and replacement are included .

REPAIR AND RESTORATION OF DAMAGED FACILITIES

The Senate bill provides that assistance for damaged or destroyed public facilities can be provided under one of two plans at the option of eligible state or local governments. Grants may be made not to exceed 100 percent of cost for repair or reconstruction on a project-by-project basis, as authorized by current law or a Federal contribution based on 90 percent of the total estimated cost of restoring all damaged public facilities within its jurisdiction could be used to repair or restore selected facilities or to construct new ones. In those jurisdictions incurring damages totaling no more than $25,000, a block grant based on 100 percent of the total cost for repairing or reconstructing those facilities would be made.

The conference substitute is the same as the Senate bill except that (1) with respect to the 90 percent contribution provision the cost estimate is made by the Federal Government, and (2) the $25,000 block grant provision is made a new subsection (g) and the $25,000 limit includes emergency assistance and debris removal in addition to public facilites.

HOUSING

The Senate bill specifically authorizes the so-called "mini-repair" program. Where a private dwelling is rendered inhabitable, it can be restored to a habitable condition in lieu of temporary housing being provided.

The Senate bill also authorizes the President to sell, or otherwise make available for disaster relief purposes, temporary housing units directly to states, other governmental entities and private industry organizations. At present such units may be disposed of only through the General Services Administration when declared to be in excess supply.

The President is also authorized to provide alternate housing sites and utility connections.

The conference substitute is the same as the Senate bill.

EXTRAORDINARY DISASTER EXPENSE GRANTS

The Senate bill authorizes the President to make grants to states of 75 percent of the actual cost of providing direct financial assistance to persons adversely affected by a major disaster. These grants are available to meet extraordinary disaster-related expenses or needs which are not provided for under this Act, under other programs, or by private means. Aid is limited to a maximum of $5,000 for each family.

The conference substitute is essentially the same (based on the House amendment) with the exception that the provision is made retroactive to April 20, 1974.

UNEMPLOYMENT ASSISTANCE

The bill authorizes the President to provide disaster unemployment compensation through agreements with states which, in his judgment, have adequate systems for administering the program, and provides authority to extend the assistance for up to a year after the disaster.

The conference substitute is essentially the same as the Senate bill, but is clarified to eliminate possible inequities which could have resulted from the original language.

FOOD COMMODITIES

The Senate bill retains provisions of the 1970 Disaster Relief Act authorizing the President to make both food commodities and coupons available to disaster victims. In addition, it directs the Secretary to assure that adequate stocks of food will be readily and conveniently available for emergency mass feeding in any area of the United States in the event of a major disaster.

The reason for this section is that the current lack of surplus commodities, and the decision to replace the USDA family food distribution program by July 1 with food stamps, has raised questions about our ability to provide sufficient supplies for mass feeding and for home use after major disasters.

The conference substitute is the same as the Senate bill.

CRISIS COUNSELING ASSISTANCE

The Senate bill authorizes the President to provide professional counseling services and training for disaster workers, either directly or by financial assistance to State or local agencies to help relieve mental health problems caused or aggravated by a disaster or its aftermath.

The conference substitute is the same as the Senate bill.

COMMUNITY DISASTER LOANS

The Senate bill provides that any local government suffering a substantial loss of tax and other revenues because of a major disaster, and demonstrating need for financial assistance to perform its governmental functions, would be eligible for a loan not exceeding 25 percent of its annual operating budget for the fiscal year in which the disaster occurred.

Part or all of the loan could be cancelled to the extent that local revenues during the following three full fiscal years are not sufficient to meet the operating budget of that government, including municipal disaster-related expenses.

The conference substitute is the same as the Senate bill, except that the cancelation provision is made mandatory.

LEGAL SERVICES

The Senate bill authorizes the Administrator to assure the availability in a disaster area, with the advice and assistance of Federal agencies and state and local bar associations, of legal services to low-income individuals not able to secure such services because of a major disaster.

The conference substitute replaces the provision in the Senate bill with the original provision in the 1970 Disaster Relief Act.

ECONOMIC RECOVERY FOR DISASTER AREAS

Title V of the Senate bill provides assistance for redevelopment in both the private

and public sectors. The assistance is provided through Recovery Planning Councils.

Determination of the need for special economic assistance and appointment of a Recovery Planning Council rests with the Governor. A majority of the Council members must be elected local officials. The national and state governments would each have one representative.

The Recovery Planning Council may revise existing land use, development or other plans, develop new ones, and prepare a five-year Recovery Investment Plan for submission to the Governor and to responsible local governments. The Council also may recommend changes in the programming of available or anticipated federal funds.

Funds authorized for federal-aid projects or programs in a major disaster area may be placed in reserve according to such recommendations. If the Governor requests, and affected local governments concur, these funds may be transferred to the Recovery Planning Council to implement the Recovery Investment Plan.

Loans may be made by the Recovery Planning Council to any state or local government, and private or public non-profit organization in a major disaster area to carry out the Recovery Investment Plan. Loans can be made for the acquisition or development of land and improvements for public works, public service or public development facilities (including parks and open spaces), and for acquiring, constructing, rehabilitating, expanding or improving those facilities (including machinery and equipment).

The conference substitute is the same as the Senate bill except that (1) necessary clarifying amendments have been made, (2) existing EDA and Appalachian Regional Development organizations in disaster areas are to be used as Recovery Councils, and (3) the provision for a revolving fund is deleted.

Mr. GROSS. Will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman.

Mr. GROSS. Are all of the amendments germane to this bill?

Mr. JONES of Alabama. I would say to the gentleman from Iowa that certain provisions have been added in the conference that were not in either the Senate or House bill. For example, the individual and grant program which was contained in both the Senate and House bills effective as of April 1, 1974, were made retroactive to April 20, 1973. A second item dealing with farm fencing was added although not originally in either bill.

Mr. FLOWERS. Will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman.

Mr. FLOWERS. I thank my dean of the Alabama delegation for yielding to me.

I want to express my appreciation to the chairman of the committee, the distinguished gentleman from Minnesota (Mr. BLATNIK) and the ranking minority member, the gentleman from Ohio (Mr. HARSHA) and the dean of my delegation for making this legislation retroactive to 1973 through the conference. I think it shows a great deal of feeling and forebearance on the part of the committee for those who were damaged by the catastrophes of last year.

Mr. JONES of Alabama. I will say to the gentleman from Alabama that he was one of the great advocates of making the individual grant program retroactive when the disaster legislation was before the House before the Easter recess. It was in large part due to his efforts that the effective date of this grant program was made April 20, 1973, when the loan forgiveness provisions in prior law expired. By doing this, we avoid the inequities which would result in having a forgiveness provision until April 20, 1973, and a grant provision as of April 1, 1974, with people hit by a major disaster between those dates receiving no comparable assistance.

Mr. HARSHA. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I support adoption of the conference report on S. 3062, the Disaster Relief Act of 1974.

As you remember on April 11, we came before the House with a disaster relief bill, S. 3062, as amended by the Committee on Public Works. At that time, we had an extensive colloquy on the provisions of our amendment addressing individual and family grants.

We made a commitment that we would thoroughly review all the provisions of S. 3062 as passed by the other body. We did not at that time wish to accept this bill in toto without the type of review and scrutiny that a bill of this importance requires and deserves. We promised to expedite our review and come before you with a conference report which would meet our disaster relief needs. This we did; we reached agreement on a comprehensive disaster relief bill. I commend it to you.

We also indicated on April 11 that we would try to incorporate a retroactive provision in the individual and family grants section. I am also pleased to report to you that we were successful in our conference with the other body. The provisions of section 408 take effect as of April 20, 1973, the time the "forgiveness" provisions of prior law were eliminated.

Mr. Speaker, the history of Federal disaster legislation is one of supplementing State and local government efforts and available resources. This concept is continued, and emphasized, in the Disaster Relief Act of 1974. It is fundamental to the system of Federal assistance which the bill establishes. Determination that an emergency or a major disaster exists rests, in substantial part, on a demonstration by the Governor that the situation is serious enough to warrant positive action by State forces.

There are, obviously, disasters of such magnitude and impact that the need for Federal assistance is immediately apparent. In these cases the Federal response should not be delayed by time-consuming exchanges of formal correspondence. It has been demonstrated time and again the speed with which Federal response can be brought to bear in these critical situations. But speed of Federal response should not stand as a substitute for the even speedier response required from local and State government, nor should the introduction of Federal aid be the signal for States and local governments to reduce their own commitments. It is through the combined efforts of local and State governments, and the Federal Government, that the ravages of disaster can be lessened and the impact of disaster eased.

The more effective response to disasters which this bill makes possible will require planning and preparedness actions at all levels of government. Title II of the bill recognizes this as well as the continuing need for improving disaster preparedness generally. We must also recognize that plans and programs for preparation against disaster and for assistance after a disaster cost money to develop. Accordingly, title II provides for grants to the States for these preparedness purposes.

A great deal of money has been spent in the name of disaster planning—some of it wisely and productively, and some perhaps without meaningful tangible result. The planning grant authorized in this bill is not intended to perpetuate any nonproductive planning that may have preceded it. It is intended to be used wisely and carefully and constructively with the primary view of developing State and local response mechanisms and capabilities which can mesh quickly and easily with the Federal effort when such effort is brought to bear.

In future emergencies and major disasters, we expect improved coordination of local, State, and Federal efforts to reduce hardship and suffering promptly by effective actions and ready commitment of resources.

Chief among the critical and urgent planning needs is preparation by the States to carry out those responsibilities upon which the entire assistance efforts will depend. In this regard, I call attention particularly to the individual and family grant program which is the responsibility of the State to administer.

One of the features of section 408, individual and family grant programs, is the authority for the Federal Government to make an advance to the State to help the State meet its 25-percent share of the grants. It is an important provision, particularly in the first months of the program before States have the opportunity to amend their laws or take other actions necessary to permit immediate participation in this vital grant assistance program. The authority to make such advances recognizes the possibility that some States may be unable to participate until new State legislation has been passed, or other action has been taken to remove legal or fiscal barriers to State participation. The advance will permit such States to implement the individual and family grant program in the event that disaster strikes before the necessary internal actions are completed. Advances made under these conditions are to be repaid when the State is able to do so.

The individual and family grant program permits the Federal Government and the State to join together in meeting necessary expenses and various needs which cannot be met otherwise under the law or through other means. Grants under this program will fill that void which may still exist when other assistance programs have been applied. That is the test for eligibility; not level of income, nor ability to obtain a loan which can be partially forgiven, nor loss or damage to real property. The test is simple and direct; that a disaster-related, necessary expense or serious need exists which the individual or family is unable to meet with other assistance authorized in the bill or through other means.

One example of the type of section 408

assistance the committee had in mind is assistance for students who were forced to leave damaged campuses before the end of their regular academic term and thereby incurred what to them are major expenses such as gathering and replacing lost belongings, transportation to home, and substitute living expenses.

Many students who believe the colleges are damaged beyond repair are seeking other locations to continue their education or are dropping out of the educational process temporarily. This consideration is of special importance because in the example of Wilberforce University, 80 percent of the students are from families with $7,500 annual income or less and the average student's home is 500 miles from the university.

In referring to Wilberforce University, I wish to bring to the attention of the House a significant provision of this bill. I refer to subsection 402(b) which authorizes the President to make grants to help repair, restore, reconstruct, or replace private nonprofit educational facilities which were damaged or destroyed by a major disaster. This subsection will provide the necessary assistance to reconstruct Wilberforce University where so much havoc was wrecked by a tornado last month. My good friend and colleague from Ohio (CLARENCE BROWN) was most effective in communicating with the committee the necessity for the language of subsection 402(b).

Under the bill, Federal assistance can be provided at a Governor's request to cope with emergencies not of major disaster proportions but which are beyond State and local government's ability to deal with effectively. This is a progressive step forward which recognizes that some critical situations can be met without full implementation of all the authorities contained in the bill.

The Congress in this legislation has provided expanded Federal funding for the important tasks of repairing, rebuilding, restoring, or reconstructing the facilities for essential public services. A local or State government may now exercise discretion in selecting the projects to be undertaken and in committing available Federal funds.

Recent legislation has already provided a requirement for flood insurance for buildings in flood-prone communities. This new law has taken another step forward by requiring other types of insurance in numerous situations where Federal funding of recovery work is desired.

Mr. Speaker, we are justifiably pleased to bring to the House the conference report with its initiatives broadening the scope of Federal disaster assistance while placing increasing reliance on individuals, local and State governments to cope with future disasters.

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

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

Mr. BAKER. Mr. Speaker, there are few times when it is as important for the Congress to act promptly to provide immediate help and assistance as it is now. There are many people especially in need of this assistance because of the recent series of tornadoes around the country. One has only to travel around districts which bore the brunt of those tornadoes to know how many people are in such need of assistance.

The good people of my district in Tennessee, for instance, know first-hand the desolate feeling of being literally wiped out in the short time it takes a tornado to cut its destructive swath. I will not take the time of this House to describe in great detail the extent of the damage I saw when I visited several of my counties in April—but it was absolutely enormous in its impact. It seemed to me then and it seems to me today that if any help is appropriate to any individuals from their Government, certainly natural disasters are the circumstances under which that aid is called for.

The Federal Government must help—not out of charity—but because we help ourselves when we help someone get back on his feet and return to a normal productive life for himself, his family, and his area of the country.

The first reaction of people I talked with in our tornado-stricken area was one of relief they were alive. They had great empathy and sympathy for others who had been affected, especially for those affected worse than they. There was camaraderie and great courage and a getting together in the face of crisis. After a few days, though, as happens with any of us who have gone through such a time, the spirits sink. When you need help in a time of disaster, you need it quickly. This is why it was so gratifying to me, as a member of the Committee on Public Works, to participate in the development of S. 3062 which will do much to provide that assistance not now available under the 1970 act.

I am particularly pleased with section 408 which will authorize grants of up to $5,000 to families and individuals adversely affected by a major disaster who are unable to meet disaster-related necessary expenses or serious needs with assistance under this act or by other means. This provision is a Federal-State partnership. The Federal share will be 75 percent and the State share 25 percent of the cost of providing such needs and services by the Governors as expeditiously as possible.

Further, it is good to know that Federal technical assistance and expertise will now be made available to plan and implement the disaster relief program. This will help foster Federal-State cooperation and coordination in providing prompt and effective disaster assistance. We should be able to provide this assistance in the future with minimum delay and difficulty.

Mr. Speaker, there are many other provisions in this conference report which will revise and broaden existing programs and greatly assist the rendering of help to all those affected by natural disasters. Others have or will describe different sections of this conference report. I will, therefore, simply say that I strongly support this conference report and commend it to you. Further, I wish to recognize and thank the chairman, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), the gentleman from Ohio (Mr. HARSHA) and the gentleman from California (Mr. DON CLAUSEN) for their able assistance and leadership in bringing this legislation through Congress.

Mr. HARSHA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I had the privilege of being one of the conferees on the Disaster Relief Act of 1974. I wish to express my support for the conference report before the House today.

I believe that the Congress has come to realize that there is no such thing as a perfect disaster relief law for all time. Each disaster as it occurs presents in some way new problems that require legislation. Nevertheless, we have in effect developed over the years an effective basic law for disaster relief which requires from time to time changes to conform with unforeseen situations that arise.

The conference report before us retains the good features of past legislation and adds some new concepts that heretofore have not been included.

Among the newer ideas is that of emphasis on disaster preparedness. The conference report recognizes that there are certain emergency situations that do not qualify as major disasters, but which nevertheless require limited aid. This aid, such as technical assistance, equipment, food supplies, personal medical care, and other essentials, would now be available when a major disaster threatens. For example, the law refers to this situation as an "emergency." In addition, it is a catastrophe that is naturally caused by the resulting damage, some of which is not of sufficient severity to warrant major disaster assistance.

Disaster assistance preparedness grants to the States are made available and the disaster warning provisions of existing law are retained and updated. Emphasis is placed upon the need for a disaster preparedness program.

Title IV of the Federal Disaster Assistance Act authorizes repair, reconstruction, restoration or replacement of public facilities. The definition of "public facilities" is broadened and clarified. Of particular interest to me, for example, is language which makes it clear that if a park suffers damage and is eligible for disaster assistance that the trees, vegetation and other natural features shall be restored to the extent practicable. In some cases, this restoration could be fairly complete—in other cases the restoration might include reforestation and planting of young trees to replace the old in time.

Public facilities that receive disaster aid require insurance against future disaster losses. This is a somewhat controversial provision which the conferees agonized over and finally accepted in its present form for the purpose of protecting against repeated payments of the taxpayers' dollar for the repair of the same facility. If insurance is not reasonably available, adequate and necessary, the applicant would not be required to obtain it. Other features of this bill include debris removal; temporary housing assistance, with a provision by which the occupant may buy the temporary housing from the Government; establishment of minimum standards for structures; unemployment assistance

that would allow payments of unemployment insurance to those who otherwise might not be eligible; those whose eligibility have expired as well as those who are eligible under unemployment compensation laws. In all cases, the period for eligibility payments is extended.

Section 408 is the portion of the bill dealing with individual and family grant programs that was originated and passed by this House. It authorizes the making of grants to a State for the purpose of the State making grants to meet disaster related necessary expenses or serious needs of individuals or families adversely affected by a major disaster when they are unable to meet such expenses or needs. This is a matching grant program of which the Federal share is equal to 75 percent and the State share is 25 percent. Recognizing that the State might require legislative action for a period of time to come for the portion of its share, the President is authorized to advance to such State an amount equivalent to its share. The grant is limited to $5,000 to an individual or family with respect to any one disaster.

A provision is made for food coupons and distribution, food commodities, relocation assistance, legal services and crisis counseling, and training to victims of major disasters in order to relieve mental health problems caused or aggravated by the major disaster or its aftermath.

Community disaster loans are included to provide for revenues that are lost because of the failure of utility systems to deem this a major disaster. Emergency communications, emergency public transportation, and fire suppression grants remain in the law.

A choice is given to an applicant for the repairing, reconstructing, restoring, or replacing of public facilities to permit a contribution by the Federal Government based on 100 percent of the total estimated cost wherever the total estimate is over $25,000 to either repair, reconstruct, restore, or replace all the facilities, some of the damaged facilities, or construct new public facilities. When the amount involved exceeds $25,000, there is another choice available to the community. It may receive a grant for 100 percent of the net cost for repair, reconstruction, restoration, or replacement of the facility on the basis of the design price to the disaster updated if necessary to meet current codes, specifications, and standards. In the alternative, it may choose to construct new facilities replacing the old, but would receive a contribution of 90 percent of the Federal estimate for repair, reconstruction, restoration, or replacement of all the damaged facilities.

Title V of the conference report amends the Economic Development Act of 1975 to add a new title VIII which establishes some new methods by which areas that have suffered disasters and that are eligible for economic development assistance to rearrange priorities and do recovery planning in such areas. Authorization provided for funding a Recovery Planning Council for the implementation of recovery of investment plans by public position, loan guarantees, and technical assistance are provided for as well.

In conclusion, Mr. Speaker, I feel that the legislation before us is very worthwhile and goes to the needs of those affected by the recent disasters. As such, it will be welcome law, and I urge acceptance by this body.

Mr. HARSHA. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I commend the conference report on S. 3062, the Disaster Relief Act of 1974 to my colleagues in the House.

This conference report continues the efforts of Congress which in the past has been magnanimous in recognizing that the Nation as a whole must share the risk of disasters and that the Congress, therefore, should and would provide disaster relief assistance. This help in the form of the various disaster relief acts and amendments has helped thousands of our citizens and has been most effective. The conference report we have before us today will continue and build upon the basic program and mechanism established in the Disaster Relief Act of 1970, Public Law 91-606 brought to the House in 1970 by our committee.

I urge you to support the conference report and provide immediate help to the thousands of persons who lost loved ones, were injured or lost homes and property. Schools and colleges, public and private; businesses; and individuals will be helped by the Disaster Relief Act of 1974.

Mr. Speaker, I would also like to call your attention to significant amendments which were incorporated in the bill by the conferees on the part of the House. I refer to the incorporation of the word "property" in sections 305(a) and 306(a)(4).

The inclusion of the word "property" in sections 305 and 306 is quite important. It recognizes that emergency and disaster assistance may be provided to protect property as well as lives, health, and welfare. Further, as noted so clearly in the discussion of section 305 in the statement of managers, the term property includes livestock.

Mr. Speaker, the clear reference to livestock in the statement of managers is very important to dairy farmers in my district and particularly to those farmers in the Eel River Delta Area. These farmers experienced ravaging floods of increasing severity in 1937, 1955, 1964, and yet twice again this year in 1974. In addition, there are varying degrees of flooding every year. There is a compelling need for a place to which their dairy herds might be removed at times of flood peril. We, for example, are advocating that buildings at the Humboldt County Fairgrounds be modified to receive the herds for the duration of flood emergencies.

My Eel Delta Task Force and the Corps of Engineers recommended this disaster planning and preparation alternative. It is for the above reason that I requested the House conferees add this necessary language with the intent of providing some needed emergency disaster assistance flexibility.

The statement of managers addressed this as follows:

It is also the intention of the conferees that the President, in providing assistance under this section and other applicable sections of this legislation to save lives and protect property and public health and safety, may provide assistance to owners of livestock or the State or local governments for the provision of facilities to protect such livestock from disasters.

An example of this type of assistance would include facilities to which livestock may be removed and kept protected from the ravages of a disaster in a safe and sanitary manner and provide for the well being of such livestock.

Mr. Speaker, we expect that sections 201, 305, and 306 will be implemented with this intent of Congress in mind. For example, section 201(c) authorizes grants to States of $250,000 for the development of plans, programs, and capabilities for disaster preparedness and prevention. It is intended that portions of these funds could be used to provide facilities for holding livestock or providing other capabilities.

The amount of protection which could be provided at low cost is surprising. For example, a total expenditure of $250,000 to $350,000 would be sufficient to modify existing barns at the Humboldt County Fair Grounds to provide a holding area for 3,000 to 5,000 dairy cattle. At times of emergencies it would be possible to set up a warning system and transport the dairy herds to the barns which would be equipped to protect the herds and which would have temporary milking and feeding capabilities. Thus, the herds would be protected and a reliable supply of our most important food, milk, would be assured, and the basic agricultural economy will be stabilized and more secure.

Mr. Speaker, I believe we can significantly reduce the potential for damage from emergencies and disasters. We can protect property, including livestock, as well as human lives and health. The way has been made clear. I urge adoption of the conference report.

Major flood control structures of the Eel River which would eliminate the threat of flood damages cannot be constructed in the immediate future because of environmental, economic, and State legislative limitations. Thus, the objective of this legislation is to do something now.

Mr. HARSHA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Speaker, I rise in support of the conference report which would provide more and faster assistance to victims of disasters.

I support the conference report because it is another example of Congress recognition of the help which must be provided to individuals and families if they are to restore the homes, businesses, and communities which are ravaged by unpreventable disasters.

To some extent, the Disaster Relief Act of 1974 was rushed to the floor because of the recent tornadoes which devastated many parts of our country, including Sayler Park and Green Township in the Second Congressional District of Ohio which I represent and other nearby areas in and around Cincinnati. However, this act is not just a remedy for our recent tragic occurrences. It recognizes that dis-

asters, by their very nature, can strike any of our communities at any time.

Disaster relief legislation is most important, so that we take care of our own in their hour of greatest need and as rapidly as possible. This legislation can provide assistance in the future to your district as well as to mine.

I am particularly pleased by the provisions of section 408 which provide for grants to individuals and families. This section will allow grants to be made to meet those expenses and needs which cannot be met by other provisions of law. Grants of up to $5,000 will be available to individuals and families for their needs. This provision of section 408 is retroactive to April 20, 1973, while the rest of the act is retroactive to April 1, 1974, before the tornadoes which struck the Cincinnati area and surrounding States on April 3.

Mr. Speaker, it is most gratifying to see Congress meet the needs of disaster victims. I especially commend my good friends on the Committee on Public Works for their diligence and concern in this very important matter. They have again brought legislation to the House which meets a pressing national need.

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

Mr. HARSHA. Mr. Speaker, I am happy to yield to the distinguished chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I rise in support of the conference report on S. 3062, the Disaster Relief Act of 1974. I want to commend the leadership on both sides of the Committee on Public Works, and the staff, for the work that they have done in considering the disaster relief program ever since the beginning of that program.

I want to cite particularly the ranking member, the gentleman from Alabama (Mr. BOB JONES) the ranking minority member, the gentleman from Ohio (Mr. HARSHA) and all of the members of the committee. They have made many trips into disaster areas in various parts of the country to observe firsthand the tremendous damage caused by disasters and to determine the needs of the people in these areas.

Prior to the 1950 enactment of Public Law 875, there was no permanent program for Federal disaster assistance to State and local governments. Private agencies bore the primary responsibility for disaster relief. However, many special disaster relief acts were passed by the Congress for specific disasters; between 1803 and 1950, over 100 separate special assistance acts were passed by the Congress. Also, some Federal agencies had authority to render assistance in particular cases of disasters. The Corps of Engineers has had an emergency flood fighting authority since 1941, and since 1934, the Bureau of Public Roads has assisted the financing, repair, and reconstruction of disaster-damaged highways. The Reconstruction Finance Corporation also had authority to make disaster loans in the 1930's.

In 1947 Congress enacted the first general disaster relief act—Public Law 233 of the 80th Congress—directly authorizing the War Assets Administrator to transfer surplus Federal property to the Federal Works Administrator who, in turn, was to lend or transfer this property to State and local governments to alleviate disaster impact.

In 1950, Congress passed the first comprehensive Federal Disaster Act (P.L. 81–875) giving the President broad and continuing disaster assistance powers in those cases in which he declared the situation a major disaster. This law was directed principally at aiding the recovery and repair of public facilities of local governments.

In 1952, this law was amended to provide for the easing of credit restrictions under the National Housing Act, and to authorize the furnishing of emergency housing for victims of disasters. The law was further amended in 1953 to permit the loan and donation of Federal surplus property to State and local governments for repair of disaster damaged public facilities.

In 1962, Guam, American Samoa, and the Trust Territories were made eligible for Federal disaster assistance (P.L. 87–502). This 1962 law also authorized emergency repair and temporary replacement of disaster damaged facilities of State governments—The 1950 act had only applied to local government facilities.

In 1966, rural communities, unincorporated towns and villages were made eligible for Federal disaster aid. The 1966 act also added to the basic disaster law authority to plan and coordinate all Federal disaster assistance, disaster preparedness, and a study of ways to prevent or minimize loss of property, personal injury and death from forest and grass fires.

In the 1960's, the Congress enacted a limited number of laws that provided increased Federal aid in several major disasters: in Alaska, the Pacific Northwest, and the Southeast.

In 1969, the Congress passed the Disaster Relief Act of 1969 (Public Law 91–79). This act permitted disaster loans by SBA and FHA, with authority to cancel part of the loans; permitted the President to distribute food coupon allotments and surplus food commodities; authorized unemployment assistance to individuals unemployed as a result of a major disaster; authorized debris removal and provided financial assistance to States to develop disaster assistance programs.

The Disaster Relief Act of 1970 was a consolidation and modernization of all of the previous disaster relief laws. It provides the following assistance:

Temporary housing.

Home, business, personal property loans.

Food commodities or food stamps.

Disaster-related unemployment compensation and/or employment assistance.

Legal aid for disaster-related problems.

Debris removal from private property.

Repair and restoration of public facilities.

The Disaster Relief Act of 1974 is essentially the same as the 1970 act with a number of improvements which experience has demonstrated would be useful. The major changes made by the 1974 act would be as follows:

First, major disasters are distinguished from those of lesser magnitude, which are termed emergencies—and Federal assistance of differing degrees is made available in both cases.

Second, a grant of up to $250,000 with no matching requirement is authorized to assist States in developing disaster preparedness plans.

Third, where facilities of local and State governments and private nonprofit organizations are repaired or restored, with assistance made available under the act, the owners of these facilities must thereafter obtain insurance to the extent it is reasonably available. In the absence of insurance, no future disaster assistance would be made available for these facilities.

Fourth, penalties are imposed for misstatement of fact in an application for disaster assistance and for misapplication of cash benefits.

Fifth, in connection with the repair or restoration of damaged public facilities, a State or local government has the option of receiving grants on a project-by-project basis, or receiving a block grant based on the estimated cost of restoring all damaged facilities which could be used to repair or restore selected facilities or to construct new ones.

Sixth, the so-called minirepair program is specifically authorized.

Seventh, grants of up to $5,000 for each household are authorized to meet disaster-related expenses for which there is no other adequate relief.

Eighth, unemployment assistance is extended.

Ninth, community disaster loans are authorized to communities suffering substantial loss of tax and other revenues because of a major disaster. Part or all of the loan is canceled to the extent that local revenues during the 3 years after the disaster do not meet the operating budget.

Tenth, assistance is provided for redevelopment of areas damaged by a major disaster.

In conclusion, provisions of this legislation will fill needs which exist in the present disaster relief program and enable it to perform more effectively in assisting areas which are damaged by a major disaster. Mr. Speaker, I urge support of the conference report.

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

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

Mr. TREEN. Mr. Speaker, I have a question. I refer to page 12 of the report, section 402(f). I think that the bill went through rather quickly, and I do not know whether the Members have had the opportunity to study all of the provisions in the bill. I would appreciate clarification of the provision which permits the Federal Government to pay 90 percent of the cost of a structure when the State or local government decides that it does not want to replace that structure.

In subsection (e) it provides that the Federal Government may pay 100 percent of the cost of repairing, restoring, reconstructing or replacing any publicly owned structure, which I have no quarrel with, but in the next section, in section (f), it provides that if the local govern-

ment or the State government does not wish to replace the structure, that the Federal Government will pay 90 percent of the estimate of repairing or restoring that structure, based on the design of the facility as it existed immediately prior to the disaster.

It seems to me that if you have a structure—and I can think of some beautiful Greek revival structures such as courthouses, and so forth—that could be destroyed in a disaster, and the local government decides that it is not going to replace that particular structure, then the bill requires that the Federal Government pay 90 percent of the cost of reconstruction according to its previous design. An estimate for reconstruction based on existing design, even at 90 percent could run substantially higher than the cost of a substitute structure of comparable functional capacity.

It would seem to me that we may be providing excessive payments in this legislation.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Speaker, perhaps I can answer the inquiry of the gentleman from Louisiana (Mr. TREEN). When the bill talks about the design of the structure, it does not mean an exact physical reproduction, but means a new structure which would have the same capacity as the old structure. This is explained on page 38 of the conference report.

Mr. HARSHA. Mr. Speaker, I might point out to the gentleman from Louisiana (Mr. TREEN) that this section is operational when the State or local government decides that it is not to their advantage to restore the building. The added flexibility available to communities justify the 90-percent provision. We did not provide for 100-percent payments if communities are not going to rebuild the existing structure. This might be unjustifiably liberal. However, if the community puts up the same type building, then they get 100 percent.

If the community decides that the best interests of the community would be served by not rebuilding that particular school but rather by building some other school that would necessarily serve the public better, then we have provided the flexibility to permit them to do just that.

Mr. TREEN. If the gentleman will yield further, I am not opposed to the concept of letting the local government decide that it does not want to replace that structure. I think 90 percent is fine, but the question I raise is this: the legislation requires that the estimate of restoring that building be based upon the "design" of that structure immediately prior to the disaster, and we could not possibly rebuild some of these structures as previously designed for anything near the cost of a new structure. I am trying to establish a little legislative history.

I am all in favor of this, I might say to the gentleman. It will help my area. But I am concerned about this opening the way, to costs far in excess of that which would be required to build a comparable structure because of the provision that the estimate be based upon the prior design of the structure.

Mr. HARSHA. We could not possibly let them design some particular new structure on the basis of some new architectural design and replacement codes on old archaic designs. New codes could have expanded capacity requirements. We have to have some kind of guidelines in which to base this estimate. I refer the gentleman to the statement of managers which discusses this problem.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

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

Mr. BROWN of Ohio. I might suggest to the gentleman that there exists in the city of Xenia a particular situation to which this has application. As the Members know, Xenia was approximately half destroyed in the recent tornado. In that community the school administration has begun to make a study of its location of school facilities and the nature of those school facilities with reference to their replacement, because about half of the elementary facilities were destroyed, as were most of the junior high school facilities, and the only high school.

The point is that in rebuilding those facilities, it is now believed that they would be better off relocating these various schools from where they originally existed. They are designing schools that are of uniform size, rather than having some appropriate for 200 students and some that are appropriate for 1,000 students. The point is that there is a need for replacement funds by the Federal Government for those public facilities to be constructed on the basis of what existed before the disaster but that they not be unduly enriched by the provision for flexibility if the local system decided to build their schools in different sizes and segments and at different locations. I think that is the reference in this legislation.

Mr. HARSHA. I should further like to point out to my friend the language on page 38 of the Statement of the Managers:

> The intent of the conferees in this section is to provide for Federal payment for a new facility that would provide the same capacity as the old facility if it were to be built today according to up-to-date standards.

We require that the current applicable code specifications and standards be met, but we do not want communities designing some extravaganza that will not meet the capacity that the original building was constructed to serve.

Does that answer the gentleman's question?

Mr. TREEN. I appreciate the comments of the gentleman and having that legislative history. I am for the flexibility. There is no quarrel with what was said awhile ago. It is just that we do not want to be paying the excess cost for some archaic design.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

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

Mr. BROWN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I rise to express my appreciation as the Member of Congress who represents Xenia, Ohio, which was recently so terribly ravaged for the prompt consideration of this legislation by the Committee on Public Works. I thank the gentleman from Alabama, the floor manager of the conference report, the gentleman from Minnesota, the chairman of the full committee, and the gentleman from Ohio, (Mr. HARSHA) who is the ranking member of the full committee.

I would like to recite very briefly, if I may, the extent of the devastation which one community, Xenia, Ohio, has experienced in this recent tornado and the basis of the need for this legislation. Let me point out, if I may, that a total of 1,226 residential structures, over 14 percent of this community, was destroyed in these tornadoes. Approximately 40 percent of the houses in this community were damaged. Mr. Speaker, 118 of the business operations in this community, 47 percent were totally demolished. Another 159 were damaged to the point where they were required either to be relocated or to obtain temporary assistance and repair. More significantly, perhaps, the sources of employment of approximately 33 percent of the 4,100 jobs in this community were destroyed in a few minutes. More than that, $877,000 of the city's $1,668,000 budget was lost in terms of property taxes lost because of this tornado.

Mr. Speaker, I hope the conference report will be passed promptly.

Again I want to express my appreciation to the committee. I hope the funds will be provided promptly to cover the needs of this community.

Mr. HARSHA. Mr. Speaker, the gentleman from Ohio (Mr. BROWN) has spent considerable time with me and with the other members of the committee during our consideration, bringing to our attention the great need in his community and the destruction, and he was quite helpful throughout our deliberations in giving us the benefit of his judgment and observations as he saw them in the State of Ohio. We appreciate not only his interest in the legislation but also his help in enabling us to arrive at a conference report which we all support.

Mr. Speaker, I urge support of the conference report and reserve the balance of my time.

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

Mr. JONES of Alabama. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I am very much concerned that this legislation does not cover some situations that I believe it was the intent of the original legislation to cover, and I know it was intended to cover it. I know on the conference report no amendments can be offered, but I want to recite a factual case that happened recently in my district.

In one of the counties—Fayette County—several farmers experienced a severe flooding problem last summer which occurred after the 1973 deadline. Under the terms of the legislation the disaster would have had to be designated as between December 1972 and April of 1973. This heavy flooding occurred immediately after this period. Our farmers made application under the Farmers

Federal Home Administration for relief because they had suffered a "disaster." After a long period of delay, even though it had been recommended by the State that this be declared a disaster, still the FHA ruled both at the State and Washington level that it did not occur during the period of time and they therefore would not declare this as a disaster.

As I look at the conference report and the definition and the purpose, what it clearly states is there could be an emergency or major disaster and it outlines the terms under which that could occur and it also states specifically it could be a community disaster or type of disaster which would affect a particular locale, namely farmers.

The intent was to try to give help, and yet the Farmers Home Administration would not approve that designation simply because they felt it might set some kind of national indication that this could cover every county in the United States. I grant they might have a problem about funds, but I simply say it ought to be understood that a farmer can have a disaster by heavy flooding, which wipes out his whole crop, just as much as if a tornado swooped down and wiped out every bale of his cotton or corn crop. If the farmers are not given some kind of relief, even though it is recommended by the Governor's office, then what relief do they have and where can they look for possible relief?

FHA takes a closed attitude about it down the street and will not do any more than say, "You do not qualify under the existing law."

I think we must have some form of relief as we go forward, because that is not equity for the farmer. Does the gentleman agree?

Mr. JONES of Alabama. The gentleman's observations are well taken as they relate to the program administered by the Farmers Home Administration. The bill before us today concerns emergencies and disasters under a program to be administered by the President. If there is a need to address the gentleman's problem, it should be done in other legislation. That legislation is under the jurisdiction of another committee.

I would make one point to the gentleman, that under the terms of this bill rural areas can be included in "major disaster areas" and those areas in which an emergency is determined to exist by the President. However, as I have previously pointed out, the farmers home loan program is not a part of this legislation.

Mr. PICKLE. Mr. Speaker, in order to have a chronology of the events in Fayette County, I want to put into the RECORD some excerpts of letters and correspondence showing the problems the farmers of Fayette County faced in trying to get help. This story could happen in every county in America.

The fact is that either under legislation like the bill before us today from Public Works, or under legislation from another committee, Congress needs to address itself to the questions, "What is a disaster, and who can qualify?"

First, I want to include a letter from Mr. Joe Peschal of La Grange, Tex.:

LA GRANGE, TEX., *January 14, 1974.*

DEAR REPRESENTATIVE PICKLE: The reason for this letter to you is to ask for your help and concern in a rightful way. We truly declare our county a disaster area in 1973 due to the extensive rains and flooding of our land and crops. They inflicted losses of more than eighty percent of all our crops, small as the crops were. These crops were completely submerged for 24 hours by water from Buckners Creek on June 15, 1973. This flood also leveled all our freshly plowed land which was prepared for hay. As yet not one bale of hay has been harvested on this land since the flood.

With these losses and the increase in fuel, fertilizer, and seed costs, the picture for this coming spring poses a grim picture indeed for the farmer.

Yours truly,

JOE A. PEEHAL.

Now I want to show the letter that the farmers of Fayette County wrote to Mr. Earl Butz, Secretary of the Agriculture Department:

LA GRANGE, TEX., *March 23, 1974.*

Mr. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR SECRETARY BUTZ: On October 19, 1973, the following news release appeared in the National Farmers Union Washington Newsletter:

"A restriction on FmHA Disaster Loans would be lifted under a bill passed by the Senate. The bill (S. 2482) would eliminate the requirement that farmers must first show that a loan is not available from other sources before they are eligible for FmHA loans. *The bill would also reinstate FmHA loans at 1% with the $5,000.00* forgiveness feature for farmers who suffered losses due to disasters between Dec. 27, 1972, and April 20, 1973."

At that time, the local farmers inquired at the local FmHA office, Mr. Clarence Matula, Supervisor, as to the availability of the program for Fayette County. They were advised that in order for Fayette County to become eligible for this disaster program, Fayette County Judge David M. Murray, La Grange, Texas, would need to request designation from Governor Dolph Briscoe of Texas. County Judge Murray, without any news media, received 100 and plus signed applications, exhibits 1 through 102. He then forwarded a letter of designation to Gov. Briscoe. Gov. Briscoe approved this designation for Fayette County and forwarded the information to the Texas State FmHA office in Temple, Texas.

After not hearing for several weeks, 27 local farmers visited the Temple FmHA office and they were advised that they were informed of this program, however Gov. Briscoe would have to submit this designation to you, Secretary Butz. We were advised that Gov. Briscoe had furnished this information to you.

On January 24, 1974, another news article on the subject again appeared in the National Farmers Union Washington Newsletter:

"A temporary reinstatement of the 1% FmHA Disaster Loan Program went into effect Jan. 2. The program, which provides emergency loans to farmers at 1% interest with a $5,000.00 forgiveness feature, will reopen for 90 days. Only those farmers who suffered losses between Dec. 27, 1972, and April 20, 1973, will be eligible for loans under the temporary program."

As the 90-day reinstatement period was near ending, the local FmHA office said that they had no information of this program or if Fayette County was eligible. Several farmers contacted Gov. Briscoe's office and Congressman J. J. "Jake" Pickle's office in Austin and Washington, D.C. They all seemed to indicate that this was a re-instatement of the program of 1972 of which Fayette County was designated. Applications for this program are being submitted to the local FmHA office here in La Grange. Exhibit 103 and 104 are examples of the answers we are getting to our applications.

The question is: Does Fayette County qualify for this designation from 1972, or the present designation pending in your office?

Secretary Butz, the farmers of Fayette County would greatly appreciate it if you would notify us as soon as possible if this program is available, either through the local newspapers or contacting Judge David M. Murray, County Judge, Fayette County, La Grange, Texas 78945. *If* this program is not available to us, we would also like an explanation of, since the Senate Bill 2482 was passed, why it is not being carried out.

We, the farmers of Fayette County, want to thank you for your assistance in this matter and also for the help you have been to us in the past. We appreciate the time you are taking in helping the farmers, not only here in Fayette County but all over the nation, to receive the benefits they rightly deserve.

Again, thanks for all your time and help.

Sincerely:

THE FARMERS OF FAYETTE COUNTY, TEX.

And here is the response from the Assistant Secretary of Agriculture, Mr. William Erwin, to the county judge of Fayette County, Judge David Murray:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 11, 1974.

Hon. DAVID M. MURRAY,
Judge of Fayette County,
La Grange, Tex.

DEAR JUDGE MURRAY: This is in response to your letter of March 20, 1974, concerning a request made by Governor Dolph Briscoe for a designation of Fayette County, Texas, as a disaster area for the period December 26, 1972, to April 20, 1973, to offer retroactive benefits to farmers and ranchers who suffered losses during this period.

Public Law 93-237, enacted January 2, 1974, provides that Emergency loans can be made at 1 percent interest with up to $5,000 principal cancellation to applicants who sustained qualifying losses after December 26, 1972, and prior to April 20, 1973. This Public Law also removed the requirement that applicants show they are unable to obtain their needed credit elsewhere.

We asked the Farmers Home Administration to complete a survey of the need for such designation of Fayette County. After careful consideration of the information submitted, it does not appear that this county qualifies for a Secretarial designation.

We appreciate your interest.

Sincerely,

WILLIAM ERWIN,
Assistant Secretary.

This was the response even though the Governor of Texas, the Honorable Dolph Briscoe, recommended this area of disaster relief. The letter gives no explanation as to why the county was turned down. The people need a better answer from their Government. The people need to know how to qualify so that such disappointment will not occur again.

The local FmHA did not recommend disaster relief, at least this is my understanding. Maybe this is the basic problem. The fact is that the local FmHA is limited by the law and the time frame that the law sets out, not on the needs of the people suffering from disaster.

Mr. Speaker, recently I met with 150 farmers in Fayette County. I learned first hand their deep feelings over their loss, and the disappointment they felt over not getting any relief.

While they were overlooked, their attitude was still strong, and affirmative,

and wholesome. They were not trying to rip the Government, nor have they ever tried to rip the Government. They did sense that their needs had not been met.

They made a good case to me for relief. We must give further consideration in the future to providing the kind of legislation to help people faced with similar problems.

Mr. KLUCZYNSKI. Mr. Speaker, I rise in support of S. 3062, the Disaster Relief Act of 1974. I wish to commend the chairman of the House conferees, the distinguished gentleman from Alabama (Mr. JONES) and the other House conferees for the outstanding job they did in working out the conference report on this bill. As has been pointed out here today, this conference substitute makes some very worthwhile and desirable improvements to the basic Federal disaster program authorized by the Disaster Relief Act of 1970. Disaster preparedness programs of the States are encouraged, and greater flexibility is added to the assistance which can be provided by the Federal Government.

The provisions regarding repair and restoration of public facilities are made more flexible and workable, and assistance is made available to local governments who suffer substantial loss of tax and other revenues because of major disasters.

In addition to this, an individual and family grant program is authorized to meet disaster-related expenses or needs which are not covered under the disaster program or other sources.

Mr. Speaker, I urge support of the conference report.

Mr. JOHNSON of California. Mr. Speaker, I rise in support of the report of the committee of conference on S. 3062, the Disaster Relief Act of 1974. I wish to commend the distinguished gentleman from Alabama (Mr. JONES) for the outstanding leadership he has shown as the chairman of the House conferees on this bill. The bill which he has brought back from conference is an improvement over the original Senate bill and represents the wishes of the House as expressed during the original House action on the Senate bill.

The conference substitute modifies and improves the comprehensive 1970 disaster relief legislation. These are changes which our experience has shown since 1970 to be desirable. I wish to particularly note that the conference substitute makes the individual and family grant program retroactive to April 20 of 1973, the date on which the forgiveness provisions of the Small Business Administration and Farmers Home Administration loan programs expired. This action, which was strongly urged by many Members of this body during the debate on the House amendment to the Senate bill, will prevent the existence of serious inequities which would have resulted if the 1-year gap in this sort of assistance had not been filled.

Mr. Speaker, I strongly urge support of the conference report.

Mr. ROBERTS. Mr. Speaker, I rise in support of the conference report on S. 3062, the Disaster Relief Act of 1974. The existing Federal disaster assistance program authorized by the Disaster Relief Act of 1970 is a good program and has worked well. However, our experience with it has demonstrated that certain modifications and improvements are desirable to make it even more effective.

The Disaster Relief Act of 1974 as agreed to by the committee of conference makes these improvements. Major disasters are distinguished from those of lesser magnitude which are termed emergencies. Federal assistance will now be available in differing amounts in both situations. Federal encouragement to the States to come up with disaster preparedness plans is strengthened. Penalties are imposed for those who knowingly misstate facts in connection with an application for disaster assistance, and those who knowingly misapply the proceeds of a loan or other cash benefit. The provisions regarding repair and restoration of damaged public facilities are expanded to give the States or local governments the option of receiving a bloc grant to repair or replace damaged facilities or rebuild new ones, as they choose, in lieu of receiving project-by-project grants for each facility.

The so-called minirepair program whereby a dwelling is restored to a habitable condition is specifically authorized. Individual and family disaster assistance grants are authorized and this provision is made retroactive to April 20, 1973. Unemployment assistance is extended. Community disaster loans are provided for with forgiveness of that part of the loan which represents the amount by which local revenues are not sufficient to meet the local operating budget for the 3 years after the major disaster, and economic development assistance is provided for areas hit by a major disaster.

Mr. Speaker, these are all desirable improvements in the 1970 disaster program. They represent the very careful consideration of the committee of conference of the provisions of the Senate bill and the House amendment. As a conferee I congratulate the gentleman from Alabama (Mr. JONES) for his leadership as chairman of the House conferees. The conference substitute is good legislation and deserving of the support of the Members of the House. I strongly urge its approval.

Mr. BEVILL. Mr. Speaker, I rise to express my strongest support for the conference report to S. 3062, Disaster Relief Act Amendments of 1974.

In my judgment, these amendments greatly improve the Federal disaster relief program and will be of tremendous benefit to the people of this Nation. It will also benefit thousands of people in the Fourth Congressional District of Alabama, which I represent.

Some of the counties in my district were the hardest hit by the tornado which struck Alabama on April 3. The devastating tornado left 81 persons dead and over 800 injured and also destroyed almost 900 homes. An estimated 70 percent of the downtown business district of Jasper, my hometown, was damaged or destroyed.

The city of Guin, Ala., was severely damaged and 22 people were killed.

Eleven of the 16 counties in Alabama which were declared a disaster are in my district.

As soon as I learned of the extensive damage done by the tornado, I contacted the White House and urged the President to declare the area a disaster. I then flew to Alabama to get a first-hand view of the areas hit and to do what I could to see that the victims received all the help they needed.

What I saw was suffering and destruction. I can report to you, first hand, the great need for these amendments.

I feel we have made much progress in delivering the services of various Federal agencies to those who suffered losses. But these amendments will definitely improve the program. They have been drafted after careful study and many hours of consideration.

As you know, this bill provides immediate relief for the five States struck by tornadoes in April. It will be money well spent. I know, for I have already seen some of the disaster programs in action.

I want to congratulate the members of the conference committee for their work on the legislation and for recommending these much needed amendments. And I urge my colleagues to give their strongest support to this legislation.

Mr. MALLARY. Mr. Speaker, I rise in support of the conference report on the Disaster Relief Act Amendments of 1974.

I would first of all like to extend my appreciation to the chairman of the Public Works Committee (Mr. BLATNIK) and the ranking minority member (Mr. HARSHA) for following up their commitment during the consideration of the bill on the floor of the House. At that time, I was told that efforts would be made in the conference committee to favorably consider the need for retroactive payments in justifiable cases. This bill meets the needs I outlined on the floor at that time.

Over the past 20 years or so, Congress has enacted a number of laws providing for disaster relief, culminating in the Disaster Relief Act of 1970. That act provides for a comprehensive approach to assist States and local governments in rendering emergency services. The bill provides substantial assistance to individuals and communities in their efforts to recover from damages caused by a major disaster. One major area of relief, however, is no longer available under the disaster relief program, and its restoration is extremely important in light of certain recent disasters. This is the provision for assistance in the case of disaster-caused expenses or needs which are not adequately covered under other forms of assistance such as Small Business Administration or Farmers Home Administration disaster loans.

The 1970 Disaster Relief Act provided assistance in the form of partial forgiveness of Small Business Administration and Farmers Home loans. Forgiveness provisions have since been deleted by Public Law 93–24. In many cases, following a major disaster, people suffer losses not covered by the SBA or FHA disaster programs or suffer losses only partially covered by these programs. These cases must be covered if there is to be a meaningful disaster relief program. This legislation meets this need.

The bill authorizes the President to make a grant to a State for the purpose of that State making grants to individuals or families to meet extraordinary disaster related expenses or needs of

such individuals or families adversely affected by a major disaster in those cases where assistance under the Disaster Relief Act of 1970, or from other means, is not sufficient to allow them to meet these extraordinary expenses.

I am particularly pleased that the conferees have made this provision retroactive to April 20, 1973. As you know, Mr. Speaker, Vermont suffered devastating floods in June and July of last year. Under statutes in effect at the time, many Vermont people were not accorded the relief needed following the terrible damaging floods.

The bill we are considering today will help victims of last summer's floods when Vermont was declared a disaster area. It also provides a meaningful mechanism of relief for past disasters in other parts of the country and for victims of future natural disasters.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of the conference report on S. 3062, the Disaster Relief Act Amendments of 1974; these amendments are urgent and necessary in light of the recent tornadoes which plagued parts of the country earlier this spring. Specifically, I support title V of these amendments, which amends the Public Works and Economic Development Act of 1965, as amended, by adding to it a new title VIII, Economic Recovery for Disaster Areas. This title provides assistance for the economic recovery of any major disaster area which has suffered dislocation of its economy. The title stresses planning and development to replace that lost in disaster, continued coordination of assistance available under Federal-aid programs, and continued assistance toward the restoration of the employment base. The Governor of an affected State, following authorization by the President, designates a Recovery Planning Council, comprised of local officials and citizens, and a State and Federal representative, for the area affected. The Recovery Planning Council shall review existing plans for development, make recommendations for revisions, and recommend reprograming of Federal-aid projects, consistent with congressional appropriations. Additionally, Federal funds for Public Works and development facilities, grants and loans, loan guarantees, and technical assistance will be available through Planning Councils for areas affected by a major disaster. The Recovery Planning Council is a necessary and desirable organization for economic recovery in distressed areas. With proper coordination and planning the right decisions can be made to speed the recovery efforts.

