HOUSE OF REPRESENTATIVES—*Tuesday, June 25, 1974*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that abideth in Me and I in him, the same bringeth forth much fruit.
—John 15:5.

O God, our Father, without whom our world drifts into darkness and despair but with whom light shines upon our path, life is born again, and love blooms within us, we lift our hearts unto Thee in this our morning prayer.

We need Thee, our Father, every hour we need Thee. Stay Thou nearby as we face the difficulties of these days and seek to solve the problems that confront us. Deliver us from unworthy ambitions which blind us to the rights of others and from unwarranted assumptions which breed suspicion and ill will. Keep us ever mindful of the needs of people in our Nation and in our world.

Beneath all differences of color, creed, and culture help us to see human aspirations coming to fruition and seeking to be satisfied. Abiding in Thee, may the fruits of love and joy and peace come to new life in us and in our world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 9281. An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes; and

H.J. Res. 1062. Joint resolution making continuing appropriations for the fiscal year 1975, and for other purposes.

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 1062) entitled "Joint resolution making continuing appropriations for the fiscal year 1975, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. MAGNUSON, Mr. BIBLE, Mr. PASTORE, Mr. MONTOYA, Mr. INOUYE, Mr. HOLLINGS, Mr. BAYH, Mr. CHILES, Mr. YOUNG, Mr. COTTON, Mr. CASE, Mr. BROOKE, Mr. HATFIELD, Mr. MATHIAS, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14434) entitled "An act making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 17, to the foregoing bill.

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

S. 3679. An act to provide emergency financing for livestock producers.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 1062, CONTINUING APPROPRIATIONS, FISCAL YEAR 1975

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 1062) making continuing appropriations for the fiscal year 1975, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, PASSMAN, FLOOD, Mrs. HANSEN of Washington, Messrs. CASEY of Texas, CEDERBERG, MINSHALL of Ohio, MICHEL, and SHRIVER.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 1062

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on tomorrow or at any day thereafter to consider a conference report on the joint resolution (H.J. Res. 1062) making continuing appropriations for the fiscal year ending June 30, 1975, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 1062, MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1975

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the joint resolution (H.J. Res. 1062) making continuing appropriations for the fiscal year ending June 30, 1975, and for other purposes.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 14214, health revenue sharing; and the conference reports on H.R. 7724, biomedical research; H.R. 11385, health services research; S. 2830, National Diabetes Act; and S. 2893, National Cancer Act amendments.

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

There was no objection.

CALL OF THE HOUSE

Mr. BROWN of California. 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. 322]

Anderson, Calif.	Dellums	Michel
Ashley	Diggs	Mills
Badillo	Dingell	Mitchell, Md.
Baker	Dorn	Mizell
Biaggi	Drinan	Moakley
Brasco	Esch	Mollohan
Burke, Calif.	Gaydos	O'Hara
Carey, N.Y.	Gray	Powell, Ohio
Chisholm	Grover	Reid
Clark	Hanna	Robison, N.Y.
Clay	Hansen, Wash.	Rooney, N.Y.
Conyers	Harsha	Rosenthal
Daniels, Dominick V.	Howard	Rousselot
Davis, Ga.	Kuykendall	Steele
	McSpadden	Steiger, Wis.
	Macdonald	Teague

The SPEAKER. On this rollcall 387 Members have recorded their presence by electronic device, a quorum.

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

HON. JOHN L. BURTON

The SPEAKER laid before the House the following communication, which was read:

June 11, 1974.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to advise that the Clerk's Office received today a Certificate of Election of the Special Election held in the Sixth Congressional District of California to fill a vacancy created by the resignation of William S. Mailliard.

This Certificate of Election indicates that according to the official returns of the Special Election held on the Fourth day of June, 1974, in the Sixth Congressional District of California, that John L. Burton was elected

to the Sixth Congressional District for the unexpired term ending on the Third day of January, 1975.

The above mentioned Certificate of Election is on file in the Clerk's Office.

With kind regards, I am,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. The Representative-elect will present himself at the bar of the House for the purpose of having the oath of office administered to him.

Mr. JOHN L. BURTON presented himself at the bar of the House and took the oath of office.

PERSONAL EXPLANATION AS TO VOTE

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

Mr. DANIELSON. Mr. Speaker, I was absent during the latter part of the afternoon of Friday, June 21, 1974, during the consideration of H.R. 15472, the agriculture-environmental and consumer protection appropriations bill for fiscal year 1975. For the record, I now state how I would have voted on each of the votes I missed had I been present:

Rollcall No. 315: An amendment that sought to strike language which prohibits the use of funds for salaries of employees of the Federal Trade Commission who: First, use the information provided in the line-of-business program for any purpose other than the statistical purposes for which it is supplied; or second, make any publication whereby the line-of-business data furnished by a particular establishment or individual can be identified; or third, permit anyone other than sworn officers and employees of the FTC to examine the line-of-business reports from individual firms. I would have voted "aye."

Rollcall No. 316: An amendment that sought to deny food stamp eligibility to striking workers. I would have voted "no."

Rollcall No. 317: An amendment that forbids eligibility for food stamps to all college students claimed as tax dependents by their parents. I would have voted "no."

Rollcall No. 318: An amendment that appropriates $7 million for grants to rural fire departments. I would have voted "aye."

Rollcall No. 319: Final passage of H.R. 15472, making appropriations for agriculture-environmental and consumer protection programs for fiscal year 1975. I would have voted "yea."

SECRETARY OF AGRICULTURE SHOULD CERTIFY U.S. CATTLE IN FEEDLOTS FREE OF DES

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

Mr. MELCHER. Mr. Speaker, one of the problems that is facing the livestock industry at this time is that Canada on April 9 banned any U.S. beef or any cattle from coming into their country. In their market beef cattle are about $48 a hundredweight while the corresponding grade of cattle in this country is less than $40. It is obvious our usual trade with Canada would have helped the trade in livestock and meat at this time had that Canadian market been available to us.

It is up to the Department of Agriculture to certify the feedlots in the United States that do not use diethylstilbestrol, to certify those feedlots are free of DES in their cattle, and therefore open up the Canadian border to us once more.

I would urge the Secretary of Agriculture Earl Butz to drop all other matters and get on with that certification.

It is not only consumers in Canada that are concerned, but to safeguard the confidence of our own consumers it is imperative that the USDA act promptly to certify those cattle that are free of this synthetic harmone.

To accept the Canadian challenge, our Secretary of Agriculture should immediately certify all of the cattle that are free of DES in the United States. His own staff of veterinarians and thousands of licensed veterinarians in private practice throughout the country can provide the inspection service and the certification necessary.

As certification reassures the Canadian Government we shall also reassure American consumers that the beef we produce is the most wholesome and healthful that is available anywhere in the world.

The need is here and now. I hope Secretary Butz responds immediately.

EXTENDING THE EXPIRATION DATE OF THE EXPORT ADMINISTRATION ACT OF 1969

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1057) to extend by 30 days the expiration date of the Export Administration Act of 1969.

The Clerk read the title of the joint resolution.

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

Mr. WYLIE. Mr. Speaker, reserving the right to object, I wonder if the gentleman would explain the necessity for this 30-day extension of the Export Administration Act?

Mr. PATMAN. Yes. The Senate is expected to take a recess Friday. It is very close to the time that they will. This act expires the 30th of the month. If it were to expire, all the scrap in the country would be available for export at a price of $30 a ton more than this year and, obviously, it would go out.

Mr. WYLIE. I understand that there is a problem with scrap metal, that there are foreign buyers waiting almost at the gate.

Mr. PATMAN. With orders on file.

Mr. WYLIE. With orders on file. If the Export Control Act is not extended by 30 days, sellers would be free to ship scrap metal out of the country which is sorely needed in this country.

Mr. PATMAN. There are 3,071 companies that have scrap iron and steel ready to ship.

Mr. WYLIE. 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 Clerk read the joint resolution as follows:

H. J. RES. 1057

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Export Administration Act of 1969 is amended by striking out "June 30" and inserting in lieu thereof "July 30".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PERMIT U.S. PARTICIPATION IN INTERNATIONAL ENFORCEMENT OF FISH CONSERVATION

Mr. FRASER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14291) to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographic areas, pursuant to the International Convention for the Northwest Atlantic Fisheries, 1949, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 19, insert:

(g) Subsection (b) of section 4 of the Act of September 27, 1950 (64 Stat. 1068), is amended by adding the following sentence to the end thereof: "The Secretary of State shall submit an annual report to the Congress of the costs incurred in reimbursing travel and per diem expenses of members of the advisory committee pursuant to this subsection.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF CHANGE IN LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, on tomorrow, we will call up by unanimous consent H.R. 13370, temporary suspension of catalysts of platinum and carbon used in producing caprolactam.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 14715, AUTHORITY FOR EMPLOYMENT OF WHITE HOUSE OFFICE AND EXECUTIVE RESIDENCE PERSONNEL

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1184 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1184

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. 14715) to clarify existing authortiy for employment of White House Office and Executive Residence personnel, and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the Committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1184 provides for an open rule with 1 hour of general debate on H.R. 14715, a bill to provide authority for employment of White House Office and Executive residence personnel.

House Resolution 1184 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

The purpose of the bill is to provide legislative authorization for staff support, administrative expenses, maintenance, and operation of the White House Office of the President, the Executive residence of the White House and for the Executive duties and responsibilities of the Vice President.

H.R. 14715 allows the President to appoint a total of five administrative and staff assistants at the rate of pay for Executive Level II, which is $42,500 per year.

Mr. Speaker, I urge the adoption of House Resolution 1184 in order that we may discuss and debate H.R. 14715.

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

Mr. Speaker, the distinguished gentleman from Florida (Mr. PEPPER) has explained the provisions of the resolution. I oppose the resolution, Mr. Speaker, and the bill if it is not amended. I think it is unconscionable that we here in the House should take partisan pot shots at the White House in reducing the salaries of existing employees.

Whatever the feelings of the Members might be, the Congress of the United States is no place for such action by any committee, or by this body.

Mr. Speaker, I have no requests for time.

Mr. PEPPER. Mr. Speaker, I have no requests for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15544, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1975

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1188 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1188

Resolved, That during the consideration of the bill (H.R. 15544) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1975, and for other purposes, all points of order against the provisions under the heading "SPECIAL ASSISTANCE TO THE PRESIDENT" beginning on page 10, lines 6 through 15, and under the heading "THE WHITE HOUSE OFFICE" beginning on page 10, line 17 through page 11, line 3, are hereby waived for failure to comply with the provisions of clause 2, rule XXI.

The SPEAKER pro tempore (Mr. O'NEILL). The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker. I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1188 permits the Committee on Appropriations to submit the 1975 appropriation bill for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for action on the floor of the House of Representatives.

House Resolution 1188 provides that all points of order against the provisions under the heading "Special Assistance to the President" beginning on page 10, lines 6 through 15, and under the heading "The White House Office" beginning on page 10, line 17 through page 11, line 3, are waived for failure to comply with the provisions of clause 2, rule XXI of the Rules of the House of Representatives—prohibiting unauthorized appropriations.

H.R. 15544 provides for new budget obligational authority of $5,507,947,000, a reduction of $69,349,000 below the budget estimates of fiscal year 1975 and $735,770,000 under the amount for the same agencies during the current fiscal year.

H.R. 15544 also makes appropriations for certain independent agencies such as the Civil Service Commission, the General Services and the U.S. Tax Court.

Mr. Speaker, I urge the adoption of House Resolution 1188 in order that the House may consider, discuss and debate H.R. 15544.

H.R. 14715, which will be considered immediately after this rule, includes the authorization for the two items in this bill which require a waiver. It is my understanding that the other body will hold committee hearings on the authorization bill tomorrow.

Mr. Speaker, I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Louisiana has given an adequate explanation of the resolution before us.

This resolution came out of the Committee on Rules by a voice vote, and I support the resolution.

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

Mr. LONG of Louisiana. Yes. I yield to the gentleman from Texas.

Mr. ECKHARDT. May I ask the gentleman from Louisiana if in the waiver of points of order, particularly with respect to line 17 on page 10 and line 3 on page 11, that this waiver is to prevent a point of order which might be made against the language on page 11, "to be accounted for solely on his certificate"? Is that the purpose of that waiver?

Mr. LONG of Louisiana. Mr. Speaker, I would like to yield to the chairman of the subcommittee, the distinguished gentleman from Oklahoma.

Mr. STEED. May I say that that is the language in the bill, but in the light of the legislation on the floor, the authorization legislation, if this rule is granted, perhaps we will offer amendments to these two items to conform with the authorization. However, we could not anticipate, so we have used this form to get it to the floor so we can make it conform with whatever authorization bill the House sees fit to pass.

Mr. ECKHARDT. As I understand, there is present authorization in existing statutory language to protect, I believe, $40,000 for travel, from which amount moneys may be expended in the discretion of the President and accounted for on his certification only, and you would raise that to $100,000 in the authorization bill, as I understand.

Mr. STEED. Yes. The fact of the matter is that if the rule is not adopted, if the authorization bill is not passed, then both of these items will have to be stricken from the bill. Therefore, the whole provision as to the two items will rise or fall with what is in the authorization as it comes up.

Mr. ECKHARDT. Then there is an-

other statute, I think, that permits $50,000 on the President's sole accounting. That has to do with certain expenses in the nature of entertainment, and so forth, and is in existing legislation.

Mr. STEED. In the legislation that deals with the compensation of the President, the $250,000 item exempts $50,000 for that purpose.

Mr. ECKHARDT. But what concerns me about this language in H.R. 15544 is that it seems to me that all of these funds referred to after the semicolon on line 24, page 10, that is, "hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel and official entertainment expenses of the President," all need to be accounted for solely on the certificate of the President and nothing more.

So that would be a very important point.

Mr. STEED. Mr. Speaker, I will state to the gentleman that this has been provided in the law as long as I can remember, but none of it will be effective here. The new language will be in the authorization bill that is going to come up now. We will have to offer amendments on the floor to these two items in order to make them conform to the authorization bill if and when the House passes the bill. That is why the authorization bill comes up before the appropriation bill, so that we can make those adjustments.

Mr. ECKHARDT. Of course, if the gentleman from Louisiana will yield further, it would be true, would it not, that if the authorization bill provides that certain sums contained therein need to be accounted for solely by the President, that would take care of the question and we may strike that language out of the appropriation bill?

Mr. STEED. Mr. Speaker, that is what I have told the gentleman. Some of the language will be stricken and substituted for in order to conform to the authorization bill.

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

Mr. GROSS. Mr. Speaker, will the gentleman yield so that I may ask the gentleman from Oklahoma a question?

Mr. LONG of Louisiana. I yield to the gentleman from Iowa.

Mr. GROSS. Then, Mr. Speaker, it is clearly understood that whatever comes out of the consideration of the next bill, H.R. 14715, the Committee on Appropriations will offer amendments to its bill to make it conform?

Mr. STEED. The gentleman is correct. We did not think that by this action we should have any control over the authorization bill which would become final and controlling. The reason we are having it acted on first is because that is the only way we know of to amend the appropriation bill in order to conform with the authorization bill. So as the day goes on, as soon as the authorization bill is finished, we then will prepare the amendments to make the appropriation bill fit that action on the authorization bill.

Mr. GROSS. Mr. Speaker, all I wanted to have clearly understood is that we understand the Committee on Appropriations will offer those amendments.

Mr. STEED. Mr. Speaker, if the gentleman from Louisiana will yield further, I will answer the gentleman:

The gentleman is correct. Furthermore, we will be glad to allow the gentleman to see the terms of the amendments before they are offered. If the authorization bill is not passed for any reason, we will have to strike the two items from our bill.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I take this time to direct a question to the chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED).

I would like to inquire whether the rule in its present form would waive a point of order to an appropriation in the Civil Service Commission section for the executive interchange program, which I do not believe has been authorized.

Mr. STEED. Mr. Speaker, if the gentleman will yield, I will state that I would have to check up the law on that. I think we have looked up all the authorities, and when the bill comes up, we will have them available. If there is not some authority, we will have it decided on a point of order. There may be several points of order, but we did not go into that with the Committee on Rules because there were only the two sections cited where we thought we needed that sort of help.

Mr. VANIK. The resolution in its present form does not waive points of order to this particular section?

Mr. STEED. No, just to these two items.

Mr. VANIK. Mr. Speaker, I would like to serve notice now to the chairman of the subcommittee that at an appropriate time I expect to raise a point of order to the item of the lines 12 through 20, for the reason that I cannot find an authorization for an appropriation for the President's executive interchange program which is included in the $90,000,000.

Mr. STEED. Mr. Speaker, I appreciate the gentleman's telling us about that. I do want the gentleman to know that on this and on all other points of order in here except on these two items the Members' rights will be protected.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORITY FOR EMPLOYMENT OF WHITE HOUSE OFFICE AND EXECUTIVE RESIDENCE PERSONNEL

Mr. DULSKI. 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. 14715) to clarify existing authority for employment of White House Office and Executive residence personnel, and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14715, with Mr. SISK in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule the gentleman from New York (Mr. DULSKI) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. GROSS) will be recognized for 30 minutes.

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

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

Mr. Chairman, H.R. 14715 was ordered reported by a record vote of 14 to 4. The committee report includes supplemental views which register objection to the action taken during the committee markup of the legislation, reducing the number of positions to be placed in the top levels, particularly in Executive Level II at the $42,500 rate, from the current number of 14 down to 5 positions. The action of our committee on this question was approved by a voice vote.

Mr. Chairman, I sponsored this bill on the basis of an official request from the administration. The purpose of the bill is to authorize appropriations for staff support, administrative expenses, maintenance, and operation of the White House Office of the President, the Executive Residence of the White House, and for the Executive duties and responsibilities of the Vice President. The authorizing legislation will meet the requirements of clause 2 of rule XXI of the House of Representatives, which provides that no appropriation shall be reported by the Appropriations Committee of the House in any general appropriation bill for any expenditures not previously authorized by law.

During the House consideration on August 1, 1973, of the Treasury, Post Office, and Executive Office, 1974 appropriation bill, points of order were made and sustained against the legislative language contained in the appropriations proposed for "Special Assistance to the President," the Office of the Vice President, and the "White House Office."

The legislative language was restored before enactment of the Appropriation Act, Public Law 93–143.

On April 29, 1974, the administration submitted an official request to the Congress for legislation authorizing appropriations for the ongoing staff support of the Office of the President, the Executive Residence, and the Office for the executive branch duties of the Vice President.

Chairman TOM STEED of the Subcommittee on Treasury, Post Office, and General Government Appropriations of the Committee on Appropriations, has advised our committee that questions could be raised as to whether there is authorization for five appropriations as-

sociated with the Executive Office of the President.

This legislation covers 3 of those appropriations; namely, the "White House Office," the "Executive Residence," and the "Special Assistance to the President." The other two appropriations, "Emergency fund for the President," and "Expenses of management and improvement," are not covered by authorizations in the reported bill. It is the view of our committee that these two appropriations involve matters not within the jurisdiction of our committee.

Mr. Chairman, the major features of this legislation are the limitations placed on the number of top level positions. As of May 1, 1974, there was a total of 510 positions in the White House Office, and 65 of these positions were at rates above $30,000, of which 14 were paid at the Executive Level II rate of $42,500. The limitations in the bill relate only to the 65 positions.

The bill authorizes 5 positions at the $42,500 rate for Executive Level II, which will require a reduction of 9 positions in Executive Level II from the current total of 14 to 5 positions.

The bill authorizes the President to have 5 positions at the $40,000 rate for Executive Level III, 10 positions at the $38,000 rate for Executive Level IV, and 15 positions at the $36,000 rate for Executive Level V, for a total of 30 positions at these levels. He now has 21 employees within the same salary range of $36,000 to $40,000. This number, plus the 9 positions to be reduced from the $42,000 rate, results in a total of 30 positions, which is the number of positions authorized by this bill.

The Vice President now has one position at the $42,500 rate, three at the $38,000 rate, one at the $36,000 rate, and one in the GS–16, –17, and –18 range, for a total of six positions at these rates. The bill authorizes a total of 14 positions at the top level rates, 1 at the $42,500 rate for Executive Level II, 3 at the $40,000 rate for Executive Level III, and 3 at the $38,000 or $36,000 rates for Executive Levels IV and V, respectively, and 7 positions in GS–16, –17, and –18.

In addition to the employees in the White House Office referred to above, there currently are 13 experts and consultants on a per diem when actually employed basis, and 25 employees detailed to the White House from other executive agencies on a reimbursable basis if the detail extends for more than 6 months.

Mr. Chairman, under 5 U.S.C. 3101, each executive agency—and this includes the White House Office—is authorized to employ such numbers of employees as may be appropriated for from year to year. The law does not place a limitation on a number of these employees for each agency, but other provisions of law do specify the numbers of positions in the Executive Schedule and the numbers in GS–16, GS–17, and GS–18 of the General Schedule.

The committee followed that same legislative policy in reporting this bill. The bill fixes the number of Executive Schedule positions and the number of positions in GS–16, GS–17, and GS–18, but subjects the numbers in GS–15 and below to the availability of funds.

The tables set forth on page 6 of the committee report show that the number of positions above GS–15 in the White House Office, as of May 1, 1974, was 65. The number authorized in the reported bill is 65.

The number of positions in these levels for the Vice President, as of May 1, 1974, was 6, but the Vice President has advised us that he currently is reorganizing his staff. Following discussions with the Vice President, the committee agreed to authorize a total of 14 positions for the Vice President above GS–15. The Vice President agreed with this number.

The total number of positions for the White House Office for fiscal year 1974, including the 65 above GS–15, was 510, and the comparable total requested for fiscal year 1975 is 540. The number in the Executive residence for fiscal year 1974 was 70, and the number requested for fiscal year 1975 is 82.

The number of employees in the Office of the Vice President for fiscal year 1974 was 30, and the number requested for fiscal year 1975 is 30. The Vice President's proposed reorganization of his office may require some change in the number for fiscal year 1975.

EXPERTS AND CONSULTANTS

The authority for the President to procure temporary or intermittent services of experts and consultants is included in the bill under subsection (d), beginning in line 13 on page 6, and similar authority is included for the Vice President on page 7 under subsection (e)(1), beginning in line 16.

This authority is similar to the authorization included for several years under the White House Office appropriation in the case of the President, and under the appropriation for special assistance to the President, in the case of the Vice President.

In the case of the President, the Appropriation Act for fiscal year 1974 included a limitation of not to exceed $2,250,000 for these expenditures, and the request for fiscal year 1975 increases that limitation to $3,850,000, or an increase of $1,600,000.

It would appear that any reduction in this limitation should be handled by the Appropriations Committee.

As of May 1, 1974, there were 13 consultants assigned to the White House Office. These are shown on page 10 of the hearings.

DETAILS

Title 3, United States Code, section 107, as amended by the reported bill, will authorize the President to request details from the executive branch of employees to serve in the White House Office. The President is required to advise the Congress of the names and general duties of the employees, and the employees may not be detailed for full-time duty on a continuing basis for any period of more than 1 year. The detail is to be on a reimbursable basis if the detail continues for more than 6 months.

As shown on page 6 of the committee report (H. Rept. No. 93–1100), 25 employees were detailed to the White House Office from other agencies as of May 1, 1974, and it is the current practice to reimburse the agencies for these details that continue for more than 6 months.

The number of 25 does not include 7 persons detailed to the President's Foreign Intelligence Advisory Board, which is not involved in this authorizing legislation.

ENTERTAINMENT EXPENSES

The bill does include authority under subsection (d) on page 7 for the appropriation of such sums as may be necessary to pay official reception, representation, and entertainment expenses to be expended at the discretion of the President and accounted for solely on his certificate.

This language is identical to the language contained for the past several years in the appropriation for the White House Office. There also is a provision in the appropriation for the Executive Residence for official entertainment expenses of the President.

Neither the Appropriation Act nor the reported bill contains any limitation on the amount of this expenditure.

The committee was advised during the hearings that approximately $75,000 was expended during fiscal year 1973 for official entertainment from the Executive Residence appropriation. (See p. 41 of the hearing.)

There were no amounts used for entertainment from the White House appropriation.

TRAVEL

Title 3, United States Code, section 103, as amended by this bill, will authorize not to exceed $100,000 for travel expenses of the President. This authorization for costs of travel is in addition to the major travel costs of the President of military airplanes and the auxiliary services furnished by the Department of Defense.

We were advised at the hearings, as shown on page 24 of the hearings, that this authorization covers the travel of those who accompany the President, for hotel costs and other incidental traveling costs. The total expenditure for fiscal year 1973 was $75,000, the amount appropriated. It was $100,000 for 1974. The budget request for fiscal year 1975 is for $100,000, the same amount authorized by the reported bill.

Mr. Chairman, I urge that the committee approve H.R. 14715.

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

Mr. Chairman, the record will show that I voted to favorably report the bill H.R. 14715, authorizing the White House Office staff, and I did so for two reasons:

First, the legislation is long overdue inasmuch as Congress has been appropriating funds to staff the White House Office for many years in disregard of an important House rule. I refer, of ocurse, to rule XXI, clause 2, which requires prior legislative authorization of any funds appropriated. The legislation we bring to the House today, if enacted, will resolve that problem and will enable the appropriate legislative committee to conduct

regular reviews of the staffing levels of the White House Office. Therefore, I believe this is a vital and necessary piece of legislation.

The second reason I voted to bring this bill to the floor in its amended form is that certain limits should be placed on the numbers of upper level positions created by the President in the White House Office, and I believe this bill, H.R. 14715, proposes proper limitations. I do not think there is any language in this bill which would inhibit any President, present or future, from satisfactorily conducting the affairs of his White House Office.

I suppose there could not be a worse time for considering legislation such as H.R. 14715. Nevertheless, as we proceed to the 5-minute rule, it would be my sincere hope that reason and fair play will prevail. I would urge that the bill not be used as a vehicle for imposing unreasonable restraints on the ability of the President to perform his duties.

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

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, as was pointed out in supplemental views which accompanied the committee report on H.R. 14715, the main thrust of the committee amendment is to deny the President the authority to fill 14 positions in the White House Office at the rate of pay for Executive Level II.

Mr. Chairman, I also wish to emphasize the effect of the committee amendment which may not be readily apparent in reading the bill. If the committee amendment is approved reducing from 14 to 5 the number of Executive Level II positions authorized in the White House Office, that means that 9 persons currently serving in these positions will be required to take a reduction in pay. Such an action would be unconscionable, and I am certain that no Member of this House would stand by and allow his own staff to be legislated away in a similar manner.

The committee amendment to cut this authority back to five such positions is totally inconsistent with fair-mindedness. It is an action which seems suspiciously partisan when you consider that just 10 years ago the Congress enacted legislation which did away with pay distinctions of these same 14 positions and authorized the pay for all of them at the rate of Executive Level II.

It seems strange that the committee wishes to deny the incumbent President the same staffing authority that was granted the previous President.

I hope that this House will act objectively on this legislation and will treat the matter of White House Office staffing with the fairness that such an important subject deserves.

May I have the attention of the distinguished gentleman from Arizona, the future President of the United States. I may refer directly to the gentleman in my remarks and I would like to have his attention.

I think this bill represents the kind of legislative approach that this unfortunate political period seems to have thrust upon us. Basically what this bill does as produced by the committee would be to deny to the President the authority to fill 14 positions in the White House Office at the rate of pay of the executive level II. These positions are presently filled. Therefore, the practical effect is to reduce from 14 to 5 the number of positions authorized.

In this particular case in this bill before us, what we really do is cut back the authority which requires that nine persons presently employed by the President in these level II positions if they continue in his employ suffer by order of Congress reductions in pay.

I would just like to pose the question: How many Members in administering their own staffs, and granted their own staffs are not the size of the White House staff, but when we add up the total staff structure of Congress we have a great number of individuals, how many of us would look favorably upon a sudden decision to cut back the salaries of some of our employees, many of whom in accepting the positions did so in the rather practical view that the position would remain compensated for at the level that they accepted the assignment?

I think that is a human interest element that has been lost.

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

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

Mr. UDALL. I realize that people do not like to have their salaries cut; but does the gentleman seriously believe there will be suffering and malnutrition if these people are cut from $42,500, the salary of one of our committee members, the salary of a U.S. judge, or a Member of Congress; does the gentleman think there will be suffering and malnutrition if these people go down from $42,500 to $40,000?

Mr. DERWINSKI. No. Some of these men have children in college and at a time when their salaries are already frozen, we are imposing a further cut on them.

I realize in this day and age the well-known or faceless bureaucrats in the White House do not have too many friends; but I do not think this is a justifiable approach even in this political situation that applies to the President.

Mr. UDALL. Does the gentleman agree that we have too many high-level executives in the White House and the cut should be made, or are we just arguing when, in effect, we phase them out in the turnover?

Mr. DERWINSKI. My point now is that the President in good faith hired these men. They were hired at a salary that was agreeable to them.

Granted, there is the glamour of association. There is the glamour of a White House title, and of employment at the White House, but still in a family situation, a sudden substantial pay cut would create a personal problem.

At the risk of being a little personal, let me look at the future. As I understand it, political columnists in papers such as the New York Times, the Washington Post, and the Los Angeles Times, all highly regarded publications in the country, report that the real dark horse in 1976 for the Democratic Presidential nomination is our distinguished friend from Arizona (Mr. UDALL). I am not really at this point endorsing the gentleman, but I do make this point: I can just see this picture in 1977, with a Democratic President coming in and taking over the White House. He has made certain campaign commitments and will have to turn to Congress for more funds.

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

Mr. GROSS. Mr. Chairman, I yield 3 additional minutes to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I can just see this noble new President, who could well be the gentleman from Arizona, coming to the White House and looking over the budget he has inherited, the programs he has inherited, and saying, "I need billions and billions of dollars of additional spending."

He then turns to a friendly Congress and says, "Gentlemen, I not only need more personnel, but I need more money and more personnel in the departments so that we can carry out the mandate of our party convention."

This would obviously be done only at an increase in the budget. At that point, though, that President would have to turn to the Congress and say, "In some fashion we must economize also. We have to show the American public that we are economizing in at least one area."

Then, if the gentleman from Arizona is our President, he could at that point adopt the proposals he is proposing in this bill. He could cut back these level II's from 14 to 5 and cut the White House staff as he would propose to do it now. If we passed this bill as the gentleman presents it today, we will not give the gentleman room to economize legitimately in January 1977.

The gentleman will be accused of being a spender when he tries to increase the White House staff. Therefore, I am really trying to save the gentleman from Arizona from his own well intended but slightly narrow-minded political instincts.

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

Mr. DERWINSKI. I am happy to yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, the gentleman has a more elaborate version of my position in 1976 than I have. The mayor of his city apparently has lost my telephone number, because I have not heard from him. None of the Senators, Mr. Chairman, have conceded as yet, but he gives me an opportunity to speak of this matter. I have not even learned "Hail to the Chief." I do not know the first stanza of the song yet.

The gentleman gives me an opportunity to make a point which I want to make. It has been said that this is some kind of partisan hatchet job on a President who is kind of weak right now. Those of us on the committee have been concerned about a reduction of the Executive Office for years. I want to get it nailed down now so that we are stuck with it.

I think we are going to have a Democratic President in 1977, and I want it in the CONGRESSIONAL RECORD that I think this White House staff has gotten all out of whack. There is no justification for this bloated bureaucracy.

We finally got a list of the kinds of people down there. I want my colleagues to know what we have at the White House. We have counsellors to the President at $42,500. We have assistants to the President; deputy assistants; eight counsel to the President; special counsels to the President—all at $40,000 to $42,500.

We have special consultants; executive assistants to the President; special assistants to executive consultants; deputy assistants to the President; deputy special assistants to the President; staff assistants to the President; and each of these have consultants. I think we have gone too far. I think the job ought to be done in the Cabinet departments and not down at the White House with all kinds of anonymous people making high salaries.

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

Mr. GROSS. Mr. Chairman, I would be glad to yield an additional 3 minutes to the gentleman from Illinois, but I would hope that somewhere along the line he would give us his selection for the Republican candidate for President.

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

Mr. DERWINSKI. Yes, I yield to the gentleman from Vermont.

Mr. MALLARY. Is it not important that we recognize the fact that back in 1964 we authorized for President Lyndon Johnson 14 positions that pay up to Executive Level II, and what we are suggesting in this bill is the taking away of that authorization and the personnel we authorized at that time?

Mr. DERWINSKI. Yes. That is true, but I did not want to say it in quite that way because I felt it was too much of a direct political statement. That is why I approached the subject more gently. Let me say that I recognize the motivation of 98 percent of the Members here is always for what they think is in the best interests of their constituents and of the country. However, I cannot help but think at this time of the year, with the political turmoil that has developed, that this bill, as presented to us, does, in fact, represent a political overkill.

It is one thing to preach about the high-salaried positions at the White House and then to forget the great responsibility that has been placed upon the White House by the bills this Congress has enacted, which force the President to rely ever and ever more on a larger staff. I wish our Federal structure was the size it was at the time Calvin Coolidge was President. But since the early 1930's we have been deliberately developing a huge Federal bureaucracy. The President has to control it, and he cannot control it entirely through his department heads. He has to have a staff.

Mr. Chairman, I will take second place to no one except perhaps the gentleman from Iowa in my determination to cut the Federal budget and the bureaucracy.

This is almost a political backlash. That is why I reemphasize that the real way to cut the White House is by putting the presssure and spotlight on the President.

The Committee on Appropriations certainly, if we pass the authorization, could go to work and trim the executive budget.

I think this is the wrong vehicle for doing it, and I cannot but question the political shortsightedness that in part motivates it.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I rise at this time to counter the arguments that have been expressed here by the gentleman from Vermont, and we will hear more of them today, that somehow we are taking an extensive whack at the numbers of bodies in the White House and we are doing this in a manner which is partisan and unfavorable, in comparison to the Johnson budget.

The fact is that Mr. Ash came in before our committee, and the request they made in the original bill was for 65 positions above GS–15.

The bill that the committee reported gives them 65 positions. So we are giving them exactly the number of positions they now have. The one thing the committee did do is this—and I am willing to discuss at some point with my friend, the gentleman from Illinois, the timing and phasing of this—we said there are too many overinflated, highly paid Federal jobs on Executive Level I at the salary of Cabinet Members, $60,000, and too many on Executive Level II; that is the Under Secretary level, and that is $42,500, which equates with Members of Congress, Senators, and chairmen of committees, and it equates with the U.S. Federal Court of Appeals judges.

They have now at the White House 14 of these, and I listed them. There are counselors and special assistants and deputy assistants and all of these other positions. They have 14 of these now.

Mr. Chairman, we give them exactly the same number of positions the President requested, but we bump some of the grades down. So some of the Executive Level II's are going to have to suffer along at Executive Level III salaries, and some of the III's are going to have to be satisfied with salaries of IV's and some of the IV's will have to suffer along at $36,000.

Let me say something about the comparable figures in the Johnson budget. Incidentally, I think salary levels ought to be raised. I have had previous discussions with my friend, the gentleman from Iowa, on this subject. I think perhaps something ought to be done for officials on this level, and that something ought to be done for Members of Congress. Perhaps one of these decades we might be due for a little bit of an adjustment in this era of inflation.

But on the idea that we somehow can compare this favorably with the Johnson budget, I went back and got the last Johnson budget. Earlier I gave the Members the figures for supergrades in the positions which President Nixon is asking for. That figure is 65, and we are giving him 65 in supergrades and above. In the Johnson budget the number was not 65; it was 24. In 1969, the year of the last Johnson budget, that was the number of people in these top positions which the Congress allowed.

Mr. Chairman, I have a little more time left here, so let me take the time to knock down just one other old chestnut here. They say, "Oh, yes, but it was a dishonest budget in the Johnson days." The gimmick was "detailing". The idea was that departments would send over highly paid people and put them on the White House staff. Those bodies did not show up in the White House budget.

There was a good deal of this going on. However, in this extensive study here which the committee commissioned me to do a couple of years ago, we made allowances for that. We counted the personnel detailed, and then we proved beyond any question of a doubt that the Nixon administration had gone completely berserk in adding on all kinds of highly paid positions at the White House.

It is like the situation where we might say you are running restaurant and somebody works for you and is allowed to eat one steak a day. It develops he is taking home five steaks a day. You confront him with this, and he comes back and says, "I admit it. Now I want to take 10 steaks a day out of the kitchen on my way home."

So it does no good in this debate to say, "We will not detail any more. We are giving the Congress an honest budget, and since we are providing an honest budget, we now to double it."

Mr. Chairman, I think what we are providing in this bill is responsible. I think if we have any respect for the legislative branch as against the executive branch, we ought to cut down on the numbers they have. In the Under Secretary level there are 14, on level II, in the White House. Do the Members know how many there are in all the other agencies? There are not more than 30 as I recall. They have almost half as many on the level of Under Secretary in the White House as they do in all the other agencies in the executive department. This is wrong, and we are trying to correct it.

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

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

Mr. DERWINSKI. Mr. Chairman, may I direct the attention of the Members to this: I am reading from the report of the Committee on Post Office and Civil Service of April 24, 1972, which was authored by the distinguished gentleman from Arizona (Mr. UDALL) on the subject of "The Growth of the Executive Office of the President."

The gentleman, I am sure, has a copy of that in his files.

The gentleman will note that on page 5, table 4, it shows that in 1970 the White House had 250 positions, and in 1971, 533. That is an increase of 283. Then it also shows that they had in 1970 detailed to the White House from other agencies 273 persons. That detail was then eliminated.

So, from what I have been reading, it was determined by the White House to take full responsibility for the personnel that previously had been detailed.

Mr. UDALL. Yes, and I commended him for that. That was an honest budget.

We should have the details. This should be brought down on the White House level, but I repeat that to use this "honest" budget in order to add on a complete new bureaucracy down at the White House makes no sense.

Mr. DERWINSKI. However, the gentleman will, I am sure, recognize that year after year, regardless of who has been the occupant in the White House, we inevitably have added to the burden of the executive branch?

Mr. UDALL. The gentleman is correct.

Mr. DERWINSKI. A good part of which was apposed for the President.

Mr. UDALL. And I voted for some of these things.

Mr. Chairman, my point is that in a cabinet kind of government, those functions ought to go into cabinet posts where the administrators who are sent to us to testify cannot claim executive privilege.

When I made this study, John Ehrlichman would not tell us anything. They indicate plainly that at the White House Congress was considered a bunch of clowns not entitled to this information.

Mr. DERWINSKI. Mr. Ehrlichman was not any more helpful to me, either. I just want the gentleman to know that he was bipartisan in the way he would handle Congressmen.

But I think we really should keep in mind—and this is an essential point this afternoon—that we cannot trim the executive branch at a time when we continue to add to its responsibilities.

Mr. UDALL. I am not trying to trim the executive branch, I am just trying to put this responsibility in the departments and the people who are responsible for making policy and administering it.

Mr. DULSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, when we have completed the general debate, and have entered into the 5-minute rule, I plan to offer two amendments to the pending legislation. One amendment would reduce the number of personnel in the White House in total numbers of 25: 10 from the levels of 4 and 5, and 15 from supergrades 16, 17, and 18. The other amendment would be one which relates to disclosure. A requirement that the White House publish each fiscal year a list of those persons who are employees at the White House, the moneys received or paid to those employees, and a general job description and title of the employees so involved.

I recognize, Mr. Chairman, that when the amendments are offered that there will be some who will claim that some partisanship is involved, but I want the House to know that as far as I am concerned they are offered because of two factors: One, it is my feeling that the staff in the White House is becoming so large and in effect so powerful that they would tend to do damage to what I think is the cabinet system of government.

Secondly, I think that the White House ought to furnish to the public and to both Houses of the Congress, the House and the Senate, a list of those people who are working there, and the salaries they are paid, and a job description and title of each job.

We in the House do this twice a year, and we publish it for everybody to see. I think that should be required equally of the White House. So I will offer those two amendments after we conclude general debate.

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

Mr. Chairman, I have listened to the colloquy very attentively. Let me tell my colleagues in the House what this is all about. We have not cut one job out of the White House, there are still 510 jobs, as there were in the last appropriation, 510.

In 1969 the appropriation for the entire White House as a whole was $4,052,000. In 1973 it went up to $11,900,000. In 1974 it was $11,140,000; in 1975 we are going up to $19,111,000.

Mr. Chairman, I know that my colleagues will take different nips at the White House. I introduced this bill, and I am pleased to chair it, on a nonpartisan basis. But if we are going to continue to quarrel over some nine jobs and trying to prove we have demoralized the White House because we have scaled down some nine jobs from $42,500 to a lesser amount, I think that is wrong. I think it is foolish to take all this time to discuss a bill that could have been completed in 15 minutes.

Mr. Chairman, I now yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise to ask the chairman, the gentleman from New York (Mr. DULSKI), a couple of questions with respect to what this bill does with regard to certain funds provided for in certain statutes in which the expenditure of the funds requires no accounting at all to the Comptroller General.

First, this bill amends section 103 of title 3 of the Code, and it increases the $40,000, which sum, when appropriated, is to be expended in the discretion of the President and accounted for on his certificate only.

Incidentally, these funds are for travel. I understand this bill would increase this authorization to $100,000.

Mr. DULSKI. That is correct.

Mr. ECKHARDT. I do not disagree at all with the committee's increase to $100,000, nor do I disagree with such funds being expended at the President's discretion, but I am a little bit concerned about recurring language both in authorization bills and in appropriation bills which provides that there need be no accounting to the Comptroller General.

There is one other place where this is done, the only other area I know of that touches this matter. Perhaps the chairman might suggest something else, if there is anything else, that provides expenditure of money by the President not requiring his accounting therefor to the Comptroller General. The other place is in the previous section, section 102 of title 3, which makes available to him $50,000 to assist in defraying expenses related to or resulting from the discharge of his official duties, for which he is not required to make any accounting.

That is the other provision wherein no accounting is required.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DULSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the chairman.

Mr. DULSKI. There is none, but as I understand, we only cover one phase of the travel of $100,000. The other $50,000 is in the appropriation bill. It is another part of the appropriation bill, but he has that out of his income tax.

Mr. ECKHARDT. Yes, so there would be between the two a total of $150,000 as far as authorizations are concerned that he need not account for. Of course, sometimes in appropriation bills we really insert legislation language which would ordinarily be subject to a point of order. But, as I understand it, the total authorization for expenditure without accounting is $150,000 in those two sections, assuming we pass this bill.

Mr. DULSKI. The gentleman is correct.

Mr. ECKHARDT. I thank the gentleman from New York.

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

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

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

Mr. KETCHUM. I thank the gentleman for yielding.

The gentleman just a moment or two ago mentioned some increases over a period of years in the executive budget, and that is understandable. I wonder if the gentleman has the figures for what the increases were for the House of Representatives in their budget in the same class.

Mr. DULSKI. I do not have the figures here, but we are not considering that in this bill. This is the executive bill. I do not have the figures.

Mr. KETCHUM. I understand that. I was just wondering what those figures are. I just imagine they are rather considerable, too.

I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. ROBISON). In doing so, let me say that I greatly regret that he will be leaving Congress at the end of this session.

Mr. ROBISON of New York. I thank the gentleman for yielding, and for his kind remark. Mr. Chairman, I am also grateful to my friend, the gentleman from California, for the question he just asked. The report tells us that this bill—which is a necessary bill, let me say—is an outgrowth, in effect, of concern expressed over the years by the Committee on Post Office and Civil Service about the personnel and the personal costs of the Executive Office of the President. I am concerned about those things,

too, and this debate will make our task apparent later on this afternoon, I will say to my friend, the gentleman from Iowa, when we present the White House budgetary items in the Treasury, Post Office, and general Government appropriation bill, either easier or more difficult, as the case may be.

But, in any event, in response to the question asked a moment ago by the gentleman from California (Mr. KETCHUM), as we know everything is relative. I suggest he look at the legislative appropriation bill this House passed, on April 4 of this year, and he will find these details on page 8 of the report, where he will see a compilation of the salaries and expenses we allowed just for the various officers of this House including the Clerk, the Sergeant at Arms, the Doorkeeper, the Postmaster, the Chaplain, the Parliamentarian, the Reporters, the Democratic Steering Committee and Republic conference, and so on. This is an appropriation item already voted on—which is over and above what we allow ourselves for our own individual office staff and allowances—and for these of our own purposes, we voted $16.5 million, which is about $200,000 over and above what the President, with all his problems and needs, is asking for the whole White House office staff operation in fiscal year 1975.

I thank the gentleman for yielding.

Mr. HARRINGTON. Mr. Chairman, I support passage of H.R. 14715, a bill to authorize and limit employment of White House personnel.

In one sense, I am reluctant to approve any authorization for the White House staff. I cannot help but wonder if I will be paying the salary of yet another Egil Krogh, John Dean, John Erlichman, Bob Haldeman, and even Tony Ulasciwitz, none of whom in my opinion were among the greatest public officials ever to serve this country.

Nevertheless, I am aware that in dealing with the abuses of the Nixon administration, Congress must not place undue restrictions on the office of the Presidency and future Presidents. Clearly, the President needs competent staff to help him perform his duties. However, H.R. 14715 places needed limitations for the first time on the growth of the President's office that began almost from its inception and which has accelerated out of control in the Nixon administration. Under the Nixon administration, the growth of the Executive office of the President has increased almost 400 percent over the last part of the Johnson administration.

While there is nothing inherently wrong with the concept of growth in itself, when in the wrong place and at the wrong rate, uncontrolled growth must be controlled. For at least two reasons the growth of the Executive office must be halted. First, because of President Nixon's highly original but constitutionally questionable doctrine of executive privilege extending over the entire executive staff, each new executive position results in one more policymaking individual refusing any accountability to Congress or to the public at large. This extension of secrecy in Government must be stopped today in order that it may be reversed tomorrow. Second, the expansion of the Executive office staff has led to needless duplication of efforts with the existing Government agencies.

H.R. 14715 is not going to end secrecy in the Nixon administration or eliminate duplication between the Executive office and the executive agencies. However, it is a step in the right direction. Through the bill, Congress for the first time authorizes employment of White House personnel rather than simply leaving White House staffing questions to the appropriation process. In addition, the bill will limit the number of professionals who can work in the White House office. The bill also stops the President from hiding top level executives in ungraded positions not subject to normal Civil Service controls. While the President has long had the authority to hire ungraded employees to enable the hiring of specialists, such as groundskeepers and French chefs, not falling within normal civil service classifications, President Nixon has distorted this authority to hire 70 top level officials in ungraded positions. Finally, the bill will put a limit on the length of time the White House may detail any single individual from another executive agency to work in the White House.

Despite my support for the bill, in many ways I think the bill should go further. While the bill restricts staffing of the White House office, it fails to restrict staffing of the proliferating number of councils and miniature bureaucracies within the Executive office of the President. From 1970 to 1972 alone, nine new satellite offices, many of whose functions previously had been performed by staff assistants, were created in the Executive office of the President. Some of these offices—such as the Office of Telecommunications Policy which apparently attempts to influence the Federal Communications Commission—seem to have no legitimate function at all.

The bill also fails to restrict the number of employees who can be detailed from executive agencies to the White House. While the bill does restrict the length of time that such employees may be detailed, it does not restrict the total number of employees who may be so detailed. Given that in 1971 the Nixon administration acknowledged detailing 273 employees from other agencies to the White House, this is a matter of considerable concern. In a related matter, the bill does not deal with the problem of what I call "laundered people." The White House must be prevented from placing high level policymakers at the White House on the payrolls of outside executive agencies when these individuals have never even served a day in the agency from which they are being paid.

Another shortcoming of the bill is its failure to take precautions against the possibility of the spending of White House funds for transitional activities after the resignation or impeachment of a President or Vice President. When Vice President Agnew resigned, he remained on the White House payroll sorting out his papers for 6 months. This situation must be prevented from recurring in the future.

In fact, while the bill does restrict to some extent the number of staff that the White House can hire, the bill places no restrictions on the type of activities that the White House must fund. Serious consideration must be given to restricting the White House from using the taxpayer's funds for anything other than governmental functions. Certainly, it is questionable as to whether Government funds should be used to defend the President from his alleged criminal activities.

In conclusion, H.R. 14715 is a good bill as far as it goes. But the bill must be kept in perspective as only a beginning in controlling the expansion of the White House staff; considerably more must be done in the future.

Mr. DRINAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. PICKLE). Since President Nixon assumed office in 1969, he has carried out an unprecedented expansion of the entire executive branch of Government and the White House Office in particular. The total number of full-time staff positions in the White House Office more than doubled between 1970 and 1973, rising from 250 to 510. Many of these new positions were created at executive and professional levels. In addition, the President has made increasing use of his blanket authority to retain experts and consultants to supplement his staff on a temporary basis. Finally, in an effort to circumvent congressional authority to enact personnel appropriations for specific Federal agencies, the President continues to detail employees of various executive agencies on to his personal White House staff.

At the present time, neither Congress nor the American taxpayer knows exactly who is working for the President and how much they are being paid. Seventy-nine full-time members of the White House staff have been exempted from civil service classification by the President. According to a staff report prepared for the Committee on Post Office and Civil Service under the direction of Congressman UDALL:

> The use of the ungraded position is one method for "hiding" personnel so that Congress and the public have no knowledge of what work is being done or by whom.

We have all recently borne witness to the tragic consequences of a Presidential staff which has grown so large that it has lost its sense of accountability to the Congress, the Constitution, and the American people. H.R. 14715, as reported by the committee, places no meaningful restrictions upon the continued expansion of the White House Office. The President will have continued authority to hire an unlimited number of outside "experts and consultants" and to transfer personnel from other executive agencies to his own staff without restraint.