I am particularly pleased that existing economic development districts established under title IV of the current EDA legislation will be used when a disaster recovery effort falls within, or partly within, a district's jurisdiction. Economic development districts are the mainstay of the current EDA program. This delivery tool has assisted in planning and implemenation of development efforts. This title, in my estimation, will complement the existing efforts of EDA and will provide valuable assistance to those affected by a major disaster. I urge the House adopt this conference report.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

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. SCHERLE. 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 392, nays 0, not voting 41, as follows:

[Roll No. 224]

YEAS—392

Abdnor	Conte	Hamilton
Abzug	Conyers	Hammer-
Adams	Corman	schmidt
Addabbo	Cotter	Hanley
Alexander	Coughlin	Hanrahan
Anderson,	Crane	Hansen, Idaho
Calif.	Cronin	Hansen, Wash.
Anderson, Ill.	Culver	Harrington
Andrews, N.C.	Daniel, Dan	Harsha
Andrews,	Daniel, Robert	Hastings
N. Dak.	W., Jr.	Hays
Annunzio	Daniels,	Hechler, W. Va.
Archer	Dominick V.	Heckler, Mass.
Arends	Danielson	Heinz
Armstrong	Davis, S.C.	Henderson
Ashbrook	Davis, Wis.	Hicks
Ashley	Delaney	Hillis
Aspin	Dellenback	Hinshaw
Badillo	Dellums	Hogan
Bafalis	Denholm	Holt
Baker	Dennis	Holtzman
Barrett	Dent	Horton
Bauman	Derwinski	Hosmer
Beard	Devine	Howard
Bell	Dickinson	Hungate
Bennett	Dingell	Hunt
Bergland	Donohue	Hutchinson
Bevill	Dorn	Ichord
Biaggi	Downing	Jarman
Biester	Drinan	Johnson, Calif.
Bingham	Duncan	Johnson, Colo.
Blatnik	du Pont	Jones, Ala.
Boggs	Eckhardt	Jones, N.C.
Bolling	Edwards, Ala.	Jones, Okla.
Bowen	Edwards, Calif.	Jones, Tenn.
Brademas	Eilberg	Jordan
Brasco	Erlenborn	Karth
Bray	Esch	Kastenmeier
Breaux	Eshleman	Kazen
Breckinridge	Evans, Colo.	Kemp
Brinkley	Evins, Tenn.	Ketchum
Brooks	Fascell	King
Broomfield	Findley	Kluczynski
Brotzman	Fish	Koch
Brown, Calif.	Fisher	Kuykendall
Brown, Mich.	Flood	Kyros
Brown, Ohio	Flowers	Lagomarsino
Broyhill, N.C.	Flynt	Landgrebe
Broyhill, Va.	Foley	Landrum
Burgener	Ford	Latta
Burke, Calif.	Forsythe	Leggett
Burke, Fla.	Fraser	Lehman
Burke, Mass.	Frelinghuysen	Lent
Burleson, Tex.	Frenzel	Long, La.
Burlison, Mo.	Frey	Long, Md.
Burton	Froehlich	Lott
Butler	Fulton	Lujan
Byron	Fuqua	Luken
Camp	Gaydos	McClory
Carney, Ohio	Gettys	McCollister
Casey, Tex.	Giaimo	McCormack
Cederberg	Gibbons	McDade
Chamberlain	Gilman	McEwen
Chappell	Ginn	McFall
Chisholm	Goldwater	McKay
Clancy	Gonzalez	McKinney
Clausen,	Goodling	McSpadden
Don H.	Grasso	Macdonald
Clawson, Del	Gray	Madden
Clay	Green, Pa.	Madigan
Cleveland	Griffiths	Mahon
Cochran	Gross	Mallary
Cohen	Grover	Mann
Collier	Gubser	Maraziti
Collins, Ill.	Gude	Martin, Nebr.
Collins, Tex.	Gunter	Martin, N.C.
Conable	Guyer	Mathias, Calif.
Conlan	Haley	Mathis, Ga.
Matsunaga	Rarick	Stephens
Mayne	Rees	Stokes
Mazzoli	Regula	Stratton
Meeds	Reuss	Studds
Melcher	Rhodes	Symington
Metcalfe	Riegle	Symms
Mezvinsky	Rinaldo	Taylor, Mo.
Michel	Roberts	Taylor, N.C.
Milford	Robinson, Va.	Thompson, N.J.
Miller	Robison, N.Y.	Thomson, Wis.
Minish	Rodino	Thone
Mink	Roe	Thornton
Minshall, Ohio	Roncalio, Wyo.	Tiernan
Mitchell, Md.	Rooney, Pa.	Towell, Nev.
Mitchell, N.Y.	Rose	Traxler
Mizell	Rosenthal	Treen
Moakley	Rostenkowski	Udall
Montgomery	Roush	Ullman
Moorhead,	Rousselot	Van Deerlin
Calif.	Roy	Vander Jagt
Moorhead, Pa.	Roybal	Vander Veen
Mosher	Runnels	Vanik
Moss	Ruppe	Veysey
Murphy, Ill.	Ruth	Vigorito
Murphy, N.Y.	Ryan	Waggonner
Murtha	St Germain	Waldie
Myers	Sandman	Walsh
Natcher	Sarasin	Wampler
Nedzi	Sarbanes	Ware
Nelsen	Satterfield	Whalen
Nichols	Scherle	White
Obey	Schneebeli	Whitehurst
O'Brien	Schroeder	Whitten
O'Hara	Sebelius	Widnall
O'Neill	Seiberling	Wiggins
Owens	Shipley	Wilson, Bob
Parris	Shoup	Wilson,
Passman	Shriver	Charles H.,
Patman	Shuster	Calif.
Patten	Sikes	Wilson,
Pepper	Sisk	Charles, Tex.
Perkins	Skubitz	Winn
Peyser	Smith, Iowa	Wolff
Pickle	Smith, N.Y.	Wydler
Pike	Snyder	Wylie
Poage	Spence	Wyman
Podell	Staggers	Yates
Powell, Ohio	Stanton,	Yatron
Preyer	J. William	Young, Alaska
Price, Ill.	Stanton,	Young, Fla.
Price, Tex.	James V.	Young, Ga.
Pritchard	Stark	Young, Ill.
Quie	Steed	Young, Tex.
Quillen	Steele	Zablocki
Railsback	Steelman	Zion
Randall	Steiger, Ariz.	Zwach
Rangel	Steiger, Wis.	

NAYS—0

NOT VOTING—41

Blackburn	Hébert	Rogers
Boland	Helstoski	Roncallo, N.Y.
Buchanan	Holifield	Rooney, N.Y.
Carey, N.Y.	Huber	Slack
Carter	Hudnut	Stubblefield
Clark	Johnson, Pa.	Stuckey
Davis, Ga.	Litton	Sullivan
de la Garza	McCloskey	Talcott
Diggs	Mills	Teague
Dulski	Mollohan	Williams
Fountain	Morgan	Wright
Green, Oreg.	Nix	Wyatt
Hanna	Pettis	Young, S.C.
Hawkins	Reid	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Holifield.

Mr. Teague with Mrs. Green of Oregon.

Mr. Stubblefield with Mr. Hanna.

Mr. Hawkins with Mr. Reid.

Mrs. Sullivan with Mr. Williams.

Mr. Diggs with Mr. Clark.

Mr. Helstoski with Mr. Mills.

Mr. Dulski with Mr. Johnson of Pennsylvania.

Mr. Morgan with Mr. Hudnut.

Mr. Mollohan with Mr. Blackburn.

Mr. Nix with Mr. Litton.

Mr. Fountain with Mr. Huber.

Mr. Wright with Mr. Buchanan.

Mr. Boland with Mr. McCloskey.

Mr. Carey of New York with Mr. Carter.

Mr. Hébert with Mr. Pettis.

Mr. Rogers with Mr. Roncallo of New York.

Mr. Slack with Mr. Young of South Carolina.

Mr. Davis of Georgia with Mr. Talcott.
Mr. de la Garza with Mr. Stuckey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in 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 Alabama?

There was no objection.

ESTABLISHING THAT COMMITTEE ON POST OFFICE AND CIVIL SERVICE SHALL BE COMPOSED OF 27 MEMBERS

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 1102) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1102

Resolved, That during the remainder of the Ninety-third Congress the Committee on Post Office and Civil Service shall be composed of twenty-seven members.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I am sure this is a beefing up of the committee, in other words, the addition of another member to the committee?

Mr. O'NEILL. The answer is "Yes." It has been cleared with the minority leader. I have a similar resolution for another committee which will do the same thing. All of these resolutions have been cleared by JOHN RHODES.

Mr. GROSS. These resolutions are not exactly in conformity with the reform movement, are they?

Mr. O'NEILL. I will have to say that the gentleman knows the answer to that before he even asks it.

Mr. GROSS. I thought perhaps the gentleman would like to reassure me they are not in conformity with the famous reorganization of the committees.

Mr. O'NEILL. If you have reference to the Bolling reorganization bill, no, they are not.

Mr. GROSS. I understand.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING THAT COMMITTEE ON PUBLIC WORKS SHALL BE COMPOSED OF 40 MEMBERS

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 1103) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1103

Resolved, That during the remainder of the Ninety-third Congress the Committee on Public Works shall be composed of forty members.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file its report on H.R. 14449, the Community Services Act of 1974.

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

There was no objection.

PERSONAL EXPLANATION

Mr. FOUNTAIN. Mr. Speaker, on rollcall No. 224 on the conference report on the Disaster Relief Act of 1974, I was detained in the Cannon Office Building and did not hear the bells. Had I been present on the floor I would have voted for the conference report.

WHILE THE WORLD LOOKS THE OTHER WAY

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

Mr. LEHMAN. Mr. Speaker, in recent years the world has apparently accepted as a matter of course the repeated Arab terrorist attacks on innocent civilians. The Lod Airport massacre, the Munich massacre, the Athens massacre, the Rome massacre, the murder of U.S. diplomats in Khartoum, and the 18 civilians who were murdered at Kiryat Shmona only a few weeks ago, have all been forgotten. But the silence and the short memory of the world has served only to encourage new terrorist attacks.

After the murders at Kiryat Shmona last month when small children were thrown to their death from third-floor windows, the Israeli Government ordered reprisal raids into Lebanon. A number of Arab houses were blown up in villages which had supported the terrorists.

The U.S. Government responded by joining with a majority of the members of the U.N. Security Council in voting to condemn Israel for the raid into Lebanon but not to criticize the Arabs for the slaughter of Israeli women and children.

Unfortunately that action by our Government did not discourage the Arab terrorists and perhaps even signaled them that future attacks against Israeli civilians would be ignored by the United States—a policy which negates every moral principle upon which our Nation rests.

Once more we are being shown quite clearly what happens when the world closes its eyes to terror. An entire school full of children is the target of the latest Arab terrorist attack.

Seven months ago, Arab armies launched a surprise attack against Israel on Yom Kippur, the holiest of Jewish holidays. Foreign governments reacted either with indifference or by breaking diplomatic relations with Israel. Many called for an "evenhanded" response to the Arab attack.

There can be no "evenhanded" solution to Arab aggression against Israel. Across-the-border attacks, whether by terrorist raiders or by invading armies, are acts of war which would not be tolerated for one second by this country and would result in fierce retaliation.

If terrorists had crossed our borders and attacked the school where our children or grandchildren were present, we would not be sitting by to decide how to be more "evenhanded." Nor would we condemn any action by our Government to punish those responsible for these terrorist attacks, if neighboring governments had repeatedly refused to do so.

As long as the Arabs believe the world will look the other way, they will continue to cross Israel's borders to carry out acts of terrorism and war.

Because Israel has respected world opinion in the past, it has carefully restrained its responses to Arab attacks, time and time again.

Let us not rise up in righteous indignation if Israel begins to lose its patience at the U.N. and the world's indifference to Arab barbarities.

POLICE OFFICERS MEMORIAL DAY

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

Mr. HOGAN. Mr. Speaker, it was a privilege to have the opening prayer offered today by the Reverend R. Joseph Dooley, the president of the International Conference of Police Chaplains in recognition of Police Officers Memorial Day.

I wish to pay my respects to those law enforcement officers who have dedicated their lives for the safety and well-being of all Americans. I include the names of those police officers who were killed in the line of duty from May 15, 1973, to May 15, 1974, in the RECORD at this point.

INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS ROLL OF HONOR

LAW ENFORCEMENT OFFICERS KILLED MAY 15, 1973–MAY 15, 1974

Deputy James C. Douglas, Brazoria County, Texas, 5–15–73.

Deputy Charles A. Rodgers, Greenwood County, South Carolina, 5–16–73.

Patrolman Adolfo A. Solis, Police of Puerto Rico, 5–18–73.

Patrolman Wilfredo R. Cintron, Police of Puerto Rico, 5–20–73.

Officer William V. Welch, Fort Worth, Texas, 5–20–73.

Patrolman Henry Wolf, Oak Park, Michigan, 5–21–73.

Patrolman David W. Clark, Memphis, Tennessee, 5–21–73.

Patrolman Robert W. Blan, Oakland, California, 5–23–73.
Sergeant David H. Anthony, Sr., Hattiesburg, Mississippi, 5–23–73.
Patrolman Robert B. Laurenson, New York City, N.Y., 6–2–73.
Officer Sidney Thompson, New York Transit Authority, 6–5–73.
Sergeant James H. Rutledge, Berkeley, California, 6–14–73.
Patrolman Ralph Stanchi, New York City, N.Y., 6–17–73.
Patrolman Larry Barkwell, Atlanta, Georgia, 6–19–73.
Patrolman Frederic D. Vacha, Cleveland, Ohio, 6–20–73.
Officer Charles C. Caraccilo, Los Angeles, California, 6–21–73.
Deputy Sheriff George E. McMurren, Yavapai County, Arizona, 6–24–73.
Chief of Police George L. Lashley, Gibsonville, North Carolina, 6–30–73.
Patrolman Russell Spannagel, San Antonio, Texas, 6–30–73.
Deputy Sheriff James E. Orr, Kershaw County, South Carolina, 7–2–73.
Patrolman Elwood Ridge, Camden, New Jersey, 7–2–73.
Patrolman Daniel H. Bruns, Dayton, Ohio, 7–3–73.
Deputy James A. Auterbury, St. Charles Parish, Louisiana, 7–4–73.
Officer Emilio Maestes, Clayton, New Mexico, 7–19–73.
Deputy Luis Garza, Atascosa County, Texas, 7–19–73.
Officer John Ruggerio, Fall River, Massachusetts, 7–23–73.
Patrolman Austin Hepburn, Jr., Hallandale, Florida, 7–27–73.
Officer Vernon L. Jarrell, Richmond, Virginia, 8–1–73.
Chief of Police Philip de Santis, Woodbine, New Jersey, 8–6–73.
Sergeant Freddie J. Karp, Mountain Brook, Alabama, 8–6–73.
U.S. Park Ranger Kenneth C. Patrick, Olema, California, 8–6–73.
Drug Enforcement Officer Emir Benitez, Fort Lauderdale, Florida, 8–9–73.
Officer Steven D. Hensley, Delta, Colorado, 8–11–73.
Officer Anthony Raymond, Hillside, California, 8–18–73.
Sergeant Salvadore G. Mosqueda, Fresno, California, 8–20–73.
Deputy Elbert Watkins, Falls County, Texas, 8–21–73.
Deputy Dean Humphus, Falls County, Texas, 8–21–73.
Lieutenant Thomas Jackson, Moultrie, Georgia, 8–25–73.
Officer Gary D. Mills, Boulder, Colorado, 8–25–73.
Sergeant John H. Howell, II, Lincoln County, North Carolina, 8–26–73.
Officer Roy Bradshaw, Nespelem, Washington, 8–27–73.
Patrolman James M. Vigil, Alamogordo, New Mexico, 8–29–73.
Officer George L. Pomraning, Arlington County, Virginia, 9–2–73.
Deputy Delbert L. Berry, Apache County, Arizona, 9–2–73.
Patrolman Casper Buonoacre, Jersey City, New Jersey, 9–12–73.
Patrolman David Huerta, Houston, Texas, 9–19–73.
Patrolman Calvin M. Rodwell, Baltimore, Maryland, 9–22–73.
Inspector Joseph T. Moretti, Revere, Massachusetts, 9–24–73.
Patrolman Edward L. Barron, Chicago, Illinois, 9–28–73.
Officer Wendell I. Troyer, Oakland, California, 10–2–73.
Officer David Guider, Oakland, California, 10–2–73.
Patrolman Felix Underwood, Birmingham, Alabama, 10–7–73.
Deputy Sheriff Dalton Burnam, Dodge County, Georgia, 10–7–73.
Patrolman George R. Mead, New York City, N.Y., 10–10–73.
Officer Donald B. Ziesmer, Minnesota Highway Patrol, 10–15–73.
Officer Clarence E. Harris, Atlanta, Georgia, 10–20–73.
Patrolman Daniel J. Swift, Hornell, New York, 10–24–73.
Patrolman Robert J. Ahrens, Mt. Clemens, Michigan, 11–1–73.
Patrolman Raymond L. Wheeler, Nashville, Tennessee, 11–5–73.
Patrolman Edgar D. Cooley, Honea Path, South Carolina, 11–6–73.
Detective Gerald W. Sawyer, Los Angeles, California, 11–6–73.
Patrolman Robert T. Moore, Detroit, Michigan, 11–8–73.
Special Agent Pedro P. Castro, Police of Puerto Rico, 11–10–73.
Sergeant Alvin P. Morris, Detroit, Michigan, 11–12–73.
Trooper Claude H. Baker, Jr., Florida Highway Patrol, 11–17–73.
Patrolman William Robinson, Newburgh, New York, 11–18–73.
Detective Jorge L. Sierra-Vasquez, Police of Puerto Rico, 11–19–73.
Patrolman Edward J. Hammond, Jr., Memphis, Tennessee, 11–23–73.
Deputy Sheriff Bristol Taylor, Knott County, Kentucky, 11–23–73.
Officer John B. Schroeder, Boston, Massachusetts, 11–30–73.
Deputy Sheriff Bruce R. Verhoeven, Sacramento County, California, 12–4–73.
Field Supervisor Steve Armenta, California State Bureau of Narcotics Enforcement 12–5–73.
Patrolman Henry L. Jones, Atlanta, Georgia, 12–2–73.
Officer Donald P. Tucker, Dallas, Texas, gia, 12–12–73.
Patrolman Ronald Reagan, Milwaukee, Wisconsin, 12–13–73.
Sergeant Wayne J. Truttman, Brown County, Wisconsin, 12–20–73.
Trooper Ronald G. Smith, Florida Highway Patrol, 12–23–73.
Patrolman Thomas Carpenter, Colorado Highway Patrol, 12–27–73.
Deputy Sheriff Larry Smith, Otero County, Colorado, 12–27–73.
Officer William P. Conboy, Jr., Montgomery County, Maryland, 12–29–73.
Corporal Thomas Hanson, Pueblo, Colorado, 12–29–73.

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Deputy Sheriff Joe Smith, Jr., Cumberland County, North Carolina, 1–5–74.
Patrolman William F. Brown, Lima, Ohio, 1–5–74.
City Marshal Don R. Williams, Thompson Falls, Montana, 1–7–74.
Game Warden Eugene Sara, Montana State Fish and Game Dept., 1–7–74.
Deputy Sheriff Edward Williams, Harris County, Texas, 1–12–74.
Sergeant Leonard Todd, Detroit, Michigan, 1–16–74.
Officer Edward Pakula, Detroit, Michigan, 1–16–74.
Deputy Sheriff Charles L. Wilkerson, Escambia County, Florida, 1–19–74.
Officer John D. Branhan, Oakland, California, 2–7–74.
Officer David E. Marks, Oakland, California, 2–7–74.
Patrolman Kenneth Browning, Clarksville, Tennessee, 2–13–74.
Officer Arthur G. Craft, Jr., Greensboro, North Carolina, 2–14–74.
Investigator Dennis F. Cronin, Alaska State Police, 2–18–74.
Trooper Bobby S. Gann, Alabama Highway Patrol, 2–21–74.
Officer Richey O. Finch, Forest Acres, South Carolina, 2–21–74.
Deputy Ernest C. Potter III, Kershaw County, South Carolina, 2–21–74.
Patrolman George N. Ramsburg, Baltimore-Washington International Airport, 2–22–74.
Officer Dennis J. McInerney, New Orleans, Louisiana, 2–26–74.
Patrolman William C. Marsek, Chicago, Illinois, 2–27–74.
Patrolman Bruce Garrison, Chicago, Illinois, 2–27–74.
Patrolman Leslie G. Lane, Dallas, Texas, 3–2–74.
Sergeant William K. Mortimer, Sr., Dayton, Ohio, 3–4–74.
Patrolman Timothy Hurley, New York City, New York, 3–9–74.
Deputy Sheriff Michael Maybourne, Winnebago County, Illinois, 3–15–74.
Officer Richard J. Barth, Downers Grove, Illinois, 3–18–74.
Deputy Jimmie H. McKay, Sr., Harris County, Texas, 3–22–74.
Officer Buster Adams, Crestview, Florida, 3–26–74.
Patrolman Earl R. Hoggard, Ketchikan, Alaska, 3–30–74.
Patrolman Meredith S. Runck, Riviera Beach, Florida, 4–5–74.
Sergeant Michael Lingham, Philadelphia, Pennsylvania, 4–14–74.
Sergeant John P. Tsolis, Highland Park, Michigan, 4–16–74.
Officer James D. Chamblin, Oklahoma City, Oklahoma, 4–16–74.
Officer Martin D. Chivas, Troy, Michigan, 4–22–74.
Deputy Sheriff Emery G. Mabry, Carroll County, Virginia, 4–22–74.
Patrolman William Shapiro, Cleveland, Ohio, 4–26–74.
Patrolman Morris Greenwald, Hazen, Arkansas, 4–29–74.
Wildlife Officer Danese B. Crowder, Mayo, Florida, 5–3–74.
Patrolman Frank W. Whitby, Jr., Baltimore, Maryland, 5–5–74.
Patrolman Michael L. Edwards, Los Angeles, California, 5–11–74.

FDA RECALL AUTHORITY

(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, even if food, drugs, or cosmetics are found dangerous to human health, the Food and Drug Administration currently has no power to force a manufacturer to recall a product.

This fact came to my attention when I corresponded with the Department of Health, Education, and Welfare concerning FDA's "voluntary recall of hair sprays using vinyl chloride. In the last several months, a possible link had been discovered between vinyl chloride and a rare form of liver cancer.

The Department of Health, Education, and Welfare said that it does currently have the power of seizure, but admitted in their letter to me that this procedure has "major limitations," the most significant of which is "the time required to implement a seizure action." Where numerous lots of a product are dispersed nationwide, numerous seizure actions would be necessary, while further dangerous product dispersal is still taking place.

According to HEW—

The Federal Food, Drug, and Cosmetic Act contains no provisions which authorize this Agency to require or insist that a manufacturer or distributor recall any products.

This is a legal vacuum which could be disastrous to the health of Americans if

a manufacturer at some time refused to comply with FDA's "voluntary" recall request.

For this reason, I am today introducing legislation which will authorize the Secretary of Health, Education, and Welfare to halt the sales and distribution of food, drugs, and cosmetics adulterated or misbranded in a manner which presents an imminent hazard to the public health and to require their recall or destruction, as may be appropriate.

Correspondence that I have had with the Food and Drug Administration and Environmental Protection Agency on the subject of vinyl chloride is appended.

The correspondence follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 4, 1974.

ALEXANDER M. SCHMIDT, M.D.,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR DR. SCHMIDT: I read with interest the Clairol Inc. announcement that it was recalling from the nation's store shelves about 100,000 cans of aerosol hair spray, some containing a chemical recently linked to a rare form of liver cancer. It was reported in the press that the cosmetic concern said that the request for a voluntary recall had come from the Food and Drug Administration following reports that at least 10 industrial workers exposed to the chemical, vinyl chloride, had developed angiosarcoma.

While I applaud the voluntary action taken by Clairol Inc. I am at a loss to understand why the FDA would, in a case where it believes the public safety is endangered, rely on a voluntary action and not insist on a mandatory procedure. I should like to be appraised of how that determination, a voluntary as opposed to a mandatory action, was reached and what the considerations were in making that decision in this particular matter. I should also like to know whether any measures have been taken with respect to any other uses of the vinyl chloride chemical now linked to liver cancer and if so, what those measures are.

Sincerely,

EDWARD I. KOCH.

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., April 18, 1974.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Commissioner Schmidt has asked me to thank you for your letter of April 4, 1974 concerning the Food and Drug Administration's request for a "Voluntary" recall of certain aerosol hair sprays manufactured by Clairol Inc. due to the presence of vinyl chloride monomer (VCM).

We are sending letters to all other manufacturers and major distributors of aerosol cosmetics requesting that they also recall any of their cosmetic products which contain VCM as a propellant.

Reviews by our scientists of the available toxicological and epidemiological data indicated that VCM may be dangerous when exposure is by the inhalation route. Based on these findings we concluded that these areosol cosmetics which contained VCM as a propellant represented a potential health hazard and therefore should be removed from consumer channels as soon as possible.

The only statutory instrument available to the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act to get such products out of commerce is seizure. Although seizure is a valuable tool, which does not require any voluntary action on the part of the manufacturer, it does have major limitations. The most significant of these limitations is the time required to implement a seizure action. This time-delay is compounded severalfold in situations, such as this, where numerous lots of products have been distributed nationwide. A separate seizure action against each lot of goods in each different locale would be necessary. Much of the defective products would be further dispersed before they could be located by the Food and Drug Administration and seizure implemented.

Recall is usually a much more efficient and practical means for reversing the chain of product distribution. The recalling firm usually has readily available all data with respect to quantity of products manufactured and/or distributed, names and addresses of customers and other pertinent identifying information. A notification to customers to return any defective merchandise can therefore be accomplished in a minimum of time. Recall is especially preferable to seizure in situations where potentially hazardous products are involved and speed in retrieval is all important.

We must point out however that the Federal Food, Drug, and Cosmetic Act contains no provisions which authorize this Agency to require or insist that a manufacturer or distributor recall any products.

Due to the nature of the hazard involved with these aerosol cosmetics, we felt that recall was the most appropriate means of assuring a rapid removal of these products from the market.

Clairol Inc. initiated this recall only after we advised them to do so. We were prepared to issue public warnings and institute seizure actions if the firm had not responded favorably to our request for recall.

We hope these comments are helpful to you in assessing the merits of our decision in this instance to request that these aerosol cosmetics be recalled.

Please let us know if we can be of any further assistance.

Sincerely yours,

ROBERT C. WETHERELL,
Acting Director, Office of Legislative Services.

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., April 19, 1974.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in further response to your April 4 letter regarding the vinyl chloride issue.

Commissioner Schmidt signed on April 16, 1974, a *Federal Register* notice which when published in final form will effectively ban vinyl chloride as an ingredient in drug and cosmetic aerosol products.

In a companion *Federal Register* notice signed by Commissioner Schmidt on April 15, the Food and Drug Administration is requiring under the authority of the Drug Listing Act of 1972, a list of all human drugs which are being manufactured, prepared, propagated, compounded or processed for commercial distribution and which contain vinyl chloride whether or not the vinyl chloride is an active or inactive ingredient, and a list of all human drug products packaged in vinyl chloride containers with polyvinyl chloride liners.

We anticipate that these documents will be published in the *Federal Register* on April 22 or soon thereafter. Advance copies of these documents are enclosed for your information.

We will keep you apprised of any further actions we plan to take with respect to this issue.

Sincerely yours,

ROBERT C. WETHERELL,
Acting Director, Office of Legislative Services.

A similar letter was sent EPA:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., May 8, 1974.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of April 4, 1974, concerning EPA action against pesticide products containing vinyl chloride as an aerosol propellant.

As you may know, on April 24, I did suspend the registrations of pesticide products containing vinyl chloride as a propellant which were registered for indoor use. The suspension order, which went into effect immediately, prohibits the further distribution, sale, or use of the affected products. At the same time, I requested that all existing stocks of these products be recalled.

You ask why the issuance of such an order was delayed, and why the Agency, at least for a time, sought voluntary action to prevent further sale of the product. The issuance of a suspension order must be predicated upon a determination that such action is necessary to prevent an imminent hazard during the time required for cancellation (Section 6(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act). At the time of our first news release requesting voluntary recall of products by the manufacturers, data concerning the extent and duration of the exposure which could result from the use of such aerosol pesticide products was lacking. The other human and experimental data available to the Agency linked exposure to vinyl chloride gas and angiosarcoma of the liver only after substantial repeated and continued exposure. The finding of an imminent hazard, then, would have been tenuously based at best.

Since that first press announcement on April 17, however, preliminary EPA tests have indicated that during a typical spray of a vinyl chloride-containing aerosol, the user could be exposed to significant levels of the gas. The tests and subsequent calculations further indicated that residues of the gas could remain in an enclosed area for some period of time, albeit at lower levels. The results of these experiments, coupled with additional results from animal tests, made the case for suspension of these products considerably stronger. I should emphasize, though that we are still uncertain as to the health risks associated with the short term exposure to vinyl chloride gas such as is produced by the use of an aerosol pesticide product. As I stated in the suspension order, however, based on the newly acquired test results, "it is prudent to assume that any exposure at these levels will have increased the risk of cancer should the strongly suspected causal relationship between vinyl chloride and cancer be finally confirmed". I enclose a copy of the order itself, and copies of our two press releases on vinyl chloride actions.

As to general action taken by the Agency with respect to vinyl chloride, I established a Task Force on February 14, 1974, under the direction of the Director of the Office of Toxic Substances, to examine the broader issue, including air and effluent emission standards. I enclose a copy of the press release outlining the operation of the Task Force. We are now collecting and monitoring data and other information which will enable us to evaluate the need for further action under the other authorities of the Agency.

We appreciate your interest in the vinyl chloride issue, and assure you that we share your concern for the safety of the consumer. Please let me know if I may provide further information.

Sincerely yours,

JOHN QUARLES, *Deputy.*
(For Russell E. Train, Administrator).

BUDGETARY REFORM

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Florida (Mr. BAFALIS), is recognized for 60 minutes.

Mr. BAFALIS. Mr. Speaker, the gentleman from Colorado (Mr. ARMSTRONG), and I have asked for this time in order to afford an opportunity to the freshmen Members on the Republican side to discuss budgetary reform. In preparation for this, a number of the Members have signed a resolution which I think is appropriate along that line, and for that purpose I will now yield to the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. 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 the special order taken today by the gentleman from Florida (Mr. BAFALIS), and the gentleman from Colorado (Mr. ARMSTRONG).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BAFALIS. I thank the gentleman from Pennsylvania.

I yield to the gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Speaker, I think most Members of the House agree that unwise continued deficit spending on the part of the executive branch and the Congress will only lead to further inflation. Wage and price controls have been the major weapons used, both by the Congress and by the executive branch, during the last 3 years to combat this. The result has not been to abate inflation, but rather to continue inflation at extremely high and dangerous rates.

I think we have all learned the lesson about wage and price controls, and that we never go back to them.

Mr. Speaker, I want to say that Congress, for too long, has been on the course of not knowing what effect spending programs would have on the expected tax revenues, and vice versa. We have had no way of coming up with an allover plan to balance the two against each other.

Mr. Speaker, I want to compliment the gentleman in the well for his initiative in getting this special order together. I will say that I, for one—and I think most other Members of the freshman class—think that the most significant piece of congressional reform at this point in our history would be to reform our budget process. I hope we will all see in this session the conference report on this, so that we can adopt it and at least begin fiscal year 1975 with a saner approach toward our budget.

Mr. BAFALIS. I now yield to the gentleman from New York (Mr. GILMAN).

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

Mr. Speaker, I rise in support not only of the efforts of the gentleman from Florida for bringing this highly important issue before our body at this time, but I also strongly support the joint resolution offered by the gentleman from Pennsylvania—a resolution which I was pleased to cosponsor.

I am joining my freshman colleagues in the 93d Congress in presenting this special order in order to focus attention on one of the overwhelming problems confronting our Nation—spiraling inflation.

Although I have been a Member of the House of Representatives for less than 2 years, the vexing reality of the fiscal responsibility of Congress has repeatedly plagued me.

While our wage earners at home are grappling and struggling with escalating food and gas prices, increasing utility rates and climbing taxes, the Congress has not been providing any remedies. Instead, measures are passed authorizing $5 million for the funding of a Commission on Productivity; $34,000 for a committee to study the House Restaurant, and $8.6 million for building a Visitors Reception Center in Washington. Obviously, something is amiss.

While those of us who are cosponsoring this resolution recognize the absorbing problems of fiscal responsibility, we also share the frustration of having such a limited voice in correcting these problems.

It is evident that the majority in the Congress still labors under the misconception that the bandaid of Federal dollars adequately heals the many problems facing our Nation, continuing to authorize and appropriate in an archaic, haphazard, patchwork type of funding—providing programs which appear to meet the problems, but which, in fact, are only a panacea, superficially treating the symptom but failing to provide a cure.

This disjointed funding process has placed many of us in an untenable position. While it is our intent to provide responsible spending and to try to get the best return on the taxpayer's dollar, we are prevented from achieving that goal by our majority colleagues who continue to extend and to refund without seriously considering the end result—rampant, uncontrollable inflation.

Any attempts by responsive Members of Congress for reforming outdated systems and methods are soon squelched by a few powerful Members who resent any weakening of their own positions.

Most recently, the bipartisan Committee on Committees came forth with a proposal for reforming the committee structure of the House, providing for more effective legislating and closer control over the budgetary process. Because this measure rattled some of the thrones of our committee and subcommittee chairmen, the proposal was quickly defeated in the Democratic caucus. As a result, we may not have the opportunity to vote on any of the proposed reforms during this session of the Congress.

While we are impeded by the present system of minimal planning and distorted priorities there have been some marginal gains. The House passed and is awaiting the conference report on the Congressional Budget Act of 1973, providing for the first time, an overall, unified process for appropriating funds. This long overdue proposal which I was pleased to support is eagerly anticipated by the Members so that we can begin to implement its provisions which for the first time will provide a long-range budgetary planning.

The manifold problems facing our economy are critical. Many of our leading economists are painting bleak pictures for the coming decades, viewing recession or continuing inflation as the predominant trends. While neither of these alternatives are acceptable to most of us, and while there does not appear to be an immediate workable solution to our economic woes, wasteful and abusive governmental spending is one area where we can readily look to ease our financial burdens.

At best this is a difficult task. It calls for a reversal of all of those bad habits which have crept into the Nation's budgetary process over the last two decades. It means developing a rational system of establishing priorities, of making long-range fiscal plans, of cutting corners to make ends meet. In essence, it means that the Congress must accept its constitutional responsibilities of effectively controlling the Federal purse strings.

Only with strong fiscal leadership in the Congress can we begin to stem the tide of spiraling inflation and begin to return to a reasonably stable cost of living. Accordingly, I am pleased to join my colleagues today in presenting this special order focusing attention on the haphazard congressional fiscal policies and I urge all of our colleagues in the House to seriously consider the effects of fiscal irresponsibility on the taxpayers of our Nation.

Mr. BAFALIS. I now yield to the gentleman from Massachusetts (Mr. CRONIN).

Mr. CRONIN. Mr. Speaker, I should like to thank the gentleman in the well for his initiative in this area.

Mr. Speaker, I rise in support of the bill H.R. 7130 which establishes new budget reform procedures in Congress. It is desperately needed especially at this time to help manage the Nation's economy and to alter the country's outmoded system of priorities.

Congress was given the responsibility of representing the people. Passage of this legislation would strengthen and redefine this constitutional responsibility in a manner that will affect every American. It would give Congress the opportunity to put our economy in a more stable position and keep it there. We cannot solve such pressing national issues of unemployment housing and energy unless we allocate our funds in a responsible manner. The problem of inflation stems from long-term fiscal irresponsibility and deficit spending and indicates to me that we in Congress must take a leading role in changing the situation. My freshmen colleagues agree with me regarding the importance of the bill we discuss today.

The legislation creates a budget committee which will have the power and responsibility to seek answers to far-reaching questions that Congress has in the past ignored. It also streamlines the appropriations process by allowing for in-

creases and decreases in revenues and adjustment of the public debt limit. Under the bill, Congress would control spending for the obligatory commitments of the government, which have in the past not required congressional approval, thus eliminating one of the biggest threats to the American economy—back-door spending.

By enacting this bill, we would help restore the country's faith in our system of government. Rational spending of the taxpayers' money would be a giant step by Congress toward winning the confidence and respect of the country. Let us not waste any more time on this issue. It has been over 5 months since the bill originally passed the House and yet action has not been completed. I urge the conferees to act as rapidly as possible.

Mr. BAFALIS. Mr. Speaker, I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I appreciate the efforts of the Republican freshman class for taking this time. There are indeed very few actions which are as important to the economic health of our country and the stemming of inflation as control of the runaway Government spending now underway.

For, Government spending is supported by the raising of revenue—taxes, excises, imposts, and duties—which come from the people in whose interests we are required to act.

Government spending—when it exceeds that level of revenue raised, however—results in increases in the national public debt borne by each of us—and by our children and our grandchildren.

And, perhaps worst of all, deficit Government spending—and the issuance of paper money to sustain it without a commensurate increase in national productivity—is the basic cause of inflation. Rest assured of this: The rampant inflation which we have witnessed during the several years—inflation which robs each of us of our purchasing power, thereby making each of us poorer—is a direct result of irresponsible Government spending and expansionist monetary policies of the Federal Reserve System.

One can see the crucial importance of the Congress coming to grips with this problem. A major responsibility rests upon our shoulders to stop this reckless spending which has characterized Congress of late. And, a major responsibility rests upon our shoulders to halt the erosive, inflationary character of our monetary policies. If we fail, the people will hold us accountable. And, they should. If Members put their big spending proposals and their own ideological, philosophical, and political—even artisan—motivations ahead of the general welfare of the people, then they should be turned from office. That turning from office of those who act in disregard of the welfare is what our form of Government is all about.

I have risen on the floor of this House on a number of occasions to vote against big spending proposals, to vote against reckless authorizations, to speak out against misdirected or ill-conceived fiscal and monetary policies. My position is one of record for all to examine who wish. I need not, therefore, repeat myself today.

I wish now, rather, to make some observations in support of those who argue here that the failure of the conference committee on the proposed budget reform act to report out a bill to the floor of both Houses at the earliest possible date is potentially destructive to our economic health and runs the risk of being a refutation of the will of both Houses to have meaningful, substantive budget reform this Congress.

The Constitution of the United States gives to the Congress clear authority with respect to the raising of revenue and the expenditure of funds. Only the Congress can impose taxes, excises, imposts, and duties. Only the Congress can authorize the appropriation of funds and their actual expenditure.

But, over the decades and accelerating at a dangerous rate as Government has grown, the Congress has quietly yielded much power to the executive. The departments and agencies submit their budget requests, not directly to the Congress, but through an arm of the executive—the Office of Management and Budget—which then determines priorities for the preparation of a total Federal budget submission to the Congress.

That submission is not a neutral document. Within its pages are such recommendations as changing the size of agencies and their personnel forces, cutting back or expanding existing programs, authorizing and funding new ones, restructuring program approaches, as well as inferences on such matters as tax increases and projected deficits.

The Congress receives this budget request at the beginning of each session in January. Without any comprehensive and unified approach, the many committees of the Congress set about their tasks in relation to that document, and the House and Senate Committees on Appropriations set about the formidable tasks of recommending specific dollar levels for appropriations. There is no determination by the Congress of priorities amongst the many programs proposed in the budget, much less the thousands of new or expanded programs recommended in bills and resolutions introduced in each session. And, there is no establishment by the Congress of a total Federal spending level beyond which all appropriations could not go for a fiscal year and within which Congress would have to establish priorities.

This system is simply unworkable. To those who contest that conclusion—and say that the present system ought to be preserved—I call their attention to a few relevant facts. The Federal budget recommended for the single forthcoming fiscal year alone stands at $304 billion and will probably be higher once everything is funded. The national public debt is an astounding $477 billion, with the administration now reported as being ready to ask the Congress for an increase in that debt of yet still another $29,800,000,000.

The statistics point toward the dangers inherent to relying any further on the present system. That is why we need reform in the processes by which the Congress works with the budget.

We need to bring to the Congress a capability of preparing the budget, establishing an annual dollar spending ceiling within which priorities can be determined, fleshing out a professional staff capability to have as much fiscal and monetary information at our fingertips in debate as those who argue on behalf of the agencies. The bill may not be all that we want, but it is a step in the right direction.

There are few times when a bill is before the Congress with a potential for great improvement in the processes in which we function as a government and a society. This is, truly, such a bill.

We have an opportunity to change the institutional processes by which the Congress makes determinations affecting the economy, spending, and how much of the peoples' money—taxes—we will need to sustain that spending.

This Nation cannot long survive the irresponsible tax-and-spend-and-tax, ever spiraling upwardly spending policies which have characterized the past several decades.

I urge the members of the committee on conference—House and Senate alike—to break the impass on this measure. The will of each House is that there be substantive budget reform this session. That will should not be frustrated. Conference committees work out major differences on other bills within days, or at the most, weeks.

And, I commend the gentleman from Florida (Mr. BAFALIS) for taking this special order today to afford Members an opportunity to speak out on this issue.

Mr. BAFALIS. I thank the gentleman from New York.

Mr. Speaker, I yield at this time to the gentleman from Illinois (Mr. HANRAHAN).

Mr. HANRAHAN. Mr. Speaker, the greatest single problem faced by the people of America today is that of runaway inflation. One of the most significant causes of this Nation's recent double figured annual inflation rate is uncontrolled Federal spending.

I am proud to join with my colleagues in urging the conferees now reviewing the Congressional Budget Act of 1973, to report out a bill which will require Congress to set a firm spending limit. The Congress must act more wisely in making critical budget decisions. It is my sincere hope that the new Budget Act will enable the Congress to make more intelligent budget decisions that will reflect the national priority of controlling run away inflation.

Only by establishing thorough budget examination procedures and placing a definite limit on Federal spending, will we be able to deal effectively with the No. 1 concern of most Americans: runaway inflation.

I respectfully urge the conferees on this crucial bill to act as resolutely as possible.

Mr. BAFALIS. Mr. Speaker, I thank the gentleman for his comment.

Mr. Speaker, at this time I yield to the gentleman from Missouri (Mr. TAYLOR).

Mr. TAYLOR of Missouri. Mr. Speaker, I am pleased to add my voice to that of my freshman Republican colleagues who believe that fiscal responsibility should be a primary concern of this Congress and are dismayed at the inaction of the conference committee on H.R. 7130, the Congressional Budget and Impoundment Control Act.

I believe the issue foremost in the minds of the citizens of southwest Missouri and across the country is the rate of inflation which during the first quarter of this year galloped its way into the two-digit category when prices increased by 10.2 percent. The people want to see Congress take some action which demonstrates its recognition of this serious problem and show a desire to do something about it.

My constituents demand that Congress turn its attention to the expenditure side of the budget, and make a serious attempt to control Government spending. They want the Congress to put its own House in order and to adopt a responsible system for making spending decisions. The machinery for such a budget control system is contained in the budget reform legislation which has already passed each body and is now stalled in the conference committee.

I think the overburdened, overtaxed, overregulated American citizen wants Congress to move ahead with the legislative effort that seeks to set a congressional limitation on expenditures and to adopt a mechanism that makes possible a comprehensive review of congressional priorities.

My constituents want something done to reduce the approximately $25 billion that goes down the drain every year in interest on the Government debt and they want something done to reduce the 43 percent of every taxpayer's earnings which are confiscated by Government at all levels.

Setting a congressional limitation on expenditures and adopting a mechanism for the comprehensive review of the legislative budget, as recommended by H.R. 7130, would be evidence of our real concern for the plight of the overburdened, overtaxed, overregulated American citizen.

I urge the conference committee on H.R. 7130 to stop delaying and to work industriously to report out a compromise version of this legislation that could receive the final approval of both bodies of Congress at the earliest possible date.

Mr. BAFALIS. Mr. Speaker, I thank the gentleman from Missouri for his comments.

Mr. BAFALIS. Mr. Speaker, I thank the gentleman very much for his comments.

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

Mr. BAFALIS. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I wish to commend the gentleman in the well for his efforts not only here today but also ever since he has been a Member of Congress in working toward a lump sum budget or a piece-of-pie budget so we could establish our priorities and not continue to expand the national debt.

I think the problem facing the American people is that the politicians in Washington refuse to face the truth about inflation. We create inflation with the printing press down on 14th Street and with the expansion of the money supply through the central banking system.

If we had a lump sum budget, then we could start rewarding the people in Congress for being responsible, instead of the system we now operate under where we reward those who are irresponsible and vote for every spending proposition that comes up.

It reminds me of the situation in 1949 in this same Chamber. The late Speaker Sam Rayburn said, if I can paraphrase him:

> I say to my Democratic friends after listening to this debate that the people who get along the best here are those that go along the most.

I think this is as true today as it was in 1949. We can see what is happening. We continue to print "counterfeit" money, which is another form of taxation and continue to expand the money supply, which is much greater than the productivity of the country.

If we could vote on a lump sum budget at the beginning of each session of Congress or early in the session, then we would be in a situation where we could work with our friends on both sides of the aisle and argue about what the priorities should be, whether it should be spent on health services or military services or wherever people think best; but keep it within a certain amount of money.

In my own State of Idaho we have a policy in our constitution that forces the politicians not to spend more money than they take in in taxes. Every year we go through the same process. There is a big hassle between the health people, the educators, the farmers, and others; but at the end of the session somehow they come out with a budget that spends no more money than they take in in taxes. Sad as the case is, that is not the case in Washington. What we do, we continue to appropriate until the end of the session and then we go into supplemental appropriation season and that is where we get into the "counterfeit" money where everyone cannot live within their budgets for the remainder of the year. Then the people that oppose these requests in the sense of fiscal responsibility are punished by their colleagues because they do not go along.

It has been brought to my attention by members on the Committee on Appropriations when I have offered amendments to cut these appropriations by 5 percent. They say, "If he votes for these cuts or offers amendments for fiscal responsibility. We will take that appropriation out of his district."

If we had a lump sum budget, this would not be the case. Those that are fiscally responsible would be rewarded by the American people and they would not be voting against fiscal responsibility, but voting for it.

I would hope the U.S. Chamber of Commerce or the National Association of Manufacturers or some group that is interested in fiscal responsibility would create a rating system of how Members of Congress vote in regard to spending issues and rate them that way, giving a no vote if they vote for spending and a plus vote if they vote against it and see on a dollar-expenditure basis if they voted for a balanced budget or an unbalanced budget.

I might say to the gentleman from Florida that the National Taxpayers Union has made an attempt recently to do this. They have made a great deal of headway with their ratings, but it does not go far enough because it does not delineate between a $1 million and a $1 billion appropriation. It rates them all the same.

I think until Members of Congress face this problem of the money supply in Washington, D.C., we will never face the real difficulties that the American people face and we will never solve any of our problems. It must be done.

The rating of Congress in the eyes of the public is down to 21 percent. I think if the American public realized how irresponsible we really are with the people's money, their rating would be a minus 21 percent. It would be none too high if they take note where the inflation is coming from. It is right here in the House of Representatives.

I praise the gentleman from Florida because he has made an effort in his short time in Congress to be fiscally responsible and try to address this subject so we can get the stagecoach that is heading toward the cliff of financial disaster turned around before it is too late. In my opinion it is still not to late——

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

Mr. BAFALIS. Mr. Speaker, I yield to the gentleman from South Dakota.

Mr. ABDNOR. Mr. Speaker, I also want to add my remarks to this special order. I commend the gentleman from Florida for taking it out so as to once again give Members of the 93d class an opportunity to speak out on what we felt was one of our prime goals when we arrived here, that of obtaining some kind of fiscal responsibility in Congress.

Mr. Speaker, our oratory on the perils of skyrocketing inflation fills the air; our newsletters are filled with comments on what inflation is doing to our constituents; our questionnaires seek to confirm our concern. It is an almost certain bet that everyone running for Congress this fall will have at least one TV spot dealing with inflation.

We keep pointing fingers of blame at the President for his role in the budget. In fact we tend to blame everyone except ourselves for the situation. Yet, Congress is more to blame than any other single factor in creating and perpetuating inflation. By our actions we have permitted a situation to develop where 75 percent of the budget is beyond

our control. We have passed program after program, but we have never found time to add up the total. We just complain when the President submits the next budget.

It is no wonder that the Congress is in so low repute with the people of this Nation. We talk and talk about what we should do, but we do not do it. Until we complete action on a strong bill mandating an overall spending limit together with the necessary structures to implement budget control, all of our great concern about stopping inflation is just so much political bombast and hot air.

The greatest single factor propelling inflation in the giant chasm between Federal income and Federal expenditures that has existed for nearly a half century. Still we continue to enact and expand more and more costly programs.

If we are to avoid financial disaster for our Nation, we must have expeditious action on the Congressional Budget Act and vigorous implementation of it once it is signed into law. The time has come to stop talking about inflation and start doing something about it. The place to start is at our own doorstep and accept congressional responsibility for enacting sound, sensible spending programs meeting the need of our people while at the same time costing what we can afford to pay.

It is a big order, but if we are really serious about our inflation oratory, the time has come to act.

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

Mr. BAFALIS. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. COCHRAN. Mr. Speaker, I want to commend the gentleman from Florida for taking this special order, and also for the leadership he has shown during his tenure in Congress in trying to establish concern on the part of the Members for fiscal integrity and responsibility for inflationary spending programs.

In the past 6 years, the Federal Government with the blessings of Congress has spent $162 billion more than it has taken in. To finance its expensive exploitation, the Government has bought up surplus capital at the expense of private investment; driven up interest rates and gluttted the money supply with credit created through the Federal banking system.

Such fiscal irresponsibility is one of the primary causes of inflationary pressures on the economy, and continued deficit spending serves only to aggravate this already critical problem. After years of ill-conceived control efforts aimed at eradicating the effects of inflation rather than correcting its causes, we can no longer avoid facing the real root of the problem: Congress has too long lacked an overall perspective of the budgetary process. Priorities have been set by accident as much as by deliberate and informed congressional decision. The result has been a piecemeal budget process characterized by unnecessary duplication and ineffective overspending.

The amount of Federal spending under the actual controls of the appropriation process is steadily dwindling. In fiscal year 1974, only 44 percent of the total budget passed through regular appropriations channels, with the balance classified as mandatory or relatively uncontrollable expenditures. By failing to impose an effective limit on total Government expenditures, we have avoided the politically uncomfortable reconciliation of taxes with spending, leaving for future generations the burden of our fiscal irresponsibility.

Only the implementation of comprehensive budgetary reforms, such as the budget control legislation presently in conference, can enable the Congress to begin attacking the twin problems of inflationary deficit spending and inadequate economic planning.

I hope the conference committee will report legislation which, first of all, creates a central oversight committee on the budget in both Houses, and second, requires careful consideration of spending priorities, and third, sets ceiling limits on total Government outlays.

Mr. Speaker, the bill should also force the Congress to take notice of the fiscal realities of economic planning by requiring that an automatic tax surcharge be imposed if the actual deficit should exceed an established budgetary limit. Congress' fiscal irresponsibility has brought our Nation's economy to the brink of disaster.

These budget reforms are a long-waited opportunity to acquire responsible congressional control over a well-planned and economically sound national budget.

Mr. Speaker, I thank the gentleman for yielding.

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

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

Mr. LAGOMARSINO. Mr. Speaker, the gentleman from Florida (Mr. BAFALIS) has graciously extended an invitation for me to join the members of the Republican freshman class in this special order today. I certainly appreciate the opportunity and want to express my agreement with the comments made during the first special order on this topic a year ago, under the leadership of the gentleman from Arizona (Mr. CONLAN).

Mr. Speaker, I read in the press last night where the national debt is expected to nudge past the $475 billion mark before the end of June. When you start talking about debts on the order of hundreds of billions of dollars, it is hard to place it in perspective. But put another way, we are soon going to be asked to raise our national debt ceiling above the one-half trillion dollar mark.

The national debt, of course, is the result of deficit spending. Deficit spending is sometimes unavoidable; we have all faced situations where we have had to borrow money. But not all deficit spending can be traced to emergencies, sometimes it is a simple result of reckless spending. Since it is very hard to give a ticket to Congress, maybe we should consider policing ourselves, and it is my understanding that is what the budget reform bill will do.

Mr. Speaker, while I was still a member of the California Legislature last year, we considered a proposal for a ceiling on State expenditures. The proposal was not very popularly received by State employees, and an unfortunate combination of tax rebates, clever campaign tactics by opponents, and difficulty of language combined to cause defeat of the measure. However, I still feel the concept is a good one, and there was much that I learned in the course of the debate. For example, the fact that 43 cents of every dollar earned in California now goes to Federal, State, and local government. We did succeed in clamping a lid on local government costs in our State, and despite the failure of the State expenditure ceiling, we have managed to operate in the black for the past several years.

What I am suggesting, Mr. Speaker, is that it is time to apply some of this same philosophy to the Federal Government. I realize that I am a new Member, one who perhaps does not have a full grasp of the intricacies of Federal Government. But sometimes a fresh eye can lend a needed prospective to things.

In this case, I feel there are three essential elements lacking in the present congressional budgeting system. First, the Congress lacks an independent source of information about the Federal budget. We should have an independent staff available to the entire Congress and to our fiscal committees to review the budget proposals of the executive. To tell us where spending can be cut and how our dollars can be better spent. Second, we need to enact a single budget bill, prior to the commencement of the fiscal year, rather than the series of appropriation bills we now use.

Third, we need to establish an overall spending ceiling at the start of each fiscal year, and stick with that ceiling. If we find as the year progresses that unavoidable expenses will be incurred, then we should face up to the problem and set about raising the necessary revenue to pay for our excesses. This is a painful procedure, but in the long run, by far the best. First, because it would force us to face up to the fact that every dollar of expenditure that we vote for on this floor, must ultimately be taken from the pockets of the American taxpayer; given that knowledge, perhaps we will be more careful about how we vote. Second, in the long run, we will benefit because every time we go into debt, every time we increase the Federal deficit, not only are we obligating future taxpayers to pay for our negligence, but we are contributing to the inexorable process of inflation, the evil which is eating away the real purchasing power of the American citizen. And inflation, of course, increases the costs the Government must pay for services.

It is my understanding the bill now in conference, and which is the subject of this special order, contains all three of these safeguards. Can we do anything less than that which our constituents

have sent us here to do—act responsibly and pass this bill?

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

Mr. BAFALIS. I yield to my good friend, the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I am a cosponsor of the resolution introduced by my colleague from Florida, Congressman SKIP BAFALIS, and I commend him for taking this special order today to give us the opportunity to speak out on this important issue.

The resolution urges the conference committee on the Congressional Budget Act move quickly, and report out "a strong bill which will mandate an overall spending limit as well as provide the necessary committee structure, staff and resources by which Congress may review and control expenditures, and, thereby, control inflation."

Inflation is the No. 1 problem facing the citizens of this Nation, and we in Congress, as the elected representatives of the people, have a responsibility to control the inflationary spiral. Article I, section 8 of our Constitution gives Congress the authority to pay the debts of the United States, and article I, section 9 further mandates that—

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

I believe that under the current fragmented system of appropriating funds without a congressional budget limiting expenditures, and without regard to, or knowledge of, how the appropriation compares with the total appropriations for that fiscal year, we are abrogating our constitutional responsibility. The President has found it necessary to withhold appropriated funds in order to keep down Federal spending. The Congress must assume its proper role, and this can only be accomplished by completing action on the Congressional Budget Act, and including strong provisions in this legislation that will allow Congress to establish its own priorities and spending limitations.

Congressional approval of a budget reflecting anticipated revenues, and limiting expenditures before proceeding with the appropriations process is, I believe, one of the most important steps Congress can take to bring Federal spending under control, and ease the burden of inflation on our Nation's citizens.

At the beginning of the 93d Congress, I joined with my colleague from Florida in cosponsoring another piece of legislation, House Joint Resolution 332, proposing a constitutional amendment "to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt." The President's proposed budget for fiscal year 1975 offers no relief. It calls for an estimated $29.7-billion increase in Federal spending over this fiscal year, and would operate at a deficit of $17.9 billion in Federal funds. We can no longer ask the taxpayers to bear the brunt of the whopping deficits incurred as a result of our congressional fiscal irresponsibility.

As we have seen in recent years, large sustained deficit spending puts pressure on the Federal Reserve to finance these deficits by increasing the supply of money in the economy which lessens spending power, and the result is continued inflation. One of the major problems that has contributed to increasing deficits is that Congress does not consider debt increase legislation until after it has already appropriated and committed funds.

An editorial which appeared in today's Wall Street Journal reminds us that the Ways and Means Committee is currently considering an administration proposal to increase the debt limit. The editorial also points out that this increase may be inevitable if Congress continues to approve large Federal spending bills, such as pending legislation which would authorize $24 billion to be spent on mass transit over the next 6 years. To quote from the Wall Street Journal:

Congress has been talking about reforming itself by setting up a means to coordinate all its spending proposals so that when they are added up they bear some relationship to foreseeable revenues. The proposed mass transit bill would suggest that there is an urgent need for such an effort.

The full text of the editorial follows, and I urge all my colleagues to read it carefully:

A PERVERSE THOUGHT

While the House Ways and Means Committee stews over an administration proposal to raise the federal debt limit about the half-trillion-dollar mark, the House Public Works Committee is doing what it can to leave little choice in the matter.

Public Works, according to reports, is putting the finishing touches on a bill that would authorize $24 billion in federal spending on mass transit over the next six years. The money would supposedly come from "new revenues" but it doesn't seem very clear yet what that means.

Since there aren't many prospects for a federal tax increase, aside from some proposed swipes at oil industry profits, we assume that the money would come out of whatever "fiscal dividend" there might be over the next few years from the effects of inflation on federal revenues generated by the present tax structure. Given all the various other ideas Congress and the administration have for spending the fiscal dividend, it is going to have to carry a very big burden. The administration, by the way, has its own mass transit plan, which would cost only $16 billion, and it would be financed partly from the highway fund.

The more likely outcome is that the mass transit bill, if it gets through Congress, would simply add to the federal deficit. And it may not be long at that rate before the Congressmen over at Ways and Means wonder why they worried over a half-trillion-dollar debt ceiling.

Mass transit may well be deserving of federel attention. So, indeed, may be health care, the Penn Central railroad and all the other spending ideas the Congress and administration have in mind. But that little problem of money is getting to be a bigger and bigger problem.

Congress has been talking about reforming itself by setting up a means to coordinate all its spending proposals so that when they are added up they bear some relationship to foreseeable revenues. The proposed mass transit bill would suggest that there is an urgent need for such an effort.

It's enough to stir the perverse thought that maybe Ways and Means should just refuse to budge on the debt ceiling. Disrupting the whole government would be a dramatic blow, perhaps even gaining the attention of the other money-spending committees in Congress. In those perverse moments, the battle cry rises: Fight irresponsibility with irresponsibility.

Probably it's a bad idea, since gimmicks seldom solve anything. But by this time we're not ready to write off any idea that might give pause to everyone who has some scheme for spending money and no scheme for raising it.

Mr. Speaker, I testified before the Joint Committee on Budget Control, and the Rules Committee urging that provisions be included in the budget control bill which will allow Congress to reduce Federal expenditures in order that they balance with anticipated revenues. I also urged that this action be combined with legislation reported from the Ways and Means Committee to provide for the systematic repayment of the existing public debt in order that repayment provisions can be included in the congressional budget.

The first step in accomplishing these goals is the final approval of the Congressional Budget Act, and the inclusion in this legislation of strong provisions that require spending limitations. This would establish the basic framework to provide for the restoring of economic stability, and relief from continued rising inflation for the citizens we represent.

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

Mr. BAFALIS. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I would like to add my comments to those which were made by the gentleman from Florida (Mr. BAFALIS).

I have found continually as I travel around the First Congressional District of Maryland that the question is put to me: "What are you doing in Congress to fight this battle of inflation?"

The gentleman from Florida by his remarks exemplifies the many people who are concerned with Members of Congress doing something about inflation. The fact that we are here today is testimony to that.

I wish to commend the gentleman from Florida on this occasion for his continued fight. It is very pleasing for me to be able to join the gentleman here today in his efforts.

Mr. Speaker, the problem of inflation has been with us for a long time. But in the past year it has become so severe and so all-pervasive in our economy that it has become the major concern of all Americans, far outdistancing Watergate, the energy crisis, and even taxes in the minds of nearly everyone. A poll which I took in my district in Maryland during the months of February and March, when the energy crisis was at its worst, still showed inflation to be the principal worry of my constituents.

That much is obvious. The question, then, is what we will do about it, and here there is considerable disagreement. Naturally, what we do to solve the inflation problem depends on what we perceive to be the cause of inflation, and I believe there are several contributing factors.

The first of these is the size of the Federal budget, and the rate at which it has grown in recent years. As the budget grows in proportion to the country's total gross national product, it brings more and more influence to bear on the performance of the American economy. All too often, the money we spend here in Washington goes into areas which are nonproductive, and which contribute little or nothing to national productivity. In short, we are throwing around more and more dollars, which in turn do less and less work.

A more or less permanent feature of the Federal budget, it would seem, is red ink. Budget deficits, which have totaled more than $100 billion since the present administration took office, are particularly damaging. The interest on this debt runs in excess of $26 billion a year, which comes out of the pockets of all taxpayers. And as Uncle Sam spends more than he takes in in taxes, he pushes more and more money into the economy, and forces the rate of inflation inexorably skyward.

And finally, the Federal Reserve Board continues to make its contribution to the inflation problem by incessantly expanding the Nation's money supply at a rate considerably higher than that at which our real income and productivity are rising. Excessive monetary expansion is a prime cause of inflation, and the Fed knows it. We all know it. Politically, steep rates of monetary expansion are popular over the short run. People think they have got more income to spend, simply because there are more dollars in their hands. But this sort of thinking is akin to going on a good drunk—it feels pretty good for a while, but the hangover comes all too soon, and it is painful, indeed.

Classic inflation is defined as too many dollars chasing too few goods and services. Rapid growth of the Federal budget, large budget deficits, and excessive monetary growth all have the effect of putting too many dollars into circulation to chase too few goods and services, and to cure inflation, these three causes must be eliminated.

Once already in this decade, we have tried to do something about rapidly rising prices. In August of 1971, the President ordered mandatory economic controls, and about 2 weeks ago we let those controls die a natural death. By the end of April, it was obvious to all what had apparently been obvious to only a few of us who objected to controls when they were first imposed. It had become quite clear that controls do not work. The reason they do not work is that they are aimed at the symptom of inflation, and not the cause. Wage and price controls do nothing about the Federal budget; they do nothing about huge budget deficits; and they have no effect on wrongheaded monetary policies.

The hour is now late. Inflation has become so severe that prices are rising at an annual rate of from 10 to 15 percent. We have delayed too long in performing the difficult task of dealing with the real causes of inflation.

Excessive growth in the size of the Federal budget can be cut down only by a firm resolve among those of us in this Chamber and among our counterparts in the Senate to stop trying to be Santa Claus to every group and subgroup in our constituencies. The new budget reform measure which passed both Houses overwhelmingly earlier this year will help. But it is not the whole solution.

The red ink which has stained so many Federal budgets during recent decades can be eliminated by an excellent measure offered by the gentleman from Florida (Mr. BAFALIS). He proposes a constitutional amendment which I ardently support, one which would prohibit deficit spending, and require the eventual repayment of the entire national debt. This measure is simple commonsense, and excellent economic sense. It will eliminate forever a major cause of inflation, and contains the added benefit of placing a certain restraint on congressional spending habits. Many of those who occupy this chamber will find themselves far less inclined to spend huge amounts of money if to do so they must explain just where—besides the Treasury Department printing press—they are going to get that money in the first place.

Finally, restraints are necessary on Federal Reserve Board policies governing monetary growth. Whether these are to be statutory or whether they will come from the Fed with a little prodding instead, such a move is an absolutely essential element to any effort to cut inflation.

Much has been made recently of a proposal made by Prof. Milton Friedman, of the University of Chicago. This highly regarded economist has proposed a system of "indexing" to help soften the effects of inflation and attempts to deal with it. Briefly stated, his plan would hike interest rates according to the rate of increase in the Consumer Price Index, tie tax rates to the CPI increase, and a host of other measures designed to minimize the effects of inflation where potentially serious damage to the economy is possible. Many individuals, liberal and conservative, have endorsed the plan, since it so obviously would be beneficial. But it is vital to note that Mr. Friedman proposes the plan only as a means of softening the effects of taking steps to deal with the root causes of inflation. Indexing will allow us to cut the monetary growth rate, deficit spending, and excessive growth of the national budget without experiencing the unacceptable byproducts of high unemployment or recession. Indexing without the concurrent efforts to deal with these root causes will be largely useless.

In short, let us not fight inflation with our eyes shut. We have to open our eyes to the real causes of the problem, and deal with them accordingly. The American people cannot tolerate any more delay. Each trip to the supermarket, each price increase on countless goods and services, heightens public resentment over our failure to deal effectively with the problem. And while the situation is serious for all of us, it is now critical for those on fixed incomes. We in the Congress must act decisively, and we must act now.

Mr. BAFALIS. Mr. Speaker, I thank my good friend, the gentleman from Maryland.

Mr. Speaker, despite what the columnists write and the newspapers print in their headlines, despite what the political pundits and many of our colleagues say, the No. 1 issue, in the 10th District of Florida, and, I believe, throughout this Nation, the No. 1 issue facing this Congress and facing each and every one of us as we come up for reelection in November, is the issue of inflation.

This inflation constitutes what I consider to be probably the most insidious form of taxation we have ever seen in this Nation.

This year we are approaching a national debt of one-half a trillion dollars, that is in excess of $500 billion. The interest alone this year on that debt will be approximately $31 billion. We are going to have a budget for fiscal year 1975 in the neighborhood of $305 billion, some $11 billion over the anticipated income of $294 billion.

Mr. Speaker, prior to coming to the Congress, I had the opportunity to serve in the State legislature in Florida. In the State of Florida we have a constitutional prohibition against spending more money than we anticipate collecting during any given year. As a result, today Florida does not have a deficit; as a matter of fact, it has a surplus.

We have learned in the State of Florida that we must set priorities, and that we must live within our income. Obviously, we have not done that here in the Congress.

Upon arriving here, in the early part of 1973, I introduced a constitutional amendment that would prohibit us from spending more money than we take in during any given year, except in time of war or in time of national emergency.

I had the audacity, some might say, to include a provision that mandates us to pay off our national debt at the rate of 10 percent for each period of 10 years, so that during the next 100 years we would pay back this half a trillion dollars.

There are now some 40 cosponsors of this legislation. It has not been heard in a year and a half, and unfortunately it seems unlikely that it will receive a hearing.

Mr. Speaker, I do commend this freshman class of Congressmen, of which I am very proud to be a Member. We have voiced our concern over and over again regarding the reckless spending practices in this Congress. I do hope our effort will have an impact in making certain that the proposals which came out of the Joint Budgetary Committee and

the resulting legislation which is now before the conference committee, will finally come to this floor so that we will for the first time in many years have an opportunity to put a spending ceiling on our expenditures and exercise budgetary control over those expenditures. This will at the very least begin to reduce our rapid rate of inflation.

Mr. Speaker, I am firmly convinced that the root cause of inflation rests right here on Capitol Hill within this Congress. I think the American people know that we have spent more than we should have spent and supported programs that have been costly and unworkable. They are telling us now and I think they will tell us again in November, "Do as we do; live within your income."

Mr. Speaker, I hope that the Congress in its infinite wisdom takes the necessary steps to do exactly that.

Mr. CONLAN. Mr. Speaker, dollars being spent by Americans today have less than one-third the purchasing value of dollars in 1940. To be exact, today's dollars are worth only 32 cents, which means that it takes more than $3 today to buy what $1 bought just 34 years ago.

Alongside this vexing erosion of the dollar's purchasing power, prices and taxes have skyrocketed, far outpacing wage increases American workers have earned during the past three decades. It is a vicious cycle of inflation, which many politicians and bureaucrats have wrongly blamed on private business and industry.

Inflation—the word we use to summarize this decline of the dollar's value and related economic woes—is not the fault of producers in our economy. It is the fault of government, which cannot provide anything to American citizens that has not first been taken from them in one way or another.

Specifically, inflation is the fault of Congress, which since 1940 has greatly enlarged and expanded Federal programs at a tremendous cost, without having the courage or forthrightness to pay for them through direct taxes. Instead, Congress has played the role of Uncle Sugar to just about all of us through one federal program or another, writing off most of the bill through deficit spending and by expansion of the money supply, which has thus eroded the value of all dollars.

Mr. Speaker, inflation weighs heaviest on individual working citizens and their families. Rising prices have distorted family economic planning, endangered savings and economic stability, and injured those on fixed incomes.

Since Government is responsible for this inflationary spiral that has severely dislocated the free market, Congress must take concrete steps to reform Federal taxing-spending practices and to put a firm ceiling on Federal spending each year. Freshman Members of the 93d Congress expressed their strong bipartisan support for such budget reform last year, and such reform is still a major item of unfinished business midway into the second session.

No government, not even the richest on Earth, can continue this hodge-podge system of raising and spending Federal revenue, overspending by multibillions of dollars nearly every year, and still not eventually plunge itself into financial disaster. If conferees on the budget reform legislation approved by both Houses of Congress waste no more time on this inflation control measure, we can move further along toward the sound fiscal policy we need in the appropriations process.

Mr. Speaker, Americans all over the country are writing to tell us that inflation will be a major issue in the next election. They realize that rising prices and rising taxes—the whole inflationary spiral—is largely the result of this body's helter-skelter spending habits. And unless Congress does something now, these Americans will understandably punish those Congressmen responsible with their votes next November.

To demonstrate the relationship between the deteriorating purchasing value of the dollar and annual Federal deficits, I asked economists at the Library of Congress to provide me with statistics going back to 1940, showing both the annual rate of inflation and the Federal deficit or surplus for each year to the present.

As I have already pointed out, this study shows that the 1940 dollar is now worth only 32 cents. Federal deficits since 1940 have totaled almost $446 billion.

I include this table in the RECORD for the benefit of all my colleagues:

INFLATION SINCE 1940

Year	Decreased purchasing power of dollar (percent)	Value of dollar	Federal deficit (billions)
1940	0	$1.00	−$3.9
1941	−4.9	.95	−6.1
1942	−9.7	.86	−21.4
1943	−5.8	.81	−57.4
1944	−1.6	.80	−51.4
1945	−2.2	.78	−53.9
1946	−7.8	.72	−20.6
1947	−12.6	.63	+.7
1948	−7.2	.58	+8.5
1949	+1.0	.59	−1.8
1950	−1.0	.58	−3.1
1951	−7.4	.54	+3.5
1952	−2.2	.53	−4.0
1953	−.8	.52	−9.4
1954	−.4	.52	−3.1
1955	+.3	.52	−4.1
1956	−1.5	.52	+1.6
1957	−3.4	.50	+1.5
1958	−2.7	.48	−2.8
1959	−.8	.48	−12.4
1960	−1.6	.47	+1.2
1961	−1.1	.47	−3.8
1962	−1.1	.46	−6.3
1963	−1.2	.46	−6.2
1964	−1.3	.45	−8.2
1965	−1.6	.44	−3.4
1966	−2.8	.43	−2.2
1967	−2.8	.42	−9.8
1968	−4.0	.40	−28.3
1969	−5.1	.38	−5.4
1970	−5.6	.36	−13.1
1971	−4.1	.35	−29.8
1972	−3.2	.33	−29.1
1973	−5.9	.32	−34.1
1974			[1] −27.8

[1] Estimate.

Source: Library of Congress.

Mr. ARMSTRONG. Mr. Speaker, the cost of living is at an all-time high; the Nation is reeling from the sharpest yearly price rises in over 20 years.

The American worker who received a 50-percent increase in pay since 1964 actually lost money because of a 45-percent inflation and higher actual taxes.

Over the years we have been warned repeatedly that runaway inflation will result from continued budget deficits, and indeed, year after year this prophecy has been realized as the Federal debt has increased by $170 billion in the last decade alone.

The House has at least realized the severity of the problem and passed the Budget Control and Impoundment Act of 1973.

The Senate has passed a similar bill; hopefully, the conferees will report an effective measure back in the near future. It is too late for further delay.

But we should remember this is only a first step. The Budget Control Act does not automatically balance the budget or stabilize prices. It only insures that Congress must make a clear decision, rather than decide by default. But there is absolutely no hope for controlling the price spiral until the Federal budget is balanced and a lid on new spending is kept there long enough to cool an economy overheated for all too long.

Such a decision will not be easy; it is likely not to be popular. However, each day it is delayed only adds fuel to the fires of inflation, only drags down the dollar's purchasing power further.

In conclusion, I would like to point out an overlooked fact about deficit spending. It is borrowing from the future to pay for something now. And to borrow, we pay interest.

In paying for yesterday's follies and lack of economy, we pay $30 billion a year in interest. That is more than the total expenditure of six Government agencies—Agriculture, Commerce, DOT, HUD, Justice, and the Interior.

The need to control the Federal budget before reckless spending ruins our country is the proper concern of all Americans, but particularly of those of us who serve in Congress and who have the constitutional duty to control spending and the moral obligation to do so wisely.

Let us get on with it.

Mr. LOTT. Mr. Speaker, I too, would like to add my comments regarding the importance and necessity of the conferees reporting a strong Budget and Impoundment Control Act that establishes an overall spending limit, thereby enabling the Congress to take the reins in curbing inflation in this country.

I think it particularly significant that for the first time Congress has a chance actually to legislate to itself a mechanism for analyzing and effectively controlling budget outlays. Our head-overheels fiscal spending policy is catching up with us; and we have known, or should have known, that it would for several years. Congress has simply spent too much money—money that has influenced directly the upward spiral of inflation.

Let us face it, our dollar is not what it used to be, and it should come as no surprise that we are paying more and getting less. That is one big reason why it is imperative that Congress make a concerted effort to conduct its affairs in a business-like manner with some sense of monetary responsibility. We are all aware that if a businessman operated his business with as much irregularity and with as much disregard for his assets as

Congress, he would not be in business for long.

Thus, Congress has an excellent opportunity to redeem itself and, in doing so, not become further derelict in the duty to the taxpayers of this Nation. The Budget and Impoundment Control Act is probably the most important and could have the most far-reaching economic impact of any legislation passing the 93d Congress. We must in good faith carry through on the mandate which this act provides and learn to operate within a thoroughly reviewed and prescribed Federal budget, which outlines a spending pattern designed to stimulate our economy and at the same time curtail the rate of inflation.

Mr. MARTIN of North Carolina. Mr. Speaker, it is with great pleasure that I rise in support of this resolution. We have within our grasp, if we care to do *the grasping*, an opportunity to take one essential step toward a return to fiscal responsibility. We are not asking for much, really, just that the Congress sit down and do what any sensible individual or board would do at budget time: look at income and expenses as one picture and try to make the former at least balance the latter.

When I decided to participate in this discussion, my first inclination was to launch into a discussion of economic principles, but on reflection it seemed better that I leave that dismal science to those better trained in its discipline.

Instead, I would like to address my remarks to the American wage earner. In case we have forgotten, that is our boss.

By turning down—quite properly—our own salary increases this year, we have given ourselves a lot of good "P.R." and enough, I suspect, for many to say that by that gesture the demand for fiscal responsibility is satisfied. But, it is not.

In my district there is a long tradition of support for fiscal conservatism. I have recently conducted a survey—my second annual questionnaire. The returns are not yet tabulated, but I have studied them enough to be able to say something about them. I asked whether, in dealing with the problem of Federal budget deficits, constituents would prefer to cut into defense programs, cut into social programs, or, in extremis, raise taxes. Almost everyone responded affirmatively to at least one of those options. In fact, a very substantial minority indicated that they would go along with a tax increase if that were necessary to balance the budget.

I believe we are in error if we believe, politically, that we can go on into the distant sunset spending billions every year in excess of revenues. People are waking up to the effect this deficit spending is having on them. In addition, fewer people are buying the idea that there is a need for this spending in the absence of a war.

What are the effects on Mr. and Mrs. John Q. Citizen?

If Mr. and Mrs. Citizen want to move out of their apartment and buy a home of their own, and unless they just won a million-dollar lottery or inherited a small fortune, they will have to get a mortgage. They enter the money market in competition with their Government and find that their own Government is sopping up, this year, $9 billion of loanable funds—enough to finance a third of a million mortgages. Not only does that amount of money leave the market, what is left gets bid up in price. To a degree, deficit spending is responsible for scarce money and high interest rates.

If Mr. and Mrs. Citizen are living on a relatively stable income, they are probably eating more spaghetti than in the past, and are probably getting acquainted with the virtues of vegetable protein. Spaghetti is not to be derided, and vegetable protein certainly has its virtues, but I would doubt that inflation diets are a matter of completely free choice. Some of today's inflation is beyond the control of our Government. It is hard to see how we could regulate the price of King Faisal's oil. But, some of the present rate of inflation is subject to control. We are now contemplating dumping $9 billion more borrowed, high-interest dollars into the economy. Sure, it will create jobs, and protect a few more—mainly on the Federal payroll. But, it will inflate the economy by that amount.

So, when Mr. and Mrs. Citizen back off from buying a house this year and decide they have to spend the money they earned and saved for a downpayment, they will be spending 1971 and 1972 dollars from their savings on goods at 1974 prices which have been inflated in part by the effects of Federal deficit spending.

It seems every time we look up from the crisis of the instant, we meet one more special interest protesting that its project or its program is so essential that not only must its funding not be cut, the funding must be increased. In discussing budget control, maybe we ought to require that every bill calling for an increase in spending include a section providing for an income tax surcharge sufficient to pay the freight. We could do the same for bills granting preferential tax treatments. It would save the taxpayers the cost of printing about three quarters of the bills introduced annually.

Some day, hopefully soon, we are going to have to bite the bullet and get our fiscal house in order. The cycle of tax and tax, spend and spend, and elect and elect is doomed. The American people are waking up to what Federal deficit spending is doing to them. Today's discussion can serve as an alarm clock for others.

This country needs firm controls on the Federal budget. The people of the country are beginning to demand it. Sooner or later, our bosses are going to begin to review our stewardship in light of what we have done about it. People who now decide that they cannot afford a new suit this spring will then decide they cannot afford a new educational program or research grant. They may decide some Members of Congress are too expensive.

So, we should get a move on and get a sound, tough budget reform bill enacted. Whether we do it because it is right, or we do it to save our necks; in any case, let us do it, and do it soon.

Mrs. HOLT. Mr. Speaker, I would like to thank my colleague from Florida (Mr. BAFALIS) for giving me this opportunity to urge our colleagues on the Budget Reform Conference Committee to act quickly and responsibly in reporting out a strong budget reform measure.

Congress has too long evaded the question of assuming responsibility for its historical control of the budget. Unless meaningful reform is enacted without further delay, we will continue to witness the awful consequences of inflation, spiraling taxes and general economic unrest, by this unrestrained deficit spending of billions of Federal tax dollars. Budgetary chaos has resulted from our hodgepodge organization of budgetary responsibility. Within the goals set by the new budget committees, the appropriations process will now bear a more direct responsibility for the allocation of the tax dollar, and this is certainly a step forward.

I would like to add a word of caution, however. While the specific recommendations of the conference committee will enable us to implement a process more responsive to the economic realities of our time, we must restructure our own thinking. We are surely witness to the faulty philosophy that government spending is the panacea for inflation. We cannot continue to buy popularity as a nation or as individuals. Federal funds are limited both in quantity and in ability to cure our myriad social ills. Until we accept this as an economic fact of life, all the budget reform in the world will not save us from continuing economic instability.

It is my earnest hope that the conferees will present to us, as expeditiously as possible, the means by which we can finally achieve control over Federal spending and economic policies.

Mr. MOORHEAD of California. Mr. Speaker, I rise in support of the resolution. I can think of no other single item so essential to the future health of the American economy, as well as to Congress effort to reestablish itself as a vital and responsive institution of Government, than the budget reform legislation which is presently in conference.

The American people are not fully aware of how Congress lack of budget control prevents a sound economy. Many of them do not realize that year after year, Congress appropriates legislation with no regard for spending priorities. At the end of the year, Congress adds up the totals. If we have a balanced budget—which is rare—it is purely an accident. Is it any wonder why Congress has received a positive rating of only 21 percent of the American people?

If the people were aware that Congress for years has had absolutely no formal mechanism through which it could make the rational fiscal decisions which need to be made, they would have surely voted its Members out, and well they should. For Congress has flatly ignored its constitutional responsibility to manage the taxpayers' money.

The 93d Congress, Mr. Speaker, deserves much credit for recognizing the danger of this blindman's approach to fiscal matters and for doing something to correct it. The special joint committee developed a comprehensive plan for reform that will force Congress to make the necessary fiscal decisions which it has long ignored. Both Houses of Congress deserve the highest praise for passing this legislation.

Now, only one final hurdle is left be-

fore this historic reform can be put to work for the people of America. Further delay is inexcusable. Denial of final passage is unthinkable. We have gone a long way toward filling the tremendous void of fiscal irresponsibility in the Congress. Now that the battle is nearly won, we cannot lose the commitment which prompted this monumental study in the first place. We cannot afford to rest until the budget reform bill is successfully out of conference and is sent to the President for his signature.

Mr. Speaker, the American people are tired of inflated prices at the marketplace. They deserve better from their elected representatives in Congress. This day, let us resolve that Congress will restore the sense of fiscal responsibility that is desperately needed.

Mr. HUDNUT. Mr. Speaker, while a longstanding commitment makes it impossible for me to participate personally in the special order of the freshmen Republican Members, as vice president of the 93d Club I did want to associate myself with the remarks of my colleague, the distinguished gentleman from Florida (Mr. BAFALIS) and others regarding the need for fiscal responsibility and budget reform.

Certainly next to peace, this is our No. 1 issue as it affects every citizen. The American people are sick and tired of seeing their family budgets wrecked by inflation. I ask, is it not possible to construct some sensible dikes against that onrushing torrent? I believe it is. All of us and our fellow Americans have to make ends meet when it comes to management of our affairs. We have to balance our budgets and live within our incomes—paying off debts as they become due. I would ask, is it too far afield to suggest the situation with the Federal Government is analogous?

I have always opposed deficit spending, and will continue to do so. I feel that we should pay our way as a nation, just as we do in our homes and businesses. There is nothing wrong with borrowing—we all do it; but we also pay back at interest what we borrow. I do not think we should pass along to our children and our children's children an incredible and disastrous burden of public indebtedness that will break their backs, the back of our currency, and the back of our country—which seems to be just what we are in the process of doing. We simply must get a handle on Government expenditures, control them as best we can, and see to it that outgo matches income.

To this end, during the past session of the 93d Congress, I introduced H.R. 7154. This bill provides that Federal expenditures shall not exceed Federal revenues except in time of war or grave national emergency declared by Congress. It also provides for systematic reduction of the public debt. Right now, the budget includes a figure above $25 billion for interest on the public debt, and it is anticipated that in fiscal 1975, that figure will rise to $29 billion. That figures out something like a little more than $58,700 per minute that the American people are paying to service the national debt—much less retire it. My legislation—and other bills like it—is still pending before the Ways and Means Committee, and I wish that hearings could be held on this subject and the public be given the chance to express itself to the committee, because I feel quite certain that most Americans disapprove of the astronomical figure that the public debt has reached.

We did make some progress toward budget reform in the last session of the Congress by passing H.R. 7130 in December. I was glad to vote for this measure, which, when it becomes effective, will require Congress to set ceilings on outlays and revenues each year, prepare its own budget proposals, return to the Appropriations Committee control of forms of spending which are now not subject to such review, and extend the fiscal year to begin on October 1 rather than July 1 so that all spending can be compared at one time to the earlier Budget Committee targets. The ceiling set earlier in the year can be reviewed and revised all at one time in September, but every step of the process has to be related to every other step. The process is cumbersome and is not a panacea. However, it is intended to provide a discipline within which the congressional will to govern can be rediscovered. It is a step in the right direction and I urge the House-Senate conferees to report out a strong bill as soon as possible.

Budget management must be established if we are to have stability and a basis for a healthy growth in the economy as a whole. We must establish a good basis for determining spending goals and priorities and always remember that everything the Government gives us with one hand it must take back with the other in higher taxes, more inflation, or both. Therefore, all new spending proposals should be looked at in this way, by asking whether they are worth either of the costs.

The Congress of the United States plays a vital role in determining the economic policy of the United States, and we are now in a position to implement the budgetary controls necessary to return sound fiscal policy to the appropriation process and, thereby, the Nation's economy.

Mr. PARRIS. Mr. Speaker, I welcome this opportunity to address my colleagues and urge the prompt enactment of the Congressional Budget Reform Act.

As we all know from correspondence and face-to-face conversations with our constituents, the spiraling inflation rate is one of the prime concerns of the American public. In response to a question on my February opinion poll of the Eighth Congressional District of Virginia which read "What do you believe are the most important issues facing the U.S. today?" Inflation was the issue most frequently placed at the top of the list.

Mr. Speaker, I respectfully submit that the primary cause of inflation is irresponsible Federal spending, for which this body can be held accountable. I believe the enactment of H.R. 7130 is a real step in the right direction toward removing the inherent problems in our current appropriations process, and strongly urge my colleagues now serving on the conference committee reviewing the Congressional Budget Reform Act to proceed expeditiously in reporting out this legislation.

Mr. BURGENER. Mr. Speaker, the cause of reforming the procedures whereby the Congress acts on budgetary matters has come a long way since March 7 of last year when the freshmen in this Congress rose as a body to urge adoption of a new, workable procedure.

At that time, these reforms were simply a desire felt by many Members of varying seniority.

Today both Houses of the Congress have acted on a measure to accomplish these reforms and a conference committee has been formed to resolve the differences between the versions.

How far we have come, Mr. Speaker, in a single year.

But to have come this far is not in itself sufficient cause for rejoicing. If the conference committee does not complete its work and report out a strong bill that can achieve final acceptance by both Houses, we may lose the progress already made.

These reforms must become law.

In the year that has gone by since the special order last March 7 this Congress has authorized expenditures of hundreds of billions of dollars. It has done so without the benefit of the perspective full budgetary consideration could provide.

In that year the Federal debt has increased by billions of dollars. I, for one, believe that this is an unfortunate fact. But what is even more unfortunate is that the Congress has taken action under which this debt has mounted without the benefit of budgetary analysis which would allow each of us to fully evaluate the ramifications of our actions.

The time has come to bring this bill forward and make it law. I doubt that it would be an exaggeration to say that this can be one of the most important measures passed by this Congress.

Mr. COHEN. Mr. Speaker, I rise in support of the resolution offered by my distinguished colleague, Mr. BAFALIS, exhorting the conferees now reviewing the Congressional Budget Act to act expeditiously in reporting out constructive legislation which will return to the Congress the necessary fiscal tools to control inflation.

Clearly, one of the most glaring problems plaguing the Congress revolves around the diffuse, inefficient, and time-consuming appropriation process. As presently structured, the process impedes effective legislative oversight, discourages fiscal discipline on the part of Congress, and nurtures inefficient and duplicatory Federal programs.

Despite the pressing need for reform of the congressional budgetary process—as pointed out in the report of the Joint Study Committee on Budget Control—a full year has now elapsed without final congressional action on the committee's recommendations. During this period, the critical problem of inflation has worsened considerably.

While the Congressional Budget Act is not a panacea that will cure all the economic ills of this Nation, it does represent an important and essential element in the broader effort to restore vitality and stability to our economy. By enacting the Congressional Budget Act, we in the Congress can insure that the legislative branch will play an active role in this effort.

Accordingly, I urge my colleagues to support this resolution.

Mr. FROEHLICH. Mr. Speaker, there is no question that inflation is one of the most serious problems facing our country today. It affects everyone and hits those on marginal or fixed incomes in an especially hard way.

For too long, the Halls of Congress have been filled with empty rhetoric on this subject. Many have spoken out against inflation but little concrete action has been forthcoming. For too long, the people have been fed empty promises but have found, in fact, that their buying power continues to dwindle and that inflation continues to rise.

We now have a chance to make good the decades of promises we have heard. We now have the opportunity to help enact legislation which will mandate spending limits, a crucial first step in bringing us back to a level of fiscal sanity. I urge the conferees now reviewing the Congressional Budget Act to take the lead in bringing us to this goal.

I would also like to call your attention to legislation I have proposed which would assure that we do not, in the future, worsen the problem of inflation unintentionally by actions we take. My resolution, House Resolution 1076, would provide that each committee report on a bill or joint resolution of a public character in the House contain a detailed analytical statement as to whether the enactment of that bill or joint resolution would have an inflationary impact on prices and costs in the operation of the national economy.

We must have a strong budget control bill. We must set sensible limits on what we must spend. And we must also assure that, in the future, we do not unknowingly feed the fires of inflation by passing legislation which is well intended but fiscally careless.

The time to act is now. Let us show the American people we intend to carry it through to meaningful actions which will bring about the fiscal relief we so urgently need.

Mr. REGULA. Mr. Speaker, on February 4, the President submitted his fiscal year 1975 budget to the Congress and the American public. It is the largest in the history of our Nation, recommending total outlays of $304.4 billion; $29.8 billion more than in 1974, with anticipated receipts of $295 billion—an increase of $25 billion over 1974.

Again we are faced with deficit spending; this time the red ink figures amount to $9.4 billion. The deficit of 1974 was $4.7 billion. It is obvious that deficit spending is on the increase.

Not only is the budget large, it is confusing and uses confusing terminology. The budget for fiscal year 1975 has been compiled on what is called the unified budget concept first used in the submission of the fiscal year 1969 budget. It includes both Federal funds, those funds which go into the general fund of the Treasury and are not earmarked for specific uses such as old-age and survivors insurance and the highway trust fund, and it includes trust funds.

The unified budget deficit for fiscal year 1975 is estimated to be $9.4 billion. However, if trust funds are not counted, the deficit comes to $17.9 billion. The difference is accounted for by an expected $8.5 surplus in trust funds borrowed by the Treasury. The unified budget camouflages the facts and softens the impact of a budget in excess of $300 billion and a public debt that will accumulate to $495.2 billion requiring an interest payment of $29.1 billion, an amount equal to almost 10 percent of the proposed 1975 budget.

Part of this phenomenal increase is due to the fact that approximately 40 percent of the Federal budget is no longer considered by Congress in the appropriations process. This backdoor spending complicates attempts to hold back expenditures by the Congress which must appropriate funds to back up obligations or commitments, previously made.

Seventy-three percent of the proposed fiscal year 1975 budget is uncontrollable under existing law. This means that only 27 percent of the proposed budget can be acted on with discretionary authority, or 27 percent of the budget is controllable. In 1967, 59 percent of the Federal budget was uncontrollable compared to 73 percent today. It is evident that the uncontrollable aspect of the Federal budget is growing.

In saying that the rising expenditures are uncontrollable, I mean that they are uncontrollable due to existing legislation. The programs can be controlled if legislation is enacted to change their nature.

If the uncontrollable segment of the budget continues to increase, Congress will find its hands chained and will be unable to act effectively in solving economic problems facing the Nation. We cannot run our homes or businesses in this manner, nor should our country pass on to future generations the obligation to pay for our excesses. It is more important now than ever before that we live within our capabilities.

During this time of spiraling inflation, Congress cannot afford—the Nation cannot afford—to wait for action. Congress must do its share to hold the line against the onslaught of ever higher prices. To do this the House of Representatives needs to exercise fiscal restraint and responsibility.

H.R. 7130, the Budget Impoundment Control Act of 1973, passed by the House of Representatives on December 5, 1973, will give Congress a means of dealing in an orderly and comprehensive fashion with both budget policy and national priorities. A similar bill, S. 1541, was passed by the other body on March 22. Both bills are in conference. When compromise is reached, I hope that it will represent a viable legislative budget reform and confirm the role of Congress as a coequal branch of the Government.

Essentially, the legislation will allow Congress to set an overall spending ceiling with ceiling targets in the various program categories and will revise the appropriation process timetable. Presently, the Executive Office of the President has 18 months to prepare a budget which is submitted to a Congress which has a few short months to make its decisions relying mainly on the executive branch information and expertise. This new legislative timetable will allow Congress to debate our national priorities early in the process. The annual formulation of a congressional budget will better enable Congress to coordinate its individual budget actions with the overall economic needs of this country. The proposed legislative budget office, an approximation of the President's Office of Management and Budget will give Congress more adequate and sophisticated machinery and manpower to inform itself of budgetary and economic matters.

Final passage of this legislation will mark a significant step forward in congressional reform and provide the tools necessary for Congress to do its part in controlling inflation.

Mr. MITCHELL of New York. Mr. Speaker, a little over a year ago, on March 7, 1973, I joined with a number of my colleagues in the House to voice strong support for needed action on the part of the Congress in the area of budget reform and fiscal responsibility.

I did so as a newcomer to this distinguished body, but one familiar with governmental budget processes by virtue of 14 years of previous experience as a village mayor and a member of the New York State Legislature.

Quite frankly, while I was dismayed and somewhat puzzled by the failure of Congress to previously come to grips with the apparent need for such reform, I was encouraged by the reaction to the comments of those of us who took part in that March 7, 1973, special order.

As you will recall, Mr. Speaker, the participants in that Special Order were, for the most part, freshmen legislators. To the person, we shared a common interest, to make a contribution to the perfection of a system that is already the best.

Our call for budget and fiscal reform was warmly received by a number of our distinguished senior colleagues. The media gave prominent mention to our efforts and praised our determination. Constituents wrote to us to express support. All seemed to agree that we were on the right course and should pursue it.

And yet, here we are a year later talking about the same subject with very little progress to report.

Each day it becomes more apparent, to me at least, that we need to control expenditures and give greater attention to fiscal priorities. Evidence to support this contention abounds. But the sad fact of the matter is the Congress simply is not tackling this assignment with the vigor it demands. Is it any wonder that we are at an all-time low in terms of public opinion? I do not think so.

We have an opportunity to do something about it and it is high time we seized it. I reiterate my support, with all the force and sincerity at my command,

for a Joint Congressional Committee on the Budget. The measure I endorse, H.R. 975, establishes such a committee and provides the necessary staff to analyze the budget and make recommendations.

The legislation also calls for a mandatory 5-year spending projection, limits spending authorizations by Congress to 3 years and requires that new Federal programs be initiated on a limited, trial study basis.

We can talk all day here on Capitol Hill about the need to restore the balance of power between the legislative and executive branches of our Government so that we, the elected representatives of the people, might be able to play a more meaningful role in the budget process. But talk will not get us very far. What we need now is action. Let us get on with the job.

Mr. CRANE. Mr. Speaker, under our system of government, the Congress is meant to be the single most important branch. The executive is meant to execute the laws passed by the elected representatives of the people in the Congress and the courts are meant only to make certain that such laws are not in violation of the Constitution. Neither the executive nor judicial branches of Government are meant to be lawmaking bodies. This role has been designated specifically for those elected to the Congress.

Along with congressional prerogatives, however, go serious congressional responsibilities. Writing in the Christian Science Monitor of September 29, 1973, Roscoe Drummond notes that—

> The best example of what Congress is failing to do in its rightful effort to reclaim power and prestige concerns the way it goes about putting together the massive federal budget. It is as though it were trying to lay out a picture puzzle without the picture and with many of the pieces missing. It is a mess.

In the Congressional Budget Act of 1973, the Congress has finally accepted some of its long-dormant responsibilities. It has developed a mechanism to coordinate the separate actions of taxation committees and, more important, the legislative committees that have devised "backdoor" techniques for creating new programs and mandating big outlays on those programs in future years. This plan will produce the most basic reform of congressional procedure in half a century.

At present, Congress judges each money bill separately, as though it bore no relation to other outlays or to whether the funds were available to pay for it. Under the reform, the Senate and House each would create a new budget committee. Its members would, as a group, possess an overall view on both revenues and spending. This committee will be in a position to determine likely revenues and the proper level of national debt for the next fiscal year. Based on that information, the committees could recommend a spending ceiling designed to balance the budget. The spending limit would cover both outlays and new obligational authority. The budget committees would, in addition, recommend how to divide the total spending among broad categories of Government spending and would, in the process, determine the spending priorities.

Discussing the need for this important reform, the Chicago Tribune of May 10, 1974, declared that—

> Rampant inflation and the apparent inability of the traditional economic machinery to control it without unacceptable social consequences may combine to bring about a long overdue reordering of the fiscal house of Congress. . . . The problem is that the nation cannot wait much longer for Congress to act. Inflation is cutting into the standard of living of most Americans by sharply reducing their purchasing power. A prompt resolution of the differences between the Senate and House versions of the reorganization bill is imperative.

Following is the text of this editorial from the Chicago Tribune:

SPEEDY HILL REFORM URGED

"Rampant inflation and the apparent inability of the traditional economic machinery to control it without unacceptable social consequences may combine to bring about a long overdue reordering of the fiscal house of Congress.

"Both the Senate and the House have passed separate legislation to change the method by which Congress deals with the federal budget. For the first time, Congress would consider the budget as a whole instead of piecemeal. The new legislation would create budget committees in both Houses. These committees would determine national priorities and set a spending ceiling. If, after all the appropriation bills are enacted, Congress has exceeded its ceiling, it would be required to raise taxes to produce the revenue necessary to cover the shortfall or to cut spending. Moreover, in one version, Congress would be prohibited from adjourning until the reconciliation process has been completed.

"We have long believed that Congress was negligent and irresponsible in its handling of spending authorizations and appropriations. Each specialized committee has treated its programs and agencies as a private preserve and has spent public money without regard for the impact on the whole economy. This disorderly spending practice has resulted in an aggregate deficit of $109 billion in the last five years.

"To a large extent, this fiscal irresponsibility has caused today's inflation. And while much of the blame can be placed on Capitol Hill, the Nixon administration must share in the responsibility. No longer can President Nixon shift the blame for inflation to the Johnson Administration and the Viet Nam War. He has been the Chief Executive for five years and it has been more than a year since our troops pulled out of Viet Nam. Instead of exerting leadership in economic policy, Mr. Nixon has yielded to political pressure for wage and price controls, and then failed to remove them once they proved their long-run ineffectiveness.

"In a speech to the Society of American Business Writers, John T. Dunlop, director of the Cost of Living Council, said, 'The simple fact is that monetary and fiscal tools are not enough [to deal with the present inflation], and we must get to the task of developing other measures even tho their contribution might be less immediate or powerful.'

"He said a whole series of structural changes are needed in the economy in order to restrain inflation. The single most important, he said, is to coordinate the taxing and spending functions of Congress and enable it to cooperate with any administration toward a sound fiscal policy.

"The problem is that the nation cannot wait much longer for Congress to act. Inflation is cutting into the standard of living of most Americans by sharply reducing their purchasing power. A prompt resolution of the differences between the Senate and House versions of the reorganization bill is imperative."

It is my hope that the conferees now reviewing the Congressional Budget Act of 1973 act expeditiously in reporting out a strong bill which will mandate an overall spending limit as well as provide the necessary committee structure, staff, and resources by which Congress may review and control expenditures. This is the only way in which inflation may be controlled and in which Congress can reassert its legitimate authority in this important area.

For years Congress has been enacting revenue and appropriation bills without any total knowledge of what revenue would be and what its appropriations would add up to. It receives a coherent budget from the President and then proceeds to examine it piecemeal.

Now is the time for Congress to reestablish its own authority and its credibility with the American people. The power of the purse is the most powerful tool in the possession of the Congress. Only by acting now with regard to the Congressional Budget Act of 1973 can Congress recover it fully.

Mr. SPENCE. Mr. Speaker, I want to commend my good friend and colleague from Florida, Mr. BAFALIS, for organizing this opportunity for Members of Congress to express our concern about the cruel "hidden tax" called inflation. Since coming to Washington, Congressman BAFALIS has been a leader in efforts to bring about fiscal responsibility on the part of Congress, and in addition, he has proposed a constitutional amendment which addresses the real root cause of inflation in this country—Government spending. I am proud to be a cosponsor of the budget-balancing and debt-eliminating amendment offered by Congressman BAFALIS.

Mr. Speaker, while few of us fully understand the technical meanings and causes related to inflation, it is nevertheless significant that an overwhelming majority of the American people instinctively know where to place the blame. In January of this year, 74 percent of those responding to a Harris survey reported that the greatest single cause of inflation was Federal spending.

Recently, both the House and the Senate overwhelmingly approved legislation which would at least serve as a tentative beginning step toward asserting congressional responsibility in the area of spending control. While by no means perfect, this legislation would at least represent a positive step which could hopefully be built on through future legislative action.

Sad to say, even this small step toward inflation control is being thwarted by inaction on the part of the conference committee which has been appointed to iron out the differences between House and Senate versions of this legislation. I urge my colleagues on that panel to meet as soon as possible so that deliberations aimed toward compromise can begin. Delay is unconscionable, for the inflation rate increases with every passing month.

It has been nearly 3 months since the conferees on budget reform have been

appointed—the American people are waiting and watching.

One of the possible legislative approaches which can be built upon this beginning step, Mr. Speaker, is House Joint Resolution 720, the Curtis-Spence amendment, which was introduced both in the House and in the Senate in February of this year. This resolution calls for a self-implementing constitutional amendment which would automatically insure in any given year that the Federal budget be in balance. This proposal, which will be reintroduced in the near future with at least 30 additional cosponsors, has elicited substantial editorial comment throughout the country, and several State legislatures have memorialized Congress in support of the amendment.

Mr. Speaker, I ask that two of the editorials entitled "A Necessary Amendment" from the Orangeburg Times and Democrat of May 2, 1974, and "Balanced Budgets," from the Indianapolis News, April 5, 1974, be reprinted in the CONGRESSIONAL RECORD at this point:

[From the Orangeburg Times and Democrat, May 2, 1974]

A NECESSARY AMENDMENT

While a proposed constitutional amendment introduced in the United States Senate by Sen. Carl T. Curtis, R-Neb., and in the House by our own Congressman Floyd Spence, R-S.C., appears not to be making much headway in Congress, it is being supported elsewhere.

The Curtis-Spence amendment, in a nutshell, provides that whenever the federal budget shows a deficit at the end of a fiscal year, an automatic surtax must be imposed to cover the deficit.

The only condition under which an exception could be made would be if Congress by a three-fourths vote, declares a national emergency, or if there has been a formal declaration of war.

As reported in the May 4 issue of Human Events, already one state legislature has memorialized Congress to enact the Curtis-Spence amendment, and similar resoltuions have been introduced in the legislatures of two other states.

Already adopted is a resolution by the Oklahoma state legislature. One of its clauses reads: "Deficit spending by the federal government has been a plague to this nation for over a third of a century and both the legislative and executive branches have repeatedly demonstrated unwillingness to stand against political pressures to spend beyond their means." It was passed in Oklahoma in only a few days.

The other two states in which similar resolutions have been introduced are Nebraska and Florida.

According to Human Events, both Senator Curtis and Congressman Spence hope that the Oklahoma legislature is not a "lone voice crying in the wilderness" but that its action marks the beginning of a grassroots response to an urgently needed effort to control federal spending.

"Congress is not going to enact such a proposal unless the people demand it," Senator Curtis is quoted as saying.

His assessment is supported by Senate action rejecting amendments by Sen. Jesse Helms, R-N.C., and Sen. Harry F. Byrd Jr., Ind.-Va., which would have made a mandatory balanced budget provision part of the budget control bill recently passed by the Senate and now in conference.

Human Events reports that many Washington observers are encouraged, however, that if enough state legislatures enact supportive resolutions, Congress may be forced into action.

"There is good reason for many states to enthusiastically endorse the Curtis-Spence bill," an Oklahoma state senator said. "After all, we in Oklahoma have been living with that kind of provision in our state constitution for years and getting along fine. What's so special about the federal government that it ought to be free to run up bigger and bigger deficits each year while state governments must live within their income?"

Surely the members of the South Carolina General Assembly must realize the importance of the Curtis-Spence amendment to future generations of South Carolinians and Americans. We would like to see it adopted by Congress. In fact, we would go even further in suggesting that provisions be made now for a scheduled year-by-year reduction in this country's out-of-this-world national debt.

[From the Indianapolis News, Apr. 5, 1974]

BALANCED BUDGETS

Oklahoma recently became the first state to endorse an amendment to the U.S. Constitution outlawing Federal deficit spending. Similar resolutions are now advancing in the legislatures of Florida and Alaska.

The amendment in question addresses an urgent problem—the proclivity of Congress to spend money without relation to incoming revenues. Deficit Federal budgets are now the rule, rather than the exception. The result, as noted by Jerry P. James, president of Heritage Foundation, is that "approximately one-fourth of our total national debt has been incurred in the last four years."

Sponsored by Sen. Carl Curtis, R-Neb., and Rep. Floyd Spence, R-S.C., the proposed constitutional amendment provides for mandatory budget-balancing. If a president submits an unbalanced budget, the amendment directs Congress to reduce spending, levy a surtax to cover the deficit, or find other ways of financing it.

The amendment is currently languishing in the Senate Judiciary Committee, and only petitions from more state legislatures and expressions of public support will budge it. Such action should be forthcoming. No nation, not even one as wealthy as the United States, can pile up multi-billion-dollar deficits every year without courting financial disaster.

Mr. WALSH. Mr. Speaker, inflation is a complex problem and thus far all attempts to control it have failed. It is my feeling that the Congress now has a unique opportunity to attempt to control it by cleaning our own house.

The Congress controls the purse-strings and in the past that control has been far from coordinated. The Congressional Budget Act is the first time an attempt has been made to bring order out of the chaos. It will give Congress the tools with which to keep an eye on overall spending for the first time in many, many years.

Our approach of haphazard appropriations has, I feel, contributed to inflation. In the past 10 years our national debt has increased $162 billion. In fiscal year 1973, the Government paid $24.2 billion in interest on the Federal debt and even more in fiscal year 1974. This amounts to some $50 billion which the taxpayers must pay without receiving a penny's worth of service in return.

With the power of the purse, Congress must also take on the responsibility to recommend expenditures over the vast spectrum of needs but always keeping in mind the total picture.

There are desperate national needs for additional funds for the environment, energy, our cities, housing, medical care, and any number of crucial domestic needs.

Congress has the power and responsibility to set priorities in these areas. This responsibility has been shirked. At the same time the agencies in the executive branch have expanded and have filled the vacuum of power vacated by Congress with respect to the budget. We have simply not kept pace and do not now have the tools necessary to accomplish our task in this area.

The Congressional Budget Act, now in conference, will give us these tools. I sincerely join my colleagues in urging the House-Senate conferees to speedily act on this measure so we may begin to set up the necessary mechanism with which to deal with the present budgetary chaos.

CAPITAL GAINS TAXES ON RESIDENCES

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

Mr. ROBISON of New York. Mr. Speaker, many years ago an elderly couple wrote me that they had just gotten a painful education in the capital gains tax. Like so many wage earning families, they had probably never had the opportunity to fill in the capital gains block on their tax form and, for them, the term "capital gains" may well have been an ill-defined business concept which had never affected their lives and never would.

Again, like so many other older persons whose residence was their one, major investment, they had owned their home for many years. Besides the sense of security gained from personal ownership, they also presumed that the proceeds from a sale of their home—which with their children gone was steadily becoming too large for them—might provide a retirement "cushion" after their wage-earning years had ended. And, that was precisely how they proceeded, since after retirement they sought to recapture their investment by selling the house.

Yet, when tax time rolled around, they were jolted by the capital gains tax, which—it seemed to them, at least—robbed them of some of the retirement security they had counted on. Since it was so understandable how this sort of thing could have happened, I began to consider legislation which might save other elderly citizens from such a costly education in tax law, thereby assisting them in making the fullest use of the funds available to them at a time in life when financial security is so very necessary.

I, therefore, introduced legislation which proposed that individuals over age 65 be excused from the capital gains tax on the first $20,000 of profits from the sale of a residence. In one of those very satisfactory moments for a legislator, the Ways and Means Committee saw fit in 1964 to include my proposal in a larger tax bill. Since enactment of that measure, tax law has permitted any taxpayer over age 65 to take a one-time tax exemption on profits from the sale of a house, if that individual has used the

house as a personal residence for at least 5 of the 8 years prior to the sale.

Well, about 10 years later, which was just a few months ago, I received another letter from an elderly couple who again described how payment of the capital gains tax had added an unexpected note of austerity to their retirement plans. Although in this particular case, the couple did not meet the full requirements for the capital gains exclusion, the letter did get me to thinking about how things have changed since those halcyon days of 1964 when a $20,000 home in my part of New York State was a solid, roomy dwelling. Those who seek to buy a home these days in the southern tier of New York will quickly find that $20,000 will get them little more than a roof and four walls.

In other words, as we all know, inflation has hit the cost of housing just like everything else, and the tax savings for elderly people which grew out of my bill have severely diminished in real purchasing power, particularly when it comes to purchasing or renting a new dwelling. I asked the Library of Congress for an appropriate measure of the impact of inflation on housing prices since the capital gains exemption went into effect, and the response was that costs of residential construction are the best measure of the inflationary impact on housing prices. Since 1964, housing construction costs have increased by 69.7 percent, and if this percentage is applied to the $20,000 figure I first proposed, it would amount to almost $35,000.

Since I have been privileged to remain in the House for the decade following my first proposal and because we are now in the midst of a wide-ranging discussion of tax reform legislation, I will offer new legislation today which proposes an increase in this capital gains exemption for the elderly to $35,000. A large part of the incentive for enacting the exemption in 1964 was to allow elderly citizens to make full use of the money invested in their homes; and it seems entirely equitable that citizens who claim this exemption in 1974 receive the same level of financial benefit as those who took the exemption in 1964. Certainly, the principle behind the exemption has never changed; it is only that now an elderly couple is likely to pay almost 70 percent more in follow-on housing costs.

Mr. Speaker, I will take my case to the Ways and Means Committee as it considers a new tax bill, and I encourage my colleagues to join me in doing so.

LEGAL SERVICES CORPORATION CONFERENCE REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 50 minutes.