The amendment offered by the gentleman from Texas places reasonable limits on these present sources of abuse. It reduces by 25 the number of high-level positions on the White House staff. More importantly, it sets a specific limit on the number of temporary consultants the President can add to his staff and on the number of employees he can transfer from other agencies to the White House staff. I believe that these

limitations are both fair and responsible. This appropriations bill is one of the few avenues open to Congress for asserting its prerogatives toward the executive branch. We would be remiss in our duty if we failed to adopt meaningful limitations on the future growth of the White House Office.

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

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

The CHAIRMAN. Pursuant to the rule the Clerk will now read the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment.

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

The CHAIRMAN. The Chair will count. Fifty-five Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred and one Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated. The Committee will resume its business.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 105 of title 3, United States Code, is amended to read as follows:

"§ 105. Assistance and services for President and Vice President

"(a) The President is authorized to appoint such employees in the White House Office and the Executive Residence as the Congress may appropriate for each fiscal year, including not more than—

"(1) five employees at the rate of basic pay then currently in effect for level II of the Executive Schedule of section 5313 of title 5;

"(2) five employees at the rate of basic pay then currently in effect for level III of the Executive Schedule of section 5314 of title 5;

"(3) ten employees at the rate of basic pay then currently in effect for level IV of the Executive Schedule of section 5315 of title 5;

"(4) fifteen employees at the rate of basic pay then currently in effect for level V of the Executive Schedule of section 5316 of title 5; and

"(5) thirty employees at the respective rates of basic pay then currently paid for GS–16, GS–17, and GS–18 of the General Schedule of section 5332 of title 5.

"(b) The President is authorized to procure for the White House Office and the Executive Residence the temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3109(b) of title 5, at respective daily rates of pay for individuals not more than the daily equivalent of the rate of basic pay then currently in effect for level II of the Executive Schedule of section 5313 of title 5.

"(c) The President is authorized to procure goods and services as he considers necessary for the maintenance, operation, improvement, and preservation of the Executive Residence.

"(d) There are authorized to be appropriated each fiscal year—

"(1) such sums as may be necessary to pay official reception entertainment, and representation expenses, to be expended at the discretion of the President and accounted for solely on his certificate; and

"(2) such sums as may be necessary for allocation within the Executive Office of the President for official reception and representation expenses.

"(e) There are authorized to be appropriated each fiscal year such sums as may be necessary to enable the Vice President to provide assistance to the President in connection with the performance of functions specially assigned to the Vice President by the President in the discharge of executive duties and responsibilities, including funds to—

"(1) procure temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3109(b) of title 5, at respective daily rates of pay for individuals not more than the daily equivalent of the maximum rate of basic pay then currently paid under the General Schedule of section 5332 of title 5; and

"(2) appoint employees, including not more than—

"(A) one employee at the rate of basic pay then currently in effect for level II of Executive Schedule of section 5313 of title the Executive Schedule of section 5313 of title 5;

"(B) three employees at the rate of basic pay then currently in effect for level III of the Executive Schedule of section 5314 of title 5;

"(C) a combined total of three employees at the respective rates of basic pay then currently in effect for levels IV or V of the Executive Schedule of sections 5315 and 5316 of title 5; and

"(D) seven employees at respective rates of basic pay then currently paid for GS–16, GS–17, and GS–18 of the General Schedule of section 5332 of title 5.".

(b) The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by deleting—

"105. Compensation of secretaries and executive, administrative, and staff assistants to President."

and inserting in place thereof—

"105. Assistance and services for President and Vice President.".

SEC. 2. (a) Section 106 of title 3, United States Code, is repealed.

(b) The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by deleting—

"106. Administrative assistants.".

SEC. 3. Section 103 of ttile 3, United States Code, relating to travel expenses of the President, is amended by deleting "$40,000" and inserting in place theerof "$100,000".

SEC. 4. Section 107 of title 3, Unied States Code, is amended to read as follows:

"§ 107. Detail of employees of executive departments to office of President

"At the request of the President, the head of any department, agency, or independent establishment of the executive branch of the government shall detail, from time to time, employees of such department, agency, or establishment to serve in the White House Office. The President shall advise the Congress of the names and general duties of all such employees so detailed to the White House Office. An employee may not be so detailed for full-time duty on a continuing basis for any period of more than one year. The White House Office shall reimburse each such department, agency, or establishment, for the pay of each employee thereof so detailed for full-time duty on a continuing basis, for any period of such detail occurring after the close of the sixth month following the date on which such detail first becomes effective.".

Amend the title so as to read: "A bill to clarify existing authority for employment of White House Office and Executive Residence personnel, and for other purposes."

Mr. DULSKI (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 New York?

There was no objection.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 6, line 4, delete the word "ten" and insert in lieu thereof the word "five."

Page 6, line 7, delete the word "fifteen" and insert in lieu thereof the word "ten."

Page 6, line 10, delete the word "thirty" and insert in lieu thereof the word "fifteen."

Page 6, line 15, between the words "of experts," insert the word "ten."

Page 9, line 13, strike the "." after the word "Office," substitute a "," in lieu thereof, and add the following, "but at no time shall the number of employees so detailed exceed ten.".

Mr. PICKLE. Mr. Chairman, my amendment would reduce the number of high-level slots authorized in the White House by 25 positions, or 39 percent.

The reductions would be made in the following categories:

First. From 10 to 5 for Executive Level IV.

Second. From 15 to 10 for Executive Level V.

Third. For the super grade slots—GS–16, 17, and 18, I would reduce the number of slots authorized from 30 to 15.

My amendment would also add restrictions to the number of outside consultants the White House can hire and the number of people detailed from other agencies to the White House. The number in my amendment is 10 in each category. The committee bill places no restrictions in these areas.

The amendment makes these changes in the bill on page 6, lines 7, 10, 15, and page 9, line 13.

Mr. Chairman, I commend the committee for placing specific salary slot requirements on the White House.

But, Mr. Chairman, the committee has not attempted to correct a problem that is plaguing the executive branch of our Government, and as a result, the balance between the executive and congressional branches of Government.

The problem is this—the growth of the White House Office high-level staff has resulted in decisionmaking being transferred from the line agencies to a rather large inner circle.

In my opinion, this has stagnated the vitality of the Cabinet officers, their deputies, and their agencies. It has also isolated the President from the rest of executive branch workings outside of the White House.

What effect this is having on the legislative branch, the answer is obvious. No longer does the Senate advise and consent on the true decisionmakers. No longer or seldom do the real decisionmakers appear before Congress to discuss legislation, and to review the state of the Nation.

In short, the legislative branch, both in passing bills and in oversight work, is quickly approaching the point where a shell game is being played.

To solve these problems which reach to the very fiber of our constitutional system, a reduction in staff size would recreate the need to rely on Cabinet people for action.

The record is clear that the size of the White House Office is growing at an alarming rate.

Since the passage of the Reorganization Act of 1939, the White House Office staff has become an almost untouchable government.

It was thought then that these Presidential assistants would be housekeepers, instead of today's policymakers.

Overall, the size of the Executive Office grew only 12 percent between 1955 to 1965—a 10-year period. In the next 5 years, the Office grew another 12 percent. Then, in just a 3-year period, the size grew 25 percent between 1970 to 1973.

Thus, the 1973 figure is 57 percent over 1955, 25 percent over 1970, and also 12 percent over 1971.

In the 15-year period of 1955 to 1970, the cost of the White House increased $12 million; but in the next 3-year period, it increased $9 million, a much greater rate of increase.

Now is the time to put a stop to the growth of this government within a government, Mr. Chairman.

This is not a punitive amendment, for there are ample talent, slots, and expertise within the government for the President to call upon at any time.

This amendment is a constructive move toward bringing the functions of the White House staff more in line with the concept of our three branches of Government and our system of checks and balances.

I ask for the support of my amendment.

To summarize again, Mr. Chairman, my amendment would reduce 10 slots in levels IV and V. I do not make any attempt to reduce levels II and III, or any change from the committee's recommendation, but I would reduce 10 slots in the level of IV and V.

In the supergrade slots, my amendment would reduce the positions to 15.

Mr. Chairman, I want to say again that this amendment is offered in a bipartisan spirit. I recognize that the growth of the White House staff has been going on year after year after year, and what we thought was probably the proper course 20 years ago, I think we realize now that this has gotten out of hand.

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

(By unanimous consent, Mr. PICKLE was allowed to proceed for 2 additional minutes.)

Mr. PICKLE. Mr. Chairman, perhaps this has been the accepted kind of growth that we felt was best for the country. I would admit that what has happened in the last year or year and a half may have focused our attention on the problem, but whatever has caused us to give that consideration, I think it is important that we remember that if we do not do something to stop this continued White House growth, that we are going to have a larger inner circle of government within government to the extent that I say to the members of the committee that actually this inner circle is sometimes more powerful than the President, and certainly constantly thwarts the will of the legislative body.

Now is the time, if we are going to try to change our Government and go back to the cabinet type of office; now I think is the time that these reductions—and this is not a large reduction; be made; on the chart it shows there were some 65 slots, and this is being cut to 40—that is in category levels IV and V, and GS–16, 17, and 18. Overall, there are some 540 to 560 slots at the White House.

In this amendment, I would reduce it only by a total of 25. That is a very small reduction. I think it would be a figure where we can put more reliance on the President, more reliance on our Cabinet officers and departments. I think it is vitally important to our form of government that we take this step.

I recognize that if it were passed now, this might cause some inconvenience to those in the positions. I would not want that to happen, and that is not the intent of the amendment. Yet I think we must take this first step. I believe that time is now.

Therefore, I ask the Members to support my amendment.

AMENDMENT OFFERED BY MR. DERWINSKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PICKLE

Mr. DERWINSKI. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Texas (Mr. PICKLE).

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI as a substitute for the amendment offered by Mr. PICKLE: Beginning on page 5, line 16, strike out all of subsection (a) of proposed section 105 down through line 12 on page 6 and substitute in lieu thereof the following:

"(a) Subject to the provisions of subsection (b) of this section, the President is authorized to appoint administrative and staff personnel in the White House Office and the Executive Residence, without regard to the provisions of title 5 governing appointments in the competitive service, and to fix the pay of such personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates. Such personnel shall perform such official duties as the President may prescribe.

"(b) The President, under the authority of subsection (a) of this section, may appoint and fix the pay of—

"(1) not more than fourteen of such personnel at respective rates not more than the rate of basic pay then currently in effect for level II of the Executive Schedule of section 5313 of title 5;

"(2) not more than twenty-one of such personnel at respective rates not more than the rate of basic pay then currently in effect for level III of the Executive Schedule of section 5314 of title 5; and

"(3) such other personnel as he considers necessary at respective rates not more than the maximum rate of basic pay then currently paid under the General Schedule of section 5332 of title 5.

Beginning on page 6, line 13, redesignate subsections (b) through (e) of such section 105 as subsections (c) through (f), respectively.

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

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

There was no objection.

Mr. DERWINSKI. Mr. Chairman, the purpose of my amendment is to restore some measure of equity and fairness to the legislation before us.

My amendment provides the President with staffing authority for the White House office in three specifics, all of which coincide with the staffing situation as it exists today.

First, my amendment restates existing law by authorizing the President to appoint not more than 14 administrative and staff personnel at the rate of pay of executive level II. This authority currently exists under sections 105 and 106 of title 3, United States Code. H.R. 14715 as it came from committee would deny the President this staffing authority which has existed for the past 10 years.

Second, my amendment authorizes the President to appoint not more than 21 administrative and staff personnel at rates of pay not more than the rate for executive level III. According to testimony provided to our committee in hearings on this legislation, there currently are 21 positions in the White House office at rates of pay ranging from executive level V to executive level III. My amendment would allow these positions to continue.

Third, my amendment would authorize the President to appoint such other personnel as he considers necessary at rates of pay not more than the maximum rate of the General Schedule. These positions would range from GS–1 through GS–18. According to information provided to our committee, there are currently some 61 such positions in the White House office. The flexibility of hiring under this provision would, of course, always be limited by the amount of the appropriation for this purpose.

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

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

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

Mr. BROOKS. Mr. Chairman, I have been very interested in the number of Executive residences that this President has maintained—one at San Clemente, he has two houses—Key Biscayne, and he also uses one in the Bahama Islands. I understand he has one which the Government owns at Camp David. There is also one here in Washington which most of us refer to as the White House.

Which of these Executive residences are we talking about when we speak of furnishing more money and personnel?

Mr. DULSKI. Mr. Chairman, let me

give the gentleman the subsection for this. It is subsection (c) on page 6. It authorizes appropriations for the maintenance, operation, improvement, and preservation of the "Executive Residence."

We asked Mr. Ash, Director, Office of Management and Budget, whether this might apply to the three so-called residences of the President.

Mr. Ash replied, and I quote from page 35 of the hearings—

We mean the White House in Washington in contrast to any other location.

This is what the committee intends, also. You will note several references in the committee report to "the Executive Residence at the White House."

I understand Mr. DINGELL will offer an amendment to apply these provisions solely to the White House. I will support that amendment.

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

Mr. DULSKI. Mr. Chariman, I rise in opposition to the amendment. The amendment would reduce the number of employees in the White House Office in executive level IV from 10 to 5; in executive level V from 15 to 10; in the supergrades from 30 to 15; a total reduction of 25 top level employees.

As I pointed out in my opening statement, there currently are 65 top level employees in the White House Office. The reported bill reduces the number of employees in executive level II, and the number in the other levels of the executive schedule, but the total number above grade GS–15 remains the same.

While I can appreciate the purpose of the gentleman's amendment in reducing the number of top level positions, I feel that the amendment would place unworkable restrictions on the operation of the White House Office.

I urge that the amendment be defeated.

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

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

Mr. DERWINSKI. Mr. Chairman, just so we keep the record accurate, the gentleman's closing remark, I am sure, was directed toward the original amendment offered by the gentleman from Texas (Mr. PICKLE) because obviously my amendment is directed more to the President and his present staff and certainly would not restrict him.

Mr. DULSKI. The gentleman is correct.

Mr. DERWINSKI. So it is the Pickle amendment that bore the brunt of the gentleman's devastating statement?

Mr. DULSKI. Mr. Chairman, I would not say that "devastating" is the word. I will simply say that I oppose both amendments.

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

I believe the responsible thing, Mr. Chairman, is to defeat both the amendment and the substitute.

The suggestion of the gentleman from Texas (Mr. PICKLE) has a lot of merit. We really ought to begin the long, hard job of cutting back this White House staff which has exploded all out of bounds during these last years. However, to do it in the immediate fashion which the gentleman suggests, by cutting these 25 positions, I think, would put a cast of partisanship on this which I do not want to see injected.

We need a strong President. We need an adequate White House staff. I hope the Congress will provide such a staff.

The committee bill now gives the President and Mr. Ash all the positions they have requested. What we did was to cut back on the salaries in the highly paid positions.

What the substitute offered by the gentleman from Illinois (Mr. DERWINSKI) proposes to do is to go back to the old blank check system of the past: That the President can do no wrong, he can have any staff he wants and he can pay them whatever he wants to pay them. One of the evils we have been talking about for years is these so-called ungraded positions.

Every branch of the Federal Government has different grades, GS–12, GS–14, and the standard grades. The President has undertaken over the years to hire all kinds of people in what we call ungraded positions which are not subject to the Civil Service. The real vice of the Derwinski amendment leaves that discretion to the President, and it restores the evil insofar as it allows the President to hire anybody he wants to at whatever grade he wants, within certain very broad limitations.

This is how we got in a lot of this trouble, so I suggest that both amendments be rejected, and the committee can then go back, and I hope will consider the suggestion made by the gentleman from Texas (Mr. PICKLE) in the next year or so, go to work on this and see if we cannot come up with the type of White House system and structure that can be permanent and within some sensible bounds.

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

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman has said that to support the Derwinski amendment would allow the President to hire anybody he wanted to, and at any salary he wanted to pay, within certain limitations. That is what we are talking about. Does he not at the present time have some limitations?

Mr. UDALL. Oh, yes, the Committee on Appropriations has drawn dollar limitations, and we have certain limitations with regard to grades, and so forth, but the point I apparently did not make very clear is that we have a structure in the Federal Government executive level 1, 2, 3, 4 and 5, and GS levels 18 down to 1 under the amendment. The President could make up his own levels and pay whatever salaries he wants. We think he ought to utilize the same system of levels that the other branches of the Government use. The Derwinski amendment gives him back this right to have ungraded positions.

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

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

Mr. DERWINSKI. In effect, we in each of our individual offices are on the same ungraded system. You could use your staff allowance to hire 16 people, or to hire two or three people.

Mr. UDALL. But we do not have a civil service system in the legislative branch. The amendment proposed by the gentleman from Illinois on about the sixth line says that the President "is authorized to appoint administrative staff personnel without regard to the provisions of title 5 governing appointments in the competitive service."

Mr. DERWINSKI. Which is exactly the situation which exists today, and we are getting back to the key issue: are we going to impose on this President additional restrictions that were never heretofore applied?

Mr. UDALL. Yes. If I had my way, no future President could come along at any time and say I am not going to follow the system; I am going to just appoint anybody I want in any grade, as many people as I want to appoint.

And that is how we got into this trouble in the first place.

Mr. DERWINSKI. If the gentleman will yield still further, I am afraid that history will not back up what the gentleman from Arizona is saying.

Mr. UDALL. I have said to the gentleman twice and I am not going to revise and extend my remarks here, that I want Members on both sides—and I have worked with the gentleman from Iowa (Mr. GROSS) on this—to nail down this principle of limited Presidential staff, so that for the future we can avoid the abuses we have had in the past.

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

Just a few moments ago I had the time to look back into the records and reports from various committees of the House and their committee staffs. There have been very substantial increases on almost every committee throughout recent years, both as to number of employees and salaries paid.

I have been here quite a while, and I have come to know how to recognize partisan politics when I see it. So I would suggest to the Members of this body that they carefully scrutinize their own committees and see what has been transpiring in their own back yard insofar as the staff and salaries are concerned in our House of Representatives before they vote against the amendment of the gentleman from Illinois (Mr. DERWINSKI).

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

Mr. Chairman, I shall not take the full 5 minutes. I simply would like to remind the Members what I think is the proposition before us.

The gentleman from Illinois (Mr. DERWINSKI) would restore the positions as they existed last year, that is, he would keep 14 positions at the level 2 grade, and the ungraded positions of 21, as they existed last year. The committee report I believe, keeps the same overall number, but just knock down those positions in about five categories.

I would make a total reduction of 25 positions overall in the White House staff.

I would hope that the amendment offered by the gentleman from Illinois would not be adopted so that we could have a good clear vote on the amendment that I have pending.

When we return to the full House, I will ask to insert in the RECORD a summary of three different articles which I think should be in the RECORD, for our Members to read and to study. One would be a report on the growth of the Executive Office of the President, which had been prepared under the direction of our colleague, the gentleman from Arizona (Mr. UDALL); a summary of the hearings before a subcommittee of the House Committee on Government Operations, taken from a study of the Congressional Research Service by Harold C. Relyea; and then a paper on "The Swelling of the Presidency and its Impact on Congress" by Thomas Cronin. I will ask that those be inserted in the RECORD.

The articles are as follows:

SUMMARY: A REPORT ON THE GROWTH OF THE EXECUTIVE OFFICE OF THE PRESIDENT, 1955–73. PREPARED UNDER THE DIRECTION OF CONGRESSMAN MORRIS UDALL (COMMITTEE ON POST OFFICE AND CIVIL SERVICE) PUBLISHED APRIL 24, 1972

From the middle of the Eisenhower administration (1955) through the middle of the LBJ administration (1965) the Executive Office increased an additional 12%. From 1970 to 1973 the Office increased in size by 24.9%.

The committee reports great difficulty obtaining data from the Executive Office on that office's size and personnel. The committee did receive data on the relative size of the office (set at 2,206 for 1973); however, this figure excludes personnel on Special Projects and on the Council on International Economic Policy because the Office would not relinquish the data. This figure of 2,206 is 57% increase over 1955, a 24% increase over 1970 and a 12% increase over 1971.

Long ago Congress gave the President the authority to employ personnel without regard to civil service regulations. Traditionally, however, these positions ("ungraded") were used for those performing housekeeping functions. But, President Nixon has used these ungraded positions for high-level policy employees. The committee reports having difficulty getting information from the Executive Office on the specifications of work done by these ungraded employees. The use of the ungraded position is one method for hiding personnel so that Congress and the public have no or little knowledge of what work is being done or by whom.

The number of personnel in upper level and highly paid grades has increased along with the size of the Executive Office. See Chart:

	GS 13–18 ($18,737–$39,693)	Executive level ($36,000–$60,000 per annum)
Since 1955	106 percent increase	175 percent increase.
Since 1965	57 percent increase	47 percent increase.
Since 1970	31 percent increase	25 percent increase.
Since 1971	20 percent increase	14 percent increase.
	Staff in 1972—688	Staff in 1972–50.

In the 1955–1970 period the total cost of the White House is estimated to have increased by $12,000,000. During the 2 year period (1971 to 1973) the cost of the Executive Office of the President has increased almost $9,000,000.

Recommends: Congress should insure that it will receive adequate data on the areas of personnel costs and growth and the functions of ungraded, highly paid personnel.

SUMMARY OF HEARINGS BEFORE A SUBCOMMITTEE OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS—IN MAY AND JUNE, 1972; TAKEN FROM A STUDY OF THE CONGRESSIONAL RESEARCH SERVICE BY HAROLD C. RELYEA, PUBLISHED APRIL 26, 1972

The actual arrangement for an enlarged White House staff came from the report of the President's committee on Administrative Management issued in 1937. The report called for executive assistants to assist the President. They were to help him quickly obtain pertinent information possessed by executive departments and assist in seeing to it administrative departments and agencies were informed of Presidential decisions. *No* authority was to be delegated to them. The report signaled the passage of a Reorganization Act in 1939 authorizing administrative assistants for the President and establishing the Executive Office.

The number of Presidential advisors has steadily grown. While Kennedy and Johnson reduced somewhat the number of advisors, the size of the White House staff continued to mount. Managerial authority has been given over to the President's advisors because other executive management instruments (i.e. the Cabinet) have proven unsuitable for the function.

What may be becoming a profound problem, however, is the development of the Presidential advisory staff, or some arm of the Executive Office, into an entity equal to a department. Indicative of this possibility is the growing amount of money spent by the Executive Office. The office has greater expenditures than the FCC, the FPC or the FTC. We may face a government controlled by exclusive decision makers, untouchable by either the Congress or departmental bureaucracy. This huge group of people who are removed from senatorial control may also claim executive privilege and thereby further avoid any Congressional checks on their activities.

SUMMARY: WORKING PAPERS ON HOUSE COMMITTEE ORGANIZATION AND OPERATION; "THE SWELLING OF THE PRESIDENCY AND ITS IMPACT ON CONGRESS" BY THOMAS CRONIN—SELECT COMMITTEE ON COMMITTEES, PUBLISHED JUNE 1973

Concentration of authority in the hands of the executive has been an almost continuing reality on a year to year basis for the past 40 years. Why has the Presidency become so powerful?

1. Expansion of presidential powers in times of emergency. These powers stay on after emergencies have faded.

2. Congress has acted on the basis of the belief that wise men need to be assigned to the White House in times of critical societal problems. So, we have the National Security Council, the Council of Economic Advisors and the Council on Environmental Quality. Once established, these units never die.

3. The creation of special offices for problems—i.e. the Federal Energy Office.

4. The White House occupants frequently distrust members of the permanent government.

5. As the coordination of national priorities has emerged as an important activity the White House has convinced us that only the Executive Office can handle coordination.

6. Congress has abdicated more and more of its authority to the presidency.

7. The White House staff has included the representation of interest groups. (Most disturbing about this is that more than 100 presidential aides are now engaged in various forms of selling and reselling of the President—evidence that these organizations helped in Nixon campaign efforts indicates violations of federal laws.) Congress and the cabinet have become less and less involved in the crucial decision-making of the nation. The nation has grown executive-dependent. Change is required and yet the society's values are rooted in a faith in incrementalism and a devotion to what constitutes the existing order.

Recommended changes include:

1. strengthening the political parties so that they are capable of keeping a check on our related leaders;

2. a re-evaluation of the presidency's penchant for secrecy and the people's right to know;

3. greater Congressional attention to the federal research money—where it goes and the results of the studies;

4. curbing of Congressional impulse to establish new presidential agencies;

5. better use made by Congress of GAO and Congressional Research Service—so that it may again lead government instead of following the President;

6. the development of Standing Committees on Executive Office Operations in both houses—designed to oversee the White House;

7. Congressional and public insistence on regular presidential press conference—with selected members of Congress among the questioners.

Mr. Chairman, I would point out that we have well over 540 to 550 positions in the White House. My amendment would only reduce this by 25 different positions, only 10 at the levels of 4 and 5, none at levels 2 and 3. It would reduce 15 in the supergrades where we have literally dozens of them. It has been estimated that we have well over 2,000 different employees in the White House staff. I do not know what the exact number is, but I think we must take this first step to show that we want the regular system restored, as we have lived under it in years past.

If we do not do this, we are going to see the White House government get bigger and bigger down at the White House.

I recognize, as the gentleman from Illinois said, that this amendment was not offered by me 6 years ago when President Johnson was in office. I imagine he might have viewed that with some misgivings if I had offered that amendment. I recognize that. The fact is the problem was growing then and it has grown on and on so, regardless of the administration or the time, we ought to go ahead and take this first big step. I think it is important that we do it, and I would hope that this amendment pending would be defeated, and that my amendment would be agreed to.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding.

Would the gentleman be willing to cut his staff according to this amendment?

Mr. PICKLE. If the House so voted, if the gentleman offered such amendment.

Mr. ROUSSELOT. Would the gentleman support that issue?

Mr. PICKLE. The issue is not before me. If the gentleman offers an amendment, I might support it.

Mr. ROUSSELOT. Does the gentleman not think all Members of Congress in the name of equity also ought to show economy by doing the same thing?

Mr. PICKLE. Let me make this comparison to the gentleman. We have on our staff 13 or 14 positions.

Mr. ROUSSELOT. I am well aware of that.

Mr. PICKLE. Our positions do not constitute a problem or a threat to what I think is our form of government. If it were on that level and that serious, then I think we all should be willing to make a reduction in our own staff. But the fact that our congressional staff has grown does not mean that we have got to keep on allowing the inside White House staff to grow. I do not want to deprive the President of his personnel. I say if he wants that kind of personnel, he ought to go to the Cabinet involved, to the Departments of Interior or Defense or Justice, and so forth, to go to the people there to get him the basic information, and to work through his Cabinet officers.

Mr. ROUSSELOT. Of course the gentleman is well aware that his amendment would cut the staff from what it is today, and he has made that move to chop. I certainly joined the gentleman, I know, many times in trying to cut the bureaucracy, but the reason this appears a little strange to me at this time—is this happens to be also the time that we are going through "the impeachment process. We are all aware that the President probably has 10 or 15 or 20 attorneys working on his case, whereas the Committee on the Judiciary has a staff of well over 100. Many of us on the committee felt that this type amendment was just an attempt or attack to try to reduce the few lawyers that the President would have on his personal staff.

I am sure that is not the gentleman's intention at all.

Mr. PICKLE. It might have been desirous if we could have postponed this vote until the fall, but that is not our choice. The bill is before us, and the amendment is before us.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI) as a substitute for the amendment offered by the gentleman from Texas (Mr. PICKLE).

The question was taken; and on a division (demanded by Mr. UDALL) there were—ayes 26, noes 26.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 237, not voting 16, as follows:

[Roll No. 323]

AYES—181

Abdnor	Buchanan	Cronin
Anderson, Ill.	Burgener	Daniel, Dan
Andrews, N.C.	Burke, Fla.	Daniel, Robert W., Jr.
Archer	Butler	Davis, Wis.
Arends	Camp	Dellenback
Armstrong	Carter	Derwinski
Bafalis	Cederberg	Devine
Baker	Chamberlain	Dickinson
Beard	Clausen, Don H.	Diggs
Bell	Clawson, Del	Duncan
Bevill	Cochran	du Pont
Blackburn	Cohen	Edwards, Ala.
Bowen	Collier	Erlenborn
Bray	Collins, Tex.	Eshleman
Breaux	Conable	Evans, Colo.
Broomfield	Conlan	Findley
Brown, Mich.	Conte	Fish
Brown, Ohio	Coughlin	Fisher
Broyhill, N.C.	Crane	Foley
Broyhill, Va.	Daniels, Dominick V.	Ford, Gerald R.
Buchanan	Davis, Ga.	Forsythe
Burgener	Davis, S.C.	Frelinghuysen
Burke, Fla.	de la Garza	Frenzel
Butler	Delaney	Frey
Camp	Dellums	Froehlich
Carter	Denholm	Gilman
Cederberg	Dennis	Goldwater
Chamberlain	Dent	Goodling
Clausen, Don H.	Derwinski	Gubser
Clawson, Del	Devine	Guyer
Cochran	Dickinson	Hammer-schmidt
Cohen	Diggs	Hanrahan
Collier	Dingell	Hansen, Idaho
Collins, Tex.	Donohue	Harsha
Conable	Downing	Hastings
Conlan	Drinan	Hébert
Conte	Duncan	Hillis
Coughlin	du Pont	Hinshaw
Crane	Edwards, Ala.	Hogan
Daniel, Dan	Erlenborn	Horton
Daniel, Robert W., Jr.	Eshleman	Hosmer
Davis, Wis.	Evans, Colo.	Huber
Dellenback	Findley	Hudnut
Derwinski	Fish	Hunt
Devine	Fisher	Hutchinson
Dickinson	Foley	Jarman
Diggs	Ford, Gerald R.	Johnson, Pa.
Duncan	Forsythe	Jones, Okla.
du Pont	Frelinghuysen	Kemp
Edwards, Ala.	Frenzel	Ketchum
Erlenborn	Frey	King
Eshleman	Froehlich	Kuykendall
Evans, Colo.	Gilman	Lagomarsino
Findley	Goldwater	Landgrebe
Fish	Goodling	Latta
Fisher	Gubser	Lent
Foley	Guyer	Lott
Ford, Gerald R.	Hammer-schmidt	Lujan
Forsythe	Hanrahan	McClory
Frelinghuysen	Hansen, Idaho	McDade
Frenzel	Harsha	McEwen
Frey	Hastings	McKinney
Froehlich	Hébert	Madden
Gilman	Hillis	Madigan
Goldwater	Hinshaw	Mahon
Goodling	Hogan	Mallary
Gubser	Horton	Mann
Guyer	Hosmer	Martin, N.C.
Hammer-schmidt	Huber	Mayne
Hanrahan	Hudnut	Michel
Hansen, Idaho	Hunt	Miller
Harsha	Hutchinson	Minshall, Ohio
Hastings	Jarman	Mitchell, N.Y.
Hébert	Johnson, Pa.	Mizell
Hillis	Jones, Okla.	Montgomery
Hinshaw	Kemp	Moorhead, Calif.
Hogan	Ketchum	Mosher
Horton	King	Myers
Hosmer	Kuykendall	Nelsen
Huber	Lagomarsino	O'Brien
Hudnut	Landgrebe	Parris
Hunt	Latta	Passman
Hutchinson	Lent	Pettis
Jarman	Lott	Peyser
Johnson, Pa.	Lujan	Powell, Ohio
Jones, Okla.	McClory	Price, Tex.
Kemp	McDade	Pritchard
Ketchum	McEwen	Quie
King	McKinney	Quillen
Kuykendall	Madden	Railsback
Lagomarsino	Madigan	Regula
Landgrebe	Mahon	Rhodes
Latta	Mallary	Robinson, Va.
Lent	Mann	Robison, N.Y.
Lott	Martin, N.C.	Roncallo, N.Y.
Lujan	Mayne	Rostenkowski
McClory	Michel	Rousselot
McDade	Miller	Ruppe
McEwen	Minshall, Ohio	Ruth
McKinney	Mitchell, N.Y.	Sandman
Madden	Mizell	Sarasin
Madigan	Montgomery	Satterfield
Mahon	Moorhead, Calif.	Scherle
Mallary	Mosher	Schneebeli
Mann	Myers	Sebelius
Martin, N.C.	Nelsen	Shoup
Mayne	O'Brien	Shriver
Michel	Parris	Shuster
Miller	Passman	Skubitz
Minshall, Ohio	Pettis	Smith, N.Y.
Mitchell, N.Y.	Peyser	Snyder
Mizell	Powell, Ohio	Spence
Montgomery	Price, Tex.	Steed
Moorhead, Calif.	Pritchard	Steele
Mosher	Quie	Steiger, Ariz.
Myers	Quillen	Steiger, Wis.
Nelsen	Railsback	Stratton
O'Brien	Regula	Symms
Parris	Rhodes	Talcott
Passman	Robinson, Va.	Taylor, Mo.
Pettis	Robison, N.Y.	Thomson, Wis.
Peyser	Roncallo, N.Y.	Thornton
Powell, Ohio	Rostenkowski	Treen
Price, Tex.	Rousselot	Vander Jagt
Pritchard	Ruppe	Veysey
Quie	Ruth	Waggonner
Quillen	Sandman	Walsh
Railsback	Sarasin	Wampler
Regula	Satterfield	Ware
Rhodes	Scherle	Whitehurst
Robinson, Va.	Schneebeli	Widnall
Robison, N.Y.	Sebelius	Wiggins
Roncallo, N.Y.	Shoup	Williams
Rostenkowski	Shriver	Wilson, Bob
Rousselot	Shuster	Winn
Ruppe	Skubitz	Wyatt
Ruth	Smith, N.Y.	Wydler
Sandman	Snyder	Wyman
Sarasin	Spence	Young, Alaska
Satterfield	Steed	Young, Fla.
Scherle	Steele	Young, Ill.
Schneebeli	Steiger, Ariz.	Young, S.C.
Sebelius	Steiger, Wis.	Zion
Shoup	Stratton	
Shriver	Symms	
Shuster	Talcott	
Skubitz	Taylor, Mo.	
Smith, N.Y.	Thomson, Wis.	
Snyder	Thornton	
Spence	Treen	
Steed	Vander Jagt	
Steele	Veysey	
Steiger, Ariz.	Waggonner	
Steiger, Wis.	Walsh	
Stratton	Wampler	
Symms	Ware	
Talcott	Whitehurst	
Taylor, Mo.	Widnall	
Thomson, Wis.	Wiggins	
Thornton	Williams	
Treen	Wilson, Bob	
Vander Jagt	Winn	
Veysey	Wyatt	
Waggonner	Wydler	
Walsh	Wyman	
Wampler	Young, Alaska	
Ware	Young, Fla.	
Whitehurst	Young, Ill.	
Widnall	Young, S.C.	
Wiggins	Zion	
Williams		
Wilson, Bob		
Winn		
Wyatt		
Wydler		
Wyman		
Young, Alaska		
Young, Fla.		
Young, Ill.		
Young, S.C.		
Zion		

NOES—237

Abzug	Downing	Lehman
Adams	Drinan	Litton
Addabbo	Dulski	Long, La.
Alexander	Eckhardt	Long, Md.
Anderson, Calif.	Edwards, Calif.	Luken
Andrews, N. Dak.	Eilberg	McCloskey
Annunzio	Evins, Tenn.	McCollister
Ashbrook	Fascell	McCormack
Ashley	Flood	McFall
Aspin	Flowers	McKay
Badillo	Flynt	Maraziti
Barrett	Ford	Mathias, Calif.
Bauman	Fountain	Mathis, Ga.
Bennett	Fraser	Matsunaga
Bergland	Fulton	Mazzoli
Biaggi	Fuqua	Meeds
Biester	Gaydos	Melcher
Bingham	Gettys	Metcalfe
Blatnik	Giaimo	Mezvinsky
Boggs	Gibbons	Milford
Boland	Ginn	Minish
Bolling	Gonzalez	Mink
Brademas	Grasso	Mitchell, Md.
Breckinridge	Gray	Moakley
Brinkley	Green, Oreg.	Moorhead, Pa.
Brooks	Green, Pa.	Morgan
Burton, John	Griffiths	Moss
Brotzman	Gross	Murphy, Ill.
Brown, Calif.	Grover	Murphy, N.Y.
Burke, Calif.	Gude	Murtha
Burke, Mass.	Gunter	Natcher
Burleson, Tex.	Haley	Nedzi
Burlison, Mo.	Hamilton	Nichols
Burton, Phillip	Hanley	Nix
Byron	Hansen, Wash.	Obey
Carney, Ohio	Harrington	O'Hara
Casey, Tex.	Hays	O'Neill
Chappell	Hechler, W. Va.	Owens
Chisholm	Heinz	Patman
Clancy	Helstoski	Patten
Clark	Henderson	Pepper
Clay	Hicks	Perkins
Cleveland	Holt	Pickle
Collins, Ill.	Holtzman	Pike
Conyers	Howard	Poage
Corman	Hungate	Podell
Cotter	Ichord	Preyer
Culver	Johnson, Calif.	Price, Ill.
Danielson	Johnson, Colo.	Randall
Davis, Ga.	Jones, Ala.	Rangel
Davis, S.C.	Jones, N.C.	Rarick
de la Garza	Jones, Tenn.	Rees
Delaney	Jordan	Reuss
Dellums	Karth	Riegle
Denholm	Kastenmeier	Rinaldo
Dennis	Kazen	Roberts
Dent	Kluczynski	Rodino
Dingell	Koch	Roe
Donohue	Kyros	Rogers
	Landrum	Roncalio, Wyo.
	Leggett	Rooney, Pa.
	Lehman	Rose
	Litton	Rosenthal
	Long, La.	Roush
	Long, Md.	Roy
	Luken	Roybal
	McCloskey	Runnels
	McCollister	Ryan
	McCormack	St Germain
	McFall	Sarbanes
	McKay	Schroeder
	Maraziti	Seiberling
	Mathias, Calif.	Shipley
	Mathis, Ga.	Sikes
	Matsunaga	Sisk
	Mazzoli	Slack
	Meeds	Smith, Iowa
	Melcher	Staggers
	Metcalfe	Stanton, J. William
	Mezvinsky	Stanton, James V.
	Milford	Stark
	Minish	Steelman
	Mink	Stephens
	Mitchell, Md.	Stokes
	Moakley	Stubblefield
	Moorhead, Pa.	Stuckey
	Morgan	Studds
	Moss	Sullivan
	Murphy, Ill.	Symington
	Murphy, N.Y.	Taylor, N.C.
	Murtha	Teague
	Natcher	Thompson, N.J.
	Nedzi	Thone
	Nichols	Tiernan
	Nix	Towell, Nev.
	Obey	Traxler
	O'Hara	Udall
	O'Neill	Ullman
	Owens	Van Deerlin
	Patman	Vander Veen
	Patten	Vanik
	Pepper	Vigorito
	Perkins	Waldie
	Pickle	Whalen
	Pike	White
	Poage	Whitten
	Podell	Wilson, Charles H., Calif.
	Preyer	Wilson, Charles, Tex.
	Price, Ill.	Wolff
	Randall	Wright
	Rangel	Wylie
	Rarick	Yates
	Rees	Yatron
	Reuss	Young, Ga.
	Riegle	Young, Tex.
	Rinaldo	Zablocki
	Roberts	Zwach
	Rodino	
	Roe	
	Rogers	
	Roncalio, Wyo.	
	Rooney, Pa.	

NOT VOTING—16

Brasco	Hanna	Martin, Nebr.
Carey, N.Y.	Hawkins	Mills
Daniels, Dominick V.	Heckler, Mass.	Mollohan
Dorn	Holifield	Reid
Esch	McSpadden	Rooney, N.Y.
	Macdonald	

So the substitute amendment for the amendment was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 336, not voting 21, as follows:

[Roll No. 324]

AYES—77

Abzug	Evins, Tenn.	Patman
Adams	Ford	Pickle
Alexander	Giaimo	Poage
Anderson, Calif.	Gonzalez	Podell
Aspin	Green, Pa.	Rangel
Badillo	Griffiths	Rarick
Barrett	Harrington	Reuss
Biaggi	Hechler, W. Va.	Riegle
Bingham	Holtzman	Rosenthal
Blatnik	Hungate	Roybal
Brademas	Ichord	Ryan
Brinkley	Kastenmeier	Schroeder
Brooks	Koch	Seiberling
Brown, Calif.	Leggett	Stark
Burke, Calif.	Litton	Stokes
Burton, John	Long, Md.	Sullivan
Burton, Phillip	Luken	Symington
Carey, N.Y.	Matsunaga	Thompson, N.J.
Chisholm	Meeds	Vander Veen
Clay	Metcalfe	Vanik
Conyers	Mink	Wilson, Charles, Tex.
Davis, Ga.	Mitchell, Md.	Wolff
Dellums	Moorhead, Pa.	Wright
Dingell	Moss	Yates
Drinan	Nix	
Eilberg	Obey	
	Owens	

NOES—336

Abdnor	Biester	Burlison, Mo.
Addabbo	Blackburn	Butler
Anderson, Ill.	Boggs	Byron
Andrews, N.C.	Boland	Camp
Andrews, N. Dak.	Bolling	Carney, Ohio
Annunzio	Bowen	Carter
Archer	Bray	Casey, Tex.
Arends	Breaux	Cederberg
Armstrong	Breckinridge	Chamberlain
Ashbrook	Broomfield	Chappell
Ashley	Brotzman	Clancy
Bafalis	Brown, Mich.	Clausen, Don H.
Baker	Brown, Ohio	Clawson, Del
Bauman	Broyhill, N.C.	Cleveland
Beard	Broyhill, Va.	Cochran
Bell	Buchanan	Cohen
Bennett	Burgener	Collier
Bergland	Burke, Fla.	Collins, Ill.
Bevill	Burke, Mass.	Collins, Tex.
	Burleson, Tex.	

Conable	Johnson, Colo.	Rogers
Conlan	Johnson, Pa.	Roncalio, Wyo.
Conte	Jones, Ala.	Roncalio, N.Y.
Corman	Jones, N.C.	Rooney, Pa.
Cotter	Jones, Okla.	Rose
Coughlin	Jones, Tenn.	Rostenkowski
Crane	Jordan	Roush
Cronin	Karth	Rousselot
Culver	Kazen	Roy
Daniel, Dan	Kemp	Runnels
Daniel, Robert W., Jr.	Ketchum	Ruppe
	King	Ruth
Danielson	Kluczynski	St Germain
Davis, S.C.	Kuykendall	Sandman
Davis, Wis.	Kyros	Sarasin
de la Garza	Lagomarsino	Sarbanes
Delaney	Landgrebe	Satterfield
Dellenback	Landrum	Scherle
Denholm	Latta	Schneebeli
Dennis	Lehman	Sebelius
Derwinski	Long, La.	Shipley
Devine	Lott	Shoup
Dickinson	Lujan	Shriver
Diggs	McClory	Shuster
Donohue	McCloskey	Sikes
Downing	McCollister	Sisk
Dulski	McCormack	Skubitz
Duncan	McDade	Slack
du Pont	McEwen	Smith, Iowa
Eckhardt	McFall	Smith, N.Y.
Edwards, Ala.	McKay	Snyder
Erlenborn	McKinney	Spence
Eshleman	Madden	Staggers
Evans, Colo.	Madigan	Stanton,
Fascell	Mahon	J. William
Findley	Mallary	Stanton,
Fish	Mann	James V.
Fisher	Maraziti	Steed
Flood	Martin, Nebr.	Steele
Flynt	Martin, N.C.	Steelman
Foley	Mathias, Calif.	Steiger, Ariz.
Forsythe	Mathis, Ga.	Steiger, Wis.
Fountain	Mayne	Stephens
Fraser	Mazzoli	Stratton
Frelinghuysen	Melcher	Stubblefield
Frenzel	Mezvinsky	Stuckey
Frey	Michel	Studds
Froehlich	Milford	Symms
Fulton	Miller	Talcott
Fuqua	Minish	Taylor, Mo.
Gaydos	Mitchell, N.Y.	Taylor, N.C.
Gettys	Mizell	Teague
Gibbons	Moakley	Thomson, Wis.
Gilman	Montgomery	Thone
Ginn	Moorhead,	Thornton
Goldwater	Calif.	Tiernan
Goodling	Morgan	Towell, Nev.
Grasso	Mosher	Traxler
Gray	Murphy, Ill.	Treen
Green, Oreg.	Murphy, N.Y.	Udall
Gross	Murtha	Ullman
Grover	Myers	Van Deerlin
Gubser	Natcher	Vander Jagt
Gude	Nedzi	Veysey
Gunter	Nelsen	Vigorito
Guyer	Nichols	Waggonner
Haley	O'Brien	Waldie
Hamilton	O'Hara	Walsh
Hammer-schmidt	O'Neill	Wampler
	Parris	Ware
Hanley	Passman	Whalen
Hanrahan	Patten	White
Hansen, Idaho	Pepper	Whitehurst
Hansen, Wash.	Perkins	Whitten
Harsha	Pettis	Widnall
Hastings	Peyser	Wiggins
Hays	Pike	Williams
Hébert	Powell, Ohio	Wilson, Bob
Heinz	Preyer	Wilson,
Helstoski	Price, Ill.	Charles H.,
Henderson	Price, Tex.	Calif.
Hicks	Pritchard	Winn
Hillis	Quie	Wyatt
Hinshaw	Quillen	Wydler
Hogan	Railsback	Wylie
Holt	Randall	Wyman
Horton	Rees	Yatron
Hosmer	Regula	Young, Alaska
Howard	Rhodes	Young, Fla.
Huber	Rinaldo	Young, Ill.
Hudnut	Roberts	Young, S.C.
Hunt	Robinson, Va.	Young, Tex.
Hutchinson	Robison, N.Y.	Zablocki
Jarman	Rodino	Zion
Johnson, Calif.	Roe	Zwach

NOT VOTING—21

Brasco	Flowers	Mills
Clark	Hanna	Minshall, Ohio
Daniels, Dominick V.	Hawkins	Mollohan
	Heckler, Mass.	Reid
Dent	Holifield	Rooney, N.Y.
Dorn	Lent	Young, Ga.
Edwards, Calif.	McSpadden	
Esch	Macdonald	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 9, immediately after line 22, insert the following new section:

SEC. 5. (a) Chapter 2 of title 3, United States Code, is amended by adding at the end thereof the following new section:

"§ 112. Statement of expenditures for employees.

"(a) The President shall transmit to each House of the Congress, and make available to the public, reports with respect to expenditures for employees in the White House Office and the Executive Residence. Each such report shall be transmitted no later than 60 days after the close of each fiscal year and shall contain a detailed statement of such expenditures during the most recent complete fiscal year.

"(b) Each report required under subsection (a) shall contain (1) the name of every employee in the White House Office and the Executive Residence; (2) the amount of appropriated moneys paid to each such employee; (3) the amount of reimbursements made by the White House Office for employees detailed to the White House Office under section 107; and (4) a general title and general job description for each employee."

(b) The table of sections for chapter 2 of title 3, United States Code, is amended by adding at the end thereof the following new item: "112. Statement of expenditures for employees.".

(c) The amendments made by the foregoing provisions of this section shall apply with respect to fiscal years beginning after June 30, 1974.

Mr. PICKLE. Mr. Chairman, I offer a solution to another problem of the modern-day White House Office—the problem being the lack of public disclosure of who works at the White House, how much these people are being paid, and what they are doing.

My amendment would add a new section to H.R. 14715, on page 9, after line 22.

The amendment would require the President to transmit to each House of Congress, 60 days after the end of the fiscal year, a report on the expenditures to White House employees.

This report must contain four things:

First. The name of every employee in the White House and Executive residence.

Second. The salary paid to each employee.

Third. Reimbursements made for employees detailed to the White House from other agencies.

Fourth. A general title and general job description for each employee.

Mr. Chairman, this is a most reasonable proposal—one which the leadership on both sides of the aisle will accept unanimously.

Since Public Law 88–454, passed in 1964, the Congress has published such information twice a year.

This amendment would require the White House to do the same once a year.

In 1964 it was said by our former colleague Oliver P. Bolton:

It seems to me the very least we can do is to make our complete House and our expenditures open for public inspection. Certainly, that ought to take away all doubt from the minds of those who are criticizing us.

The same principle should apply to the White House 10 years later.

Mr. Chairman, we are witnessing the development of a secret government in the White House.

We see an anonymous group making the decisions for our country—away from the knowledge of the people.

How often have we received letters from the White House signed by people we have never heard of—nor do we know that person's duties?

How often during the past 2 years have we learned the names of White House staff personnel for the first time?

How often have we, after the fact, learned what these people's jobs were, and then, sadly, to have our sensibilities shocked?

Too many times, Mr. Chairman, too many times.

Recently a study made by the House Post Office and Civil Service Committee concluded that Congress should receive data on personnel and functions of the White House staff.

Not only should the Congress have this information, but also should the public have easy access to such documentation.

A hidden, unknown governing group is contrary to democracy.

It has no place in our system of government.

My amendment does no harm to the committee's bill. My amendment's requirements could easily be met, as shown by the twice-yearly reports of Congress, for more people.

A palace guard is not good for our basic principles.

A palace guard can become smug, arrogant, independent, haughty, and can easily drift into believing it is above the law. Such palace guard can literally control or direct the President himself. And surely the guard can thwart and defeat the legislative intent.

Mr. Chairman, my amendment addresses itself to this phenomena in a real, and meaningful, way.

It does so in a reasonable approach.

I urge the support of my amendment.

Mr. DULSKI. Mr. Chairman, if the gentleman will yield, I will accept the amendment. I approve of the amendment.

Mr. PICKLE. Mr. Chairman, I thank the chairman of the committee.