Mr. QUIE. Mr. Speaker, there has been widely circulated in the House a document, anonymously authored, purporting to be a "factsheet" on the Legal Services conference report. In the scope of its misinterpretations, omissions, and mistakes, it is incredible. The total purport of the argument is that the House conferees abandoned the position of the House, particularly as reflected in the 17 amendments to H.R. 7824 adopted by the House last June. As the author of 11 of those 17 amendments, and as a House conferee, I take absolute exception to that implication. The truth is—and I believe my fellow House conferees will support me in this statement—we maintained the substance of the House position in the great majority of vital issues, including most of the critical issues involved in those 17 amendments.

I can fully appreciate that some Members will vote against the conference report because either they oppose a legal services program or oppose carrying it on in the form proposed by both the House and Senate bills. But I think it would be a tremendous disservice to the public, and to the Members of the House, if any Members voted against the conference report on the basis of a wildly distorted and almost wholly inaccurate account of its provisions.

Accordingly, I shall in these remarks repeat the anonymous factsheet allegations in their entirety together with my comment—which will be labeled "comment"—in order that all Members and the general public will be able to judge the issue fairly:

FACTSHEET—LEGAL SERVICES CONFERENCE REPORT

INTRODUCTION

In a new attempt to mislead the trusting and prey upon the good faith of the public, the Senate-House legal services conference committee reported to the public on May 10, via pre-arranged stories in the New York Times and the Washington Post, that a legal services corporation plan had been adopted which assertedly represented a yielding by the Senate to the more stringent safeguards against legal services abuse which had been adopted by the House of Representatives last June 21, 1973.

One standard of measurement for gauging whether the safeguards demanded by the House have been honored is adducable by review of the twenty-four amendments which had been voted onto the bill in the House. Seventeen of the twenty-four have been either eliminated, or altered in such a manner as to destroy their original meaning and impact.

PARTIAL LIST OF ELIMINATED HOUSE AMENDMENTS

For example, the following amendments have been eliminated entirely:

The Green Amendment which would have liquidated the Corporation in 1978, requiring affirmative Congressional action if it were to be continued beyond June 30 of that year;

Comment: This is typical of the kind of compromise reached in conference. The conference bill limits the authorization of appropriations to 3 years, which means that the authorization expires on June 30, 1977, in short, "an affirmative congressional action" is required if the Corporation is to be continued.

The Green Amendment to prevent the funding of Back-Up Centers for nonresearch activities (amicus briefs, co-counsel work, assistance to activist organizations, issue advocacy publications and travel, law reform non-client-generated test cases, policy lobbying, etc.);

Comment: Many of these activities are specifically prohibited by other sections of the conference bill, and in the statement of managers on page 20 is the statement that the term "research" is understood to mean "the types of research activities currently being conducted under the authority of section 232 of the Economic Opportunity Act of 1964, including the provision of cocounsel, but not to extend to clearinghouse activities such as the Poverty Law Reporter Service." Section 232 is the authority under which so-called backup centers are funded as a research activity. Under section 3 of the conference bill the authority to conduct such research by grant or contract terminates on January 1, 1976, unless Congress by concurrent resolution takes some contrary action with respect to it before that date; if the Congress fails to act at all the authority extends to January 1, 1977, when it expires a full 6 months before all appropriations authority for the act expires. The Corporation is directed to make a study of the issue of how it should conduct its research activity and report back to the Congress with recommendations by June 30, 1975. This is a compromise of the Green amendment—which cannot fairly be described as having been "eliminated entirely."

The "Congressional Accountability" amendment which would have limited the power of the American Bar Association to assume primary responsibility for project employee behavior, performance, and obligations via modifications in the Code of Professional Responsibility and Canons of Ethics;

Comment: This is a very inartful reference to one of my amendments. In section 6(b)(3) of the House-passed bill we had a general prohibition against interfering "with any attorney in carrying out his professional responsibility to his client as established in the Canons of Ethics and Code of Professional Responsibility of the American Bar Association." What my amendment did was to strike another such reference because it was redundant. The Senate bill contained numerous such references, and we insisted that all but one be struck out to conform to the House bill. Thus the fact sheet is completely mistaken.

The two Green Amendments requiring annual appropriations and barring multi-year appropriations without Congressional review.

Comment: There was only one Green amendment of this nature which struck out a requirement of 3-year appropriations, leaving an annual appropriation authorization. In the conference bill we accepted the limitation proposed by Senator COTTON and adopted on the Senate floor prohibited appropriations in any year for more than a 2-year period and required that any amount appropriated for a second year not be made available until the beginning of that year. We retained this Senate language, and the thrust of the Green amendment is preserved.

PARTIAL LIST OF HOUSE AMENDMENTS WEAKENED

Of at least equal importance, other vital safeguards were completely vitiated by cleverly worded modifications which destroyed the original meanings of House-passed amendments:

The prohibition on aid to "any picketing, boycott, or strike" is wiped out with the phrase "except as permitted by law", since such activities are clearly legal, however undesirable it may be to subsidize them with public funds.

Comment: This is a misreading of the language. The phrase "except or permitted by law" does not modify the entire prohibition. The complete phrase is "except as permitted by law in connection with such employee's own employment situation," which completely changes the meaning alleged by the fact sheet.

The House prohibition against assigning personnel or resources in connection with campaigns to affect the outcome of state ballot issues has been rendered meaningless by the proviso that such ballot campaign activity is permitted when it takes the form of representation for "eligible clients with respect to such client's legal rights". The catch is that every group which alleges to concern itself with poverty issues can be an eligible client under the proposed Act—thus, whether the cause relates to the elderly (National Council of Senior Citizens), or women (National Organization for Women), or the "right" of the poor to abortions (Planned Parenthood), or Cesar Chavez (United Farmworkers), Indians (American Indian Movement), or whatever, the prohibition is without effect.

Comment: I would not interpret this as vitiating the prohibition, because I do not think we intended to prohibit genuine legal advice "by an attorney as an attorney" to an eligible client. Moreover, this must now be read in light of section 1007(a)(5) which bars lobbying activities except under prescribed circumstances and in the course of doing so bars the solicitation of clients or of "a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client" in order to make such activities possible. This is discussed more fully in a later comment.

The Green Amendment which stated that "(i)f an action is commenced by the corporation or by a recipient and a final judgement is rendered in favor of the defendant and against the corporation's or recipient's plaintiff, the court may, upon proper motion by the defendant award reasonable costs and legal fees . . ." has had its intent altered by a conference proviso that such relief to innocent private parties sued at the discretion of legal aid employees would be available *only* "upon a finding by the court that the action was commenced for the *sole* purpose of harassment . . . or a recipient's plaintiff maliciously abused legal process". Thus where a guiltless victim of a legal services suit couldn't prove "harassment" or "malicious" abuse, such victim, however poor or aggrieved, would have to sustain the full financial cost of legal services assault.

Comment: We were assured by legal counsel that the Green amendment would be invoked by a court only in those circumstances where the court would exercise its inherent equity power to punish an abuse of process. The conferees actually read Black's Law Dictionary on abuse of process and were satisfied that it had to be "malicious" before it fell into the category where at common law and in equity it is considered an offense. The addition of "sole" before "purpose of harassment" again was made to conform with our understanding of the circumstances under which a judge would be likely to act.

The requirement that "full-time" staff attorneys be subject to Corporation law and regulations at all times and devote full professional attention to their tax-subsidized responsibilities was rendered ineffective by addition of language that such "outside practice" activities could be fully permissible if not entered into for purposes of financial compensation (A standard legal services defense against evidence of impropriety has been the disclaimer that the incident to which objection had been made occurred on one's "own time", or in connection with "outside practice" or law).

Comment: Again, the fact sheet fails to cite the entire exception to the prohibition against outside practice which is:

(B) any uncompensated outside practice of law *except as authorized in guidelines promulgated by the Corporation.*

Comment: The words omitted are critical. The conference discussion centered on the fact that none of us wanted to prohibit an attorney, for example, from drawing a will for a relative without charge, which the House language literally would have done. We expect that the Corporation will permit such common and reasonable exceptions to the prohibition, but in no event permit the sort of outside practice described in the fact-sheet.

The very important anti-lobbying ban imposed by the House on a 200–181 roll call vote (which had prohibited lobbying on state or Federal issues, except to permit statements or testimony) has been replaced with language authorizing legal services efforts "to influence the passage or defeat of any legislation by the Congress of the United States, or by a State or local legislative bodies" whenever one "member thereof . . . requests personnel of any recipient to make representations thereto;". Furthermore, continuation of the practice of having registered legal services lobbyists in state legislatures is fostered by permission of lobbying "representation by an attorney as an attorney for any eligible client". "Eligible clients" would include lobbying organizations concerned with issues as diverse as passage of the Equal Rights Amendment and gun control.

Comment: Again, this is a misreading of the effect of one of my amendments and of the conference action concerning it. The House bill always permitted a Legal Services attorney to testify before a legislative body when requested to do so, even by one member of such body. So did the Senate bill and that issue was not within the scope of the conference. What my amendment did was to include lobbying on Executive orders and similar promulgations at any level and to preclude representation of a client before a legislative body at the State or Federal levels. The conference bill includes executive orders and similar promulgations, a recession to the House position, and permits the representation of an eligible client before a State legislature or the Congress, but only with the added restrictions I have described against the solicitation of a client or of a group to make such representation possible. The whole purpose was to prohibit either an organized lobbying effort or the representation of groups described in the fact-sheet. I think the House position is effectively sustained.

The intention of the House amendment to bar aid to "public interest" law firms is wiped out by another tricky semantic change. Where the House would have denied Corporation aid to any such Nader-style firm which expended 50% or more of its resources and time "litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both," the deceptively-worded Conference bill, by deleting the phrase: "or in the collective interests of the poor, or both" in effect authorizes use of government funds to support any radical cause which claims to be acting for the poor as a class.

Comment: The change described in this provision is not "tricky" or "deceptive"; it is straightforward and it is a retreat from the House position which makes it easier to make a grant to a so-called public interest law firm by defining it only as one which expends 50 percent or more of its resources and time "litigating issues in the broad interests of the public." The effect, however, is totally misstated in that the only legal services which could be rendered would be those provided for under the act for an eligible client, and in no case "for the poor as a class."

The very important House amendment limiting the authority of project attorneys to represent persons under 18 without parental approval has been divested of meaning through a sleazy rewrite job permitting such representation (whether with respect to abortion, school discipline, or similar issues) "where necessary . . . for the purpose of securing, or preventing the loss of services under law, or in other cases not involving the child's parent or guardian as a defendant or respondent."

Comment: Unfortunately, the author of the factsheet apparently saw a copy of the corrected version of the conference bill in which the corrections did not copy. The quoted section actually reads "services under law in cases not involving the child's parent or guardian as a defendant or respondent," so that the exception to the prohibition is far less sweeping than if the language read ", or in other cases not involving" and so forth. Moreover, the quoted language omits our addition of "or preventing the loss or imposition of services under law not involving the child's parent" and so forth. The horrible example we had in mind was an actual case in which the parent was the plaintiff suing the child to force her to submit to an abortion. The language we adopted would permit representation of the child in such a case without parental request. One would hope the author of the factsheet would not want to argue with that result.

Also eliminated was the Mizell Amendment relating to institutions of higher education, which many had hoped would serve as a barrier to proquota briefs of the sort filed by legal services projects in the DeFunis case.

Comment: This is an astonishing comment because: First, it fails to state that the conference bill retains the other Mizell amendment which prohibits the use of these funds to provide legal assistance "with respect to any proceeding or litigation relating to the desegregation of any elementary or secondary school or school system"; and second, it completely misstates the nature of the DeFunis case, or of the Mizell amendment barring the use of these funds in cases relating to desegregation of an institution of higher education. Leaving aside the extremely dubious statement that Legal Services project funds were used to file briefs in the DeFunis case, the Mizell amendment did not reach the case because it did not involve the issue of "desegregation"—which is not a

term of art applying to all cases involving alleged racial discrimination.

The "anti-commingling" amendment adopted by the House (to prevent involvement of corporation-subsidized programs in prohibited activities under cover argument that only "local share" funds or "state funds" were involved in the improper activity) is knocked out of the proposed act through a Conference-devised loophole asserting that "this provision shall not be construed . . . to prevent recipients from receiving other public funds . . . and expending them in accordance with the purposes for which they are provided". If tax-exempt Ford Foundation grants were defined to be "public funds" (as a careful reading of the relevant provision seems to imply) the entire section has been rendered meaningless.

Comment: This misstates the effect of the change made in the provision. Without the exemption of "other public funds" and Indian tribal funds, governmental units and many Indian tribes would find it impossible either to participate in or make contributions to legal services activities, a result we felt was both unwise and unintended by the House. The comment that Ford Foundation funds could be defined as "public funds" is almost too preposterous to respond to, except to say that it is totally wrong. Private funds could not be received by most legal services projects—private law firms, and certain other private legal activities are exempted in order that they may participate in the program, as they are in the House bill—and used for a purpose prohibited under the act.

SENATE PROVISIONS KEPT; HOUSE PLAN ALTERED

It is not just in its disregard for 17 House-passed amendments that the conference committee cast down the gauntlet to those who favor limits on the power of free-wheeling attorney activists to determine what is best for the poor and for the court. The conference bill also retains some other very unfortunate aspects of the very liberal Senate-passed bill, while erasing important original parts of the legislation adopted by the House on June 21.

Obnoxious aspects of the Senate version which have been grafted onto the almost totally ignored House plan include:

Making the Corporation part of the Economic Opportunity Act (An ill-disguised effort to promote exclusive control of confirmation of corporation board members by the liberal Senate Committee on Labor and Public Welfare).

Comment: This last reference to the form of the bill is a completely accurate statement in the fact sheet, and a compromise which I voted against.

Adopting a Preamble which affords the statutory presumption of continuation to current grantees and administrative policies of "the present vital legal services program" and which strongly implies that staff attorneys supported by the program should have "full freedom" from accountability to the American people who pay their bills;

Comment: I usually do not care for any statement of purpose in a bill since it cannot change any provision of an act, and thus has none of the results attributed to it by the author of the fact sheet. He might have also cited one of the purposes included, however, "that the program must be kept free from the influence of or use by it of political pressure."

(The Senate bill, to which House conferees receded, has an ominously sweeping provision allowing the corporation to make "such other grants and contracts as necessary to carry out the purposes of the title" (source—conference report). *Given the very broadly defined purposes* of the conference plan that means simply: *"anything goes"*,—all not specifically prohibited is consequently allowed. For example, as now written, corporation officials could fund almost any group of their choosing, so long as it was not involved in directly aiding candidates for office.);

Comment: This language in effect replaces House language permitting grants to or contracts with "other appropriate entities—for the purpose of providing legal assistance to eligible clients." In any event all grants and contracts must fall within the scope of carrying out "the purposes and provisions of this title." All of the provisions of the title are controlling and the statements that "anything not specifically prohibited is consequently allowed" and "Corporation officials could fund almost any group of their choosing" are simply not true.

Denying the President authority to designate the chairman of the Corporation's board of directors, except in the first instance;

Comment: A totally fair description would include the fact that in the House bill the appointment is only for 1 year, whereas in the conference bill it is an appointment by the President for 3 years, after which the Board may select its own Chairman.

While downplaying the importance of existing influence of ADA and NLG-oriented values in the present control and management of the legal services program, conferees would prevent future changes in a more moderate or conservative direction by the convenient requirement that hereafter "No political test or political qualification" be taken into account in personnel policies for the $100 million per year program.

Comment: I do not believe, and apparently the conferees did not believe, that the Corporation should impose any "political test or political qualifications" in choosing its employees; we hope instead that it will choose people on the basis of their competence and good judgement—a practice which should eliminate many complaints about the existing program.

The arrogant assertion that, though Federally-funded, "the Corporation shall not be considered a department, agency, or instrumentality of the Federal government"; (At the same time, however, while denying federal accountability, Corporation employees are given all the benefits of Federal employment, including the right to remain eligible for social security benefits, without paying additional social security or self-employment taxes while building up a Federal retirement nest egg);

Comment: This follows the same form as the Public Broadcasting Corporation, and there is no insidious purpose in placing this Corporation outside the Federal Government for most purposes. It is intended simply to free it from all sorts of laws—such as all the civil service laws and regulations—which might not be appropriate to the independence we sought to achieve here, while applying to it restrictions—such as the Hatch Act—which obviously are appropriate. With respect to accountability, the Corporation is subject under the conference bill to all sorts of accounting and reporting requirements and procedures, including independent audits and audits by GAO. It was felt with respect to employee benefits that it would be far cheaper and easier to tie them into the existing Federal systems rather than having to set up separate health benefits and retirement plans, et cetera.

Requiring "a special determination by the Board" before program control can be assigned to elected state and local officials, while at the same time permitting the lowliest legal services employee with control of grant money to fund private organizations of his choosing;

Comment: Both the House and Senate bills contained a requirement for "a special determination of the Board" with respect to grants to governmental agencies. While I personally oppose the requirement, it was not within the scope of the conference.

While purporting to prevent employees from acts which would "intentionally identify the Corporation" with party or candidate related political activity, Sec. 1006(e) of the conference plan would define project employees themselves as "deemed to be State or local employees for purposes of Chapter 15 of Title 5, United States Code". It is important to note that Title 5, "does not prohibit political activity in connection with . . . (2) a question which is not specifically identified with a National or State political party. For the purpose of this section, questions relating to constitutional amendments (etc.) . . . are deemed not specifically identified with a National or State political party." Thus, while personnel can't "identify" the corporation with partisan (and perhaps even nonpartisan) political activity, they can do virtually as they please in organizing for non-candidate or non-party-related issues like, for example, those concerning taxation or education or socialized medicine.

Comment: This objection is so garbled that I have difficulty in sorting out what the author is complaining about. What the conference bill does is to subject employees of the Corporation to the provisions of the Hatch Act, and to subject staff attorneys—those who receive more than one-half their annual professional income from a recipient organization organized for the provision of legal services under the title—of recipients of grants or contracts to the Hatch Act prohibitions which are applied—unlike in the Hatch Act—to nonpartisan as well as partisan activities. Activities of such individuals with respect to ballot measures and referendums are controlled by another provision of the bill.

Senate language in the conference bill encourages perpetual funding for presently funded projects by compelling the corporation to "insure that every grantee, contractor, or person or entity receiving financial assistance under this title or predecessor authority under this Act which files with the Corporation a timely application for refunding is provided interim funding necessary to maintain its current level of activities until (a) the application for refunding has been approved and funds pursuant thereto received, or (b) the application for refunding has been finally denied in accordance with Section 1011 of this Act." Section 1011 reads: "financial assistance under this title shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the procedural requirements defined in the Act and by court precedent have been fully satisfied." In brief, there's almost no way to cut them off.

Comment: This is simply intended to provide for an orderly transition, and indeed, the way to cut off a recipient is fully spelled out in the bill and is quite uncomplicated—although it is designed to meet the requirements of due process of law.

DANGERS DISGUISED

The Conference plan also defers to the Senate in its stipulation that the "President may direct that appropriate support functions of the Federal Government may be made available to the Corporation in carrying out its activities under this title to the extent not inconsistent with other applicable law." While less blatant than the original Senate language, this proviso would still make it possible for a President of the United States to give private organizations aided by the corporation the benefit of a full range of government services and equipment free of charge. This could include everything from xerox machines to motor vehicles to long distance phone service. Given the political nature of many groups previously aided and prospectively eligible for aid by legal services, this remains a very dangerous section, which was wisely absent from the more moderate House bill.

Comment: The support functions referred to could be made available only to the Corporation, and not to local recipients, so it does not have the effect attributed to it.

Another Senate victory lies in the conferees' implied agreement to transfer present OEO legal services career employees and to perpetuate the radical OEO union agreement, at the corporation.

Comment: The Senate language specifically providing for a transfer of OEO legal services employees was eliminated, so it is difficult to see how the implication that they automatically would be transferred could arise. Collective-bargaining agreements of any employees transferred would remain in effect only until their termination date.

Also highlighting the deviousness and unscrupulous deception practiced in drafting the final conference language is a special section which purports to deal with widespread concerns about political manipulation and control of back up centers in behalf of liberal causes.

In an effort to reduce opposition to the bill, the conferees suggest that the centers will not continue beyond 1977, unless there is affirmative action by the Congress for their continuation. The conscious misrepresentation of this section lies in the fact that it deals only with back up center "research" activities, omitting even that mild restraint on more obnoxious back up center activities entirely unrelated to research (e.g. "information clearinghouse", "issue explanation". These neutral phrases have long served to cover up and excuse many back up activities much more closely related to political causes than poverty representation).

Comment: I have discussed this issue at some length, and simply do not agree with the analysis.

Right to life groups are particularly outraged by continuation of the back up centers, since several of them (National Health Law Project, Bureau of Social Science Research, National Juvenile Law Center, etc.) have been in the forefront of successful drives for liberalized abortion laws and regulations on both a state and national level.

Even if the bill really did establish restrictions on the back up centers, the gradual conversion by national OEO officials of neighborhood law offices to local law reform units would negate much of its value.

Comment: Numerous provisions of this act already cited—as well as a completely new administration of this program by the Corporation—will control the type of activity alleged here. Both the action of the House and the action of the conference committee constitute a clear warning to the Corporation that activities such as those alleged are not to be continued with the assistance of funding under this act.

OTHER WEAKNESSES

There are still other weaknesses to be found in the conference plan, when it is compared with the House bill:

The House bill gives Governors a free hand in designating state advisory committee members; the Senate/Conference plan requires Governors to wait for recommendations from the organized bar before acting.

Comment: We saw nothing wrong with requiring that recommendations be sought from the State bar associations with respect to the appointment of members to an advisory council where a majority of its members must be attorneys admitted to practice in the State. The author of the factsheet rightly praises Chairman PERKINS for his amendment which would require such consultation at the local level before hiring staff attorneys.

A House provision intended to limit aid to militant prison groups by barring "assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official" has been materially changed to preclude such cases only where they "challenge the validity of the criminal conviction."

Comment: Perhaps the conferees misunderstood the intention of the House language, but we thought that the whole point—in addition to barring assistance in criminal proceedings—was to bar civil actions against law enforcement officers or officers of the court for the purpose of challenging the criminal conviction. For example, a civil action for false arrest obviously would be designed to challenge the criminal conviction.

RIGHT TO LIFE CONCERN

While the conference did make a few prearranged changes in the Senate bill, like dropping specific provisions for a National Advisory Council (still permitted, but not structured into the bill) and deleting some of the more frightening Senate language barring "Federal Control" of the new entity, those who take the time to study the final plan, in comparison with the House and Senate versions, will clearly observe an almost total Senate victory over the House. Futhermore, where the House did prevail, it was often because its language was as permissive or more permissive than that of the Senate.

In choosing the House ban on "legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion", as opposed to the Senate version which barred such assistance on abortion "unless the same be necessary to save the life of the mother" conferees were playing into a trap well set by pro-abortion legal services activists.

The April publication of OEO's *National Clearinghouse for Legal Services*, in a cover story by Patricia Butler of the National Health Law Program (a backup center) says " . . . any abortion which a woman requests is medically necessary, since the very request for the procedure indicates the importance of terminating the pregnancy to the woman's health, whether physical, mental or emotional".

Thus, there is no such thing as a "nontherapeutic abortion" in the official view of the legal services backup center issue which is prominent in dealing with abortions. Accordingly, the conference prohibition would be without force.

Comment: Of course, the view of a legal services backup center as to the definition of "nontherapeutic abortion" would not be controlling. But the author obviously does not understand the conference procedure. The House conferees are charged with attempting to adhere to the House language and, in any event, had no power to prevent the Senate conferees from receding on the issue.

ON SOME ISSUES, COMMON LANGUAGE GAVE CONFEREES NO CHOICE

In some cases, as with regard to the ban on aid to Selective Service law violators, the conferees had no choice, since the prohibition was included by both House and Senate. To give credit where due, the one real victory scored by the House was the personal achievement of Kentucky Congressman Carl Perkins who had insisted that local attorneys be given preference in filling project staff vacancies.

Yet all of this explanation does not even begin to remind the reader that the House bill (vastly better than the conference result) was itself weaker in thirteen key respects than the Administration plan announced last May 15. And of course, that plan was also a "compromise".

Comment: I think that I have demonstrated that the "conference result" is very close to the House-passed bill. The important fact is that we have a bill which after 3 years of work will provide a framework for an effective legal services program for the poor, free from political involvement and hopefully free from most of the controversy that has previously surrounded the program.

STEELMAN URGES RULES COMMITTEE TO BRING HOUSE RESOLUTION 988 TO THE FLOOR

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

Mr. STEELMAN. Mr. Speaker, today I am introducing a resolution to urge the Rules Committee to act on House Resolution 988, the Committee Reform Amendments of 1974.

For 14 months while public confidence in the Congress continued to erode, the Select Committee on Committees diligently prepared the Committee Reform Amendments of 1974 for this body, and now it is not even going to be debated on the floor of the House and brought to a vote. As almost everyone is aware, this is because the work of this bipartisan committee is being buried by a single party's political caucus. This is the very reason the confidence of the people in this body continues to decline.

Almost every media report has described this tactic for what it is—a delaying maneuver designed to kill these much-needed reforms. It seems ironic that, of all pieces of legislation, the bill that would give this House a legislative overhaul of its committee structure after

28 years is being stalled—by a secret vote in a closed caucus.

It is beyond belief that the same body that cries for freedom of information, open meetings, and full disclosure by others will not be on record as to its intent to change at least some of the practices that have led to the decline in confidence by the American people in this body.

Mr. Speaker, this goes well beyond the issue of committee reform. This is a question of reform in general and the openness of the House of Representatives to scrutiny by the public. I call on my colleagues to join me in urging the Rules Committee to bring this very important piece of legislation to the floor so the merits can be debated in public and the position of the Members of the House can be recorded.

THE FEDERAL RESPONSE TO DRUG USE AND CONTROL

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

Mr. HOGAN. Mr. Speaker, the Comprehensive Drug Abuse Prevention and Control Act of 1970 was a major advance in bringing some coherence into a highly diffused, patchwork quilt of criminal laws and regulations dealing with Federal response to drug use and control. It was designed to be sufficiently flexible to deal with the ever-changing drug scene as well as the ever-changing social conditions which require Federal intervention. However, as all laws, whatever their original intent, some of the Act's provisions fall short of the mark, either in terms of need or because of lack of sufficient implementation.

I introduced legislation yesterday to amend the Controlled Substances Act to provide for a mandatory life sentence for the illegal distribution of certain narcotic drugs.

Under present Federal law, trafficking in narcotic drugs carries a penalty of up to 15 years imprisonment for a first offense, and twice that for subsequent violations. Trafficking in other psychoactive drugs is subject to lesser penalties; but, except for unauthorized transfer of certain non-prescription controlled substances and casual transfer of small amounts of marihuana, all Federal sale offenses are felonies.

My bill is based on the premise that the more certain and severe the punishment, the more it will serve as a deterrent. Under my proposal, any individual convicted of distributing certain illegal narcotic drugs which involved the distribution of—

(1) an ounce or more of any controlled substance in schedule I or II which is a narcotic drug shall be eligible for parole (or any other form of release) only after serving twenty years of such sentence;

(2) at least one-eighth ounce but less than one ounce of any controlled substance in schedule I or II which is a narcotic drug shall be eligible for parole (or any other form of release) only after serving fifteen years of such sentence; and

(3) less than one-eighth ounce of any controlled substance in schedule I or II which is a narcotic drug shall be eligible for parole (or any other form of release) only after serving five years of such sentence.

Drug abuse continues to be a serious problem in our society and I am convinced it can be suppressed most effectively by the application of vigorous criminal enforcement and tough penal sanctions.

There were mandatory sentences and no possibilities of parole for all pushers until the passage of the Controlled Substance Act in 1970. They were then omitted in order to prevent excessive penalties for the addict pusher. However, in my opinion, harsher penalties are still needed for the nonaddict pusher, an individual who profits from addicting young people and does not even have the excuse of addiction and the need to support his habit for selling heroin.

Professional drug enforcement officers have become increasingly concerned with a problem which may be defined as "postarrest drug trafficking." This involves a multiplicity of situations in which persons apprehended for trafficking in narcotic and dangerous drugs have obtained release pending trial and continue to engage in illicit trafficking activities. Although existence of the problem has been suspected for some years, it has become of more crucial interest because of the current drug crisis.

In a report issued by the Bureau of Narcotics and Dangerous Drugs, evidence of previous criminality of those arrested for drug offenses are evident: 64 percent have previous felony arrests; 40 percent have previous drug arrests; and 20 percent have prior drug convictions. This evidence tends to suggest that their arrest for narcotics trafficking is more often than not merely a further episode in a continuing career.

Mr. Speaker, everyone acknowledges that the drug problem in America is a serious one. While no one knows how many drug addicts there really are in this country, the Drug Enforcement Administration of the Department of Justice reported, as of June 30, 1973, there were some 95,897 active narcotic addicts. As of December 31, 1973, this figure had reached 98,988 recorded addicts. While this represents those addicts who are actually recorded, it is estimated that there are, in reality, over 600,000 addicts in this country.

There is a direct correlation between addiction and crime. An addict may need from $50 to $150 a day to buy heroin to support his habit. Consequently, 98 percent of the addicts in New York City resort to crime to support their habit. In the District of Columbia, 60 percent of funds obtained to support addiction are obtained through burglary, robbery and larceny; 15 percent through prostitution, and 10 percent from other illegal activities. In addition, at least 20 percent of all addicts obtain heroin by pushing drugs.

It is well established that drug addicts are crime-prone persons, but addiction itself is not a crime. It never has been under Federal law, and a State law making it one was struck down as unconstitutional by the 1962 decision of the Supreme Court in Robinson against California. It does not follow, however, that a state of addiction can be maintained without running afoul of the criminal law. On the contrary, the involvement of an addict with the police is almost inevitable. By definition, an addict has a constant need for drugs, which obviously must be purchased and possessed before they can be consumed. Purchase and possession, with certain exceptions not relevant in the case of an addict, are criminal offenses under both Federal and State law. So is sale, to which many addicts turn in order to provide financial support for their habits.

There are those who argue that the proper approach to dealing with drug offenders in our legal system is to give a large enough discretion to the courts and correctional authorities to enable them to deal flexibly with violators, taking account of the nature and seriousness of the offense, the prior record of the offender and other relevant circumstances. The view held by the Bureau of Narcotics and Dangerous Drugs in favor of long-term imprisonment of major drug violators is more in line with our actual needs in helping to prevent drug abuse. We must have strong and effective penalties to serve as deterrents.

In addition to the costs of crime incurred by drug dependent persons, the community must assume the cost of investigating, identifying, arresting, detaining, trying, sentencing, treating, and rehabilitating the drug dependent offender

A 1972 study of heroin use in Washington, D.C., showed the daily cost per user for incarceration was set at $14, compared with an approximate cost of $5.50 per patient for outpatient care. The Corrections Department listed the daily cost per offender on parole at $.97, a figure somewhat lower than that realized for New York City a few years before.

If the cost of arrest, trial, incarceration, treatment, and so forth, are multiplied by the alleged number of heroin dependent persons in this country today, society is faced with another potentially astronomical expense directly related to drugs. To this figure must be added additional amounts which reflect the rate of recidivism among drug offenders and the costs incurred from crimes committed to support their habits. Yet another adjustment must be made for those who, during the course of their drug dependence, will probably be arrested several times on a variety of charges and be processed through the criminal justice system many times over.

The issue of criminal sanctions for those dealing in hard narcotic drugs is an issue that has been explored by each administration since drugs were first realized as a serious threat to our society. The President's 1963 Advisory Commission recommended that the smuggling or sale of large quantities for sale should subject the offender to a mandatory minimum sentence. This is the precise intent of my bill. Those convicted of pushing hard narcotic drugs would be subject to a mandatory minimum sentence with the possibility of parole after serving their mandatory minimum sentence. Suspension of sentence would not be available under any circumstances.

Mr. Speaker, there can be no simple solution to the problem of drug abuse

and I do not intend to imply that my bill will be such a solution. Obviously, if we could prevent the inflow of hard narcotic drugs at our ports, the problem would be virtually eliminated, yet, it is inconceivable to believe that drugs could ever be completely blocked. The measures necessary to achieve this goal, routine body searches being one example, would be so strict and would involve such a burden on the movement of innocent persons and goods that this would never be tolerated. Moreover, the demand and the profits being what they are in the drug traffic, there will always be people willing to take whatever risks are necessary to pass the customs barriers.

I believe that the enactment of my proposal is a necessary weapon for our drug enforcement personnel to pursue their fight to combat drug abuse in this country successfully. For as long as illicit demand remains substantial and controls of lawful production and distribution of these drugs remain strict, elimination seems an unreal strategy.

I include the text of my bill in the RECORD at this point:

H.R. 14771

A bill to amend the Controlled Substances Act to provide for a mandatory life sentence for the illegal distribution of certain narcotic drugs, to permit parole only after a certain number of years of the sentence, to provide for research into the effectiveness of this life sentence, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part D of the Controlled Substances Act is amended—

(1) by inserting after section 405 (21 U.S.C. 845) the following new section:

"DISTRIBUTION OF NARCOTIC DRUGS

"SEC. 405A. (a) Any individual at least eighteen years of age who violates section 401(a)(1) by distributing to any other individual any controlled substance in schedule I or II which is a narcotic drug shall be sentenced to a term of life imprisonment. Any individual sentenced under this subsection shall not have the imposition or execution of his sentence suspended, and he shall not be eligible for probation.

"(b) Any individual sentenced under subsection (a) for a violation of section 401(a)(1) which involved the distribution of—

"(1) an ounce or more of any controlled substance in schedule I or II which is a narcotic drug shall be eligible for parole (or for any other form of release) only after serving twenty years of such sentence;

"(2) at least one-eighth ounce but less than one ounce of any controlled substance in schedule I or II which is a narcotic drug shall be eligible for parole (or for any other form of release) only after serving fifteen years of such sentence; and

"(3) less than one-eighth ounce of any controlled substance in schedule I or II which is a narcotic drug shall be eligible for parole (or for any other form of release) only after serving five years of such sentence.

"(c) The Attorney General, acting through the Institute of Criminal Justice of the Law Enforcement Assistance Administration, shall conduct research on a continuing basis relating to the effect of imposing life imprisonment under subsection (a) for unlawful distributions of narcotic drugs in schedule I or II upon the incidence of such distributions.";

(2) by striking out "section 405" in section 401(b) and inserting "sections 405 and 405A" in lieu thereof; and

(3) by striking out "Any person" at the beginning of subsections (a) and (b) of section 405 and inserting in lieu thereof in each such subsection the following: "Except as otherwise provided in section 405A of this Act, any person".

SEC. 2. Research and other information developed pursuant to section 405A(c) of the Controlled Substances Act shall be incorporated into the report of the Law Enforcement Assistance Administration authorized under section 519 of the Crime Control Act of 1973.

SEC. 3. The amendments made by this Act shall only apply with respect to any violation of section 401(a)(1) of the Controlled Substances Act which occurs on or after the day after the date of enactment of this Act.

ROUND TWO IN THE FIGHT FOR PERSONAL PRIVACY

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

Mr. GOLDWATER. Mr. Speaker, Americans have won another battle in their fight to reestablish their right to personal privacy. The congressional commitment to personal privacy has had a welcome challenge placed before it by the Vice President of the United States, GERALD R. FORD, and his Committee on the Right of Privacy. His example is of two parts and both deserve the attention and praise of the Congress.

In the first instance, the Vice President's committee joined and led the effort to quash the "fed-net" proposal of the Government Services Administration. "Fed-net," a proposal somewhat obscured in a larger proposal to make more cost effective the computer operations of the USDA and the GSA, sought to link several of the major Federal agencies to a computer network that would have enabled GSA to have access to all of the personal information contained in the files of these agencies. In effect, it would have been the beginning of a national, Federal data bank. The project did not have the specific approval of the Congress and was formulated without any information safeguards and without the use of the social security number as a universal numeric identifier being prohibited. Further, the project involved the outright purchase of the hardware and the exclusion of private enterprise from participation in the communications system. Involved in protesting the proposal were Senator Moss, myself, the Office of Telecommunications Policy and the Office of Management and Budget.

It is sobering to realize that it took such substantial congressional and executive involvement to defeat such a potentially dangerous and ill-conceived proposal. The efforts of the Committee on the Right of Privacy were essential to a successful quashing of the proposal, and are clearly a boost to the congressional commitment to personal privacy. Until the Congress acts in a definitive manner these kinds of concurrent and compatible efforts are essential. They set a high example for the Congress and the Nation.

The Vice President carried his message to Chicago and the National Computer Conference. His speech was refreshingly direct. It delineates several policy considerations that are worthy of serious consideration by the Congress as it prepares legislation concerning Federal information practices and personal information safeguards. The time has come for the Congress to restore the right of personal privacy and to make its protection a matter of law. At an executive level, Mr. FORD's policy statement and recommendations will make some headway. However, they must be made concrete by definitive congressional action. For the benefit of all the Members of Congress and especially for those Members charged with the development of specific legislation, I include the remarks of the Vice President:

REMARKS BY VICE PRESIDENT GERALD R. FORD

I thank you for this opportunity to address the 1974 National Computer Conference and Exposition.

The invitation extended by the American Federation of Information Processing Societies was timely. I am learning about computer technology and data processing from the viewpoint of my new responsibilities as Chairman of the Domestic Council Committee on the Right of Privacy.

I am aware that the notion of leaving the protection of individual privacy to Government officials has been compared to asking the fox to protect the chicken coop. But five months ago—when the most intense investigation ever focused on a nominee for the Vice Presidency was directed at me—I awakened to the privacy issue in a very real and personal sense. I was one of the chickens.

On a previous visit to Chicago, I had occasion to refer to some foxes who passed themselves off as elephants in the 1972 election. I am speaking of some characters in the CREEP organization and CREEP's invasion of the privacy of political opponents. This made me more aware of what could happen to our sacred right to privacy. I deplore such violations of traditional standards of honesty and decency in our political life.

I told President Nixon of my concerns, and he appointed me chairman of the Committee on the Right of Privacy. I welcome the challenge.

I know that there have been previous commitments, previous studies, and previous recommendations to deal by legislation with privacy problems. It is too early to forecast the outcome. I realize that too many findings have been ignored and too little actually done. The time has come for action. I will do all in my power to get results.

My first act as chairman involved complaints about an Executive Order of the President that permitted the Department of Agriculture to review the income tax returns of farmers to obtain data for statistical purposes. The President asked me to look into the matter. I immediately discussed the Executive Order with Secretary Butz and recommended that it be withdrawn. The President accepted my recommendation.

Let me tell you about the development of the Committee that I head. I wanted to chair this Committee with a staff of our own selection. I ask my former law partner, Philip Buchen—a distinguished advocate of personal freedom—to come to Washington as the Committee's Executive Director.

Interagency task forces were formed to make recommendations. Contributions have come also from the Congress, State governments, industry, citizens' groups, private individuals, academic experts, and some Federal agencies not represented on the Committee. We wish to invite our hosts, the American Federation of Information Processing Societies, and all constituent groups to become involved.

Today I would like to cite an example of a development that concerns our committee. The Government's General Services Administration has distributed specifications

for bids on centers throughout the country for a massive new computer network. It would have the potential to store comprehensive data on individuals and institutions.

The contemplated system, known as FEDNET, would link Federal agencies in a network that would allow GSA to obtain personal information from the files of many Federal departments. It is portrayed as the largest single governmental purchase of civilian data communication equipment in history.

I am concerned that Federal protection of individual privacy is not yet developed to the degree necessary to prevent FEDNET from being used to probe into the lives of individuals.

Before building a nuclear reactor, we design the safeguards for its use. We also require environmental impact statements specifying the anticipated effect of the reactor's operation on the environment. Prior to approving a vast computer network affecting personal lives, we need a comparable privacy impact statement. We must also consider the fall-out hazards of FEDNET to traditional freedoms.

I can today make known that the Privacy Committee staff is proceeding with a project to develop recommendations for assuring that personal privacy rights are given systematic and careful consideration in the planning, coordination, and procurement of Federal data processing and data communications systems.

Our objective is to formulate an action plan by June 30. An interagency task force has been given the assignment.

Assignments have also been made for other task forces to work on problems involving

Social security numbers;

Protection of personal privacy interests of consumers;

Preserving confidentiality of personal records used for statistical and research purposes;

Ways of notifying people of their rights with respect to various types of information they are asked to provide to Federal agencies;

Mailing list practices of the Federal government; and

Legislative proposals aimed at protecting the personal privacy interests of individuals on whom Federal records are maintained.

In addition, staff work and outside research are under way or planned on problems such as:

Development of basic legal concepts for articulating privacy rights;

Confidentiality of personal tax returns submitted to the I.R.S.;

Personal privacy rights of Federal employees;

Types of personal information that should not be collected;

Administrative procedures that would enable individuals to know about, and to correct errors in personal data files maintained by Federal agencies; and

Means for limiting the range and volume of personal data collected by the Federal Government.

In dealing with troublesome privacy problems, let us not, however, scapegoat the computer itself as a Frankenstein's monster. But let us be aware of the implications posed to freedom and privacy emerging from the ways we use computers to collect and disseminate personal information.

A concerned involvement by all who use computers is the only way to produce standards and policies that will do the job. It is up to us to assure that information is not fed into the computer unless it is relevant.

Even if it is relevant, there is still a need for discretion. A determination must be made if the social harm done from some data outweighs its usefulness. The decision-making process is activated by demands of people on the Government and business for instant credit and instant services. How can we offer service to people without doing disservice to their privacy?

Computer technology has made privacy an issue of urgent national significance. It is not the technology that concerns me but its abuse. I am also confident that technology capable of designing such intricate systems can also design measures to assure security.

There is no mention of the "right of personal privacy," as such, in the United States Constitution. But, as far back as 1928, Justice Brandeis expressed the idea that the right of individual privacy is broadly protected by the Constitution. For example, illegal searches and seizures are explicitly forbidden in the Constitution. Moreover, the general right to privacy certainly can be regarded as one of the unenumerated rights that the Tenth Amendment reserves to the people.

There will evolve a more comprehensive body of law on privacy from issues to come before the courts. But much can be done through executive and administrative actions—both in government and in business—to meet the growing public desire for protection of each individual's right of privacy.

Sensitivity was shown by planners of this conference to the right of privacy as affected by personal data collection and processing. I am pleased that five of your scheduled work sessions concentrated on privacy problems. I wish my time had permitted me to attend three sessions, including the meeting on Humanization of Information Systems.

The need to humanize information systems best expresses how we should approach the privacy issue.

People feel threatened by big information systems just as they are troubled by the growth of big government, big business, big unions, and by big institutions generally. Anxiety is experienced because big systems and big organizations seem inhuman in that they appear not to respect a person as an individual but treat him as just another unit in broad category of persons.

As one processor of mail for a large organization said: "The saddest thing of all is reading letters that begin, 'Dear Computer, I know there are no humans there.'"

For 25 years I served in the Congress and watched the social planners. One huge program after another was enacted. Rigid categorical standards were applied to people with a sweeping brush. We began the programming of people before computers were invented.

It is my conviction that the time has come to show greater respect for individual differences and to cease programing people as though they were objects.

We are approaching the celebration of this country's bicentennial. A major commitment we should all make for America's third century is to work together to humanize the operations of our computers, our institutions, and our government. As Theodore Rosevelt put it very simply 70 years ago: "The government is us; we are the government, you and I."

FIFTH DISTRICT KANSANS RESPOND TO SKUBITZ POLL

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

Mr. SKUBITZ. Mr. Speaker, returns from my 1974 opinion poll are now coming into my Washington office in great bundles. I have already received nearly 9,000 responses.

I thought perhaps my colleagues would be interested in the question I asked with respect to impeachment. The results are as follows:

	Actual count	Percent
The following statements are views held by constituents who have written me in the past 6 months about Watergate. Which best represents your position.		
A. President Nixon is guilty of illegal acts and should be removed from office	1,803	20.6
B. The President is innocent of all charges and should not be impeached	1,522	17.4
C. The President's actions do not warrant removal from office, but Congress should pass a resolution censuring the President for actions which it deems unbecoming the Presidency, whether such acts were committed by him or by his employees	2,174	24.8
D. The President may or may not be guilty of illegal acts, but should resign anyway to avoid weakening the country and the Presidency	751	8.6
E. I cannot form an opinion until the House Judiciary Committee has completed its investigation and the charges are subject to legal process	1,951	22.3
Undecided	557	6.3
Total	8,757	100.0

I realize this is an incomplete return. If the annual results hold true to par, I can expect another 15,000 to 20,000 returns.

Mr. Speaker, even with these partial returns, I believe I have a more accurate view of the opinions of Fifth District Kansas than might be gleaned from a Harris, Roper or Gallup poll. I cannot help but question the accuracy of these so-called nationwide polls which we are deluged with weekly. I understand that the Harris and Gallup poll takers telephone less than 2,000 persons to obtain their nationwide sample. That is only one-thousand of 1 percent. It would mean only 1 in every 100,000 persons were asked to respond.

According to the Gallup or Harris formula I might expect to ask only four persons in my district what their opinion might be of the impeachment issue. It is simply ridiculous to assume that any four persons, no matter how "scientifically selected," could accurately reflect the views of 430,000 people in my district.

According to these returns approximately 42 percent of those reporting do not favor impeachment and of those who favor resignation are added to those who favor impeachment and conviction, the total is 29 percent.

GEN. ROBERT E. LEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia, Mr. BUTLER, is recognized for 10 minutes.

Mr. BUTLER. Mr. Speaker, I have today introduced legislation to restore full rights of citizenship to Gen. Robert E. Lee, a beloved Virginian and distinguished American.

On June 13, 1865, 2 months after General Lee surrendered to the forces of Gen. Ulysses S. Grant at Appomattox Courthouse, he applied to President Johnson for amnesty and restoration of his rights as a citizen, pursuant to the President's Amnesty Proclamation of May 29, 1865. The request was endorsed

and forwarded to the President by General Grant.

Unknown to General Lee at the time that he submitted the request was the requirement that it be accompanied by an oath of allegiance to the Constitution and the Union. On October 2, 1865, the day he assumed the presidency of Washington University, in Lexington, Va.—later changed to Washington & Lee University—Lee learned of the requirement and appeared before a notary public for the County of Rockbridge, Va., to whom he gave the oath.

Mr. Speaker, it is known that this oath never reached the President of the United States, reportedly because it came into the possession of the Secretary of State, who passed it along to a friend as a souvenir, and that General Lee died without restoration of citizenship. In 1970, it was reported that the oath was discovered among the State Department's records in the National Archives.

With the discovery of the oath, with the dismissal on February 15, 1869, of treason indictments against Lee, his sons, and 14 general officers, the only remaining bar to citizenship is the third section of the 14th amendment to the Constitution. That holds that no person who has previously taken an oath as an officer of the United States and is subsequently engaged in a rebellion against the United States, can hold office. The amendment provides further, however, that Congress by a two-thirds vote of each House, can remove such a disability.

Mr. Speaker, I feel the Congress has a responsibility to act on the long overdue petition of General Lee. I am pleased that in the other body, Senators BYRD and SCOTT of Virginia, and Senator HUMPHREY of Minnesota, have sponsored similar legislation. I urge my colleagues, members from all sections of the country, to honor General Lee who through both word and deed served as an example to those interested in the binding of our country's wounds.

Mr. Speaker, I ask unanimous consent to include at the conclusion of my remarks, several pertinent pieces of correspondence between General Lee and General Grant and President Johnson.

RICHMOND, VA., *June 13, 1865.*

His Excellency ANDREW JOHNSON

DEAR SIR: Being excluded from the provisions of the amnesty and pardon in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those enclosed in its terms. I graduated at the Military Academy at West Point in June 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully.

Your obedient servant,

R. E. LEE.

RICHMOND, VA., *June 13, 1865.*

Lieut. Gen. U. S. GRANT,

Commanding Armies of the United States:

GENERAL: Upon reading the President's proclamation of the 29th ultimo, I came to Richmond to ascertain what was proper or required of me to do, when I learned that with others I was to be indicted for treason by the grand jury at Norfolk. I had supposed that the officers and men of the Army of Northern Virginia were, by the terms of their surrender, protected by the United States Government from molestation so long as they conformed to its conditions. I am ready to meet any charges that may be preferred against me. I do not wish to avoid trial, but if I am correct as to the protection granted by my parole, and am not to be prosecuted, I desire to comply with the provisions of the President's proclamation, and therefore inclose the required application, which I request in that event may be acted on.

I am, with great respect, your obedient servant.

R. E. LEE.

[Indorsement]

HEADQUARTERS ARMIES
OF THE UNITED STATES,
June 16, 1865.

In my opinion the officers and men paroled at Appomatox Court House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from further prosecution of them.

U. S. GRANT,
Lieutenant-General.

HEADQUARTERS ARMIES
OF THE UNITED STATES,
Washington, D.C., June 20, 1865.

General R. E. LEE,
Richmond, Va.:

Your communication of date of the 13th instant, stating the steps you had taken after reading the President's proclamation of the 29th ultimo, with a view to complying with its provisions when you learned that, with others, you were to be indicted for treason by the grand jury at Norfolk; that you had supposed the officers and men of the Army of Northern Virginia were by the terms of their surrender protected by the United States Government from molestation so long as they conformed to its conditions; that you were ready to meet any charges that might be preferred against you, and did not wish to avoid trial, but that if you were correct as to the protection granted by your parole, and were not to be prosecuted, you desired to avail yourself of the President's amnesty proclamation, and enclosing an application therefor, with the request that in that event it be acted on, has been received and forwarded to the Secretary of War, with the following opinion endorsed thereon by me:

"In my opinion that officers and men paroled at Appomatox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a contraction of that convention subjecting the officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indicts found against paroled prisoners of war, and to desist from the further prosecution of them."

This opinion, I am informed, is substantially the same as that entertained by the Government. I have forwarded your application for amnesty and pardon to the President, with the following endorsement thereto:

"Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for the reason, as I am informed by General Ord, the order requiring it had not reached Richmond when this was forwarded.

U. S. GRANT,
Lieutenant-General.

OFFICE OF NOTARY PUBLIC,
Rockbridge County, Va., October 2, 1865.

AMNESTY OATH

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

R. E. LEE.

Sworn to and subscribed before me, this 2nd day of October 1865.

CHAS. A. DAVIDSON,
Notary Public.

LEGAL SERVICES AND WELFARE RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 60 minutes.

Mr. BLACKBURN. Mr. Speaker, many of us have expressed grave concern about the close, mutually supportive relationship played by the legal services programs in many locations on behalf of the National Welfare Rights Organization and its local subsidiaries. This relationship has accorded NWRO such benefits as: free use of office space and facilities, "house counsel" services, organizing assistance, drafting and preparation of model legislation, aid for demonstrations—help both in kind and personnel and resources. I pass over the hundreds of court cases undertaken by legal services seeking liberalized welfare benefits.

Our concern is accentuated by the very radical nature and character of NWRO. I am disturbed, but not too surprised, unfortunately, that so few members of the press seem to understand this problem for what it is. I have seen an excellent compilation of news clippings, NWRO newsletter clippings, and other documents relative to the NWRO, put together by a concerned citizen formerly employed by the Office of Economic Opportunity. Unfortunately, this compendium total 76 pages, beyond what could comfortably be included in the CONGRESSIONAL RECORD. There is, how-

ever, a summary of the book, which I am submitting for inclusion following my remarks. The whole report is referred to as "bound appendix," and if any of my colleagues care to examine it further, I will be happy to show it to them.

In conclusion, let me state that I regard with disapproval close relationships between legal services attorneys and the National Welfare Rights Organization, as I regard with disapproval any close relationships with any other self-proclaimed, militant lobby organization dedicated to radical, new concepts of society and government, in opposition to traditional American understanding.

The material follows:

SUMMARY OF BOUND APPENDIX

1. The NWRO is *radically opposed* to the anti-poverty policies and objectives of the *Administration* and the *Congress*, and is *actively seeking to undercut* the programs based on these policies.

A major part of the Administration's anti-poverty policy is incorporated in P.L. 92-223 and H.R. 1. P.L. 92-223 contains among other items, legislation sponsored by Senator Talmadge to improve the work incentive (WIN) program for welfare recipients. The Talmadge proposal, in the form of an amendment to the act amending Title II of the Social Security Act, was passed by the Senate on December 4, 1971 with no dissenting votes. On December 14, both the Senate and the House agreed to the conference report. On December 28, the bill was signed into law by President Nixon, who commented: "These amendments parallel my workfare recommendations embodied in H.R. 1. In my judgment, they reflect the national interest."

The President seized the occasion to give his views on the principle of training and work requirements for welfare recipients, a principle widely accepted in Congress and perfectly compatible with the Economic Opportunity Act's repeated emphasis on the goal of self-sufficiency. Said the President: "To those who deride the 'work ethic,' Americans must respond that *any* job for an able bodied man is preferable to life on the public dole. No task, no labor, no work is without dignity or meaning that enable an individual to feed and clothe and shelter himself, and provide for his family. We are a nation that pays tribute to the workingman and rightly scorns the freeloader who voluntarily opts to be a ward of the state. . . . *With passage of these amendments, the principle of work requirements is in place.*" There can be no doubt, then that the work incentive legislation in P.L. 92-223 reflects Administration policy.

Both H.R. 1 and P.L. 92-223, and the principle of work requirements for welfare recipients, have been repeatedly, and, at time, demagogically attacked by NWRO.

Item: In the September 27, 1970 issue of *The New York Times Magazine*, the NWRO is quoted as calling the work incentives "slave labor" and The Administration's Family Assistance Plan (FAP) "brutal . . . an act of political repression" (Appendix, p. 71).

Item: In the July 31, 1971 issue of the Communist Party's *Daily World*, George Wiley, Executive Director of NWRO, was reported to have labeled the work rules of Nixon's FAP in H.R. 1 as "mid-twentieth century slavery" (Appendix, p. 14).

Item: On August 3, 1971 the same newspaper reported that a "campaign of political action and grass-roots organizing to defeat the Nixon-Mills Family Assistance Plan was launched by the NWRO" with George Wiley planning massive demonstrations "to protest the slave nature of the work FAP will have poor people doing, as underscored by Nixon's remarks in Williamsburg, Virginia last April, calling scrubbing floors and emptying bedpans work with 'as much dignity . . . as any other done in this country'" (Appendix, p. 54).