I ask for an "aye" vote on the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PARRIS

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

The Clerk read as follows:

Amendment offered by Mr. PARRIS: Page 8, line 13, strike out ".".

Page 8, immediately after line 13, insert the following:

"(f)(1) Except as provided by paragraph (2), no employee appointed under subsection (a)(1), (a)(2), (a)(3), or (a)(4) may be appointed for any period or periods which, in the aggregate, exceed two years

during the term of one President, unless such employee has been appointed by and with the advice and consent of the Senate of the United States.

"(2) In the case of any employee appointed under subsection (a)(1), (a)(2), (a)(3), or (a)(4), whose two-year period of employment expires during the adjournment of the Congress sine die, such employee may continue to be employed by appointment without the advice and consent of the Senate for no longer than the end of the first period of 30 calendar days of continuous session of the Congress which occurs after such appointment.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 30-day period.".

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

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

There was no objection.

Mr. PARRIS. Mr. Chairman, I would like in the few minutes allotted to me to talk about a situation that has come to be known over the last year generally as the Watergate problem as it relates to the involvement of members of the White House staff. We have all heard with sickening regularity about the overzealous misfits who have become subject to prosecution for their abuse of power. They were distressingly close to the Chief Executive of the United States and in some instances they have actually engaged in criminal misconduct in the name of the performance of their duties.

It is my opinion that when these gentlemen, who were perhaps originally well intentioned, get into the rarified atmosphere of the White House they become irresponsive and totally unaccountable to anyone other than the President himself, and in many instances not even to him. They are insulated from pressures and suggestions from the outside world. Although many of us, and the people of this Nation, have lamented the facts that have been disclosed over the past year, the only positive step to correct this situation that I have seen is my amendment. It will minimize the possibility of a recurrence of the past problems.

My amendment, very simply, Mr. Chairman, would provide that in the executive levels of 2 through 5, the 35 top administrative and executive assistants to the President of the United States, after the persons who hold those positions have served in that capacity for an aggregate period of 2 years, they would then become subject to confirmation by the Senate of the United States. This would, Mr. Chairman, give the President of the United States total flexibility in the appointment of his assistants and would not constitute an unreasonable restraint on the ability of the President to name his staff. He can appoint anybody he likes. After they serve for 2 years, however, they would then become subject to confirmation.

The fathers of this Nation, in the Constitutional Convention, provided that the Cabinet officers who were presumed to be the closest advisers to the President would be subject to confirmation by the Congress. That is the law today. They did not foresee that the President's closest advisers of today are not Cabinet officers, but staff personnel. That is why my amendment would be consistent with the original intent of the Constitution and would go a long way to preserving the public interest.

I believe that absolute power corrupts absolutely and that public business must be conducted in public, and that is all we are suggesting. If these gentlemen conduct the responsibilities of their office in a responsible way and are responsive to the people of the United States and to the Congress of the United States, then their confirmation will be pro forma, and if they do not so conduct themselves, their confirmation would be more difficult and it should be. In any event the public interest will be served.

I do not believe, Mr. Chairman, that we can continue to permit the faceless people in the White House to control the American political system. This proposal will add responsiveness and accountability to the members of the staff who wield awesome authority in the name of the President. I hope the House will see fit to adopt my amendment.

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

Mr. Chairman, under the present bill as it now stands, the President has the right to appoint 35 positions between $36,000 and $42,500. What this amendment says is that none of these positions can be filled by the President unless the Senate confirms them.

I am all for Senate confirmation in most cases, but I do think that the President has the right—we can argue the numbers and I think today we are getting a handle on the numbers and the inflated staff of the White House is going to be reduced over the immediate years ahead—but I think just as Members of Congress are entitled to have advisers whom they pick and who cannot be vetoed by outside authority, within his own ambit, within his own little shop, the President's close advisers should be appointed by him without confirmation by the Senate.

This has nothing to do with the regular departments. The law will continue to require the assistant secretaries, under-secretaries, the heads of agencies, the people with operating agencies who must come before the Congress and testify, that these people ought to be confirmed by the Senate; but the amendment goes a little too far. The distinguished gentleman from Virginia says in his amendment, and I commend him for trying to reach a problem that has concerned me; yet it goes a little too far to say that none of these people can be appointed unless the Senate confirms them.

The other protection we just added, which also makes a case against the amendment, is that at long last we are going to know whom these anonymous people of the White House are. The amendment of the gentleman from Texas (Mr. PICKLE) just adopted will require all these people to be disclosed and we can see who these people are and where they come from, what they are paid and what they do.

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

Mr. UDALL. Yes, I yield to the gentleman from Virginia.

Mr. PARRIS. I am sure the gentleman has read carefully the language of the amendment. I respectfully suggest that his interpretation that even appointments could not be made without the advice and consent of the Senate is in error. The amendment would provide that any appointments could be made for an appointment of 2 years, but after service in that capacity for 2 years, they would be subject to further approval.

Mr. UDALL I oversimplified the amendment. I thank the gentleman for correcting me.

The principle is the same. The President ought to have the right to have his closest advisers selected by him without any Senate interference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. PARRIS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 6, line 24 strike the period and insert in lieu thereof the following: "at the White House: *Provided*, such procurement shall be subject to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations issued thereunder."

Mr. DINGELL. Mr. Chairman, the amendment offered here is an amendment which has the endorsement of the General Accounting Office and the Comptroller General.

It is also an amendment which would carry forward the intent of my constituents who have been complaining to me intensively about the situation with regard to expenditures being made around the country at "White Houses."

History records this Nation has one seat of Government, one White House, one President, and that the functions of Government are conducted here in Washington, D.C.

All of us will recall that recently the Committee on Government Operations reported after some discussion that there had been something approximating $17 million expended at Presidential residences around the country.

While I have no objection whatsoever to providing appropriate security measures for the protection of the President and to enable him to communicate and participate effectively in the Government, I have great feelings about the failure of this Congress to control expenditures from the public.

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

Mr. DINGELL. Mr. Chairman, I am happy to yield to the distinguished chairman of the committee.

Mr. DULSKI. Mr. Chairman, we would be very happy to accept this amendment on this side.

Mr. DINGELL. I thank my friend.

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

Mr. DINGELL. Mr. Chairman, I yield to my friend from Iowa.

Mr. GROSS. Mr. Chairman, we are glad to accept the gentleman's amendment on this side.

Mr. DINGELL. Mr. Chairman, I thank my good friend. It would be foolish for me to say more, except that the amendment covers the expenditures to those of governmental officials and limits the expenditures for Presidential residences to those at the White House in Washington, D.C., where the President is supposed to be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and on a division (demanded by Mr. DINGELL) there were—ayes 44; noes 30.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 8 immediately after line 13, insert the following:

"(f) Notwithstanding any other provision of this section or any other law, the Comptroller General of the United States shall have access to any books, documents, papers, statistics, data, records, and other information pertaining to the expenditure of funds to carry out the provisions of this section, shall audit such expenditures periodically, and shall report the results of such audit to the President and the Congress."

Mr. DINGELL. Mr. Chairman, the function of this amendment—as I am sure my colleagues can understand from the reading of it—is to assure that the expenditures made pursuant to this legislation will be subject to GAO audit.

As many of my colleagues know and understand, we have sought with some diligence to procure, over the years, information with regard to White House expenditures—how the moneys were spent, who they were spent on, whether they were involved in Watergate matters and so forth. At all turns, those who have sought this kind of information have been turned aside and advised that this is a matter of high privilege of the President.

To my knowledge the White House is the only institution of Government which is not subject to GAO audit—and if there are others, we certainly ought to see to it that they are required to submit to periodic GAO audits.

Mr. Chairman, one thing that must be clear in the consideration of this amendment is that this amendment does not relate to national security events. The legislation before us does not relate to national security expenditures. So, the amendment does not inject the GAO, the General Accounting Office, into the business of auditing national security expenditures except as otherwise provided elsewhere by law.

The amendment relates only to the day-to-day housekeeping expenditures, and the expenditures which would be authorized by this bill, which are not national security undertakings.

Mr. Chairman, I would urge my colleagues to vote for a simple audit, as required of all governmental undertakings, including functions inside the Capitol under a similar amendment offered by me to similar legislation in times past relating to the functioning of the Congress. It is my hope that the House will adopt the amendment.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment by my distinguished friend, the gentleman from Michigan. The amendment specifies that the Comptroller General have access to any books, documents, papers, and other information pertaining to the expenditure of funds authorized under the provisions of section 105 of title 3, United States Code. The amendment also requires that audits be performed periodically and that reports on the results of the audits be submitted to the President and the Congress.

This amendment is not necessary. If enacted, it would raise serious doubts as to the application of the authority the Comptroller General now has, as well as conflict with certain other provisions of section 105 of title 3, United States Code, as amended by this bill.

The Comptroller General now is authorized to audit the expenditures of the White House, and in his report on this legislation, which is included in the committee report, he raised no question whatever as to the need for any additional audit authority.

Yesterday I received a letter from the General Accounting Office in response to my request concerning this specific amendment and the Acting Comptroller General recommended against adoption of the amendment. I will include the Comptroller General's letter in the RECORD as a part of my remarks.

One provision of section 105 of title 3, United States Code, would be in conflict with the provisions of the amendment. Subsection (d) of such section 105 authorizes appropriations to pay official reception, entertainment, and representation expenses, to be expended at the discretion of the President, and accounted for solely on his certificate. This language is similar to language which has been in effect for several years, and, of course, precludes an audit by the General Accounting Office. It would be in conflict with the provisions of the amendment.

Since the General Accounting Office now has all the auditing authority it needs, and since the amendment would be in conflict with the one provision of the reported bill which I have referred to, I urge that the amendment be defeated.

The Comptroller General's letter follows:

WASHINGTON, D.C., *June 24, 1974.*

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives

DEAR MR. CHAIRMAN: This refers to the informal request of the Committee staff on June 21, 1974, that this Office provide comments on two amendments to the bill H.R. 14715 of the 93d Congress as reported to the House on June 11, 1974, which have been proposed by Representative John D. Dingell. See pages E3968 and E3969, Congressional Record for June 18, 1974.

The amendments proposed are as follows:

"Proposed amendments by Mr. Dingell on H.R. 14715, as reported

"1. On page 6 of H.R. 14715, as reported, line 24, strike the period and insert the following: 'at the White House.'

"2. On page 8 of H.R. 14715, as reported, between lines 13 and 14, insert the following:

"'(f) Notwithstanding any other provision of this section or any other law, the Comptroller General of the United States shall have access to any books, documents, papers, statistics, data, records, and other information pertaining to the expenditure of funds to carry out the provisions of this section, shall audit such expenditures periodically, and shall report the results of such audit to the President and the Congress.'"

We understand the purpose of the first amendment as being to limit public expenditures on the Executive Residence, as authorized by H.R. 14715, to those incurred with respect to the specific residence located at 1600 Pennsylvania Avenue in Washington, D.C. Its further purpose appears to be to express the intent of Congress that the authorization of expenditures provided by H.R. 14715 for maintenance, operation, improvement and preservation of a residence would not extend to such expenditures at private residences of the President.

In this connection we call attention to the Report to Congress of this Office, B–155950, December 18, 1973, copy enclosed, in which we reported on certain expenditures at Key Biscayne and San Clemente for the protection of the President. In that report we recommend enactment of legislation which would strengthen control over expenditures on residences of the President. See pages 78 and 79 of the enclosed report. We note that the bill, H.R. 11499, 93rd Congress, introduced on November 15, 1973, would implement, generally, the recommendations made in our report.

With respect to this amendment proposed to 5 U.S.C. 105(c) as amended by H.R. 14715, we recognize that the expenditures authorized by H.R. 14715 with respect to the Executive Residence are different in purpose from those required for protection of the incumbent of the Office of the Presidency with which our report B–155950 and H.R. 11499 are concerned. The expenditures authorized by H.R. 14715 for the Executive Residence are, we believe, applicable uniquely to the residence known as the White House in Washington, D.C., and we agree the amendment proposed by Representative Dingell would make this perfectly clear. In that connection see 3 U.S.C. 109 and 110, in which this residence is referred to as the "Executive Mansion" and the "White House", respectively.

The second amendment proposed by Representative Dingell would further amend 3 U.S.C. 105 by the addition of a new subsection (f), as quoted above, which would give this Office specific authority to audit expenditures authorized under that section and to have access to documents necessary for such audit.

In our report to the Committee on Post Office and Civil Service on H.R. 14715, dated May 22, 1974, we recommended that the Committee include in its report on the bill a statement to the effect that certain language appearing in the bill as introduced which would have permitted appointment of personnel "without regard to any provision of law" should not be construed to deny or diminish the authority of this Office to examine records and audit accounts covering expenditures authorized by the bill. We believe our authority as provided by the Budget and Accounting Act, 1921, the Act of June 10, 1921, chapter 18, 42 Stat. 20, as amended, is sufficiently broad to give us the authority which would be specifically provided by Representative Dingell's second amendment. See, especially, sections 312 and 313 of the Budget and Accounting Act, 1921, *supra*, 31 U.S.C. 53 and 54.

Therefore, and in order to avoid any possible ambiguity with respect to the authority

of this Office as provided by the Budget and Accounting Act, we recommend against adoption of the amendment. However, although the language "without regard to any provision of law" in connection with appointments has been deleted from the bill as reported, we believe the report of the Committee might well include a statement that the Comptroller General's authority to audit and have access to documents as contained in the Budget and Accounting Act, 1921, is applicable to expenditures made under the amended section, 3 U.S.C. 105.

Sincerely yours,

R. F. KELLER,
Acting Comptroller General of the United States.

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

Mr. DULSKI. Yes, I yield to the gentleman from Michigan.

Mr. DINGELL. Is the gentleman advising me that this amendment is not necessary in the light of the legislative history and the language of this legislation and all other laws requiring the GAO and the Comptroller General to audit White House accounts?

Mr. DULSKI. Yes, I am.

Mr. DINGELL. The gentleman makes that statement and the gentleman opposes the amendment?

Mr. DULSKI. I would say yes, because, as the letter from the Comptroller General specified, especially in the last paragraph, "sections 312 and 313 of the Budget and Accounting Act, 1921, 31 U.S.C. 53 and 54," and he goes on:

Therefore, and in order to avoid any possible ambiguity with respect to the authority of this office as provided by the Budget and Accounting Act we recommend against adoption of the amendment.

Mr. DINGELL. Then I have a unanimous consent request, if the gentleman will yield further.

Mr. DULSKI. I would be very happy to yield.

Mr. DINGELL. Mr. Chairman, in the light of the comments made by the chairman of the committee, I ask unanimous consent to withdraw the amendment just offered by me.

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

There was no objection.

AMENDMENT OFFERED BY MR. WHALEN

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

The Clerk read as follows:

Amendment offered by Mr. WHALEN: Add a new section to the bill to read as follows:

SEC. 5. Notwithstanding the provisions of section 105 of title 3, United States Code, as amended by the first section of this Act, employees of the White House Office receiving basic pay at the rate for level II of the Executive Schedule on the date of enactment of this Act shall continue to receive basic pay at the rate for level II so long as they continue to perform the duties of the position they occupy on date of enactment of this Act.

Mr. WHALEN. Mr. Chairman, I support the substance of this measure. Indeed, I think it was strengthened by the adoption of the Pickle amendment.

However, I am concerned about the inequities which I believe are created as a result of, in effect, changing the rules in the middle of the game.

It is for this reason that I have introduced this amendment. What does this amendment propose to do?

Mr. Chairman, this amendment preserves the substance of the committee bill. It will retain the Executive II level at five persons.

What it will do, Mr. Chairman, is to "hold harmless" or provide a grandfather clause for the other nine who are in the Executive II level at the present time. Attrition will take care of the situation. As these individuals leave their jobs, then, of course, those jobs would be filled at the Executive III level.

Why have I offered this amendment? As I suggested, I think it would certainly impose a hardship on these nine individuals in the White House who would have to take a cut of $2,500. Not only that, but I think we in this body would be doing them an injustice.

This would at the most cost about $22,500 this year, and it certainly will not impose any added cost burden on the taxpayers.

There is ample precedent for this kind of an approach. The Members will remember that a year ago I introduced an amendment to the bill authorizing the Council on International Economic Policy, CIED. That amendment provided for approval for the head of that agency by the Senate upon the vacation of that position by the present incumbent. We have done the same thing for various other agencies of Government in situations where we have changed the ground rules.

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

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

Mr. WHITE. Mr. Chairman, I wish to commend the gentleman for offering his amendment.

I offered this amendment in the committee. I think the adoption of this amendment would be only fair and just for those who have made their plans to live in Washington, who have accepted jobs and have set their economic structure.

I believe the Committee of the Whole should adopt this amendment, in all fairness.

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

Mr. WHALEN. I yield to the gentleman from Vermont.

Mr. MALLARY. Mr. Chairman, speaking for myself, I believe the amendment is very much warranted. I think if the amendment is passed, it will make the bill seem much less like a slap in the face to these people who are employed at the White House. I strongly support the adoption of the amendment.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WHALEN. Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. CARNEY of Ohio) there were—ayes 63, noes 5.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: On page 7, line 5, strike "and" and all that follows down through "certificate" on line 6, and insert in lieu thereof the following: ", *Provided*, That the Comptroller General shall be furnished such information relating to such expenditure as he may request and access to all necessary books, documents, papers, and records, relating to such expenditure in order that he may determine whether the expenditure was for payment of official reception, entertainment, and representation expenses".

Mr. ECKHARDT. Mr. Chairman, I voted against the Pickle amendment to reduce the number of the President's staff. I supported the last amendment.

This amendment is in no sense offered as any restriction on either staff or on funds. It is offered merely to take an exception out of the bill which I think is undesirable when made respecting either the President or any other officer of Government.

That is the provision that the President may on his sole account determine whether an expenditure for entertainment purposes and other receptions is to be valid. In other words, the provision excepts him from an examination of the Comptroller General.

This amendment leaves the discretion with the President to expend the funds but provides that the Comptroller General shall have access to information to determine whether the expenditure was for payment of official receptions, entertaining, representations, and so forth.

I have talked to the Comptroller General, and he tells me it is a workable process. He assures me that the provisions would not be under the Administrative Procedures Act, and therefore not subject to the Freedom of Information Act. We would have only our own representative, the Comptroller General, determine whether or not the funds were expended in the manner for which they were authorized and appropriated.

Mr. Chairman, if this were not enacted it would open a very broad field, a very broad loophole in avoiding reporting to the Comptroller General, because the provisions of title III, section 102, concerning the compensation of the President limits to $50,000 the amount which may be expended solely upon his accounting.

Section 102 is the provision stating that $50,000 to assist in defraying expenses relating to and resulting from the discharge of his official duties, may be expended solely upon the President's accounting.

Under this act he can make any expenditure for entertainment or for representation, et cetera, and would be free from any accounting, and this would raise the $50,000 to any figure. So I simply urge that at least our own guardian of our own expenditures and our budget be able to review an expenditure and determine whether or not it was in fact for the purposes appropriated and authorized.

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

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

Mr. UDALL. Mr. Chairman, I am personally inclined to support the gentleman's amendment, but in so doing that I want to make sure we do not so hamstring the President that he does not have an adequate staff and allowance. I believe that he ought to have a sufficient entertainment allowance so that when people came to visit him that he can entertain them in a similar way that our leaders are entertained abroad.

So in supporting the amendment I am not attempting to reduce the President's reception and entertainment allowance. And I wish to make sure that what the gentleman is saying is that he makes no change in the words "at the sole discretion of the President," that is, the President can decide how to spend the money?

Mr. ECKHARDT. That is right.

Mr. UDALL. The amendment simply adds a provision to make sure that the General Accounting Office can look over the expenditures, in the same way that he makes a determination on military expenditures or any other expenditures of the Government.

If that is the intention of the gentleman from Texas, then I think it would have a very wholesome effect on Government at all levels to know that the Comptroller General could look at the items.

Mr. ECKHARDT. That is not only the intention of the gentleman from Texas, but that is the express language. The discretion of the President is left in the bill.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words. I do so, Mr. Chairman, merely to observe that this amendment on the face of it is the kind one does not object to. But I take the time to look beyond that comment and to compliment the gentleman from Arizona (Mr. UDALL) for his objectivity in accepting the amendment.

I am sure that too often the Members have noticed that when a bill is brought to the floor and someone in good faith offers an amendment one of the first arguments against it is that we must protect the bill, and that one cannot retreat from the masterpiece that a committee has produced for us.

So I believe the gentleman from Arizona should be complimented for acknowledging that this bill, as brought to the floor of the House, was not perfect, and now that it has been subject to further modification and perfection, the new package is becoming acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Page 9, line 4 strike the period and add the following: "and by deleting 'and accounted for on his certificate solely' and inserting in place thereof ', *Provided*, That the Comptroller General shall be furnished such information relating to such expenditure as he may request and access to all necessary books, documents, papers, and records, relating to such expenditure in order that he may determine whether the expenditure was for payment of traveling expenses of the President of the United States'."

Mr. ECKHARDT. Mr. Chairman, this is merely a related amendment with respect to travel expenses. It does exactly the same thing respecting travel expenses as the other did with respect to entertainment.

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

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

Mr. UDALL. I thank the gentleman for yielding.

I am going to support this amendment also. But I again want to emphasize that I believe the President of the United States ought to travel when he thinks the public interest requires it; he ought to have a right to travel; he ought to have a right to travel funds; he ought to be able to take staff with him.

But I think one of the lessons of Watergate is in—and I remember so reading—one of the drafts of the book of Jeb Magruder who said that when they discovered that one of the men arrested at Watergate was on the White House staff—

We had no idea that we could not get him out. After all, we were the government.

One of the things that had led people in the White House to believe that they were the Government was that there were certain funds no one had to account for.

As I recall, there was publicity recently that the gentleman from California (Mr. ROYBAL) determined that one of these White House special project funds actually paid the air fare and salary for a man to go to Los Angeles to commit a burglary. This was one of the nonaccountable special funds.

I think all of us, Democrats, Republicans, whoever is in the White House or in an arm of Government, ought to know that the GAO has the right to come in and audit these travel expenses. It is going to make all of us a little more careful, and it is going to make Presidents a little more careful and accountable, and that is the some of the good that will come out of this legislation.

Mr. ECKHARDT. I thank the gentleman for his comments.

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

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

Mr. LANDGREBE. I thank the gentleman for yielding.

Does this type of overview apply to junkets taken by Congressmen? Does it take a good look at that?

Mr. ECKHARDT. I am on a bill to require that with a number of our colleagues. I favor that, but, of course, we cannot get to it in this bill.

Mr. LANDGREBE. Why can we not get to it? It has been a thorn in my side of a good many of my constituents for years—especially those lameduck junkets. Also, sir, is it not strange that this Democrat-controlled Congress would mandate overview of actions in the executive branch that it has not yet applied to itself?

Mr. ECKHARDT. I am coauthor of a bill to restore the publication of travel. That is not in this bill. The gentleman knows I could not put it in here if I wanted to.

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

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

Mr. UDALL. I thank the gentleman for yielding.

I support that also. For years we have had the often painful procedure of having put in the CONGRESSIONAL RECORD pages of details about who among our colleagues and staff spent what for travel, and we have accounted publicly for it all of those years. I think we ought to continue doing it.

Remember, we are not asking the President to account publicly at all, or his staff. We are simply saying the Comptroller General can go in and examine it.

Mr. ECKHARDT. I may say this, the gentleman from Arizona is absolutely right. We have not only given the right to the people to know it and the opportunity to newspapers to find it out, but up until recently we have actually required that it be published in the CONGRESSIONAL RECORD. I think that ought to be restored.

But I do want to make it clear that even now a newsman can find out where we travel, as I understand the law.

It is not quite as convenient as it formerly had been.

I want to conclude very briefly by saying this, that the gentleman from Arizona is absolutely correct. This amendment does not curb the President's discretion with respect to where he travels. As a matter of fact the committee quite properly extended the amount available under his discretion from $40,000 to $100,000. All this says is that the $100,000 worth of discretionary travel will be explained to the General Accounting Office, our representatives. That is all my amendment does.

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

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

Mr. LANDGREBE. Mr. Chairman, I would like to ask the gentleman one more question in a very friendly way. I receive from my committee a confidential personal report once a month and I cannot even make out from that report what it costs for my own trip to the Hawaiian Islands to have a look at the pineapple industry that is leaving our country and going to the Philippine Islands, where they seem to have people who want to work and where the government wants to have them. So frankly I am concerned about us sort of nitpicking the President since he is elected by the people for a 4-year term. I do not know why we are getting all that upset about it.

Mr. ECKHARDT. I do not think I am nitpicking. I am simply providing that the ordinary processes for determining how money that is appropriated by the Congress is spent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and the

Chairman being in doubt, the Committee divided, and there were—ayes 53, noes 24.

So the amendment was agreed to.

The CHAIRMAN. There being no further amendments, the question is on the committee amendment, in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SISK, 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. 14715) to clarify existing authority for employment of White House Office and Executive Residence personnel, and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes, pursuant to House Resolution 1184, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. MALLARY

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MALLARY. I am in its present form, Mr. Speaker.

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

The Clerk read as follows:

Mr. MALLARY moves to recommit the bill H.R. 14715 to the Committee on Post Office and Civil Service.

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

There was no objection.

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

The motion to recommit was rejected.

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

The bill was passed.

The title was amended so as to read: "A bill to clarify existing authority for employment of the White House Office and Executive Residence personnel, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include extraneous matter.

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

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1975

Mr. STEED. 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. 15544) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1975, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 3 hours and that the time be divided equally between the gentleman from New York (Mr. ROBISON) and myself.

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

There was no objection.

The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15544), with Mr. SISK in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Oklahoma (Mr. STEED) will be recognized for 1½ hours and the gentleman from New York (Mr. ROBISON) will be recognized for 1½ hours.

The Chair now recognizes the gentleman from Oklahoma.

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

Mr. Chairman, bringing this bill here today is done with some mixed emotions. It is always a pleasure to have an important bill that involves as much work as this one finished to a point where we can bring it to the House; but the sad part of it is that today I am appearing here for the last time on a regular appropriation bill with my warm and good friend, the gentleman from New York (Mr. ROBISON), who has announced that he will retire from Congress at the end of this term.

The gentleman from New York (Mr. ROBISON) has worked with me for a great many years on this bill. I have grown very fond of him and formed a very warm attachment to him, because I have come to know him for not only a very able and dedicated lawmaker, but as a warm and trusted personal friend. I know that his departure will leave a big pair of shoes to be filled, because the service he has rendered has been of such a high quality and caliber, that his going will be a very distinct loss to our country.

I want to express my appreciation to him for all the patience and consideration and help that he has given me in the hard job of working this bill. He is a man who does his homework. He comes probably better prepared to the committee than any of us, and he has made many, many very fine contributions to the quality of this bill. My family extends to him and to his family our warm good wishes for his enjoyment of his retirement.

Mr. Chairman, the bill we have brought here today does reduce the budget request by a little over $69 million, which will have the effect of reducing the outgo of funds during the 1975 fiscal year by about $75 million, which apparent discrepancy comes about because of some changes in methods of funding. The bill, though, is about $735,670,000 under the last year. This is somewhat of a misleading figure which I think I should explain.

This reduction is largely due to the fact that two major items in this bill have been transferred to other sources of funding. The disaster bill funds which were in the bill last year have been transferred to another committee, and that accounts for about $400 million. Then, the items of the General Services Administration for the maintenance and upkeep of buildings and the funding of new construction is now under the new Public Buildings Fund which means that all agencies of the Government are now required to pay rent into this fund. So, the $680 million that was in the bill last year as direct appropriations for these activities has been eliminated in this bill and has now been spread throughout all the appropriations bills in the form of rent items for all of these various agencies of the Government.

This being the first year for this new approach, the committee has had some considerable problems trying to put it together in the proper form. We were involved with the full committee in the policy that made a flat 10-percent cut in the rent item throughout all the bills, so the total fund that this income would set up will be somewhat smaller than the original estimate, but since there is going to be a substantial surplus in the item anyway over and above what is being appropriated, we think that the rent cut was very modest. It probably could have been considerably more without doing any serious harm.

The Government occupies about 10,000 buildings, 3,000 of which the Government owns itself and the other 7,000 of which are being rented from private owners. Nearly all of these buildings are being carried under GSA as rental. One of the reasons for this new system of funding is that this makes each agency account for the space it occupies and gives Congress a better handle on what their space usage is. Hopefully, it will have some deterring effect on this very pronounced proliferation of space requirements which seems to prevail throughout the Government.

The bill this year involves about $54 billion, but only $5,507,497,000 is money over which this subcommittee had some control as it worked on the bill. The other items in the bill are more or less fixed costs that are carried here for the purpose of the record, but over which we had no jurisdiction. The biggest item is

the $31 billion that will be used to pay the interest on the national debt.

At the time the bill was put together the estimate on the interest on the national debt was $30.5 billion, but the latest information we have is that this figure now stands at $31.5 billion.

Last year these uncontrolled items totaled $46,223,168,000. This year they total $49,147,884,000. This accounts for the fact that the total bill is $2,289,946,000 more than last year.

Included in some of these other items are refunds to Puerto Rico and the Virgin Islands of customs receipts that we collect for them and about $9 billion in trust items.

We have granted, because of increases in workloads, a 2,000 increase in the manpower requested in all the items in this bill.

We have tried to put in the report a comparison of the revenues provided for in this bill as compared to the previous year. While all of them show an increase, I think that careful consideration will show that most of these increases are more or less uncontrollable or of the mandatory type.

For instance, the agency that had to ask for rent money for the first time has an automatic increase in the amount it requested, and those who have had increases in workload and increases in their pay scales have had to ask for more money for that.

We have pretty much, I think, held to the prior work level that the modest increases and extra work seemed to indicate.

We have had some interest lately in an issue that involved the U.S. Customs Service, and I think if the Members will read the bill, they will find we have done very well by the Customs Service in this bill. We have also placed some language in the bill that restricts their funds solely to their activities, and while the issue that may have concerned many of them at the border may have to be decided somewhere else, I can assure the Members that there is nothing in this bill that will cause any problems, because we have a very heavy increase in the work of the U.S. Customs Service. That has been caused by a constant increase in the number of people crossing our borders, in the number of vehicles that cross our borders, and in the amount of cargo that is imported and exported.

I think of all the agencies of Government over the years, considering the increase in the work they are doing and the increase in the manpower as compared to what they used to do, this is probably as favorable as that of any other agency of Government that anyone can think of.

There will probably be some interest in the GSA items.

We tried to work this new bill out in as satisfactory a way as we could. I want to tell the Members that despite what else they may hear, the committee has tried its best to put this program in the proper form and to give the GSA the assets and resources it said it needed.

We have recommended $871 million. We restricted some items, and in nearly all cases we have allowed the exact amount that they said they needed.

We have made a $101 million cut in the Building Service item, but then we gave them a substantial amount more than they had last year.

This may have been too deep a cut. I still have a somewhat open mind on it, but involved in this, of course, is the servicing and upkeep of all those buildings over which they have jurisdiction.

They have to buy the soap and the toilet paper and all the other supplies, and they have to fix floors and fix roofs and do all sorts of things. There has been some complaint that the so-called janitor service they render has not been of a high enough quality. We are sure they are trying to improve that, and we think they will have some funds here with which to do that. If they really need more money and can justify their need for it, I believe we would be the first to go along with it, because we want a better service to be provided for all these various buildings which the Government uses and in which the Government carries on its work.

Mr. Chairman, we will have a problem concerning the item for the Office of Management and Budget, and I do not know of any way to resolve the differences that have grown up in that area except here on the House floor. We became aware that the issue was the sort of thing that could not have been settled finally either in the subcommittee or in the full committee. We have brought the item here in the best form in which I think it could be presented, in order for it to be considered in the House, solely on its merits, so the Members can work their will.

I understand that amendments will be offered, and the only thing I am anxious for is to see the House decide this issue once and for all so that we will have that decision as guidance.

The House has just finished its work on a legislative authorization bill that hopefully will solve two of the knottiest problems we have, and those deal with the special assistance to the President and the White House office. These items have grown over the years, sort of like "Topsy," with Executive orders being used as the authority. Now under rule XXI items not authorized are subject to points of order.

Since this issue came up last year we on the subcommittee have been quite insistent that the administration submit proposed language to deal with these subjects in a proper way.

The House today has worked its will, and at the proper time we will offer amendments in the bill to conform with the language in the bill which was just passed. If further changes may be made in the bill when it finishes in the Senate and in conference, of course, the other body then would have the responsibility of amending these items again to further conform with the law.

We asked for waivers of points of order on these two items as the only way we could devise to properly deal with the subject, since the delay in bringing the legislative proposals to the Congress was such that the Legislative Committee that presented the bill this afternoon has had to work under high pressure even to clear it before the time came to call this bill up.

So I think on balance we have as good a bill as I have ever had the honor to bring to the Members. We have been as candid as I know how in presenting the controversies which are natural to occur in as big a bill and all-inclusive a piece of legislation as this one is.

Mr. Chairman, we hope, with the indulgence and cooperation of the Members, we can expedite this very important piece of legislation during the rest of the day.

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

Mr. STEED. I will be happy to yield to the gentleman from California.

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

I wish to compliment the gentleman. I know he always does a great job. I compliment the committee as well.

I have a question I wish to ask the gentleman. Referring to page 8 of the bill, the item dealing with the National Commission on Productivity, I am sure my colleague will recall at least the events concerning this matter and the fact that this matter was held up last year in connection with the authorization. Then we recently passed the new authorization and cut the figure from the $5 million which was in the original request to $2.5 million.

I note that the committee has only seen fit to allow $1.5 million.

I raise the question merely because this National Productivity Commission, to my own certain knowledge, actually has been very helpful in connection with certain problems we have had on the west coast and with respect to transportation problems. I was curious to know if this result comes from a failure of the agency to make out a good case or if the gentleman would indicate what the future might hold in connection with this Commission.

Mr. STEED. As the gentleman I am sure realizes, when you have a bill with as many items as this one contains, and where there are some 200 hours of hearings, the difficulty is that some of these items were treated several weeks ago.

At the time this particular matter came up, the legislative situation was still unsettled. The Cost of Living Council had gotten involved with some of the personnel, the agency was being permitted to go out of existence, and so at that time it seemed that we could keep their activities together and hold them pretty well intact with the $1.5 million.

I have come into possession of information lately that had we had it at the time of the hearings and on the markup, that we might have been more generous. I have suggested that since the situation has come around to this point that they appear before the other body and present any new and up-to-date information that they have with the hope that maybe the matter can be worked out before the final version of the bill is completed.

Mr. SISK. I thank the gentleman very much for yielding to me, and I appreciate the gentleman's comments. I had intended to confer with the gentleman earlier on this matter, and it slipped my attention. I do deeply appreciate the gentleman's willingness to make his comments.

Mr. STEED. I am aware of the work that they did, along with the Council and others. As the gentleman mentioned, there are some areas where some very good work has been done, so we are not in any way reluctant to see them proceed and, hopefully, with enough resources to do the job.

Mr. SISK. Again, I thank the gentleman very much for yielding to me.

Mr. ROBISON of New York. Mr. Chairman, if the gentleman will yield, relative to the question asked by our good friend, the gentleman from California (Mr. SISK) about the National Commission on Productivity, I would like to say for the RECORD that we on the minority side look, I think generally speaking, with favor on the work of this commission. I think it is necessary and important. I believe, though, that it is fair to state that the reduction we made in the budget request was made in the light of the fact that the National Commission on Productivity's authority did run out, and had been renewed, and we were aware of the fact that it would take some time for the Commission to get reorganized and restaffed, even up to this level.

So, as the gentleman from Oklahoma stated, if the Commission supporters can present other information to the other body on this item I am sure we would be happy to consider it in an objective light at the time we go to conference.

Mr. VANIK. Mr. Chairman, in testimony of Commissioner Alexander before the Appropriations Subcommittee, the Commissioner stated that there were "unanticipated increases in delinquent accounts." Instead of reducing the inventory of delinquent accounts for fiscal year 1974 to 510,000 accounts, the number of delinquent accounts will amount to about 730,000.

Did the Commissioner give any explanation as to the reason for the increase in delinquent accounts? Is it the general economic situation. Could it be the example of the President's taxes?

What is the dollar value of present delinquent accounts? I understand that at the end of fiscal year 1973, the Treasury was faced with some $3.15 billion in delinquent accounts. As of April 30, 1974, the Treasury was faced with $1.8 billion in delinquent accounts—and that amount is only lower than similar times at previous years, because of a "new accounting" system which Treasury has started.

Does the committee believe that there are sufficient funds in this bill to enable the IRS to reduce the volume of delinquent accounts?

On this point, Mr. Chairman, I believe that one of the major reasons for an increase in delinquency is that when a taxpayer files late or makes an underpayment, he is usually only charged a low-interest penalty, which is tax deductible on his next year's return. The interest charged is only 6 percent. Almost any big investor is able to obtain a better rate of return than 6 percent. I believe that many taxpayers are underpaying their taxes or delaying in paying them, so that they can have the use of the money at today's interest rates of 9 or 12 percent. In other words, they are playing an arbitrage game with the IRS.

I have introduced legislation to increase the rate of penalty interest on delinquent accounts to 8 percent. Would the committee, from its knowledge of the situation, believe that this could help the Service in obtaining quicker payment of taxes owed?

Mr. STEED. Let me put it this way: No one is more interested in having the Internal Revenue system capable of meeting its workload needs than I am, but we have two or three matters that are very difficult to comply with. In the first place, and more important, the work they do in this particular field actually generates new business, because there is so much of it, and they just lack the necessary personnel to handle it.

We have always felt that they needed to devote more time and energy in this direction, but the big problem in the last 2 or 3 years has been the fact that the work does not get done, because every time an emergency comes up, like during the Cost of Living Council activity, everybody seems just to dip into the manpower of the Internal Revenue Service so as to take care of such problems with the result that we do not get the additional production out of the Internal Revenue Service that we thought we should.

I think this is all finished and their work force is back intact now and we are anticipating that the coming year is going to see some very marked progress in getting them in better control of the heavy workload they have.

Mr. VANIK. I wonder if the gentleman would not agree that perhaps we ought to raise the interest rate on tax delinquencies from 6 percent to a more realistic rate so that a taxpayer does not involve himself in delinquency in order to avoid borrowing money on the outside market.

Mr. STEED. Of course, the gentleman realizes that is not the duty of the committee. But having dealt with the tax people as long as I have, I am sure that they would not be averse to saying that this would be a useful tool and would help them to do a better job, because they are very aware of these advantages that are being taken.

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

Mr. STEED I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

Mr. Chairman, I have several questions about the IRS audit program. In IRS Commissioner Alexander's testimony before the committee, he stated that—

> The audit program in 1975 will concentrate on raising the rate of voluntary reporting in classes of taxpayers in which compliance is comparatively low while maintaining compliance in other classes.

Did the Commissioner report what "classes of taxpayers" have a "comparatively low" rate of compliance?

I understand that the IRS has conducted a study which indicates that in 1971, taxpayers with an income under $10,000 who itemized their deductions, owed on the average an additional $178 after they were audited. By contrast, for taxpayers with an income over $50,000 the average sum owed was $8,631. Of all returns examined in the under $10,000 category, 49 percent contained errors. Of all returns examined in the $50,000 and over class 82 percent contained errors.

The total unpaid taxes for all income categories was a projected $23 billion. But that does not include the tax money lost as a result of error and fraud by corporations. And for the most part serious in-depths audits of multinationals and certain other businesses are nonexistent or perfunctory.

In 1960, the IRS did a compliance study that indicated the compliance level to be 92 percent.

In 1969, that figure had dropped to 88 percent compliance level.

In 1973, the latest figures seem to indicate a compliance level of 83 percent.

Do you have any figures on the dropoff of taxpayer compliance in the past year? A dropoff trend seems to be supported by the fact that the Treasury is requesting more auditing manpower.

What income category for individuals, and asset size for corporations are responsible for the slippage in compliance? The figures seem to indicate that it is the high income brackets, which seem to require some assurance for the Congress that the increased audit manpower will be used in the most troubled areas of noncompliance.

Can you assure us here in the Congress that this additional manpower will be used on the high income returns of individuals and massive corporate operations?

Mr. STEED. We have been led to believe that the budget really, if approved here, will make a substantial improvement in the audit program. The problem has been largely, for a long time, the way they selected returns for audit. It caused them to be about 40 to 60 in auditing returns. That did not result in the best benefit.

They have developed a better technique, and today they are down to where about only less than one-fourth of the returns selected at random for audit are taking up any manpower, which is improving their ability to cover a wider area. Also they have cut out auditing some of the very small type returns beyond a certain look at them.

The thing that really concerns us is not that it produces a great deal more revenue than it costs to do this auditing. I suppose there would be a point of auditing where we would have no return. But the thing that concerns us is that the voluntary compliance with our income tax law is the heart of it, and if the public gets the idea that the auditing is so small and so inconsequential that evasion of tax responsibility can be gotten away with, then the time could come when the confidence of the public in the whole system would make it inoperative.

So we think it is a good thing to have a healthy audit program. I assure the gentleman that we are expecting this coming year to see some marked improvement in that.

Mr. VANIK. Mr. Chairman, will the gentleman yield for one further question?

Mr. Chairman, I am concerned about the level of taxpayer service being provided by the IRS.

Mr. VANIK. Mr. Chairman, I am concerned about the level of taxpayer service being provided by the IRS.

Apparently, the American public does not trust the IRS to help provide "service." Each year, there are stories of a newspaper reporter calling several IRS offices, posing the same relatively simple tax questions to different agents—and getting answers that vary by several hundred and even thousands of dollars.

The reliance of American taxpayers on tax preparers has increased dramatically. Between 1961 and 1972, the number of taxpayers using tax preparers jumped from 20.6 million to 36.4 million. In other words, in 1961, 33.4 percent of all returns filed had the signature of a preparer. Yet by 1972, 47.7 percent of all returns had the signature of a tax preparer. The result has been that the American taxpayer has moved from paying $17 million in fees in 1966 to paying $87 million in tax preparer fees in 1972.

Now I know that a major reason that persons use preparers is that the Tax Code is too complex. The forms are too complex. This is largely a fault of my Committee on Ways and Means. We are trying right now to correct some of these problems. I believe that this is important, because the taxpayer is already upset—in a bad frame of mind—when tax time rolls around. But when he is faced with complex forms and has to go to a tax preparer, when he has to fork over more money to a tax preparer just to do what the IRS demands—then he gets furious at the whole system of government.

I also am concerned about our constituents ending up with unscrupulous tax preparers. I am concerned about those operators who take the confidential data the taxpayer provides and give it out to others. In 1972 and 1973, the IRS selected 1,096 commercial preparers for prosecution for criminally fraudulent practices. Convictions or guilty pleas were obtained in 181 cases and there were only 18 acquittals or dismissals; 405 cases have been closed for lack of conviction potential and the balance are in various stages of investigation or trial.

Mr. STEED. If the gentleman will read our hearings I think he will be pleased to note the rather long discussions we had on this very point and the Commissioner's very ardent desire to improve this matter. They have had a great deal of trouble in getting qualified people. They have increased the training and the recruiting, but we are now getting geared up in all the regions with enough computer ability so that the field agent answering questions will now have a capability of retrieval of information in an automatic sort of way that he has never had before. We think this is going to make a major contribution to the fact that a taxpayer with an unusual question can get an answer that will be sufficiently reliable so that he can take advantage of it.

They want to improve this service. They think it is a good investment, because the more they can help in the preparation of returns the better saving there is all along the line in their work. They spend a great amount of time and money in making up just for normal human errors.

Mr. VANIK. Mr. Chairman, I would like to ask the committee, how much of the $705 million provided in this bill for accounts, collection and taxpayer service will be used for actual taxpayer service? How much will be used to train IRS personnel so that they give the correct answers? Will the IRS continue to investigate the tax preparer industry so that the bad apples can be separated from the reputable preparers?

Mr. STEED. Yes. There is not a rigid figure, but I think it is somewhere in the neighborhood of $30 million. They have considerable leeway as to how much of this they do. I believe the hearings show some very active statistics as to what has been done and some of the plans they have. How far they can get into some of those I do not know. They are really putting on a heavy drive to improve this matter.

Mr. VANIK. As one Member of this body, Mr. Chairman, I am extremely grateful to the chairman, to the distinguished ranking minority member, the gentleman from New York for their efforts, because I think this committee in their very vigilant efforts can do a great deal that needs to be done to preserve the integrity of the Internal Revenue Service and our tax collecting system. This is after all the lifeblood of the whole system of Government. We have to do everything we can to preserve its integrity and make it responsive to the public need.

Mr. STEED. I think it would be proper for me to say a word about the Commissioner, Mr. Donald Alexander. We have had a number of meetings with him and I think he has a better grasp and a better determination to make these functions of the Internal Revenue Service do a better job than they have been doing. I do not know of anything in the long haul that will do more to improve the overall service than improvement in just this field.

Mr. VANIK. I can heartily concur in what the distinguished chairman has said. I want to point out the Commissioner is from the State of Ohio and, of course, I share the gentleman's pride in the Commissioner's achievements.

Mr. STEED. I like the man's open, candid, and direct way of doing business. We have found him to be very refreshing.

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

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

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman yielding.

First of all I want to say we on this side are sorry we are losing our good colleague, the gentleman from New York, who has been a very conscientious member of the subcommittee and he has made a real attempt to try to impose some kind of semblance of order in this very burdening appropriation process. The gentleman from Oklahoma was very thoughtful in making sure we did pay our compliments to the gentleman from New York.

I have a question of the chairman of the subcommittee. In the deliberations and hearings relating to the Postal Service, have they told the committee why we have not been able to reduce this deficit, we were told when we passed the postal reform bill was going to be reduced and all these great things we were told were going to happen? Has the committee been able to question them as to the specific reasons why they have not been able to reduce the deficit?

Mr. STEED. I might say to the gentleman, we normally have had no difficulty at all getting any information we wanted from the postal people. They have usually been most cooperative.

Mr. ROUSSELOT. So the whole House will know, why is it that these wonderful things that were going to happen that we were told about when the postal bill was passed have not occurred; that is, they keep coming up here and asking for more and more money to make up this deficit, whereas they said they were going to try to make this agency, this independent agency, a self-sufficient agency?

Mr. STEED. I know that the gentleman is no more anxious to accomplish that than I am. We know they have a long way to go yet to accomplish that. We have been very concerned about it on the subcommittee. We have had a lot of hearings.

One thing that has handicapped it is that the Postal Rate Commission function has not been what we hoped. They have had a great deal of difficulty getting additional revenue through rate increases.

Mr. ROUSSELOT. If the gentleman will remember, however, the Postal Rate Commission did propose substantial postal rate increases which were to generate millions of dollars in new revenue.

The point I am making is that this committee can serve a real function by zeroing in on why this process of deficit financing has to go on.

Mr. STEED. I might point out to the gentleman what we brought up in the full committee the other day. If the gentleman will read the law, this subcommittee only has the power to ascertain the revenue foregone. I believe the figure was 10 percent.

Mr. ROUSSELOT. The bill we passed the other day would make it easier for other publications to phase out the so-called subsidies they were getting and the House itself contributed to that problem.

Mr. STEED. I might say this that, of course, no one is clairvoyant. I think we were all disappointed in many ways; but our legislative committee has scheduled hearings on the very matter the gentleman is asking about. We are urging everybody that has shown an interest in improving the Postal Service to give that committee all the help and benefit of their thinking that they can, because we just simply do not have the authority in this committee to cope with it. They do have.

I hope that out of their work will come not just answers as to why the failures, but some positive things that

will maybe give us some assurance that the future will see some better results.

I know some of the reasons why they have a tough job, but it is beside the point to go into it here.

I do think that on the legislative committee the time has come when they ought to give this as thorough a going over as it is possible to give it.

Mr. ROUSSELOT. Of course, the gentleman knows that the $1,500 million in this appropriation is not just shortage foregone. When are we going to say that this is the end to this deficit financing?

Mr. STEED. When the Congress gives us the authority to say so.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

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

Mr. ROBISON of New York. I think the gentleman from Oklahoma is right. The gentleman from California ought to reassess this situation, not with regard to the effect that the postal subsidies are too big or that the Postal Service Corporation has gotten out of line or that the Postmaster General's carpet is too expensive or his remote control draperies should not have been purchased.

Mr. ROUSSELOT. If I may interrupt, the increased cost of rugs did not contribute to fiscal policy. I am sure the gentleman is aware of that.

Mr. ROBISON of New York. Here is the point. On June 11 I got a letter from my colleague, the gentleman from New York (Mr. HANLEY), who said that on July 9 his Postal Subcommittee is going to begin hearings on the Postal Reorganization Act. He commented as follows:

> It has become clear that the public is not yet receiving the quality of service which we hoped would occur with the passage of the Postal Reorganization Act. Those of us who were publicly skeptical of the high-flown claims made by the supporters of postal reorganization four years ago have come to see our skepticism justified. Many errors in that Act need to be corrected.

Then he said:

> The hearings will give the critics of the Postal Service an opportunity to come before us with their recommendations for legislative changes.

He means before his subcommittee, not before this committee.

Mr. ROUSSELOT. Of course, I am on that committee and I am well aware of the problems, because we get much of the mail. But, my point is that I think this Appropriations Subcommittee can help us by taking a tougher stand on what kind of deficit we want this agency to have, especially when they were the ones who came before us and told us that they were going to improve service with a lower deficit. None of those things have occurred.

I know this Committee is well aware of its responsibility to try to keep appropriations fiscally within what the Treasury is able to bear, and in this Committee I think we have gone along long enough. Perhaps next time we can cut it back.

Mr. Chairman, there is one other question I have for my colleague from Oklahoma. Is it not true that one reason we were able to show reductions in this particular appropriation is because disaster relief funds were moved to another appropriation?

Mr. STEED. Yes; I pointed that out in my remarks, plus the fact that we switched between $600 and $700 million in direct appropriations from GSA public building fund, so these two transactions more than offset the increases to the extent that we actually have a bill, so far as this bill is concerned, over $700 million under last year.

Mr. ROUSSELOT. I appreciate the gentleman yielding, and I hope that next year, as it relates to the Postal Service, the gentleman will be able to ask some more hard questions about why this deficit has not been reduced in the Postal Service. I thank the gentleman.

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

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

Mr. ADDABBO. Mr. Chairman, I ask the gentleman from Oklahoma that if this bill becomes law with the section now contained on page 35, which reads as follows:

> SEC. 612. None of the funds available under this Act shall be available for administrative expenses in connection with the transfer of any functions, personnel, facilities, equipment, or funds out of the United States Customs Service unless such transfers have been specifically authorized by the Congress.

If this bill becomes law with this section included, will the Office of Management and Budget still be able to direct the Customs Service to give up their responsibility for borders to someone else?

Mr. STEED. We cannot prevent them from issuing orders—whether such orders are authorized by law or not. However, this committee intends to hold the Customs Service responsible for the borders. That is the purpose of the language.

Mr. ROBISON of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must begin by expressing my sincere and abiding appreciation for the kind things that have just been said about me—and my pending retirement—by my chairman, Mr. STEED, and my California friend, Mr. ROUSSELOT.

It is, of course, a bit embarrassing—rather like being at one's own funeral—to sit through such tributes.

But that does not mean, Mr. Chairman, I am ungrateful. Quite to the contrary, I am very grateful—and very humble. For it has truly been a great privilege for me to have served, these past 10 years, on the Appropriations Committee of this House; and to have tried, in some small way, to measure up to the demands of such a responsibility.

In my case, that effort has been made immeasurably easier by the opportunity that has been mine, of serving under, and with, the fine gentleman from Oklahoma, TOM STEED, who has been unfailingly cooperative and patient with, as well as helpful to, me. I shall always remember his friendship, and his leadership—especially in these past 2 or 3 years which have been difficult ones for our subcommittee even as this afternoon, before it wears out, will prove to be difficult for us.

I wish to express my appreciation—and my regards—likewise to the other members of our subcommittee, particularly to my New York colleague, JOE ADDABBO, the gentleman from California, ED ROYBAL, with both of whom I have worked closely, as well as, of course, to the minority members who have been so helpful to me this year—CLARENCE MILLER, VIC VEYSEY, and BILL YOUNG.

There is, I believe, a House tradition against including staff members in these kinds of tributes. But, under the circumstances, I expect to be forgiven if I also add my thanks to our hard-working clerk—and my special good friend—"Tex" Gunnels who, in the end, has to put everything together for us, and then try to hold us together, as he is doing again this year.

So, to you all—my thanks.

Now, Mr. Chairman, as to the bill, it is a comprehensive vehicle, covering the budgetary needs of the Treasury Department, the Postal Service, and the Executive Office of the President as well as a host of independent agencies. Most of the operations performed by all these various entities are of a service nature, involving large numbers of personnel, and virtually all of them annually face uncontrollably increasing workloads.

It is, therefore, a fact that it is practically never possible for our subcommittee to make deep cuts in the overall budgetary request submitted to us—and our bill, again this year, reflects that situation. What we seek to do, in the main, instead, is to provide the kind of annual oversight of the programs and policies of our numerous constituent agencies that needs to be done, and that no one else in Congress—generally speaking—attempts to tackle. Our hearings, therefore, provide a wealth of detail and information in such regard—and I commend them to you.

I support the bill, as presented. In final form, of course, it represents some degree of compromise—regarding which I had, here and there, some reservations—but I hope it will be approved without substantial amendment.

I will extend these remarks so as, for the record, to provide my comments and thoughts on a variety of problem areas, but—for the balance of my time, now, I want to concentrate on that one among several issues for subsequent debate that will probably take the greater share of our time when we reach the amending stage.

LEVEL OF FUNDING FOR OMB

Mr. Chairman, we will come to a most interesting issue for debate when we take up the question of the level of funding for the Office of Management and Budget. I hope we can have an objective, constructive and nonpartisan discussion of the issue underlying that question for therein, in microcosm, is reflected at least a portion of the historic struggle that so preoccupies us this year—something we have come to call "Watergate."

I refer now not to the impeachment side, per se, of Watergate, but to the aspect thereof that deals with the shifting balance of power and authority as between the Congress and the Presidency—a matter for historical debate whose roots long antedate the specifics

involved in our present Judiciary Committee's grand inquest.

As every schoolchild is supposed to know, our Government is one based on a concept of separation of powers. It can be said, in that regard, that our Constitution institutionalized conflict. The framers of that document anticipated conflict—and in that very expectation seemed to feel they had found some guarantee of continuing freedom; specifically, a barrier against the exercise of arbitrary power by any of the three branches of our Government.

However, as Arthur Schlesinger, Jr., declares in "The Imperial Presidency," experience soon showed that a government of checks and balances only works well when one of the three branches takes the initiative. What is more, Schlesinger argues, it has proven to work efficiently only "in response to Presidential leadership."

Mr. Schlesinger says he wrote his book first to show how, little by little, the Presidency from George Washington to Richard Nixon has gotten out of hand, and second, to warn against too strong a reaction against a strong Presidency which, he states, could render us powerless to deal with our problems.

As to his first point, the strength of the Presidency has ebbed and flowed, actually, in accordance with the personality of its incumbents and the difficulties they encountered during their tenures. Wartime Presidents, like Lincoln, particularly bent the Constitution to their own felt needs. But when subsequent Presidents were denied that claim of crisis, Congress moved to reclaim its lost authority—and I think it fair to suggest that the Andrew Johnson impeachment affair was a warning as to how such a movement could, by itself, get out of hand.

As to Schlesinger's second point—if not exactly pertinent to the issue presently before us today—his words are worth remembering as the year wears on, for he declares:

> The answer to the runaway Presidency is not the messenger-boy Presidency . . . (and) American democracy must discover a middle ground between making the President a czar and making him a puppet.

In any event, Mr. Chairman, American Government has—particularly in this last generation—become very, very "big" indeed. So big, in fact, that at the Federal level it has also become well-nigh unmanageable, and there is virtually no aspect of life in any of our districts that it does not affect, directly or indirectly.

I am indebted to the distinguished chairman of our committee, Mr. MAHON, for the scholarly work he has done in the past in tracing the fiscal side of the congressional history of our growing problem with "big" government; with how, from 1885 to 1920, when legislative committees held jurisdiction over major appropriations bills, fiscal chaos reigned in the House. Finally, then, came approval of the Budget and Accounting Act of 1921, that created the Bureau of the Budget and the General Accounting Office, and restored full responsibility for appropriations to the Committee on Appropriations.

Despite these obvious congressional reforms, the Federal Government continued to grow, and grow. That growth was, of course, reflected in the size of the Federal budget which—and please listen to these comparative figures—in round numbers reached $43 billion in fiscal year 1950, at which time the Bureau of Budget—BOB—had 531 employees to struggle with it, of whom 46 were in its still somewhat new "Management Division," so-called.

When I first came here, Mr. Chairman—17 years ago—the fiscal year 1959 budget had climbed to a little over $92 billion but, for some reason, BOB now had only 435 people on its staff.

By fiscal year 1970, the budget in round numbers was $197 billion, and BOB now had 553 people, of which 49 were in its Management Division. For some time, BOB had been experimenting through that division with a management technique called the program planning and budgeting system—PPBS, for short—which, in retrospect, seems to have been BOB's effort to get a fiscal handle on what can only be called "Cabinet government"—that unwieldly and parochial-minded arrangement under which Federal departments and agencies were competing with one another both for programs and for slices of the Federal budget.

In time, PPBS might have produced some order out of the executive branch chaos which by then was frustrating President after President. But President Nixon, and others—including prominently Joseph Califano, Jr., former special assistant to President Johnson—thought they saw a better way, as it was presented, "to lift the Presidency out of the rut of patching and putting together fragments of policy," through the creation of an independent White House apparatus for both management and long-range national planning.

This further try at reform—at the Executive level, now, rather than congressional—took the form of Reorganization Plan No. 2 of 1970. Under it, all statutory powers previously granted to BOB were transferred to the President and, then, redelegated by him to the new Office of Management and Budget. At the same time, a Domestic Council was created within the White House, to "provide the President with a streamlined, consolidated domestic policy arm"—somewhat after the fashion of the existing National Security Council—and it would work with the Director of OMB to "seek greater interagency cooperation and coordination, particularly at the operating level—and—in assessing the extent to which Government programs are actually achieving their intended results and delivering the intended services to their recipients."

It was, thus, this emphasis that finally put the specific "M"—for "management"—in the OMB, an agency that, in fiscal year 1974 now, has an authorized strength of 660 people to deal with a Federal budget that has grown to about $275 billion; and of those 660 people, 108 are in OMB's so-called Management and Operations Division.

Reorganization Plan No. 2 of 1970 was rather strongly supported in the Senate—though no vote was cast on it there—with Connecticut's Senator RIBICOFF, himself once a frustrated Cabinet member, saying here was "a great opportunity to bring meaning to the Presidency and to help the Presidency."

The House had reservations, however. Our Government Operations Committee voted out a disapproval resolution which, after floor debate on May 13, 1970, was defeated by a vote of 164 to 193. That debate makes interesting re-reading, these days especially, since much of the concern expressed centered around the projected Domestic Council which would have the cloak of Executive privilege.

Upon reflection, I think much of that concern was later justified in that, under the guidance of John Ehrlichman—he who once said of Cabinet officers that when the President "says jump, they only ask how high"—the Domestic Council did, for a time, come to dominate both Cabinet and OMB, starting a trend toward such a centralization of Presidential powers as to lead Mr. Schlesinger to worry, toward the end of his book, more about a "runaway Presidency" than his "imperial Presidency."

In any event, at least in part thanks to Watergate, much of that threat—in my judgment—is gone. The Domestic Council staff is now down from a high of 75 to its present level of 30 and, under Kenneth Cole, Jr., seems to be performing an effective and necessary liaison role as between President and Cabinet-level and lesser executive branch officials.

This leaves, then, the OMB and its Director, Roy Ash, with his 660 people to struggle, in the first instance, with the projected fiscal year 1975 budget of close to $305 billion and to begin to face up to a fiscal year 1976 budget targeted at around $330 billion; and, in the second instance, to try to carry out as best they can what Mr. Ash conceives to be the "management" responsibilities specifically mandated upon him.

That latter process—which Mr. Ash describes in summary fashion for me on page 630 of part 3 of our hearings—is a complex and difficult one, requiring him to apply certain judgments and disciplines that render him no more likely to win a popularity contest than any former head of the old BOB.

My good friend and colleague from New York (Mr. ADDABBO), will shortly offer an amendment to further cut the $22 million now allotted in our bill for OMB. Let me tell you how we arrived at that figure—howsoever tentatively. OMB's fiscal year 1973 appropriation was $19.6 million. Its "regular" fiscal year 1974 appropriation was cut back to $18.5 million, after which it received a $900,000 supplemental, for a total of $19.4 million. Its fiscal year 1975 request was for $23.4 million, which included a request for 31 more staff people, of whom 14 would go to "management."

However, we have allowed OMB only the same base it has in the current fiscal year—$19.4 million—to which we have added its "uncontrollable" increases for salary raises, an adjusted rent item, et cetera, reaching a rounded-off total

of $22 million. Despite what the report says on page 22, we have, in effect then, disallowed OMB's request for those 31 additional people and also eliminated all funds for whatever program increases it had in mind. In further effect then, we will also be requiring OMB to operate at a somewhat reduced funding level from that which it enjoyed in fiscal year 1973 although, in fiscal year 1975, the Federal budget it must supervise and—to whatever extent—manage, will have increased by about $58 billion in just those 2 years.

I do not presently know how much further Mr. ADDABBO will want to reduce OMB's capacities. For reasons good and sufficient unto him, he has said he wants to carve deeply enough to cut the "M" out of OMB.

On the assumption that Mr. Ash will not voluntarily surrender all of his management people, I would argue that Mr. ADDABBO cannot achieve his objective in this fashion; and I would argue further that the success of his amendment would only seriously reduce the "B"—for budget—side of OMB, something that could not come at a more inopportune time since the congressional "budgetary reform" procedures we are about to put in place will, for a time at least, place substantial burdens on that side of OMB's house.

Mr. Chairman—and my colleagues please listen—in the report entitled "Watergate: Its Implications for Responsible Government," as prepared by a distinguished panel for the Ervin Committee in the other body, it is stated:

> In the considered judgment of this Panel, the sound approach to balance in the American Constitutional system lies in strengthening Congress and not in weakening the Presidency.

Those are wise words, my friends, and we should heed them—especially at this moment in history.

What they tell us is, that one does not redress whatever imbalance presently exists as between the Congress and the Presidency by tearing the latter down to the former's size.

Until we, here in the Congress, have equipped ourselves through further reforms of our organizational structure, or operational style, or by added staff, we—quite purely and simply—are incapable of undertaking the broad review of executive branch performance and policy which is most needed.

Until we acquire such a capacity—if we ever do—both we in the Congress and whoever occupies the White House will need an OMB, or something like it, sufficiently funded and adequately staffed to carry out its most necessary budgetary and management functions.

I most urgently hope, therefore, that we will not yield to the temper of the times—as my New York colleague will propose—by removing both from the President and ourselves, let alone the Nation, a certain institutional capacity that, is for the moment, irreplaceable.

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

Mr. ROBISON of New York. I yield to the gentleman from California.

Mr. VEYSEY. I thank my colleague from New York for yielding.

Mr. Chairman, I am particularly heartened by the gentleman's closing remarks that the imbalance between Congress and the executive branch cannot appropriately be redressed by tearing down the executive branch. Rather we must build our own capability in the legislative branch to cope with the problems in America today.

Mr. Chairman, I should like to take just a moment to express both to the distinguished chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED), and to the ranking minority member, the gentleman from New York (Mr. ROBISON), my appreciation as a new member of the subcommittee for the rather delightful experience that I have had in working with both of them this year in bringing out this bill.

I do support this bill, although it does not have all of the changes in it that I might like to see. I think it is a good effort to make an adequate appropriation to provide the means to run our Government and at the same time is fiscally responsible.

I congratulate the Subcommittee on Treasury, Postal Service and the members of the committee for coming forth with such a bill. Our chairman has at all times been mild-tempered and very generous with all members of the committee, and I have particularly enjoyed working with him.

I want to say a particular word of commendation about my good friend, the gentleman from New York (Mr. ROBISON), who will be retiring, much to our sadness, this year. Thus, he is in a sense completing a cycle here, this being the last windup of this particular appropriation subcommittee. He has done a marvelous job and has made an outstanding contribution to this House over the years, and in this year particularly we have under him on the committee really learned to appreciate the magnitude of his contribution and the depth of his approach to the problem. I thank the gentleman very much for his contribution.

Mr. ROBISON of New York. I thank the gentleman for his very kind remarks.

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

Mr. ROBISON of New York. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

At this point, Mr. Chairman, I will not go into a long discussion as to the Office of Management of Budget. We start off on a sadder chord, and that is to note that the gentleman in the well, Mr. ROBISON, is making his last presentation on the basic Treasury, Post Office appropriation bill as its ranking minority member, having announced his retirement. I, although sitting on the other side of the aisle, regret his intention to retire. I was hoping that the people of his district would have by acclamation asked him to stay on to continue the great work he has been doing for his district and the State of New York, not only on this committee but also as a member of the Committee on Public Works. The gentlemen in the well has always been a gracious and outstanding opponent. When we do get to the amendment process, I will try to answer his points as far as the Office of Management and Budget is concerned. At that time we will have a full discussion as to the merits of their past action.

At this time I do join all of my colleagues in wishing my colleague, the gentleman from New York, well. We wish both him and his wife well and long years of good, healthy retirement.

Mr. ROBISON of New York. Mr. Chairman, I can only say that I am grateful to my colleague for his comments and look forward to his contributions later on in the debate when the bill is read for amendment.

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

Mr. ROBISON of New York. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

Mr. Chairman, I just want to say to my distinguished colleague from New York that I join with my colleagues in what has been said about our distinguished colleague in regret of his decision to leave the Congress in which he has made a monumental record.

I think the gentleman is on everyone's list as one of the good guys, of which there are so many in this body. I certainly want to express my best wishes for the gentleman in his future plans, and I want him to know that as a Member of this House who is not a member of the gentleman's particular committee or committee activity, I have always profoundly appreciated the gentleman's counsel and his judgment and his solid thinking and participation in the processes of legislation.

Mr. ROBISON of New York. That is a beautiful thought.

I hope the gentleman will vote with me later on this afternoon.

FUNDING POSTAL SERVICE CORPORATION

Mr. Chairman, another issue—though one of less consequence, I believe, for reasons I will explain in a moment—over which we will have some extended debate, is the $1,550,000,000 appropriation recommended in our bill as the fiscal year 1975 payment to the so-called Postal Service fund.

As is indicated on page 17 of our report, this represents a $2,607,000 reduction from the request, which included—in accordance, let it be noted, with the general provisions of the Postal Reorganization Act, and over which we really have little control—these three major items: $920 million for so-called public-service costs, plus $571,465,000, identified as "revenue-foregone" on free and reduced-rate mail, and the third item $61,151,000, for so-called transitional expenses.

Now, I was—and I remain—an advocate of "postal reform" and despite substantial disappointment over the way matters have worked out for the Postal Service Corporation to date, I am not yet ready to give up on the concept.

Nevertheless, the real difficulties the PSC has had in getting going, the labor problems it has had along the way, the monumental management tasks that still

challenge it—and the frequent mistakes it may have made in the way of trying to surmount that challenge—plus the fact that inflation has had its impact here, on this wide-ranging operation which requires something like 675,000 employees, a fact that, in turn, means that about 85 percent of every dollar it spends goes for wages and salaries, that add up to about $400 million every 2 weeks, all this, along with the perennial public and congressional complaints about the quality of the mail service, has emboldened the original opponents of postal reform to seek, and gain, some recruits to their ranks.

Thus, Mr. Chairman, I am not optimistic about the future of the current arrangement; not optimistic; that is, unless the Congress is willing to consider the alternative objectively, warts and all so to speak, that alternative being simply to go back to a congressionally managed—or mismanaged—politically oriented, Post Office Department, or something like it.

A future Congress may decide to do just that, though I have to say I believe such a retrogression would be a serious mistake.

Now, I know full well that, as we move along here today, we on the subcommittee are again going to hear all about how bad the mail service is, about how unresponsive to congressional inquiries and complaints the Service is—and it has been unresponsive at times—and we are surely going to hear again about the supposed $30 million that was spent on the Service's new headquarters, here in Washington, including the "hand-carved walnut doors" installed in the Postmaster General's office, the expensive carpet on his floor, and his remote-controlled draperies.

I would agree that much of those latter expenses were unnecessary, and unfortunate—but I do not know what we can do about it now. In the same fashion, I would join the critics in being critical about some of the high salaries being paid some of the top-level people in the Service's headquarters, and about their tendency to over-manage out in the field despite all the fine talk, some years back, about how the individual postmaster was going to have a chance to run his own show and, if he ran it well, to anticipate appropriate advancements in pay or even in location. But, surely, by now the Postmaster General, and his top people, are well aware of these kinds of criticism—just as they now know, and admit, that a couple of years ago, caught in a bind between escalating operating expenses and a desire to hold costs and, thus, postal rates down, they cut costs back so severely as to sharply reduce the quality of service.

That latter mistake has been largely corrected—and I, for one, despite what my colleagues may say in this election-year when it is tempting to tilt at each and every unpopular "windmill" in sight, do not think our mail service is presently all that bad as it, here this afternoon, will be pictured. Of course, it could be better—what, in the way of governmental service ranging all the way from local trash collections to the services a Congressman provides his constituents, today, couldn't be improved?

So, I see this matter—as I see so many others, Mr. Chairman—as a relative thing; and I think back over the years to way before we had a Postal Service Corporation to complain about, and I remember well the constant complaints into my congressional office about mail service, then, even as now.

But, the question is: What are we going to do about it?

Will we, for instance, get better mail service by cutting back on our subcommittee's recommendation for the payment into the Postal Service fund?

Will it help save postal jobs for our mail clerks and letter carriers by cutting back on that payment to this corporation that had—at the time of our hearings in April, and the picture is probably even worse now—in "liquid" assets, as I understood it, only about a cushion of $120 million, while facing, at the same time, that payroll every 2 weeks of about $400 million? A corporation that is also now using its borrowing authority for operating expenses—and, in the words of its head, the Postmaster General, is "in damned poor shape"?

The answers are so obvious I will not even offer them.

And the further answer is, that the only result of denying the corporation the payments we recommend to it—or of substantially cutting them back out of displeasure or pique—is to hasten the day when we bring this whole operation, for better or for worse, crashing down upon our own heads, as well as on the heads of both business and public that have to depend on it for the essential handling of our mail.

That is no kind of an answer, my friends, unless you are so dead-set against that concept of "postal reform" that you do not now care what happens; which is about how you would have to feel since it is obvious, if the corporation now falls victim to our hands, we have given no thought whatsoever to whatever kind of machinery or institution we might then have to put in its place. I say our economy is in enough trouble as it now is, without giving it this potential added uncertainty and burden to struggle with.

What should we do, then?

The only true answer is, to approve this recommendation—to keep the corporation in business—and, then, to cooperate with my friend add colleague from New York (Mr. HANLEY), in his just-announced plan to hold some oversight hearings into this whole question of mail service and postal reform, in his Postal Service Subcommittee of the Post Office and Civil Service Committee, beginning on July 9.

So, Mr. Chairman, I would say to my colleagues who wish to throw stones in the direction of either postal-reform or the Postmaster General, do not throw them at us—we are the wrong targets—save them up, instead, and deliver them on Mr. HANLEY's subcommittee's doorstep in a couple of weeks.

That is the honest way—that is the responsible way—to represent your constituents, and do your thing for the kind of mail service, however it is organized and managed, you believe they want and deserve.

THE EXECUTIVE OFFICE OF THE PRESIDENT

Mr. Chairman, I do not know whether or not I am addressing these specific problem areas in this bill in the proper descending order of concern, since that is something I shall only find out later on.

However, in this "Year of Watergate," one has to presume that any budgetary request presented by this particular President for his own, institutional purposes, may well come under some fire.

I have already addressed myself, at length, to the OMB budget-level problem—which is part and parcel, in some fashion, of my concern in this regard.

However, it is an unfortunate fact—something I am sure Mr. STEED regrets as much as do I—that many of the items this bill normally carries, for the Executive Office of the President, had to be tailored by us this year to fit the problem, presented last year, of a lack of specific authorization for them. Earlier this afternoon, a bill designed to fill this technical legislative "gap" was considered by the House—a bill which we ought to have had far earlier than this date but one which, whatever one thinks of its provisions, will make this subcommittee's job next year easier than it has been of late.

As Mr. STEED has explained, through one of those quirks of fate, especially in this year of all times, we had authorization problems for the White House Office "Salaries and expenses" account, of all things, as well as for that budget request to provide the Vice President with an essential executive branch staff—an item about which I believe no one has any real question which, as reference to the bill and report will show, is called "Special Assistance to the President."

Inasmuch as these items had been carried in this particular annual appropriation bill for a number of years—much longer than that, in fact, for the White House Office "Salaries and expenses" item—we felt it incumbent upon us to try to, somehow, include that in our bill, again this year. Indeed, we felt that to do otherwise would seem to indicate to some—no matter how otherwise ran the intention—that the House was taking punitive action against this particular President, already in deep trouble, because it could not get at him, as yet, in other ways.

This is why, as my chairman has explained, we sought and obtained a rule waiving the points of order that might otherwise lie against House consideration, today, of these two items. This is an action neither of us particularly liked—but we saw no better way to resolve what was a sticky situation.

As I have just said, I believe the Vice President's staff allowance—under that title of "Special Assistance to the President"—is in no trouble.

However, the same cannot be said with equal assurance as to the White House Office "Salaries and expenses" item that may later come under fire.

Here, I think I can leave a good share of the burden for defending our subcom-

mittee's recommendation upon my good friend, our chairman, for he feels very strongly as he has—or will—indicate about what he calls the principle of "comity" between the Presidency—as an institution, and not just this particular President—and the Congress. I would argue, just as he has—or will—that in the same fashion, we would most strenuously, and rightfully, complain if any President vetoed one of our legislative appropriations bills, or sought to impound any of the moneys we felt needed for our staffing purposes, either for our individual use as Congressmen or for committee purposes, we should not, unless matters got wholly out of hand, deny any President whatever numbers of people he felt he needed, and the moneys he felt needed to support them, to assist him in the carrying out of his tremendously heavy duties and responsibilities.

Thus, in our bill, we have allowed the full budget—or Presidential—request for White House Office "Salaries and expenses," including 30 additional positions, which would bring the authorized total White House staff level, in fiscal year 1975, to 540 permanent positions.

I am not, here, going to indulge in a re-hash of some of the discussions on this matter that preceded our bill here to the floor, this afternoon. I am content, rather, to let the matter rest as it is, and to join my chairman, if need be, in trying to defeat any amendments as may be offered to this item.

Of course, there are a lot of people working in, or for, the White House. But, given the constituency the President has today as compared to our constituencies; given the massive burden of the Presidency, today, even if there were no "Watergate" for the present incumbent to worry about, and given that principle of "comity," who is to say these are too many people?

Ours is, as I have already noted, a system designed on the concept of a separation of powers—and I suggest that, however great the provocation, we forget, or trespass upon, that concept only at the peril of the system, itself.

It is true, of course, that the size of the White House—and the Presidency—if measurable in such terms as the numbers of staff assistants, or the overall dollar cost of its internal operations, has grown substantially, even markedly, in recent years.

There is nothing unusual about that fact—since everything else, throughout the whole Federal Establishment grew, comparatively, in the same time frame. It might be helpful, however, to look at one specific comparison.

As the bill and report shows, we have allowed the full $16.3 million asked for, this coming year, for White House salaries and expenses. This will support 540 permanent employees. The average GS grade of these people will be 7.8. The average GS salary will be $12,470.

Now, if you would take a look at the legislative Appropriation bill this House passed on April 4, of this year, you would find—on page 8 of the report for details a compilation of the salaries and expenses we allowed for the various officers of this House, including the Clerk, Sergeant at Arms, Doorkeeper, Postmaster, Chaplain, Parliamentarian, Reporters, Democratic Steering Committee, Republican Conference, and so on. The total we appropriated for these House offices, alone, which is over and beyond what we allowed ourselves for our own individual staff and its costs, was $16.5 million—about $200,000 over what the President, with all his problems and needs, is asking for the White House Office.

Again, I ask: Has our committee allowed too much—and approved too many people?

I think the answer ought to be obvious, but—in this "Year of Watergate"—who knows what Congress will do, even though I, for one, and certainly as one who is no apologist for "Watergate," believe the seeds which grew to Watergate were planted many years, and many administrations ago and that, in many ways, Watergate was a product of a system which shaped and guided the behavior of its participants. Let us hope that the good which can—and, I believe will—come from Watergate will be its effect in changing that system, for the future, and in changing the attitude and philosophies of future Presidents, as well as of the American people they will serve, in such a way as to prevent another distortion of that system of the sort we now strive to deal with through the unhappy process of impeachment.

I do not precisely know—nor do I see any more clearly than I can presently foresee the outcome of the impeachment attempt—how this necessary change in attitude and philosophies towards the Presidency will come about. We know, for sure, only that we stand on shifting political sands—but we can draw, or redraw, wisdom for our future guidance from such words as these, written by James Madison in "The Federalist":

> In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

We can contribute, here in the Congress, to that governmental self-control by moving, wisely and responsibly as I have suggested, to redress certain imbalances that have developed vis-a-vis the Congress and the Presidency; through building up our own, internal capacity to better manage our half of what ought, essentially, to be a "partnership" governmental arrangement with the Presidency and, finally, through eternal vigilance of the sort that will, though there is no "fail-safe" mechanism, help insure that the checks and balances built into our system will continue to work as intended.

In that formula, you will note, there is no mention of and no room for intemperate, or punitive action against the President now in office, nor against the Presidency.

The size of the Presidential staff is not the problem, then.

And, just to wrap up these remarks, if one wishes to be objective about it this year's White House request for just 30 more people—to that new total of 540 slots—is not unreasonable. Further, an objective look back through the budgetary pages in recent years will show that there has not, in fact, been that "huge increase" in White House staff that some, earlier today, complained about. For, as we were told on our subcommittee by Caspar Weinberger, when testifying as OMB Director then on the fiscal year 1973 budget, in fiscal year 1970, at the beginning of the current administration, he found 273 people detailed from other agencies working at the White House. Those 273 people, when combined with the people then on the "regular" roll at the White House plus those others paid out of the then "special projects fund"—which we have since eliminated—made the actual, total White House staff back then 574 people. By comparison, again, in the current fiscal year, the White House has an authorized 510 people—the same number as in fiscal year 1971—and in the next fiscal year will have, by our recommendation 540; and, though there are still, and always will be, some "detailed" people there from other agencies, that problem seems to be under proper control and within reasonable bounds.

So, I believe the committee's position is responsible, Mr. Chairman, and deserving of support.

Two small items for final comment under this heading:

We have, as the report shows, eliminated a small request for continuing an effort called "Expenses of management improvement" that has been in the bill in past years. This, basically, is an offshoot of what we feel OMB should be doing—and probably can do—on the "management" side of its house; however, by melding this work into its other duties, one could say, I suppose, that we have further "cut" the OMB request by the $500,000 requested for this type of study.

Finally, because of a lack of authorization, we have struck from our bill—though without prejudice—the usual $1 million requested as an "Emergency fund for the President." This is, I believe, an essential, catch-all, contingency fund the Presidency ought to have—to meet true emergency needs—and I hope the other body will include the item in its companion bill so we can agree to it, in conference.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, during the course of the consideration of this bill it is my intention to offer an amendment to add a new section to the bill which will prohibit the General Services Administration from spending moneys to provide what they call a Fednet organization. The GSA is attempting to spend a substantial amount to acquire five new computer systems. Four of these computer systems are for the Department of Agriculture and one is for GSA. The end results will be, as I understand it, that they will also have optional systems in which the GSA will also acquire an additional four units.

The project is being financed by the General Services Administration revolving computer fund. Therefore, GSA contends that it does not need congressional authorization to begin procurement procedures. GSA places the cost of the five

units at $24 million. But there are others who disagree and feel that this program cannot be completed until more than $100 million are spent by the Government of the United States.

GSA has already published its specifications and is seeking bids on the computer systems. The specification design is based on modular expandability so that the system can be added into at a later date. There are to be 3,000 remote terminals scattered across the county that will connect into the system.

The computers can be used by other Government agencies on a shared time basis. At the subcommittee hearings GSA representatives stated that they had not contacted any other agencies concerning use of the computers. However, we have a letter written to a Senator of the United States which clearly indicates that this is not the case.

The shared time use of computers by many Government agencies opens up the specter of a national data bank. GSA admits they have not studied this problem and that they do not really know what the ultimate consequences of such a system would be. However, GSA's Mr. Sampson contends that the system is safe because the Administrator would control all data and be in control of all computers.

As one looks into this matter one finds that the Office of Management and Budget has already requested the General Services Administration to suspend its plans for Fednet because the proposed computers will not meet the needs of Agriculture, will not be economical, and could result in the invasion of privacy. Also, the Vice President of the United States and the Office of Telecommunications have written GSA opposing further implementation of the programs on the basis of possible invasion of privacy. At the subcommittee hearing Mr. Sampson stated that he was suspending implementation of the program pending an evaluation of the privacy question.

In other words, he promised the committee that nothing would be done until such time as the Congress of the United States had more time to study this legislation; but nevertheless, it appears now that GSA has already gone ahead with this particular program. They have already granted USDA 570 new terminals. They have already decided to even consider an increase to 4,000 new terminals.

It seems to me that if such agency promises a committee that they will not go ahead with any particular program until such time as the Congress has time to study it, that that Agency of the Government should definitely not go on with their program until the Congress has in fact had an opportunity to study the situation and then made the proper recommendation. If this bypass of Congress is permitted, it is quite possible that the General Services Administration will not only continue to ignore the committee but in the future be dictating to the Congress of the United States. Once we permit this to start, it will continue to go on. That is the reason why I believe that my amendment should be adopted and that we prohibit the General Services Administration from spending any funds for this system called Fednet until such time as this Congress has the opportunity to make a thorough study of it and make a proper recommendation.

Mr. STEED. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in support of the Treasury-Postal Service appropriations bill. I believe the bill as brought to the floor by the subcommittee chairman, the gentleman from Oklahoma (Mr. STEED), and the ranking Republican member, the gentleman from New York (Mr. ROBISON), is generally an excellent bill, one in which exhaustive effort was taken to assure not only that the bill contains little, if any fat, but also to assure that great attention was given to basic priorities.

As a member of the subcommittee, I would like to pay particular tribute to Mr. Gunnels and other members of the staff of the Appropriations Subcommittee their diligence and help so that the committee could work its will.

And I would like to again express my professional and my personal appreciation to the gentleman from New York (Mr. ROBISON), not only for his work on this bill, but for the many years of outstanding service he has rendered to the committee, the Congress, and to the Nation.

As far as I am concerned, there is not a more dedicated, unselfish or respected Member of Congress than the gentleman from New York, HOWARD ROBISON, with whom those of us on the committee have been lucky enough to have been associated.

He has always demonstrated remarkable graciousness, even under the most trying circumstances and his retirement at the end of this session will be a most grevious loss to all of us.

Mr. Chairman, the bill as it now stands totals $5.5 billion, some $69 million less than the total asked for by the administration. In some cases we have appropriated greater sums for certain activities; in other areas we have cut the administration's request. In some cases, I believe we should have cut more than we did, and I expect amendments to be offered on the floor—which I will support—to rectify those specific budget figures.

Additionally, I believe the committee cut as to the Office of Management and Budget was insufficient. I would recommend to you for your information my supplementary views in the committee report. When time comes later, I shall offer an amendment to cut the OMB budget to $16 million. I shall have more to say on that particular subject at the appropriate time.

I commend the customs service for its great service to this Nation, and all the dedicated men and women of the service whose untiring efforts have been a tremendous deterent to the smuggling in of drugs and other contraband while being a helping hand to the thousands of visitors and others entering our many ports and airports and crossing our borders. I believe that OMB is doing a disservice to the Nation and the dedicated and efficient men and women of customs when it attempts to downgrade and reduce its activities.

Mr. Chairman, I am in full agreement with the committee report, which is strongly critical of the Postal Service for its attempt to build empires within the service and for providing, basically, slow and unreliable mail service.

In addition, I support the committee position to disallow an increase in staff positions—1,356 of them—for the Treasury Department. I further support the increase of Secret Service funds by $7.4 million to allow for the security protection for the immediate family of the Vice President. Mr. Chairman, if hours of work alone would insure good legislation, we would have a near-perfect bill. As it is, with all its multitudinous features, I recommend the bill to the House enthusiastically.

Mr. STEED. Mr. Chairman, this is a very happy time to go to the consideration of this legislation. It represents many weeks of hard work. I just want to wind up the general debate by saying that I personally appreciate the fine cooperation I got from all the members of the subcommittee. Many fine contributions were made by all members of the committee. I have never worked with a more dedicated and competent group. Our staff has been very good. They have had to go through a lot of very difficult situations and they have handled them with great efficiency. I appreciate their work.

I think I can assure the membership that this is one of the most sincere and well-recommended pieces of legislation I have ever had any connection with.

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

Mr. STEED. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I just wish to congratulate the gentleman for the outstanding job he has done here today, as he has done on every other committee he has served on.

Mr. STEED. I thank the gentleman.

Mr. LEGGETT. Mr. Chairman, both Pickle amendments should pass unanimously.

The President of the United States has complete control over all members of the Cabinet and over all their principal subordinates. He can hire and fire them at will. It is through these men and women that the Government can most logically and most effectively be administered.

While it is reasonable for a President to have a small number of personal advisers upon whom he can call, the present administration has taken this practice entirely out of hand.

We have seen John Ehrlichman and H. R. Haldeman given power far exceeding that of the entire Cabinet combined. The point I make is not that these men did a miserable job—which they did—but that they were not subject to Senate confirmation, and by application of the dubious principle of executive privilege they were able to immunize themselves from congressional examination. Had they been forced to undergo Senate confirmation, it might well have been that the

Senate would have questioned the qualifications of a former soap salesman and proven crooked campaign manager to dictate domestic policy for the Nation.

A President simply does not need and should not have so many high paid, high-powered assistants free of responsibility to anyone but the President. The first Pickle amendment would reduce the number of superhigh salaried White House staff members from 65 to 40. In my view, 20 might be more appropriate, but the Pickle amendment is a step in the right direction.

The second amendment is even more desirable. We have seen the White House hire a bunch of thugs and screwballs, most of whom did not even have security clearances, and set them to work committing wholesale violations of the laws and the Constitution in the name of national security considerations supposedly too supersecret for the FBI or CIA to handle. No doubt Gordon Liddy, Howard Hunt, and Filepe Di Diego would have claimed executive privilege had they been called before a congressional committee before their arrest stripped them of respectability.

Our only hope of preventing similar abuses in the future is to provide the American people with explicit information on who is working in the White House, how much he is paid, and what he is paid for. Security against Presidential abuses should not have to depend on the curiosity of a Woodward or Bernstein.

Mr. DULSKI. Mr. Chairman, I will support the amendment offered by the gentleman from New York (Mr. ADDABBO), and want to associate myself with the position taken by the gentleman from Oklahoma (Mr. STEED) and other members of the Committee on Appropriations.

This is truly an incredible situation, where the Congress has to write into law a clarification already in the law, after several authoritative personal reminders of the limitations on powers granted to OMB. I cannot recall a more blatant, arrogant assumption of omnipotence by an executive agency—and we have witnessed quite a few striking examples in recent years.

The lack of justification for the proposed transferral of functions from Customs to INS is graphically illustrated by the announcement of a 38.2 percent increase in Customs Service drug seizures in the past fiscal year. This is attributed to a number of factors resulting in improved operations by Customs, but, capable as it is in its work, INS is not designed or equipped to produce the same record.

At this point, I would like to share with you the contents of a letter I sent to Director Ash on June 12, 1974. So far, I have not had the courtesy of an acknowledgment:

JUNE 12, 1974.

Mr. ROY L. ASH,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. ASH: It has been brought to my attention that your Office of Management and Budget has decided that it is no longer important to control drug smuggling along our borders. As a result of this decision, it has directed the Customs Service to cease its operations in this area.

You must be aware of the effective job that has been done and is being done by the Customs Service along the Mexican Border in halting the smuggling of drugs into the United States. Therefore, it is very difficult for me to comprehend the reasoning for this action.

I am astounded that your Office would assume the prerogative of making such a decision and I would be interested in knowing what "experts" in OMB, in the field of narcotics enforcement, would recommend such action.

I urge you, in the strongest appeal possible, to reconsider this directive and negate any move that has been made or is being contemplated to halt drug smuggling along the Mexican border. Our country can ill afford to relax any controls now in effect to curb the narcotics traffic.

Sincerely yours,

T. J. DULSKI.

The Customs Service's increasing success in combatting drug smuggling is most important to our overall fight against crime. But there is an even deeper and more crucial point at issue here.

Who is writing the laws, Congress or the Office of Management and Budget? When the laws are duly enacted, are they going to be insolently disregarded at the whim of an officer of the executive branch?

It appears to me that Mr. Ash and his minions have already carved out their fiefdom, and are working on establishing an entire kingdom.

Congress has lately had a hard time regaining the constitutional controls that we permitted to slip away over the years. We had better continue to hold the line on responsibility and duties.

Mr. ALEXANDER. Mr. Chairman, as I have noted during this series of discussions on appropriations bills, we are finding it difficult to determine just where much of the money which the Congress appropriates is spent in terms of metropolitan and nonmetropolitan areas. Such data in relation to this bill is particularly difficult to come by.

There are two programs for which a breakdown has been developed and two agencies which I feel compelled to comment upon.

First, the programs for comment. I would begin with the U.S. Postal Service for which we are asked by the committee to approve the spending of $1,550 million of the taxpayers' money. The information we need to determine how much of this money can be expected to benefit nonmetropolitan counties is not available.

However, we have noticed an increasing tendency in the U.S. Postal Service to centralize its operations in large cities and a corresponding tendency to help pay for these expenditures for buildings and equipment through reductions of manpower and services needed in the countryside.

What is needed here is a single-purpose effort by friends of the countryside directed at determining the nature of the impact of United Postal Service policy on efforts to proceed with implementation of the congressionally mandated national growth policy.

The second program on which I would comment is the appropriation for the operation of the Office of Management and Budget in the Executive Office of the President. It is as important to the executive branch as it is to the Congress to have a capability for managing its affairs and for budgeting its resources. OMB handles these chores for the President and is directly answerable to the President.

It seems reasonable to assume, in view of that, that OMB's actions reflect clearly the President's priorities. According to the President's messages to the Congress as far back as 1970 rural America was to get special attention. In his 1970 state of the Union address, Mr. Nixon said:

We will carry our concern for the quality of life in America to the farm as well as to the suburb, to the village as well as the city. What rural America needs most is a new kind of assistance. It needs to be dealt with not as a separate nation but as a part of an over-all growth policy for all America. We must create a new rural environment that will not only stem the migration to urban centers, but reverse it . . .

In view of the actions of OMB in impounding funds for rural development and restricting the flexibility with which various departments may operate their programs to the benefit of the countryside, it would seem clear that there is a vast gulf between Presidential promise and Presidential performance.

The programs for which we have been able to develop some analysis are in the Civil Service Commission, employees health benefits and retirement and disability fund, and in the Department of the Treasury, general revenue sharing.

The chart below is developed in the same manner that the ones which I have used in connection with bills which we have dealt with earlier this month. The estimated amount which will be spent in nonmetropolitan counties from these appropriations is based on the percentage spent in nonmetropolitan areas in fiscal year 1973. It is recognized that in the case of expenditures relating to employees who have retired the CSC has, as is proper, no control over where the recipients of the program benefits reside:

[Figures are given in millions]

Program	1975 committee recommendation	1975 amount for nonmetropolitan areas	1974 appropriations	Percentage of fiscal year 1973 outlays going to nonmetropolitan areas
Civil Service Commission:				
Employees health benefits	$264.8	$0.26	$163.1	0.1
Retirement and disability fund	882.3	221.45	881.9	25.1
Department of the Treasury: General revenue [1] sharing	6,204.8	1,396.0	6,054.8	22.5

[1] This money is not a direct appropriation under this bill but is available to the department under the "permanent" appropriation law which does not require annual congressional action.

Mr. VEYSEY. Mr. Chairman, I rise in strong opposition to the efforts to defeat this rule on the Treasury, Postal Service, and General Government appropriations for fiscal year 1975.

As a member of the subcommittee, I know of the many hours of hearings and the hard work put in by the staff and members to report this important measure.

The House should do all possible to act on all appropriation measures before the end of each fiscal year. However, because of certain circumstances, including the lack of time, we have been unable to do so. The move to defeat the rule and to add further to the problems of passing appropriations bill before the end of the year, is totally irresponsible. There is absolutely no reason why the House should not be able to debate the issue, make the changes it desires, and then reject or approve the appropriations.

But to not debate the issue is, in my mind, a very serious error and I would implore my colleagues to support this rule.

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles; and not to exceed $7,500 for official reception and representation expenses; $21,600,000, of which not to exceed $100,000 shall be available for services as authorized by 5 U.S.C. 3109.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order to the language to be found on page 2, lines 7 and 8, which read as follows: "And not to exceed $7,500 for official reception and representation expenses;"

Mr. Chairman, I make the point of order that this legislation is not authorized by law.

The CHAIRMAN. The gentleman from Iowa (Mr. GROSS) makes the point of order against certain language on page 2, lines 7 and 8, on the basis that the amount of money is not authorized by law.

Mr. STEED. Mr. Chairman, this language has been in the Treasury Department bill for many, many years. I can assure the Members that the uses made of it have always been in the public interest, but there is no authorizing legislation and we concede the point of order.

The CHAIRMAN (Mr. SISK). The gentleman from Oklahoma concedes the point of order.

The point of order is sustained.

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

The CHAIRMAN. Evidently a quorum is not present. The Chair announces that he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The committee will resume its business.

The Clerk will read.

The Clerk read as follows:

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $40,000,000.

AMENDMENTS OFFERED BY MR. SYMMS

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

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. SYMMS: On page 4, line 21, strike the figure $40,000,000 and insert the figure $37,087,000.

On page 5, line 6, strike the figure $705,000,000 and insert the figure $610,683,000.

On page 5, line 14, strike the figure $780,000,000 and insert the figure $664,430,000.

Mr. SYMMS. Mr. Chairman, poverty is a contagious disease, and it is carried by the Internal Revenue Service.

Last year the IRS received $1,312,200,000 to run their operations. This year they are going to get $1,525,000,000. I am advocating that we hold this appropriation down to the same level that it was last year, $1,312,200,000.

All of us here, from both sides of the aisle, recognize that the Congress spends all the money it can get its hands on, and then a little bit more, and we have done this consistently for the past 42 years. I think because of the unnecessary harrassment that the American people are getting from the IRS that it certainly would be in the spirit of '76 trying to do something for our constituents, the taxpayers, to cut down on the number of people who are being harrassed unnecessarily by the IRS, and that this would be one way to do it. This would eliminate the expansion of this bureaucracy that certainly is an unpopular one with the American people. Not only that, Mr. Chairman, but 98 percent of the American people are paying their taxes.

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

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

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman offering this amendment. I think it gives us a chance to point out to the House that that part of the responsibility of the IRS to administer those sections of the Wage and Price Control Act have now been terminated. Therefore the gentleman's position is correct; there really is no sense in increasing the appropriation of the IRS. I think, as a matter of fact, there are probably reasons to decrease the appropriation, but I think at least the gentleman is trying to keep the funding for IRS at the same level, and he is to be complimented on his amendment.

Mr. SYMMS. I thank the gentleman for his comments.

Last year the Internal Revenue Service had the additional burden of operating and enforcing the Cost of Living Council with the Wage and Price Control Board. This year they do not have that, so they have many more bureaucrats free to audit. This is why I think it should be called the taxpayers' amendment. It is certainly one that should receive just and fair consideration by the Members of this body.

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

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

Mr. VANIK. I thank the gentleman for yielding.

What the Internal Revenue Service does is create revenue which is needed to run the country. One of the great problems we have today is that too many people are dodging their obligations. I think it is foolish to withhold the expenditure of funds by an agency which is providing the lifeblood of the economy. I want to point out that most of the problems of avoidance and evasion are not in the low-income brackets; they are in the higher levels of income. I think all we have to do is concentrate the auditing on those higher brackets.

It is imperative that the Internal Revenue Service have the funds, the personnel, and the determination to follow through with proper audits to insure the integrity of our voluntary tax system.

Mr. SYMMS. I thank the gentleman for his contribution. However, I would disagree with him. One of the problems we have in this country is that there is too much money in the hands of the Government; 44 cents of every dollar earned in the United States of America is paid to some form of government, either the Federal Government, State government, or local government—44 percent of our dollars. The question comes up that we need more and more money to run the Government. That is not the problem. We have too much money already in the hands of the Government. The government creates so many problems for themselves, because of all the money they have—and I might add they are confiscating private property daily from hard-working American citizens.

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

Mr. SYMMS. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

I want to congratulate the gentleman for offering these amendments. We always hear that this is not the place to cut, that for some reason or another this department or some other department is not the place to cut. Now we hear that it is the Internal Revenue Service that brings in the money. I say to the gentleman I agree with him we have got to

start somewhere, and the gentleman has been trying to start for a long time. This is as good a place as any to start cutting.

Mr. SYMMS. I thank the gentleman for his comments.

I will just say there will not be one single constituent who will complain to my colleagues who vote to cut the expenditure of the IRS.

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

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

Mr. HUBER. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from Idaho. The taxpayer is presumed guilty until he proves himself innocent. I think it is about time somebody spoke out on this matter.

Mr. Chairman, I just received a letter today from a small business in my community who is going through this harassment. They are just trying very hard to stay alive in a two-man operation. They are presumed guilty until they prove themselves innocent. I resent this. I think it is time somebody spoke out, and I commend the gentleman from Idaho for his position.

Mr. SYMMS. I thank the gentleman for his comments.

Mr. Chairman, I will just say that my social security number is 518–46–563. I will welcome having the IRS come and look at me, if they do not appreciate my efforts on their behalf today.

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

Mr. Chairman, it is hard for me to believe that any Member of the House would seriously consider supporting this amendment if he really knew the whole story about the Internal Revenue Service. I know tax laws are aggravating and a burden, but I remind the Members that Congress passes tax laws, the IRS does not do it. They are only charged with enforcing the tax laws we pass. This is where the revenue comes from.

If this amendment prevails, I can assure the Members that there will be several billion dollars of collectable taxes that will not be collected. There will be a lot of taxes that are not paid this year. The only people that will benefit from this amendment are people who evade the payment of taxes. Most Americans pay their taxes, and they are entitled to believe that the government will see to it that tax-evaders are no longer able to do so.

The proper designation for these amendments is not taxpayer amendments; these are tax-evader amendments, because they are the only ones who will benefit if we pass these amendments.