Item: On August 6, 1971, the same newspaper reported that Mrs. Annie Smart, Southern Regional Director for NWRO called FAP "Nixon's southern strategy to get reelected and a tactic to keep us divided, South and North, black and white" (Appendix, p. 52).

Item: On August 27, 1971 the same paper reported George Wiley as stating: "We will increase demonstrations. Nixon's welfare program will be our national target . . ." (Appendix, p. 55).

Item: The December 1971 issue of the NWRO's newspaper *The Welfare Fighter* reported that the NWRO Executive Committee gave Wiley a mandate . . . to organize resistance to the repressive experimental programs being initiated in New York as part of a preview of Nixon's Family Assistance Plan." The same article described an NWRO attack on HEW Secretary Elliot Richardson during ceremonies honoring Richardson at the Albert Einstein College of Medicine. "We decided to show Richardson up as a fraud. About 100 welfare righters led by Mrs. Ware and Wiley rushed to the stage to present their 'degree' to Richardson. Mrs. Ware read the citation: '. . . We hereby confer on you the Doctor of Laws in Social Oppression . . . for your tireless efforts in working to secure passage of President Nixon's Family Destruction Plan'" (Appendix, p. 3).

Item: In the January 1972 issue of *The Welfare Fighter*, in a comment on the planned "Childrens March," is the statement that "children will be the benefactors (sic) of the hideous FAP and its guaranteed poverty" (Appendix, p. 2).

Item: In the January-February 1972 issue of *The Welfare Fighter*, Dr. George Wiley, NWRO's Executive Director, is quoted as follows: "We condemn the Administration's refusal to spend money on child feeding programs and the punitive restrictive changes in federal food programs made by the Congress and the Administration. We condemn the Administration's waivers on sections of the Social Security Act for large scale tests of forced work programs whose net impact is to depress wages for poor workers and reduce grants to welfare families . . . We condemn the Talmadge amendment, railroaded through the Congress in two days and enthusiastically signed by President Nixon. This amendment seeks to create a permanent class of poor people required to do menial work for welfare wages. Most of all we condemn and challenge H.R. 1 which embodies all these repressive principles in Nixon's Family Assistance Plan" (Appendix, p. 5).

Item: On March 26, 1972, a rally was staged in Washington, the so-called "Childrens March for Survival," to protest Nixon's welfare policies. According to the Washington Post, one of the principal sponsors of the "avowedly anti-Nixon rally" was the NWRO. *Post* correspondent Valentine wrote: "D. C. School Superintendent Hugh Scott was introduced at the rally by George Wiley, NWRO Executive Director . . . Rally organizers are specifically opposed to the version of President Nixon's proposed Family Assistance Plan . . . NWRO contends it is impossible to live on $2,400 . . ." (Appendix, p. 7). According to a N.Y. Times account of the rally, Wiley's group "helped organize the demonstration . . . Among those joining the demonstration were Beulah Sanders, Chairman of the NWRO" (Appendix, p. 9).

Item: In the same issue of *The Welfare Fighter*, there was another reference to the Talmadge amendment in P.L. 92-223 as "repressive legislation." The article went on: "WIN has been an absolute failure. Now, Talmadge is forcing more welfare recipients into this dead end program" (Appendix, p. 38). (See under 2 below for further evidence of opposition to laws enacted by Congress).

2. *In the judgment of the U.S. Congress, the National Self-Help Corporation (NaSHCo), a subsidiary of NWRO, performed unsatisfactorily while under contract to the Department of Labor. NaSHCo used Federal funds to sabotage a Federal program.*

In the latter part of the Johnson Administration (December 24, 1968 to be exact), the National Self-Help Corporation (NaSHCo), a subsidiary of the NWRO, was awarded a $435,000 contract by the Department of Labor. Under the contract, NaSHCo (whose board of directors included nine elected officers of NWRO and NWRO's Executive Director, George Wiley) was to train welfare clients to disseminate information about the Work Incentive (WIN) Program to welfare recipients.

The contract raised some eyebrows since NWRO had been known to be extremely hostile to the WIN program. As Secretary Schultz later explained in a letter to Senator Long, "NWRO had previously gone on record as being strongly opposed to the legislation which created the WIN program. Up to the time of the execution of this contract in December of last year, much of their effort in regard to WIN had taken the form of demonstration and protest. It was anticipated that this contract would provide alternative types of action on their part" (Appendix, p. 29). A staff assistant to the Senate Finance Committee put it more bluntly: "The contract was hush money."

In any event, the Department of Labor windfall caused no change of heart in Wiley. According to an article in the June 2, 1969 issue of the *Washington Post* (6 months after the contract had been let), Wiley, during a television appearance, "denounced the U.S. Labor Department's Work Incentive Program, which trains welfare clients for jobs, as a brutal project 'designed to force mothers to leave their children and accept work' without guarantees of adequate training or pay" (Appendix, p. 28).

At an NWRO conference held in Washington three months earlier, participants, according to the *Post*, "got a two-hour course on how they could avoid job training or work under the city's new Work Incentive Program if they wished to stay home with their children. Stephen Wexler, an NWRO lawyer, told them how they could exhaust appeal after appeal to stay out of the work program, designed to train and place welfare clients in jobs. 'You can stay out of the program until Hell freezes over, if you know how to do it,' he said" (Appendix, p. 28).

Several informational pieces developed by NWRO confirm that the welfare organization, under the guise of disseminating information about WIN, was in fact subverting the program. One brochure, for example, in answer to the question "Can I get out of WIN once I am enrolled?" states: "If you have a good reason, you can refuse to go for a job or to training. Even *after* you start in a WIN program, you can refuse to continue if you have a good reason. Among the good reasons listed, along with the time-honored ones of being sick, unable to work etc., is the following: "The job or training is not in keeping with your abilities and *interests*" (Appendix, p. 34). Another pamphlet advises: "You should learn your rights in order to protect yourself in case you are referred to WIN when you don't *want* to go" (Appendix, p. 35). According to another NWRO leaflet: "There should be *no* requirement making work or job training a requisite to receiving aid" (Appendix, p. 36).

It would appear, by the way, that anyone following NWRO advice of the sort just quoted would be rendered ineligible for any benefits under the Economic Opportunity Act. According to OEO Instruction 6004-2, under Section 611 of the EOA, "an individual should not be treated as meeting poverty criteria for project benefits if he is fully capable of supporting himself but deliberately chooses not to do so." Section 611 of the Act and the cited OEO Instruction on

"Limitation of Benefits to Those Voluntarily Poor" would seem to be clearly inconsistent with NWRO's position on the WIN program.

NWRO's use of DOL funds to undermine the WIN program finally came to the attention of the Senate Finance Committee. On February 5, 1970, at Committee hearings on unemployment compensation, Senator Long, taking advantage of the presence of Secretary Schultz, brought up the matter of the DOL-NaHSCo contract. Long declared that Wiley's organization was established "for the purpose of demanding ever and ever greater welfare payments and preventing anybody from ever going to work for any of that money." "I was just amazed" said Long, "to see that this Department made a grant of $435,000 to George Wiley and his group . . . to go out and destroy the very program that was supposed to put these very people to work" (See Appendix, p. 16–17). Long referred to a letter he had written to DOL some months previous in which he had made the *following* statement: "The (DOL) grant . . . reflects a failure by your Department to comprehend the forces seeking to discredit the efforts of Congress to help welfare recipients to help themselves out of the quagmire of dependency in which they are caught. It is an unconscionable and massive act of maladministration" (Appendix, p. 28).

Long returned again and again to NWRO's subversion of WIN. "Up there in New York where Mr. Wiley is operating," he said, "we had a program that said that in appropriate cases these welfare clients would be referred to the work program . . . And what Mr. Wiley and his group have succeeded in doing is arriving at the conclusion that there is no such thing as an appropriate case" (Appendix, p. 19).

At a later point in the hearings, Senator Williams referred to a $38,000 contract HEW had negotiated with NaHSCo in April, 1969, four months after the DOL contract. "I am wondering" commented the Senator "what kind of liaison we have between the departments, if you are carrying out what you think is an ill-advised contract with a group that is not functioning properly, and another agency is letting another contract with the same people . . . the National Self-Help Corporation, which as the chairman has pointed out, is trying to educate their membership how to avoid complying with the law (Appendix, p. 22) . . . I request you consult with HEW because I know I am not alone nor is the Chairman alone in the committee, and we are very much concerned at the manner in which these grants and contracts are being made with *this group, which obviously have but one intent, and that is ta thwart the intents of Congress and to get this welfare—determined to get it—without working. To be frank with you, I cannot understand this continuous—with taxpayer's money—underwriting of this group*" (Appendix, p. 32).

Senator Williams' point that his feelings of outrage over the DOLNWRO relationship were shared by many other Committee members was confirmed by a staff member of the Committee, Michael Stern. A few days ago, Stern commented: "Through its dealings with NWRO, DOL ruined what had been a very fine relation with Senator Long and the Finance Committee as a whole." The hearings reveal that some members of the Committee wanted a strip DOL of the WIN program and give it to HEW. That this feeling of outrage persisted for a long time is shown by the fact that almost two years later, in December 1971, Senator Talmadge, in the amendment he sponsored strengthening WIN requirements included the following passage:

"(9) Section 441 of such Act is amended . . . by adding immediately after the last sentence thereof the following sentence: 'Nothing in this section shall be construed as authorizing the Secretary (of Labor) *to enter into any contract with any organization after June 1, 1970* [1], *for the dissemination by such organization of information about programs authorized to be carried on under this part*' "

The above provision was aimed directly at NWRO, according to Charles Hawkins of the House Ways and Means Committee staff, and Michael Stern of the Senate Finance Committee staff. Merwin Hans, a DOL official whom Senator Long wanted fired for his role in negotiations with NaSHCo, made the following observation a few days ago: "The Talmadge amendment was a direct order to DOL not to do any more business with NWRO. It's the only instance I know of where Congress legislated against the use of a contractor by a Government agency."

The Talmadge amendment, including the section aimed at NWRO, was passed, as noted above, by voice vote in the Senate, which is to say, without significant opposition. The newspaper reported it passed "unanimously." No voice was raised in defense of NRWO in the Senate or in the House).

How do Labor and HEW feel about NRWO? In an article in the *New York Times Magazine* in September, 1970, there is a reference to the DOL contract as follows: "NWRO did receive a $434,930 grant from the Labor Department at the end of the Johnson Administration to monitor the Department's work incentive (WIN) project from the point of view of involved recipients. Wiley called WIN a 'horror show.' A Labor Department spokesman says 'Baloney' and counters *that NWRO's contribution was not useful*" (Appendix, p. 73).

The same article describes a takeover of former Secretary Finch's office by NWRO's chairman Beulah Sanders who sat in Finch's "liberated" leather chair for seven hours. According to the *Times*, "Finch called the affair 'counterproductive.' Dr. Wiley, who was there, says Finch pretended to be NWRO's friend, but would then 'knife us in the back' " (Appendix, p. 73). The attack on Secretary Richardson has already been mentioned. Just a few weeks ago, the Administration's second highest welfare official, John Veneman, Undersecretary of HEW, said the Washington "Childrens March" was sponsored by a group of individuals who were "the Pied Pipers of poverty." He called the march "the special interest of a few men whose private ambitions seem to depend on the continuation of poverty in America" (Appendix, p. 9). Prominent among those who organized the march were George Wiley and Beulah Sanders of NWRO.

NaSHCo is no longer listed in the telephone directory, but an NWRO official advises that NaHSCo is "still one of our corporations, though inactive." NaSHCo's incorporated standing in D.C. was revoked September 14, 1970 for failing to file a report for two successive years.

Note: Past and current OEO dealings with NWRO. The following item appeared in the *N.Y. Times* of September 7, 1970: "For the time being the NWRO is pushing for higher benefits and more humane treatment and is moving aggressively into other areas such as improving the quality of education and health care for the poor. With the aid of an OEO grant of nearly $260,000 to the Childrens Foundation, it plans to extend its litigation (following earlier legal successes that won more equitable distribution of food stamps, surplus commodities and free and reduced-price school lunches)" (Appendix, p. 73).

According to Mark Israel of OEO's Office of Health Affairs, OEO made a grant to the Children's Foundation in 1970 for $245,000 and the same proposal was refunded under a current grant in the amount of $545,000. The grant is of the technical assistance type (No. CG–3813). No formal evaluation was ever made of the results of the first grant. "None of the Children's Foundation money went to NWRO" says Israel, "hence the implication of the *Times* article is inaccurate. The Children's Foundation serves as a conduit for the Food Research and Action Council (FRAC) in New York City, so OEO, in effect, funds FRAC through the Children's Foundation, since most of the work under the grant is done by FRAC. The *Times* is also inaccurate when it refers to litigation. Litigation is carried on by the Center for Social Policy and Law at Columbia University. No OEO money is used to support this litigation. The Center cooperates with FRAC, but FRAC does not get involved in litigation. They're very careful to keep their programs separate."

It does appear that FRAC, NWRO and the Center work closely together. A brochure prepared by FRAC entitled "The New Food Stamp Bill of Rights" carries on its back cover the NWRO emblem (a chain link) surrounded by the names and addresses of three organizations: NWRO, FRAC and the Center on Social Welfare Policy and Law. Readers of the FRAC brochure are urged to approach NWRO for "information and assistance."

The same brochure contains the following advice for welfare recipients: "Use pressure tactics on local officials (e.g. welfare officials and members of the county board of supervisors) and state officials (e.g. State Welfare Director, State legislators, the Governor) to make them remedy the failures of the Food Stamp Program . . . Demonstrations against State and local officials can also be helpful" (Appendix, p. 59).

It is questionable whether an organization recommending such tactics is eligible for OEO project funds.

Footnote: OEO does have a current funding relationship with NWRO, but it is an indirect one, according to Mark Israel. Food for all, an OEO grantee, received $15,000 for an emergency food program in Las Vegas, Nevada. Food for all shifted the money, by means of a contract, to the Missiduc Foundation, an educational research organization which is an affiliate of NWRO. (Missiduc's address and telephone number in Washington are the same as those of NWRO). Missiduc in turn granted the money to an NWRO group in Nevada.

3. *NWRO, from its inception to the present time, has habitually employed disruptive forms of direct action to achieve its goals.*

An article on NWRO which appeared in the *N.Y. Times Magazine* in 1970 (Appendix, pp. 68–78) traces the tactics employed by Wiley et. al. to a theory developed by one of Wiley's former colleagues at CORE, Richard Cloward. Cloward, regarded as the guru of the welfare rights movement, published a paper in May, 1966 entitled "The Weight of the Poor: A Strategy to End Poverty." 30,000 reprints were requested. "The strategy" says the *Times*, "was to get all the poor on the welfare roles, overloading the system, while at the same time carrying out a militant campaign for full entitlements . . . If the grants were denied, a costly logjam of departmental fair hearings was threatened . . . The consequence of all this would be threefold: disruption in the public welfare bureaucracy, fiscal disruption in local and state governments, and finally a political crisis leading to national welfare reform and a guaranteed adequate income for the poor." "Our strategy always was grab what you can and run like hell . . . a guerrilla strategy. Hit the centers, drive up the Rolls . . ." There is no question but that the Cloward strategy is totally incompatible with the strategy embodied in the Economic Opportunity Act, and in Administration politics. The NWRO record gives every indication the Cloward strategy is being carried out.

Item: In June 1968, NWRO conducted a vituperative campaign of harassment against Rep. Wilbur Mills and his "anti-welfare law." As an NWRO brochure describes it, "on the eve of Solidarity Day, NWRO led its

[1] May 31, 1970, was the date of expiration of NaSHCo's contract with DOL.

fourth march on the home of Wilbur Mills . . . Over 500 welfare participated . . . Over 100 policemen barricaded the street and forced the marchers onto the sidewalk . . . The marchers proceeded along to Mills home some two miles away . . . and passed out 'Wanted' posters exposing Mills for his crimes against poor people . . . At Mills' residence, police formed a shoulder-to-shoulder wall across the wide entrance . . . Through a bullhorn George Wiley called Mills 'a ruthless fighter against Negroes . . . a man responsible for many ghetto fires.'" The "Wanted" poster, calling Mills "Public Enemy No. 1" carried the following message: "Wanted for Conspiracy to starve children, destroy families, force women into slavery and exploit poor people." Another NWRO bulletin shows a picture of a rat, presumably representing Mills who is described as "back in his rat hole busy at his dirty work" (Appendix, pp. 42–48).

Item: At a rally at the Capitol in 1968, Beulah Sanders of NWRO told the crowd (according to the *Post*) that "its money had paid for the Capitol and the group should 'go in there and tear it down if they don't listen to you.'"

Wiley told the rally: "If this country does not listen to the poor after what happened in Detroit and Newark, you haven't seen nothing yet" (Appendix, p. 6).

Item: The August 17, 1968 issue of the *Christian Science Monitor* quoted Wiley as saying "Asking us not to be hostile and not to attack (welfare officials) is like asking the Jews in Germany not to be hostile to the people who run the concentration camps" (Appendix, p. 5).

Item: At an NWRO rally in Central Park in April 1969, at which screaming crowds were dispersed by scores of mounted policemen, Wiley, according to the *N.Y. Times*, shouted: "When the poor people want money, they are going to get it by people power, or there's going to be—to pay in New York City" (Appendix, p. 56).

Item: The Washington Post of June 1, 1969, described the disruption by NWRO of the National Conference on Social Welfare attended by 5000 Welfare leaders. The article began ". . . or get off the pot" and continued: "The full obscene demand was shouted over a seized microphone last Sunday. . . . In stunned silence those who had devoted decades to helping the poor heard themselves called 'racist pigs' and 'fat cats' and 'members of the white, imperialistic, oppressive society.'" Delaying the opening session for 3 hours, Wiley and a group of welfare mothers blocked the exits after he had vowed that no one would be permitted to leave until $35,000 had been collected to enable the poor to attend conventions. *The New York Daily News* called these tactics "the outrage of the year to date." At another meeting, Wiley seized control of the speaker's microphone from the conference president, Arthur Flemming (Appendix, p. 56).

Item: Beulah Sanders, NWRO Chairman, organized a demonstration against Sears, Roebuck and Company in New York City, in July 1969. *The New York Daily News* of July 4 described the demonstration: "The demonstrators . . . occupied the store for nearly two hours, strewing trash on the floors, defacing price tags, operating washing machines and dumping wet rags across the sales floor. . . . Leaving the store in a mess, Mrs. Sanders announced 'We'll be back next week.'" The NWRO's demands of Sears were: (1) At least $150 credit to any NWRO member, based on a letter of reference from NWRO, with no credit investigation, and (2) a formal written agreement to this effect between NWRO and Sears, binding on all local Sears stores (Appendix, p. 57).

Item: In Philadelphia, a petition signed by more than 500 caseworkers charged that the Philadelphia Welfare Rights Organization was "attempting to wreck the system which we are trying to administer according to law." Their petition to the Governor cited "abusive and intimidating practices of certain representatives of NWRO. . . ." (Appendix, p. 57).

Item: In August 1969, a NWRO officer was quoted as saying: "If (our demands) are turned down, we will demonstrate, sit-in, picket city halls and state legislatures until we have won."

Item: In the February 5, 1970 hearings of the Senate Finance Committee, Senator Long alluded to NWRO attempts to disrupt earlier hearings on WIN. "They pulled a sit-in strike on this committee and raised all the confusion that they could here in Washington, . . . George Wiley showed you (Sec. Shultz) his appreciation, I might say, for your continuing that contract and the President calling that meeting and talking about what can be done for the poor and the President went in there and made a nice speech. I was not there but I saw it on TV, the next thing I knew Wiley had his mob shouting and the whole thing was an outrage . . . About the same way they conducted themselves in this very hearing room when we were writing the WIN program" (Appendix, p. 18). The Washington *News* headlined the event: "50 Welfare Mothers Have Anger-in." According to the *News*, Mrs. Beulah Sanders "stormed at Senator Long that the government had no right to 'force' AFDC mothers to take job training . . . The mothers staged an impromptu sit-in in an effort to force all 17 members of the Senate Finance Committee to hear their complaints. After Senator Harris left, 50 Capitol policemen were rushed to the hearing room . . . An hour later, Senator Long returned, red-faced and grim, slammed down his gavel so hard it snapped in half and adjourned the hearing. Still the women refused to leave. Finally the Capitol police threatened the mothers with arrest and fines for unlawful entry" (Appendix, p. 33).

Item: NWRO delegates were reported as agreeing at a conference in August 1971 that "legislative lobbying and political action cannot replace *in-the-street demonstrations* to protest the Nixon-Mills Family Assistance Plan" (Appendix, p. 52).

Item: In the January-February 1972 issue of the *Welfare Fighter*, whose motto is "$6,500 or Fight!", there is an exhortation to poor people to develop their political muscle, "along with direct action" to advance their cause (Appendix, p. 2).

NWRO publications are replete with countless other examples of NWRO sit-ins, demonstrations and invasions of welfare offices and state legislatures. The aforementioned *N.Y. Times* article (Appendix, p. 72) sums it up: "There have been sit-ins in legislative chambers, including a United States Senate Committee hearing, mass demonstrations of several thousand welfare recipients, school boycotts, picket lines, mounted police, tear gas, arrests—and, on occasion, rock throwing, smashed glass doors, overturned desks, scattered papers and ripped-out phones."

The NWRO record, noted Congressman Ashbrook in 1969, is one "marked with bullying agitational tactics, irresponsible demands and charges, and the alienation of sincere, concerned welfare workers and officials who have had to labor under an impossible welfare system." The Congressman concludes: "This much is certain: *Congress will not look kindly on the Federal funds to finance irresponsible organizations or individuals, with the experience of some ill-advised OEO projects fresh in memory*" (Appendix, p. 57).

It is also certain that the NWRO has not altered its strategy or tactics, and by its own admission, will push even harder in this election year.

4. *NWRO's record, as reflected in activities of the sort described under* 1, 2 *and* 3 *above, indicates that NWRO places ideological and political considerations above the interests of the poor.*

The above judgment is shared by many observers of NWRO. John Veneman, HEW Undersecretary, has already been quoted as remarking, in reference to the Children's March, that the march was "the special interest of a few men whose private ambitions seem to depend on the continuation of poverty in America." An editorial on the march in the *Washington Star* called the whole affair "outrageous," "stupid" and "highly political," supporting "one side of a political debate as controversial as the national welfare reforms fight." The *Washington Post* echoed these views in its editorial as did the *N.Y. Times*. Mayor Washington said he was "concerned that children, specifically those too young to decide for themselves, not be subjected to indoctrination in partisan causes, or to *adult manipulation for political purposes.*" This is not the first time Wiley has manipulated children. He had some very young children brought to the Senate Finance Committee hearings to testify in person against the WIN program. Wiley promises more of the same. "This will be the year of the children" he is reported to have said at the march.

Wiley's group has declared a no-holds barred war against the whole Administration welfare program and against the reelection of Nixon, and he is employing all the resources of his formidable membership toward this political end. According to the January-February 1972 issue of the *Welfare Fighter*, the NWRO's National Coordinating Committee, "in the first meeting of 1972 set political action in the primaries, the party conventions and the November elections as high priorities" (Appendix, p. 2).

The NWRO has also begun to play a more active role in the anti-war movement. One of NWRO's most powerful figures, Beulah Sanders, was the NWRO delegate to the recent World Assembly for Peace and Independence of the peoples of Indochina held at Versailles, France (Appendix, p. 61). The Assembly plans massive demonstrations at the Republican convention in San Diego, in order to "shatter the illusion of domestic tranquillity." The same Assembly called for resistance to pay payments earmarked for the war, and acts of disobedience against Federal buildings and companies with defense contracts. An Expo 72 near the Convention site is also projected, featuring exhibits from China, Cuba, and Vietnam, continuous showing of such anti-Nixon films as Milhous, a People's Panel of Inquiry on the Nixon Administration and live broadcasts from Vietnamese in Paris (Appendix, pp. 63–66). The NWRO hopes to take a leading part in these activities.

Mr. GOLDWATER. Mr. Speaker, who would think that patients in nursing homes are interested in organizing themselves into disciplined, politically active units? I, for one, would not imagine it, since it is my impression that people in nursing homes are generally there because of their age or general incapacity. And I would be correct: inmates of nursing homes are not organizing themselves into political units; they are being organized. It is an important distinction, because it represents the gap between voluntariness and being used.

Our old people are being used by Legal Services attorneys for political purposes. That is a strong charge, but I do not say it carelessly. The August–September 1972 issue of Clearinghouse Review, an OEO Legal Services-funded publication from Northwestern University School of Law, published a lengthy article on the organizing of nursing home occupants, explaining "why and how nursing home

patients should be organized into self-governing groups." It explained how to approach the patients, "an organizer simply assumes the role of a friendly visitor." Problems may arise like administrators or proprietors will oppose organization. The article went on to tell organizers how to defend themselves against administrators seeking to save their clients from this latest invasion of their peace and quiet.

Somehow, Mr. Speaker, it seems unnatural and unkind to try to turn old people into political pawns. That our federally supported Legal Services attorneys and think-tankers engage in and encourage such activities indicates a rather low level of respect. A confidential memo of October 1972, from within OEO, discusses some other problems with nursing home organizing, from a frankly political point of view. I think my colleagues should read that:

OCTOBER 3, 1972.

ORGANIZING NURSING HOME OCCUPANTS

The current issue of the Clearinghouse Review (published by our grantee at Northwestern University and disseminated to legal service programs across the nation) includes an article entitled *Legal Problems Inherent in Organizing Nursing Home Occupants.* Prepared by the Health Law Project at the University of Pennsylvania Law School, the article urges that legal service attorneys play a role in organizing nursing home patients into "self-governing groups." The article suggests that Patients' Rights Committees be established within nursing homes, reinforced by alliances with such groups as welfare rights organizations.

I have two principal concerns about the thrust of this article, one broadly philosophical and the other very practical. Both of these concerns relate to fundamental policy issues in the Legal Services Program concerning group representation, community education, and community organization.

My philosophical concern is the belief that it is unwise to politicize essentially non-political institutions, be they nursing homes, schools, drug programs, or prisons. That kind of politicization which became widespread in Germany during the 1920's produces social conflict, loss of community, disruption, and instability. It tends to de-emphasize the individual and focus on the mass. It results in people being accorded a collective rather than an individual identity and makes it easier for demagogues to manipulate.

The practical concern to which I referred has to do with votes and elections. As a former campaign manager, I can tell you that the best way to build up a strong lead for one's candidate is to visit every nursing home in the district, register the patients as voters, and see that absentee ballots are cast. In many Congressional Districts, this process can produce literally thousands of votes for a preferred candidate.

Although legal service attorneys are technically prescribed from registering voters during official duty hours, it is clear that an organizing thrust of the sort proposed would enable groups created by legal service attorneys to register and round up the votes of nursing home patients, just as has been done in the community at large by KWRO and similar organizations.

If you agree that this matter merits remedial action such as modification of grant conditions or changes in legal services regulations, my office would be pleased to work with the Office of General Counsel and the Office of Legal Services in developing the necessary changes.

Thank you for your consideration.

LEGAL PROBLEMS INHERENT IN ORGANIZING NURSING HOME OCCUPANTS

(By the Health Law Project, OEO, University of Pennsylvania Law School, Philadelphia)

I. INTRODUCTION

The growing sense of relief felt by a visitor upon leaving a nursing home is inversely proportional to the resident's increasing feeling of despair. The Health Law Project has been searching for ways to reverse both the despair and the desperate conditions of the nation's elderly in nursing homes. The following article is a proposal describing why and how nursing home patients should be organized into self-governing groups. Part of the organizing process raises difficult legal problems, a few of which are discussed below from the patients' perspective.

II. WHY ORGANIZE?

Without question, nursing home patients need a high degree of protectional service because the quality of health service they receive is deplorable. Physical conditions do not meet standards, and the trained staff is inadequate when measured against the criteria of state licensure, Medicaid, Medicare, and the Joint Commission on Accreditation of Hospitals, etc. Even assuming minimal care, there is nevertheless an inherent conflict between patients' interests and the home's proprietary interests. The home maximizes efficiency by sacrificing the basic personal privileges most people take for granted. The home decides when all patients will rise, take their meals and retire. Who visits a patient, what mail he receives, and even whether he shall stay or leave are decisions unilaterally made by the home. Paternalistic social attitudes toward sickness and old age reinforce the incentive toward institutional efficiency and result in an imbalanced relationship in which the home exercises plenary de facto power over the patients. The average patient is overprotected and underserviced.

If patients hope to offset the institutional dominance of the home, they must aggregate power in an environment where friendly strength and energy are at a premium. To be effective, that countervailing power must be available at all times. It is unlikely that the friendly visitor or concerned caseworker can fulfill the role. Ultimately, the patients must draw on their own resources with some outside support to meet their needs. Some collective form, group or committee of patients is the only reasonable response to the patients' needs.

III. HOW TO ORGANIZE A PATIENTS' RIGHTS COMMITTEE

Organizing nursing home patient starts at an almost atomistic level. An organizer simply assumes the role of the friendly visitor and walks into a home. Contacts and personal confidences must be established. Often, communication will not even exist between the patients themselves. The organizer's first goal must be to establish this communication. During the initial contact period, patients' opinions and problems should be gradually elicited and a pattern of common concerns identified.

At an appropriate time, a meeting of patients must take place. This may be accomplished under the ambiance of some social setting, such as a bingo party. The meetings must then be continued on a regular basis and a patients' advocacy mechanism established.

Throughout the early organizing effort within the home, a parallel effort should be conducted outside the home. Alliances must be formed with useful and needed resources. A welfare rights organization will often volunteer its services. Welfare Rights Organization groups have developed particular skills in explaining to vulnerable people the effects of bureaucracies on their lives. Senior citizens groups offer a source of manpower and understanding of problems of the aged. Contact should be made with legal resources since the relationships between the patients and the home will almost inevitably raise legal disputes.

A vigorous, proven patients' rights committee has not yet been developed to the point where all its problems have been examined and resolved. Those which exist are in their nascent stages dealing with threshold problems. Certain difficulties have been identified and can be anticipated. They are the problems concerning access to nursing homes, availability of information on their operations, and protection against retaliatory discharges. In responding to these problems with their particular skills, legal resource people can contribute a determinative service to the success of the organizing effort.

IV. ACCESS TO NURSING HOMES

Organizing patients' rights committees has serious potential for reforming the power structures of a nursing home. Administrators or proprietors will oppose organization, and their first defense will be their property rights. Most nursing homes consider themselves purely private institutions in relation to outside organizers. Thus when an organizer becomes a threat, a home may simply deny him access to the patients.

Faced with a denial of access to the patients, there are few affirmative steps which may be taken to open the doors of an uncooperative home. However, there is much to indicate that a nursing home is not a private institution, and denial of access based on that assumption may be ill-founded. Two arguments might be made which reject the home's assumption. The first looks at the character of the property rights of the proprietor and the first amendment rights of the patients, balances them, and characterizes the home as quasi-public. The second argument examines the inter-dependency between the state and the home, looks for state action, and, relying on the fourteenth amendment, prohibits state encroachment on first amendment rights.

Mr. HUNT. Mr. Speaker, I rise today to express the unhappiness of my colleagues with the legal services bill which is going to be offered to us for a vote this week. I am opposed to this bill; I am opposed to the manner in which it has been concocted and presented to us; I am opposed to the deceitfulness which has plagued it every step of the way, from its drafting through its lobbying.

This bill abuses and misuses a noble principle—that of enabling all citizens to participate equally in the judicial process—through subsidizing legal representation for the needy when absolutely necessary. Invoking altruistic sentiments under this cloak of legitimate assistance, the proponents of this legislation in fact advocate a different concept; namely, the concept as developed by Edgar and Jean Cahn and later expanded and enlarged by the OEO Legal Services Office. This concept does not view legal services as assistance to the poor in their everyday mundane needs, but instead regards legal services as the ideal means for bypassing legislatures and electors in an ambitious scheme to remake society by changing the meaning of its laws. Insofar as this conference report would allow these social engineers free rein on American society, I oppose H.R. 6748. I do not oppose legal aid to the needy poor, I only oppose allowing aid intended for the poor to be used for highfalutin social schemes, as this bill would allow.

Last June we passed a legal services

bill that was meritorious in certain key respects. But last December the Senate Committee on Labor and Public Welfare, aided and abetted by outside interested parties, drafted an entirely new bill, totally devoid of our safeguards and protective clauses. This bill, passed and sent to conference, has now proved a disproportionately influential in the drafting of the conference report. Once again I fear, we have a situation of staff doing the Members' work. Ideological staff personnel, in conjunction with active, organized outside interest groups, makes an effective combination when it comes to getting something accomplished.

What interest groups am I referring to? I am referring primarily to those who stand to lose if a liberal, unrestricted legal services bill does not get out of Congress—the leftwingers, the staff attorneys, the legal services project personnel. I am not saying this pressure is unique to this issue—every piece of legislation which has spawned a bureaucracy, be it educational, health, welfare, agricultural, or whatever, has spawned a corresponding pressure body whose sole purpose is to insure the continuation of that bureaucracy. What irritates me most is the hypocrisy which accompanies this rather clear-cut self-interestedness. These lobbyists do not say, "We want to preserve our jobs," which would be understandable and honest. Instead, they wear the mask of magnanimity and expound at great length about the unfortunate poor who will be harmed if we cut off these services. They will feel alienated, they will feel cut off from middle-class society, their attitudes will become negative, they will resort to violence, and so on. In fact, the Senate bill, S. 2686, even stated in its first section that one of the purposes of this bill was to prevent the further alienation of the poor from the processes of middle-class society, lest they become violent. That sounds suspiciously like a sophisticated blackmail to me.

That argument is entirely fallacious. A study just completed, which was funded by none other than OEO itself, has concluded that—

> There is little or no evidence that people's attitudes or behavior patterns have much to do with what happens to their well-being.

Also, that study found that there is considerable movement in and out of the category "poverty family"—of a sample of 5,000, which is a pretty large sample of families, only 9 percent stayed in the same income level during all 5 years of the study from the Washington Post of Wednesday, May 8. Just these two points alone serve as strong indictments of the "antipoverty" mentality of which legal services is being sold as a part and parcel. The time has come to strip off this false face from the legal services lobbies and eliminate the deceitfulness which has cloaked the issue for too long.

There are some specific issues I would like to call attention to in opposing this bill. These are all points that were amended last June to our satisfaction, more or less. The amendments were adopted through working with colleagues of similar persuasion, regardless of which side of the aisle we came from, and putting away petty divisiveness for the sake of this more important issue. We stood our ground last June; I trust we will do the same this May.

Involvement in nontherapeutic abortion cases and school desegregation cases, participation in legislative and policy advocacy, attorney participation in outside practice of law, juvenile representation without explicit parental request, representation of the voluntary poor, and backup centers are some of the crucial issues. There are others, too. I would be hard pressed to say which was most important, or which five or which six were most important. They are all equally significant, and we will not relent on any one of them. A legal services bill which does not concern itself with the real, down-to-earth needs of the real poor but instead creates a huge mechanism for furtherance of social reform and engineering policies does not deserve our support and will not receive it.

The Washington Post article of May 8, 1974, follows:

ATTITUDE, POVERTY UNRELATED

(By William Chapman)

For the short run at least, a person's mental attitude has virtually no effect on his chances of getting ahead or falling behind economically.

Whether he is alienated and discouraged or is confident and success-oriented makes very little difference in the person's eco- and his family's well-being. His family may rise out of pov- back in, but his own hopes and sense of competence are irrelevant to that change.

This conclusion, which contradicts some assumptions that produced the 1960s war on poverty, emerges from a major 5-year survey conducted for the government by the University of Michigan's Institute for Social Research.

More than 5,000 families were interviewed in each of the five years to determine the changes in their economic status and to define what caused those changes.

A second conclusion of the survey is that the poverty population changes considerably from year to year with a large number of families either falling below or rising above the line each year.

Both findings undermine some of the original tenets of the war on poverty that was launched by the Johnson administration in the mid-1960s.

An important assumption then was that a "culture of poverty" existed which inexorably trapped millions below a certain level of income and that the same families and their offspring would continue to be trapped unless the cycle was broken.

Part of the strategy for breaking it lay in the idea that the attitudes common to those in poverty—low personal aspirations and feelings of powerlessness—could be changed.

Thus, Job Corps enlistees were brought to remote camps so they would be removed from ghettos where feelings of hopelessness supposedly were pervasive. Community action programs were designed partly to give the poor a sense of connection with institutions with a feeling of participating in power.

Neither assumption finds support in the Michigan surveys, which were initially launched in 1968 under a contract from the anti-poverty agency, the Office of Economic Opportunity.

First, the surveys disclosed that there is considerable movement in and out of poverty. Only nine per cent of the 5000 families were in the bottom fifth of the income distribution in each of the five years.

On the other hand, 35 per cent of the families were in the bottom fifth during at least one of the five years. The findings indicate that although there is a small number of families consistently in poverty a much larger number will drop into poverty or rise out of it over a period of years.

The findings also indicate that poverty is a threat to a much larger share of the population than previously indicated. The Census Bureau most recently found 25 million Americans living below the official poverty threshhold (about $4300 a year for a family of four). But a statistical projection from the Michigan surveys shows that twice that number were in poverty during one of the five years of the survey. About 50 million Americans—one fourth of the population—are likely to fall below the poverty line at some time over a period of a few years, this analysis concludes.

Attitudinal and behavior tests were administered to all 5,000 families annually in the survey to determine what effect these attributes had in changing economic status. The tests were designed to measure such things as a person's aspirations, his motivation for achievement, his personal confidence, and his sense of "efficacy"—how strongly did he feel he could control the events of his life.

When compared with actual changes in the families' incomes, these mental attitudes were found to have no effect whatsoever.

". . . There is little or no evidence that people's attitudes or behavior patterns have much to do with what happens to their well-being," the authors report. Whether the breadwinner was strongly or weakly motivated toward success, his rating explained virtually nothing about the family's movement up or down on the economic ladder.

The family's economic movement also was not affected by certain patterns of behavior, such as the families' ability to plan ahead for the future, its willingness to economize, and its decisions on avoiding economic risks.

Only one of the several behavioral characteristics seemed to be associated significantly with a change in income. Those whose status improved over the years tended to be connected with certain institutions that could help or inform them—a labor union, church, even friends in a tavern. The authors concluded, "Perhaps it pays for the poor to have friends."

Even the level of education, supposedly one of the key factors determining success or failure, had little effect over the course of the five years. Those with higher education were generally more successful economically at the start of the experiment. But having more education did not play any part in the movement of incomes during the five years in which the survey was conducted.

James N. Morgan, who directed the surveys for the Institute for Social Research, said the results were surprising in that they showed that not even a small sub-group of the 5000 families seemed to be affected economically by their mental attitudes and behavior.

"Usually you can always find some small segment of a large population that is affected by such things as attitudes and behavior patterns," he said, "but in this one they simply all disappear."

The factors that did explain changes of economic status during the five years were the obvious ones—changes in the composition of the family and participation in the labor force. The decision of a wife to go to work naturally increased income; the abandonment of a family by the father naturally reduced its income.

Mr. LOTT. Mr. Speaker, I am pleased to join my colleagues in discussing the OEO/Legal Services question.

As we vote on the conference report on Legal Services, it should be made clear that I, for one, am not opposed to Legal Services assistance for the truly needy.

However, I believe there is a much better way to go about it than by supporting the conference report.

My preference, over all, is for an alternative to the staff attorney system which would be perpetuated by the Legal Services Corporation bill as drafted. Such an alternative is known as judicare. It would permit attorneys full freedom of action, while allowing clients freedom of choice of attorneys. With some effective guidelines regarding political activities, and outside activities, a system like this could conceivably satisfy most major criticism of Legal Services. It would do that by eliminating the poverty law offices, the Legal Services offices, whose only purpose is to seek out business to keep themselves justified in the eyes of their funding source. With a system of judicare, those unable to afford legal attention would receive it, and would be able to choose their attorneys from among the regular, practicing lawyers in the community.

There are other alternatives besides judicare, but since judicare has been around the longest, it has been tested already and seems the best bet at this point. John Satterfield, a former chairman of the American Bar Association, circulated a letter earlier this year expressing his preference for the judicare system. Some of his remarks are not appropriate at this time, since they urge support of S. 1990, a bill which failed to receive action in the Senate. In submitting Mr. Satterfield's remarks to the RECORD, I have deleted those parts:

SATTERFIELD, SHELL, WILLIAMS AND BUFORD,
Attorneys at Law,
Jackson, Miss., January 22, 1974.

* * * * *

Few members of the bar question the value of assuring all Americans equal access to our system of justice. For this reason, attorneys throughout the nation have endorsed the concept of legal assistance to the poor.

Because each of us in the profession values his independence from interference, there has also been strong support for the idea that attorneys for the poor should have full freedom of action. Many have concluded that this freedom of action should be institutionalized through a national legal services corporation.

Some, having reached these conclusions, have assumed that no other issues with respect to legal services merit their further consideration. I ask your indulgence for this exception to that judgment. The issue is not so clearcut as it may at first appear.

A better way is to assign resources to open panel judicare programs wherein eligible clients could seek assistance. Established in each state with resources based on the number of eligible poor and in cooperation with bar associations, such programs would enhance equal access to justice for needy individuals. They would also limit any potential for lawyer-politicking with public support, on the one hand, or government interference with the client relationship, on the other.

* * * * *

Under the kind of "staff attorney" system which has almost exclusively predominated in the OEO legal services program, purchase power is vested not with the potential client for assistance, but with the provider of counsel. For this reason, the economic need for client-responsiveness, as well as the market constraints on one's time, which imposes a discipline on the activities of private attorneys, are absent when there is exclusive reliance on the staff system.

This not only means that the client lacks the power to choose whether and how he shall be represented. It also results in a situation according to which the staff lawyer is relatively free to look for a test case, devote time to an appeal, or organize a reputation-building class action. This brings to mind the old term "solicitation of business."

Furthermore, when the lawyer acts for a poor client, without cost restraint on his activities, the party against whom the poverty lawyer's skills may be arrayed, whether rich or poor, usually must pay for his own representation, often at unbearable cost. Is this equal justice? Is it even a system in which we can be sure the client's interest, personal and immediate, will transcend those of the lawyer, if the lawyer feels obliged to more "efficiently" allocate his energies to achieving generally applicable changes in public policy?

Let us also remember that there *is* some proper difference in ground rules for the tax-subsidized attorney as compared with the client-supported attorney.

On this basis, there is understandable concern when subsidized staff attorneys involve themselves in lobbying or organizing on behalf of controversial issues and groups. It seems to be politics beyond the reach of systemic safeguards, rather than a simple effort to represent needy individuals in court.

* * * * *

Sincerely,

JOHN SATTERFIELD.

Mr. ROUSSELOT. Mr. Speaker, in the overlong and drawn-out debate on legal services that Congress has b[illegible] in [illegible]ating in for the past several years, the charge of misuse of Federal funds for political purposes has been leveled many times. Defenders of the OEO Legal Services projects, and of OEO Legal Services in principle and in practice, have brushed aside such charges. I do not think they can be brushed aside.

Recently I came into possession of what I regard as pretty conclusive evidence of improper activity by a Legal Services grantee, in this case, the National Employment Law project, at Columbia University. This is a memo sent to a dozen Legal Services activists from various Legal Services projects, giving details on final arrangements for a Washington, D.C., conference on welfare reform. The conference was held March 7, 1972, a time when welfare reform was a high priority in Congress. The fact that this conference was held indicates something, but more indicting material is found within the memo.

Paragraph 2 of the memo mentions that the National Legal Aid and Defender Association Technical Assistance project has agreed to provide "the usual Government travel reimbursement." I wonder, did NLADA have permission to grant such reimbursement? If so, had they informed the authorizing source that their purpose was political, insofar as they were trying to find out about legislation in order to influence its adoption or failure?

Mr. Speaker, I submit this memorandum, dated February 29, 1972, for my colleagues' attention:

MEMORANDUM

Final arangements have now been made for the conference on WIN and compulsory work programs in Washington on March 7. In view of the great deal of work we have to do, I have changed the time of the conference to 9:00 a.m. WIN on the 7th. We will meet in Room 207 of Caldwell Hall, on the campus of Catholic University. I am enclosing a map of the campus to make your search for that room a little easier.

John Joyce and the NLADA Technical Assistance Project have generously agreed to provide the usual Government travel reimbursement (travel expenses plus $25 per diem) for the conference. Because we are short of time, you should each make your own travel reservations and secure advances from your local offices, which will be reimbursed later. John has asked that we try to keep expenses to a minimum. Since NLADA has gone out of its way to sponsor the conference, I am sure you will accommodate him in this.

Dick Carter has suggested four motels in the general area of the University where you may wish to stay:

Holiday Inn, 730 Monroe St., N.W., 529–8100. This is the closest to the campus.

The following are within a short taxi ride:

Tabbard Inn, 1739 N St., N.W., 785–1277. (Dick Carter says this is a comparatively less expensive place, a favorite haunt of legal services types).

Gramercy Inn, 347–9550, 1660 Rhode Island Ave., N.W.

Executive House, 232–7000, 1515 Rhode Island Ave., N.W.

Enclosed, in addition to the map of the campus, are the following materials for your examination before the conference:

1. Final Order, *Thorn v. Richardson.*
2. Plaintiffs' Memorandum of Law, *Dublino v. N.Y. State Dept. of Soc. Serv.*
3. Plaintiffs' Interrogatories, *Dublino.*
4. Stipulations of Fact, *Dublino.*
5. 1971 Amendments to WIN (Congressional Record),
6. 1971 N.Y. compulsory work amendments.
7. 1972 Ohio compulsory work amendments.

We are attempting, in addition, to secure copies of the Reggie materials on compulsory work programs.

I look forward to seeing you on the 7th.

GENERAL LEAVE

Mr. HANRAHAN. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the special order of the gentleman from Georgia (Mr. BLACKBURN) today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGAL SERVICES INTERFERENCE WITH ELECTION PROCESS

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

Mr. DEVINE. Mr. Speaker, every time a legal services bill comes before us for our decision as is the case now with the pending conference report, new information is uncovered which once again demonstrates to me the destructiveness of our democratic system that we have unleashed upon the country in the form of legal services.

The latest scandalous information I have personally come across concerns the involvement, or, more correctly, the interference, of legal services attorneys with the electoral process in this country. Yes, there may well be inequities in the electoral process as it is currently conducted some places in the land. I will

say with certainty that whatever those inequities are, they are a good sight less than they were a few years ago. It is the job of the people, at the local, grassroots level, and their community leaders, to straighten out problems with registration, voting qualifications apportionment, and so on, as was reaffirmed by this House last week in the matter of post card registration. At a pace natural to the community, encouraged by the most sensitive and progressive of the citizens, reforms are progressing well. Practically every election that comes along, reapportionment has taken place in a number of areas, for example.

There are some customs related to voting that are traditional, for good reason. Things like the ability to read or speak English as a prerequisite to voting. Or the restriction against felons and convicts voting. How can somebody who does not even speak or read the common language be expected to make a properly informed decision? Why should those in prison because of criminal offenses against society be entitled to the same rights as any law-abiding citizen? To give convicts the right and ability to vote surely cheapens the value of the vote they cast—if anybody at all can vote, then a vote must not be worth much. It used to be that the right to vote was an honor for an American citizen, something to be proud of, to work to merit.

Now, apparently, the vote is like welfare: Something the Government is required to give because you will threaten violence if you do not get it. At least, that seems to be the legal services attorney's understanding of the franchise. I make that conclusion from reading through several articles selected from the pages of the Clearinghouse Review, dealing specifically with legal services activities in connection with voting.

I will attach these brief articles at the conclusion of my remarks, but let me summarize by mentioning the topics with which they are concerned: Aliens demanding they be allowed to vote, even though they do not speak or read English, defended in their suit by the Western Center on Law and Poverty, an OEO-funded office; voting rights in the 1972 elections obtained for inmates of prisons in Connecticut, a project of an attorney at Civil Legal Assistance to Prisoners, a legal services project; another case of prisoners demanding they vote, this time defended by Pine Tree Legal Assistance, an OEO grantee; California Rural Legal Assistance, again an OEO operation, filing suit for ex-felons to be registered to vote; Seattle Legal Services getting a court order for paroled convicts to be allowed to vote; the Atlanta Legal Aid filing a suit that the location of polling places is racially discriminatory; reapportionment challenges here and there, with OEO legal services offices in the forefront; and so on.

The State of Arizona not too long ago adopted a statute requiring preregistration of voters every 10 years, intended to cut down on possible voting by dead people. The Maricopa County Legal Aid Society was not interested in reducing vote fraud, apparently, for they filed suit challenging the constitutionality of that statute. When the district court upheld the State of Arizona, the legal aid office began procedures to take it to the U.S. Supreme Court. All this, mind you, instead of helping a poor person write a will or settle his dispute with the credit bureau—and all of this with Federal money. If the U.S. Government went into Arizona and challenged their State laws, you would hear complaints loud and clear. Sending in legal services attorneys is the same thing in effect.

To my mind, it is more of an outrage for these attorneys to engage in controversial actions with Federal support when they are acting irresponsibly and in fact in directly the opposite way from the Federal official position on an issue. That the Federal Government is uninvolved with some things is to its credit—there are many of us who think the Federal Government, as the Federal Government, is involved with too many things already. The legal services empire is trying to involve the Government with every little detail, and whether or not that is the intention of their supporters, that is the effect of their actions, and the Government is going to be held responsible for them.

The citizenry is waking up to the outrages being perpetrated in the name of Federal concern for the poor. Widespread disaffection is growing. Unless measures are taken to bring legal services attorneys under control of the law, and compel them to act responsibly and seriously with the interest of their clients foremost, this disaffection is going to become bitter.

I submit for the RECORD, selected articles from Clearinghouse Review, to demonstrate to my colleagues the unwarranted interference of legal services project attorneys in the electoral process at the local level in our States.

I urge my colleagues to vote against the conference report.

The articles follow:

ALIENS APPEAL DENIAL OF RIGHT TO WORK

4896. Padilla v. Allison, *formerly Martinez v. Sullivan*, No 2 Civ. 41657 (Cal. Ct. App., filed February 1973). Plaintiffs represented by Terry J. Hatter, Jr., Peter D. Roos, Philip L. Goar and Joel I. Edelman, Western Center on Law and Poverty, 1709 West Eighth St., Los Angeles, Cal. 90017, (213) 483–1491; Ronald L. Sievers, Legal Aid Foundation of Long Beach, 236 East Third St., Long Beach, Cal. 90812, (213) 437–0901. [Here reported: 4896F Appellants' Opening Brief (33 pp.). Previously reported: 4896A Complaint (7 pp.), 4 Clearinghouse Rev. 620 (April 1971).]

Appellants in this action are permanent resident aliens of the United States, victims of two conflicting provisions as to the right to vote. Appellants are eligible to become naturalized United States citizens but for their inability to meet the English literacy requirement. Applicants are eligible to vote in California (because they are literate in Spanish, see *Castro v. California*, Clearinghouse No. 563) but for their lack of United States citizenship.

Appellants point first to the historical fact that United States citizenship is a recent addition to the prerequisites for voting. Appellants next argue that where the right to vote and a classification based on alienage are involved the strict standard of review must be applied in determining whether the citizenship requirement, as applied to them, denies them the equal protection of the law. Finally, appellants argue that neither the state's interest in loyalty to the government; intelligent exercise of the franchise; promotion of naturalization; prevention of election frauds nor administrative convenience are sufficiently compelling or so narrowly prescribed as to satisfy the strict scrutiny test.

PRISONERS CHALLENGE DENIAL OF VOTING RIGHTS

9046. *White* v. *Edgar* (D. Me., filed Oct. 3, 1972). Plaintiffs represented by Neville Woodruff and Donald F. Fontaine, Pine Tree Legal Assistance, Inc., 565 Congress St., Portland, Me. 04101, (207) 774–8211. [Here reported: 9046A Complaint (7 pp.).]

Five inmates of the Maine State Prison seek declaratory and injunctive relief challenging a denial of voting rights under a state statute which prohibits inmates from receiving absentee ballots. Plaintiffs seek to secure the inmates' right to vote in all elections—local, state, and federal.

Plaintiffs allege that they fulfill the voting qualifications and have registered to vote in Maine, but that defendants, the Secretary of State and the Commissioner of Mental Health and Corrections, have conspired and acted in such a manner as to deprive them of their right to vote by refusing to provide absentee ballots, except for presidential and vice-presidential elections, and by refusing to establish a polling place at the Maine State Prison.

Plaintiffs assert that they have been deprived of their constitutional right to vote. They allege violations of the privileges and immunities clause of the fourteenth amendment, article I, Sections 2 and 4 of the Constitution, the equal protection and the process clauses of the fourteenth amendment and the eighth amendment. Finally plaintiffs allege the defendants have deprived them of their right to vote as secured by article II, Section 1 of the Maine Constitution.

Plaintiffs seek the convening of a three-judge court to hear and determine the controversy, and to declare unconstitutional and enjoin enforcement of Maine's absentee ballot statute. Pending such determination they ask that the defendants be ordered to establish a polling place at the Maine State Prison on November 7, 1972, or that defendants be ordered to release and transport plaintiffs to their polling places. The plaintiffs ask further that the defendants be ordered to provide absentee voting ballots for all federal offices.

Plaintiffs' counsel has advised us that the court denied the request for a temporary restraining order. Prisoners were allowed to vote on November 7, 1972, by absentee ballot for the offices of President and Vice-President only. Plaintiffs still seek a hearing before a three-judge court.

COURT ORDERS EXTENSIVE BILINGUAL PROCEDURES IN NEW YORK CITY ELECTIONS

11,357. Torres v. Sachs, No. 73 Civ. 3921 (S.D.N.Y., Sept. 26, 1973). Plaintiffs represented by Cesar Perales, Herbert Teitelbaum and Jose Rivera, Puerto Rican Legal Defense & Education Fund, 815 Second Ave., Room 900, New York, N.Y. 10017, (212) 687–6644. [Here reported: 11,357A Class Action Complaint (10 pp.); 11,357B Preliminary Injunction (35 pp.); 11,357C Memo in Support of Motion for Preliminary Injunction (35 pp.); 11,357D Findings of Fact and Conclusions of Law (3 pp.).]