Mr. Chairman, I cannot understand why anybody would not want the Internal Revenue Service to have the money and the manpower it has to have to do these missions heaped upon them by the Congress. The backlog and the workload they have now heaped on them is astronomical. Even with the money we have allowed they are under a very tight budget.

I finally want to say if we adopt these proposals we have not left the Internal Revenue where they are this fiscal year because the same amount of money means they will have a great deal less next year because there have been manly increases in their operating costs. Wages and other costs they have no control over have gone up. So the same amount of money does not leave them in the same position they were in. What we will be doing here is denying the Internal Revenue Service the opportunity to do the extra work heaped on them and actually they will have to quit doing some of the work they have done.

Mr. Chairman, I urge defeat of this amendment.

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

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

Mr. SYMMS. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred and three of which seventy-eight shall be for replacement only, for police-type use) and hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $780,000,000.

AMENDMENT OFFERED BY MR. VANIK

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

The Clerk read as follows:

Amendment offered by Mr. VANIK: On page 5, line 14 add the following: "*Provided*, That, no part of any appropriation contained in this Act, shall be available to finance any revenue ruling, ruling letter, or technical advice which is not made available to the general public.

Mr. STEED. Mr. Chairman, I reserve a point of order against the amendment.

Mr. VANIK. Mr. Chairman. I am deeply concerned with the practice of private revenue rulings and letter rulings which are made available to only a few special taxpayers—and usually only very wealthy taxpayers. To twist a phrase, the law, in its majesty, permits both the poor and the rich alike to apply for IRS private rulings. In reality, of course, private rulings seem to fall mostly to the super lawyers.

In 1971, the Internal Revenue Service issued 32,000 binding secret rulings to those wealthy enough to hire expensive tax lawyers to challenge the Internal Revenue Service. The private ruling process could best be described as "let's make a deal."

According to IRS Commissioner Alexander's testimony before the Appropriation Subcommittee, the practice of private rulings and technical advice is growing:

TECHNICAL

The number of requests for rulings in all tax areas has increased by approximately 10 percent per year over the past 3 years. The present inventory of taxpayer requests for rulings is nearly 3,000 and there were about 2,000 precedent rulings, a 3-year backlog, awaiting publication at the beginning of fiscal year 1974.

From within the organization, requests for technical advice have also been increasing. We expect these requests to mount by 15 percent in fiscal year 1975. Since most are related to the larger audit cases, it is absolutely essential that we provide the necessary advice promptly.

Additional resources are also necessary to meet the anticipated substantial growth in our correspondence programs to provide a wider range of easily understood tax publications.

I am not necessarily against revenue rulings. They are necessary. All tax rulings are precedent. They should be available to the public so that all taxpayers are treated equally, so that all taxpayers may have equal access to the tax law—instead of the present practice where only those with the most expensive Washington lawyers know the full range of tax breaks and tax rulings.

In addition, if revenue rulings were made public, we in the Congress would have a better understanding of the tax laws—and the need for tax reform.

The problem of revenue rulings and loss of revenue is extremely serious.

Earlier this year, the 1973 annual report of A.T. & T. came to my attention. On page 34, there was the following statement as part of an explanation of this giant corporation's tax payments:

The company and its telephone subsidiaries are adopting, for income tax purposes for the years after 1970, changes in their method of treating the cost of removal of certain property placed in service prior to 1971. *The Internal Revenue Service, by letter dated January 7, 1974, has indicated its approval of such changes* but such letter is subject to clarification and further interpretation. (emphasis added)

As the company's report went on to state, this letter was worth $270 million.

Mr. Chairman, how would you like to open up your mailbox and find a letter from the IRS to you agreeing that you could have a tax break of over a quarter of a billion dollars?

Mr. Chairman, there is nothing illegal at all in what the IRS and A.T. & T. did. It is perfectly proper—and the company was doing its duty to its stockholders.

What concerns me is that I, as a member of the Ways and Means Committee, the rest of the Congress, and smaller firms who do not have the tax knowledge of a giant like A.T. & T. would have been unaware of this tax decision if it had not been for the annual report of A.T. & T.

I called the company and asked for a copy of the IRS's January 7 letter. The company was most cooperative and sent it over immediately.

I called the IRS and asked for the letter. They refused to give it to me.

I then formally asked the IRS in a letter of April 10, for a copy of their letter to A.T. & T. as well as the background revenue rulings justifying this enormous giveaway of taxpayer revenues.

On June 15, I received the IRS response to my inquiry. The Service's letter took 2 months to reach me. I would like to enter it into the hearing record. As you can see, it could have been written in an hour by a part-time law clerk. In

their response, IRS refuses to provide me with a copy of the $270 million letter. In addition, they refuse to provide copies of some of the comments they received from companies requesting this type of revenue ruling.

Mr. Chairman, because of the IRS's position, it is almost impossible for me to determine whether the IRS has correctly interpreted or administered the tax laws. The entire, extremely complex issue to asset depreciation ranges, depreciation, class lives and salvage values, is being investigated by a number of academic experts. The public interest tax organization, tax analysts and advocates, is conducting an analysis of the Services's ruling.

The conclusion of the studies, which will be available soon, is that in general the regulations and rulings which support the A.T. & T. letter will cost the Treasury about a billion dollars and are being primarily used by certain utilities.

It is generally agreed that the letter to A.T. & T. is consistent with the Federal Register notices of April 22 and June 7, 1972.

They do not agree, however, that there is any sound basis for the Federal Register notices in the law or in the intent of Congress. In other words, these IRS regulations and rulings—which will cost the Treasury a billion dollars—are primarily a giveaway by the bureaucrats of the Internal Revenue Service.

Of course, Mr. Chairman, my committee, my staff, and myself should have had a better understanding of the meaning of the Federal Register regulations when they were first issued. We should have objected then. But we are outstaffed and outmanned. It was only when I read the A.T. & T. annual report that I realized what an enormous giveaway was going on downtown.

The only way that I was even able to discover the giveaway was the openness of A.T. & T.'s annual report. The IRS was no help at all.

I have gone into detail on this case, Mr. Chairman, because it is a dramatic one—the loss of a billion dollars—the loss of $270 million to A.T. & T. alone. Yet it is typical of other cases. We must make these letter rulings open—so that the public and the Congress can know what is going on. So that when the Treasury officials come before the Congress and blame us for the deficits and say they do not know why corporate tax collections are lower than expected, we can point out that the fall off is due to their own giveaways.

Mr. Chairman, I hope the Committee can support my amendment to shed some light on what is happening down at the IRS and to restore the Congress to its constitutional role of leadership in taxation.

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

Mr. VANIK. I yield to the gentleman from Idaho.

Mr. SYMMS. I know the distinguished gentleman is on the Committee on Ways and Means. Does the gentleman not think, instead of trying to put in more and more money in the IRS, we should go back and examine the way our tax laws are written, simplifying the tax laws so that the average citizen might understand his tax form?

Mr. VANIK. I agree that we ought to make the tax forms more simple. When we write tax laws, we are confused by the witnesses trying to get a tax advantage and people seeking a tax break.

Sometimes we get advice from the Treasury Department that is misleading and tends to open up tax loopholes, rather than closing them.

I agree tax reporting ought to be simplified. I ask in my amendment to reduce public expenditure by eliminating the cost of private tax rulings.

I think the gentleman who offered the previous amendment ought to be willing to support this one, which might have saved the Treasury Department a billion dollars and might pay for the added cost of running the Internal Revenue system.

The CHAIRMAN. Does the gentleman from Oklahoma insist on his point of order?

Mr. STEED. Yes. I do so with reluctance, because I am not necessarily opposed to what the gentleman is trying to do, but I am having difficulty in believing it does not constitute legislation on an appropriation bill, because the amendment says none of these funds shall be available to finance any revenue ruling, ruling letter, or technical advice which is not made available to the general public.

We have nine regional offices, over 50 district field offices in the Internal Revenue Service. This would impose new duties on the Internal Revenue Service that they are not now capable of performing. Since this would only apply to their operations for this fiscal year, it seems to me we are dealing here with something that purely would have to have authorizing legislation.

So even though I am all in favor of having done what the gentleman proposes today, I still think this is legislation on an appropriation bill and I insist on the point of order.

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

Mr. VANIK. Yes, Mr. Chairman. I want to simply say in response that this does not impose any new duty on any public official.

As a matter of fact, all the amendment does is prevent public officials from using public resources and public time to render services to private people with private rulings, rather than to the general public. I think that the amendment is definitely in order.

The CHAIRMAN. The Chair is prepared to rule. The Chair, having examined the point of order made by the gentleman from Oklahoma against the amendment offered by the gentleman from Ohio (Mr. VANIK), in analyzing it feels that it is a negative limitation, that it does not seem to impose any additional burden and applies only, of course, to the present act and, therefore, overrules the point of order.

(By unanimous consent Mr. VANIK was allowed to proceed for an additional 1 minute.)

Mr. VANIK. Mr. Chairman, notwithstanding the fact that the Chair has found my amendment in order, I am quite impressed by the statement made to me by the chairman of the subcommittee concerning his intention and the intention of the committee to deal with this question of private rulings.

In light of that statement, I ask unanimous consent to withdraw the amendment.

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

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

When we look at the effect that this amendment would have, I have some very grave misgivings as to the problems it might impose on the Internal Revenue Service.

I think this is the kind of thing that would be much better dealt with in basic legislation. I would gladly support such a bill if it came before the House, because I think that this is an area in which the Service itself would have a much better image if it performed that sort of function.

However, I do not know whether we may be imposing additional manpower requirements on the Service. We are just not in a position here to know because we have had no hearings on it. Even if it is approved and even if it did not cripple the IRS to try to carry out this mandate, it would still only be effective for 1 year. The kind of problem we have here is not something which we can measure on a fiscal year basis. It is something that ought to be in permanent law.

Mr. Chairman, I would urge my colleagues to defeat this amendment, and at the same time tell my friend from Ohio that I would like to work with him to see if we could not somehow bring about some legislation that would really solve this problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $1,600,000.

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

Mr. Chairman, I am intrigued by all of the councils and advisers for which appropriations are made in this bill. Some of them are years old, but how much longer are we going to continue all of these advisers and councils?

Here is the Council on International Economic Policy. What has it accomplished? The funds for it are being increased. $1,376,000 was appropriated for it last year. Recommended in the bill is $1,600,000, which represents an increase of $224,000. For what? For what? What is accomplished by the Council on In-

ternational Economic Policy? We are going the wrong way internationally.

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

Mr. GROSS. I yield to the gentleman from Oklahoma.

Mr. STEED. First, let me inform the gentleman that we do not have all of them in this bill. Altogether, we have something like 41 or 42 commissions in existence right now by act of Congress. Some of them are assigned to other subcommittees and some of them are the type whereby the General Services Administration handles the whole matter. These all have been created by act of Congress.

Mr. GROSS. The committee did knock out the management improvement outfit, which has apparently squandered a lot of money. Then we have the National Commission on Productivity, and productivity is going down by the day in this country.

What benefit does this Commission provide to the general welfare?

Further into the bill we find the Commission on the Review of the National Policy Toward Gambling. What has this outfit contributed to the general welfare? Does it operate for the benefit of the States that legalize gambling? What has this contributed to the common good?

Incidentally, the committee has increased funds for this Commission by $750,000 this year from an appropriation of $250,000 a year ago, or to a total of $1,000,000.

I do not understand why there are all of these expenditures. I would appreciate it if someone would justify any one or all of them. Does anyone care to make a contribution to this issue?

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

Mr. GROSS. Yes; I yield to the gentleman from California.

Mr. ROUSSELOT. Perhaps the gentleman recalls that just the other day we had this Council on International Economic Policy or whatever it is called, and we had quite a discussion on the floor on the issue, which clearly showed that the Council on International Economic Policy does little.

I think the gentleman makes an excellent point. In this case, unfortunately, we just let these agencies go on and on or let the commissions go on and on. Nobody really checks them. Then the Committee on Appropriations comes along and has to take a hard look at them if the authorization committee has not done so, and they are in an awkward position.

I compliment the gentleman from Iowa for raising the issue, and I think we ought to do more about these things.

Mr. GROSS. Mr. Chairman, I would ask the gentleman from Oklahoma, are all of these councils and commissions justified? What do we get from them?

Mr. STEED. Let me tell the gentleman this: I did not vote for the creation of all of these. I think the will of the Congress prevailed and the laws were passed. Once the Congress votes and we get the request from the administration and the approval of the Office of Management and Budget then we have to examine what they are doing to see that they are carrying out their mission, and that is all we are able to do.

I think we have reduced their requests just about all we can while still leaving them enough resources to do what they have to do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by 5 U.S.C. 3109, $2,900,000.

Mr. WOLFF. Mr. Chairman, I rise to strike the necessary number of words.

I take this time to ask the chairman of the committee, which one of these councils or departments has the responsibility for collecting the debts that are owed to this country, some from World War I? The Treasury Department was instructed to make some a schedule of these debts, to inform us as to what was due, how much was overdue, and whether or not we are making any progress in collecting these debts. There is somewhere around $40 billion that is owed to the United States by foreign nations.

Mr. STEED. I do not have any specific information on that matter with me at this time. I do not think either the Office of Management and Budget or the Treasury Department have made any recent reports to us on this. They have the statistics, of course, that have accumulated over the years and can be made available.

I doubt if there is any substantial progress being made toward collecting any of them. If there is any negotiation going on to collect any of them, I am not aware of it.

Mr. WOLFF. Mr. Chairman, does the chairman of the committee not think it is important to us as a nation suffering great economic hardship at the moment, with deficits continuing to pile up, to get some of these people to pay us some of the money they owe us?

Mr. STEED. I would like to see that happen very much. I will say that it is in our State Department and in the policy of the administration itself where we would have to find the thrust to cause anything of this sort to happen. But contrary to doing what we talk about, we seem still to be pretty liberal in continuing the policy of handing out additional moneys, either as partial loans or full loans or outright gifts. In many cases we are giving money to people who owe us money already.

Mr. WOLFF. Mr. Chairman, the Committee on Ways and Means has instructed the Federal Treasury to make up a schedule of debts, and they must be diverted to do whatever is necessary to collect these debts. I would ask the chairman of the committee to see that the mandate of the Congress is fulfilled by the Treasury Department.

Mr. STEED. Mr. Chairman, if the gentleman will yield further, in fairness to the Treasury, sometimes we get into matters where we also have to get the State Department involved. In cases where we see a situation of this sort, I believe, unless there is some very strong initiative from the top administrative powers themselves, we are not going to see much action or get many results.

Mr. WOLFF. Mr. Chairman, I hope that merely by bringing this to the attention of the chairman of the committee involved in the appropriations for the Treasury Department, there will be some strong representation made to the Treasury Department and, as well, to the State Department to see to it that we do collect some of these outstanding obligations.

Mr. STEED. Mr. Chairman, if the gentleman will yield, I would be glad, in view of the gentleman's interest, to ask the Treasury for an update on the situation and make it available to the gentleman.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $22,000,000.

AMENDMENT OFFERED BY MR. ADDABBO

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

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 9, line 5, after 5 U.S.C. 3109, strike out "22,000,000" and insert "16,000,000".

Mr. ADDABBO. Mr. Chairman, there is not a member on this floor today who is unaware of the devastating impact that a concentration of governmental power can have not only on that government but on the Nation as well. It is precisely because of that reason that I am offering my amendment to cut the budget of the Office of Management and Budget from the committee figure of $22 million to $16 million either we in the Congress act now in public view to nip in the bud new tendencies to manipulate and control functions of the executive branch of government, or we shall learn later to our sorrow just how strong a power we have let grow unnoticed.

Where there is a void, men will move to fill it. In the case of OMB, that agency has moved into the void left by former advisers to the President. those administrators whose views are subordinate to those of OMB are rewarded; those who oppose OMB get discouraged or they get no budget authority. OMB continues to flourish even as the Government itself languishes. We are faced with a growing octopus with nine lives. All you need do is look at page 648 of part 3 of the committee hearings and see the proliferation of OMB.

My fear is that the Agency has gone far beyond the intention of even the President when he created the Agency 4 years ago.

The function of OMB, we must remember, was to coordinate for the President the budgetary problems so that he could resolve departmental needs in terms of priorities. There was no indication at the time President Nixon presented Reorganization Plan 2 that OMB would manage and dictate to the executive departments. Yet, what we in fact have today is OMB veto power on

any proposed course of action by an executive department. We have even had, you may recall, OMB veto power over laws passed by Congress and signed by the President. Impoundment, until it was ruled unconstitutional by the courts, was OMB's veto over the Congress.

A year ago, I stood on this floor and said just about the same things. I was told that I had made unsupportable charges, that I was seeing danger where there was none. Well, it seems to me that events of the last 12 months have neither proven me wrong nor shown any reason why there should any longer be any doubt as to the meddling function of OMB in this administration.

A year ago I warned that OMB wanted budget authority to put men into the field, to check the operations of executive departments around the Nation that already had field operatives. If you will examine this year's OMB budget request, you will find the Agency sought to hire 60-plus new employees, some of which were to be used in the field.

A year ago I warned that OMB was extending its tentacles into the policy levels of executive departments. Just several weeks ago, we learned that Director Ash ordered—ordered, mind you—Secretary of the Treasury William Simon to supplant the functions of the U.S. Customs Service with personnel of the U.S. Immigration Service. Not only did OMB proceed with this demand after receipt of a letter from Chairman MAHON asking there be no action taken until hearings could be held, it was taken after he warned them the move could likely be illegal. Mr. Ash took the action because it is the intention of OMB to operate the Government as it desires. It should be no soace to the House that OMB does not win all its battles; what we should worry about are the battles it wins without the Congress even being aware that a battle has been fought and won.

There are none of us here today who are not politically sophisticated enough to realize that a President will run his administration as he desires, just as we realize that Mr. Ash and OMB are an extension of the President's attitudes. Within reason, that is justifiable. Where it becomes unjustifiable is where that determination collides with the authority of the Congress to legislate, approve programs, set spending limits and to demand that the people who operate the executive branches of Government testify candidly to the committees of the Congress. To eliminate the further possibility of infringement upon congressional authority, I seek to reduce the budget of OMB to the point where it can perform the functions it was created to perform, and to fund it to a point where it can only perform those functions.

The $16 million budget my amendment would appropriate to OMB is only slightly smaller than the budget appropriated to OMB in the current budget. If, as we have determined, OMB still had the ability in the present budget to interfere beyond its right to do so in an executive department, a small cut should be in order. The budget, at the level I have set, would eliminate new positions and would, I would hope, force OMB to curtail its extensive practice of sending people on its payroll to function out of and direct the offices of other departments and agencies.

I think we are all aware of the horror stories that departments relate about OMB. I think we know of personal knowledge of some of them. I think it is time the Congress acted decisively to cut back on an agency that is obviously power hungry and is obviously willing to go to any lengths to acquire that power.

I am not impressed greatly by the testimony of Mr. Ash when he was before our subcommittee that the actions of OMB are all taken in the name of and for the benefit of President Nixon. Others have used the same rationale and if I am certain of anything, it is that Mr. Nixon is not the better for it today.

Let us act then to nip this very dangerous program now before it leads this administration and this Government of ours into further difficulties. I believe that in supporting my amendment, you will not only be acting to improve the abilities of the Federal departments and agencies to function, you will eliminate a potential for mischief that left unchecked could bring sorrow to us all. The $16 million will permit full operation of the Budget Bureau and give OMB sufficient funds to carry out its oversight management responsibility.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ADDABBO was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. Mr. Chairman, my amendment is only $2.5 million below last year's proposal.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding. Do I read the amendment offered by the gentleman from New York correctly in that the gentleman is asking for a decrease of about 27 percent. If so, I wonder if the gentleman from New York would be willing to offer similar amendments to some of the other appropriations for agencies such as HEW and some of the other big agencies I think that this would be a very consistent type of amendment for us in the House to cut. How about HEW?

Mr. ADDABBO. I will be offering an amendment to the Defense appropriation bill. As far as HEW is concerned, HEW is underfunded, because that is a priority this country needs, the housing, the education, and the health programs. That is where the money is needed, and not in increasing the budget for an office such as that of OMB.

Mr. ROUSSELOT. Even though all of their programs in HEW are not necessarily approved by the general public, as is shown in several polls, is the gentleman from New York unwilling to cut those appropriations?

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

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

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

The CHAIRMAN. The Chair will count.

Forty-five Members are present, not a quorum.

The Chair announces that this will be a regular quorum call, which means that all Members answering the call will be recorded, and three bells will be sounded accordingly.

The call will be taken by electronic device.

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

[Roll No. 325]

Aspin	Fulton	Passman
Blackburn	Green, Oreg.	Pepper
Blatnik	Gubser	Pike
Boggs	Hanna	Reid
Brasco	Hébert	Rooney, N.Y.
Broomfield	Heckler, Mass.	Shoup
Brown, Calif.	Kuykendall	Shuster
Carey, N.Y.	Long, Md.	Steele
Clark	McDade	Stuckey
Conyers	McSpadden	Teague
Daniels, Dominick V.	Macdonald	Vander Veen
	Martin, Nebr.	Vigorito
Davis, Ga.	Mills	Waldie
Diggs	Minshall, Ohio	Widnall
Dorn	Mitchell, Md.	Wilson, Charles H., Calif.
Drinan	Mollohan	
Esch	Mosher	
Evins, Tenn.	Murphy, N.Y.	Wyatt
Fraser	Parris	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SISK, 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. 15544, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 381 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order of no quorum was made, the Chair had recognized the gentleman from New York (Mr. ROBISON).

(By unanimous consent Mr. ROBISON of New York was allowed to proceed for an additional 5 minutes.)

Mr. ROBISON of New York. Mr. Chairman, I spoke on this issue at some length during general debate—in anticipation of the Addabbo amendment. In part, I said then that Mr. ADDABBO wishes—for reasons good and sufficient unto him—to cut into OMB's budget deeply enough to get the "M" for "management" out of this essential agency.

Now, I am going to address these remarks to the majority side of the aisle. I am doing so because I expect most of the votes for the Addabbo amendment will come from over here. Do not misunderstand me, though. I am not suggesting that this initiative is any part of "impeachment politics"—whatever that overworked phrase may mean—nor am I suggesting that this is a partisan issue.

Certainly, it should not be a partisan issue, and I do not want to make it one.

That is why I want to be the first to point out that my good friend, JOE ADDABBO—and most of the supporters he has rounded up—may believe, as Members who were here in 1970 and opposed Reorganization Plan No. 2 of that year

when the House approved it, that they are now only being consistent.

Consistency may be a virtue but not, I suggest, when to follow it can only lead —as is the case with this amendment— to results which clearly can be as undesirable as unforeseen.

Let me explain:

When that reorganization plan which transferred the statutory functions of the Bureau of the Budget to the President—to be redelegated by him to OMB —was before us in 1970, we had a choice; we had a choice of going along with the President or of maintaining the status quo, or a modified version of it as some then urged.

Although our legislative options are still open in that we could, I suppose, reestablish something like the old Bureau of the Budget in the executive branch, that choice is not really before us, today.

The only issue before us, instead, is the question of the level of funding for OMB —a key executive branch agency upon which we have to depend, for now at least, every bit as much as the President.

OMB now has—for carrying out its combined budgeting and management functions—an authorized strength of 660 personnel. At the $22 million figure which I support in our bill, it will have to stay at about that strength—but, if the Addabbo amendment is approved, and unchanged in the other body, OMB in the forthcoming fiscal year will have to drop back to about 448 staff people.

Mr. ADDABBO evidently hopes that this reduction in force will all come on the "management" side of the agency—since it is that side of OMB that has incurred whatever congressional displeasure with it exists.

But I doubt that OMB's Director, Mr. Ash, would voluntarily so relinquish all, or even just the heart of, what he properly considers his mandate to try to coordinate and bring order out of what we all admit is an overblown and well-nigh unmanageable Federal bureaucracy.

Under the Addabbo amendment, some "management" people would go but so, too, would some "budget" people.

Now—to help you get an idea of how unwise and undesirable a result that would be—take a look at this chart.

As you see, it attempts to relate the personnel strength of both BOB and OMB, over a period of time, to the ever growing size of the Federal budget. Just as an example, look at fiscal year 1959— for the time I came here, 17 years ago. The old BOB then had 435 people, working on a $92 billion budget. Under the bill now pending, without the Addabbo amendment, OMB will have only those authorized 660 people—oh, we say in the report they can have 31 more, but we give no funds to pay them—working on a $304 billion budget in the forthcoming fiscal year 1975—so the figure in the last column should be $461 million, per employee, rather than $440 million—during which year some of them will have to also work on the projected $330 billion budget for fiscal year 1976, while others will have to work toward getting ready for the pending change in the fiscal year and those other aspects of "congressional budget reform" which we voted to put in place last week.

The vast majority of us felt we were striking a blow, last week in that regard, both for fiscal responsibility and for redressing the imbalance for control over the "public purse" vis-a-vis Congress and the Presidency, which is a matter that began to get out of kilter long before the emergence of "Watergate."

Let us not be responsible 1 week—and then totally irresponsible the next.

Let us recognize that we cannot now obtain a proper balance of power as between ourselves and the Presidency by tearing the latter down to our present size.

Let us be objective enough to admit— and we on the Appropriations Committee ought to be the first to acknowledge our limitations in this regard—that Congress has neither the capacity to conduct any true oversight into the operations of that overblown Federal bureaucracy, nor anything other than the idea for a Congressional Budget Office now in place.

And, finally, let those of you on the majority side who now dream of a "veto-proof Congress"—which I suppose means an attempted return to the questionable concept of "congressional government"— understand, no matter how you sometimes think it otherwise, that inflation, not "Watergate," is the greatest problem facing the Nation today, since it is the only one of those two that, in the end, could destroy the Nation. If I am right in this regard then, next year, no matter how many more of you there are, you will be glad—whatever your past complaints—to have an effective OMB to lean on. So, please join me in voting down this amendment.

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

Mr. ROBISON of New York. I yield to my friend, the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I believe the gentleman from New York who is in the well has pointed out quite vividly why we are seeking to pull some authority from OMB. The gentleman, who comes from my home State of New York, has stated that if my amendment is adopted and the intention of this House is that management be cut and budgetary activities not be cut, Mr. Ash will do as he sees fit or as he wishes and not as the Congress has directed, and that management would not be cut but budgetary activities would be cut.

Mr. ROBISON of New York. Mr. Chairman, if the gentleman from New York will allow me to respond, I will state that when we have a reduction in force of this sort, the decision relating to the people who have to go is based on seniority, veterans' preferences, and other matters which would not be related to whether they would come from OMB's budgetary side or the management side.

Mr. ADDABBO. Mr. Chairman, in that sense, they would have to be cut from the management side first, because management is the newest function of OMB. They have had the budgetary section for many years, and the management section is the newest function, and they would have less seniority.

Mr. ROBISON of New York. Mr. Chairman, if the gentleman will yield, it is only newer in the sense that the concept was somewhat changed after the Reorganization Act of 1970. BOB in fiscal year 1970 or so had something like 46 people in the so-called Management Division of the Bureau, and some of those people may still be there, so far as I know.

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

Mr. ROBISON of New York. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I would like to congratulate the gentleman from New York on the statement he has made.

I certainly trust that this amendment will not succeed. There is no doubt that this country needs management about as badly as it needs anything. I certainly do not think this is a good way to get management.

If it is the objective of my good friend, the gentleman from New York, to strike at the present incumbent of OMB, I suggest this is not a very good way to do it. If it is an attempt to gain more control of the Office of Management and Budget, I will remind my good friend that only this year we passed a bill to provide that future Directors of the Office of Management and Budget must be confirmed by the other body.

I think that this Congress has done quite a few things to put OMB in its place. To adopt a meat-ax amendment like this which would have the effect of cutting the personnel in an agency which actually can bring more efficiency to the Government, would certainly be counterproductive.

Mr. ROBISON of New York. I thank the gentleman for his contribution.

Mr. VEYSEY. Mr. Chairman, I rise to oppose the amendment to further cut the budget for the Office of Management and Budget. As we all know, the subcommittee and the Appropriations Committee approved $22 million which was $1.4 million below the administration's request and only a $2.6 million increase over fiscal year 1974. This merely accommodates mandated salary and space increases, We also agreed to the proposed increase of 31 positions, but we added money.

I believe that this was a wise decision.

The OMB is experiencing a tremendous increase in workload. Every one of the office's divisions have been forced to assume new and important responsibilities. To decrease their budget for fiscal year 1975, would be like giving the boy a pair of scissors and telling him to cut the lawn.

Perhaps one of the areas most affected by the increase in workload is the Budget Review Division. This has occurred primarily by various recent actions and proposals. Among them are first, implementation of the Federal Impoundment and Information Act; second, follow-through on governmental spending aspects of the economic stabilization program; third, implementation of budget and fiscal aspects of the Legislative Re-

organization Act of 1970; fourth, grant consolidation proposals of the President; fifth, executive branch reorganization; and sixth, budget reform.

OMB has responded to these challenges in a progressive and responsible fashion and I ask my colleagues to allow them to continue in this endeavor. Every one employee controls and manages over $400 million in Federal expenditures. We should insure that OMB has adequate staffing and funds to carry out their important responsibilites.

Mr. Chairman, it is, of course, easy and popular to take pot shots at the Office of Management and Budget—the abominable "no men" of the administration.

We have all experienced the disappointment of OMB opposing our legislative proposals, disapproving projects and grants in our districts, and recommending actions to the President we felt contrary to our desires and our wisdom molded by knowledge of local needs.

We hear vague charges that Director Roy Ash has assumed too much power, that he interferes with the departments, and that he is becoming too dictatorial.

As that famous Democratic Governor, Al Smith, used to say, "Let's look at the record."

Last year Mr. Ash broke precedent in the Budget Bureau's 52-year history by consulting with congressional committees before drawing up his budget proposals to the President. In past years the budgeteers dealt exclusively with the agencies and departments in getting their initial data. Recognizing, however, that the agencies have their own institutional biases that do not necessarily conform with the Congress, Director Ash came directly to us to get a feel for our sense of priorities. He discussed his ideas first with Speaker ALBERT, Minority Leader FORD, and their counterparts in the other body, Senators SCOTT and MANSFIELD; and after receiving their approval, he wrote to the chairmen and ranking Republicans of 25 authorizing committees, offering to come up to the Hill with his senior staff to discuss where efforts and resources should be focused under constrained budgetary conditions.

Fifteen committees accepted his invitation and he met with all of them in the months of October and November, spending an hour or more with each on an already overloaded work schedule. Bear in mind that he and his aides came to the Hill at our convenience.

Does that sound like the attitude of one who is dictatorial and contemptuous of the Congress—or one who seeks the middle ground of conciliation and understanding?

I asked his office for a record of the number of appearances he has made on the Hill in the 17 months he has been director of OMB.

It is an impressive record. Apart from 24 courtesy calls he made prior to formal installment, he has personally met 78 times—mostly on the Hill—with Members in both bodies on pending legislation, topics of their specific concern, or general interest. He has come up here eight times to speak before informal Hill groups and explain his budget as well as the operations of his office. He has testified before 43 formal committee and subcommittee hearings. He has met more than 30 times with Cabinet officers in their offices.

Again, is this the hallmark of a "commander of the Federal establishment"—or does it bespeak the efforts of a man going more than the extra mile to find agreement?

Does one who exercises power of a dictatorial nature, as has been alleged, voluntarily undertake to give it back to the legislative branch? Yet that is exactly what Director Ash has striven to do with the landmark Budget and Reform Act now in its final stages. Our colleagues on the Rules Committee can attest to the strong support he has given to the basic thrust of this measure—not only in lending his staff to work closely on technical details with the Rules Committee staffs of both bodies, but consulting closely himself on a personal basis.

This measure, when finally enacted, will closely circumscribe the action most identified in the public mind with Director Ash: the odious "impoundments." Even though Presidents since Jefferson have impounded congressional appropriations in one fashion or another, the reactions last year were unprecedentedly harsh. It mattered not that the level of impoundments, or reservations, as they are defined in the statutes, were at the same or under the levels as a percentage of appropriations of the three previous administrations. Whether good or bad, whether legal or illegal, this technique is an effective one for controlling outlays if the Congress will not do the job, and it has become synonymous with the ogres of OMB.

Still, we find Director Ash giving his strong support to the Budget Reform Act, which will diminish his power to impound by transferring a veto power to the legislative branch.

Again, does this abdication of power characterize an empire builder—or one who seeks to restore fiscal responsibility where it belongs in the first place, in the Congress?

Mr. Chairman, we are about to embark on one of the most important legislative reforms in a half century with the Budget and Reform Act. It will do us little credit if we start off by cutting the ability of our executive counterparts to cooperate in this great endeavor because of piques and disappointments that arose from our own past collective inability to control the people's purse strings.

I wish to also address myself to another key issue relating to this appropriation bill. The duplication of efforts between the Bureau of Customs and the Immigration and Naturalization Service.

The duplication was particularly evident when it became necessary for OMB to settle a jurisdictional battle between the two agencies as to who has the duties of the border patrol, traditionally under Justice Department. In my view, without arguing the merits or demerits of their decision, OMB attempted to resolve a problem that belongs to Congress, and caught themselves in a bureaucratic altercation.

Other agencies also maintain personnel at ports of entry and I believe that the time has arrived when congressional action is required before other problems arise.

Since no one, including myself, knows what we have here, a congressional study would be most appropriate. After such a study, legislation can be introduced and the Congress can play its rightful role as the legislative branch. I would hope that my colleagues would agree and support my efforts in this regard. I will introduce appropriate resolutions to bring this matter into congressional focus.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

One of the most delicate but important issues which we face in leveling appropriations is trying to find that proper balance of funding and staffing to get done well whatever task is assigned to the group. Too much funding and staffing makes for waste, bureaucratic hassle, and uncontrolled, unrestricted power. Too little staff makes for a job inadequately or haphazardly done.

When we favorably ruled on the creation of the Office of Management and Budget to replace the old Budget Bureau, we had in mind an increase in the competence and overall view of the Federal budget from the executive standpoint. We did not have in mind the totalitarian rule of our Cabinet and Executive Department by an all-powerful budget baron.

Yet that is precisely what we are faced with today. There is not a Congressman here, and there is not an agency of this Federal Government, which has not felt the sharp edge of OMB economic decisions. And I say economic decisions, for immediate economic book balancing is the chief tool which we have all seen the OMB use to make decisions with far-reaching policy and legal implications.

The House Select Committee is currently investigating the total Federal science policy. And one of the questions raised is the effect that OMB's economic decisions and predilection toward quick fix research has had on the long-term health of our national scientific and technological development.

We are all familiar with the impoundment of rural electric funding a few years ago, which resulted in the Congress finally setting up an entirely new system for this program, one which would have sufficient breathing room away from the OMB thumb.

In my own district, a critical comprehensive study of the Colorado River Basin, a study needed for environment

and sewage disposal considerations, was held up for a year by OMB fiat.

The OMB has been taken to court so many times over its illegal economic and impoundment actions that when the Joint Committee on Congressional Operations printed them up in a report recently, the report was over 600 pages long.

This rule by economic fiat is dangerous and shortsighted in the extreme. It has no place for consideration of the long-term needs of the Nation. It has no room for the considered advice and expertise built up in the executive agencies over years of experience.

Perhaps even more dangerous, however, is when the OMB rule has extended beyond the economic sphere into actual policy formation, as it so often has.

In the science example, the OMB's favoritism of short-term objectives is a decision with extreme policy repercussions. In the case of the rural electric problems, there seemed to be an unabashed predilection toward phasing out parts of this program established by law. In the example of the river basin study in my own district, the focus of the quarrel was that those in charge and those responsible for the results of the project wanted to do it one way—the OMB wanted it done another. And, of course, there is the latest example involving the efforts to curtail drug smuggling across our international borders.

Since its creation 4 short years ago, the OMB's budget request for itself has doubled. How many other areas of the Federal Government can boast of that—with a chance of having the request fulfilled? Since its creation 4 short years ago, the OMB has gradually but steadily increased its staff and its heavyhandedness.

I think it is time a clear message went down the street.

Two years ago I offered an amendment to cut the OMB budget by some $4 million. I was not successful at that time, but I think I was reflecting a growing concern here in the Congress over the OMB role in our Government. I followed that effort with a major discussion of the entire budgetary process. And I supported wholeheartedly the progress of budget reform and impoundment control legislation through this Congress.

Now that legislation has been sent to the President for signature. The Congress is regaining the tools necessary to keep a firm control on the Federal budget.

It is time for the OMB to end its one-man rule of the Federal budget—and therefore of Federal priorities. If the OMB simply does the job of coordination and study that it was assigned to do, it will not need these additional funds and people.

The best way to insure that they do their job—and only their job—is not to give them these extra funds and people.

The committee has already cut the OMB request a bit. But I think more is in order. The time has come for us to decide whether the Congress is going to control the pursestrings or whether the OMB will continue to rule by fiat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 252, not voting 30, as follows:

[Roll No. 326]

AYES—152

Abzug	Gibbons	Randall
Adams	Ginn	Rangel
Addabbo	Grasso	Rees
Alexander	Gray	Riegle
Anderson, Calif.	Green, Pa.	Rodino
	Griffiths	Roe
Annunzio	Gunter	Roncalio, Wyo.
Ashley	Hanley	Rooney, Pa.
Aspin	Hansen, Wash.	Rosenthal
Badillo	Harrington	Rostenkowski
Barrett	Hays	Roy
Bergland	Hechler, W. Va.	Roybal
Bevill	Helstoski	Ryan
Biaggi	Hicks	St Germain
Bingham	Holtzman	Sarbanes
Blatnik	Howard	Schroeder
Brademas	Huber	Seiberling
Breaux	Hungate	Shipley
Brinkley	Jones, Ala.	Sikes
Brooks	Jones, Tenn.	Sisk
Burke, Calif.	Jordan	Slack
Burke, Mass.	Karth	Smith, Iowa
Burton, John	Kastenmeier	Staggers
Burton, Phillip	Kluczynski	Stanton, James V.
Byron	Koch	
Carney, Ohio	Kyros	Stark
Chisholm	Landrum	Steelman
Clark	Leggett	Stephens
Clay	Lehman	Stokes
Collins, Ill.	Litton	Studds
Conyers	Long, La.	Sullivan
Corman	Luken	Symington
Cotter	McCormack	Thompson, N.J.
Danielson	Mathis, Ga.	Thornton
Davis, S.C.	Meeds	Tiernan
Delaney	Melcher	Udall
Dellums	Metcalfe	Ullman
Dent	Mezvinsky	Van Deerlin
Derwinski	Minish	Vanik
Dickinson	Mink	Waldie
Dingell	Mitchell, Md.	Wilson, Charles H., Calif.
Drinan	Moakley	
Dulski	Morgan	
Eckhardt	Moss	Wilson, Charles, Tex.
Edwards, Calif.	Murphy, Ill.	
Eilberg	Murtha	Wolff
Evins, Tenn.	Nedzi	Wright
Fascell	Nix	Yates
Ford	Obey	Yatron
Fraser	Owens	Young, Ga.
Fulton	Pickle	Zablocki
Gaydos	Pike	
Giaimo	Podell	

NOES—252

Abdnor	Breckinridge	Clausen, Don H.
Anderson, Ill.	Broomfield	
Andrews, N.C.	Brotzman	Clawson, Del
Andrews, N. Dak.	Brown, Mich.	Cleveland
	Brown, Ohio	Cochran
Archer	Broyhill, N.C.	Cohen
Arends	Broyhill, Va.	Collier
Armstrong	Buchanan	Collins, Tex.
Ashbrook	Burgener	Conable
Bafalis	Burke, Fla.	Conlan
Baker	Burleson, Tex.	Conte
Bauman	Burlison, Mo.	Coughlin
Beard	Butler	Crane
Bell	Camp	Cronin
Bennett	Carter	Culver
Biester	Casey, Tex.	Daniel, Dan
Boland	Cederberg	Daniel, Robert W., Jr.
Bolling	Chamberlain	
Bowen	Chappell	Davis, Wis.
Bray	Clancy	de la Garza
Dellenback	Ketchum	Robinson, Va.
Denholm	King	Robison, N.Y.
Dennis	Kuykendall	Rogers
Devine	Lagomarsino	Roncallo, N.Y.
Diggs	Landgrebe	Rose
Donohue	Latta	Roush
Downing	Lent	Rousselot
Duncan	Lott	Runnels
du Pont	Lujan	Ruppe
Edwards, Ala.	McClory	Ruth
Erlenborn	McCloskey	Sandman
Eshleman	McCollister	Sarasin
Evans, Colo.	McDade	Satterfield
Findley	McEwen	Scherle
Fish	McFall	Schneebeli
Fisher	McKay	Sebelius
Flood	McKinney	Shoup
Flowers	Madden	Shriver
Flynt	Madigan	Shuster
Foley	Mahon	Skubitz
Forsythe	Mallary	Smith, N.Y.
Fountain	Mann	Snyder
Frelinghuysen	Maraziti	Spence
Frenzel	Martin, N.C.	Steed
Frey	Mathias, Calif.	Steiger, Ariz.
Froehlich	Matsunaga	Steiger, Wis.
Fuqua	Mayne	Stratton
Gettys	Mazzoli	Stubblefield
Gilman	Michel	Stuckey
Goldwater	Milford	Symms
Gonzalez	Miller	Talcott
Goodling	Mitchell, N.Y.	Taylor, Mo.
Gross	Mizell	Taylor, N.C.
Grover	Montgomery	Teague
Gubser	Moorhead, Calif.	Thomson, Wis.
Gude		Thone
Guyer	Moorhead, Pa.	Towell, Nev.
Haley	Mosher	Traxler
Hamilton	Myers	Treen
Hammer-schmidt	Natcher	Vander Jagt
	Nelsen	Veysey
Hanrahan	Nichols	Vigorito
Hansen, Idaho	O'Brien	Waggonner
Harsha	O'Hara	Walsh
Hastings	O'Neill	Wampler
Heinz	Passman	Ware
Henderson	Patman	Whalen
Hillis	Patten	White
Hinshaw	Peyser	Whitehurst
Hogan	Pepper	Whitten
Holifield	Perkins	Widnall
Holt	Poage	Wiggins
Horton	Powell, Ohio	Williams
Hosmer	Preyer	Wilson, Bob
Hudnut	Price, Ill.	Winn
Hunt	Price, Tex.	Wydler
Hutchinson	Pritchard	Wylie
Ichord	Quie	Wyman
Jarman	Quillen	Young, Alaska
Johnson, Calif.	Railsback	Young, Fla.
Johnson, Colo.	Rarick	Young, Ill.
Johnson, Pa.	Regula	Young, S.C.
Jones, N.C.	Reuss	Young, Tex.
Jones, Okla.	Rhodes	Zion
Kazen	Rinaldo	Zwach
Kemp	Roberts	

NOT VOTING—30

Blackburn	Hanna	Murphy, N.Y.
Boggs	Hawkins	Parris
Brasco	Hébert	Pettis
Brown, Calif.	Heckler, Mass.	Reid
Carey, N.Y.	Long, Md.	Rooney, N.Y.
Daniels, Dominick V.	McSpadden	Stanton, J. William
	Macdonald	
Davis, Ga.	Martin, Nebr.	Steele
Dorn	Mills	Vander Veen
Esch	Minshall, Ohio	Wyatt
Green, Oreg.	Mollohan	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 9, line 5, strike out "$22,000,000" and insert "$19,400,000".

Mr. GROSS. Mr. Chairman, I shall take only a minute to explain the amendment. It would simply cut the Office of Management and Budget back to the

funds that it had last year, $19,400,000, and eliminate the increase of $2,600,000 provided by the committee. It is just that simple and I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. ROBISON of New York) there were—ayes 100; noes 49.

RECORDED VOTE

Mr. ROBISON of New York. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 287, noes 104, not voting 43, as follows:

[Roll No. 327]

AYES—287

Abdnor	Dent	Jones, Tenn.
Abzug	Derwinski	Jordan
Adams	Dickinson	Kastenmeier
Addabbo	Dingell	Kazen
Alexander	Downing	Kemp
Anderson, Calif.	Drinan	Ketchum
Andrews, N.C.	Dulski	Kluczynski
Andrews, N. Dak.	Duncan	Koch
Annunzio	du Pont	Kyros
Archer	Eckhardt	Latta
Armstrong	Edwards, Calif.	Lehman
Ashbrook	Eilberg	Lent
Ashley	Eshleman	Litton
Aspin	Evans, Colo.	Long, La.
Badillo	Evins, Tenn.	Luken
Barrett	Fascell	McCloskey
Bauman	Fish	McCormack
Beard	Flowers	McDade
Bennett	Flynt	McKay
Bergland	Ford	McKinney
Bevill	Fountain	Madden
Biaggi	Fraser	Mann
Blester	Frenzel	Maraziti
Blatnik	Frey	Mathias, Calif.
Bowen	Froehlich	Mathis, Ga.
Brademas	Fulton	Matsunaga
Bray	Fuqua	Mayne
Breaux	Gaydos	Mazzoli
Breckinridge	Giaimo	Meeds
Brinkley	Gibbons	Melcher
Brooks	Gilman	Metcalfe
Broomfield	Ginn	Mezvinsky
Brotzman	Gonzalez	Minish
Broyhill, Va.	Goodling	Mink
Burke, Calif.	Grasso	Mitchell, N.Y.
Burke, Fla.	Gray	Moakley
Burke, Mass.	Green, Pa.	Moorhead, Calif.
Burton, John	Griffiths	Morgan
Burton, Phillip	Gross	Moss
Butler	Grover	Murphy, Ill.
Byron	Gude	Murtha
Camp	Gunter	Natcher
Carney, Ohio	Guyer	Nedzi
Chappell	Haley	Nelsen
Chisholm	Hamilton	Nichols
Clancy	Hanley	Nix
Clark	Hanrahan	Obey
Clay	Harrington	O'Hara
Cleveland	Hastings	Owens
Cochran	Hays	Patman
Cohen	Hechler, W. Va.	Pepper
Collins, Ill.	Helstoski	Perkins
Collins, Tex.	Henderson	Peyser
Conyers	Hicks	Pickle
Corman	Hillis	Pike
Cotter	Hogan	Podell
Crane	Holt	Powell, Ohio
Culver	Holtzman	Preyer
Daniel, Dan	Howard	Price, Ill.
Daniel, Robert W., Jr.	Huber	Price, Tex.
Danielson	Hudnut	Pritchard
Davis, S.C.	Hungate	Quie
de la Garza	Hutchinson	Railsback
Delaney	Ichord	Randall
Dellums	Jarman	Rangel
Denholm	Johnson, Calif.	Rarick
Dennis	Johnson, Colo.	Rees
	Jones, Ala.	Reuss
	Jones, N.C.	Riegle
	Jones, Okla.	Rinaldo
	Roberts	Sisk
	Robinson, Va.	Skubitz
	Rodino	Slack
	Roe	Smith, Iowa
	Rogers	Snyder
	Roncalio, Wyo.	Spence
	Roncalio, N.Y.	Staggers
	Rooney, Pa.	Stanton, James V.
	Rose	Stark
	Rosenthal	Steelman
	Rostenkowski	Steiger, Ariz.
	Roush	Stokes
	Rousselot	Stratton
	Roy	Stubblefield
	Roybal	Stuckey
	Runnels	Studds
	St Germain	Sullivan
	Sandman	Symington
	Sarasin	Symms
	Sarbanes	Taylor, Mo.
	Satterfield	Taylor, N.C.
	Scherle	Thompson, N.J.
	Schroeder	Thomson, Wis.
	Seiberling	Thone
	Shipley	Thornton
	Shoup	Tiernan
	Shuster	Towell, Nev.
	Sikes	Traxler
		Udall
		Ullman
		Van Deerlin
		Vanik
		Vigorito
		Waldie
		Walsh
		Wampler
		Whitehurst
		Widnall
		Wilson, Bob
		Wilson, Charles H., Calif.
		Wilson, Charles, Tex.
		Wolff
		Wright
		Wylie
		Wyman
		Yates
		Yatron
		Young, Alaska
		Young, Ga.
		Zablocki
		Zion
		Zwach

NOES—104

Anderson, Ill.	Foley	O'Brien
Arends	Forsythe	O'Neill
Bafalis	Frelinghuysen	Passman
Baker	Goldwater	Patten
Bell	Gubser	Pettis
Bingham	Hammer-schmidt	Poage
Boland	Hansen, Idaho	Quillen
Bolling	Harsha	Regula
Brown, Mich.	Heinz	Robison, N.Y.
Brown, Ohio	Hinshaw	Ruppe
Broyhill, N.C.	Holifield	Ruth
Buchanan	Horton	Schneebeli
Burgener	Hunt	Sebelius
Burleson, Tex.	Johnson, Pa.	Shriver
Burlison, Mo.	King	Smith, N.Y.
Carter	Kuykendall	Steed
Casey, Tex.	Lagomarsino	Talcott
Cederberg	Landgrebe	Teague
Chamberlain	Lott	Treen
Clausen, Don H.	Lujan	Vander Jagt
Clawson, Del	McClory	Veysey
Collier	McCollister	Waggonner
Conable	McEwen	Ware
Conlan	McFall	Whalen
Conte	Mahon	White
Coughlin	Mallary	Wiggins
Davis, Wis.	Martin, N.C.	Williams
Dellenback	Michel	Winn
Devine	Milford	Wyatt
Donohue	Miller	Wydler
Edwards, Ala.	Mizell	Young, Fla.
Erlenborn	Montgomery	Young, Ill.
Findley	Moorhead, Pa.	Young, S.C.
Fisher	Mosher	Young, Tex.
Flood	Myers	

NOT VOTING—43

Blackburn	Hansen, Wash.	Mitchell, Md.
Boggs	Hawkins	Mollohan
Brasco	Hébert	Murphy, N.Y.
Brown, Calif.	Heckler, Mass.	Parris
Carey, N.Y.	Hosmer	Reid
Cronin	Karth	Rhodes
Daniels, Dominick V.	Landrum	Rooney, N.Y.
Davis, Ga.	Leggett	Ryan
Diggs	Long, Md.	Stanton, J. William
Dorn	McSpadden	Steele
Esch	Macdonald	Steiger, Wis.
Gettys	Madigan	Stephens
Green, Oreg.	Martin, Nebr.	Vander Veen
Hanna	Mills	Whitten
	Minshall, Ohio	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office including not to exceed $3,850,000 for services as authorized by title 5, United States Code, section 3109, at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000), and official entertainment expenses of the President, to be accounted for solely on his certificate; $16,367,000.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chariman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED: Strike out all after line 17 on page 10 through line 3 on page 11, and insert the following: "For expenses necessary for the White House Office as authorized by law, $16,367,000."

Mr. STEED. Mr. Chairman, I do not think we need to take a lot of time on this amendment. This is the amendment we talked about earlier, and it brings our bill in line with the authorizing legislation passed by the House earlier today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. STEED).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; and advances or reimbursements to applicable funds of the Commission and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $90,000,000 together with not to exceed $18,698,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of the appropriation herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit of the Commission, established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

POINT OF ORDER

Mr. VANIK. Mr. Chairman, I make a point of order on the language beginning at line 12 on page 12 of this bill with the figures "$90,000,000" through line 20 ending in the word "adjustments."

The CHAIRMAN. Does the gentleman desire to be heard further on his point of order?

Mr. VANIK. Mr. Chairman, the basis for this point of order is the requirement of House rule XXI clause 2, which provides that:

No appropriation shall be reported in any general appropriation bill, or be in order as

an amendment thereto, for an expenditure not previously authorized by law.

Mr. Chairman, it is my understanding that there is in fact no authorization for the President's Commission on Personnel interchange for which $353,000 is herein requested. It was created solely by Executive Order 11451 on January 19, 1969.

This House rule is supported in this regard by title 36 of the United States Code, section 673, which also indicates that no funds should be expended by this body without authorization. The full section of the law reads as follows:

TITLE 36, SECTION 673

No part of the public monies, or of any appropriation made by Congress, shall be used for the payment of compensation or expenses of any commission, council or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of commission, council, board, or similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed any detail hereafter or heretofore made or otherwise personal services from any Executive Department or other Government establishment in connection with any such commission, council, board, or similar body.

Mr. Chairman, I have a particular concern in regard to a program whose appropriation is contained within the language of lines 12 through 20 of page 12 of this bill. The program is the President's Commission on Personnel Interchange, created solely by Executive Order 11451. There has never been an authorization hearing concerning its operation, since its creation at the beginning of 1969.

A preliminary examination during the past several months by my office and the GAO has revealed a series of potential conflicts of interest. These problems are so serious that the GAO has already referred two cases involving Presidential interchange personnel to the Justice Department for potential criminal conflicts-of-interest violations.

Mr. Chairman, this point of order does not necessarily mean the end of this program. The Congress may and should consider it through the regular authorization process. By following normal procedures, the Congress may be able to write in safeguards preventing future conflict-of-interest problems.

In addition, one must remember that the program's cost of $353,000 as outlined in one brief sentence in the House subcommittee hearing, is only one-tenth of the actual cost of this program since all salaries, travel, moving expenses, and other incidental costs are paid fully by the agency which hires for 1 year an interchange candidate.

I have grave reservations concerning the continuation of this program at all, since I believe that agencies which regulate certain industries will surely have problems with conflict of interest when they hire key industry personnel from the very industries which they are supposed to regulate. I object to personnel from oil companies being hired by FEO and predecessor agencies. I object when a person from the pesticides division from a major company ends up at the pesticide control division of EPA; I object when an auditor from a large accounting firm works for the chief auditor of the SEC—and the SEC has filed allegation of fraud against the firm from which the interchange candidate works for.

The list of obvious potential conflicts of interest is endless. Who among us knows how many real conflicts have existed because of the manner in which this program has proceeded. It seems to me that the Congress must be very alert to prevent potential conflicts of interest. We must not participate in the institutionalization of potential conflict-of-interest situations because of programs just like the Presidential interchange program.

As the GAO recently said in its report to me on conflicts of interest in this program:

In our view, the more important question raised by FEO's use of presidential executive interchange program personnel with oil and related industry backgrounds concerns the judgment exercised in placing executives on a year's leave of absence from private industry in positions in an agency exercising a regulatory-type responsibility over the activities of the very company to which the individual involved will return at the completion of his year's assignment. It was this action which created potential conflict of interest situations. At your request, we now are making a broad review of the Presidential Executive Interchange program.

It took us years to begin to root out this very kind of conflict system at the Department of Defense and here we are, a party to its institutionalization.

In any event, I feel strongly that the appropriation of funds for this program would be contrary to both the statute and House rule I have cited.

I ask the Chair to rule.

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

Mr. STEED. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Oklahoma (Mr. STEED) concedes the point of order.

The point of order is sustained.

POINT OF ORDER

Mr. SYMMS. Mr. Chairman, I make a point of order to the language to be found on page 12, lines 7 and 8, which read as follows: "not to exceed $2,500 for official reception and representation expenses."

Mr. Chairman, I make a point of order because it is not authorized by law.

Mr. STEED. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Oklahoma (Mr. STEED) concedes the point of order.

The point of order is sustained.

Does the gentleman from Oklahoma have an amendment to offer?

Mr. STEED. Mr. Chairman, not having a copy of what has been stated here, we are having a little bit of difficulty. My amendment would restore the amount which should not have been stricken by the point of order.

The CHAIRMAN. The gentleman from Oklahoma proposes to offer an amendment to page 12, line 12, to return the money less that which was unauthorized by virtue of the point of order. Is that correct?

Mr. STEED. That is correct, Mr. Chairman. We were not given a copy of this so we have not been able to determine just what the point of order did.

The CHAIRMAN. If the Chair can state it, the point of order has been sustained, that was conceded by the gentleman from Oklahoma, which had the result of striking out the $90 million on line 12, page 12, and all the way down to line 20 through the word "adjustments." It was the understanding of the Chair that the point of order was based on a sum amounting to some $350,000 that was included in the $90 million unauthorized or actually being used by virtue of an Executive order. Therefore, the Chair had understood that the gentleman from Oklahoma desired to offer an amendment which would be in the sum of $89 million-plus, or $90 million less the $353,000.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. The amount would be $89,647,000.

Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. STEED: Page 12, line 12, insert "$89,647,000 together with not to exceed $18,698,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments."

Mr. STEED. Mr. Chairman, this amendment will restore to the bill the authorized amount and leave out the matter that was involved in the point of order.

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

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

Mr. VANIK. Mr. Chairman, I concur in the need for the amendment and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Commission on the Review of the National Policy Toward Gambling, established by section 804 of the Organized Crime Control Act of 1970 (P.L. 91–452; 84 Stat. 938), $1,000,000.

AMENDMENT OFFERED BY MR. MYERS

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

The Clerk read as follows:

Amendment offered by Mr. MYERS: On page 14, lines 16 and 17, strike $1,000,000 and substitute $250,000.

Mr. MYERS. Mr. Chairman, it seems to be the mood of the committee this afternoon to make cuts. This would simply restore the funds for the Commission on the Review of the National Policy Toward Gambling back to last year's level. This Commission was established pursuant to the Organized Crime Control Act of 1970 and was not funded until last year. This Committee last year did put in $250,000 for this study. And this was done not in the subcommittee, but on this floor.

This Commission has grown rather rapidly. It now has 11 people employed. It has been letting contracts for travel and for studies on gambling. We have 11 people and they are asking for 9 more. Twelve would be GS–12's or higher.

They let a contract recently to make a study. In their proposal they say they are going to study the history of gambling, mythology and astrology of gambling.

Also, in the proposal they propose four trips to Las Vegas, 20 days in Las Vegas. We in Congress are not to deal if we are not opposed to gambling, but does it take a million dollars to study gambling in Las Vegas?

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

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

Mr. HUNT. I am sure the gentleman knew this Commission existed and they were going to make a bona fide investigation. Where would they start, other than Las Vegas? There is only one way to get to Las Vegas, I am sure the gentleman will agree; that is to travel there.

If the gentleman had been acquainted in the field of investigation he would not make these statements he has just made, because it takes people to make a trip to the locale to determine what is going on in the field of legalized gambling and whether or not it should be expanded to other States or whether or not it should be suppressed. This is the general idea of the Commission at the present time. They seek conclusive data in the field of legalized gambling.

Eleven people, I am sure my colleague will agree, does not amount to very much when we look at the Judiciary Committee with 125 extra employees. Of course the 11 employees do not leak information and that is why their expenses are questioned.

Mr. MYERS. In response to the gentleman from New Jersey in this study in Las Vegas, the proposal is for a writer-editor, 50 days at $100, $5,000.

Researcher, 80 days at $50, $4,000.

Overhead 70 percent, $63,000. That is a lot of overhead.

But does it take 4 trips and 20 days in Las Vegas to study gambling? Does it take 50 days for a writer and 80 days for a researcher?

Mr. HUNT. I would not take the job at $200 a day. That would be my fee and has been my fee, $200 a day. I think we get some pretty cheap material for $50 a day.

Mr. MYERS. A million dollars is not cheap in my book.

Mr. HUNT. I did not say $1 million is cheap, but this House created the Commission. It now behooves us to fund it properly and carry out the mission you and your colleagues have voted in.

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

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

Mr. COLLIER. I cannot see the rationale of having the Federal Government make a Las Vegas study of gambling for the benefit of other States. It is my understanding that each State can legalize gambling if they wish. Certainly they do not need help from a Federal Government study to make this decision.

Mr. MYERS. I am sure the House understands the question of gambling. This is a simple way to save $750,000. I ask for the passage of this amendment to save money for an extravagant study.

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

Mr. Chairman, one of the things this country has for sure is the problem of finding more revenue. One of the ways this country can produce more revenue is by having a national lottery. That needs some study, because there is no one in this Chamber who can deny the fact that a national lottery would produce for America significant additional revenue, perhaps somewhere between $1 billion and $5 billion a year. This in a very real sense would be a way of paying and collecting taxes with a smile.

If with the aid of computer technology we can proceed to a telephonic-electronic system that can take organized crime out of the numbers racket in America and also get billions of revenue for this country, to help balance the budget and end these terrible deficits that cause inflation, that burden the American people we should do so. With the price increases we face today, we ought to, at the very least, study the subject with care.

It is not for the purpose of going out to Las Vegas to see whether we should encourage the extension of gambling from Nevada to other States in the Union. There are significant facts that need to be assembled, related, and evaluated. Even State-licensed gambling operations are substantial at this time. The question of Federal participation or supersession is immensely complicated. Certainly States with present revenues from wagering would seek assurance that they would net at least as much from a national lottery with guaranteed State sharing.

What is needed to do in this country's fiscal crisis is to find out whether we can gain significant additional revenue in a constructive way from a national lottery operation. I believe it is worth a try. Certainly it is deserving of careful study.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

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

Mr. ROBISON of New York. Mr. Chairman, I am not sure I would join with the gentleman in the position he has just stated because we have differences of opinion, but I would join the gentleman in hoping that this amendment would be defeated.

I am not exactly enamored of this operation, however, this is a short-term operation, as the gentleman from New Jersey (Mr. HUNT) can tell us. Its work is supposed to be over—or nearly so—this coming fiscal year. We have made a reduction in the budget request, and while there were some differences of opinion on the subcommittee as to whether or not the work ought to go forward at all, but eventually, we did agree at this level, so I hope the amendment will be defeated.

Mr. WYMAN. I thank the gentleman for his comments.

I have had pending in this House for several years a bill to establish a National Lottery Commission to conduct a national lottery. I am perplexed that it should have been contended in debate that the majority of the Members of this House are against gambling. I must assume this was uttered facetiously. I do not think they are.

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

Mr. Chairman, here we go again with Members rising on the floor wanting to know about certain commissions created by action of this House. What are they trying to do, tell the people of this country that we do not know what the House is doing? Everything in this bill was cleared by this House.

The House creates an agency and it is brought before the subcommittee. We do our best to find out what they are going to do. We have the people here to justify the budgets. We have read the act which this Congress passed which created them.

We made a determination that they could get by on about $281,000 less than they were asking for. We think that if they are going to do the job that was given to them by this Congress, they need this money. Here is an amendment making a further cut in it. I think it is going to be penny wise and pound foolish and might just kill the whole thing. If the Members are going to do it, they should

do it right. I hope this amendment is defeated.

I wish the Members who were supposed to be here, and supposed to know what the House was doing when it created all these commissions, would protect themselves by not putting in the RECORD statements of astonishment when they finally find out at this late date all these acts have been enacted by this House. We are only trying to carry out the mandate the Congress has imposed on us. We have done our level best to do it with all the prudence we have. So, I think under the circumstances we are entitled to the support of the House in trying to fulfill the mandate imposed upon us.

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

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

Mr. GROSS. Mr. Chairman, let me ask the gentleman why he gave this outfit $250,000 last year. Why does he want to increase it $750,000?

Mr. STEED. The gentleman has asked a good question. They are a short-life commission. They were only in operation a few months last year. We gave them all the money they needed for that fiscal year, knowing they were going to build up to this larger amount this year. Next year, it will be another small amount to finish up. It started out slow, it is now peaking and will go back down because they will have finished their work in 3 years. This is what the action of the House and Senate said to do, and we have acted accordingly. I think we have been prudent.

Mr. GROSS. What will they do, study the question of whether gambling is good for the soul, or just what do they do?

Mr. STEED. They are trying to accumulate information about parimutuel betting and the experience that some States have had with this program. They are trying to find out what the experiences of States which have tried legalized gambling, have been and are trying to find out from enforcement officials from all over the country, what they can do about organized and illegal gambling. Whether they ought to be doing this or not I do not know, but the Congress says they should.

This House passed this law authorizing the Commission and we are trying to give these people the resources they have to have to carry out an order given by this Congress.

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

Mr. STEED. Yes, I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, my amendment would not do what the gentleman says, but do they need two directors, do they need two lawyers, do they need four researchers, do they need seven secretaries and—get this one—a driver-messenger? Do they need that?

Mr. STEED. To answer the gentleman, the people who have the responsibility for that say they do. We say we have given them enough money to do a creditable job, and we hope the Congress will let them have enough money to do a creditable job. I do not believe they can do a creditable job otherwise.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF FLORIDA

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

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. YOUNG of Florida for the amendment offered by Mr. MYERS:

Page 14, lines 10 through 17, strike lines 10 through 17 and renumber the following lines.

The CHAIRMAN. The Chair states that this is not a proper substitute for the amendment now pending. Once the pending perfecting amendment has been disposed of, then the gentleman's amendment to strike out the paragraph would be in order.

Mr. CARNEY of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment to cut funds for the Commission on Review of the National Policy Toward Gambling.

When Speaker ALBERT appointed me to the Gambling Commission last year, I hoped that the Commission would make a meaningful contribution to law enforcement with respect to gambling activities. I regret that the Commission has not proceeded in the way I had hoped. Instead, the Commission has gone far afield from the duties assigned to it by the Organized Crime Control Act of 1970. These duties were: To study the effectiveness of existing practices and statutes with respect to gambling activities, and to consider possible alternatives.

The Commission has authorized a number of research contracts in the social sciences which I believe are irrelevant and unnecessary. One such study, approved by the Commission over my objections, includes the history of gambling, the mythology and astrology of gambling, gambling in Cuba and Haiti, and the great literature, from Dostoevski and Dickens to Mark Twain. The sponsor of this proposal promised to "arouse a feeling of fascination" toward gambling.

This proposal, which was submitted by a Washington-based research outfit, calls for no fewer than four round trips to Las Vegas. The Commission rejected a similar proposal submitted by a professor at the University of Nevada who is a scholar, trained researcher, and expert on gambling. The University of Nevada professor would have cost $7,000 less than the proposal which was approved by the Commission.

Another social science contract for $9,000 was awarded to a Massachusetts-based outfit to design the agenda and act as methodological consultant during the construction of the agenda, including recommendations to the Commission about specific contracts that should be let.

The Commission is actively considering a "comprehensive, authoritative research package in conjunction with the National Science Foundation, the National Institute of Mental Health, and the National Institute for Law Enforcement and Criminal Justice costing an estimated $1.5 million. This research package seeks to answer such questions as: Who gambles? How much is bet and spent on illegal gambling? How much in taxes can be raised from legalized gambling? This package would also include a proposal to collect identical information in 10 different communities in the United States that differ in which games are legal and law enforcement practices. The Commission also proposes a research paper on compulsive gambling.

In approving these irrelevant and unnecessary social science research contracts, several of the congressional members of the Gambling Commission have become disillusioned, and I seriously doubt whether the Commission will be able to fulfill its statutory mandate. Therefore, I urge my colleagues to support the amendment reducing the appropriation for the Commission on the Review of the National Policy Toward Gambling.

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

Mr. CARNEY of Ohio. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I have great respect for the gentleman's opinion, being a member of the committee.

Did I understand the gentleman to say that the Commission was not studying, had not studied, and has made no effort to look into the question as to whether the country would benefit from a national lottery?

Mr. CARNEY of Ohio. Mr. Chairman, there has been nothing about that subject to my knowledge, and I have attended most all the meetings.

Mr. WYMAN. Has the subject been included on the agenda of the Commission?

Mr. CARNEY of Ohio. No, it has not, to my knowledge.

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

Mr. CARNEY of Ohio. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, I will ask the gentleman this:

Has the gentleman introduced legislation to kill this Commission?

Mr. CARNEY of Ohio. No, I have not.

Mr. STEED. Did the gentleman come before the subcommittee and give us the benefit of his knowledge and his information?

Mr. CARNEY of Ohio. No, this is the first opportunity I have had. I did not know the gentleman was interested, and this is the first time I have had a chance to take a crack at the problem.

Mr. STEED. It has been in the RECORD every day. Does the gentleman not keep up with such information in the performance of his duties as a Member of this Congress?

Mr. CARNEY of Ohio. I perform my duties just as the gentleman does. I do my duty as I see it.

Mr. Chairman, I urge that this amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL BUILDINGS FUND LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into a fund pursuant to Section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available during the current fiscal year for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract; in the aggregate amount of $871,875,000 of which (1) not to exceed $25,000,000 shall be available for construction of buildings as authorized by law including construction projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:
Arizona:
Lukeville Border Station, $2,081,000
Texas:
Laredo Border Station, $15,462,000
Washington:
Blaine, Pacific Highway Border Station, $3,374,000
Extensions and conversions:
Colorado:
Denver, Federal Center Building #50, $1,209,000;
Denver, Federal Center Building #85, $1,727,000;
Ohio:
Dayton, Federal Depot, #4, $1,147,000.

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum; (2) not to exceed $26,244,000 for purchase contract payments; (3) not to exceed $350,000,000 for rental of space; (4) not to exceed $98,000,000 for alterations and major repairs; (5) not to exceed $293,594,000 for real property operations; (6) not to exceed $54,037,000 for program direction and centralized services; and (7) not to exceed $25,000,000 shall be available for obligation in fiscal year 1976: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490) and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under Section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 1 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That any revenues and collections and any other sums accruing to this Fund, excluding reimbursements under Section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $871,875,000 shall be deposited in miscellaneous receipts of the Treasury of the United States.

POINT OF ORDER

Mr. HARSHA. Mr. Chairman, I make a point of order against the language in the bill appearing at page 15, lines 10 and 11, that this is legislation in an appropriation act, and it is, I believe, in violation of rule XX, clause 2.

Mr. Chairman, two provisions under the appropriation heading, "Federal Buildings Fund—Limitations on Availability of Revenue," are subject to a point of order because they change existing law.

The first such provision is the clause, "during the current fiscal year," at page 15, lines 10–11 of the bill. This language would limit the use of funds made available to GSA from the Federal Building Fund to fiscal year 1975. This is in direct conflict with section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, which specifically provides that "the fund shall be available for expenditure—without regard to fiscal year limitations." The language in the bill is clearly designed to change the authorizing law and is contrary to rule 21, clause 2 that prohibits legislation in an appropriation bill.

The objectionable language in the bill cannot be supported on any theory of retrenchment of expenditures. The limitation requiring that moneys made available for real property activities be spent in the fiscal year does not reduce expenditures, but would tend to increase costs and spending by encouraging expenditures over a shorter period of time than good management and planning would otherwise require.

If the language is allowed to remain in the bill, the Congress will, in effect, be substantially modifying the concept of a Federal Building Fund. The Public Works Committee, when it considered the Public Buildings Amendments of 1972, which established the fund, concluded that the Federal Building Fund would have to be available without regard to fiscal year limitations, but with reasonable congressional control, if the purpose of reforming real property management financing was ever going to be achieved.

The committee concluded that the most significant problem facing the Public Buildings Service prior to the establishment of the Federal Building Fund was the many appropriations GSA had to obtain in successive years for the construction of a single building. Planning money would be made available 1 year, site money in some following year, and sometimes a building was literally divided for funding purposes with substructure money being made available separately from money needed to build the superstructure and complete the building. The fund was intended to give GSA the operational flexibility needed to overcome the financing problem. To retreat to the situation which existed prior to the establishment of the fund will result in expensive delays in GSA's programs. Actually having the effect of increasing the total cost of the program rather than retrenchment of expenditures.

The fiscal year limitation applies to all construction work performed by GSA including the construction of new buildings and conversion and extensions to older buildings. The restriction is thus directly in conflict with section 682 of title 31 of the United States Code which provides that appropriations for construction of public buildings remain available until completion of the work; that is, without regard to fiscal year limitations. I know of no single instance where the Congress has placed a fiscal year limitation on the construction of new buildings.

Elimination of the objectionable language in the appropriation bill will not in any way interfere with normal congressional controls of appropriations to GSA for its real property activities. The Appropriations Committee in considering the 1976 budget requests can take into account any unobligated balances in the fund in determining the amount to be made available to GSA from the fund in fiscal 1976.

For the above-stated reasons, the phrase "during the current fiscal year" is subject to a point of order and should be deleted.

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

Mr. STEED. I do, Mr. Chairman.

Mr. Chairman, this is a simple, negative limitation, it merely restricts the use of the funds to the fiscal year. The fact that there is no authority to make them available for a longer period of time does not constitute a point of order against the language here. It may be a matter of personal judgment as to whether there ought to be a longer period of time or not, but the language here is not legislation on an appropriation bill. It is a very simple limitation, it is a completely negative action within the law.

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

The gentleman from Ohio makes the point of order against the clause on page 15, lines 10 and 11 of H.R. 15544 which limits the availability "during the current fiscal year" of the aggregate amount of $871,875,000 for expenditure by GSA from the Federal Buildings fund. The gentleman from Ohio contends that this language in H.R. 15544 violates clause 2, Rule XXI by constituting a change in existing law [section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (Public Law 92–313)] which provides:

(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appriations Acts without regard to fiscal year limitations."

The gentleman from Ohio contends that this law requires that amounts in Federal Building Fund must be made available by the Appropriations Committee without a fiscal year restriction, and that the Committee on Appropriations has no authority under clause 2, rule XXI to limit the availability of amounts from that fund for the current fiscal year. The Committee on Appropriations, on the other hand, contends that such a provision of law merely permits, and does not require, the Committee on Appropriations to appropriate funds from the Federal Building Fund without a fiscal year limitation, or to be available until expended, and therefore that the limitation contained in the paragraph for the current fiscal year is within the prerogative of the Committee on Appropriations under Public Law 92–313.

The Chair would point out that while authorizing legislation customarily provides that funds authorized therein shall "remain available until expended", the Committee on Appropriations has never been required, when appropriating for those purposes, to specify that such funds must remain available until expended. The Appropriations Committee often confines the availability of funds to the current fiscal year, regardless of the limit of availability contained in the authorization. Conversely, however, where the authorizing statute does not permit funds to remain available until expended or without regard to fiscal year limitation inclusion of such availability in a general appropriation bill has been held to constitute legislation in violation of clause 2, rule XXI.

The Chair thus is of the opinion that Public Law 92–313 should be construed as has been suggested by the Committee on Appropriations, absent a clear showing that the language in question was intended to require appropriations from the Federal building fund to be made available until expended. In this regard, the Chair has examined the legislative history of Public Law 92–313 in an effort to understand congressional intent on this question. The Chair notes that on June 5, 1972, during debate on the conference report on S. 1736 which became Public Law 92–313, the gentleman from Illinois (Mr. GRAY) in response to a question by Mr. Bow of Ohio, stated that:

Any residue left over from existing appropriations now will go automatically, when this legislation is signed into law into the revolving fund. That residue from previous appropriations plus the amount of rents collected from all Federal agencies will make up the total revolving fund, and the House Committee on Appropriations will have complete control on an annual basis over the revolving fund.

The gentleman from Ohio (Mr. HARSHA) then stated during that debate:

I think there is quite an adequate safeguard in what the Committee on Appropriations can do in controlling the implementation of this measure. All of the money that goes into the revolving fund must be appropriated before it is expended. Therefore, the Committee on Appropriations will have control from that standpoint.

The Chair holds that the Committee on Appropriations has not changed existing law by limiting the availability of a portion of the funds taken from the Federal building fund to the current fiscal year. The Chair therefore overrules the point of order.

AMENDMENT OFFERED BY MR. WYMAN

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

The Clerk read as follows:

Amendment offered by Mr. WYMAN: Page 16, line 4, after "of", strike out "$871,875,000" and insert "$946,875,000".

Page 17, line 9, after "exceed", strike out "$293,594,000", and insert "$368,594,000".

Page 18, line 11, after "of", strike out "$871,875,000" and insert "$946,875,000".

Mr. WYMAN. Mr. Chairman, I ask unanimous consent that the three amendments may be considered as one because they amount to a single amendment.

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

There was no objection.

Mr. WYMAN. Mr. Chairman, this is a workhorse amendment. All this does, despite the language that the Clerk just read, is to add $75 million to the operations category in the General Services Administration. The reason for this, with all due respect to my earnest and hard-working colleagues on the committee and the subcommittee in particular, is that they cut too much money in this particular category. They cut $101 million out of this item. If this is continued the General Services Administration will require a reduction of 9,000 employees to be riffed in the following classifications: 5,989 in cleaning; 1,649 in security and guard; and 1,520 in maintenance and repair.

This is too big a cut in vital housekeeping functions.

The reduction of $101,600,000 in the Federal Buildings Fund authorization will severely impact GSA's ability to perform its buildings management functions in fiscal year 1975.

Under the Public Buildings Amendments of 1972 (Public Law 92–313) the Administrator was directed to charge agencies commercial rates for space and services which he provided to them. In return for the payment of these commercial rates, GSA was to furnish commercial levels of service equivalent to that received by tenants who lease private buildings in the marketplace.

This large reduction not only will not permit GSA to carry out the mandate of Congress as specified in the Public Buildings Amendments of 1972; but it also would require reduction in the level of service below that currently being provided in GSA space under the present funding structure of direct appropriations to GSA. Clearly, this was not the intent of Congress in passing Public Law 92–313. Rather, the Congress intended to streamline the management of real property operations under the control of GSA. Thus, the $101,600,000 reduction negates the will of the Congress whereby GSA would operate its buildings management functions on a business-like basis, giving the equivalent of commercial services for commercial charges.

As an indication of the severity of the reduction—consider plans which GSA has had to make—should the reduction stand.

A reduction in force of approximately 9,200 employees must be undertaken immediately.

This reduction must occur in the buildings management activity since that is where the dollar cut is proposed in the bill.

Such a reduction has the following effect:

Twenty-eight new buildings completed this fiscal year could not be fully operated in fiscal year 1975;

Twenty-five other new buildings scheduled to be completed in fiscal year 1975 must stand vacant;

Cleaning services will be curtailed below any measurable industry standard;

In some buildings, cleaning will be eliminated;

Cleaning contracts would be canceled causing further unemployment in the private sector;

Trash and waste will accumulate causing health and safety hazards;

Protection will be eliminated in certain buildings containing predominantly office space;

All protection contracts with commercial firms will be canceled;

The U.S. courts could not be given the protection that prudence dictates; and

Machinery and equipment could not be maintained resulting in much more costly repairs in the future merely to keep buildings operating.

Obviously, the Congress does not want these actions to occur. It is shortsighted; it is poor management; it is dangerous to life and property; it is not the way to protect the Government's real property investment in facilities running in the billions of dollars. No manager would even consider diversion of resources away from day-to-day operations of his properties. No less can the Government afford to.

I include the following:

INCREASE IN REAL PROPERTY OPERATION DUE TO NEW WORKLOAD IN FISCAL YEAR 1975

	Number of buildings	Average square feet	Estimated fiscal year 1975 cost
Completed fiscal year 1974:			
Direct construction	8	145,800	$373,240
Purchase contract	17	1,093,900	2,495,300
Lease construction	3	466,000	1,192,960
Subtotal	28	1,705,700	4,061,500
Completed fiscal year 1975:			
Direct construction	5	1,177,500	3,014,400
Purchase contract	16	1,932,400	4,274,400
Lease construction	4	636,700	1,629,900
Subtotal	25	3,746,600	9,918,700
Total new workload	53	5,452,300	13,980,200

Note: The above assumes an average operations cost of $2.56 per square foot.

INCREASED WORKLOAD, FISCAL YEAR 1975 (COMPLETED FISCAL YEAR 1974)

Direct construction	Total square feet	Average square feet affecting fiscal year 1975
Mobile, Ala., FOB	146,500	12,200
Fayetteville, Ariz., CT FOB	45,600	7,600
Calexico, Calif., BS	72,000	24,000
Wilmington, Del., CT CU FOB	135,600	23,000
Augusta, Ga., PO FOB	100,000	8,500
Houma, La., Allen J. Ellender PO FOB	49,700	41,400
Champlain, N.Y., BS	93,100	7,800
Midland, Tex., PO CT FOB	85,100	21,300
Subtotal		145,800

Purchase contract	Total square feet	Annual costs	Fiscal year 1975 square feet average	Fiscal year 1975 costs
Tucson, Ariz., FOB	87,200	$224,600	36,300	$94,300
Batesville, Ariz., POCT FOB	33,400	99,100	25,000	74,300
Van Nuys, Calif., FOB	176,100	443,500	146,700	368,100
Dover, Del., FOB	25,800	58,300	12,900	29,100
Athens, Ga., FOB	50,000	233,300	25,000	116,700
Rome, Ga., PO CT	63,800	185,600	5,300	14,800
Chicago, Ill., FRC	180,000	176,100	118,800	116,300
Mt. Vernon, Ill., FOB	13,000	41,800	2,200	7,100
Iowa City, Iowa, PO FOB	73,600	234,200	30,700	98,400
Hattiesburg, Ms., Wm. M. Colmer Federal Building	36,500	112,800	12,200	37,200
Las Cruces, N. Mex., CT FOB	35,700	109,000	23,800	73,000
Albany, N.Y., Leo O'Brian Federal Building	185,900	624,600	140,300	468,500
Aberdeen, S. Dak., FOB	102,300	307,600	68,200	206,100
Rapid City, Conn., FOB	53,300	150,300	17,800	49,600
Nashville, Tenn., CT FOB Annex	308,600	890,700	231,400	668,000
Fort Worth, Tex., FOB parking facility	437,500	68,800	182,300	28,900
Wenatchee, Wash., PO FOB	60,100	179,700	15,000	44,900
Subtotal			1,093,900	2,495,300

INCREASED WORKLOAD, FISCAL YEAR 1975 (COMPLETED FISCAL YEAR 1974)

Lease construction	Total square feet	Fiscal year 1975 square feet average
Shreveport, La., CT FOB	116,000	67,700
Fort Monmouth, N.J., Army Electronics Command	535,000	178,300
Reston, Geological Survey Bldg	660,000	220,000
Subtotal		466,000
Total		1,705,700

Direct construction	Total square feet	Average square feet affecting fiscal year 1975
Department of Labor Building	1,324,400	500,000
Chicago, Ill., Federal Correctional Center and Parking Facility (GSA Prtn)	366,300	165,200
FOB	959,000	140,000
Philadelphia, Pa., Wm. J. Green, Jr., FB and James A. Byrne FCT	1,327,600	237,300
San Antonio, Tex., CT FOB	270,200	135,000
Subtotal		1,177,500

Purchase contract	Total square feet	Annual costs	Fiscal year 1975 square foot average	Fiscal year 1975 costs
San Diego, Calif., CT FOB	639,000	$1,693,400	108,600	$287,900
Richmond, Calif., SSA, Payment Center	415,800	1,041,400	104,000	260,400
Santa Ana, Calif., FOB	197,500	497,100	140,700	372,800
Santa Rosa, Calif., FOB	49,300	149,200	20,500	62,700
Los Angeles, Calif., PF	705,600	196,400	58,800	15,700
Sandpoint, Ind., FOB	27,200	81,400	9,100	26,900
Indianapolis, Ind., FOB	461,400	1,328,500	424,500	1,222,200
Fitchburg, Mass., Philip J. Philbin, FOB	108,300	322,800	45,100	93,600
Lincoln, Nebr., CT FOB PF	422,500	988,700	245,100	573,500
Syracuse, N.Y., CT FOB	312,000	895,200	130,000	376,000
Akron, Ohio, CT FOB	286,900	983,000	250,700	815,900
Dayton, Ohio, CT FOB	117,300	401,700	29,300	100,400
Eugene, Oreg., CT FOB	67,800	189,400	33,900	94,700
Portland, Oreg., FOB	346,500	947,100	58,900	161,000
Philadelphia, Pa., SSA Payment Center	425,700	1,228,400	178,800	515,900
San Juan, P.R. CT FOB	283,300	893,300	94,400	294,800
Subtotal			1,932,400	5,274,400

Lease construction	Total square feet	Fiscal year 1975 square foot average
Birmingham, Ala., SSA Payment Center	506,800	466,200
Wilkes-Barre, Pa., Wilkes-Barre Consolidation	66,000	5,500
Parkersburg, W. Va., Bureau of Public Debt	240,000	140,000
Parkersburg, W. Va., Bureau of Public Debt Records Center	25,000	25,000
Subtotal		636,700
Total		3,746,600

My amendment leaves a cut here of 26 million.

This alone will force a RIF of 2,000 employees.

This is stiff enough.

I urge restoration of this $75 million to GSA's real property operations so it can properly operate the 10,000 Federal buildings that are its responsibility.

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

Mr. Chairman, I think the House ought to know that this item amounted to $289 million in the current fiscal year, and the committee has allowed $293 million for next year, an increase of almost $5 million.

Now, if it is true, as our good friend has just said, that we have been too severe on the agency, it is because of the information they gave us. We think we have given them ample funds for this item. This may be another classic example where some agencies outsmart themselves when they fail to give the committee the information that the committee should have to analyze and reach sound conclusions on appropriation requests.

Now, if it is true that more funds are needed here, they have an opportunity to go to the other body and make requests. In the light of new information they present, we would be glad in conference to consider any adjustments they could justify; but on the basis of the testimony we heard and on the basis of our best judgment in connection with it, we thought this was a fair sum and I hope the House will support it.

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

Mr. STEED. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Is it not a fact the gentleman used figures supplied to the committee by the Comptroller General that showed $289 million in the categories of the GSA for public buildings management and a whole bunch of reimbursable items coming to several millions of dollars, about $44 million; is that not a fact?

Mr. STEED. The reimbursable items are not a part of the $289 million. That is an addition and they will be in addition to the amounts allowed by the committee, too.

Mr. WYMAN. No. Is it not a fact those items under the present law are no longer reimbursable and are not covered? I submit they should not go to the Senate.

Mr. STEED. No. The reimbursable items covering these matters will be $167 million this coming fiscal year.

Mr. WYMAN. Those are no longer reimbursable in 1975.

Mr. STEED. Oh, yes. They are reimbursable. They are in addition to the limitations set by the committee.

Mr. WYMAN. I submit the gentleman is in error.

Mr. BOLAND. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, seldom, if ever, have I interjected myself into the matters of other subcommittees. I hestitate to do it now and reluctantly so, because of my great admiration for my distinguished friend, the gentleman from Oklahoma.

I am concerned about the cut in this particular item. My concern arises from the fact that up until 4 years ago the General Services Administration was funded within the independent offices of the appropriation bill that I now chair. When the gentleman from Oklahoma opened general debate on this bill, he indicated that perhaps in this particular item there may have been an error made by the subcommittee and the full committee with respect to the funding for this item.

The thrust of the amendment of the gentleman from New Hampshire goes to the building management services its real property operations. In 1974 the General Services Administration received $333 million for building services management.

The request by the GSA for their program for fiscal year 1975 was more than $400 million and the Bureau of the Budget allowed $395 million.

Now, what the gentleman from Oklahoma says is quite correct. $289 million was for direct costs for these services in fiscal year 1974. But in order to get a fair figure, a comparable figure, it is necessary to add the reimbursables. There were three substantial reimbursable items that are not included in the $289 million referred to by the Chairman, Mr. STEED. One is for extra cleaning, one is for extra protection, one is for the alterations that always take place when an agency moves from one building to another or another space within a building. They are alterations made of space and in walls and they are substantial.

So, Mr. Chairman, we ought to be concerned about this particular fund. The Federal Government, the taxpayers, have invested in federally owned buildings billions of dollars. The failure to provide the right kind of services for cleaning and all the services the gentleman from New Hampshire has pointed out—the failure to do that means that these buildings are going to deteriorate and in the not too distant future we will be paying a lot more than $75 million that has been requested in this amendment.

I would hope that we could strike some accommodation in this particular amendment. There is no valid reason to reject it.

It is going to be increased on the Senate floor, the Chairman says. That is not really the way to appropriate by this committee. I think the House itself ought to exercise its own good judgment and best judgment.

I must repeat that this is one of the most important items in the whole Federal buildings trust fund. We are trying to make the fund work to protect and preserve the huge investment that the Federal Government, and hence the Nation's taxpayers have in federally owned buildings. The Committee is going to make it work better if the GSA is provided the kind of funds that are going to keep the Federal spaces in the right kind of condition. That is exactly what the $75 million amendment proposes to do.

Mr. ROBISON of New York. Will the gentleman yield?

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

Mr. ROBISON of New York. Mr. Chairman, I find myself in considerable sympathy, if not support, of the position presented by the gentleman from Massachusetts, in support of the amendment offered by the gentleman from New Hampshire.

The hour is very late to try to now arrive at an accommodation such as the gentleman suggests, and I respect the position of my subcommittee chairman, but I would say if an adjustment can be made here, or should be made here in our bill in the other body, then I will be happy to carry to the conference, if I am one of the conferees, the questions and concerns of both gentlemen, the gentleman from Massachusetts and the gentleman from New Hampshire, and work for a favorable solution of them.

Mr. BOLAND. I appreciate the remarks of the gentleman from New York.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 28, noes 67. So the amendment was rejected.

AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK

Mr. ROBISON of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBISON of New York: On page 18, line 8, after the word "excluding" add the following: "amounts merged with the Fund under section 210(f)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(3)) and".

Mr. ROBISON of New York. Mr. Chairman, it is with some hesitancy that I offer this amendment for the situation which compels me to do so was brought to my attention only late last week, and it has been difficult to sort through the merits. Nevertheless, I have come to the conclusion that the amendment, basically technical in nature, is needed.

What the amendment seeks to do is to insure that GSA will be able to utilize in fiscal year 1975 previously appropriated "no year" funds for construction, sites and expenses, additional court facilities, repair and improvement, et cetera.

According to GSA, and I quote from a copy of a letter I received which was addressed to Mr. STEED, chairman of our subcommittee:

In the President's budget estimate, the unobligated amounts in these appropriations at the end of Fiscal Year 1974 were estimated to be $28.3 million. At the present time, however, the best estimate of these unobligated balances is $126 million. The delays in the scheduled obligation of these funds during FY 74 were due primarily to delays in design completion, extension of construction schedules due to adverse weather conditions, transportation disruptions, and labor stoppages in both the construction industry and manufacturers of supplies and materials for the construction industry.

According to GSA, they are mandated under present law to merge these unobligated funds and unexpended balances of previously obligated funds with the new Federal Buildings Fund.

Under the language of this bill as reported, the actual obligation of those unexpended funds would be subject to the overall $871,875,000 spending limitation we have placed on the Federal Buildings Fund.

Again, quoting from the GSA letter, this would have the following impact:

The net effect of this language would be to reduce the FY 75 planned obligations by $126 million (in addition to the $115.6 million reduction). Since individual limitations have been proposed for all of the activities set forth in the Federal Buildings Fund budget, GSA would be unable to continue work and to settle claims on previously authorized but financially incomplete projects. This would require termination of design or construction contracts, cessation of site acquisition actions, and cancellation of badly needed repairs and improvements to facilities, subjecting the Government to damage claims, criticism for partially completed but unoccupied projects, and result in disruptions to Federal agencies in the conduct of the public's business.

There are those who can argue, and with justification, that this information should have been presented to our subcommittee in advance of our markup. I would agree. Nevertheless, we may face a serious and difficult situation, for if the bill is not changed to exclude the "no year" funds from the overall limit on Federal building fund spending, under the terms of the continuing resolution GSA states it would be forced to "initiate serious stoppages" in Federal building construction.

What my amendment seeks to do is exclude from our spending ceiling of $871,875,000 for the Federal building fund the approximately $126 million of unobligated balances which have accrued as the result of "no year" appropriations for Federal building construction, site preparation, and so on.

Had the subcommittee had this information during the markup, I am confident that we would have found an accommodation that would have ameliorated the situation in such a manner so as to make my amendment today unnecessary.

Since that did not occur, I have decided that the responsible course of action is to offer the amendment—though I do not intend to seek a record vote on it. I fully intend to draw this matter to the attention of the Senate Appropriations Committee and will urge that they explore it at some length.

Finally, I would like to make one last comment. For the first time this year we on the Treasury, Postal Service, and General Government Committee struggled with the practical application of the new Federal building fund. It was a difficult task for attempting to make the kind of normal budget comparisons with previous year expenditures was not easily done. Again, I would like to compliment the subcommittee staff for helping make order out of a chaotic situa-

tion. We did our best. We tried to act responsibly. Given the completely new method of budgeting, I feel we did a good job. But we probably did make some mistakes. If so, I hope that the House will understand how this might have happened. In the years ahead, this will be less difficult and the need for the kind of amendment I am forced to offer today will be eliminated.

I urge the adoption of the amendment.

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

May I say, Mr. Chairman, that I very reluctantly oppose the amendment of the gentleman from New York. I would never oppose any proposal of his in good conscience, generally, and I am not certain that I am opposed to this proposal except that I am having some difficulty in trying to decide what it really does. It is a very technical amendment. We have had absolutely no opportunity to study it or to do any research on it.

The $126 million carryover from prior year accounts was an item that the GSA was not a bit eager to tell us about. We dug that out ourselves.

The whole history of this thing has caused me to have some serious doubts about just what this is all about.

Mr. Chairman, what I would like to do would be to have this amendment rejected here, with the understanding that the other body will go into it. If all it does is to preserve the unspent surplus of $126 million and nothing else, I would have no difficulty in accepting that in conference, but I could not at this moment tell the House what this amendment will or will not do, because we have not had a chance to do any research on it.

For that reason, much as I hate to disagree with my friend, the gentleman from New York, I would like to have it put in abeyance until the other side has had an opportunity to go into it more thoroughly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROBISON).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. No appropriation contained in this Act for the General Services Administration shall be available for administrative expenses in connection with the execution of a purchase contract under section 5 of the Public Buildings Amendments of 1972 unless such proposed purchase contract has been presented to the Committee on Appropriations of the Senate and House of Representatives, respectively, and the Congress within a period of sixty days thereafter has not passed an appropriation for the acquisition of an equivalent amount of space; or if, during such period, the proposed contract has been disapproved by the Committees on Appropriations of the Senate and House of Representatives, respectively.

POINT OF ORDER

Mr. GRAY. Mr. Chairman, I make a point of order as to section 3, lines 13 through 25, inclusive, particularly to the language appearing on line 22 after the semicolon: "or if, during such period, the proposed contract has been disapproved by the Committees on Appropriations of the Senate and House of Representatives, respectively."

Mr. Chairman, I submit that this is legislation on an appropriation bill and it usurps the prerogatives of the Committee on Public Works. Under the Public Buildings Act, that committee has the authority to approve prospectuses submitted under the Public Buildings Act of 1972, as amended.

Mr. STEED. Mr. Chairman, we concede the point of order.

The CHAIRMAN (Mr. SISK). The gentleman from Oklahoma concedes the point of order.

The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Page 24, immediately after line 25, insert the following new section number 4:

SEC. 4. None of the funds available under this Act shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration-Department of Agriculture MCS project 97–72 contained in the Request for Proposal CDPA 74–14, any successor to such project, or any other common user shared facilities authorized under section 111 of the Federal Property and Administrative Services Act of 1949.

Mr. ROYBAL. Mr. Chairman, this amendment adds a new section to the bill. It merely states:

None of the funds available under this Act shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration and the Department of Agriculture.

Mr. Chairman, this has become necessary because during the last few days it came to the attention of the committee that the General Services Administration has decided to go on with the development of a massive, comprehensive data processing system which may invade the privacy of every man, woman, and child in the United States.

The General Services Administration has already published specifications and is at the moment seeking bids. On January 21 it granted the U.S. Department of Agriculture direct procurement authorization for 570 terminals. On April 25, the General Services Administration received an additional request for 4,000 terminals, but they immediately notified the Department of Agriculture that they had only authorized 570; therefore, their request was going to be held in abeyance.

The truth of the matter is that on June 12 the General Services Administration again accepted a request by the Department of Agriculture increasing that number to 952 outlets.

During the time that this matter was being proposed before the Committee we questioned the propriety of such action, and GSA told us that this matter was financed by a revolving computer fund under their control and that the Congress of the United States need not provide the necessary authorization.

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

Mr. ROYBAL. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, as the gentleman knows, we entered into a discussion in some detail concerning this matter during the hearings, and the outcome of that was that in view of the very active interest which had been displayed concerning this matter by the Office of Management and Budget, by Members of the other body and by other groups concerned about this problem of privacy, we were told that the matter had been placed in abeyance. We were told by the OMB that they had been assured that it would be held in abeyance.

Further studies are to be made. We keep hearing reports that this may not be so. But I will say this to the gentleman from California, that if what we have been told officially by those who are in position to be involved is true, then the gentleman's amendment does no harm. Since there are some misgivings about what we have been told, it may be that the amendment is needed to make sure that the assurances we have had will remain firm.

I personally have no objection to the gentleman's amendment.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I will yield to the gentleman from New York.

Mr. ROBISON of New York. I do not know that I have an objection, specifically, to the amendment offered by the gentleman from California, but I would like to reserve an objection on this matter after it goes to the other body so as to have a chance in conference to consider its exact implications.

So we have no objection now to the amendment on this side.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. STEED. Mr. Chairman, I ask unanimous consent that all of title V and title VI be considered as read and open to amendment at any point.

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

Mr. HARSHA. Reserving the right to object, Mr. Chairman, I wish to make a parliamentary inquiry.

PARLIAMENTARY INQUIRY

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HARSHA. Mr. Chairman, my parliamentary inquiry is this: I have a point of order to raise on section 611. Would that point of order be in order at this time?

The CHAIRMAN. The Chair will state that, yes, the point of order would be in order at this time. In fact, any points of order that may lie to these titles should be made immediately.

Mr. HARSHA. I withdraw my reservation of objection.

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

There was no objection.

POINT OF ORDER

Mr. HARSHA. Mr. Chairman, I make a point of order on page 34, line 24, section 611.

The portion of the bill to which the point of order is raised is as follows:

SEC. 611. None of the funds available under this or any other act shall be available for administrative expenses in connection with increasing the standard level user charge (rental charge) above the rate established for government agencies in the President's Budget for fiscal year 1975.

Mr. Chairman, this is obviously outside the scope of this legislation. It is too broad. I do not believe it is germane. I urge the Chairman to sustain my point of order.

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

Mr. STEED. I do, Mr. Chairman.

Mr. Chairman, this merely holds the rates at the level they already are. It is clearly a limitation, and nothing else. It requires no action in the area. It just leaves things the way they are.

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

Upon examination of the language the Chair feels that this section does go substantially beyond this act because on line 25 it will be noted that it restricts funds in this "or any other act" and the Chair therefore sustains the point of order.

AMENDMENT OFFERED BY MR. ADDABBO

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

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 35, after line 9, a new section 613:

None of the funds available under this bill shall be available for administrative expenses for the purpose of transferring the border control activities of the Bureau of Customs to any other agency of the Federal Government.

Mr. ADDABBO. Mr. Chairman, under existing law in the Reorganization Plan No. 2, Customs retained its interdiction role "at regular inspections located at ports of entry or anywhere along the land or water borders of the United States."

This would be a restatement, and therefore, prohibiting the Office of Management and Budget or anyone else from taking that power away from Customs.

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

Mr. Chairman, I do so reluctantly because the hour is late and the matter is a complex one. But the fact of the situation is this, that a joint OMB-Treasury-Justice study of Federal law enforcement activities along the Nation's borders was initiated in December 1973. That inquiry indicated that some readjustment of the existing responsibilities as between Customs and the Immigration Service ought to be worked out. An attempt has been made at the beginning that readjustment, and I know full well that the pending proposal on the part of the Department of Justice and, I suppose, to an extent on the part of OMB is very strongly opposed by my friend, the gentleman from New York, and also by our subcommittee chairman, Mr. STEED.