The court issued a preliminary injunction ordering the New York City Board of Elections (1) to print all city election materials in both Spanish and English; (2) to place inside the voting booth a translation of all amendments and propositions appearing on the ballot; (3) to provide bilingual translators at all polling places situated in election districts falling, in whole or in part, within any 1970 census tract containing five percent or more persons of Puerto Rican birth or parentage; and (4) to publicize the election in both Spanish and English.

Plaintiffs had made repeated requests of

the city election officials to take the steps granted by the court in its injunction. The officials resolved to comply by providing bilingual ballots wherever required but resolved that with respect to the November 6, 1973 election, the physical nature of the ballot, containing ten amendments to the New York Constitution, rendered compliance with the Voting Rights Act of 1970 impossible.

Plaintiffs argued that this procedure would deny them the right to vote and would create a classification based on ethnic and national origin characteristics which discriminate against them by depriving them of an opportunity to cast an effective ballot, in violation of due process and equal protection.

THREE-JUDGE COURT TO HEAR DENIAL OF VOTING RIGHTS TO PAROLED FELONS

9318. Dillenburg v. Kramer, No. 71-2647 (9th Cir., Nov. 16, 1972). Plaintiff represented by Peter Greenfield, Legal Services Center, 3230 Rainer Ave. South, Seattle, Wash. 98144, (206) 725-2600; Robert T. Czeisler, American Civil Liberties Union of Washington, 2101 Smith Tower, Seattle, Wash. 98104, (206) 624-2180. [Here reported: 9318D Order (9 pp.). Also available: 9318A Complaint (5 pp.); 9318B Appellant's Brief (22 pp.); 9318C Appellant's Reply Brief (10 pp.).]

The Ninth Circuit has reversed a district court's refusal to convene a three-judge court in the plaintiff's challenge to a Washington law denying the right to vote to paroled felons, an alleged contravention of the equal protection clause of the fourteenth amendment. The Governor had denied the plaintiff, a paroled felon, a request for restoration of civil rights, and the plaintiff's attempt to vote was thwarted solely because he was disenfranchised under the challenged Washington laws.

In remanding to the district court, the court stated that since the right to vote is fundamental, the state classification could not survive the equal protection challenge simply through the finding that it bore some rational connection to a legitimate governmental end. To hold the classification valid, the court would have to find that the exclusions from voting rights were necessary to promote a compelling state interest.

AMICUS BRIEF FILED IN FELON VOTING RIGHTS CASE

8241. Ramirez v. Brown, No. 22916 (Cal. Sup. Ct.). Amicus represented by Philip L. Goar, Loyola University School of Law, 1709 West Eighth St., Los Angeles, Cal. 90017, (213) 483-1937; Fred Okrand, 323 West Fifth St., Los Angeles, Cal. 90013, (213) 626-5156. [Here reported: 8241C Amicus Brief (16 pp.). Previously reported: 8241A Petition for Writ of Mandate (24 pp.); 8241B Memo of Points and Authorities (60 pp.), 6 Clearinghouse Rev. 365 (October 1972).]

An amicus brief has been filed in this suit which seeks to compel the registrars of 58 California counties to register ex-felons. Amicus cites evidence that a significant percentage of adult Americans will commit serious crimes during their lives and points out that there is no evidence that allowing ex-felons to vote will affect the integrity of the ballot box. Amicus also argues that voting has the salutary effect of aiding ex-felons in their attempt to rejoin society.

Finally, amicus argues that Section 2 of the fourteenth amendment does not allow disenfranchisement of felons where such disenfranchisement conflicts with Section 1 of the amendment. Amicus points out that Section 2 was intended only for political purposes, *i.e.*, to maintain a Republican-dominated Congress.

PRELIMINARY INJUNCTION REQUIRES VOTING ASSISTANCE IN SPANISH FOR NON-ENGLISH SPEAKING CITIZENS OF PUERTO RICAN DESCENT

9183. Puerto Rican Organization for Political Action v. Kusper, No. 72C 2312 (N.D. Ill. Oct. 30, 1972) Plaintiffs represented by Wallace Winter and Roy Rodriquez, Northwest Legal Services, 2029 W. North Ave., Chicago, Ill. 60647, (312) 489-6800; Donald Bertucci, DePaul Law Clinic, 23 E. Jackson Blvd., Chicago, Ill. 60604, (312) 939-5370. Amicus Curiae, George Pontikes and Richard Kuhlman, 11 S. LaSalle St., Chicago, Ill. (312) 782-2610. [Here reported: 9183A Complaint (9 pp.); 9183B Plaintiff's Memo (43 pp.); 9183C Decision (13 pp.); 9183D Preliminary Injunction Order (6 pp.).]

Plaintiffs have filed this class action representing those United States citizens of Puerto Rican birth or descent who reside in Chicago and are eligible and registered to vote but unable to use the English language. Plaintiffs alleged that they were not proficient enough in English to exercise their right to vote effectively unless given assistance in Spanish. They sought to compel defendants, members of the Chicago Board of Election Commissioners, to provide voting assistance in the Spanish language.

The court recognized that persons born in Puerto Rico are citizens from birth and are not required to learn English. The court stated that the effect of the Voting Rights Amendments of 1970 when coupled with the Voting Rights Act of 1965 was to prohibit the denial of the right to vote to any person educated in Puerto Rico because of an inability to understand English. It stated that the right to vote meant the right to vote effectively. Prerequisites to the effective exercise of that right in this case are voting instructions and ballots or ballot labels on voting machines printed in Spanish. The court issued a preliminary injunction requiring defendants to prepare and distribute the requisite material to the polling places at which they are needed to to make all reasonable efforts to appoint bilingual election judges in those polling places.

FILING FEES FOR CANDIDATES FOR MUNICIPAL OFFICES INVALIDATED

8507. Reed v. Sebesta, No. 71-365 Civ. T-K (M.D. Fla., Oct. 27, 1972). Plaintiffs represented by Malory B. Frier and Richard P. Condon, Law, Inc. of Hillsborough County, 1809 N. Howard Ave., Tampa, Fla. 33607, (813) 253-0087. [Here reported: 8507G Memorandum Opinion and Order (4 pp.).]

The court enjoined the enforcement, application and use of certain Florida election statutes governing filing fees in Tampa and held that their enforcement was an unconstitutional infringement of the equal protection rights guaranteed under the fourteenth amendment. Plaintiffs, candidates for Tampa municipal office, had brought a class action challenging the state act, applicable only in Tampa, which required the payment of a filing fee equal to five percent of the annual salary of the office sought.

The court held that the state act violated *Bullock v. Carter*, 405 U.S. 134 (1972), in which the Supreme Court held that any system for qualifying candidates for electoral office which charges a qualifying fee that tends to classify candidates and their supporters on a basis of wealth, must provide an alternative method of qualification which does not so classify prospective candidates. The court reasoned that the five percent filing fee system was not reasonably necessary to accomplish legitimate state objectives. Moreover, it found that the filing fee system was unreasonable in amount since the five percent figure was arbitrary and resulted in prohibitive filing fees of up to $1,450.

The court held that Tampa did not provide an alternative method of qualification for electoral office that was nondiscriminatory. It reasoned that had such an alternative method of qualification existed it would have been an adequate and reasonable means of satisfying legitimate state objectives, without sacrificing the quarantees of the equal protection clause.

CLASS ACTION DAMAGES SOUGHT FOR WILLFUL MISREPRESENTATION OF REFERENDUM ISSUES

9093. Lucha v. Alan Blanchard & Associates, No. 651-951 (Cal. Super. Ct., San Francisco County, filed Oct. 17, 1972). Plaintiffs represented by Armando M. Menocal III and Robert Gonzales, San Francisco Neighborhood Legal Assistance Foundation, 2701 Folsom St., San Francisco, Cal. 94110, (415) 648-7580; Paul Harris and Stan Zaks, 3698 18th St., San Francisco, Cal., (415) 863-1530. [Here reported: 9093A Complaint (13 pp.).]

Plaintiffs, the class of persons in San Francisco and Alameda counties who were allegedly deceived into signing the initiative measure Proposition 22 by the defendant public relations agency and its employees, have brought an action to recover compensatory and punitive damages for injury to their character and reputation, abuse of their franchise and initiative rights, and false advertising and unfair business practices. Defendants solicited signatures from plaintiffs by intentionally misrepresenting that the measure would benefit the farmworkers and that it had received full support from the United Farm Workers Union. In fact, the measure provided restrictions on the rights of farmworkers to negotiate, bargain through a union representative, receive minimum wage protection, and boycott or strike. The measure was strongly opposed by the union.

Plaintiffs allege first, that defendants' knowingly false representations violated provisions of the California elections code. Second, plaintiffs allege that the defendants have damaged plantiffs' initiative and franchise rights, as reserved to them by the California Constitution. Third, plaintiffs assert that defendants violated provisions of the California business and professions code by inducing plaintiff to go on record publicly and permanently as supporters of a measure they strongly oppose.

LOCATION OF POLLING PLACES HELD RACIALLY DISCRIMINATORY

8647. Davis v. Graham, No. 16891 (N.D. Ga., Oct. 2, 1972). Plaintiffs represented by Alden C. Harrington, David A. Webster and Michael H. Terry, Atlanta Legal Aid Society, Inc., 153 Pryor St., SW, Atlanta, Ga. 30303, (404) 524-5811; N. Gerald Cohen and Prentiss Q. Yancey, First National Bank Tower, Atlanta, Ga.; G. Kimbrough Taylor, Jr., Hurt Bldg., Atlanta, Ga.; George Howell, Citizens Trust Bldg., Atlanta, Ga.; Bernard Parks, 40 Marietta St., NW., Atlanta, Ga. [Here reported: 8647A Complaint (10 pp.); 8647B Brief in Support of Restraining Order (7 pp.); 8647C Brief in Support of Injunctive Relief (15 pp.); 8647D Order (11 pp.).]

A Georgia federal district court has ordered county election officials to relocate existing polling places and establish additional ones in many black precincts of Atlanta. In this class action on behalf of all black registered voters of Fulton County, the court found the existing polls to be inaccessible due to their distant location and geographical separation, by railroad tracks and expressways, from population centers. A low proportion of cars and lack of convenient rapid transit in the affected precincts further complicated the situation. This inaccessibility was held to violate Section 2 of the Voting Rights Act of 1965, as a prac-

tice or procedure abridging the right to vote on account of race or color.

SUPPLEMENTAL SECURITY INCOME PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, yesterday I introduced a bill to remedy a number of problems that have arisen under the new supplemental security income program, SSI.

SSI, like any new program, has a number of serious flaws, and these flaws have created severe hardship for some of the most helpless people in our society: The impoverished elderly, disabled, and blind.

The most serious problem with SSI is its failure to guarantee senior citizens an adequate living allowance in this time of crippling inflation. I am sure that many of my colleagues have received, as I have, desperate appeals from elderly or disabled constituents who simply do not have enough money to pay for food and shelter. Whereas in the past, such individuals could seek additional living allowances from local welfare agencies, under SSI these agencies no longer provide financial assistance. SSI has no flexibility to meet increasing costs—no matter how severe.

As the cost of living rises, the number of people in such straits will undoubtedly increase. I believe it is essential, therefore, that a cost-of-living escalator be built into SSI. The bill I have introduced today provides for cost-of-living increases in SSI benefits in the same percentage and manner as such increases are granted to social security recipients. This provision will assure that SSI recipients can meet their rising living costs without having to depend upon annual congressional action.

In recognition of the particular difficulty faced by the elderly because of skyrocketing food costs, the bill restores food stamps to all persons who have lost them because of SSI. It also guarantees that all SSI recipients will be eligible for food stamps and that States will not have to lower their benefit levels in order to provide the stamps. Finally, this provision prevents a bureaucratic nightmare that would occur on July 1 of the year, as States attempt to put into effect new eligibility standards under the current law.

The bill provides a third means of protection against inflation by insuring that persons receiving both SSI and social security do not lose the benefit of social security increases. Under the current system, persons whose social security benefits are relatively high received a 7-percent increase in their April checks and will receive another 4-percent increase in July. Persons whose benefits were so low that they were eligible for SSI, however, received no increase because their SSI checks were reduced by the exact amount of the increase in social security payments. My bill would prevent this cruel and senseless result.

The bill contains a number of administrative changes, including a provision for the emergency replacement of undelivered, lost or stolen SSI checks or cash. In January, some 7,000 New Yorkers did not receive their SSI checks, and because of this, many of them had no money for food or rent. Social Security and Treasury regulations would have prevented these persons from receiving replacement checks for at least 2 weeks.

As a result of the efforts of myself and my colleagues from New York, emergency procedures were established that allowed such checks to be issued and received within 24 hours. Inexplicably these procedures were canceled at the end of January. The provision in my bill requires that such procedures be available to SSI recipients everywhere, not only New York, so that no elderly, blind, or disabled person need go without food or face eviction because of someone else's error or crime.

Other sections of the bill will provide for speedy action on SSI applications, judicial review of eligibility determinations and greater Federal-State cooperation in providing aid to the disabled prior to a final determination of disability.

I would like to stress, Mr. Speaker, that the bill I have introduced today is built on earlier important efforts made by others in the New York congressional delegation. Many of the provisions included in the bill appeared first in bills introduced by Representatives BINGHAM, ABZUG, and WOLFF, and cosponsored by most of the Members from New York. We are all deeply concerned with the inexcusable hardship that SSI has caused to so many persons, and I know that many other Members of Congress share our concern. I am hopeful, therefore, that this very necessary corrective legislation will receive prompt and favorable consideration.

ON INTEGRITY

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, there has perhaps been no time in our history when the esteem and public confidence in our Government has been lower than it is today. The people sense that the Nation is adrift; they rightfully feel that they have been lied to and cheated. Our Government has made promises that it has not met. There is no evidence of a leader or group of leaders who can restore a sense of decision, integrity, and morality to the conduct of our national affairs.

In these last few years we have seen a Vice President revealed as a plain criminal. We have seen a President rebuked and chastised for what amounts to tax evasion. We have seen hosts of the President's aides and advisers accused of crimes of one sort or another, and there are many who feel that the President himself has been less than honest in his dealings in these affairs. The public has been misled time and again, and no one can say where all the sad revelations will end.

We have never before seen an impeachment proceeding started on the question of a President's honesty and integrity, but that is what has happened this year.

Our most urgent assignment is to restore some sense of public confidence in our Government. That cannot be done unless our Government has integrity. That means that Congress cannot afford the luxury of avoiding hard issues; it means that we cannot avoid carrying out our duty. Among other things, this means that we have to be willing to vote one way or another on impeachment, and not seek some easy way out by hoping for the President to resign. What he does is his business; we have the duty of carrying out the procedure specified by the Constitution if he seems unfit to continue in office.

Senator MANSFIELD understands this. There are not many in Washington who are as brave as Senator MANSFIELD. No one questions his honesty or integrity. And so it is especially comforting in these rudderless times to hear him counseling that the best way is the straightforward way: place your trust in the system provided in the Constitution. It was, we all know now, the President's distrust of the people and the constitutional system that led him to cavil and dissemble in the face of growing scandals. We dare not make that same mistake, as Senator MANSFIELD has so wisely and timely pointed out.

Mr. Speaker, I append to my remarks an article in today's Washington Star that is pertinent to these times, and which explains in clear terms the importance of the integrity shown by Senator MANSFIELD:

[From the Washington Star-News, May 15, 1974]

THE INFLUENCE OF INTEGRITY

(By James Reston)

Sen. Mike Mansfield of Montana is a reminder that there are still a lot of steady, decent folk around here watching the store. Everybody in Washington is not crazy; it just seems that way.

Room S–208 in the Capitol Building, Mike's hideaway, is as plain and calm as a country lawyer's office. The door is always open. Inside, no fancy elegant people or heroic portraits of the majority leader. Some old amiable cartoons, and a big picture of Jack Kennedy throwing out the first pitch on opening day, with Mike in the background, as usual. An atmosphere of cheerful and relaxed efficiency, coffee perking on the shelf and cookies on the table.

Mike is sad but not pessimistic about the present mess in Washington. He thinks it is wrong to press President Nixon to resign, but he understands why the Republican leader in the Senate, Hugh Scott of Pennsylvania, condemned Nixon's private Watergate conversations, and why the House Republican leader John Rhodes suggests that resignation has to be considered. Mike tries to understand everybody's problems.

But pressuring the President to resign, he insists, would be unfair, evading rather than resolving the moral and legal issues. Give the President not only the presumption of innocence, he says, but every opportunity to have his lawyers in the House and Senate to argue his case, to cross-examine witnesses, and to appear on the floor of the House and Senate, if he chooses, to defend himself personally.

Let the system work, says Mike. It is not only the President, but the Congress and the Constitution that are on trial. But—and here he is very tough—let it work all the way—not halfway.

Mansfield has a sense of pity about human folly and is very generous about the personal aspects of this tragedy—and he sees it not in partisan terms. He is beyond all personal ambition now, even beyond his own party's battles.

So there must be something right about a system that puts a decent man like Mansfield at the head of a party, and something consoling in the thought that people in the House and the Senate, worried about what to do in this crisis, come to Room S–208 to talk out their anxieties, and seek Mike's quiet counsel.

Mansfield, if I hear him right, is looking beyond the present turmoil here. He is afraid that the nation would be deeply divided for a long time if President Nixon were forced to resign by political or newspaper pressure.

He thinks the whole Watergate scandal could have been avoided if the President had been open and trusted the system, and had wondered about what was right or wrong and had said "yes" or "no" at the right time. But he is not worrying about the past now. The Constitution, the courts, the House and Senate must decide and nothing else.

Put it all to test, he says, and bring the people into it. He wants televised hearings in the House and Senate. He wants not merely the evidence the President wants to give, but the best evidence, including the tapes, and if necessary, he wants them played, when relevant, in the chambers of the Congress and on radio and television.

There are many arguments against this procedure, argued in this space before, but Mansfield thinks we've had enough secrecy, and enough deception.

This simple approach carries great weight here, for the importance of Mansfield is that his colleagues in both parties and in both houses believe in him. They watch him in S–208 and on the floor of the Senate, arguing for the thing he thinks is right, even if this means opposing his own party.

He may be right or wrong on this procedure, but he has the influence of integrity, and in the end, that may be what the controversy is all about.

MEETING THE NEEDS OF OLDER AMERICANS

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

Mr. HAMILTON. Mr. Speaker, the concerns of older Americans deserve the highest priority and our continuing attention.

More than 21 million elderly citizens form the most rapidly growing minority in the Nation. It is a minority of people with diverse backgrounds, wide-ranging problems, and a common bond of age.

There are seven times as many older citizens in America today as there were in 1900. Over half live in the 10 largest States; only 10 percent live in the smallest 21 States; and over half a million live in Indiana alone.

Older Americans will become an even larger and more important minority in our society in the future.

Four thousand Americans celebrate their 65th birthday each day, and those who do can expect to live longer than any preceding generation in our history.

Between 1960 and 1970 the number of citizens over 75 years of age grew an astounding 37 percent, and today, over 1½ million people have passed the three-quarter century mark.

By the year 2000, the number of older Americans is expected to be 29 million or 10.6 percent of the population, a 46-percent increase.

Despite their growing numbers as a group and their importance as individuals, too often the elderly and their problems have escaped our notice. The elderly have been shunted aside, and their concerns have been given insufficient attention.

Only in the last years has the Nation begun to recognize what older Americans have always known: that they are an important resource, that they are individuals who deserve the opportunity to live their lives as fully as possible.

Older Americans are skilled and experienced.

They are resourceful and adaptable; the elderly have lived through a period of greater and more rapid change than any previous generation.

They are remarkably independent. One in six maintains a household.

They are important consumers, with a combined income of over $60 billion a year which has a significant economic impact, especially on the food, housing, clothing, and service industries.

They are good citizens. Older Americans, constituting 15 percent of the voting age population, vote more often than other younger groups.

Individually, older Americans make tremendous contributions to their families, their communities, and their Nation.

Older Americans have special needs, to be sure, but basically, their needs and wants are the same as those of all of us. Elderly Americans seek a dignified, meaningful life.

There is evidence that they are making some progress toward that goal.

Private groups and the news media have given increased attention to older Americans and their concerns. Fortunately, government has become more responsive and aware, as well.

Today elderly citizens benefit from a number of Federal programs that were unheard of just a few decades ago, but most of the programs that are available need to be updated and improved regularly, and there is a clear need for new approaches and additional resources.

In attacking the problems, we should give top priority to what older Americans generally consider their overriding concerns: income, health, housing, and transportation.

They are the key to the well-being of older Americans in this society.

Without adequate income, effective health care, decent housing, and accessible and inexpensive transportation, older Americans will not enjoy the essentials for a meaningful and minimally comfortable life.

There are other concerns, of course, but the following problem areas are the important ones for most older Americans.

INCOME

Income is central to the concerns of the elderly.

Older Americans have on the average less than half the income of younger people.

One older person in four living alone or with nonrelatives has an income of under $1,500, and over 20 percent of all elderly Americans live in households with incomes below the poverty line.

There is no substitute for income if people are to be free to exercise choice in their style of living and if they are to lead decent lives.

The following sections describe what is being done and what needs to be done concerning the problems of income for older Americans:

INFLATION

Inflation is one of the older American's greatest foes, and the impact of inflation is felt with special severity by older Americans.

Prices are rising faster than the relatively fixed incomes which most elderly people live on.

In 1973, food prices rose a staggering 20 percent, and in the last 4 years, the elderly have suffered more than most from rents that rose 18 percent, food prices that jumped 40 percent, and health care costs that increased 22.5 percent.

As a result, too many older Americans are cutting back on necessities such as clothing, transportation, and food as the actual buying power of their incomes is eaten away by inflation.

As one elderly woman said:

It's like I'm standing still and everything else is moving forward in such a hurry.

Inflation cannot be allowed to exact a toll of hardship, sacrifice, and despair from the elderly.

As prices go up, an elderly person's income should rise automatically with cost of living increases.

Because inflation is so difficult to control, it is important that we have firm leadership on the economic front to slow prices from their dizzy upward pace.

Economic policy must be given higher priority by the Government. The goal of a balanced economy with reasonable price stability, moderate economic growth, and full employment has been and can be achieved.

The major obstacle to such achievement is not a lack of knowledge, or a lack of tools, but a lack of political will and leadership to take the right action at the right time. The Government should encourage increased production and vigorous competition, educate and protect the consumer, and use an appropriate mix of fiscal and monetary policies to control demand and get its own spending under control.

To help achieve that goal, Congress should adopt immediately the improved budgetary procedures now under consideration, in order to strengthen its tools to hold down inflationary spending and to free inefficiently used funds for programs benefiting the elderly.

SOCIAL SECURITY

Social security is the basic source of income for most retired workers and their families.

Older Americans who are covered by social security will receive improved

benefits as a result of a number of major recent changes:

First. Congress passed a two-step 11 percent increase in social security benefits that has already taken effect. Beginning in April 1974, benefits increased by 7 percent with an additional 4 percent increase to be paid as of July 1974.

Although individual increases may vary, all beneficiaries receive greater amounts. On the average, monthly benefits for single retirees increase from $162 to $173 in April and $181 in July 1974. The average benefits check for a couple increases from $277 a month to $296 in April and to $310 in July of 1974.

Second. Older individuals under age 72 can now earn $2,400 a year instead of $2,100 and still receive the full social security benefits to which they are entitled.

Third. Beginning in June 1975, social security benefits will increase automatically to reflect increases in the cost of living.

Social security has been improved significantly by these and other changes, yet more improvements are needed.

Social security benefits should reflect the country's rising standard of living, as well as the cost of living.

Social security recipients under age 72 should be able to earn at least $3,000 a year without forfeiting any of the benefits to which they are entitled.

The social security system should be equitable with the tax schedule made more progressive, and insured men and women workers treated equally.

SUPPLEMENTAL SECURITY INCOME

Aged, as well as blind and disabled individuals, who are in financial need, became eligible for cash payments under the new supplemental security income program at the beginning of 1974.

This new income security program replaces and improves upon previous Federal-State programs for the aged, the blind, and disabled, by establishing a uniform program nationwide financed with Federal treasury funds.

In order to qualify for supplemental security income benefits, an older American must be at least 65 years of age and hold assets of less than $1,500—$2,500 for a couple. The value of a home, household goods, certain personal effects, and some property, are excluded from the determination of assets.

Individuals with no other income who qualify can receive $140 per month—$146 after June 1974. Couples are eligible for $210 a month until June, when the maximum rises to $219.

The first $20 from additional sources of income, including social security benefits, and the first $65 a month of earned income will not reduce supplemental security income benefits.

This new program is a welcome step toward addressing the needs of millions of older Americans. More and more of the eligible individuals who need financial help are being located, and some are also finding out for the first time about other Federal programs from which they can benefit.

We must learn from the initial experience with the supplemental security income program and continue to make adjustments and improvements as they become necessary.

VETERANS' BENEFITS

Veterans' retirement and disability benefits provide an important source of income for older veterans and their families.

Over 2.4 million Americans receive veterans' compensation or pensions each year, and many receive assistance through a number of other VA programs.

Congress passed veterans' pension legislation near the end of 1973 that means a significant increase in income for veterans and their families. The law increases non-service-connected disability pensions by 10 percent of eligible veterans, their widows, and their children. Dependent parents of veterans whose deaths were service-connected will also receive the 10-percent increase in dependency and indemnity payments.

In addition, Congress should act to:

Grant increases in compensation rates and DIC rates for widows and children comparable to the recent increase received by those receiving pension benefits;

Raise the income limitations for VA benefits;

Prevent increases in social security or railroad retirement benefits from lowering veterans' pension benefits;

Prevent military retirees from losing length-of-service pay when they receive disability compensation; and

Insure that the Veterans' Administration is responsive to the needs of older veterans.

RAILROAD RETIREMENT

Beginning July 1, 1974, railroad employees with 30 years of service may retire at age 60 with full benefits.

The same law extends previous retirement benefit increases through the end of 1974. If social security benefits are increased further in 1974, railroad retirees will receive an automatic equivalent increase.

A joint labor-management committee appointed to recommend structural improvements in the railroad retirement system was scheduled to issue its report April 1, 1974. Congressional action on the recommendations contained in the report must occur no later than December 31, 1974.

We must insure that workers covered by railroad retirement are in no way disadvantaged in comparison with fellow retired workers who are covered by social security.

PRIVATE PENSIONS

Retired Americans are relying increasingly on private pensions to augment social security or other retirement benefits or, in some cases, to provide their sole source of income.

However, because of the great variation in private pension plan availability, coverage, flexibility, and reliability, there have been a number of problems, many of them with catastrophic consequences for retired Americans.

Companies going out of business, employees losing pension benefits by changing jobs, and ineligibility for benefits because of early retirement are examples of the problems employees have been facing with private pension plans.

After years of study, Congress is making steady progress on landmark legislation to improve private pension practices.

Once enacted, pension reform will protect the rights and retirement security of both working and retired Americans in the following ways:

By setting standards for employees' "vesting" rights to share in pension plan benefits under an equitable formula based on age and years of service;

By requiring that all pension plans be run on a sound financial basis;

By insuring pension plans against losses that participating employees would otherwise be forced to absorb;

And by allowing self-employed individuals without pension plan coverage to receive special tax deductions in order to set up their own retirement account.

Pension reform deserves top priority as one of the most important legislative initiatives for retired employees since the enactment of the Social Security Act.

G. EMPLOYMENT

Older Americans who want to work and are capable of working confront a number of employment barriers that result in an excessively high rate of unemployment among the elderly.

The basic difficulties elderly people have in seeking employment stem from myth rather than fact or necessity.

Too many prospective employers make the false assumption that younger employees are more desirable than older ones. The employers think older employees are less productive, unreliable, or a burden to them; the facts prove just the opposite. Elderly workers have wide experience and skills that can be of great benefit to their employers, their communities, and themselves.

Hundreds of capable, productive employees are forced from their jobs each day simply because they have reached a certain age and in spite of their desire to work.

Elderly individuals without jobs who are looking for employment have trouble finding work that is meaningful and pay that is adequate.

Congress has passed manpower and training legislation that authorizes training, development, and public service employment programs to elderly citizens and others needing employment assistance, in areas with 6.5 percent unemployment or more.

For older Americans holding jobs, the minimum hourly wage was recently raised to $2 as of May 1, 1974; $2.10 as of January 1, 1975, and $2.30 as of January 1, 1976—1978 for farmworkers—and minimum wage coverage was extended to 6.7 million additional individuals.

States in which the insured unemployment rate exceeds 4 percent are eligible for Federal matching of extended unemployment benefits for a 90-day period as a result of changes in the social security law.

A number of Federal programs provide older Americans with useful jobs on a wage or volunteer basis. Programs such as Operation Green Thumb, Operation Mainstream, Retired Senior Volunteer Program—RSVP—Service Corps of Re-

tired Executives—SCORE—Volunteers in Service to America—VISTA—Foster Grandparents, and the Peace Corps have shown the beneficial potential of special work and activity programs for the elderly.

Programs such as these need to be continued and expanded.

All forms of age discrimination in employment must be stopped so that elderly workers are judged on their true abilities, not on the length of their lives.

Older Americans should have maximum freedom of choice in determining whether and where to work.

We must develop employment opportunities that are meaningful for older Americans and for the entire economy.

TAXATION

Taxes have a tremendous impact on the income of elderly Americans. Federal taxes, in particular, create unwarranted problems for elderly taxpayers.

Not only are taxes too high for many older Americans, but, in many cases, elderly taxpayers overpay because tax forms and tax laws are too complicated.

Some estimates indicate that one-half of all elderly individuals—especially those with low and moderate incomes—pay more taxes than they should. Many citizens 65 and over are simply overwhelmed by the tax statements and calculations they must complete in order to claim deductions that they are entitled to by law.

In order to maximize their income, elderly citizens should contact their local Internal Revenue Service Office for information or assistance with their tax returns.

Federal tax laws and forms should be simplified to enable older Americans to claim all deductions they should receive.

Special tax counseling assistance should be made available to taxpayers age 65 and older.

The retirement income credit limitation under Federal income tax regulations should be increased to the maximum social security benefit level.

Older Americans are also in need of relief from property taxes and other taxes, as I have proposed in H.R. 6027. The tax burden on the elderly, at all levels of government, should reflect the older American's ability to pay.

HEALTH

Health problems are a burden for senior citizens.

Although older Americans have less than half the income of younger Americans, they pay almost three and a half times as much for their greater health care needs.

Eighty-five percent of older people not in health-care institutions have one or more chronic health conditions.

Elderly people have a 1-in-4 chance of being hospitalized during a year, and their hospital stays are more expensive and twice as long as those of younger people.

The elderly visit a physician 50 percent less than the under-65, and although older Americans have special dental problems, half of them have not been to a dentist in 5 years.

Twice as many older Americans wear glasses than younger people, and 13 times as many wear hearing aids.

MEDICARE

The medicare system was established to help elderly Americans meet their particularly burdensome medical needs; however, despite the major assistance medicare provides, coverage is inadequate and too costly for all too many older Americans.

Supplementary medical insurance, the part B premium under medicare, has risen from $36 to $75, while the part A hospital deductible has jumped from $40 to $84 since medicare began in 1966.

There are also great gaps in medicare coverage, which does not include dental costs, out-of-hospital drugs, or adequate catastrophic coverage for long-term health care for the elderly.

While the medicare system continues to be the primary source of health care assistance for older Americans, it must be expanded and improved to meet the unfulfilled needs, the rapidly rising costs, and the growing complexity of adequate health care.

The monthly premium for supplementary medical insurance should be eliminated.

Costs for prescription drugs and related professional services should be included under medicare coverage.

Health care coverage under medicare should be comprehensive, including dental, hearing, and vision needs.

NUTRITION

Proper nutrition is basic to the health of all older Americans.

Unfortunately, many elderly Americans do not have the food they need.

As food costs skyrocket, it is important that supplemental sources of food be made available to older consumers whose incomes are overwhelmed by rising food prices.

Congress has recently extended the food stamp program and authorized semiannual cost-of-living adjustments to the $2.5 billion program that reaches 12 million Americans.

Nutrition programs for the elderly are being extended under the provisions of the Older Americans Act that provide low-cost meals to elderly citizens.

We must see to it that every elderly American enjoys a nutritious diet at an affordable cost.

COMPREHENSIVE HEALTH CARE

Although older Americans receive better health care than many younger Americans, it will be inadequate until health care is put on a comprehensive basis.

There is increasing debate in Congress concerning proposed plans to establish health insurance on a national basis, and the adequacy of health care older Americans may receive in the future could depend upon what approach to national health insurance Congress chooses.

Some bills under discussion would replace medicare entirely with a comprehensive plan for all Americans, some would hardly affect medicare coverage for the elderly at all, and others would expand it.

Until a new and improved system is adopted, it is important that health care for older Americans be improved at all levels.

Some progress is already being made: A $1.27 billion authorization was enacted by Congress for 12 health programs, including hospital construction, comprehensive health services, community mental health centers, regional medical centers, and other programs.

Congress created a 5-year $240 million program to encourage the development of Health Maintenance Organizations which deliver complete health care to participants for a fixed, prepaid fee.

Congress also authorized $185 million over 3 years to assist communities in developing emergency medical services, including ambulance services, emergency rooms, and trained personnel.

Another new law authorizes insured loans to nursing homes to provide better fire protection for their residents.

An improvement in veterans' legislation establishes a National Cemeteries System in the Veterans' Administration and authorizes a special $150 veterans' burial plot allowance, in addition to the previous $250 allowance, in cases where veterans are not buried in a Federal cemetery.

Other veterans' legislation widens the scope of treatment VA hospitals may provide and expands medical services to veterans' dependents.

And further legislation increased Government contributions to Federal employee health plans.

Such changes are helpful but are not enough.

The health concerns of elderly Americans deserve far greater attention, and those concerns do not end with the availability of regular medical treatment. Special emphasis should be given to research into the prevention and treatment of strokes, heart disease, cancer, and other diseases that hit the elderly particularly hard.

We also need a much greater understanding of the very process of aging.

But of course, money, commitment, and effort, not just scientific breakthroughs, are needed in order to deliver proper health care to older Americans.

One elderly gentleman remarked:

We can send a man to the moon, a President to Peking, but we can't send an old man to the doctor.

His comment was uncomfortably accurate—our priorities on health care have clearly been in error.

We need to insure an adequate supply of well-trained doctors and health personnel in both urban and rural America.

Fragmented, piecemeal health care should be streamlined, made efficient and effective, through coordinated planning at all levels.

Existing health care facilities should be improved, where necessary, and new facilities, including Health Maintenance Organizations and other health care delivery innovations which prove their worth, should be developed.

Most importantly, we must recognize the basic right of all Americans to comprehensive health care regardless of their age or their ability to pay.

HOUSING

Housing is the third principal concern of older Americans.

Many elderly Americans do not have a

safe, decent place to live at a cost they can afford. Approximately 6 million Americans live in unsatisfactory housing, and efforts to overcome this housing deficit for the elderly continue to fall short.

One third of the Nation's elderly live in our deteriorating central cities and must face poor housing, blighted living environments, and crime. In rural America, as well, many of the elderly, especially those with low incomes, live in inadequate housing.

Little or no choice in housing is another problem for older Americans. Available housing is often limited, inconvenient, and unsuitable for the special transportation, recreation, and health needs of elderly Americans.

All too often, living environments discourage, rather than encourage, an open community atmosphere for elderly Americans, including educational, cultural, and recreational facilities they can enjoy and from which they can benefit.

Unfortunately, the recent record on housing is not encouraging.

High mortgage interest rates and building materials shortages have contributed to a general housing slump.

It is distressing that the Administration has undercut most progress on housing for the elderly both before and since its January 1973, declared "moratorium" on housing.

As a result, the goal of 120,000 new housing units to be built for elderly Americans each year has not been achieved. Multifamily housing unit construction for the elderly, already too low, has fallen precipitously.

The Congress is continuing to work for better housing for the elderly, although most of its efforts have been opposed by the administration.

The Older Americans Act was amended to provide for, among other things, housing demonstration programs for the elderly. In addition, other existing housing programs have been extended.

This is hardly enough.

It is highly important that we get housing moving at the Federal level and at all levels throughout the economy.

Legislation to improve housing for the elderly should be emerging soon from Congress that would include Federal block grants for community development, Federal loans and loan interest subsidy programs for the construction of multifamily rental housing for older Americans with low and moderate incomes, and home ownership programs.

Above all, a revitalized national commitment to meeting the housing needs of the elderly is necessary.

We must make available the resources needed to improve housing for the elderly:

We must enable older Americans to remain in their own homes, if they choose, by helping them with housing rehabilitation, by lowering property taxes, and by making energy and fuel for their homes available at reasonable cost.

We must make it easier for elderly Americans to buy homes, by removing age discrimination and making mortgage loans available on an equal basis.

We must provide multiunit housing for older Americans, designed not to isolate them but to enrich and improve their lives with food, health care, and recreational facilities in a social setting.

We must increase production of federally assisted housing for the elderly to at least 120,000 units per year.

We must see that older Americans are protected against fraudulent and exploitative housing practices.

We must secure housing and neighborhoods for the elderly against crime and accidental loss through fire and catastrophe.

We must adapt both rural and urban housing to the needs of older Americans.

In sum, we must make sure that every older American has a decent place to live.

TRANSPORTATION

Along with income, health, and housing, transportation is one of the most important concerns of older Americans.

Inadequate or inaccessible transportation deprives millions of elderly citizens of mobility, so crucial a factor to leading a full life in this society.

The ability to get from place to place for older Americans means the ability to acquire basic necessities such as food, clothing, employment, and medical care. It is also the ability to participate in the social, spiritual, and cultural life of one's community.

Transportation is access to opportunities.

All too often, transportation is restricted to those who can drive and afford the high cost of maintaining an automobile. In many areas, older Americans have no alternative; they go by car or they do not go at all.

For those who drive, operator's license difficulties, auto insurance problems, and the increasing cost of gasoline can present awesome barriers to their freedom.

When and where it is available, public transportation is often unsuited to the special needs of the elderly who may have trouble climbing stairs, opening doors, standing, seeing, or hearing.

Those elderly Americans without transportation are in effect restricted to their homes or immediate neighborhoods. Everything else, perhaps even a movie theater just a few blocks away, is out of bounds.

Immobile older Americans often suffer side effects such as: poor nutrition, because food outlets are inaccessible; poor health, because doctors and medical facilities are out of reach; and withdrawal, loneliness, and despair because friends, relatives, and group activities are in another world.

Some progress is being made on the transportation problems of the elderly.

As well as authorizing funds for better highways, the Federal Aid Highway Act stimulates mass transit and requires that buses and transit vehicles receiving Federal funds be designed for use by elderly and handicapped passengers.

The 1973 Older Americans Comprehensive Services Amendments authorize a wide-ranging study of the transportation problems of the elderly by the Commissioner on Aging.

With respect to rail travel, $154 million was authorized to operate and improve Amtrak rail passenger service.

In addition, we may be seeing transportation legislation emerge from the Congress to tighten air travel security and combat hijacking, to develop a coordinated national transportation system, to improve mass transit, and to reduce travel fares for the elderly.

New approaches to transportation for the elderly should be developed such as dial-a-ride alongside improvements in existing public transportation and new rapid transit systems.

Transportation for the elderly should be designed to take into account their special needs.

Auto insurance and driver's license discrimination on the basis of age should be eliminated.

It is imperative, above all, that the world's most mobile society provide elderly citizens with inexpensive, accessible, and safe transportation.

A NEW ATTITUDE

In order to make real progress toward a good life for older Americans, we must view elderly individuals from a fundamentally different perspective.

We must see them as people, important people, people with ability, people with needs and aspirations, and people with human dignity and great worth.

Above all else, we need to get away from the callous notion that older Americans are "nice," that they have done their part, and that they should now be put on a shelf, or sent to Florida, or stashed away and forgotten in an old age home.

We must reject the idea that retirement is a separate status category reserved for those who turn 62 or 65 overnight, and view retirement, instead, as a gradual process, prepared for over a period of time.

We must also acknowledge, appreciate, and make use of the important contributions the elderly can make.

We must learn to appreciate that older Americans face difficult problems in an increasingly complex society that caters to the working and to the young.

We need a new attitude, an approach that: places human needs at the top of our priorities; places both young and old in the decisionmaking process of this Nation and makes their opinions and their energy felt at all levels; avoids pain and poverty for all and allows dignity in dying as well as in living; and offers safe, enriching, and hospitable environments for young and old alike.

We must realize that older Americans, through the years of dedication and hard work, have earned a right to our respect and a continuing share of the great abundance of this Nation.

We must respond to the challenge posed by the many needs of older Americans, and we must get on with the job of meeting those needs with vigor, with dedication, and with the attitude that we do so because it is right.

NYC COMMISSION ON HUMAN RIGHTS HOLD WEEK OF HEARINGS OF PROGRESS UNDER 1964 CIVIL RIGHTS ACT AND PLANS FOR FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from New York (Ms. ABZUG) is recognized for 20 minutes.

Ms. ABZUG. Mr. Speaker, all this week the New York City Commission on Human Rights under the conscientious and able leadership of its chairperson, Eleanor Holmes Norton, will be holding hearings on where we have come since the passage of the 1964 Civil Rights Act and where we will go in the future. Under the title "Dismantling Discrimination: Problems and Possibilities for Northern Urban Integration" the commission has heard from public officials, experts in the field, legal opinion, and activists in the field. It was also my privilege to testify on Monday, May 13.

I would like to take this opportunity to insert some of the opening remarks of Commissioner Norton and my own testimony.

Commissioner Norton said:

I am pleased to open what may be the most important hearings ever held by the Commission on Human Rights. They are certainly the most important to be held in the last 4 years. For they will subject to scrutiny and analysis perhaps the least analyzed of the major social problems in the North—the failure of integration mechanisms to work in the Northern environment. The result of this failure is the actual rigidifying of institutions along racial lines in the supposedly more progressive North at a time when Southern institutions are showing increasing adaptability to the needs of integration.

This is a problem of ominous proportions, made even more serious by the failure to come to grips with the inevitable implications of the trend. It is commonly believed that problems such as drug abuse, high crime levels, poor schools, and urban decay are the chief plagues of the Northern cities. We believe these hearings will show that in many cases, these are symptoms of deeper and more complicated phenomena. We believe these hearings will show that the urban condition today is deeply rooted in the failure to intervene into the process by which the cities and their institutions absorb people largely in monolithic racial clusters. Schools, neighborhoods, and finally cities themselves cannot survive the current rate of influx of minorities and outflux of whites because such segregated institutions will be fatally encumbered by disproportionate poverty and demand for services, while the tax base on which the necessary services depend—middle income people and businesses—have separated themselves out or fled to outlying territory.

TESTIMONY OF REPRESENTATIVE BELLA ABZUG BEFORE NYC COMMISSION ON HUMAN RIGHTS

I am pleased to be with you at these important hearings to assess the progress we have made as a nation in the 10 years since passage of the Civil Rights Act of 1964. Even more important than that assessment is our evaluation of the struggle that lies ahead in our continuing search for equality for all, regardless of sex, sexual orientation, race, religion or ethnic origin.

I would like to pay particular attention to discrimination in employment because it is this discrimination that has the most direct and in many ways the most devastating effect on minorities and women in this city and in the country. Only if Black and Puerto Rican men and women in New York can get jobs and earn decent wages, can they ever hope to take advantage of the opportunities opened by our other civil rights advances.

We have made the greatest progress in the fight against employment discrimination by clearly establishing the illegality of such discrimination. It is shocking to recall that only 10 years ago, before the enactment of the 1964 Civil Rights Act, no general federal law and very few state or local laws prohibited discrimination by private employers. To our credit, New York State and New York City were among the first of these few. While the 14th Amendment then, in principle, prohibited employment discrimination by state and local governments, there were no effective mechanisms for enforcing this prohibition. Similarly, no laws or orders ensured compliance with the due process clause requirement of nondiscrimination in Federal Employment.

Now the arsenal of laws prohibiting discrimination in employment because of race, color, religion, sex or national origin is nearly complete, with the exception of additional guarantees that are needed. Earlier today I announced that I was introducing a bill to extend Civil Rights Act protections to all, regardless of sex, sexual orientation or marital status.

The most important element of our arsenal is, of course, Title VII of the 1964 Act, which prohibited such discrimination by private employers, labor unions and employment agencies and which established the Equal Employment Opportunity Commission to receive and attempt to conciliate disputes.

Recently, Title VII has been greatly strengthened by the Equal Employment Opportunity Act of 1972—for the first time authorizing the EEOC to go to court to enforce its decisions and extending its jurisdiction to include state and local government employment. The other important elements of the arsenal include the Equal Pay Act of 1963, Executive Orders 11246 and 11375 which prohibit discrimination by federal contractors, Executive Order 11473 covering federal employment, and the Age Discrimination in Employment Act of 1967.

But while our legal protections have grown stronger, we have been greatly remiss in using them. Our failure is reflected in the continuing disproportionate economic status of minorities. For example, the median income of Black families has remained in the range of 55 to 60% of the white family median income since World War II. In fact, from 1970 to 1972 the Black median family income dropped from 61 to 59% of that of whites. (Data from Library of Congress.)

Recently, Andrew F. Brimmer of the Federal Reserve Board reported that 39,253 businesses with 15 or more employees—this represents 26.9% of all businesses of that size—had no Black employees whatsoever.

The consequences of our failure to eradicate employment discrimination are staggering. The economic cost is enormous. The President's Council of Economic Advisors has estimated that the elimination of all employment discrimination would increase the Gross National Product by $19 billion. Furthermore, it is estimated that more than one-third of the present income differential between Blacks and whites could be wiped out by ending job discrimination. This could be accomplished with absolutely no expenditure of public funds for adult education or manpower training or other such programs.

The human costs of our failure to end employment discrimination are incalculable. There is no statistical measure for the frustration and anger or loss of self-esteem suffered by those of our citizens who know they have been denied a fair and equal chance to support themselves and their families.

The burden of employment discrimination is heaviest on women, particularly minority women who bear the double weight of racism and sexism. Yet, in spite of this, sex discrimination in employment has often been slighted. In fact, the prohibition of discrimination based on sex was not added to Title VII until a few days before its passage in the House of Representatives. Even then, it was added at the instigation of opponents of the Civil Rights Act in an effort to delay and defeat it. (I would add that the prohibition of sex discrimination is still glaringly absent from other titles of the 1964 Act such as Title VI which prohibits discrimination in federally-assisted programs. I have introduced legislation to remedy this omission.)

From this inauspicious beginning, however, sex discrimination has become one of the foremost concerns of the EEOC and of commissions such as this in New York City. About 25% of the approximately 12,000 charges of discrimination that the EEOC receives each year concern sex discrimination.

This large number of sex discrimination cases is not surprising for women are increasingly playing a major role in the American work force. When this century began, there were only some five million women workers, who made up 18% of the total labor force. By 1970, 31.2 million women workers constituted 38% of the total U.S. labor force. And today, 35 million women are in the U.S. labor force, 45% of our female population of age 16 and over. Yet, four out of five of these women are confined to the bottom rungs of the job and pay ladders.

Although women have increasingly participated in the work force, they have received the least of its economic rewards. In 1970, women's median earnings were 59.4% of men's male median earnings. Of all women workers, 73.9% earned less than $7,000 per year, while only 30% of all male workers earned less than this amount. In 1970, only 1.1% of white women earned more than $15,000 a year, while 13.5% of men in the work force earned more than this amount. White males held 95% of all jobs paying more than $15,000 a year.

Women also remain highly concentrated in traditionally female jobs. From 1900 to 1970, the proportion of women working in occupations in which 70% or more of the workers are women has declined only slightly from 55% to 52%. One quarter of all employed women work in only five jobs: secretary-stenographer, household worker, bookkeeper, elementary school teacher, and waitress.

Minority women are at the bottom of the occupational ladder. Twenty-five percent of all non-white women are in the lowest paying occupation as private household workers. Non-white women make up half of all women in this occupation. On the other hand, in 1971, only 31% of non-white women held white collar jobs while 60.5% of all women workers held such jobs.

Minority women also earn considerably less and suffer higher unemployment than any other workers. In 1970, median annual incomes for fulltime workers were as follows: white males, $9,373; black males, $6,598; white women, $5,490, and black women, $4,674. (I have no figures for Spanish-speaking women, but limited data I have seen show that in New York their earnings are even below those of black women.) The unemployment rate for men in 1972 was 4.9% compared with 6.6% for all women and 8.7% for minority women. Black teenage women had an unemployment rate of 36%.

In 1970, the President's Task Force on Women's Rights and Responsibilities unequivocally declared: "Sex bias takes a greater economic toll than racial bias." The combined toll of both these discriminations on minority women is appalling.

I must take issue at this point with a recent article in the New York Times (May 6, 1974) by Dr. Alvin F. Poussaint, associate professor of psychiatry at the Harvard Medical School, in which he reports that some black leaders "feel their cause threatened by the women's liberation movement." He notes that "blacks see women taking jobs and opportunities that might otherwise belong to them."

Dr. Poussaint urges the women's movement and minority groups to put aside their conflicts and work together, a recommendation with which I agree, but not once does

Dr. Poussaint mention that at least half the black population consists of women or that black women are doubly oppressed. In fact, I believe the women's movement is greatly concerned with the status of black women. Although in its early stages the women's liberation movement was led by middle-class, well-educated women, it has now gone far beyond that. I would cite, for example, the recent formation of the black women's caucus, the organization of the Household Workers Union under the leadership of Carolyn Reed, and the organization of the Coalition of Labor Union Women, which includes black women in its leadership. I believe the data I have presented show that minority women have a stake in the developing strength of the women's movement, which is one of the main hopes we have that legal protections will be utilized and enforced.

Incidentally, Dr. Poussaint's blind spot with regard to black women is duplicated in many of the arguments I have seen attacking socalled "quota" hiring in the universities as a threat to Jewish employment. In none of these arguments is it considered that women are also Jewish and that Jewish women as well as black women, white women of other religious and ethnic groups, and Puerto Rican women have been victims of discrimination in education along with minority men.

As I have indicated, we have, at least for the time being, the legal arsenal to wipe out employment discrimination. But if we are to accomplish this goal, we must continue to move quickly and decisively as we have begun to in the last few years. Our progress stands in danger, however.

First, there is the continuing threat of inertia and inefficiency. The backlog of cases which the EEOC has yet to resolve continues to grow, and it has been exceedingly slow in effectively using its new authority to go to court. In this regard, the New York Commission on Human Rights can play a vital role by setting an example for the federal government through the efficiency of your operations and the completeness of your remedial orders.

There is an even greater danger, however, that we will lose our will and that we will not persevere. This danger is seen most clearly in the controversy over affirmative action, a controversy which in the *DeFunis* case threatened to take this crucial weapon away from the arsenal of federal, state, and local law.

Just as the opposition to busing has sprung up as the requirements for school desegregation have reached the North and its suburbs, so, too, the clamour over "quotas" has become respectable to some as affirmative action programs intended to remedy employment discrimination have touched the middle class and elite institutions.

We should not condone double standards. We must not have one legal principle governing admission to the lathers union, for example, and another governing admission to our law schools. The requirements of affirmative action to overcome the continuing effects of past discrimination in our universities must be the same as the requirements to overcome these effects in our factories.

Since the passage of the Civil Rights Act of 1964, the struggle to eliminate discrimination has come home to the North. We now know that our practices have been little different from those of any other region. We must take the same cure.

President Johnson stated just weeks before his death: "To be black in a white society is not to stand on level and equal ground. While the races may stand side by side, whites stand on history's mountain and blacks in history's hollow. Until we overcome unequal history, we cannot overcome unequal opportunity."

I would only add that women—both white and minority women—also stand in history's hollow and share equally the need for our affirmative efforts in the years ahead.

SULFUR CONTENT OF WESTERN COAL

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, coping with the sulfur contained in our coal reserves is one of the most vexing issues we face today, with regard to the maintenance of environmental quality in America. The Environmental Protection Agency has required States to establish stringent air quality standards governing the amount of sulfur oxides which a given power generating plant may legally discharge into the air. As a result, many utilities find themselves caught between the EPA and the Federal Energy Office, which has been insisting that conversion from residual fuel oil to coal is necessary in order to conserve our vulnerable oil supplies. In searching for sources of low-sulfur coal which would meet the requirements of both Federal agencies, many electric utilities are looking to the vast strippable reserves of subbituminous coal and lignite which are located in the northern Great Plains region.

The American Electric Power System, for example, is already pouring millions of dollars into a transportation network designed to bring Wyoming coal by train and barge to its powerplants on the Ohio River, including parts of West Virginia. If this trend continues, we are likely to see Appalachian coal driven from its traditional utility markets. Appalachian underground coal mines which normally serve the utility market are then likely to close in large numbers, and many more Appalachian miners will be out of work.

In light of this I feel it is highly significant that Dr. Thomas V. Falkie, Director of the Bureau of Mines and Chairman of the Interagency Coal Task Force, which is currently attempting to define an overall coal strategy for the Nation stated in a speech delivered to the American Association of Petroleum Geologists in Pittsburgh, Pa., on April 18, 1974:

What is not known generally is the fact that the air quality control regulations are based on sulfur dioxide emissions per million Btu's of energy input and that, because of their relatively low Btu value, a large part of the Western low-sulfur reserve cannot meet established or proposed air-quality standards.

Mr. Speaker, we need to examine very carefully the rush to bring western coal into the Appalachian and Midwestern markets. We need to determine whether it is in the long-term national interest to bypass the underground mines of Appalachia, or whether we would do better to find ways of utilizing the large low-sulfur coal reserves in Appalachia and the know-how that has been developed over the years.

I wish to share with my colleagues the text of this speech by Dr. Falkie, for the illumination he casts upon the great energy potential of the Appalachian region and its implications for the rest of the Nation:

THE ENERGY RESERVES OF APPALACHIA

(By Dr. Thomas V. Falkie)

A lot of jokes are making the rounds these days with punch lines that begin "I have some good news and some bad news." That's how I feel today, talking about the energy reserves of Appalachia. The reserves themselves are no joking matter, although many people are totally unaware of their significance. For such people, and for the people of Appalachia, I have good news: Appalachia, so long a major source of energy for America's industrial growth, is still rich in fuels. Contrary to widespread belief, the energy reserves of this region are not depleted. The bad news is that the reserves are not just there for the taking, either. We're going to have to work at it, like never before.

Before we go any further, some definitions. I'm using the term "reserves" as newly defined in an agreement on resource terminology just reached between the Interior Department's Bureau of Mines and its Geological Survey. According to that agreement, reserves are: "That portion of the identified resource from which a usable mineral or energy commodity can be economically and legally extracted at the time of determination." This definition aims at making it clear that any reserve figure is a dependent variable—dependent on many things, including prices and legal restraints of all kinds. In fact, it is so hard to assign fixed values to these controlling variables that any given reserve figure is understood to include a 20 percent margin of uncertainty.

By the term "Appalachia," I mean most of southern New York; most of Pennsylvania; all of West Virginia; western Maryland and southeastern Ohio; eastern Tennessee and eastern Kentucky; the western Carolinas; plus northern Georgia and northern Alabama. Not everything I say applies to all of those areas, of course, but together they are Appalachia.

The Appalachian region is richly endowed with energy resources. Most of it is in the form of coal, but the region also has important deposits of other fuels, particularly natural gas.

Natural gas is among the region's most important mineral commodities, ranking second only to coal in production value. Appalachian gas was worth $162 million in 1973. Currently, however, Appalachia's output represents only two percent of the Nation's total production of natural gas. Appalachia's share has declined from five percent of the U.S. total in 1972, and nine percent in 1948, but the quantities of gas produced have remained relatively constant, with Appalachian output in 1972 at virtually the same level as in 1948.

Fields of natural gas occur in almost every part of Appalachia, but the largest and most productive fields are in Kentucky, Ohio, Pennsylvania, and West Virginia. These four States currently produce 98 percent of the natural gas from Appalachia, with West Virginia, alone, accounting for 50 percent of the volume.

Appalachian gas reserves currently total 6.3 trillion cubic feet, and over the past twenty years they have increased 34 percent, which is about the same increase recorded for total U.S. reserves. The numbers are misleading, however, because 28 percent of the Appalachian reserve in 1972 consisted of gas in underground storage. The industry moves gas from large supply areas to underground reservoirs—depleted gasfields—close to major

market areas. This gas is stored until needed for load balancing and peak shaving operations. At the end of 1972, approximately 37 percent of the gas stored underground in the United States was stored in the Appalachian region.

The average gas well in Appalachia was drilled to a depth of about 3,100 feet, compared to the national average of 5,975 feet. Shallow exploration and production is characteristic of the Appalachian area and continuation of this type of exploration in the known oil and gas areas is expected to result in the discovery of new reserves. But enough is known of the region from density drilling to estimate that new large shallow fields will probably not be found. On the other hand, deep drilling, little of which has been done, offers brighter possibilities for the discovery of additional large reserves.

Another bright possibility for Appalachia is the extraction of methane in commercial quantities from coalbeds. Methane is a major hazard to underground coal miners, and conventional practice is to sweep it out of the mines with ventilating air. To enhance safety in underground mining, the Bureau of Mines began experiments in the degasification of virgin coalbeds, before mining, through special boreholes. Right now, as a direct result of those experiments, a West Virginia borehole is producing gas faster than most Appalachia gas wells, and the gas is being fed into a commercial pipeline near Morgantown at rates of about three-quarters of a million cubic feet per day.

Strictly speaking, there are no "reserves" of this gas on the books yet, except for the gas we are now producing, because of the uncertainties in determining how much of it can be made available. Such considerations as the proximity of a given coalbed to a natural gas pipeline, and the willingness of coal operators to adopt the technique, must be taken into account. It is obvious, however, that the potential is great, especially in Appalachia, with its rich reserves of "gassy" coal and its strategic location on the natural gas pipeline route between Southwestern producers and Eastern consumers. The Bureau will be doing its best to advance this process of borehole degasification in the coming years.

Although petroleum is an important mineral commodity in a few areas, production in Appalachia in 1973 amounted to only 7 million barrels, two-tenths of a percent of the total United States output. Of the Appalachian output, Pennsylvania produced about 50 percent and West Virginia produced most of the remainder.

Appalachian petroleum and natural gas liquid reserves are estimated at 556 million barrels, 1.2 percent of the U.S. total, but progress in secondary and tertiary recovery should raise this figure substantially. Of the current reserve, about half occurs in Ohio and West Virginia with the remainder about evenly distributed in Alabama, Kentucky, and Pennsylvania.

This brings us to coal. Appalachia's future in energy resource development lies with coal.

The Appalachian States have long been major suppliers of coal. Bureau of Mines records show that approximately 41 billion tons of coal was produced in the United States from 1890 through 1972 and, of this quantity, nearly 70 percent came from the Appalachian States. In recent years, production patterns have changed somewhat, but the Appalachian region still accounts for nearly two-thirds of the Nation's coal production.

Preliminary data show that the Appalachian States produced 425 million tons of coal in 1973 and accounted for an estimated 14 percent of the Nation's total energy output. Most of this coal went for electric-power generation, but the region also supplied 90 percent of the premium-quality bituminous coals required for the production of metallurgical coke, 9 percent of the coals shipped to other industrial plants, and virtually all of the coals exported. And, significantly, the Appalachian region supplied an estimated 80 percent of the low-sulfur coals produced in the United States in 1973.

Recent Bureau of Mines estimates show that the Appalachian region has a demonstrated recoverable coal reserve of 56 billion tons, roughly one-third of the United States total on a tonnage basis. West Virginia has nearly half of this reserve, while Pennsylvania has about one-fourth, Ohio has 12 percent, and East Kentucky has 8 percent. The remaining 5 percent occurs in Alabama, Maryland, Tennessee, and Virginia.

Appalachian deposits contain an estimated 28 percent of the United States demonstrated reserve of low-sulfur coal. Nearly one-fourth of this coal occurs in West Virginia, but East Kentucky and Pennsylvania also have sizable deposits. The Appalachian region also has the bulk of the coking coal reserve of the United States.

We have no reliable information on the portion of the demonstrated reserve in Appalachia that is recoverable by various mining methods. However, preliminary information developed in a study on underground reserves now being conducted by the Bureau of Mines indicates that in contrast with Western coal reserves, only a relatively small percent of the total Appalachian reserve is amenable to surface mining.

The United States currently has a 15 percent shortfall between energy supply and demand. Recent evaluations indicate that we will continue to have an energy deficiency until at least 1980. It is most probable, therefore, that the Nation will look to Appalachian coals for additional energy supplies, at least during this short-term period. The reserves are abundant, and they are located close to the major consumers.

I wish I could leave it at that. But there are formidable problems that must be resolved before we can expect an expansion of coal development, particularly in Appalachia. First, the Federal Government must provide a national energy policy that will give industry realistic planning criteria. That policy must address itself to the resolution of other problems, principally environmental restrictions, capital shortages, transportation deficiencies, and technologic constraints.

I am heading an Interagency Coal Task Force that has been charged with a responsibility for recommending some of the solutions to Problem Number One. Our job is to propose ways in which coal's contribution to our energy needs can be greatly increased. We will be dealing, of course, with the other problems I have named, and until our recommendations are published, it would be inappropriate for me to speculate on what they might be. I can, however, sketch the dimensions of those problems as we see them.

The environmental problems concerned with the production and use of coal are multiple, but two are of major importance. One is the air-quality standards imposed by the Clean Air Act Amendments of 1970; the other, pending Federal strip-mine legislation.

New air-quality standards are scheduled to be implemented by some States in about one year. Imposition of these standards on schedule will definitely disqualify for use large quantities of Appalachian coals that are now being produced because their sulfur content cannot be reduced sufficiently, and commercial processes for removing sulfur from stack gases have not yet been perfected. The Appalachian region has significant reserves of low-sulfur coals but their commercial development has not kept pace with that of the higher-sulfur coals because of higher production costs. Any significant expansion of facilities for producing Appalachian low-sulfur coals, even under ideal conditions, is not possible in less than 5 years.

On this point, incidentally, the news is not really as bad as many believe it to be.

It is generally accepted as fact that the Western States have the bulk of the Nation's low-sulfur coal reserves and that any stringent enforcement of the air-quality control regulations would rule out the use of most of the Eastern coals, with a subsequent movement to Western coal development. But what is not known generally is the fact that the regulations are based on sulfur dioxide emissions per million Btu's of energy input and that, because of their relatively low Btu value, a large part of the Western low-sulfur reserve cannot meet established or proposed air-quality standards.

Recent regulations applicable to all major new fuel-burning plants constructed or modified after August 1971, limit SO_2 emissions to 1.2 pounds of SO_2 per million Btu's of input. Converted to sulfur content, this means that a coal containing 1.0 percent sulfur must have a caloric value of 16,666 Btu's per pound to comply with the standards. Calorific values of Eastern coals average, roughly, 12,000 Btu's per pound and at this value, the maximum allowable sulfur content for such coal is about 0.72 percent. Coals that have a caloric value of 14,000 Btu's per pound may have a sulfur content as high as 0.84 percent. On the other hand, Western low-sulfur coals probably average about 9,000 Btu's per pound and, in order to comply with the mentioned standards, their sulfur content would be limited to an average of 0.54 percent.

The other environmental problem area, surface reclamation, is being approached by proposed Federal strip-mine legislation which, if enacted, could have an impact on Appalachian production. A significant feature of pending legislation, passed by the Senate and being considered by the House, is a provision that requires the restoration of surface-mined coal lands to their original contour. The proposed bills provide, essentially, for backfilling, compaction, and grading to restore the approximate original contour of the land. That would represent a challenge to the industry and to existing technology. But the most difficult challenge of all is posed by the uncertainty as to what will eventually happen.

Of greater concern than at any time in the past is the availability of capital for the development of new coal mines. When these environmental uncertainties are put together with rising costs for new mine development, and the competition for investment capital from other energy resource-developing industries, it becomes much more difficult to attract money to the coal industry.

Another problem is transportation. Coal is moved from mines to market principally by rail and, right now, there are shortages of railroad hopper cars, particularly east of the Mississippi River. This deficiency affects coal movement and daily mine production too, as there are little or no storage facilities at mines and they cannot operate without a regular and adequate supply of railroad cars. The major railroads in the East have had serious financial problems in recent years and it is doubtful that they will be able to meet the expected demand for transporting coal without government or other assistance.

This brings us, finally, to the technology question, one that embraces and pervades all the others. The problems of pollution, capital requirements, and transportation shortages all express themselves in technologic terms—that is, they are all contingent on the use of current technology. And it is just here that I see some real hope for Appalachian coals and the Nation in general, for it is the technology of coal production and use that is most likely to change for the better over the next twenty years.

Without anticipating any Task Force recommendations I can point out that the Bureau of Mines is already deeply committed to coal mining technology improvements that would radically enhance the position of Appalachian coals. In particular, we have programs to develop new mining methods appropriate to the deeper Appalachian deposits not being mined today, and to greatly advance surface mining technology from all aspects, including environmental. The potential impact of such improvements is obvious. Better underground mining methods could increase output, thus effectively lowering capital investment requirements, for instance; or better surface mining technology could restore the good name and high production potential of this method. Other Bureau research also has a bearing on these problems, especially our work on getting sulfur oxides out of coal stack gases. Our very promising citrate process is undergoing two successful small-scale field trials, and may soon go to a much larger field test. In another approach, we are preparing for an Appalachian feld test of underground coal gasification, a technique we hope will produce a clean, low-energy gas for generating electricity. Other gasification and liquefaction work is also underway.

Many people will object that such developments will do nothing to improve the short-run prospects of Appalachian coal and that is so. But it is equally true that no long-term improvements will come without such developments. It is foolish, for instance, to insist that relaxation of environmental restrictions will restore Appalachian coals to their rightful primacy in meeting America's energy demands. Those demands will soon be so great, if they aren't already, that conventional coal production technology could not meet them under any circumstances. The technology must change. And so it will.

Let me finish up with a brief look at the short-term prospects. Most of the Appalachian coals for the next decade or so will be consumed in markets already established, that is, electric-power generation, coke production, and exports.

Although there must be some reevaluation because of the current energy situation, recent Department of the Interior studies have concluded that energy resource inputs into the electric-utility sector in 1985 will be more than double the 1972 input and that nearly 60 percent of the input will be supplied by coal. This equates to a coal demand of 613 million tons for power generation in 1985, nearly twice the quantity consumed in 1973.

It is not possible to estimate the Appalachian region's share of this market because the bulk of the Appalachian coals going to electric utilities right now have sulfur contents that exceed the limitations proposed in most of the air-quality standards. It has been indicated that there may be some relaxation of the standards. If there is, the Appalachian States probably would maintain their present levels of supply to utilities, plus additional quantities commensurate with the percentages of utility coal that they supplied in the past. It appears also that a number of eastern utility plants that formerly burned coal but are now fueled with low-sulfur fuel oil will reconvert to coal because of the fuel-oil shortage. A recent Federal Power Commission study has shown that 46 such plants are located in the East and that Appalachian coals would probably supply most of the coals required in such a conversion.

The Appalachian region will continue to be called upon to provide the bulk of the premium quality coals required for the production of coke that is needed to reduce iron ore before it is converted into steel. But the quantities of this coal required in the near-term period are not expected to be materially larger than those of the present because, although iron requirements will increase, coke requirements per ton of iron production will decrease with continuing improvements in iron extraction technology.

There will be continuing demand for United States coals, especially coking coals, in foreign markets and exports have been forecast to double by 1980 and reach 138 million tons by 1985. There has been some concern about the advisability of exporting domestic coals when the Nation has an energy shortage. The bulk of these coals are low in sulfur and, although many of them could be used as utility fuel in lieu of low-sulfur fuel oil, they command premium prices and usually their use by utilities would require some technological changes in power-generating equipment. Also, we must not lose sight of the fact that our coal exports earn credits to our international balance of payments of about $1 billion annually.

In summary, the great potential of Appalachian energy is contingent on several major developments that can be expected to emerge over the next few years. First will come new Federal policies on coal; then new coal technologies. As a native of Appalachia, I may be prejudiced, but I cannot help but believe that the outcome will be a bright future for this energy-rich region.

Thank you.

GRADUATE AND PROFESSIONAL EDUCATION OF WOMEN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, on Friday last week, I attended an AAUW Conference on Graduate and Professional Education of Women. I would like to share with the Members an excellent review of the literature and bibliography on this subject prepared by Ruth M. Oltman, assistant, director of program, higher education AAUW:

A. BACKGROUND AND CURRENT DEVELOPMENTS

"While the desirability of women obtaining an undergraduate education is now universally accepted, . . . the value of graduate education for women is not—except in 'appropriate' fields" (Newman, 1973). There have been some changes over the past three years, but data shows that women still seek the traditional graduate programs, overlooking many areas which are only gradually opening up to them, partly because of requirements of the law. It will take time for high school and college counseling and guidance publications to "catch up" with the changes occurring and to open broader educational and vocational fields for choice to women. APGA's (1970) own policy statement on "career decisionmaking that protects freedom of choice while enhancing wisdom of choice" needs full implementation at all levels but particularly at the graduate level. CEEB's (1974) study of college-bound seniors showed many more males than females planning on graduate study and twice as many females intending to complete only a two-year program. The reasons must be examined and the causes remedied.

1. REPORT ON GRADUATE EDUCATION

To understand the problems of access of women to higher education and their retention in graduate programs, once they are admitted, it is necessary to look at the present status of graduate education itself and some of the recent studies which provide analysis of current general issues. Graduate schools have been criticized for failing to respond to the needs of society and of the new types of students seeking advanced training. The ETS report (1973) on the Panel on Alternate Approaches to Graduate Education examines these criticisms of "cultural lag" and makes recommendations for change. These include more discipline-related programs off campus; broader ways of evaluating out of classroom experience, faculty teaching, and curriculum; and increase in the admission of women and minority students who have been "hitherto discriminated against." "The politics of graduate education reflect the influence of a discriminating society," the report states. These recommendations would necessitate some major changes in procedures and attitudes, particularly toward part-time and more flexible programs of study, and new concepts of the role of the graduate faculty. They also would benefit women.

The decline in Federal financing of graduate education and research and of graduate students has been a matter of much concern because of the threat of erosion of quality graduate programs and reduction of research capabilities. In its report on Federal policy alternatives the National Board of Graduate Education (NBGE, 1974) outlines the importance of graduate education scholarship and research to both the university and society, and makes recommendations for a positive program of Federal support. These include assuring that "graduate education contributes to the National commitment to eliminate discrimination based on race, sex, age and socio-economic status."

In another NBGE study (1973) recommendations are made for long-term Federal commitment to doctorate manpower needs. Competitive fellowships to meet the needs of the most academically talented young people are suggested. The report also recommends that the numbers of minority group members and women employed in professional and faculty positions be increased.

The National Science Foundation did a survey (NSF, 1973) of manpower resources and support of graduate science education in the fall of 1971. This demonstrated a decline in enrollment of both U.S. and foreign students and a reduction in research and teaching assistantships, as well as in Federal support.

Derek Bok's presidential statement on graduate education at Harvard (Bok, 1973) illustrates the status of graduate programs on one campus, how it dealt with the drastic cuts in Federal funding, made changes in curriculum to fit social changes, and attempted to analyze and solve the problems of attrition.

Report No. 4 of the Newman Task Force II (Newman, 1973) examines the growth of American graduate education and reasons for Federal cutbacks, based on overall manpower evaluations. It recommends ways of focusing the Federal role sharply on excellence and reform through several kinds of incentives to students and institutions and redistribution of funding. "The Federal Government in the 1970's must become concerned with the kind and quality of graduates leaving the nation's universities . . . and seek to redirect graduate education to new social needs," it concludes. In awarding the "portable" fellowships in national competition suggested, "women would be awarded fellowships on equal terms with men. An individual dean or department chairman would not be in a position to play favorites. . . . To refuse admission to a woman fellowship holder would involve a clear cost . . .—the companion grant she would bring with her. If her family circumstances required her to change institutions, she would take both fellowship and companion grant to another university. It is hard to believe that her claims for help in obtaining housing or with her children would go unheard as frequently as present." The reply of the NBGE (Chronicle, 1973) is that "women are underrepresented in graduate schools primarily because fewer of them apply" and that "acceptance rates for men and women are about the same." Solmon (1973) makes a similar conclusion.

2. REPORTS ON WOMEN IN HIGHER EDUCATION

One of the most comprehensive studies of opportunities for women in higher education is found in the Carnegie report (1973), which contains seven specific recommendations regarding women in graduate study. These relate to non-discrimination in admissions, equal recruiting efforts, support of part-time study, flexibility in time limits for degree completion, equity in awarding fellowships or in appointing teaching and research assistants, provisions for the mature woman returning for graduate study, and positive attitudes on the part of faculty toward the serious pursuit of graduate study and research by women. Responsibility of the university for child care services is recommended in another chapter. A Women's Bureau survey (USDL, 1973) of programs for children on campus found that an estimated one out of four campuses had a day care center nursery or laboratory school program, 80% of which charge a fee.

At its annual meeting in 1972 the Council of Graduate Schools (Ryan, 1972), Scott and Rumbarger provided interesting new data on women in graduate education. "In the high prestige universities," says Scott, "the percentage of women faculty in any department tends to be much smaller (often zero) than the percentage of graduate students who are women." "The facts on women graduate students tend to belie the myths." "We should not talk of diluting standards," Rumberger states, "but rather look forward to the transfusion which these persons [women] can give to our intellectual life."

In "Beyond the Open Door," Cross (1971) examines the access of educational opportunity to various groups and some of the projects developed to increase that access. In considering women as "new students" she believes that "numerically women constitute by far the largest reservoir of youthful talent *not* presently continuing education beyond high school," particularly in the lower economic levels.

Feldman's comprehensive research reported in "Escape from the Doll House" (Feldman, 1973) examines four aspects of inequality in graduate education. First, women have been channeled into academic disciplines which are traditional and of low power and prestige. Then, women have lower academic goals and have a less positive self-image than men and are less likely to be in the prestigious universities. The dedication of women to academic achievement is traditionally seen as less than that of men and marriage is considered an impediment creating conflict but "given equal opportunity, any differences in dedication disappears," he finds.

A research survey on graduate school admissions is available from ERIC (Harvey, 1971).

B. SOCIAL FACTORS AND ATTITUDES

Social factors and attitudes of men towards women and women towards themselves create most of the problems which women experience in seeking an education and in using it fully. Higher education has yet to see its responsibility for the reeducation of learned social roles which operate to distort the image of women and restrict the contributions which women have to make to higher education and to society.

Considerable research has been done to dispel prevailing myths and to define the influencing factors. Astin's study (1969) clearly demonstrated that women with the doctorate *do* use their training and that "once a woman decides to invest herself, her time, and her energy in pursuit of specialized training, the likelihood of her maintaining a strong career interest and commitment is very high." Renshaw and Pennell (1969) found similar results in their survey of women with the M.D. degree, most of whom were practicing physicians.

Frankel (1974) found a close correlation between self-concept and attitudes toward femininity. If the latter as seen as requiring passive and dependent behavior, the self-concept is likely to be negative, with goals and behavior which is nonachievement oriented and "other"-directed. Findings for undergraduate and alumnae women used for the survey were similar. This adds another dimension to Horner's observations (1969) on woman's "will to fail."

Lavine (1973) sees the move by women to law schools as motivated by the desire to reconcile the conflict between fear of social disapproval and professional success in a field which will help to fulfill the social ideals of the female. Law provides a *fusion* between the aggressive trait and the helping role usually associated with women. But should this not, then, be equally true of medicine?

Attitudes of counselors reflect the stereotypes of social roles. Collins and Sedlacek (1974) found systematic differences in how counselors perceive their male and female clients. Men were seen as having more vocational-educational problems than women and women more often to have emotional-social problems. Whether these are real differences or the result of counselor's expectations and stereotypes, the attitudes do affect significantly how women are counseled.

Much has been said about "role models" and the value of these to women in higher education. Tidball's study (1973) confirmed this on a statistical basis. She found that the number of successful career graduates to be directly proportional to the number of women faculty in the achievers' undergraduate institutions at the time they were students. A disproportionately high number of women achievers came from women's colleges. Conversely, the higher the percent of men students enrolled, the smaller the number of women achievers. Campus career conferences, such as that described by Plotsky and Goad (1974) are planned, in fact, to "provide exposure to professional women who served as role models—temporary 'significant others' for the undergraduate women." They found that some graduate women in non-traditional departments felt particularly isolated and in need of supportive role models.

Another aspect of the graduate woman's problem is her relationship as a scholar to her male peers and professors. The Holstroms (1974) examined some of the factors which contribute to emotional strain and self-doubts among women doctoral students. Analysis of Creager's data (1971) demonstrated that faculty attitudes and behaviors contributed significantly. Interaction with faculty, though related to general satisfaction with graduate school for both men and women doctoral students, was significantly less for women students. Again, "role models" of women faculty may contribute to the solution, as well as a change in the "climate of expectation."

Kjeruff and Blood (1973) study confirms the Holstrom findings. "In terms of communication with professors, women graduate students do seem to be at a disadvantage in comparison with their male peers. They saw their research advisors less often, especially outside of the office context, and had fewer discussions with their research advisor." "Female graduate students thus miss out on a type of informal communication which could be helpful both in terms of acquiring research information and developing feelings of belonging in the field and acceptance as a colleague." Verbal communication thus is seen as related to research activity, stress tolerance, and attrition in graduate school.

Feldman's (1974) chapter on "External Constraints," analyzes the traditional relation between marital status and graduate education, as "life outside of graduate school may have a strong effect on life within it." While at one time pursuit of a career as a scholar was possible only for spinsters, it is interesting to note that 55% of the women receiving doctorates in 1972 were married (NRC, 1973). Feldman's data shows that "if graduate women do marry, they are much more likely than men to have a spouse with graduate education." Family circumstances or pressure from the husband often force primacy of family over a career or even may cause divorce.

(See also conference papers by Sheila Tobias, Martha Kent, and Linda Hartsock.)

C. INSTITUTIONAL BARRIERS

In March, 1974, a conference was held on the Douglass College campus on "Part-time Graduate Study: New Roads to a Degree" with particular reference to its value to women. While full-time graduate study has its advantages, generally the life-patterns of women do not adapt to it and a more flexible structure is needed. This restriction to full-time graduate study at many institutions and the practice of granting financial aid only to full-time students are two of the major barriers to women's pursuit of education beyond the baccalaureate degree. Douglass has prepared a useful resource book on part-time opportunities for graduate and professional study in the states of Delaware, New Jersey, New York and Pennsylvania.

Pitchell (1974) has reported that of all students enrolled in post-secondary educational programs, more than half are studying part-time, the majority of whom are women. He has proposed that we can no longer overlook the financial needs of these students and suggests seeking Federal support if we are truly committed to the concept of life-long learning.

Sells (1974) reports that women at the University of California who once had a drop-out rate twice that of men now complete their doctorates as often as men. Her project grew out of a concern for understanding the psychological and social factors contributing to the high drop-out rate of women. Among the problems women experienced were progressive demoralization by lack of acceptance by faculty as colleagues, negative faculty attitudes toward women, and ambivalence and conflict in women's own feelings about careers. Suggested were seminars of peers to discuss their problems, when preparing for exams and when writing dissertations.

Burstyn (1973) has reviewed the experiences of women at Carnegie-Mellon University as a result of administrative decisions which have had profound effect on their opportunities. Programs attracting women, such as social work and library science, were terminated and, in 1973, Margaret Morrison College for Women was abolished. In 1970–71 women received fewest degrees in the Graduate School of Industrial Administration, where there were only two faculty women. Only five other women taught in the graduate school. The percentage of women receiving master's degrees fell from 20% to 9% from 1946 to 1970, due principally to the structural changes in the university.

Davis (1973) describes some of her own experiences in graduate school which led to conclusions concerning informal structures of universities as they affect women, such as prejudging the attrition potential of women, counseling women to take the M.A. "just in case," greater interaction of male students with professors, criteria for awarding fellowships, placement differentials and, again, lack of female role models.

Clifford and Walster (1970) sent 240 college and university applications for admission which were identical at three ability levels, varying only by race and sex. Males were found to be markedly preferred at low levels, although the preference leveled off at higher levels.

The National Commission on Financin-

Post Secondary Education, in a recent report (Mathews, 1974), found that an "equal chance to attend college is still denied prospective students from low income families, racial and ethnic minorities, large cities and rural areas, and *women*." Chalmers (1972) examined the complex reasons for the proportionately fewer women than men in higher education and raises the question as to "what *is* the obligation of graduate and professional schools sincerely committed to the elimination of discrimination." He suggests raising questions regarding bias wherever indicated and developing compensatory recruitment programs.

In reviewing the potential of non-traditional graduate admissions, Brown and Gregg (1973) look at the traditional methods which have merit but also at the increasing numbers of new students—minorities, women reentering education, mid-career persons who must be served, and at the factors which require non-traditional approaches—such as increased student mobility and competencies not learned in the classroom. They raise the basic question: "Can an elitest institution, graduate education, react to the broad social pressures to meet the needs of our modern society without finding it essential to redefine its mission and modes of operation?"

Finally, Harvey (1971) sums up the major issues in graduate school admissions and reasons for non-entry, reviewing the relevant literature. Procedures used for evaluation are surveyed and criteria for admission are examined. Sex and academic performance are noted to be significantly related to application. "Women, though better students, are not enrolling in proper proportions. . . . If graduate schools are interested in attracting the best students, women should not be discouraged" as they often are. "The impression exists that the admissions process on the graduate level is haphazard if not indeed capricious," he states. Suggestions are made for improving this process.

D. TRENDS IN SPECIFIC DISCIPLINES

The annual report on doctorate recipients prepared by the National Research Council (see NRC, 1973) for the first time in 1973 included a complete analysis of data on women. 16% of those receiving doctorates in 1972 were women, following a slow increase since 1954, when the percentage was a low 9.1, although it had been 16.8 in 1929! In 1972 the median age for women receiving the doctorate was only 2 years higher than for men and the time lapse since the baccalaureate also only 2 years more. Actual *enrollment* time, however, was about the same. 55% of the women were married. (See paper by Clarebeth Cunningham of NRC).

Enrollment of women in the professional schools has increased over the past few years, in some instances dramatically. Examples from several of the disciplines will demonstrate.

In medicine the increase in enrollment has been the result of both legal requirements (Health Manpower Act of 1971) and Federal incentives for the expansion of total medical school enrollments (Spingarn 1974). Women represented 16.8% of all first year medical students in 1972–3 as compared to 9.0% in 1968–9 (Dubé 1974) and estimates are as high as 19% for 1973–4. This increase has not been at the expense of male students, whose numbers also have increased, but at a slower rate. A number of schools are taking a larger percentage of women than men applicants because they already are a more selective group. Eastern Virginia Medical School recognizes that better counseling and encouragement is needed for women in considering medicine as a career. The Medical College of Pennsylvania has launched a part-time residency for currently inactive women M.D.'s to get them back into the main stream of medicine; New York University has a part-time residency in psychiatry. (See report prepared by Dr. Margery Wilson of AAMC.)

While more women than men drop out of medical school for non-academic reasons (for academic reasons they are similar), there appears to be no study of the reasons or whether some of these women might, with counseling or assistance, return. Spingarn (1974) reports that women rejected for admission "represent a much greater intellectual and financial loss to health and medical care, to society, and to themselves." While most rejectees do go into graduate school, (74% men, 42% women) women turn to fields such as laboratory technology or choose other careers with lower educational requirements. Like the men, they report little help from their college advisers at the time of rejection.

Pharmacy has always had a fairly high percentage of women. In September of 1973 women made up 27.3% of the 73 schools of pharmacy in the U.S. In addition 25.8% of those in master's program were women and 14.7% of those in doctorate programs (Bliven 1974).

Engineering has been seen less as a woman's field, and women with a liking for science and mathematics often are not guided to consider engineering as a vocation. From 1960 to 1971, however, the % of women receiving engineering degrees increased from 0.38% to 0.82% and the number of master's and doctor's degrees increased more than seven fold (Kotel 1973). Women tend to concentrate in chemical engineering more than in mechanical or electrical; they also work more in research, development and design than in production, construction or management. Recently engineering schools have been making direct appeals to interest women in engineering—Stanford, e.g., has a special pamphlet to recruit women (Stanford, 1973). Enrollment of women in engineering schools in the fall of 1972 was up to 2.3% of totals in undergraduate and graduate programs.

The National Science Foundation *Highlights* (NSF, 1973) provides data from the 1972 Professional, Technical and Scientific Manpower Survey (from 1970 Census) on sex, age and educational attainment of persons in 5 engineering and scientific occupational groups. While women represent less than 1% of the engineers, they make up 27% of the mathematicians, 18% of the life scientists, 9% of the physical scientists, 19% of social scientists.

Perhaps the field of law shows the greatest increase in enrollment of women students over the past few years, the number of first-year students showing a 35.2% gain in the fall of 1973 over 1972. 16% of all law students were women (ABA 1974). As in medicine, percentage of women applicants accepted was greater than of men, as the pool was more selective. Schools varied, however, from less than 10% women to as much as 30% in a recent study by Byciewicz (1973). Many have an affirmative action program to recruit women and/or sent recruiting materials to college placement offices to encourage female applicants. Women, however, generally received less financial aid than men but were granted more loans. Fewer women dropped out for academic reasons than men, with a slightly higher percentage of women withdrawing for reasons of financial or family responsibilities. Only one law school reported the existence of a day care center.

At a meeting of the American Economic Association in December, the women's committee commented on the grossly disproportionate percentage of women (less than 10%) who were economists. While recognizing that many social factors create this proportion, "this does not excuse the economics profession from setting in motion processes which will raise its proportion of women" and compensation for this "economic loss to society." (Chronicle of Higher Education, 1974) .

A report on "The Status of Women in Sociology, 1968–1972" (Hughes 1973) states that only 1 of every 100 women with a bachelor's degree in sociology goes on to a doctorate as compared to 10 or 11 men. The final statement in this report can well apply to all the professions:

"Many of the discriminatory practices which have held them back are, as has been shown, not there by intention but as a by-product of certain features of our social institutions, including a whole set of now inappropriate role expectations. But to remove the differentials in the opportunities and rewards open to men and women may not be enough. Changes in practice should be accompanied by re-socialization to modify attitudes and behavior—a process to which, perhaps more than anything else, the Committee's report was intended as a spur. The time to engage in these transformations is precisely now when increasing numbers of women are entering the academic profession. Although awareness of inequalities is at present sharp, the time is not yet when all sociologists will respond to each other qua sociologists, ignoring sex or ethnic identity in situations where occupation is the only relevant basis of social status. 'Liberated' sociologists, men or women, are those fully engaged in the profession in a social context that enables each to contribute to his or her fullest capacity. There are social and personal costs involved in the redefinition of roles but the gain to society at large and to the individual sociologist will be incalculable."

E. REQUIREMENTS OF THE LAW

These will be reviewed in a separate conference paper on graduate schools, prepared by Bernice Sandler. Her article in the Journal of Law and Education (1973) states the general issues and laws which affect women in higher education. Scott (1972) cites some of the problems which will be challenged by Education Amendments of 1972, such as rigid admissions and length-of-residence requirements, admissions quotas in departments and programs, state residence requirments, lack of housing for women, inequitable distribution of financial aid.

Hosken's testimony (1973) to the House Ways and Means Committee raises the serious question of tax-exemption for institutions which discriminate. The tax issue could become as important a control in compliance cases as government contracts. Accreditation also is an issue—whatever the academic merit of an institution, should it be accredited if it is not providing quality education for *all* of its students? Dscrimination on campus is now an educational, social and legal matter.

Fields (1973) article describes the action of the U.S. Office of Civil Rights last year in notifying "graduate and professional schools and some public undergraduate schools that they must begin applying non-discriminatory admissions policies by June 24," 1973, in accordance with the Education Amendments of 1972. Formal regulations for these amendments have yet to be published by HEW, nearly two years after their passage.

In analyzing the Education Amendments of 1972 and how they may affect women, Temko (1973) cites specific cases, "A prima facie case of discrimination may be established by showing a substantial disparity between the percentage of women (and men) in a given institution. A question arises as to whether the population to be used as a comparison is the percentage of the class in the general population or the percentage of the class that is eligible or qualified for the particular institution or activity. The cases show that both figures have been used. The Education Amendments of 1972 would specifically permit the introduction of statistical comparisons with the total number or percentage of persons of a particular sex in a geographical area." "Statistical evidence of underrepre-

sentation establishes a rebuttable presumption of discrimination," she states, but "mere protestations that discrimination was not practiced will not suffice to rebut this presumption." Equally, courts have held that policies neutral on the surface which perpetuate discrimination violate the equal protection claus. Temko's presentation provides strong legal precedents for enforcement of the amendment.

F. PROPOSED SOLUTIONS

Definitions of some solutions to the problems raised in this conference will, of course, be its major task. Some of these solutions are suggested in the two Carnegie reports and in many of the recommendations of the studies cited. They appear to include the following areas:

1. Enforcement of the law—contract compliance, tax exemptions, fines, assurances, accreditation.
2. Admissions—affirmative methods of recruitment, use of merit criteria, elimination of quotas.
3. Counseling—academic and personal.
4. Non-traditional programming and flexible scheduling.
5. Part-time study.
6. Part-time financial aid.
7. Provisions for child care.
8. Models of successful professional women.
9. Attitudes of faculty and peer students, acceptance of women as academic equals.

The development of our positive recommendations and models should make a significant contribution to new opportunities for women in graduate and professional education.

SOUND COMMENTS ABOUT THE VICE PRESIDENT

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

Mr. SIKES. Mr. Speaker, on Monday night, May 13, the Vice President of the United States, the Honorable GERALD R. FORD, was guest of honor of the Pensacola Chamber of Commerce. The occasion was the annual dinner meeting of that organization. A capacity crowd of 1,500 was in attendance. Presiding was the able president of the chamber, Mr. William H. Clark.

The warmth of the reception and the welcome given to the Vice President was pleasing to me as a colleague of many years who has enjoyed the friendship and admired the good work of Mr. FORD. He gave an excellent address with the kind of down-to-earth comments that an American audience appreciates.

On the same date, the Pensacola Journal editorialized on the Vice President's visit in an outstanding way. I feel that my colleagues in the Congress will want to see the comments which were made by the Journal. I am pleased to submit them for reprinting in the RECORD.

VICE PRESIDENT FORD DESERVES OUR WELCOME

Not since Franklin D. Roosevelt whisked through people-lined streets of Pensacola and boarded his private railroad car on tracks on the site of the new Sheraton Inn in 1937 has an incumbent president or vice-president visited and delivered words to Pensacolians.

Not until today.

Roosevelt's successor, Harry Truman, visited Eglin Air Force Base; and President Kennedy was later a first-hand observer of the Air Force's largest reservation.

But today we are honored by Vice President Gerald Ford, here for annual Pensacola Area Chamber of Commerce festivities.

We welcome the distinguished Vice President to our corner of the world, so far removed from the turmoil that surrounds White House '74. Indeed, he comes here young in the No. 2 office but experienced and honored as a Michigan congressman; a former House minority leader who seemingly was acceptable to all when President Nixon made his selection from legislative ranks for the office vacated by Spiro Agnew.

We assume Pensacolians and West Floridians in general will receive Vice President Ford warmly, viewing his presence in the national executive posture as some form of hope and substance from the long-lingering stains of Watergate. Ford will be in friendly, conservative country, West Florida having voted overwhelmingly for Richard Nixon in 1972.

And while President Nixon's popularity may be waning, or at least his supporters here befuddled and confused in the light of Watergate and those terrible, skin-stripping transcripts of tapes, Mr. Ford seems to be generally perceived here as a man of honesty and integrity.

He appears unmarred by Watergate, and quite possible could be the next President of the United States—one way or the other. His appearance here, as others throughout the nation, could be viewed as testing presidential waters, or at least bringing with him a message of comfort for all—Republicans and Democrats alike—who are bone-tired of the long string of horrors sifting out of the Potomac.

Also, Mr. Ford is not quite a stranger here. Last year, during one of the largest and most impressive Chamber of Commerce testimonial dinners for Congressman Bob Sikes, Gerald Ford was here for words of tribute along with House Speaker Carl Albert, Navy and Army executives and other Washington headliners. He spoke fondly of Congressman Sikes of Crestview, dean of Florida's delegation, a view returned on occasion by West Florida's own fondly-christened old "he-coon." Sikes and Mr. Ford have worked closely in the House of Representatives, both sharing conservative philosophies on major issues regardless of opposing party label.

Mr. Ford continues those qualities of gentlemanliness, consideration and courtesy most West Floridians desire in their elected leaders; qualities, we might add, notably lacking in those blasted transcripts from behind closed White House doors.

So, Gerald Ford is a fresh breeze from Washington on this evening when hundreds of Chamber members preview the past year and launch anew programs desperately awaiting implementation in our community. We are certain his reception here will be befitting the man, his achievements and the giant office he holds. We are sure that many attending the Chamber dinner tonight will find a measure of reassurance from a popular former congressman who is only a heartbeat away from the Presidency.

He deserves our welcome; he deserves the traditional friendly West Florida reception and good wishes for the days ahead.

Mr. Ford deserves nothing less.

Welcome, Mr. Vice President.

STRIP MINING BILL TOO WEAK

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

Mr. HECHLER of West Virginia. Mr. Speaker, the bleeding hills of Appalachia will be further ripped and torn, and the virgin plains of the West will be raped by the strippers under the terms of the bill just reported by the House Interior and Insular Affairs Committee.

Despite noble efforts by Representative PATSY MINK, Democrat of Hawaii, and Representative JOHN SEIBERLING, Democrat of Ohio, the committee has produced a woefully weak compromise filled with the kind of loopholes the coal and utility lobbyists have written into State strip-mine regulation for the past 30 years. For over a year, the Nixon administration and its allies in the coal industry have joined hands with a majority of the Interior Committee and danced a deadly minuet to produce a watered-down bill.

FALSE HOPES AND EMPTY PROMISES

H.R. 11500 spells false hopes and empty promises for thousands of people in the mountains and on the Great Plains. Enforcement power is given primarily to the States, whose regulatory track record is dismal. The production-oriented Department of the Interior is given some nominal authority, freezing out the Environmental Protection Agency, which has a little more backbone and experience in water quality control. Instead of requiring that strip mining must maintain water quality, it is suggested in section 210(b)(14) that operations "minimize the disturbances to the hydrologic balance at the minesite and in associated offsite areas and to be the quality and quantity of water." In section 210, the committee also failed to provide adequate protection of the coal seam aquifers and alluvial valley floors in the West. According to section 210(b)(6), erosion is to be controlled "as effectively as possible"—whatever that means.

For the first 40 months after the bill is enacted, even weaker "interim standards" apply in section 201, thus inviting a virtually unregulated coal rush before somewhat stricter standards go into effect over 3 years hence. The only really good features of the bill are the strip ban in national forests and fairly strong citizen participation provisions which mandate public hearings and citizen suits. Yet the weak "reclamation" standards mean that Congress is placing all the responsibility on the poor citizen in the hollow to go out and fight his own battles against the well-heeled legal talent of the coal company and its newest parent-in-law, the oil corporation.

SEIBERLING AMENDMENT SCUTTLED

With eight times as much coal which can be deep-mined as stripped with present technology, you would think the Interior Committee would act to meet the energy needs by encouraging deep mining. The Seiberling amendment attempted to do precisely that, by equalizing the disparate costs of deep and strip mining through a $2.50 per ton tax on which rebates favored deep mining operations. The western stripping interests teamed up with the profiteering lobbyists everywhere to scuttle the Seiberling amendment in the closing days of the committee debate. The Jones amendment was adopted with a drastically lowered tax tied to Btu content which favored western strip-mining at the expense of eastern deep mining, thus spurring the pell-mell coal rush westward.

There are several villians in this

drama—including the administration lobbyists who threw their weight in on the side of the coal and utility interests attempting to weaken the bill. You would think the administration would have the guts to stand up for the public interest which the taxpayers assume that public servants should be protecting. Carl E. Bagge, president of the National Coal Association is paid handsomely to maximize already-fat profits for the coal industry. When Mr. Bagge contends, as he did in a May 1 statement that H.R. 11500 will "allow the surface coal mining industry to bleed to death in 2 or 3 years instead of sentencing it to immediate strangulation," he is telling what I bluntly label a lie. When Mr. Bagge contends, as he did in the same statement, that the House bill "would make surface mining impossible in much of Appalachia" and "would also wipe out most surface mining in the West," he is telling an absolute untruth and he knows it.

FADED ROSE OR SKUNK CABBAGE?

To make it worse, Mr. Bagge is acting very much like a hypocrite. Having succeeded in weakening H.R. 11500 up and down the line, Mr. Bagge is now playing the game of painting this faded rose as a skunk cabbage in hopes that he can get the bill weakened even further on the floor of the House. He secretly hopes that if he labels the bill as prohibitive, and I label the bill as too weak, then Representative MORRIS K. UDALL might be inspired to claim that the only reasonable middle course between extremes is to enact H.R. 11500.

For hundreds of thousands of Americans, it would be a disaster to enact H.R. 11500. The bill raises false hopes that it can provide the coal to meet the Nation's needs without destroying valuable topsoil, causing silt sediment and acid to pour into streams, disrupting aquifers and other sources of water, irreparably ripping up the land, and bringing more fear and despair to many thousands of people in strip mined areas. I will fight this bill. I will continue to fight against the exploitation of land and people. I will fight to strengthen the bill by restoring the Seiberling amendment. Then, I will fight it by attempting to phase out the strip mining of coal entirely within 6 months in mountainous areas and within 18 months in relatively flat areas.

WHEN DID THE PRESIDENT KNOW?

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

Mr. WAGGONNER. Mr. Speaker, the national press and networks are engaged in reporting on the transcripts of the President's taped conversations, often with journalists' own views analyses. It would appear from most of the newspapers and television I have seen that these reports are critical.

Therefore, I was interested to read recently in the Wall Street Journal a very perspective story by Jude Wanniski making several important arguments in favor of the President. In order that my colleagues may have the benefit of Mr. Wanniski's thoughtful research and comment I ask unanimous consent to have his May 3 Wall Street Journal article printed in the RECORD at this point.

WHEN DID THE PRESIDENT KNOW?

(By Jude Wanniski)

As the Ervin Committee hearings rolled on and on last summer, time and again Senator Baker would refocus the audience's attention on the questions, "What did the President know and when did he know it?" Yet now, with voluminous evidence of the President's knowledge suddenly available, few people have yet paid much attention to Senator Baker's presumably crucial question.

The focus so far has been elsewhere, for quite understandable reasons. The President warned the transcripts would be embarrassing to him, and they are. Especially at first reading, as the reader flinches with embarrassment for the President—the cocky Nixon, way ahead in the polls on election eve, Watergate supposedly disposed of as an issue, talking of putting the screws to his enemies in his second term. And there is all that outragous brainstorming about how to handle Hunt's blackmail threat, Mr. Nixon's worst moments in these 1,308 pages.

But if the reader persists, and especially upon selected rereadings, the importance of Senator Baker's question reasserts itself. The reader is wrenched out of the present back into the Nixon mind of a year ago, beginning to realize that the President then did not know as much about Watergate as the average informed American knows today. Once the reader grasps that fact, he is far less embarrassed for the President, just as the reader who has been told the outcome of a mystery story at the outset cannot feel disdain for the detective who seems slow to put the pieces together.

A great part of the drama of the transcripts, indeed, is watching the President stumble on revelation after revalation about Watergate, seeing this lawyer gradually learn the meaning of the words "obstruction of justice," watching him reach for reassurance that he could rely on the aides he was trusting to investigate. The record may show executive weakness, misplaced loyalty, character faults and even a certain startling naivete. But in answer to Senator Baker's question, the transcripts show the President surprisingly uninvolved.

Some of the first revelations came in the meeting with John Dean on March 13. At this point, it's clear, the President thought his problem was with the Ervin Committee, the press, the defeated anti-Nixonites of 1972, and that he was fighting a political public-relations battle. The talk is of what new revelations may come out of the Ervin hearings:

D: They would want to find out who knew. P: Is there a higher up? D: Is there a higher up? P. Let's face it, I think they are really after Haldeman.

D: Haldeman and Mitchell. . . .

P: In any event, Haldeman's problem is Chapin isn't it? . . . D. Chapin didn't know anything about the Watergate. P. Don't you think so? D. Absolutely not.

P: Strachan? D: Yes. P: He knew? D: Yes. P. About the Watergate? D. Yes. P. Well, then, he probably told Bob. He may not have. . . .

P. But he knew? He knew about Watergate? Strachan did?

D. Yes. P. I will be damned! Well that is the problem in Bob's case. Not Chapin then, but Strachan.

A few days later, in the March 17 telephone call from Mr. Dean, the President learns of the Ellsberg burglary:

D: The other potential problem is Ehrlichman's and this is—P: In connection with Hunt? D: In connection with Hunt and Liddy both. P: They worked for him?

D: They—these fellows had to be some idiots as we've learned after the fact. They went out and went into Dr. Ellsberg's doctor's office and they had, they were geared up with all this CIA equipment. . . .

P. What in the world—what in the name of God was Ehrlichman having something (unintelligible) in the Ellsberg (unintelligible)? D. They were trying to—this was part of an operation that—in connection with the Pentagon papers. They were—the whole thing—they wanted to get Ellsberg's psychiatric records for some reason. I don't know.

P. This is the first I ever heard of this. I (unintelligible) care about Ellsberg was not our problem. D: That's right. P: (expletive deleted).

By the March 21 meeting, of course, the Ellsberg burglary had become the centerpiece of the "blackmail threat" from Hunt, and this leads to all the agonized brainstorming. But even at this point, the President seems to view his problems as merely those of public relations. At one point he stumbles over the words "obstruction of justice." And he thinks if necessary the problems at the White House can be solved by simple disclosure.

P. So what you really come down to is what we do. Let's suppose that you and Haldeman and Ehrlichman and Mitchell say we can't hold this? What then are you going to say? What are you going to put out after it? Complete disclosure, isn't that the best way to do it? D: Well, one way to do it is—P: That would be my view.

By March 27, the President learned from Mr. Haldeman that Mr. Mitchell may in fact be guilty, but had trouble believing it.

H: The more he thinks about it, the more O'Brien comes down to Mitchell could cut this whole thing off, if he would just step forward and cut it off. He said the fact of the matter is as far as Gray could determine, Mitchell did sign off on it. And if that's what it is, the empire will crack.

E: You said, "Gray." P. What's that? I am sorry. H: O'Brien, not Gray. As far as O'Brien can determine Mitchell did sign off and Dean believes that to be the case also. . . . [a long explanation follows].

P. What I can't understand is how Mitchell would ever approve. H. That's the thing I can't understand here. . . . H. [according to Dean] Liddy told Kleindienst that Mitchell had ordered it. P. Oh. . . .

P. You know Mitchell could be telling the truth and Liddy could be too. Liddy just assumed he had abstract approval. Mitchell could say, "I know I never approved this damn plan."

In the same conversation with Mr. Haldeman and Mr. Erhlichman, the President worries about being told what is going on, and concludes Charles Colson is probably innocent.

P. Colson in that entire period, John didn't mention it. I think he would have said, "Look we've gotten some information," but he never said they were. Haldeman, in this whole period, Haldeman I am sure—Bob and you, he talked to both of you about the campaign. Never a word. I mean maybe all of you knew but didn't tell me, but I can't believe that Colson—well—

By April 14, the President is recalling his March 21 conversation with John Dean, and wondering about the legal status of money payments to defendants.

P. I said, John, "where does it all lead?" I said, what's it going to cost? You can't just continue this way. He said, "About a million dollars." (Unintelligible) I said, John, that's the point. (Unintelligible) Unless I could get them up and say look fellows, it's too bad and I give you executive clemency like tomorrow, what the hell do you think, Dean. . . . The word never came up, but I said, "I appreciate what you're doing." I knew it was for the purpose of helping the poor bastards through the trial, but you

can't offer that John. You can't—or could you? I guess you could. Attorneys' fees? Could you go a support program for these people for four years?

E. I haven't any idea. I have no idea. P. Well, they have supported other people in jail for years. E. Sure, the Berrigan brothers. P. Huh? E. I say, I don't know how the Berrigan brothers and some of those— P. They all have funds. . . . E. So that they— P. But not to hush up. E. That's right. P. That's the point

And by the same date, the President has learned something about obstruction of justice:

P. We did not cover up, though, that's what decides, that's what decides . . if three of us talk here, I realize that frankly—Mitchell's case is a killer. Dean's case is the question. And I do not consider him guilty. Now that's all there is to that. Because if he—if that's the case, then half the staff is guilty.

E. That's it. He's guilty of really no more except in degree. P. That's right. Then others. E. Then a lot of

P. And frankly then I have been since a week ago, two weeks ago.

E. Well, you see, that isn't, that kind of knowledge that we had was not action knowledge, like the kind of knowledge that I put together last night. I hadn't known really what had been bothering me this week. P. Yeah. E. But what's been bothering me is

P. That with knowledge, we're still not doing anything. E. Right. P. That's exactly right. The law and order. That's the way I am. You know it's a pain for me to do it—the Mitchell thing is damn painful.

The next day, the President has the fateful visit from Attorney General Richard Kleindienst, who has been up late with prosecutors briefing him on their talks with John Dean and Jeb Stuart Magruder:

K. Magruder's conversations and John's conversations with attorneys, with every absolute certainty that Magruder's going to be put on before the Grand Jury. P: Are they going to call him back? K: Yeah. P: Oh, of course, because he's going to plead guilty. K: He's going to plead guilty and he's going to tell everything he knows.

P. Sure.

K. That kind of information is not going to remain confidential.

P. As you now, the—we have no—I have not and I would not try to get information from the Grand Jury, except from you. K. Right. P. And we have not. But the reason—the reason that I am aware about the Dean thing—I have taken Dean off the matter, of course. I had to. As far as what he was reporting here at the time. I put Ehrlichman on. . . .

P. Except that Magruder may—you can't tell, in his view, that you can believe everything Magruder says because Magruder's apparently got a—K. Got a self-interest involved. P. He's got his self-interest and you don't know whether he's going to drag this fellow or that fellow or whatever the hell is. You know that's the trouble when a guy starts lying and, you know—I mean—wondering whether Magruder is telling the whole truth on John Mitchell—you know, Mitchell—have you talked to Mitchell?

K. No and I'm not going to. I don't think that I can talk to him. P. I think you should know, Mitchell insists—I didn't talk to him. You know, I have never asked him. Have you ever asked him? K. No sir. We have never discussed the matter. P. I never have either. I asked Bill Rogers about that. I said, Bill, should I ask him? No, John Mitchell. And so I asked Ehrlichman. I said, now I want you to ask him. . . .

K. The basic problem that—it's possible that Dean might testify to, what Magruder will testify to, and then you've got Strachan or somebody like that. He was on Haldeman's staff. There is a possible suggestion that Haldeman and Ehrlichman ah, as yet—it looks that way—whether there is legal proof of it so far as that—that they.

P. Indicating what?

K. Well, knowledge in this respect, or knowledge or conduct either before or after the event. But that in any event, whether there's—

P. Both Haldeman and Ehrlichman? K. Yes. . . .

P. I have asked both Haldeman and Ehrlichman. K. I know you have. P. and they have given me absolute—you know what I mean. You can only—it's like, you'd believe John Mitchell, I suppose, wouldn't you? I don't believe Haldeman or Ehrlichman could ever—you know—(unintelligible) hurt to be so close to people and yet I think of—

Mr. Kleindienst recommended that the President put Assistant Attorney General Henry Petersen in charge of the investigation, and Mr. Nixon and Mr. Petersen met that afternoon. The White House has said their conversation was unrecorded. The new transcripts do show, however, that on the evening of April 15, the President and Mr. Petersen talked by phone from 8:14 to 8:18, from 8:25 to 8:26, from 9:39 to 9:41 and from 11:45 to 11:53. In the last conversation, the President said:

P. Let me say this. The main thing we must not have any question, now, on this, you know I am in charge of this thing. You are and I am. Above everything else and I am following it every inch of the way and I don't want any question, that's of the fact that I am away ahead of the game. You know. I want to stay one step ahead of the curve. You know what I mean?