However, the point of the matter now is that OMB has agreed to a congressional review of this issue, along with the Departments of Justice and Treasury, and has arranged to have the Committee on Government Operations of this House investigate the entire matter and conduct a review of both sides of this issue. In the interim we have been told—Mr. STEED and I—just the last several days, that there will be a deferral of the Department of the Treasury's redeployment of personnel in order to permit this review to go forward.

If we put this language in our bill—and I understand why the gentleman wants to do it—we might just as well say to the Committee on Government Operations of this House: Do not bother to look into the matter, Mr. Chairman. We do not care whether there are two sides to the issue or not. We do not care what you do. We think we are right, and we want to freeze our position into this appropriation bill for all of the next fiscal year.

Mr. Chairman, I think that is not the right way of trying to solve a complex and uncertain issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The question was taken; and on a division (demanded by Mr. ADDABBO), there were—ayes 43, noes 56.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 283, noes 100, not voting 51, as follows:

[Roll No. 328]

AYES—283

Abdnor	Conte	Grasso
Abzug	Conyers	Gray
Adams	Corman	Green, Oreg.
Addabbo	Cotter	Green, Pa.
Alexander	Coughlin	Griffiths
Anderson, Calif.	Crane	Gross
Andrews, N.C.	Cronin	Grover
Annunzio	Culver	Gubser
Armstrong	Daniel, Dan	Gunter
Aspin	Daniel, Robert W., Jr.	Guyer
Badillo	Danielson	Haley
Bafalis	Davis, Ga.	Hamilton
Barrett	Davis, S.C.	Hammer-schmidt
Bauman	de la Garza	Hanley
Beard	Delaney	Hanrahan
Bennett	Dellums	Harrington
Bergland	Denholm	Hastings
Bevill	Dent	Hays
Biaggi	Derwinski	Hechler, W. Va.
Biester	Dickinson	Heinz
Blatnik	Dingell	Helstoski
Boland	Donohue	Henderson
Bowen	Downing	Hicks
Brademas	Drinan	Hillis
Bray	Dulski	Hinshaw
Breaux	Eckhardt	Hogan
Breckinridge	Edwards, Ala.	Holt
Brinkley	Edwards, Calif.	Howard
Brotzman	Eshleman	Huber
Broyhill, Va.	Evans, Colo.	Hudnut
Burke, Calif.	Evins, Tenn.	Hungate
Burke, Fla.	Fascell	Hutchinson
Burke, Mass.	Flood	Ichord
Burleson, Tex.	Flowers	Jarman
Burton, John	Flynt	Johnson, Calif.
Burton, Phillip	Ford	Jones, Ala.
Byron	Fountain	Jones, N.C.
Camp	Fraser	Jones, Okla.
Carney, Ohio	Frey	Jones, Tenn.
Casey, Tex.	Fulton	Jordan
Chappell	Fuqua	Karth
Chisholm	Gaydos	Kastenmeier
Clark	Gettys	Kazen
Clausen, Don H.	Giaimo	Kemp
Clawson, Del	Gibbons	Kluczynski
Clay	Gilman	Koch
Cleveland	Ginn	Kuykendall
Cohen	Goldwater	Kyros
Collins, Ill.	Gonzalez	Landrum
	Goodling	Latta
Leggett	Perkins	Stokes
Lehman	Peyser	Stratton
Lent	Pickle	Stubblefield
Litton	Pike	Stuckey
Long, La.	Poage	Studds
Lujan	Podell	Symms
Luken	Powell, Ohio	Taylor, Mo.
McCloskey	Preyer	Taylor, N.C.
McCormack	Price, Ill.	Thompson, N.J.
McDade	Railsback	Thomson, Wis.
McFall	Rangel	Thone
McKinney	Rarick	Thornton
Madden	Rees	Tiernan
Mallary	Reuss	Traxler
Mann	Rinaldo	Udall
Maraziti	Roberts	Ullman
Martin, N.C.	Robinson, Va.	Van Deerlin
Mathias, Calif.	Roe	Vanik
Mathis, Ga.	Rogers	Vigorito
Matsunaga	Roncalio, Wyo.	Waggonner
Melcher	Roncallo, N.Y.	Waldie
Metcalfe	Rooney, Pa.	Walsh
Mezvinsky	Rose	Wampler
Milford	Rostenkowski	Ware
Minish	Roush	White
Mitchell, N.Y.	Rousselot	Whitehurst
Moakley	Roybal	Whitten
Montgomery	Runnels	Widnall
Moorhead, Pa.	St Germain	Wilson, Bob
Morgan	Sandman	Wilson, Charles H., Calif.
Moss	Sarasin	
Murphy, Ill.	Sarbanes	Wolff
Murtha	Satterfield	Wright
Myers	Schroeder	Wydler
Natcher	Shipley	Wylie
Nedzi	Shoup	Yates
Nelsen	Shuster	Yatron
Nichols	Sisk	Young, Alaska
Nix	Smith, Iowa	Young, Fla.
O'Hara	Snyder	Young, Ga.
O'Neill	Spence	Young, S.C.
Owens	Staggers	Young, Tex.
Passman	Stanton, James V.	Zablocki
Patman	Stark	Zion
Patten	Steed	
Pepper		

NOES—100

Anderson, Ill.	Fish	Price, Tex.
Andrews, N. Dak.	Forsythe	Pritchard
Archer	Frenzel	Quie
Arends	Froehlich	Quillen
Ashbrook	Gude	Randall
Baker	Hansen, Idaho	Regula
Bell	Harsha	Rhodes
Broomfield	Holtzman	Robison, N.Y.
Brown, Mich.	Horton	Rodino
Brown, Ohio	Hosmer	Ruppe
Broyhill, N.C.	Hunt	Ruth
Buchanan	Johnson, Colo.	Scherle
Burgener	Johnson, Pa.	Schneebeli
Burlison, Mo.	Ketchum	Sebelius
Butler	King	Seiberling
Carter	Lagomarsino	Shriver
Cederberg	Landgrebe	Skubitz
Chamberlain	McClory	Slack
Clancy	McCollister	Smith, N.Y.
Cochran	McEwen	Steelman
Collier	McKay	Steiger, Wis.
Collins, Tex.	Mahon	Talcott
Conable	Martin, Nebr.	Towell, Nev.
Conlan	Mayne	Treen
Davis, Wis.	Mazzoli	Vander Jagt
Dellenback	Michel	Veysey
Dennis	Miller	Whalen
Devine	Mink	Wiggins
Duncan	Mizell	Williams
du Pont	Moorhead, Calif.	Winn
Eilberg	Mosher	Wyatt
Erlenborn	O'Brien	Wyman
Findley	Pettis	Young, Ill.
		Zwach

NOT VOTING—51

Ashley	Hansen, Wash.	Reid
Bingham	Hawkins	Riegle
Blackburn	Hébert	Rooney, N.Y.
Boggs	Heckler, Mass.	Rosenthal
Bolling	Holifield	Roy
Brasco	Long, Md.	Ryan
Brooks	Lott	Sikes
Brown, Calif.	McSpadden	Stanton, J. William
Carey, N.Y.	Macdonald	
Daniels, Dominick V.	Madigan	Steele
	Meeds	Steiger, Ariz.
Diggs	Mills	Stephens
Dorn	Minshall, Ohio	Sullivan
Esch	Mitchell, Md.	Symington
Fisher	Mollohan	Teague
Foley	Murphy, N.Y.	Vander Veen
Frelinghuysen	Obey	Wilson, Charles, Tex.
Hanna	Parris	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 28, immediately after line 26, insert the following new section:

SEC. 508. No part of the moneys appropriated by this Act shall be available to pay for legal counsel or assistance, travel, or personal staff for any person with respect to the period which begins on the day of the failure of such person to comply with a valid subpoena or other valid legal process issued under the authority of either House of the Congress, and ends on the day of the compliance of such person with such subpoena or process, or on the day on which such person is excused by the entity issuing such subpoena or process from compliance therewith, whichever day is earlier.

POINT OF ORDER

Mr. ROBISON of New York. Mr. Chairman, I rise to make a point of order.

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

Mr. ROBISON of New York. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation on an appropriation bill. The determination of compliance or noncompliance with a so-called valid subpena or legal process and the determination, indeed, as to whether or not a subpena or legal process is "valid," in this context, are additional administrative duties and therefore violate clause 2 of rule XXI of the House.

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

Mr. DINGELL. Yes, Mr. Chairman, I desire to be heard.

Mr. Chairman, the words "valid subpena" impose no discretion on the executive officer or individual toward whom the subpena might be directed. These are words of art in the legal profession which have been used for generations. They are words which simply indicate appropriate legal process, and the word could either be "valid" or "appropriate."

I would remind my good friend, the gentleman from New York, that each and every subpena issued by this body or by the other body is fair on its face and is presumed to be valid.

Mr. Chairman, what the amendment says is that every person who receives a subpena from this body or from the other body and who fails to repond thereto shall receive no part of the funds appropriated by this act to pay for legal counsel or legal assistance, travel, or personal staff for any person during the time that he is not in compliance with the subpena or other legal process issued by the House or by the Senate.

There is no judgment imposed upon any person, because subpenas and legal processes issued by the House or by the Senate are clear on their face and are presumed to be valid until proven otherwise. So the individual has no discretion.

There are no responsibilities or ministerial duties imposed upon any person. There is simply a limitation upon the expenditure of funds for persons who are not in compliance with this particular amendment.

Mr. ROBISON of New York. Mr. Chairman, may I be heard further on my point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ROBISON of New York. It seems to me, Mr. Chairman, that the distinguished gentleman in the well, who is obviously far more of an expert than am I, has just helped my point of order by saying a few moments ago that these so-called subpenas, valid subpenas and valid legal processes, are clear on their face and presumed to be valid, or whatever his words were, until determined otherwise. I think that was a phrase the gentleman used.

So that requires, then, some determination by someone outside of the Congress.

Mr. Chairman, I renew my point of order.

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

The gentleman from Michigan (Mr. DINGELL) has offered an amendment which is intended as a limitation upon an appropriation, to which the gentleman from New York (Mr. ROBISON) has raised a point of order that it constitutes legislation on an appropriation bill.

The Chair has examined the amendment at considerable length and feels that there is ample precedent in connection with this type of limitation. The Chair will cite one precedent: A ruling by the gentleman from Connecticut, Mr. Monagan, Chairman of the Committee of the Whole, back on June 22, 1972, in connection with the same appropriation bill, on which an amendment providing that no funds in a general appropriation bill shall be expended for the compensation of persons who refuse to appear before a committee of Congress on the grounds of "executive privilege," except 10 persons designated by the President, or for the compensation of persons in the Executive Office holding more than one position therein, was held to constitute a valid limitation on the use of funds in the bill which did not interfere with the President's executive discretion or impose additional duties or policy changes upon him.

The Chair feels that this amendment is fully in line with the precedents here, and the Chair overrules the point of order.

Mr. DINGELL. Mr. Chairman, this amendment has been very carefully drafted, first of all, to avoid the pitfalls of the Constitution which prohibits the House from interfering with and prohibits the Congress from interfering with or changing the compensation of the President during his tenure of office.

The amendment offered here simply limits the expenditures of these funds so that none of them may be expended by any person for the following purposes: To pay for legal counsel or assistance, travel, or personal staff during the period that such person fails or refuses to comply with legal process or legal subpena issued by the House or the Senate; and as soon as that noncompliance has abated, then the individual may commence to have those expenses paid from this appropriation.

I do not think it is unreasonable for the Congress to say that we expect our subpenas and our processes will be honored by the executive department or by any other person. I do not think it is too much to say that we expect the President or anyone else to comply with the laws of this Nation and to respond to the subpenas and other processes of the Congress.

The Committee on the Judiciary of the House of Representatives has been sending, by overwhelming and nonpartisan votes, subpenas for tapes, for documents, and other information from the White House. The White House has at all times refused to comply therewith.

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

Mr. DINGELL. If the gentleman will permit me to complete my statement I will yield to the gentleman later.

Mr. Chairman, I find myself incapable of believing that this body or the other body would permit our or their mandate to inquire into the impeachment of the President to go to the faithful and full implementation of the law to inquire, as the grandest inquest in the Nation, in the language of the legal scholars and historians, to be ignored by any person, high or low.

I think it is very clear that in another position where other individuals perhaps were involved in this, we might have overwhelming support on both sides of the aisle. It is my hope that this will not be a partisan question, but rather it will be viewed, as it properly is, as a question of whether we are going to sustain the prerogatives of the House of Representatives to make its proper inquiries.

Those who voted overwhelmingly, with only a most miniscule number of dissenting votes, to vest in the Committee on the Judiciary the power to issue subpenas with regard to the impeachment proceedings now going on of the President of the United States, this House—and the Committee on the Judiciary, by overwhelming votes, has at the same time approved the issuance of subpenas—and one member of the Committee on the Judiciary this morning was quoted in the Washington Post as saying not one member of the committee dreams that the President will comply with these subpenas, not one member dreams.

Well, Mr. Chairman, I would never dream that a President or anyone else would fail or refuse to comply with the subpenas or with the laws of this Nation.

I do not think it is too much to say that the subpenas and the processes of this Congress should be adhered to, and should be carried out.

This is not a vote of impeachment, this is simply a vote as to whether this body intends to see to it that the processes and the subpenas issued by this Congress are honored by all persons in high or low estate.

Now I will yield to the gentleman from Illinois.

Mr. YOUNG of Illinois. Mr. Chairman, I want to say at the beginning that I have great respect for the judgment of the gentleman from Michigan. I would like, however, to believe and understand the import of the amendment the gentleman is offering.

Would it be my collect understanding that if the amendment of the gentleman from Michigan is offered, or his proposition were adopted, that it would be interpreted to mean at the present time that the President of the United States is not in compliance with a subpena and that therefore he would not be entitled to receive any payment?

Mr. DINGELL. The answer to that question is yes. The President is not in compliance with the whole series of subpenas. And these are so well known; in fact, better know to the Committee on the Judiciary and to a number of Members who serve on that committee, than they are to me.

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

Mr. DINGELL. I yield to my good friend, the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, having dealt for a good many years with the question of subpena power——

The time of the gentleman has expired.

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

Mr. DINGELL. I yield further to the gentleman from Missouri.

Mr. ICHORD. The amendment offered by the gentleman from Michigan (Mr. DINGELL) does raise a very interesting legal question.

Actually, what the House of Representatives is doing at the present time, and has for the last 100 years, is to rely upon the processes of the courts to enforce its subpena power. Of course, the House of Representatives, as one part of a coequal branch of the Government, would have the inherent power to enforce its own powers of subpena.

Mr. DINGELL. If the gentleman would permit me, he is entirely correct. We could do what we have done in the past, what the English Parliament did before us, and that is to hail the recalcitrant persons before this body and to try them, or to sentence them right here for failure to comply. I am trying to avoid that action. I want a fair action here to consider whether the President is guilty of wrongdoing justifying his impeachment, or to establish that he is innocent of wrongdoing so that we can clear him, so that he can begin to function.

But the answer to my good friend is, I have chosen this very reasonable, right-handed fashion to enable the Congress to procure compliance with its subpenas without getting into that kind of behavior, because I think the President should be cleared if he is innocent. He should be impeached, convicted, and removed from office if he is guilty of wrongdoing. This will enable us to expedite the process that the people are tired of waiting to have carried out by this body of getting the information required.

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

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

Mr. ICHORD. I thank the gentleman for yielding.

Then it is specifically the position of the gentleman from Michigan that we would not have to wait for a court decision if the amendment of the gentleman from Michigan is agreed to?

Mr. DINGELL. The answer to my good friend, the gentleman from Missouri, is that we are seeing here essentially a test of the powers that were decided in the confrontations between the Parliament and the Stuart Kings wherein the question of the expenditure of the public purse was resolved in favor of the powers of the Parliament. This is a fundamental principle emblazoned in the Constitution and in the laws of this land going back for 200 years.

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

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

Mr. DENNIS. I thank the gentleman for yielding.

The gentleman from Michigan is a good lawyer. Setting the political fun and games aside, he knows that these questions of executive privilege and constitutional rights of information between the executive and the legislative branch are great, unresolved constitutional problems of the Nation. Now I suggest he is presenting an amendment which is going to call on some clerk in the Department of the Treasury to decide that great, unresolved constitutional question every time a subpena is issued, not only to the President of the United States but to any member of the executive branch who for any reason refuses to honor it.

Mr. DINGELL. The gentleman from Indiana is entirely correct. This is a very simple amendment. It does not impose any difficult judgments on any person. It treats everybody alike, whether they be the lowest clerk in the executive branch, the ditchdigger, the garbage collector, or the President. It just says that the mandates of this Congress are going to be respected.

It also says something else. We are exercising the power of the purse, which is an ancient power of the legislature gathered with great difficulty from a recalcitrant king.

I would point out something else that is equally important. I do not agree with the gentleman with regard to executive privilege. It is my view that it does not exist. The President, as does everybody else, has a duty to comply with the law.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

First of all, the gentleman knows we do not have any parliamentary system in this country.

Mr. DINGEL. We have traditions in this country, and we have a written Constitution. Those are important and they must be upheld.

Mr. BROWN of Michigan. Will the gentleman yield for a couple of questions?

Mr. DINGELL. Certainly.

Mr. BROWN of Michigan. First, I should like to have the gentleman define "assistance" in his amendment. Second, I should like to have him define what constitutes a subpena which is valid, and legal process which is valid.

Mr. DINGELL. The answer to the first question is: There is a clause which appears in the second line of the amendment which says "for legal counsel or assistance," meaning legal assistance.

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

Mr. Chairman, I think we could talk about this a long time and we would end up just where we are right now. I am sure every Member of the House knows what a frivolous amendment this is. We have other persons at work on this, and this is not the time nor the place for this kind of amendment. Mr. Chairman, I urge the Members to do themselves a favor and vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WHITE

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

The portion of the bill to which the amendment relates is as follows:

SEC. 602. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intent to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from Cuba, Poland, or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That, for the purposes of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 29, line 22, after the word "date" insert the following: "and is actually residing in the United States".

Mr. WHITE. Mr. Chairman, this is a perfecting, correcting type of amendment which I have presented to both sides.

This amendment provides that on this continent for an alien who has declared himself as desirous of becoming a citizen, to work for the U.S. Government he must actually reside in this country. This is for the thousands of so-called green card persons who work in this country but live in Mexico and do not pay taxes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SISK, 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. 15544) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1975, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEED. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. GROSS

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill H.R. 15554 to the Committee on Appropriations.

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

There was no objection.

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

The motion to recommit was rejected.

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

Mr. DELLENBACK. 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 367, nays 13, not voting 54, as follows:

[Roll No. 329]

YEAS—367

Abdnor	Edwards, Ala.	McEwen
Abzug	Edwards, Calif.	McFall
Adams	Eilberg	McKay
Addabbo	Erlenborn	McKinney
Anderson, Calif.	Eshleman	Madden
Anderson, Ill.	Evans, Colo.	Mahon
Andrews, N.C.	Evins, Tenn.	Mallary
Andrews, N. Dak.	Fascell	Mann
Annunzio	Findley	Maraziti
Archer	Flood	Martin, Nebr.
Arends	Flowers	Martin, N.C.
Armstrong	Flynt	Mathias, Calif.
Aspin	Ford	Mathis, Ga.
Badillo	Forsythe	Matsunaga
Bafalis	Fountain	Mayne
Baker	Fraser	Mazzoli
Barrett	Frenzel	Melcher
Bauman	Frey	Metcalfe
Beard	Froehlich	Mezvinsky
Bell	Fulton	Michel
Bennett	Fuqua	Milford
Bergland	Gaydos	Miller
Bevill	Gettys	Minish
Biaggi	Giaimo	Mink
Biester	Gibbons	Mitchell, N.Y.
Bingham	Gilman	Mizell
Blatnik	Ginn	Moakley
Boland	Goldwater	Montgomery
Bowen	Gonzalez	Moorhead, Calif.
Brademas	Goodling	Moorhead, Pa.
Bray	Grasso	Morgan
Breaux	Gray	Mosher
Breckinridge	Green, Oreg.	Moss
Brinkley	Green, Pa.	Murphy, Ill.
Broomfield	Griffiths	Murtha
Brotzman	Grover	Myers
Brown, Mich.	Gubser	Natcher
Brown, Ohio	Gude	Nedzi
Broyhill, N.C.	Gunter	Nelsen
Broyhill, Va.	Guyer	Nichols
Buchanan	Haley	Nix
Burgener	Hamilton	O'Brien
Burke, Calif.	Hammer-schmidt	O'Hara
Burke, Fla.	Hanley	O'Neill
Burke, Mass.	Hanrahan	Owens
Burleson, Tex.	Hansen, Idaho	Passman
Burlison, Mo.	Harrington	Patman
Burton, John	Hastings	Patten
Burton, Phillip	Hays	Pepper
Butler	Hechler, W. Va.	Perkins
Byron	Heinz	Pettis
Camp	Helstoski	Peyser
Carter	Henderson	Pickle
Casey, Tex.	Hicks	Pike
Cederberg	Hillis	Poage
Chamberlain	Hinshaw	Podell
Chappell	Hogan	Powell, Ohio
Chisholm	Holt	Preyer
Clancy	Holtzman	Price, Ill.
Clark	Horton	Pritchard
Clausen, Don H.	Hosmer	Quie
Clawson, Del	Howard	Quillen
Clay	Hudnut	Railsback
Cleveland	Hungate	Randall
Cochran	Hunt	Rangel
Cohen	Hutchinson	Rees
Collier	Ichord	Regula
Collins, Ill.	Jarman	Reuss
Conable	Johnson, Calif.	Rhodes
Conte	Johnson, Colo.	Rinaldo
Corman	Johnson, Pa.	Roberts
Cotter	Jones, Ala.	Robinson, Va.
Cronin	Jones, N.C.	Robison, N.Y.
Culver	Jones, Okla.	Rodino
Daniel, Dan	Jones, Tenn.	Roe
Daniel, Robert W., Jr.	Jordan	Rogers
Danielson	Karth	Roncalio, Wyo.
Davis, Ga.	Kastenmeier	Roncallo, N.Y.
Davis, S.C.	Kazen	Rooney, Pa.
Davis, Wis.	Kemp	Rose
de la Garza	Ketchum	Rostenkowski
Delaney	King	Roush
Dellenback	Kluczynski	Roy
Dellums	Koch	Roybal
Denholm	Kuykendall	Runnels
Dennis	Kyros	Ruppe
Dent	Lagomarsino	Ruth
Derwinski	Landrum	Ryan
Devine	Latta	St Germain
Dickinson	Leggett	Sandman
Dingell	Lehman	Sarasin
Donohue	Lent	Sarbanes
Downing	Litton	Satterfield
Drinan	Long, La.	Scherle
Dulski	Lujan	Schneebeli
Duncan	Luken	Schroeder
du Pont	McClory	Sebelius
Eckhardt	McCloskey	Seiberling
Edwards, Ala.	McCollister	Shipley
Edwards, Calif.	McCormack	Shoup
Eilberg	McDade	Shriver
Erlenborn	McEwen	Sikes
Eshleman	McFall	Sisk
Evans, Colo.	McKay	Skubitz
Evins, Tenn.	McKinney	Slack
Fascell	Madden	Smith, Iowa
Findley	Mahon	Smith, N.Y.
Flood	Mallary	Snyder
Flowers	Mann	Spence
Flynt	Maraziti	Staggers
Ford	Martin, Nebr.	Stanton, James V.
Forsythe	Martin, N.C.	Stark
Fountain	Mathias, Calif.	Steed
Fraser	Mathis, Ga.	Steelman
Frenzel	Matsunaga	Steiger, Wis.
Frey	Mayne	Stokes
Froehlich	Mazzoli	Stratton
Fulton	Melcher	Stubblefield
Fuqua	Metcalfe	Stuckey
Gaydos	Mezvinsky	Studds
Gettys	Michel	Talcott
Giaimo	Milford	Taylor, Mo.
Gibbons	Miller	Taylor, N.C.
Gilman	Minish	Thomson, Wis.
Ginn	Mink	Thone
Goldwater	Mitchell, N.Y.	Thornton
Gonzalez	Mizell	Tiernan
Goodling	Moakley	Towell, Nev.
Grasso	Montgomery	Traxler
Gray	Moorhead, Calif.	Treen
Green, Oreg.	Moorhead, Pa.	Udall
Green, Pa.	Morgan	Van Deerlin
Griffiths	Mosher	Vander Jagt
Grover	Moss	Vanik
Gubser	Murphy, Ill.	Veysey
Gude	Murtha	Vigorito
Gunter	Myers	Waggonner
Guyer	Natcher	Waldie
Haley	Nedzi	Walsh
Hamilton	Nelsen	Wampler
Hammer-schmidt	Nichols	Ware
Hanley	Nix	Whalen
Hanrahan	O'Brien	White
Hansen, Idaho	O'Hara	Whitehurst
Harrington	O'Neill	Whitten
Hastings	Owens	Widnall
Hays	Passman	Wiggins
Hechler, W. Va.	Patman	Williams
Heinz	Patten	Wilson, Bob
Helstoski	Pepper	Wilson, Charles H., Calif.
Henderson	Perkins	Winn
Hicks	Pettis	Wolff
Hillis	Peyser	Wright
Hinshaw	Pickle	Wyatt
Hogan	Pike	Wydler
Holt	Poage	Wylie
Holtzman	Podell	Wyman
Horton	Powell, Ohio	Yates
Hosmer	Preyer	Yatron
Howard	Price, Ill.	Young, Alaska
Hudnut	Pritchard	Young, Fla.
Hungate	Quie	Young, Ga.
Hunt	Quillen	Young, Ill.
Hutchinson	Railsback	Young, S.C.
Ichord	Randall	Young, Tex.
Jarman	Rangel	Zablocki
Johnson, Calif.	Rees	Zion
Johnson, Colo.	Regula	Zwach
Johnson, Pa.	Reuss	
Jones, Ala.	Rhodes	
Jones, N.C.	Rinaldo	
Jones, Okla.	Roberts	
Jones, Tenn.	Robinson, Va.	
Jordan	Robison, N.Y.	
Karth	Rodino	
Kastenmeier	Roe	
Kazen	Rogers	
Kemp	Roncalio, Wyo.	
Ketchum	Roncallo, N.Y.	
King	Rooney, Pa.	
Kluczynski	Rose	
Koch	Rostenkowski	
Kuykendall	Roush	
Kyros	Roy	
Lagomarsino	Roybal	
Landrum	Runnels	
Latta	Ruppe	
Leggett	Ruth	
Lehman	Ryan	
Lent	St Germain	
Litton	Sandman	
Long, La.	Sarasin	
Lujan	Sarbanes	
Luken	Satterfield	
McClory	Scherle	
McCloskey	Schneebeli	
McCollister	Schroeder	
McCormack	Sebelius	
McDade	Seiberling	

NAYS—13

Alexander	Gross	Rousselot
Ashbrook	Huber	Shuster
Collins, Tex.	Landgrebe	Symms
Conlan	Price, Tex.	
Crane	Rarick	

NOT VOTING—54

Ashley	Frelinghuysen	Obey
Blackburn	Hanna	Parris
Boggs	Hansen, Wash.	Reid
Bolling	Harsha	Riegle
Brasco	Hawkins	Rooney, N.Y.
Brooks	Hébert	Rosenthal
Brown, Calif.	Heckler, Mass.	Stanton, J. William
Carey, N.Y.	Holifield	Steele
Carney, Ohio	Long, Md.	Steiger, Ariz.
Conyers	Lott	Stephens
Coughlin	McSpadden	Sullivan
Daniels, Dominick V.	Macdonald	Symington
Diggs	Madigan	Teague
Dorn	Meeds	Thompson, N.J.
Esch	Mills	Ullman
Fish	Minshall, Ohio	Vander Veen
Fisher	Mitchell, Md.	Wilson, Charles, Tex.
Foley	Mollohan	
	Murphy, N.Y.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Ashley.

Mr. Hébert with Mr. Brown of California.

Mr. Teague with Mrs. Hansen of Washington.

Mr. Rooney of New York with Mr. Mills.

Mr. Dominick V. Daniels with Mr. Reid.

Mr. Holifield with Mr. Steele.

Mrs. Boggs with Mr. J. William Stanton.

Mr. Mitchell of Maryland with Mr. Dorn.

Mr. Brasco with Mr. Mollohan.

Mr. McSpadden with Mr. Blackburn.

Mr. Carney of Ohio with Mr. Conyers.

Mr. Murphy of New York with Mr. Madigan.

Mr. Carey of New York with Mr. Coughlin.

Mr. Rosenthal with Mr. Frelinghuysen.

Mrs. Sullivan with Mr. Esch.

Mr. Hawkins with Mr. Long of Maryland.

Mr. Diggs with Mr. Vander Veen.

Mr. Brooks with Mr. Harsha.

Mr. Hanna with Mr. Fish.

Mr. Foley with Mrs. Heckler of Massachusetts.

Mr. Fisher with Mr. Lott.

Mr. Macdonald with Mr. Parris.

Mr. Obey with Mr. Steiger of Arizona.

Mr. Riegle with Mr. Charles Wilson of Texas.

Mr. Stephens with Mr. Symington.

Mr. Meeds with Mr. Ullman.

The result of the vote was announced as above reported

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN H.R. 15544; AND GENERAL LEAVE FOR ALL MEMBERS ON H.R. 15544

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Clerk be

authorized to make conforming technical corrections to H.R. 15544, the bill just passed, pursuant to the amendments adopted by the House; and that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

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

There was no objection.

A $2 BILL FOR OUR 200TH BIRTHDAY

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

Mr. PETTIS. Mr. Speaker, I have today introduced a bill, H.R. 15585 for the purpose of directing the Secretary of the Treasury to issue a $2 bill with a reverse design emblematic of the Bicentennial of the American Revolution.

The Continental Congress first authorized a $2 bill in 1776, and in 1862, the first national currency note in the $2 denomination appeared. Steeped in historical tradition, this denomination, last issued in 1966, is a perfect vehicle to proclaim our national heritage and complement the three bicentennial coin designs authorized during the first session of this Congress.

Issuing a $2 bill would serve an important historical and fiscal purpose. James A. Conlon, Director of the Bureau of Engraving and Printing, estimates that the reissuance of the $2 bill could save the Government between $4 million and $5 million annually, based on a production cut in $1 bills.

I commend two articles that summarize the pros and the cons of reissuing the $2 bill. The first appeared in the October 9, 1973, Wall Street Journal by reporter Timothy D. Schellhardt. The second appeared subsequently in Numismatic News Weekly.

In introducing this bill, Mr. Speaker, I would urge prompt consideration by this House. The Bicentennial era has already begun, and any time there is the opportunity to save the Government $5 million, it ought to be very carefully considered.

FINALLY, GOVERNMENT MULLS ACTION TO MAKE GREENBACK GO FARTHER—IT MAY BRING BACK 2-DOLLAR BILL, SHELVED IN PAST AS UNPOPULAR; WILL SUSAN ANTHONY BE ON IT?

(By Timothy D. Schellhardt)

WASHINGTON.—Everybody is complaining that a dollar doesn't go very far any more. Before long, the government just may do something new about the situation:

It may resurrect the two-dollar bill.

In the not-so-inflationary 1960s, the two faded away, the victim of neglect by shoppers and shopkeepers; Uncle Sam stopped printing it in 1965. But now that the one-dollar bill won't even buy a pound of bacon or three gallons of gasoline, Washington policymakers are thinking it may be time for a greenback with more clout at the supermarket, the gas station and elsewhere.

Reissuing the two is "under active consideration," says John Sheehan, a Federal Reserve Board member who heads a Reserve Board panel seeking to determine whether such a bill would make economic sense and whether people would take to it better than before.

"There's rejuvenated interest" in the two-dollar bill, declares James A. Conlon, director of the Treasury Department's Bureau of Engraving and Printing. He figures a revival could slash the bureau's bulging production costs. It could print only half as many ones as it does now.

Lots of people have reasons of their own for promoting a return of the two. The American Revolution Bicentennial Commission wants it reissued in time to celebrate the country's 200th birthday in 1976, noting that the Continental Congress first authorized a two-dollar bill in 1776. Actually, the comeback could begin in 1974.

SUSAN OR TOM?

There's a women's-rights angle, too. Republican Rep. Victor Veysey of California has introduced legislation to put the portrait of suffragette Susan B. Anthony on a new two-dollar bill; Thomas Jefferson appeared on the departed version. "We need to recognize the importance of women to our economy, and this seems a logical way to accomplish that," he says.

If they could be assured that women—or anyone else—would use the bills, government officials say they'd quickly start the presses rolling. What concerns them is that the two-spot might again receive the same reception it got for many years in the past. "Let's just say it wasn't a particularly hot item," allows Treasury Under Secretary Paul Volcker.

That's an understatement from the under secretary. When the bill was dropped ("for lack of public interest," explained the Treasury), only $135 million in twos were in circulation. That represents less than one-third of one percent of all the currency circulating. The public used the bills so seldom that by 1965 the average life of a two—a good measure of its use—was about six years, compared with 18 to 20 months for a one or a fiver. Most of the time, the twos gathered dust in Federal Reserve bank vaults.

Explanations for this unpopularity abound. One barrier to acceptance was the nation's retailers. Many complained that clerks making change often mistakenly handed customers two dollar bills instead of ones. (This objection also operated in reverse; shoppers feared paying out a two in place of a one.) In addition, storekeepers grumbled that their cash registers contained no special compartments for the bills.

ARE THEY BAD LUCK?

Moreover, at one time the twos gained notoriety when politicians began using them to pay for votes. In the presidential election of 1880, when the Republican Party spent sizable sums to carry several crucial states, possession of a two-dollar bill in those states was considered a tipoff that a man had sold his vote; the going price per vote was two dollars.

But to some, the real culprit all along was the ghost of Alexander Hamilton, the Treasury Secretary who was killed by Aaron Burr in a famous duel. When Hamilton's portrait appeared in 1862 on the first two-dollar note issued by the U.S. government, many people whispered that the bill was bad luck. The superstition stuck.

Even when the picture of Hamilton was replaced the following year by that of Jefferson, many Americans wouldn't use the bill. Others began tearing one corner off the bill, believing that that would somehow counter its curse. That practice continued well into this century, and the Treasury had to print new bills to replace mutilated ones.

Mr. Conlon, for one, believes the superstitions have vanished, and he says the public now would accept a two-dollar bill. He cites the general acceptance of the same denomination in such countries as Canada. (And, he adds, by cutting production of one-dollar bills, the Bureau of Engraving could save $4 million a year.)

Mr. Sheehan says his Federal Reserve panel is giving the whole matter of reissuance "a complete airing." He says the answer—"among, quote, sophisticated, unquote, people is that it isn't a good idea." But he says many of the arguments in favor of the two-dollar denomination "make good sense to me."

COST FACTOR MAY RESULT IN RETURN OF $2 BILL

(By David L. Ganz)

The $2 bill may make a comeback. That's the word from the director of the Bureau of Engraving & Printing, James A. Conlon. The Federal Reserve is believed to be "actively considering" reissuance of the bill, last printed by the BEP in 1966.

Reissuance of the note could come as early as next year, although sources suggest it will be revived in conjunction with the bicentennial celebration in 1976. The American Revolution Bicentennial Commission has recommended that a $2 issue be printed with a design representative of 200 years of U.S. freedom.

Never a popular issue, the $2 bill was first printed in 1862. In the Tammany Hall era, it was used frequently to buy votes. By the early 1960s, the Treasury had all but ceased to print them. Just six million notes were produced annually, mostly to satisfy statutory requirements. As Conlon noted, this was not enough to allow the note to circulate.

A career employe since 1942, Conlon rose through the ranks to become director in October, 1967. Since 1969, he has advocated reissuance of the $2 bill as a "cost effectiveness" technique.

"We could save $1½ million a year with a $2 bill," Conlon told Numismatic News Weekly in an interview in May. This economy would derive from a decrease in the number of $1 bills needed. Currently, more than two-thirds of the BEP's production of currency is devoted to making the dollar bill.

For four years, the matter has been studied by the Federal Reserve, the nation's leading fiduciary institution, and the Treasury's under-secretary for monetary affairs.

The Federal Reserve study is headed by John E. Sheehan, chairman of Fed cost cutting operations. Sheehan has said the Fed "would give serious consideration to any idea that would cut currency costs."

Paul A. Volcker, undersecretary of the Treasury for monetary affairs, also is reviewing the matter. He recently responded this way when asked by a newsman what he thought was the problem with the last issue of $2 bills: "Let's just say it wasn't a particularly hot item."

So far as the Federal Reserve is concerned, the agency's chief interest in any cost reducing technique is that it be "practical and acceptable."

The Treasury's chief concern is that "the bills be used" if made. "It didn't work well the last time around," a spokesman commented. "That doesn't say it couldn't work now, but we have to be sure that the Federal Reserve will order them, that banks will distribute them and that customers will accept them."

Bicentennial commemoration is one prominently mentioned linkup with rejuvenation of the $2 bill. This, so the argument goes, would change public thinking on the subject and give the bill maximum acceptability.

Reissue of the $2 bill is bound to involve controversies over the note's design. Rep. Victor Veysey, R-Calif., has proposed that suffragette Susan B. Anthony appear on a new $2 bill. In this proposal, he joins a list of congressmen who have suggested similar changes—unsuccessfully.

AN HISTORICAL SALUTE TO NORTH KINGSTOWN

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

Mr. TIERNAN. Mr. Speaker, I would like to call the attention of Congress and the Nation to North Kingstown—a community in Rhode Island's Second Congressional District which this year celebrates the 300th anniversary of its incorporation as a town.

North Kingstown has a long and distinguished history—a past so interesting that I would like to sketch it in outline for my colleagues today. This town, located about 20 miles south of Providence, is bounded by the towns of Narragansett and South Kingstown on the south; partly by the town of Exeter on the west and partly by the town of East Greenwich on the west and the north, also by my own city of Warwick on the north, and on the east by beautiful and bountiful Narragansett Bay.

North Kingstown's earliest recorded history was intertwined with the activities of the famous Narragansett tribe of Indians, for the land upon which the community now rests was part of the Narragansett country. This Indian domain corresponded roughly with present-day Washington County of which North Kingstown is a part, and it was in that portion of their holdings which eventually became North Kingstown that the Narragansetts cultivated crops of maize or Indian corn, beans, squash, tobacco, and strawberries. So proficient were these Indians as planters that they are reported by contemporaries to have been "the best farmers among the aborigines along the Atlantic seaboard."

When English and Dutch merchants came to America they soon found their way to the land of the Narragansetts, and a brisk trade in agricultural produce developed, particularly in North Kingstown's fine natural harbor at Wickford Cove, an area the Indians called Cocumscussoc—marshy meadows. One such trader, John Oldham of Plymouth Colony, ventured many times to Narragansett waters in his brig. This colonial entrepreneur described the countryside in the area which was to become North Kingstown as treeless farmland but "very stony and full of Indians."

In 1636 Roger Williams came to the region as a religious exile to establish the settlement of Providence at the head of Narragansett Bay. It is well known that Williams' Providence settlement, devoted to the great American principles of religious liberty and separation of church and state, was the earliest Rhode Island town. What is not generally known is that Williams had a role in the development of the Narragansett Country and in the establishment of a permanent settlement in present day North Kingstown.

When the popular litany of Rhode Island's early towns is recited the emphasis has been on the four "original" incorporated towns—Providence, 1636, founded by Williams; Portsmouth, 1638, and Newport, 1639, founded principally by William Coddington; and Warwick, 1642, founded by Samuel Gorton. Those who are better versed in Rhode Island history are aware of the Pawtuxet Village community established by William Harris and his associates in 1638. But there are very few, indeed, who realize that the permanent settlement of North Kingstown also dates from this formative era entitling this community to rank as one of Rhode Island's pioneer towns.

That settlement can be traced to the year 1637 when Roger Williams and Richard Smith each set up trading posts near Wickford Harbor. These establishments were ideally situated with the Bay to the eastward and the Pequot Trail to the west. This road was described as the great Indian thoroughfare through the Narragansett Country and "its one real artery of life." Portions of its meandering path in later years became the Old Post Road.

Williams, of course, made his fame and his reputation elsewhere, so it fell to Richard Smith, "the first English settler of the Narragansett Country," to become North Kingstown's founding father. In 1641 Smith purchased from Canonicus and Miantonomi, renowned sachems of the Narragansett Tribe, a tract of land north of Wickford Harbor. Shortly thereafter he built a blockhouse, part fort and part trading center, which became known as "Smith's Castle." Then he bought out the local trading rights of John Wilcox another North Kingstown pioneer, and by 1651 purchased Roger Williams' post, thus becoming the sole proprietor of the Cocumscussoc area.

Smith had trading contacts with the Dutch in New Netherlands and his wife and family often journeyed there. On one such trip his daughter Catharine met Gysbort Op Dyck—Updike. The young couple married and eventually, after the death of Richard Smith, Jr. in 1692, title to Cocumscussoc passed to their child Lodowick Updike. Thus began an Updike dynasty at Cocumscussoc that endured until 1812.

Smith's Castle was burned in King Philip's war, 1675–76, but immediately thereafter it was rebuilt by Richard Smith, Jr. to become "the focal point of the diverse forces and cross-currents—political, military, commercial, agricultural, and social—that shaped the uncertain destiny of the struggling colony," according to its historian, Dr. Carl Woodward, president emeritus of the University of Rhode Island and a noted student of American agricultural development.

Despite the success of the Smith clan, North Kingstown was beset by several problems during its formative years. The first controversy arose in 1659 when a group of land speculators known as the Atherton Co. laid fraudulent claim to a large portion of the Narragansett country. This attempted land grab was followed in 1662 by the issuance of Connecticut's royal charter, a document which granted to that colony all lands up to the western shore of Narragansett Bay. When the Atherton Co.—with whom Richard Smith, Sr. collaborated—decided to support the Connecticut claim, Rhode Island's control of North Kingstown and the remainder of the Narragansett country was placed in jeopardy. Fortunately, Rhode Island's royal charter of 1663 set the colony's boundary at the Pawcatuck River, thus superseding the Connecticut claim and preserving the Narragansett lands. The conflicting provisions of the two charters, however, set off a series of boundary disputes, and not until 1726 was North Kingstown's position as a Rhode Island town fully secured by royal decree.

During that period of boundary strife several important events transpired. In 1674 a large portion of the Narragansett Country comprising the present communities of North Kingstown, South Kingstown, Narragansett, and Exeter was incorporated under the name Kings Towne. Since North Kingstown was the most populous and first settled community of the four, it is regarded as the parent town and we celebrate its incorporated history from that year.

Not long after its legal establishment the town experienced further adversity. In 1675–76 it was ravished in King Philip's war. No sooner had it recovered than Sir Edmund Andros and his Dominion of New England acquired jurisdiction over it and renamed the town Rochester. When the Dominion collapsed in 1689 after the fall of King James II, local autonomy was restored and so was the name Kings Towne.

The 18th century brought to North Kingstown more prosperity and less adversity than occurred during the formative years. The boundary disputes were settled, the Indians were pacified, population increased, commerce expanded, and agriculture prospered with the aid of Negro slaves. In some respects this era marked the high-point of the town's influence in state affairs—it was North Kingstown's "golden age." The rapid growth resulted in Kings Towne's subdivision. From its southern sector South Kingstown was carved in February 1722–23 and from its western portion Exeter was created in March 1742–43, because, according to the general assembly, the town was "very large and full of people."

It was also during the 18th century that the village of Wickford, formerly called Updike's Newtown, became a significant port and the town's political and economic center. From its harbor sailed vessels to the West Indies, to the fishing grounds off the Grand Banks and to other ports along the Atlantic coast. Here was located ship building facilities, a distillery and other commerce-related industries. This picturesque village is now graced with the historic and stately homes of those colonial merchants who prospered during Wickford's commercial heyday. These structures serve as tangible reminders of Wickford's era of commercial prominence.

It was also during this 18th century golden age that North Kingstown produced several native sons who achieved distinction in their respective spheres. One was Daniel Updike of Cocumscussoc who served as state attorney general for 25 years, 1722–32, 1743–58, the longest tenure of any attorney general in Rhode Island history. Another was Gilbert Stuart who was born in a gambrel-roofed

snuff-mill nearly 4 miles below Wickford. Stuart's early years were spent in this still-extant structure, and though his fame was made elsewhere as the great portrait painter of George Washington and other Founding Fathers, he remains North Kingstown's most illustrious native son.

During the 18th century the town also attracted some notable residents. Foremost among these were the Reverend James McSparran and the Reverend Samuel Fayerweather, the successive Anglican rectors of North Kingstown's St. Paul's Church. St. Paul's, popularly known as "the Old Narragansett Church," was built in 1707 on "the platform," 4 miles south of Wickford, but in 1800 it was moved to its present site on Church Lane in Wickford Village. Under the guidance of McSparran, a writer, teacher, and physician, and the learned Fayerweather, St. Paul's became the region's intellectual and cultural, as well as its religious center. Fortunately its fascinating history has been preserved by the pens of Wilkins Updike and Daniel Goodwin.

When the American Revolution erupted in 1775 Rhode Island was in the vanguard of the movement for independence, and North Kingstown was a very active and willing participant in that struggle. Since its position on Narragansett Bay rendered it vulnerable to English attack, its citizenry petitioned the State legislature for permission to form a military company called the Newtown Rangers in 1777. When permission was granted, the blacks of the town followed suit and formed a sizable military company of their own, officered, of course, by white men. Thus did the courageous blacks of North Kingstown unite to help the whites gain full political freedom, even though they themselves had been denied the most basic civil rights by the people to whose aid they came. Happily the Revolution generated a spirit of reform in Rhode Island which led to the passage of an act in 1784 which provided for the gradual abolition of slavery.

George Babcock, whose name heads the petition for the charter of the Newtown Rangers, became a successful commander of the Revolutionary privateer *Mifflin*. This 20-gun ship, manned by 130 men enlisted in North Kingstown and Exeter, took prize after prize from the English. Babcock and his men capped a sensational career of privateering with the defeat and seizure of the 26-gun British naval vessel *Tartar* and its complement of 162 men off the Banks of Newfoundland in 1779.

As the 18th century drew to a close one could say without contradiction that North Kingstown had played a very prominent role in Rhode Island development—it was the State's sixth largest town; it wielded considerable political weight, it was a leader in agriculture, an important if secondary commercial center, a place of cultural, religious and intellectual vitality, and a town whose residents had performed courageously in the Revolutionary movement.

But this success and progress, at least in the material sphere, was not destined to endure. The opening of western farmlands adversely affected local agriculture, the port of Wickford declined, and Updike's Cocumscussoc plantation was subdivided bringing its era of prosperity to an end. In the 19th century, manufacturing replaced commerce and agriculture as the backbone of the Rhode Island economy, and this new source of wealth and importance centered not in North Kingstown but in Providence and the valleys of the Pawtuxet and the Blackstone Rivers. The result of these various factors for North Kingstown was a long period of economic stagnation and painfully slow growth. The Federal census of 1790, a year approximating the end of the town's golden age, listed 2,907 inhabitants in North Kingstown making it the State's sixth most populous community. In 1940, a century-and-a-half later, its population had only climbed to 4,604 and its rank was 23 out of 39 communities. In that same period Rhode Island's total population had increased more than ten-fold.

During the 19th century agriculture continued to predominate as North Kingstown's major activity, but for many local farmers it was not particularly lucrative. Their small holdings and rocky soil kept farming at the subsistence level.

Manufacturing, however, did make some inroads. An historian of the town writing in 1878 noted "four cotton and eight woolen mills, with others in the process of construction." He also observed that these industries "represent an invested capital of between $1 and $2 million, and the sound of factory bells assembles daily from 500 to 600 operatives." Many of these workers were undoubtedly farmers who supplemented their income by toiling long hours in the mills.

Despite the limited nature of North Kingstown's industrial activity when compared with Providence, Pawtucket or Woonsocket, manufacturing was not without its impact on the town. Along the banks of such local streams as the Pettaquamscutt and the Annaquatucket, on the Post Road, or on the Providence-Stonington Railroad line small mill villages or mercantile hamlets sprang up such as Allenton, Annaquatucket, Bellville, West Wickford, Hamilton, Kettle-Hole, Mount View, Lafayette, Wickford Junction, Narragansett, Oak Hill, Davisville, Saunderstown, Silver Spring, Scrabbletown, Sandy Hill and Slocum. Most of these tiny settlements were the products of the selective spread of industry in 19th century North Kingstown, but despite their random creation, the general character of the town continued to be rural and agrarian.

The first four decades of the present century wrought only slight change in the composition and size of the town. From 1900 to 1920 the population actually dropped from 4,194 to 3,397, a loss that was probably attributable in part to the general decline in the Rhode Island textile industry. By 1940, however, the beginnings of the suburban movement brought about a mild revival—at that point the town's inhabitants numbered 4,604.

Then came the great economic and population boom. The U.S. Navy was the catalyst. Largely through the efforts of U.S. Senator Theodore Francis Green, the Federal Government decided to locate major naval installations in the northeastern sector of the town at the hamlet of Davisville and at nearby Quonset Point, a small peninsula on Narragansett Bay, part of which had become a summer resort while another portion served as a training camp for the Rhode Island National Guard.