Perhaps Senator Baker's question, which seemed so relevant back last summer, is not the relevant question today. But if impeachment proceedings go forward, it will become the relevant one again. The Congress is a body of lawyers. While as Congressmen, politicians or partisans they may want to be rid of this President, the lawyers under their skins will not let them do it without the clear legal basis Senator Baker's question suggests.

Especially in this light, the most damaging revelations in the transcript go to the question of whether or not Mr. Nixon authorized a blackmail payment or payments on March 21. A point that bears heavily in the President's favor should not be overlooked: The context of the conversation was that if further payments were to be made, someone would have to go out and raise the money. There was no question of whether money in hand should be turned over to Mr. Hunt. If the President intended the payment to go forward, surely the meeting would not have ended without resolving the important question of where the money was to come from.

The total weight of these transcripts, moreover, hangs in the President's balance. During the past year or more, a small minority of Americans have believed he was involved in the planning of the burglary. The transcripts quickly made it obvious he was not. A majority of Americans have believed that he must have known about the cover-up, if not having masterminded it. The transcripts indicate he did not begin sensing the full dimensions of the cover-up until mid-April 1973, and that he had only had bits and pieces of the story in March of that year, when John Dean began to spill the beans.

This is why the President will not be impeached. He may not be "innocent," but he is a thousand times "less guilty" than the people have imagined him to be.

Mr. Wanniski is a member of the Journal's editorial page staff.

THE RIGHT STEPS

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

Mr. WAGGONNER. Mr. Speaker, I saw an article in the San Francisco Chronicle for Saturday, May 11, quoting Rev. Billy Graham on one subject of Watergate, which I would like to share with my colleagues.

Reverend Graham's views are certainly worth heeding. Not only should we pray that the House Judiciary Committee and the President take the right steps, I would also pray that the Congress itself takes the right steps. I ask that the above mentioned article follow my remarks at this point:

GRAHAM'S VIEW OF SCANDAL

NEW YORK.—Evangelist Billy Graham said yesterday that the Watergate affair has put America in a grave situation.

He urged prayers that both the House Judiciary Committee and President Nixon will take the right steps.

Graham, a long-time friend of Mr. Nixon, said of the present circumstances facing the President:

"I think from knowing him, if he's the same man I used to know, I think he will put what's best for the country above everything else. I think he will look at it from the long view, the historical view, and do what he thinks best to protect the presidency and the country."

Graham paused, and added, "I hope that's going to be his position. The Nixon I know has a great love of country, a great dedication to it."

"We ought to pray for the country," he said. "We ought to pray for the Judiciary Committee, that God will give it wisdom. We ought to pray for the President, that he will be given the wisdom to do what God wants him to do."

With the committee launching its impeachment inquiry and Mr. Nixon under new political pressures to leave office, the evangelist said "the whole country is facing a very serious situation" in regard to its influence in the world.

Events and problems move ahead "and the situation in Germany, Britain, France and elsewhere demand strong American leadership," he said in a telephone interview from Phoenix, where he is holding a week's crusade.

The evangelist said that, because of the heavy schedule of his crusade, in which he is preparing a new sermon for each night, he has not read the transcripts of White House conversations released by Mr. Nixon and won't comment in detail until he does.

However, in regard to the numerous "expletives" deleted from the text, Graham said:

"It's not the language I've ever heard him use. However, around me, most presidents have been careful in their use of profanity. It's like when I go in a locker room, somebody says, 'Shhh, here comes Billy Graham.' Most people's talk around a clergyman is a little different."

However, he added, "The Lord is listening all the time. The Lord has got his tape recorder going from the time you're born until you die. He not only knows what you say, but your thoughts and intents. And all these are going to be brought to light in the judgment."

Associated Press.

RULING ON U.S. POSTAL REDEPLOYMENT PROGRAM

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

Mr. BUCHANAN. Mr. Speaker, I am pleased to inform the House that Judge James H. Hancock in the U.S. District Court for the Northern District of Alabama has, in two instances, granted our plea, the plea for injunctive relief, on behalf of postal users throughout the United States against the U.S. Postal Service sought by me and our colleagues JOHN DUNCAN of Tennessee and SAM STEIGER of Arizona.

Pending a final hearing, Judge Hancock's order prohibits the Postal Service from further implementation of the consolidation and elimination of postal districts throughout the United States and the further implementation of the facilities deployment or retail analysis program.

Judge Hancock clearly established in his ruling the principle that in this Government of the people, by the people, for the people, citizens have a right to the review and hearing process proscribed by law in section 3661 of the Postal Reorganization Act of 1970 before the Postal Service implements nationwide changes affecting services to them as postal users.

While this is but the first battle in our legal fight for the rights of the people, Judge Hancock has made a vital ruling in their defense in this landmark case. His ruling follows:

[In the U.S. District Court for the Northern District of Alabama, Southern Division, CA74–H–407–S]

JOHN H. BUCHANAN, Jr., JOHN J. DUNCAN and SAM STEIGER, individually and on behalf of Postal Users throughout the United States, Plaintiffs, versus the U.S. Postal Service, an independent establishment of the executive branch of the U.S. Government; E. T. Klassen, Postmaster General of the United States; and Francis Sutton, Acting Supervisor of the Birmingham, Ala., Post Office, defendants.

ORDER

This cause came on to be heard at a hearing before the court on May 11, 1974, on the request of plaintiffs for a temporary restraining order and on the prayer for a preliminary injunction contained in the amended complaint. The issues were submitted on the verified complaint as amended, affidavits, exhibits, depositions, oral testimony elicited at the hearing on May 11, 1974, and oral argument of counsel. The court has considered the matter and, for the reasons expressed in the Memorandum of Decision dated May 14, 1974, attached hereto, is of the opinion that the following injunctive relief should be granted.

Accordingly, it is ordered, adjudged and decreed that defendant United States Postal Service, defendant E. T. Klassen, defendant Francis Sutton, and their officers, agents, servants, employees, attorneys, and all persons acting on their behalf, as well as all persons in active concert or participation with them who receive actual notice of this order, are hereby restrained and enjoined:

(1) from all further actual implementation of any plan, program, or policy of reorganization which seeks to consolidate the administrative or policymaking functions of any Postal District in the United States with those of any other Postal District, and from any further elimination, transfer or consolidation of any Postal District in the United States pursuant to any plan, program, or policy which has not been submitted to the Postal Rate Commission pursuant to 39 U.S.C. § 3661;

(2) from all further actual implementation of the postal facilities' deployment program, or any program or methodology based on a retail market analysis, as applied to any existing post office, branch office or station in any manner that could have the effect of relocating, downgrading or eliminating such post office, branch office or station or of reducing in any manner the postal services offered to postal users at these facilities or of changing the form in which or the hours during which these postal services are offered, provided that the development of any such program or methodology shall not be affected by the terms of this order, and provided further that the use of any data collected pursuant to such development of the program or methodolgy where such data is used in effecting changes which are occasioned by events not within the reasonable control of defendants, shall not be affected by the terms of this order.

It is further ordered that as to that part of the amended complaint directed toward the national bulk mail system program the prayer for a preliminary injunction and the request for a temporary restraining order are hereby denied.

It is futher ordered that, before the injunction herein contained shall be effective, plaintiffs shall give as security a good and sufficient bond in the amount of Five Hundred and no/100 Dollars ($500.00) for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained, such bond to be approved by the court or by the Clerk of the court.

It is further ordered that this order shall continue in full force and effect pending an order entered on final hearing of this cause or pending further order of this court.

DONE at 11:00 o'clock, A.M., this 14th day of May, 1974.

JAMES H. HANCOCK,
U.S. District Judge.

[In the U.S. District Court for the Northern District of Alabama, Southern Division, CA74–H–407–S]

JOHN H. BUCHANAN, Jr., JOHN J. DUNCAN, and SAM STEIGER, individually and on behalf of postal users throughout the United States, plaintiffs, versus the U.S. Postal Service, an independent establishment of the executive branch of the U.S. Government; E. T. Klassen, Postmaster General of the United States; and Francis Sutton, Acting Supervisor of the Birmingham, Ala., Post Office, defendants.

MEMORANDUM OF DECISION

This action for injunctive relief was filed on April 30, 1974, and immediately thereafter counsel for plaintiffs presented to the court their request for the issuance of a temporary restraining order. Since the Department of Justice is required by 39 U.S.C. § 409(d) to furnish defendant United States Postal Service with legal representation, the United States District Attorney for the Northern District of Alabama, upon request of the court, attended the informal presentation. The court concluded that the request for a temporary restraining order, as well as the prayer for a preliminary injunction contained in the complaint, should be set down for hearing at the earliest possible date and scheduled such hearing for May 7, 1974. By order entered May 2, 1974, the hearing was continued until May 11, 1974. On May 7, 1974, plaintiffs filed their First Amendment to the Complaint which amendment in essence adds an additional factual basis upon which plaintiffs seek relief. All defendants were duly served with a copy of the original complaint and this court's order of April 30, 1974, on or before May 2, 1974.

This matter came on for hearing as scheduled in Birmingham, Alabama, on May 11, 1974. Present on behalf of plaintiffs were William G. Somerville, Jr., John E. Grenier and John Tally, all of Birmingham, Alabama. Present on behalf of all defendants were Henry I. Frohsin, Assistant United States Attorney, Birmingham, Alabama, and Jack T. DiLorenzo, Assistant General Counsel, Opinions Division, Law Department, United States Postal Service, Washington, D.C. At the commencement of the hearing, plaintiffs filed a Second Amendment to the Complaint which has the effect of adding as plaintiffs John J. Duncan and Sam Steiger, individually and on behalf of the putative class John H. Buchanan, Jr. seeks to represent.[1]

Following the hearing and argument of counsel associated therewith, the court left the record open until noon on May 13, 1974, to permit the parties to file additional affidavits, depositions, documents and briefs which the parties felt should be considered by the court. The record has now been closed and the request for interlocutory injunctive relief has now been submitted to the court on the verified complaint; the verified First and Second Amendments to the Complaint; the affidavit of Carl C. Ulsaker attached to defendants' Motion to Dismiss; the affidavit of Edgar S. Brower; the affidavit of H. J. Welch; the affidavit of Henry Frohsin; the certified copies of certain news releases filed on May 11, 1974; the deposition of Edward V. Dorsey and all exhibits thereto; the deposition of Carl C. Ulsaker; the exhibit detailing the Retail Network Analysis; documents delivered to the court which, at the request of defendants, have been sealed to the extent that they are to be available only to all counsel and the court; a letter to Postmaster General Klassen, dated April 2, 1973, which was among certain documents defendants submitted to the court for an *in camera* examination with a claim for a 5 U.S.C. § 552 (b) privilege which, as to this letter, the court is denying and directing that it be filed herein; and the evidence adduced in open court on May 11, 1974. After full consideration thereof, the court proceeds to issue this memorandum of decision which, pursuant to Federal Rules of Civil Procedure, Rule 52, will contain the court's findings of fact and conclusions of law.

This action by plaintiffs Buchanan, Duncan and Steiger, individually and as a Federal Rules of Civil Procedure, Rule 23(b)(2) class action on behalf of postal users throughout the United States challenges three proposed postal service programs of defendant United States Postal Service (hereinafter sometimes referred to as the "Postal Service"). The amended complaint alleges that the first of these programs (hereinafter referred to as the "Postal District consolidation and elimination program") will consolidate and eliminate all 86 Postal Districts throughout the United States. The amended complaint alleges that the second program (hereinafter referred to either as the "retail analysis program" or the "postal facilities' deployment program") involves major changes in the location, nature and number of post office facilities in 26 cities throughout the nation. The amended complaint alleges that the third program (hereinafter referred to as the "national bulk mail system program") involves the construction, as a cost of over one billion dollars, of 21 bulk mail centers and 12 auxiliary service facilities spaced throughout the nation.

Primarily the amended complaint seeks to enjoin the further implementation of these programs until (1) the Postal Service has submitted the programs to the Postal Rate Commission pursuant to 39 U.S.C. § 3661, (2) the hearing required by such Section 3661 has been completed, and (3) the Postal Rate Commission issues the opinion required by such Section 3661. The Postal Service does not claim that it submitted a proposal to the Postal Rate Commission embodying any of the alleged changes which are the subject of this action. Rather

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Footnotes at end of article.

it takes the position that it is not proposing any "change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis" and hence is not required to make a submission to the Postal Rate Commission.

The principal issues thus arised by the amended complaint are:

(1) What changes, if any, are being proposed by the Postal Service?

(2) Are any such changes a "change in the nature of postal serivces which will generally affect service on a nationwide or substantially nationwide basis" and thus embraced by 36 U.S.C. § 3661?

(3) Do plaintiffs Buchanan, Duncan and Steiger, either individually or on behalf of the putative class, have standing to sue if such Section 3661 has not been satisfied?

The issues raised by the instant request for interlocutory injunctive relief are:

(1) Is there a substantial likelihood that plaintiffs will prevail on the merits?

(2) Is there a substantial threat that plaintiffs will suffer irreparable injury if interlocutory injunctive relief is not granted?

(3) Does the threatened injury to plaintiffs outweigh the threatened harm the injunction may do to defendants?

(4) Will the granting of a preliminary injunction disserve the public interest?

The Postal Reorganization Act of 1970 [2] expressly authorized the Postal Service to be sued in its official name (39 U.S.C. § 401) and vests the United States district courts with jurisdiction to hear such a suit (39 U.S.C. § 409). Moreover, 28 U.S.C. § 1339 gives the district courts jurisdiction of any civil action arising under any Act of Congress relating to postal service. Thus, subject to the plaintiffs having the requisite standing to sue and hence presenting the necessary case or controversy for adjudications, this court has jurisdiction of the matters presented by the complaint.

Since members of the public who do not have sufficient nexus with the challenged agency action do not have standing to sue, a threshold inquiry in actions of the kind involved here is to determine the answer to the following two questions:

(1) Have the plaintiffs demonstrated by the amended complaint that the challenged agency action has caused them some injury in fact, economic or otherwise?

(2) Is the interest sought to be protected by the plaintiffs within the scope or zone of interest that the statute (39 U.S.C. § 3661) seeks to protect.

Only if the answer to both of these questions is in the affirmative do the plaintiffs have standing to sue.

Prior to the adoption of the Postal Reorganization Act of 1970, major changes in postal service and changes in postal rates resulted only by Congressional action. This necessarily subjected such changes to careful public scrutiny as the proposed changes traveled their way through both houses of Congress. The right of the public to express its views in a meaningful way prior to the implementation of such changes was not only by public committee hearings but also through the very nature of our representative form of government. Thus the Post Office Department, prior to 1970, was structured to be responsibe to the American public.

In adopting the Postal Reorganization Act of 1970 [3] it is clear that Congress intended generally to give the Postal Service broad powers and wide discretion in its operations and to remove such operations in large measure from the public and political pressures inherent in the old Post Office Department being replaced.[4] It is equally as clear, however, that on major changes in postal service or changes in rates Congress intended to retain for the public a right to be heard so that the Postal Service would be responsive to the public and the public would have assurance that any major changes in postal service or changes in rates would conform to the basic policies established in the Postal Reorganization Act of 1970. Thus Congress provided as follows:

"§ 3361. Postal services

"(a) The Postal Service shall develop and promote adequate and efficient postal services.

"(b) When the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis, it shall submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Rate Commission requesting an advisory opinion on the change.

"(c) The Commission shall not issue its opinion on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mail and an officer of the Commission who shall be required to represent the interests of the general public. The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his judgment the opinion conforms to the policies established under this title." [5]

While a simple reading of such Section 3661 should be sufficient to demonstrate that, with regard to major changes in postal service and rate changes, Congress intended to assure that the Postal Service being created would be responsive to the public, a review of House Report (Post Office and Civil Service Committee) No. 91–1104, May 19, 1970, accompanying H.R. 17070 will dispel all doubt on this vital point. After discussing procedure substantially as subsequently enacted in Section 3661, the House Report concludes:

"The procedures just described represent significant innovations that should materially enhance the responsiveness of the Postal Service to the American public." [6]

It is impossible to conclude otherwise than that Congress intended by Section 3661 to give to each member of the public a right and opportunity to be heard before "changes in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis" would be implemented. Further proof of this intent is found in the general elimination (39 U.S.C. §410) of the applicability of the Administrative Procedure Act to the Postal Service but the express provision in Section 3661 that the public's opportunity for a hearing on the record in accordance with the Administrative Procedure Act would remain where changes of the magnitude embraced in Section 3661 were being considered.

In the light of this general background, it is now appropriate to consider the answers to the two questions earlier posed which must be answered in the affirmative if plaintiffs have standing to sue.

The agency action challenged by this suit is the admitted failure of the Postal Service to submit to the Postal Rate Commission, prior to implementation, alleged changes in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis. If changes of the magnitude contemplated by 39 U.S.C. § 3661 are being implemented, then plaintiffs Buchanan, Duncan and Steiger, individually and the putative class they seek to represent, namely, all postal users throughout the United States, are being denied a very fundamental right—the opportunity for a hearing on the proposed change.[7] The denial of this statutory right is alone a sufficient injury in fact to support the requisite standing to sue. This injury is compounded, however, by the denial to plaintiffs of the expertise of the bi-partisan, five member Postal Rate Commission which Section 3661 requires must render an advisory opinion [8] on the proposed changes. Moreover, Section 3661 requires *each* member of the Postal Rate Commission individually to certify that he agrees with the advisory opinion and that in his judgment the opinion conforms to the policies established under the Postal Reorganization Act of 1970, thus requiring the advisory opinion to be a *unanimous* opinion of the Postal Rate Commission. In light of the Congressional history surrounding Section 3661, it is clear that this public hearing provision was to make the Postal Service responsive to the people it served. The interest sought to be protected by plaintiffs, i.e., a public hearing before the Postal Rate Commission, is completely within the scope or zone of interest that Section 3661 seeks to protect. The court therefore concludes that plaintiffs Buchanan, Duncan and Steiger, individually, have the requisite standing to sue. Moreover, to the extent that the court later determines that this action may be maintained as a class action under Rule 23, the court is of the further opinion that the named plaintiffs, on behalf of the appropriate class, also have the requisite standing to sue.

The court now turns its attention to a determination from the record before it at this time, albeit an incomplete record, of just what changes, if any, are being proposed by the Postal Service. The parties should be aware that the factual findings herein contained are for the purpose of the instant matter under consideration and that the court will not hesitate to alter such findings if later determined to be incorrect after a development of a full record.

While the Postal Reorganization Act of 1970 was enacted August 12, 1970, the Postal Service created thereby did not come into existence until July 1, 1971. During the intervening months, the Post Office Department, under the leadership of Postmaster General Blount, proceeded to develop an organizational structure with which the Postal Service would commence business on July 1, 1971. Among other things, this structure eliminated the then existing 15 Postal Regions, established 5 new Postal Regions in lieu thereof, and established 86 separate Postal Districts throughout the country within the 5 Postal Regions. Thus, when the Postal Service came into existence it inherited, and began business with 5 Postal Regions and 86 Postal Districts.[9]

Postmaster General Blount became the first chief executive officer of the Postal Service and guided it during its early months. Shortly after Postmaster General Klassen became chief executive officer in January of 1972, he began a review of the existing programs of the Postal Service to determine whether these programs should be continued or discontinued. The review necessarily led to a consideration of new programs also. Either as a result of this comprehensive review or otherwise, decisions were made as hereinafter indicated.

In early 1972 Postmaster General Klassen reaffirmed the earlier decision of Postmaster General Blount [10] to construct and place into operation, at a cost of hundreds of millions of dollars, 21 bulk mail facilities throughout the country and to modify 12 existing post offices throughout the country to serve as auxiliary service facilities for a national bulk mail system. Only one of the 21 new bulk mail facilities has now been completed with the remaining 20 to be completed, and the entire system placed into operation on July 1, 1975. The system is primarily a mail handling system designed to consolidate bulk mail in geographical areas and to move it among the areas on a scheduled (nightly) basis with damage to parcels reduced to an acceptable level, all at a minimum of costs. It is intended to reduce substantially the handling and rehandling of bulk mail and to provide a more consistent or predictable time of delivery, i.e., instead of a delivery time from the West Coast to the East Coast of between

Footnotes at end of article.

four to twenty days, the system is designed to establish this time at a consistent eight-day period.

During the summer of 1972, Postmaster General Klassen approved a program which authorized the five Regional Postmasters General to reorganize their regions by eliminating or consolidating the Postal Districts in their regions.[11] Apparently the object of this program is to eliminate down to approximately ten, if not entirely, the 86 Postal Districts with which the Postal Service began business on July 1, 1971. This program has thus far been implemented by the elimination of eight, or possibly ten, of these districts. It is apparent that this program has the strong backing of the Senior Assistant Postmaster General for Operations, and it is therefore logical to assume that its implementation throughout the nation will accelerate.[12] A Postal District is a geographical area over which the District Manager and his support personnel (quite limited in number) exercise the combined function of policy makers and decision makers with regard to the operations of the Postal Service in the particular Postal District. This includes deciding (or reviewing) questions regarding decisions relating to the implementation of the retail analysis program (postal facilities' deployment program) hereinafter discussed.

In January of 1973, Postmaster General Klassen authorized the implementation of a program which could have substantial effect upon postal users in every area of the country. This program is referred to by high-ranking Postal Service officers as the "postal facilities' deployment" program and as the "retail analysis" program. Indeed, there is some confusion over whether there are two programs or one and whether, if two, the retail analysis program support the facilities' deployment program or the facilities' deployment program is the end result of the retail analysis program. The program or programs are offered to the local Postmaster who, subject to review by his supervisors, decides whether to accept the program. As of March 11, 1974, the program has been accepted, and is currently underway in 25 major cities located in Alabama, California, Colorado, Florida, Georgia, Illinois, Iowa, Michigan, Missouri, North Carolina, Oklahoma, Tennessee, Texas, Washington and Wisconsin. Moreover, 40 more cities in 1974 are scheduled to commence implementation of the program, with an additional 40 cities scheduled in 1975.[13]

Essentially the program includes a retail market survey, both with regard to postal services used or not used by the retail consumer and with regard to customer demand for given services at a particular time or place. Thereafter, a decision is made with regard to all postal facilities in the particular area which decision includes such things as relocating some facilities, closing others and opening new ones; and terminating, limiting, increasing or adding specific services at a retail facility, such as meter postage sales, registered or certified mail services, lock box service, insured mail services, postage sales, package weighing and mailing, postal money orders, and similar services customarily provided by the Postal Service. Postmaster General Klassen states the object of the program to be to develop a coordinated system of facilities, collections and deliveries.

The record developed to date is sufficient for this court to conclude (a) that the Postal Service has determined to implement changes having a nationwide or substantially nationwide character and (b) that the implementation has commenced. While this finding by the court is primarily directed to the Postal District consolidation program and the postal facilities' deployment program (retail analysis program), it is conceivable, though unlikely, that after a full record is developed the national bulk mail system program could likewise be viewed as a change. The record to date, however, reveals that the Postal Service simply decided not to discontinue that program which decision could hardly be viewed as a change.[14]

It is obvious that the changes are viewed by the Postal Service not to involve matters "in the nature of postal services" for it sought no Section 3661 advisory opinion from the Postal Rate Commission. Indeed, since its beginning, according to the Postal Service, it has made no nationwide change in the nature of postal services, for it has never sought such an advisory opinion, an unequivocal statutory prerequisite to a change. This could either speak well for the services provided by the now defunct Post Office Department or it could be construed unfavorably to the Postal Service. More likely, however, it highlights the central issue involved in this action—just what constitutes a change in the nature of postal services?

The parties are at opposite poles on this issue, and quite likely, the intended meaning is somewhere between the two extreme views.[15] For the purpose of this court's determination of whether to grant interlocutory injunctive relief, it is not necessary to decide that the challenged changes are in fact embraced in Section 3661. It is necessary to conclude, as the court has, that most likely they are and therefore that there is substantial likelihood that plaintiffs will prevail on the merits as to the Postal District consolidation and elimination program and as to the postal facilities' deployment program (retail analysis program) but are not likely to prevail on the merits as to the national bulk mail system program.

Earlier in this Memorandum of Decision the court has concluded that plaintiffs have standing to sue because they are being denied the opportunity for a hearing under Section 3661 on changes being implemented by the Postal Service. The denial of such a hearing, should one be required, is sufficient irreparable injury to support interlocutory injunctive relief, for it is clear that no hearing will be conducted and that the changes will continue unless enjoined. Defendants have made no effort to present evidence as to the threatened harm a preliminary injunction may do to them should the court enjoin the further implementation of the Postal District consolidation and elimination program or the postal facilities' deployment program (retail analysis program).[16] This absence of evidence, together with the irreparable nature of the injury being done plaintiffs, compels this court to conclude that the threatened injury to plaintiffs greatly outweighs any threatened harm the injunction contemplated herein may do to defendants. Moreover, the granting of such a preliminary injunction will serve, rather than disserve, the public interest.

In accordance with the foregoing, the court is of the opinion that it should issue a preliminary injunction which prevents the further consolidation or elimination of Postal Districts and which prevents the further implementation of the so-called postal facilities' deployment program pending further proceedings in this action. The injunction to be issued should not be construed as requiring the Postal Service to reestablish those eight or ten Postal Districts which have already been eliminated, although such affirmative relief may result following a final hearing. Moreover, it is not the court's intention by the injunction to prevent in any way the data gathering aspect of the postal facilities' deployment program or the use of that data in making untreated, isolated changes which are necessitated by events over which the Postal Service does not exercise reasonable control, such as failure of equipment, fire or other casualty, loss of lease, etc. Such injunction likewise is not intended to prohibit the opening of new facilities or the addition of services not currently being offered at existing facilities. The injunction as to the postal facilities' deployment program should be construed as directed primarily at a general implementation, on a timetable under the control of defendants, of the deployment program in a particular city where such implementation includes closing or relocating a facility or altering the character, nature or hours of service at an existing facility. Should the parties have any question as to the scope or application of this aspect of the injunction, the matter can be clarified upon application to the court.

An appropriate order of injunction will issue.

Done this 14th day of May, 1974.

JAMES H. HANCOCK,
U.S. District Judge.

FOOTNOTES

[1] Plaintiff John H. Buchanan, Jr. is a Member of Congress representing the Sixth Congressional District of Alabama; plaintiff John J. Duncan is a Member of Congress representing the Second Congressional District of Tennessee; and plaintiff Sam Steiger is a Member of Congress representing the Third Congressional District of Arizona.

[2] Pub. L. 91–375, August 12, 1970, 84 Stat. 719, Codified in 39 U.S.C. §§ 101, et seq.

[3] For a fairly comprehensive legislative history of this Act, see 1970 U.S. Code Cong. and Adm. News, pp. 3649–3723.

[4] "If the American public is to have the postal service that it expects and deserves, the Post Office must be taken out of politics and politics out of the Post Office." *Id* at page 3654.

[5] 39 U.S.C. § 3661. It appears the provisions dealing with § 3661 subject matter in the House passed version of H.R. 17070 and the Senate passed version of H.R. 17070 differ in form only, both one from another and from the final version resulting from the Conference Committee which ultimately placed § 3661 in its present form.

[6] 1970, U.S. Code Cong. and Adm. News, p. 3668.

[7] The record demonstrates that Congressman Buchanan and his staff assistants have relentlessly sought to be heard on the proposed changes, if for no other reason than to determine just what changes were being proposed.

[8] It is not necessary to decide if the opinion is binding on the Postal Service. What is necessary is that the advisory opinion be sought and, after a hearing, obtained.

[9] It also inherited approximately 600 Section Centers which it has now reduced to less than 300, but this reduction is not involved in this action.

[10] It is not clear whether this decision was made prior to July 1, 1971, but in all likelihood it was in view of news releases issued by the Post Office Department in the spring of 1971.

[11] This decentralized authority, as well as the initial authority given to each local Postmaster in connection with the retail analysis program (postal facilities' deployment program), is argued by defendants as clear evidence that the changes here considered are not nationwide. Apparently prior to July 1, 1971, the local Postmaster had to go to Washington for authority to acquire even pencils and paper. As commendable as is the decentralization of authority from the Postmaster General to the four Senior Assistant Postmasters General to the various Assistant Postmasters General to the five Regional Postmasters General to the 78 (originally 86) Postal District Managers to the thousands of local Postmasters, such decentralization of decision making and authority cannot be a shield to insulate a program available to the entire Postal Service from being nationwide where it is being accepted by the regional or local decisionmakers throughout the Nation either because the program is good or because there is attendant pressure to accept the program.

[12] Documents revealing the identities of certain districts scheduled for early elimination have, at the request of defendants, been sealed and will not be a part of the public record of these proceedings at this time. They support, however, this conclusion of an anticipated acceleration on a nationwide basis.

[13] See footnote 11.

[14] It is interesting to note, however, that counsel for the defendants in argument to the court stated that had the Postal Service decided to abort this program which it inherited from the Post Office Department, such a determination would *not* have been within the ambit of § 3661.

[15] Defendants take the position that only the elimination of Saturday deliveries or the elimination of special delivery service or charging the *recipient* for home delivery service or comparable changes can even arguably be changes in the nature of postal services. Plaintiffs take the position that changes which could in any material way affect the collection, transportation or delivery of mail or which could affect services associated therewith are clearly changes in the nature of postal services.

[16] Evidence was presented by defendants to support a finding which the court hereby finds, that substantial injury would be done defendants by an injunction of the national bulk mail system program, that such injury outweighs the injury, albeit irreparable, to plaintiffs and that the issuance of such an interlocutory injunction would disserve the public interest.

TERRORISM AND BARBARISM

(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, I pray that peace will come to the Middle East and that relations will become normal between Israel and her neighbors. But that will never come to pass while presumably civilized nations harbor hordes of savages who cross international borders to murder innocent women and children.

Ninety children were held hostage in a Maalot school for the release of imprisoned Arab terrorists. The guerrillas had already murdered two adults and two children before taking the school. These killers attacked while Secretary of State Kissinger, representing the United States and the civilized world, is trying to negotiate a peace between Syria, the Arab world, and Israel. It looks shockingly like a planned insult to our peacemaking efforts.

Do the Syrians and the Arabs truly seek peace when they give free run of the nations to criminals; when they give aid, comfort, and weapons to marauders whose victims are women and children? Is it possible to fruitfully negotiate with nations which use international terror and murder as an instrument of foreign policy? Do these nations really value the peacemaking efforts of the United States?

Just a month ago 18 Israelis were slaughtered in a similar raid. When Israel retaliated the United Nations voted to condemn Israel, but made no mention of the murders by Arab guerrillas—and the United States voted for that censure. Would America permit Canadian or Mexican guerrillas to cross our borders and slaughter women and children without retaliation?

If Israel retaliates for the Maalot incident, will the United States again side with the bullies and the criminals? We did last time and it encouraged further terror. They are now convinced they can get away with murder, and our vote in the U.N. helped to convince them of it. We must not be used that way again.

ARAB TERRORISTS

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

Mr. GUDE. Mr. Speaker, the outrageous action by Arab terrorists in holding hostage and then slaying innocent Israeli children not only endangers the current efforts to achieve a disengagement in the Golan Heights, but shows clearly the moral depths to which the Arab guerrillas have sunk.

Not content to press their case through accepted international channels, the guerrillas have bombed, hijacked, and murdered their way around the world in an effort to scare people into accepting their ideas. Not content even to attack those they consider their enemies, they have opened fire on innocent civilians of different nationalities, slaughtering many uninvolved people.

It is past time for these outrages to stop. It is time for clear action on the part of all nations which respect justice—action that will show regardless of how one stands on the Mid-East situation, terrorism and murder are never solutions.

I have today joined a number of my colleagues in the House in a resolution condemning terrorist activity, calling on all other nations to do the same, and urging those who harbor terrorists to take effective action to root them out. In addition I call upon the President to request a meeting of the United Nations Security Council for the specific purpose of developing plans to deal with international terrorism so decisively as to completely destroy it in order that justice and the rule of law can be restored.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HELSTOSKI (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PASSMAN, for 60 minutes, on May 22, 1974.

(The following Members (at the request of Mr. HANRAHAN) and to revise and extend their remarks and include extraneous matter:)

Mr. SYMMS, for 10 minutes, today.

Mr. ROBISON of New York, for 15 minutes, today.

Mr. QUIE, for 50 minutes, today.

Mr. STEELMAN, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. HOGAN, for 30 minutes, today.

Mr. GOLDWATER, for 10 minutes, today.

Mr. CHAMBERLAIN, for 30 minutes, tomorrow.

Mr. MARTIN of North Carolina, for 5 minutes, today.

Mr. SKUBITZ, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. BUTLER, for 5 minutes, today.

Mr. BURGENER, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

Mr. BLACKBURN, for 60 minutes, today.

Mr. CLEVELAND (at the request of Mr. BAUMAN), for 5 minutes, today.

(The following Members (at the request of Mr. TRAXLER) to revise and extend their remarks and include extraneous material:)

Ms. HOLTZMAN, for 15 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. HAMILTON, for 15 minutes, today.

Ms. ABZUG, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. BUCHANAN and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $627.

(The following Members (at the request of Mr. HANRAHAN) and to include extraneous matter:)

Mr. STEELE.

Mr. CLEVELAND.

Mr. NELSEN.

Mr. MARTIN of Nebraska in two instances.

Mr. HOSMER in two instances.

Mr. BROYHILL of Virginia.

Mr. GUYER.

Mrs. HOLT in 10 instances.

Mr. LAGOMARSINO in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. RINALDO.

Mr. MICHEL in five instances.

Mr. LENT.

Mr. SMITH of New York.

Mr. FRENZEL.

Mr. WYMAN in two instances.

Mr. HANRAHAN in three instances.

Mr. MCCLORY in two instances.

Mr. MALLARY.

Mr. GILMAN.

Mr. MCKINNEY.

Mr. RONCALLO of New York.

Mr. ASHBROOK in three instances.

(The following Members (at the request of Mr. TRAXLER) and to include extraneous matter:)

Mr. ROONEY of New York.

Mr. MURTHA.

Mr. TEAGUE in six instances.

Mr. VANDER VEEN.

Mr. DE LUGO in 10 instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. STEED.

Mr. HICKS.

Mrs. SULLIVAN in two instances.

Mr. SISK.

Mr. GREEN of Pennsylvania in two instances.

Mr. MANN in 10 instances.

Mr. REES.

Mr. DIGGS.

Mr. BERGLAND in three instances.

Mr. COTTER in three instances.

Mr. ADAMS.

Mr. EVINS of Tennessee in two instances.

Mr. HUNGATE in three instances.
Mr. DAN DANIEL.
Mr. ROSENTHAL in five instances.
Mrs. BURKE of California in 10 instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3418. An act to amend section 505 of title 10, United States Code, to establish uniform original enlistment qualifications for male and female persons.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on May 14, 1974, present to the President, for his approval, a bill of the House of the following title:

H.R. 6574. An act to amend title 38, United States Code, to increase the maximum amount of Servicemen's Group Life Insurance to $20,000, to provide full-time coverage thereunder for certain members of the Reserves and National Guard, to authorize the conversion of such insurance to Veterans' Group Life Insurance, to authorize allotments from the pay of members of the National Guard of the United States for group life insurance premiums, and for other purposes.

ADJOURNMENT

Mr. TRAXLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, May 16, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2320. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2321. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a (1), together with notice of the cancellation of various previously approved Army Reserve projects; to the Committee on Armed Services.

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:

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 11951. A bill to authorize the construction and operation of high seas oil ports, to be located in the offshore coastal waters of the United States, in order to facilitate the importation of petroleum and petroleum products into the United States, and for other purposes; with amendment (Rept. No. 93-1042). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 14449. A bill to provide for the mobilization of community development and assistance services and to establish a community action administration in the Department of Health, Education, and Welfare to administer such programs; with amendment (Rept. No. 93-1043). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1110. Resolution providing for the consideration of H.R. 10294. A bill to establish land use policy; to authorize the Secretary of the Interior, pursuant to guidelines issued by the Council on Environmental Quality to make grants to assist the States to develop and implement comprehensive land use planning processes; to coordinate Federal programs and policies which have a land use impact; to make grants to Indian tribes to assist them to develop and implement land use planning processes for reservation and other tribal lands; to provide land use planning directives for the public lands; and for other purposes (Rept. No. 93-1044). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1111. Resolution providing for the consideration of H.R. 13973. A bill to amend the title of the Foreign Assistance Act of 1961 concerning the Overseas Private Investment Corporation to extend the authority for the Corporation, to authorize the Corporation to issue reinsurance, to suggest dates for terminating certain activities of the Corporation, and for other purposes (Rept. No. 93-1045). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1112. Resolution for the consideration of H.R. 14592. A bill to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes (Rept. No. 93-1046). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 14797. A bill to amend the Civil Rights Act of 1964 to include as an unlawful employment practice discrimination against an individual by any employer, employment agency, or labor organization because of the individual's prior drug abuse, and for other purposes; to the Committee on Education and Labor.

By Mr. BLATNIK:

H.R. 14798. A bill to amend title 38 of the United States Code in order to recognize as service during a period of war, for purposes of veterans' benefits, service between July 1, 1958, and August 5, 1964, in the Vietnam era of operations for which the Armed Services Expeditionary Medal was awarded; to the Committee on Veterans' Affairs.

H.R. 14799. A bill to provide for a temporary program of special unemployment compensation in areas of high unemployment and to amend the Federal-State Unemployment Compensation Act of 1970; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 14800. A bill to amend the Federal Election Campaign Act of 1971 and title 18, United States Code, to provide for the reform of the Federal election campaign process, and for other purposes; to the Committee on House Administration.

By Mr. DENHOLM:

H.R. 14801. A bill expanding the definition of the word "person" as used in the Constitution and the laws of the United States; to the Committee on the Judiciary.

By Mr. FREY (for himself and Mr. ST GERMAIN):

H.R. 14802. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, and Mr. ASPIN):

H.R. 14803. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pensions or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HASTINGS:

H.R. 14804. A bill to amend the Railroad Retirement Act of 1937 to increase the amount of earnings permitted before the limitation on earnings of a retirement annuitant takes effect and to provide for its further increase in certain circumstances when the Consumer Price Index rises; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 14805. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the Secretary of Health, Education, and Welfare to halt the sales and distribution of food, drug, and cosmetics adulterated or misbranded in a manner which presents an imminent hazard to the public health and to require their recall or destruction, as may be appropriate; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 14806. A bill to amend title 10 of the United States Code in order to permit the establishment of Junior Reserve Officer Training Corps units at small secondary educational institutions; to the Committee on Armed Services.

By Mr. LAGOMARSINO:

H.R. 14807. A bill authorizing the Administrator of Veterans' Affairs to establish a national cemetery at Vandenberg Air Force Base, Calif.; to the Committee on Veterans' Affairs.

By Mr. MACDONALD:

H.R. 14808. A bill to provide assistance and full-time employment to persons who are unemployed or underemployed as a result of the energy crisis; to the Committee on Education and Labor.

By Mr. McKINNEY (for himself, Ms. ABZUG, Mr. BEVILL, Mr. BRASCO, Mr. BROWN of California, Mr. DELLUMS, Mr. DIGGS, Mr. EDWARDS of California, Mr. EILBERG, Mr. FORSYTHE, Mr. HARRINGTON, Mr. HEINZ, Ms. HOLTZMAN, Mr. HORTON, and Mr. JONES of North Carolina):

H.R. 14809. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for regular physical examinations; to the Committee on Ways and Means.

By Mr. McKINNEY (for himself, Mr. LEGGETT, Mr. PEPPER, Mr. PODELL, Mr. QUIE, Mr. REES, Mr. RIEGLE, Mr. ST GERMAIN, Mr. SARBANES, Mr. STARK, Mr. TIERNAN, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Georgia):

H.R. 14810. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for regular physical examinations; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 14811. A bill to amend title 38, United States Code, to provide a 10-year delimiting period for the pusuit of educational programs by veterans, wives, and widows; to the Committee on Veterans' Affairs.

By Mr. MOAKLEY:

H.R. 14812. A bill to amend the National Housing Act to improve conditions in the housing market by increasing maximum mortgage amounts under the various FHA residential housing programs, by providing a $1.7-billion increase in GNMA's authority to purchase mortgages under the tandem plan, and by limiting the interest rate on mortgages which may be purchased under such plan; to the Committee on Banking and Currency.

H.R. 14813. A bill to require the Secretary of Housing and Urban Development to terminate the suspension of assistance under FHA's section 235 program of homeownership for lower income familiies and to carry out such program to the full extent of the funds and contract authority made available to him by law; to the Committee on Banking and Currency.

By Mr. NELSEN:

H.R. 14814. A bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. NICHOLS:

H.R. 14815. A bill to amend part B of title XI of the Social Security Act to provide a more effective administration of Professional Standards Review of health care services, to expand the Professional Standards Review Organization activity to include review of services performed by or in federally operated health care institutions, and to protect the confidentiality of medical records; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 14816. A bill to amend the Internal Revenue Code of 1954 to provide for the suspension of excise taxes on diesel fuel and special motor fuels, and to roll back the prices for such products; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. BROWN of California, Mr. CLAY, Mr. DELLUMS, Mr. MITCHELL of Maryland, Mr. FRASER, and Mr. ECKHARDT):

H.R. 14817. A bill to prohibit law enforcement authorities for entering into any understanding to grant any President or former President immunity from prosecution for criminal offenses committed prior to or during his term in office, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself, Ms. ABZUG, Ms. CHISHOLM, and Mr. GREEN of Pennsylvania):

H.R. 14818. A bill to prohibit law enforcement authorities from entering into any understanding to grant any President or former President immunity from prosecution for criminal offenses committed prior to or during his term in office, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 14819. A bill to amend the Internal Revenue Code of 1954 to increase the exclusion allowance for gain from the sale or exchange of a residence in the case of individuals 65 years and over; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 14820. A bill to amend Section 203 of the Social Security Act to provide that an individual who devotes 45 hours or less a month to his or her trade or business shall not be considered to have rendered substantial services in self-employment for purposes of the retirement test; to the Committee on Ways and Means.

By Mr. STEELE (for himself, Mr. YOUNG of Illinois, Mr. RONCALLO of New York, Mr. MADIGAN, Mr. COUGHLIN, Mr. ESCH, Mr. SYMINGTON, and Mr. LUKEN):

H.R. 14821. A bill making an additional appropriation for the fiscal year ending June 30, 1974, for the Department of Health, Education, and Welfare for research on the cause and treatment of diabetes; to the Committee on Appropriations.

By Mr. STEELE (for himself and Mr. KYROS):

H.R. 14822. A bill to provide financial assistance to the States for improved educational services for exceptional children; to establish a National Clearinghouse on Exceptional Children; and for other purposes; to the Committee on Education and Labor.

By Mr. STEELE (for himself, Mr. BREAUX, Mr. FORSYTHE, Mr. GOODLING, Mr. KYROS, Mr. LOTT, and Mr. PRITCHARD):

H.R. 14823. A bill to provide additional financial assistance for educational biological, technological, and other research programs pertaining to U.S. fisheries; to the Committee on Merchant Marine and Fisheries.

H.R. 14824. A bill to provide additional financial assistance for educational, biological, technological, and other research programs pertaining to U.S. fisheries; to the Committee on Merchant Marine and Fisheries.

By Mr. STEELMAN (for himself, Mr. FRASER, Mr. STEELE, Mr. GROVER, and Mr. SARASIN):

H.R. 14825. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES (for himself, Ms. ABZUG, Mr. ASHLEY, Mr. ASPIN, Mr. BADILLO, Mr. BINGHAM, Mr. BOLAND, Mr. BROWN of California, Ms. BURKE of California, Mr. BURTON, Mr. CARNEY of Ohio, Ms. CHISHOLM, Mr. CLAY, Ms. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CORMAN, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. ECKHARDT, and Mr. EDWARDS of California):

H.R. 14826. A bill to require that discharge certificates issued to members of the Armed Forces not indicate the conditions or reasons for discharge, to limit the separation of enlisted members under conditions other than honorable, and to improve the procedures for the review of discharges and dismissals; to the Committee on Armed Services.

By Mr. STOKES (for himself, Mr. FAUNTROY, Mr. FORD, Mr. FRASER, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Ms. HOLTZMAN, Ms. JORDAN, Mr. KOCH, Mr. LEGGETT, Mr. LUKEN, Mr. MCKINNEY, Mr. MAZZOLI, Mr. METCALFE, Ms. MINK, Mr. MITCHELL, of Maryland, Mr. MOAKLEY, Mr. NIX, Mr. OBEY, Mr. PEPPER, Mr. PODELL, and Mr. PREYER):

H.R. 14827. A bill to require that discharge certificates issued to members of the Armed Forces not indicate the conditions or reasons for discharge, to limit the separation of enlisted members under conditions other than honorable, and to improve the procedures for the review of discharges and dismissals; to the Committee on Armed Services.

By Mr. STOKES (for himself, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. REUSS, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Ms. SCHROEDER, Mr. SEIBERLING, Mr. SISK, Mr. JAMES V. STANTON, Mr. STARK, Mr. STUDDS, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Georgia):

H.R. 14828. A bill to require that discharge certificates issued to members of the Armed Forces not indicate the conditions or reasons for discharge, to limit the separation of enlisted members under conditions other than honorable, and to improve the procedures for the review of discharges and dismissals; to the Committee on Armed Services.

By Mr. SYMMS:

H.R. 14829. A bill to declare Lake Coeur d'Alene, Lake Chatcolet, Hidden Lake, Round Lake, and the lower reaches of the St. Joe River, in the State of Idaho, to be nonnavigable waters; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 14830. A bill to designate the Bureau of Economic Analysis as the agency officially responsible for informing the public, through publication of appropriate statistics, concerning energy supply and demand conditions in the United States and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WINN (for himself Mr. STEELE, and Mrs. BOGGS):

H.R. 14831. A bill to authorize the Administrator of the National Aeronautics and Space Administration to conduct research and development programs to increase knowledge of tornadoes, hurricanes, large thunderstorms, and other types of short-term weather phenomena, and to develop methods for predicting, detecting, and monitoring such atmospheric behavior; to the Committee on Science and Astronautics.

By Mr. ANDERSON of California (for himself, Mr. SARASIN, Mr. MATSUNAGA, Mr. BELL, Mr. BROWN of California, Mr. CARNEY of Ohio, Mr. MCKINNEY, Mr. STOKES, Ms. BURKE of California, Mr. NEDZI, Mr. PEPPER, Mr. ECKHARDT, Mr. WON PAT, Mr. KOCH, Mr. FORSYTHE, Mr. MOORHEAD of Pennsylvania, Mr. MITCHELL of Maryland, Mr. HICKS, Mrs. MINK, Mr. ABDNOR, Mr. DIGGS, Mr. STARK, and Mr. METCALFE):

H.J. Res. 1012. Joint resolution to prohibit the Bureau of Labor Statistics from instituting any revision in the method of calculating the Consumer Price Index until such revision has been approved by resolution by either the Senate or the House of Representatives of the United States of America; to the Committee on Education and Labor.

By Mr. BUTLER (for himself, Mr. BROYHILL of Virginia, Mr. PARRIS, Mr. WAMPLER, Mr. SATTERFIELD, and Mr. ROBERT W. DANIEL, JR.):

H.J. Res. 1013. Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. DERWINSKI, Mr. BYRON, Mr. MOSS, Mr. SHOUP, Mr. WON PAT, Mr. WYMAN, Mr. ROE, Mr. RUNNELS, Mr. HANSEN of Idaho, Mr. GIAIMO, Mr. GUNTER, Mrs. SCHROEDER, Mr. WAGGONNER, Mr. LONG of Maryland, Mr. HOGAN, Mr. MITCHELL of New York, Mrs. BURKE of California, Mr. KEMP, Mrs. HECKLER of Massachusetts, Mrs. COLLINS of Illinois, and Mr. QUIE):

H.J. Res. 1014. Joint resolution requiring the President to submit to Congress a report concerning importations of minerals which are critical to the needs of U.S. industry; to the Committee on Ways and Means.

By Mr. SMITH of New York:

H.J. Res. 1015. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans' Day; to the Committee on the Judiciary.

By Mr. VANDER JAGT (for himself,

Mr. BROWN of Ohio, Mr. HOLIFIELD, Mr. ERLENBORN, Mr. HINSHAW, Mr. ROSENTHAL, Mr. HORTON, Mr. FASCELL, Mr. PRITCHARD, Mr. HANRAHAN, and Mr. MALLARY):

H.J. Res. 1016. Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations; to the Committee on Armed Services.

By Mr. WYMAN:

H.J. Res. 1017. Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations; to the Committee on Armed Services.

By Mr. BROTZMAN:

H. Con. Res. 493. Concurrent resolution to call on the American people to diligently continue their energy conservation measures in the postembargo period; to the Committee on Interstate and Foreign Commerce.

By Mr. BAFALIS (for himself, Mr. CRONIN, Mr. CONLAN, Mr. COCHRAN, Mr. ARMSTRONG, Mr. BURGENER, Mr. WALSH, Mr. YOUNG of South Carolina, Mr. MARTIN of North Carolina, Mr. HUBER, Mr. MITCHELL of New York, Mr. ROBERT W. DANIEL, JR., Mr. LAGOMARSINO, Mr. STEELMAN, Mr. JOHNSON of Colorado, Mr. SHUSTER, Mr. MOORHEAD of California, Mr. HINSHAW, Mr. HUDNUT, Mr. FROEHLICH, Mr. BAUMAN, Mr. HANRAHAN, Mr. LOTT, Mr. YOUNG of Illinois, and Mr. SYMMS):

H. Res. 1104. Resolution to urge expeditious action on fiscal and budgetary reform measures; to the Committee on Rules.

By Mr. BAFALIS (for himself, Mrs. HOLT, Mr. TAYLOR of Missouri, Mr. COHEN, Mr. SARASIN, Mr. TOWELL of Nevada, Mr. BUTLER, Mr. RINALDO, Mr. O'BRIEN, Mr. GILMAN, Mr. GUYER, Mr. TREEN, Mr. BEARD, Mr. KETCHUM, Mr. REGULA, Mr. PARRIS, Mr. ABDNOR, Mr. RONCALLO of New York, Mr. KEMP, Mr. DEVINE, Mr. CRANE, Mr. DERWINSKI, Mr. ROUSSELOT, Mr. BURKE of Florida, and Mr. SPENCE):

H. Res. 1105. Resolution to urge expeditious action on fiscal and budgetary reform measures; to the Committee on Rules.

By Mr. BAFALIS (for himself, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida):

H. Res. 1106. Resolution to urge expeditious action on congressional spending reform; to the Committee on Rules.

By Mr. OWENS (for himself, Mr. BADILLO, Mr. LITTON, Mr. MURPHY of New York, Ms. CHISHOLM, Mr. RIEGLE, Ms. BURKE of California, Mr. DANIELSON, Mr. DIGGS, Mr. DELLUMS, and Mr. HARRINGTON):

H. Res. 1107. Resolution to amend the Rules of the House of Representatives to provide for the broadcasting of meetings, in addition to hearings, of House committees which are open to the public; to the Committee on Rules.

By Mr. STEELMAN:

H. Res. 1108. Resolution providing for the consideration of House Resolution 988; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WINN introduced a resolution (H. Res. 1109) to refer the bill H.R. 14796 for the relief of NEES Corporation to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

SENATE—*Wednesday, May 15, 1974*

The Senate met at 9 a.m. and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We beseech Thee, O Lord, to fit us for this day remembering the words of the Psalmist:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in his law doth he meditate day and night.—Psalms 1: 1, 2.

Help us, O Lord, not only to meditate upon Thy law, but to live by it in the spirit of Jesus, in whose name we pray. 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., May 15, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HARRY F. BYRD, JR., thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 14, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. 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.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business this morning, the Gurney amendment, under the previous agreement, be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 806 and 807.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISASTER RELIEF TO PAKISTAN, NICARAGUA, AND SAHELIAN NATIONS OF AFRICA

The Senate proceeded to consider the bill (H.R. 12412), to amend the Foreign Assistance Act of 1961 to authorize an appropriation to provide disaster relief, rehabilitation, and reconstruction assistance to Pakistan, Nicaragua, and the Sahelian nations of Africa, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Foreign Disaster Assistance Act of 1974".

SEC. 2. Chapter 5 of part I of the Foreign Assistance Act of 1961 is amended by inserting after section 451 the following new section:

"SEC. 452. DISASTER RELIEF.—The Congress finds a need for (1) disaster relief, rehabilitation, and reconstruction assistance in connection with the damage caused by floods in Pakistan, (2) disaster relief, rehabilitation, and reconstruction assistance in connection with the earthquake in Nicaragua, and (3) famine and disaster relief and rehabilitation and reconstruction assistance in connection with the drought in the drought-stricken nations of Africa. Notwithstanding any prohibitions or restrictions contained in this or any other Act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $150,000,000 to remain available until expended notwithstanding the provisions of any other Act, for use by the President for such assistance, under such terms and conditions as he may determine. Of the amount appropriated pursuant to this section, not more than $50,000,000 shall be available solely for assistance to Pakistan; not more than $85,000,000 shall be available solely for drought-relief assistance in Africa, of which not less than $10,000,000 shall be available solely for Ethiopia; and not more than $15,000,000 shall be available solely for assistance to Nicaragua.".

The amendment was agreed to.

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

The title was amended, so as to read: "An Act to amend the Foreign Assistance Act of 1961 to authorize an appropriation to provide disaster relief, rehabilitation, and reconstruction assistance to Pakistan, Nicaragua, and the drought-stricken nations of Africa."