On May 25, 1939, President Franklin D. Roosevelt signed into law the bill appropriating $1 million to be used for the purchase of North Kingstown land. By July 12, 1941, the Quonset Naval Air Station was commissioned. In the interim 11,000 civilian laborers dramatically transformed the area—peat bogs, some as deep as 30 feet and 400 feet long were removed, nearly 45,000 cubic feet of ledge rock was dynamited to provide room for the spur track railroad, millions of square feet of asphalt was laid over the once-grassy landscape, and some 20 million cubic yards of fill was taken from Narragansett Bay to add 200 man-made acres to the air station area.

The Naval Air Station and the adjoining base at Davisville which serves as the home of the Atlantic Seabees, the Naval Construction Battalion, have had a remarkable impact on North Kingstown, R.I., and the Nation. Here in 1941 was developed the famous Quonset Hut. Then, during the years of World War II, antisubmarine warfare patrols flew constantly from Quonset and auxiliary stations, pilots and crews were trained for carrier operations, and 7 days a week around the clock the Overhaul and Repair Department's Navy-civilian team worked to "Keep em Flying."

In the years following the war, Quonset played another major role, this time in the operational development of carrier-based jet aviation; and the Navy's first all-jet fighter squadron was formed and trained at Quonset Point. In recent years Quonset has served as the home of the subhunters and as a base of operations for the Navy's Antarctic exploration. Throughout the station's entire lifetime, Quonset's O. & R. Department, manned by many residents of North Kingstown, has played a vital role in keeping the Atlantic Fleet's aircraft and ordinance in ready condition.

Largely because of the existence of Quonset and Davisville, the U.S. Navy became Rhode Island's largest single employer, and the Navy's North Kingstown installations had a dramatic effect on the economic and physical growth of the town. The community which had gained only 1,697 inhabitants in the century-and-one-half from 1790 to 1940 increased its population by 10,206 during the decade of the forties. The population leap from 4,604 to 14,810 was a 221.7 percent increase, by far the highest growth rate in the State for that 10-year period.

From 1950 to the present North Kingstown's remarkable development has continued, primarily as a result of the suburban exodus. In 1960 the town's population rose to 18,977 and by the 1970 census it had jumped to 27,673—a growth rate of 45.8 percent for the decade of the sixties. This population increase has been

accompanied by significant economic development caused by the creation of many new firms and by the relocation of the large-scale industrial operation of the Brown and Sharpe Manufacturing Co.

Indeed the economic future seemed bright for North Kingstown until it was announced last year that Quonset Naval Air Station would be closed and Davisville would have its activities curtailed. The immediate impact of this cutback on local wage earners and merchants was severe. Ironically in June, 1974 as the town celebrates its 300th anniversary a more solemn ceremony will be held—the formal closing of Quonset.

Yet the town is not without hope, for many firms are interested in locating their plants on Quonset land including the Electric Boat Division of General Dynamics Corp. If economic development plans are successful, large-scale private industry will more than offset the effect on North Kingstown of the Navy's departure. I expect that this will be the case, for North Kingstown has a long-standing habit for overcoming adversity whether it be in the form of fraudulent land speculators or Indian attackers; whether it results from the decline of maritime activity or the demise of the textile industry. With such a record of tenacity and resiliency, the citizens of North Kingstown can scarcely fail to cope with their present economic crisis. I feel that the history of this town should be a source of inspiration to its residents and provide them with the courage and determination to face the future and shape it to their needs. This is why I call upon the Members of Congress to join with me in saluting this remarkable Rhode Island town on the tricentennial of its incorporation. May its future be as challenging as its past.

PRELIMINARY INJUNCTION PROHIBITING ENFORCEMENT OF PARTS OF RECENT MINIMUM WAGE LAW

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I take this 1 minute to call the attention of my colleagues in the House to action that was taken yesterday in Oregon which prohibits the enforcement of part of the minimum wage law which was passed by this Congress recently.

Mr. Speaker, to my chagrin and dismay, we find in the minimum wage law there is a prohibition against children under 12 years of age picking strawberries or working in certain harvest fields. In the minimum wage bill, we allowed the 11-year-old to pick strawberries on his parents' farm, or on a farm that was not covered, but if he picked strawberries on a covered farm, then he was prohibited under the minimum wage law.

A suit was brought; and the court ruled yesterday that the Secretary of Labor could not enforce this law in the State of Oregon, and a preliminary injunction was granted.

Mr. Speaker, it seems to me that this might be of interest to people from other States who are having the same problem that we have had in the State of Oregon. It makes no sense to me to spend millions and millions of dollars in various programs to keep kids off the street and to try to prevent and control juvenile delinquency, and then pass laws at the same time that say they cannot work.

I cannot understand the thinking of those people in the other body, who seem to know only the jungles of the big city and who have never visited the strawberry fields of Oregon, and who equate the summer harvest work with injurious child labor as known of old in the infamous sweat shops. I assure them it is not. It is healthy, good work for youngsters in the summer which provides not only the opportunity to earn money but also, in addition, provides self-discipline and character training. The fact that the U.S. district court has granted a preliminary injunction, must not deter us in correcting the provision in the minimum wage bill that was never intended by the majority of the Members of the House.

At this point I read the document granting the preliminary injunction. It may be of immediate help in other States:

[In the U.S. District Court for the District of Oregon, Civil No. 74–450, preliminary injunction]

Larry William Kelly and Larry William Kelly, Guardian Ad Litem for Jodi Woodruff, David Murray, James Meeuwsen, Jeff Tolke, and Deanna Von Wald, minors, Plaintiffs, versus Peter J. Brennan, Secretary of Labor, United States of America, Defendant.

This matter was heard before a three-judge panel, 28 U.S.C.A. § 1331(a) and 28 U.S.C.A. § 2284. Pursuant to Rule 65(a), plaintiffs request the issuance of a preliminary injunction enjoining the defendant from enforcing Section 12 of the Fair Labor Standards Act as amended, 29 U.S.C. § 212.

We have considered the complaint, the affidavits, and the stipulation of counsel. It appears that there is no factual dispute.

The plaintiff Larry William Kelly is a farmer. He has approximately 85 acres planted in strawberries. The strawberries are picked by hand—no farm machinery is involved.

For many years plaintiff has been dependent upon school children to pick and harvest his crop. During the peak of the harvest season, he has engaged 500 to 600 children, 25% to 33⅓% being under 12 years of age.

The plaintiffs Jodi Woodruff, David Murray, James Meeuwsen, Jeff Tolke, and Deanna Von Wald appear through Larry William Kelly, their guardian ad litem. They are under 12 years of age and have been seasonally employed picking strawberries with parental permission and desire such employment in 1974.

The defendant, Peter J. Brennan, is the Secretary of Labor of the United States of America and is required to administer and enforce the Fair Labor Standards Act as amended.

By the act of April 8, 1974, Public Law No. 93–259, Fair Labor Standards Act Amendments of 1974, which became effective on May 1, 1974, Congress has prohibited the plaintiff Larry William Kelly and others similarly situated from engaging children under the age of 12 years to harvest and pick their strawberry crops.

Estimates of surveys made in the states of Oregon and Washington indicate that the challenged legislation will reduce this season's harvest by 9,000 tons, 21,000 pickers would not work and would lose $1,386,000 income, 18,000 fewer production workers would be employed and would lose $1,500,000, and the two states would lose $113,000 in taxes.

Because of the legislation, the plaintiff Kelly anticipates losing one third of his expected crop, at a loss of $66,000. He would be deprived of many workers. The children affected would lose personal income. The plaintiffs and those similarly situated would suffer immediate, substantial and irreparable injury. On the other hand, restraint of the defendant will cause no substantial harm to the defendant or other interested parties.

A strong showing of the likelihood of success on the merits of the case is an element which the Court considers in the issuance of a preliminary injunction. However, this element must be considered along with others, namely, that irreparable injury will occur unless relief is granted; restraint will cause no substantial harm to other interested parties; and that the public interest favors the relief. We must consider whether the potential injury is grave and great. Less importance should be placed upon the element of likelihood of success on the merits where the potential injury is severe. If the balance of hardships tips decidedly toward the plaintiff, it is ordinarily sufficient that the plaintiff has raised questions going to the merits which are so serious, substantial, difficult, and doubtful as to make them fair grounds for litigation and for more deliberate investigation. *Costandi v. AAMCO Automatic Transmissions, Inc.*, 456 F. 2d 941 (9th Cir. 1972); *Semmes Motors, Inc. v. Ford Motor Co.*, 429 F. 2d 1197 (2d Cir. 1970).

Although on first impression we express considerable doubt as to the validity of plaintiffs' claims, nevertheless we must recognize the great importance of the constitutional issues, the immense public interest, the extent of the probable irreparable damage to plaintiffs, the lack of damage to defendant, and the fact that Congress is considering the legislation on an emergency basis.

We have concluded that plantiffs are entitled to a preliminary injunction to stay the proceedings until we have time for further consideration. Needless to say, we express no opinion on the eventual outcome of the litigation.

It is ordered that the defendant, his agents, assistants, attorneys, successors, and all persons in active concert and participation with him and all persons acting by, with, through, or under him or by his order who receive actual notice of this order by personal service or otherwise are hereby preliminarily enjoined during the pendency of this case from enforcing the provisions of Section 12 of the Fair Labor Standards Act as amended, 29 U.S.C. § 212, as it pertains to the harvesting of strawberries by children under 12 years of age in the employ of Larry William Kelly, the plaintiff and other similarly situated.

It is further ordered that this preliminary injunction is on condition that a bond be filed by plantiffs herein in the sum of $500.00 for the payment of such costs and damages as may be incurred or suffered by any party who is found to be wrongfully enjoined or restrained. Said bond shall be approved by the Clerk of this Court or by the Court.

Dated this 22d day of June, 1974.

/s/ JOHN F. KILKENNY,
/s/ WILLIAM G. EAST,
/s/ OTTO R. SKOPIC, Jr.,
U.S. District Judges.

MINIMUM WAGE ACT

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

Mr. DENT. Mr. Speaker, I know the problem very well. I want to assure the House that the House did not vote for that provision when the bill went through the House. It was added on the Senate by an amendment, which apparently had no problem in it until after it was interpreted.

We passed a bill as it has been since 1966 in which a youngster was permitted to work if he was accompanied by his parent or parents, or had written consent from his parent or parents. This did not work a hardship, and it has worked well. It makes it possible under the present interpretation of the act in many of these instances for the mothers and fathers to go out and work in the crops that are in many instances called instant crops, like strawberry picking and other fruits and vegetables, that have to be picked at the ripening period.

Our committee understood that, but an amendment was offered which said, unless that farm or agricultural pursuit was previously under the Minimum Wage Act, not realizing what is had done, it then removed the exemption from those farms that are covered under the Minimum Wage Act and allowing only 5 percent of the farms in the country. It so happens this particular type of endeavor is in that type of farm almost exclusively.

I told the gentlewoman that at the present time the reform on pensions is very serious and time consuming, and I had hoped to have that matter completed over 3 weeks ago and probably this week will be the end of it, I pray, and as soon as I have the reform on pensions completed, we will take up not only her problem but also our problem on child labor in the hand-picking industries.

Mrs. GREEN of Oregon. Mr. Speaker, if the gentleman will yield, I want to make it abundantly clear that the gentleman from Pennsylvania has been most cooperative and he does understand the problems where there is truck gardening, the strawberry harvest, and other harvests.

I regret there are a few people on the other side of the Capitol who as I indicated seem to know nothing except the asphalt streets of the big cities and who seem to equate the old sweatshops with the beautiful strawberry fields and wide-open spaces and mistakenly believe it is going to be injurious to the child's health to work in the open air and pick strawberries a few hours each day.

I thank the gentleman from Pennsylvania.

Mr. DENT. I thank the gentlewoman from Oregon.

Mr. Speaker, I want to assure those who have been coming to me with serious problems on the interpretation also of the so-called babysitter rule that I told this House I would defend the position of the House in all instances. I would rather lose my seat in Congress than lose my standing with the Members of this Congress.

THE 107th ANNIVERSARY OF THE CORTLAND STANDARD

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

Mr. HANLEY. Mr. Speaker, during this month, the Cortland Standard, published daily in Cortland, N.Y., celebrates its 107th anniversary. As the Representative in Congress of the people of Cortland, I take this opportunity to join them in congratulating the newspaper. As one of the oldest institutions in Cortland County, the Cortland Standard has had a significant and constructive role in the growth and development of the community of which it is a part.

The newspaper was established by Francis G. Kinney, in June of 1867, and was published on a weekly basis. Four years after the paper's second owner, Wesley Hooker, merged it with the Cortland Journal, the Cortland Standard was bought by William H. Clark, in 1876. Mr. Clark served as the paper's editor and publisher for 52 years. His son, Edward H. Clark, served as president and editor for 45 years, until his death less than 1 year ago. Paul L. Geibel now serves as president and treasurer, and Walter W. Conklin is managing editor of the newspaper.

Today, the Cortland Standard is one of a very small number of family owned newspapers that still exist in New York State.

The first daily issue of the Cortland Standard was published on March 8, 1892, with an initial circulation of 3,000 copies. The four-page paper sold for a mere 2 cents in that bygone era. Today's newspaper bears little resemblance to the paper of 1892. Modern equipment and techniques are used to produce a multisection newspaper of the highest quality, with a daily circulation of 12,650 copies.

I call attention to this anniversary of the Cortland Standard, not only to applaud its long history of success, but also to note its role as an essential institution in the Cortland community. The Cortland Standard is exemplary of the importance of newspapers in communities throughout the United States. The necessity for a free and independent press has been recognized since the inception of the Nation. Though as public officials we may have found ourselves at odds with the press from time to time, I believe that every Member of this Congress recognizes the fundamental role of newspapers in our society.

As our society becomes increasingly complex and there is an ever burgeoning amount of knowledge to be absorbed by the public, this role has become more vital than ever before. Newspapers such as the Cortland Standard provide the public with access to an awareness of events of importance at the local, State, National, and international levels. Newspapers are the most thorough and readily available means that the public has of obtaining this information.

I congratulate and commend the Cortland Standard for the invaluable service it has performed for the people of Cortland County.

BURKE FIGHTS TO COMBAT RISING COSTS OF FOOD

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

Mr. ANNUNZIO. Mr. Speaker, may I take this opportunity to bring to the attention of the House the great efforts being made by our esteemed colleague, Mr. BURKE of Massachusetts, in his fight to combat the rising prices of food. Mr. BURKE has with great clarity explained the high prices of vegetables, the predicted shortages of food in the years to come, and what we can do to correct the problem.

Congressman BURKE is one of the closest Members to the average man that I know of. His keen insight into the problems that concern the poor, the low-income and the middle-income people of this Nation has earned for him the respect of all the Members of Congress. He has never wasted his time in Congress, his motto is "We Only Have Time for the Best."

I hope the House Committee on Agriculture will report his seed bill favorably. It will only cost the Government $6 million and will result in the production of an estimated $380 million in good nutritious vegetables. It will encourage a return to the soil in the urban areas of our country. Good healthy outdoor exercise for the youngsters. What better way can the Government do than to help people help themselves. I include a news article that appeared in today's Washington Post written by William Grieder:

BACKYARD SEEDS AND SUBSIDIES, BUT WILL AGRIBUSINESS COTTON TO IT?

(By William Greider)

A congressman named Burke is cultivating an idea he thinks is as ripe as sweet corn in August.

All these years, Burke figures, the rural congressmen have been legislating big federal handouts for their farmers back home. So why can't a city guy take care of his folks? With a little agricultural subsidy for the backyard gardeners of America?

"These hobby farmers and these big corporate farmers get all these tremendous tax breaks," said Rep. James A. Burke, the second-ranking Democrat on the House Ways and Means Committee. "There wouldn't be any harm in giving the home gardener a little nibble at the cake."

The Boston congressman talks grandly of germinating a "back-to-the-soil movement" that would eclipse the Victory Gardens of World Wars I and II, drive down food prices and feed the nation in times of shortage.

"It would also give the American family a chance to find out what a real tomato tastes like," he said.

The congressman, who represents close-in Boston suburbs, discusses his movement with a sort of Irish wink, but he is as serious as friend eggplant.

For starters, Burke has asked the House Agriculture Committee to enact a bill distributing free vegetable seeds to home gardeners, three packets to a family. Then he persuaded his colleagues on the Ways and Means to approve tentatively a 7 per cent investment tax credit for backyard garden equipment.

"The Home and Family Garden Tax Credit Amendment," as he styled it, would let gardeners subtract up to $7 on their income-tax bills if they spend up to $100 on hoes, rakes, wheelbarrows, spades, pitchforks and such.

"White potatoes—$4.65 a peck; lettuce—85 cents a head; onions—69 cents a pound," Burke wailed. "Take a look at the people in the supermarket. It's bad enough, the look of despair when they go along the meat

counter, but then they go to the vegetable counter and all they hit is these high prices."

Burke has been talking up the idea among the serious gardeners in the House of Representatives, tillers of the soil like Reps. Wayne Hays (D-Ohio), Silvio Conte (R-Mass.) and Richard Bolling (D-Mo.).

"I told Jim I think it's a helluva idea," said Rep. Frank Annunzio (D-Ill.), a producer of peppers, corn and tomatoes in the 39th Ward of Chicago. "We got to go back to garden farming to get the prices down. If people will think they're doing something patriotic, it will go."

Rep. Hays, who gardens a sixth of an acre on his farm near Belmont, Ohio, will go along with the tax credit, but he's skeptical about free seeds. "The government used to do that," he said. "I got my doubts about how many of them got planted."

Congressman Burke, who remembers with considerable nostalgia the Victory Garden produce he raised as a boy, no longer gardens himself. He calculates that $6 million in free seeds from the government would yield $380 million in homegrown produce at retail prices. Congressman Hays, who *does* garden, knows that sometimes it doesn't work out so neatly.

"The year before last, Hays recalled, "I supplied half of the Hill with cucumbers. I must have had 25 or 30 bushels. Last year, my cucumbers got blight. I don't guess I had a bushel of cucumbers."

Hays gardens on weekends, tomatoes, peas, beans, corn and so on, but this is an election year which means he can't keep up with the weeds the way he ought. Personally, he has been more upset by the rising price of flowers than inflation at the vegetable counter.

"I usually put in geraniums around the house when the tulips are finished," Hays said. "This year, geraniums went out of sight. I planted marigolds instead."

Rep. Conte, from Pittsfield, Mass., gardens at home in Washington, onions, three kinds of lettuce, squash, chicory, herbs, and four dozen tomato plants.

"I planted the garden originally when I was fighting the big-time corporate farmers on subsidies," Conte said. "I called it my protest patch."

Over the years, Conte and allies have won most of what they were seeking in limits on cash subsidies to large cotton and sugar growers. But he kept his garden for nonpolitical recreation. In the evenings, he wanders through the rows, with a drink in hand, picking suckers off his four dozen tomato plants.

Conte likes Burke's backyard subsidy. "It's not giving anybody something not to plant crops," he said. "And we'd drive these prices down."

Who could be against it? Well, the Department of Agriculture for one. The department is opposed to Burke's seed distribution bill and, while it hasn't taken a position on the tax credit, a department horticulturist expresses a dim view of the proposal.

"The department takes the position," said horticulturist Robert Wearne, "that seed is readily available and people can get seeds with their food stamps if seed is a need . . . The logistics of sending out seeds would be almost prohibitive."

According to the department archives, the government distributed free seeds to home gardeners until 1923 when it was discontinued, partly at the behest of seed companies. The packets were sent to citizens through congressional offices, a gratuity that has been supplanted by the popular Agriculture Yearbook, which the department publishes and congressmen distribute.

Wearne said the tax credit for tools probably wouldn't have much impact either. According to one survey, he said, about 30 million American families have some sort of home garden already but the biggest obstacle isn't tools or seeds but land.

"If Congress were going to do something," Wearne suggested, "it could make a lot of land available for gardening in urban areas—highway right-of-way, vacant lots of urban renewal projects, school lots."

In any case, Wearne is dubious that home gardening will do much to bring down inflated vegetable prices. "A lot of people start into it thinking gardening is easy," he said. "Then they run into flea beetles and cut worms and one thing or another. They find out there's a lot more to it than planting a seed and watching it grow."

Meanwhile, says Congressman Burke, his gardening friends plan to lobby Congress this summer with baskets of ripe tomatoes and other homegrown delights.

"It's difficult," he said, "to get a bill like this through in the wintertime."

NUTRITION BENEFITS FOR OLDER AMERICANS TO BE EXPANDED

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

Mr. PEPPER. Mr. Speaker, over 200,000 elderly Americans were assured of the continuance and expansion of their hot meals and social and recreational programs on June 19 by the unanimous vote of 90 yeas in the Senate to extend title VII of the Older Americans Act. The House passed a similar bill, H.R. 11105, on March 19 of this year by a vote of 380 to 6.

Since I introduced the original bill providing for this program on May 28, 1970, with my able and distinguished colleagues, Representative JOHN BRADEMAS in the House, and Senator EDWARD M. KENNEDY in the Senate, as chief original sponsors, I have been heartened by the high praise the elderly participants have accorded this program. The benefits they are receiving in the nutrition programs throughout our Nation are helping to preserve their dignity, their health, and their self assurance. The program has received also wide acclaim from Members of Congress, gerontologists, physicians, nutritionists, and many other public servants and specialists who have observed the operation of these projects and interviewed the participants.

I recall the first congressional hearings on this legislation were scheduled by the House Select Education Subcommittee in my congressional district in the spring of 1970. Under the aegis of the Senior Centers of Dade County, a pilot nutrition program had been conducted under title IV of the Older Americans Act and the program has flourished there since that time under community sponsorship, and later under title VII. Dr. Bruce Quint, executive director of the Senior Centers of Dade County, in his recent testimony before the House Select Education Subcommittee, in February of this year, summarized the acclaim of thousands who have supported the program during the first year of implementation. Dr. Quint said:

Title VII allows us to address ourselves to a wide variety of needs of the elderly. The expansion of the program will permit us to see to it that a far greater number of elderly will be served with a minimum of frustration and moral outcry on their part. (2) Perhaps most important, the dividends that are returned on our investment far exceed our expectations. While I do not attempt to disparage other social programs, I challenge reliable spokesmen for other programs to demonstrate that their programs have had as great a success as ours in so short a time. Title VII in effect is a program without waste. Our success has been remarkable yet our needs have never been as great.

I commend all the distinguished Members of the Senate for their support of this bill and most particularly Senator EAGLETON and all the distinguished members of his Subcommittee on Aging, Senate Labor and Public Welfare Committee, for the amendment to title III of the Older Americans Act. This amendment provides an authorization of $35 million for fiscal year 1975 for a new transportation program in conjunction with the title VII nutrition projects. This will mean that the State of Florida will receive an additional $1,645,000 to help provide urgently needed transportation to the congregate meal sites.

The new authorizations under title VII will be allocated on the basis of the percent distribution of the 60-plus population in each State. The State of Florida received $4,704,547 for the first year; and this bill will provide $7,056,820, $9,409,094, and $11,761,000 for fiscal years 1975, 1976, and 1977 respectively. If the older American population continues to grow at the rate it has been in the State of Florida, it will mean even larger grants will be provided.

Mr. Speaker, I am confident that this legislation will soon be given final approval by the Congress and the President so that implementation of the expanded program may immediately proceed under the capable direction of Dr. Arthur S. Flemming, Commissioner on Aging.

PROPOSED AMENDMENTS TO THE LIVESTOCK "BAIL OUT" BILL

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

Mr. VANIK. Mr. Speaker, yesterday, the other body passed legislation to provide unlimited Government-guaranteed loans to livestock and poultry producers during the next 12 months.

Mr. Speaker, most of the livestock producers' problems were created by their own greed of last year, their own boycott of the market, and the fact that the American consumer has subsequently turned to other types of cheaper food. Now these producers—who last year wanted a free market and the high prices that go with it—want protection—and support—as much as $350,000 per farmer or rancher.

This is disgraceful legislation. The

loans may be used to support the cattle producers while they institute a new boycott. The loans will maintain overproduction. The loans will benefit a huge number of city doctors and lawyers who have over-invested in feedlot operations for tax shelter and tax avoidance purposes. Some producers may use the loans to up-grade their operations and provide for future expansion—and future cycles of high and low prices.

Mr. Speaker, the market is correcting itself—just like Adam Smith's theories said it would. As of June 13, Department of Agriculture figures show cattle on feed down 16 percent from a year ago. New cattle placed on feed are down 40 percent from a year ago. The oversupply will soon be gone and the beef producers will be receiving higher prices.

The legislation in its present form is designed to bail out the feedlot operators rather than the cattlemen. The feedlot operators enjoy the speculation of high profits during market shortages and seek to be rescued when the tables are turned.

If this legislation comes to the floor of the House of Representatives, I intend to offer the following amendments:

First, no loan may be made to any beef producer supported by a tax shelter syndicate or general-limited partnership operation;

Second, loans should be limited to family farmers and ranchers—and loans should be limited in size to $50,000 or $100,000; and

Third, no loan should be guaranteed to provide for any expansion of operations or facilities.

In its present form, this type of bail out legislation is a rip-off of the consumer and of the taxpayer—one of the most disgraceful special interest bills ever to come before the Congress.

REPRESENTATIVE JACK KEMP MOVES TO INSURE U.S. FULFILLMENT OF ITS IMPORTANT TREATY OBLIGATIONS WITH CANADA TO CLEAN UP THE GREAT LAKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, I have introduced a bill today to help insure U.S. fulfillment of its important treaty obligations with Canada to clean up the Great Lakes and to stop their pollution.

My bill—which is, I believe, the first of its type—would amend the Federal Water Pollution Control Act to authorize additional funds for grants for the construction of badly needed sewage treatment works specifically related to the cleanup of the Great Lakes in furtherance of our treaty obligations.

When it became obvious last winter that the United States appeared to be weakening its commitment with Canada to clean up the Great Lakes, I called upon the President, specifically requesting the creation of a new, separate, additional fund from which to honor our pollution control agreements.

As a result of the poorly conceived administration decision to impound urgently needed water pollution control funds, and as a result of an ill-timed decision by the Congress to relieve any obligation on the part of the Federal Environmental Protection Administrator to require States along the Great Lakes to consider U.S. treaty obligations in their own priority planning, it is obvious that the cleanup of the Great Lakes is in trouble.

I think this administration has made commendable strides in the area of pollution control. I commend the President and his very able administrators of these particular programs for those successful efforts. The commitment of Russell Train, the EPA Administrator, and his regional administrators, like Jerry Hanssler in region II, to restoring the quality of our environment is particularly commendable. But, in this particular matter—the cleanup of the Great Lakes—I think the administration—principally OMB—has actually contributed to the United States slipping far behind schedule. This cannot be allowed to continue.

I think it is important that we recount for a moment how hard it has been for those committed to a cleanup of the Great Lakes—like myself—to keep this program on track.

The United States and Canada have cooperated for a number of years on many problems associated with the Great Lakes—pollution, year-round shipping season, conservation and wildlife protection, fisheries development.

On April 15, 1972, after years of negotiation, President Nixon signed an agreement in Ottawa with the Canadian Prime Minister, providing for greatly increased American-Canadian cooperation in improving the water quality of the Great Lakes.

How has this commitment been honored?

As of now, Canada is projected to serve 98 percent of its population along the Great Lakes with adequate water treatment by 1975, while the United States will only be able to serve 58 percent of its population along the Lakes with adequate treatment by that date. Thus, the United States is far behind its commitment, while Canada has almost totally made its.

In 1972 I testified before the Committee on Appropriations, strongly urging the appropriation of $100 million to adequately fund the new, cooperative program. Those funds were provided by the Congress—specifically allowing the U.S. Environmental Protection Agency—EPA—to fund 9 or 10 selected storm and combined sewer projects along the lakes in order to study the cost-benefits of the various systems. Inasmuch as EPA did not at that time yet have the specific statutory authority to fund the construction of storm and combined sewers of this nature, the Congress directed that $100 million in water and sewer funds previously appropriated to the U.S. Department of Housing and Urban Development and arbitrarily frozen by the Office of Management and Budget—OMB—be used to fund the program.

The Congress then followed up that action by passing the Federal Water Pollution Control Act Amendment of 1972, providing authority in section 211 thereof to fund the 9 to 10 special projects.

Yet, funds were still not released by OMB.

On April 10, 1973, therefore, I again took the case for the construction of these projects to the Agriculture-Environmental-Consumer Protection Subcommittee of the Committee on Appropriations. In that testimony I stated:

> I would like to reiterate my support of this vital Great Lakes cleanup program and strongly urge the Committee recommend appropriations for these programs at at least the level requested by EPA. To many, the Great Lakes stand as a symbol of man's degradation of the environment. We in the Congress have the opportunity to make them an outstanding example of our Nation's determination to restore and preserve our priceless natural resources.

The committee made that recommendation, and the Congress passed it. Still nothing happened—the funds remained frozen.

At the urging of myself and a number of my colleagues in the House, the committee again recommended the honoring of this commitment through the construction of these projects in fiscal year 1974, again directing $100 million be spent. But, the committee has not been advised that no use will be made of these funds during fiscal year 1974, despite a recent release of $120 million by OMB and the Department of Agriculture for use by rural communities on waste and water facility construction. The charge which I made in addressing the Association of Towns of the State of New York on February 4 of this year—that the administration was waffling on this matter—has been proved by the actions—perhaps, better put as inactions—of the administration.

Last week the House again insisted that these funds be expended. I was unable to vote on that measure, because I was en route to testify in Buffalo in support of a crucially needed flood control and environmental protection program for Cazenovia Creek, which flows through Erie County and the flooding of which has brought countless heartaches to residents along its banks. If I had been here, rest assured that I would have spoken for and voted for those funds once again.

This problem has not gone without public notice. I quote from a recent article in the Wall Street Journal:

> Every day, 85 million gallons of raw sewage from this city ("screened to remove a few lumps," says a state environmental official) pour out of two huge pipes at the bottom of the famous waterfall and are swept into Lake Ontario, 10 miles downstream.
>
> But across the Niagara River at Niagara Falls, Ontario, all of that Canadian city's sewage—seven million gallons a day of it—is chemically treated, disinfected and then used to help drive hydroelectric generators at the falls before being released to flow harmlessly downstream.
>
> What especially irks Canadian officials is that by the end of 1975 they'll have kept their

part of the bargain and all of their municipal sewage projects will be in operation, while many U.S. plants will be still under construction. That, one Canadian environmental official says will be "like mixing a glass of clean water with a glass of dirty water. You end up with dirty water."

That dramatic contrast, both Canadian and U.S. environmental officials agree, illustrates the different ways in which the United States and Canada have followed through on a joint Great Lakes clean-up agreement signed with much fanfare by President Nixon and Prime Minister Pierre Trudeau in April 1972.

Under the agreement the two countries committed themselves to having municipal sewage treatment plants for all major cities on the five Great Lakes completed or under way by the end of 1975. And they pledged to cut all Great Lakes pollution, whether from municipal, industrial, agricultural or other sources, in half by 1977.

But the U.S., it now appears, is lagging badly.

To this, the Christian Science Monitor has added:

Right from the outset the Canadians moved aggressively forward on the project. By early this year, they had built or modified some 34 treatment facilities—including 16 new ones.

All told, it is estimated that roughly 75 percent of all Canadian project funds have been met, in some cases with dramatic results, as treatment plants have eliminated or sharply reduced the flow of pollutants into the lakes.

On the U.S. side, meanwhile, the program has been slowed by a wide range of problems, from administrative snafus to red tape to laxness by municipal officials in aggressively going after available federal funds and, according to some Canadian officials, to impoundment by Mr. Nixon of federal water-pollution-control funds.

The Buffalo Courier-Express, which has been in the forefront of urging a cleanup of the Great Lakes for years—and is to be commended by all of us for that leadership, brought this point home to our attention on June 13. That editorial brought to our attention not only the latest report of the International Joint Commission's Water Quality Board on the failure of the Federal Government to sufficiently honor our commitments, but also on how delays in water-management projects along the Great Lakes contribute to a worsening of the problem. This excellent editorial follows:

IJC'S FAMILIAR THEME ON LAKES

The latest report from the International Joint Commission's Water Quality Board came down on an old and valid theme: The federal government in Washington is not moving fast enough or with sufficient commitment to meet the 1975 deadline terms of the Great Lakes cleanup act signed by President Nixon and Prime Minister Trudeau.

We certainly agree (as we have previously) with the IJC's stress on release of funds appropriated by Congress but which have been partly withheld by the White House. Congress voted $11-billion but President Nixon and his Budget Office have "impounded" $6-billion of that. Although there has been some sign of movement on this general issue—Agriculture Secretary Butz recently agreed to "unfreeze" $120-million for use by rural communities on waste and water facilities under a program not directly related to the $11-billion 1972 clean-waters program approved by Congress—it remains entirely unfathomable why the White House continues to balk full implementation of the accord it signed with Canada.

Because run-off water (carrying pesticide residues, for one thing) is one of the unresolved problems in the lakes, we also were pleased that the House last week voted a variety of funds for Western New York flood-control and water-management projects, and we hope the Senate will soon follow. These included $275,000 for work in the Buffalo River drainage area and $135,000 covering planning of the Ellicott Creek diversion channel. Along with Rep. Jack Kemp, R-Hamburg, we find it distressing that the state appears to be dragging its feet on its share of the latter project's cost.

We've recently noted various reports of gains made in the fight to reverse pollution of Lakes Erie and Ontario and we find that very encouraging, of course. Yet it's a monumental task. All the lakes have to be considered as having a common, interrelated problem requiring treatment on a group-therapy basis. When a court permits a firm to continue dumping pollutants into Lake Superior, for instance, communities along all the other lakes eventually will be affected to some degree or other. Progress seems to come one small step at a time; we urge our representatives to keep up the good work and the pressure to get all the duly-voted money flowing freely to these badly-needed projects.

What these observations boil down to, in my opinion, is showing that there is too much talk on the American side and too little action.

Something else has to be done—something to specifically provide EPA with separate funding authority—and clear direction and intent on the part of the Congress—to honor these commitments. My bill would do this.

If the concern is that a particular treaty obligation to clean up the Great Lakes draws funds away from the rest of the country or the remainder of those areas not emptying into the Great Lakes but yet being in Great Lakes States, then let us maintain the integrity of the general funds and, at the same time, establish a new funding source for honoring our international pollution control agreements—with Canada or any other nation. My bill would do this.

The bill specifically provides that in addition to other funds now being provided, the EPA Administrator may make grants from these new funds to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works which—as determined under regulations prescribed by the Administrator—are required for compliance with any water pollution control agreement between the United States and any other nation. Federal participation in these projects—since they are constructed in furtherance of a Federal treaty obligation—would be 100 percent of the costs of construction.

The bill would authorize the level of funds which the Congress has already authorized—but which have not been expended—for the past 3 fiscal years—$100 million per fiscal year.

The full text of the bill follows:

H.R. 15594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Federal Water Pollution Control Act is amended by inserting after section 205 the following new section:

"INTERNATIONAL POLLUTION CONTROL AGREEMENT

"SEC. 205A. (a) In addition to grants under section 201(g)(1) from funds allotted under section 205, the Administrator may make grants from funds authorized to be appropriated under subsection (c) of this section to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works which (as determined under regulations prescribed by the Administrator) are required for compliance with any water pollution control agreement between the United States and any other nation.

"(b) Notwithstanding section 202(a), the amount of any grant for the construction of any treatment works made under subsection (a) of this section shall be 100 percent of the cost of the construction of such treatment works.

"(c) There is authorized to be appropriated to carry out subsection (a) of this section not to exceed $100,000,000 for each of the fiscal years of the authority of this Act."

SEC. 2. (a) Section 203(a) of such Act is amended by inserting after "allotted to the State under section 205" the following: "or under section 205A(a) from funds authorized to be appropriated under section 205A(c)".

(b) Section 204(a) of such Act is amended by inserting after "under section 201(g)(1)" the following: "or under section 205A(a)".

(c) Section 204(b)(1) of such Act is amended by inserting after "under section 201(g)(1)" the following: "or under section 205A(a)".

(d) Section 207 of such Act is amended by inserting after "other than sections" the following: "205A,".

Mr. Speaker, it is going to require a determined effort by the Committee on Public Works and by the House and Senate to guarantee not only the passage of this legislation but its implementation.

The same attitude which has pervaded this matter to date will most probably characterize the debate on this bill.

On April 29—nearly 2 full months ago—I inquired in writing of EPA as to its attitude on the bill which I introduced today and as to the estimated cost of totally honoring our treaty commitment. As of this date, I have not heard word one—written or oral—from EPA on this matter.

I cannot help but feel that this is no fault of EPA's, but rather is a problem arising from the administrative policies foisted upon the agency by OMB.

I use this opportunity to request of the distinguished chairman of the Committee on Public Works, Mr. BLATNIK of Minnesota, that he insist that EPA provide its independent views on this bill and provide the Congress with an accurate estimate of the projected costs of honoring our treaty obligations.

I think the cause of water pollution control on the Great Lakes and throughout the Nation would be promoted by holding public hearings on this bill at the earliest possible date.

I call upon my colleagues—especially those who are members of the Conference of Great Lakes Congressmen—which is chaired by the chairman of the

Committee on Public Works, Mr. BLATNIK—to join with me in seeking enactment of this legislation.

A BILL TO DELAY REDUCTION IN THE COST-OF-LIVING ALLOWANCES FOR THE MILITARY

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

Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing a bill which would provide a delay of at least 30 days before any reduction in the cost-of-living allowance (COLA), directed by the Secretary of Defense for members of the uniformed services, would become effective.

Recently, all members of the military forces serving in Alaska received a drastic cut in the COLA. The announcement was made on March 28, and became effective the beginning of the next pay period, which was 2 days later.

This decrease in monthly revenue resulted in a reduction of from $37.50 to $86 per month, per family serving within the Alaska command.

I am deeply concerned, not only with the COLA reduction itself, coming at a time when prices in Alaska are escalating rapidly, but because of the tremendous impact felt by these families when their incomes were greatly reduced with only 2 days' notice.

Thousands of families, many with children to feed, clothe, and house, had no time to plan ahead for this decrease in income. Letters are pouring into my office daily relating the hardships these military members and dependents are experiencing. Many of the lower ranking servicemen relied heavily upon the cost-of-living allowance to provide assistance with apartment rental, utility fees, and other essential living expenses.

Mr. Speaker, my amendment does not alter the basis used for determining cost-of-living allowances. It will, however, provide for a period of time whereby military members can adjust for the lowering of their monthly income.

The amendment follows:

H.R. 15605

A bill to amend section 405 of title 37, United States Code, to delay for a period of at least 30 days the effective date of any reduction in the cost-of-living allowance authorized by the Secretary concerned under such section for members of the uniformed services serving at certain duty stations outside the United States or in Alaska or Hawaii

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 405 of title 37, United States Code, is amended by adding at the end thereof the following: "Whenever the per diem allowance for any location outside the United States or in Alaska or Hawaii is reduced, such reduction may not become effective in the case of any member entitled to such allowance on the day preceding the day on which such amendment is made until the beginning of the first pay period following the expiration of at least 30 days after the Secretary concerned has announced the new reduced allowance."

FEARS OF MOSCOW SUMMIT CONTINUE

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

Mr. BLACKBURN. Mr. Speaker, last Wednesday I commented regarding my concern that President Nixon's forthcoming Moscow visit could result in a further Soviet nuclear arms advantage over the United States.

I noted that signs point increasingly to the possibility that the President will be forced to grant the Kremlin concessions on the order of those associated with SALT I. As I noted, that agreement contained several dangerous flaws by conceding U.S. ballistic missile superiority to the Soviet Union.

The SALT I agreement was negotiated at a time when President Nixon was riding the crest of popularity at home—a wave which he does not obtain today.

The questionable "benefits" which our country has derived from SALT I negotiations creates considerable uneasiness in consideration of the probable consequences of any agreement which might be termed "SALT II."

Quite obviously, a continuation of trends set by SALT I is not the sort of agreement which our national security can afford. This concern is not peculiar to me. Mr. Paul Nitze made this quite clear in his recent resignation as a U.S. strategic arms negotiator.

In an interview telecast on CBS last evening, Alexander Solzhenitsyn, Russia's recently-exiled Nobel Prize-winning author, told newsman Walter Cronkite, bluntly enough:

Never before has an American President been in so weakened a position.

Earlier, yesterday, the Wall Street Journal, in a lead editorial, "On to the Summit," voiced similar concern. In this expression, which I now insert into the RECORD, this respected publication reflected great fear that, spurred by the problems of Watergate, Mr. Nixon may dash into a Moscow summit and fall into a "trap" which is "likely to be the most expensive Watergate of all."

Quite obviously, we do not wish to see this happen; our Nation could ill afford it. It is hoped that, perhaps, one way to contribute to its not hapening is to attempt to warn of it before the mission to Moscow begins.

The editorial follows:

[From the Wall Street Journal, June 24, 1974]

ON TO THE SUMMIT

With scarcely time in Washington to catch a breath after his Middle Eastern trip, President Nixon takes off for the NATO meeting tomorrow and the Moscow summit starting Thursday. Inevitably the results of these meetings will be read in the context of Watergate at home.

The complaint about Watergate diplomacy can perhaps be overdone, but we do confess to certain trepidations about the forthcoming summit. We believe that Richard M. Nixon is a patriot who would not sell out American interests for personal motives. But we also believe that even without Watergate Mr. Nixon brought home a terrible strategic arms agreement from his last visit to Moscow. We worry that Watergate will intensify an underyling disposition to take risks today for detente tomorrow, warping Mr. Nixon's view of where the American interest lies.

The fact is that no worthwhile arms agreement is currently within reach. We are certain that this conclusion as well as Watergate lies behind the resignation from the SALT delegation of Paul Nitze, the hard-eyed realist of the American team. (Senators Goldwater and Thurmond recently blocked Mr. Nitze's appointment to a Pentagon post because of his long-standing liberal-Democratic connections, proving once again that American conservatives don't know who their true friends are.)

At one time talk of an agreement centered on a "quick fix" limit on multiple warheads, or in other words on limiting American advantages without compensating concessions on Soviet advantages. More recently it has swung to a "threshold test ban" on nuclear weapons. This would not be a good treaty because of policing difficulties, and because the history of the atmospheric test ban shows that American testers take such treaties far more seriously than do Soviet testers. Yet if designed to be meaningless, a threshold test ban could be a cheap enough price to pay for detente atmospherics, which presumably are worth something. At the same time, there is a danger in atmospherics that fogs basic issues.

The reason a more solid agreement is not within sight is that the Soviets simply do not see arms negotiations the way Americans do. Our negotiators try to conceive agreements from which both parties can benefit. The Soviets see the negotiations as a "zero-sum game," in which a gain for one party is by definition a loss for the other. Given such adversaries, the U.S. will probably not be able to get a solid agreement until it demonstrates that it has the political will to offset Soviet arms advances, that is, the will to spend more for defense.

What matters is not only or even primarily Soviet perceptions of American political will; it is Mr. Nixon's perception of American political will. The reason he accepted such a poor bargain in SALT–I was that past administrations and past Congresses had not kept pace with Soviet advances, and he did not believe he could persuade current or future Congresses to do so either. But since then the situation in Congress has changed dramatically. With a hard look at SALT–I, with Solzhenitsyn, the Middle East war and brilliant political maneuvering by Senator Jackson, a different attitude toward the Russians now prevails on Capitol Hill. It is no accident that the defense budget has just sailed through unscratched.

What worries us is that Watergate may prevent Mr. Nixon from recognizing this fundamental change. He is after all more cut off from Congress than ever before, and has good reason to feel himself besieged. If you imagine that rightly or wrongly in his private mind he considers himself innocent in Watergate, it's easy to also imagine an attitude that Congress, the press and even the American people are essentially feckless. And of course, a major psychological prop would be that as President of the United States he is the only person in the world who can bargain on equal terms with the Chairman of the Soviet Communist Party.

Our fear is that in Mr. Nixon's mind this will add up to a feeling that no matter how bad an agreement he gets it will be better than the one the next President could get. This would be a fundamental misreading of the American mood at the moment, and if the President does fall into this trap it is

likely to be the most expensive Watergate price of all.

STRIP MINE CONTROL NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 20 minutes.

Mr. TALCOTT. Mr. Speaker, the coal industry these days is like a somewhat frumpy middle-aged ballerina rushed out of semiretirement to fill an unanticipated gap in a show that must go on. Suddenly the old girl is back in demand. During the next 10 years we will have to double or treble our production of coal, according to an increasing number of experts in the field of energy.

It is hard to think of any industrial activity in this Nation with a worse image for the destruction of our natural heritage than the surface mining of coal. But it is now economically feasible to strip mine coal, and mend the land afterward, even in steeply sloping terrain. The time has clearly come for the Congress of the United States to pass into law new and strong regulations which will allow mining to proceed, but under rules which will safeguard our priceless natural heritage. If we do not meet our responsibilities to the American people we will assure creation of new badlands on a scale never before contemplated.

Coalmen invoke the energy crisis as an argument against careful reclamation, even though higher fuel prices brought about by scarcity will amply cover reclamation costs.

They have attempted to claim that the problem is one of past production, but anyone who has driven through, or even flown over, States with weak reclamation laws—and that is most coal mining States—knows that thousands of acres are being ruined right now.

Soon the bill written by the House Interior Committee will reach the floor for consideration. A similar measure has already passed the Senate. The heart of both of these bills is the reasonable requirement that after the coal is removed the land must be returned to its "approximate original contour." This rule is patterned after the regulations in effect in Pennsylvania, where the country's toughest reclamation law has not prevented sizable increases in strip mining production.

At least a fifth, and possibly as much as a third, of our best coal deposits lie within 100 feet or so of the surface. This is within reach of the machines which can remove the dirt and rock "overburden" to expose the seam of coal. Strip mining has grown rapidly, its share of coal production having grown from 31 percent in 1960 to nearly 50 percent in 1973. This growth is continuing because surface mines can be opened faster than deep mines. They have a history of fewer labor problems, and are generally much safer. Surface mining can economically remove 80 to 90 percent of the coal while in underground mines as much as 50 percent is left behind to prevent caveins. And most importantly, production is at least three times higher.

Unfortunately, many Americans see strip mining as the worst example of Western man's unthinking willingness to devour the landscape and destroy the wilderness solely to keep air-conditioners running and needless lights blazing. Strip miners have already churned up an area the size of the State of Delaware, and each day another 250 acres are sacrificed to our appetite for energy.

The coal industry is wrong—dead wrong—in attacking the basic reclamation standards that form the heart of the House and Senate measures. They both require that, in the absence of well-documented plans for a different use of the land after mining, this is for schools or industry or housing, mining companies must return the land to its "approximate original contour." That requirement is fair, it is equitable, and it is absolutely necessary if we are to save hundreds of thousands of acres of natural terrain.

The new economics of coal removes any doubt that the industry can afford compliance. Reclamation costs can easily be "internalized" in the price of electricity. Recently an executive with the Continental Oil Co., the corporate parent of Consolidation Coal, told security analysts just how minimal the effect would be. Even a relatively high reclamation cost of $1 to $3 per ton, he said, raises a typical electric bill "only 2 to 3 percent."

In short, we can have our cake, and eat it too. We can take the coal and mend the land.

The ugly scars left by strippers in some of the world's most beautiful hardwood forests is only part of the damage. The naked cliffs are a hazard to wildlife, hikers, and hunters. It is all but impossible for a vegetative cover to become established on steep spoil banks which are subject to sloughing and erosion. The disturbance to the watershed land causes streams over a wide area to siltup, and this measurably increases the danger of flooding.

West Virginia, a major coal producer, has enacted its own reclamation act. One of the executives of a West Virginia coal mining firm producing over 1.5 million tons of coal a year recently said that the necessity of restoring the land contour behind his mining operations have raised his costs by about 60 percent. Nevertheless, these costs, which are about the highest expected for surface mining, are no higher than those of underground mining. In today's market his company can make a satisfactory profit on the coal.

We must face the reality that Appalachia's mountains cannot supply all of the coal, particularly the low-sulfur coal that the country needs, and that is why companies are now looking west of the Mississippi for coal to strip. Ever since the Lewis and Clark Expedition the Northern Great Plains have been known to contain prodigious amounts of coal.

What geologists refer to as the Fort Union formation, extending over North Dakota, Montana, and Wyoming, is the largest single deposit of fossil fuel. It contains more than a trillion tons of coal and lignite. The strippable reserves alone, which may reach 80 billion tons, greatly exceed the proven oil reserves of Saudi Arabia in energy content.

We cannot ignore our energy needs. We must exploit our domestic energy resources. But we cannot, and we must not fail to act now to insure that we restore the land once we mine the resources beneath it. I will be working to see that this important legislation is passed overwhelmingly by the House.

VETERANS EDUCATION BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, approximately 1 month ago, I rose in this Chamber to alert my colleagues to the urgent need to pass an extension of eligibility for veterans education benefits under the GI bill. What finally was enacted was a 30-day extension of the eligibility to allow the House and Senate to work out their differences on a comprehensive reform of veteran education programs.

Now, 1 month later, I can report that some progress has been made in passing comprehensive legislation. In the interim, the Senate has finally passed its version of this legislation. Late last week, staff members from the House and Senate Veterans Committees met to work out compromises on a number of minor differences between the two bills.

Now, the House must act. It is up to the chairman of the House Veterans Committee to formally request a conference with the Senate, so that we can resolve our differences without any further delay. I call on the chairman to make such a request, and I urge those of my colleagues who share my concern for veterans to join me in asking for a conference.

Unfortunately for the veterans in school, the House and Senate are still far apart, and it may take more than a couple of days to come up with a bill that adequately meets the real needs of the young veteran who must bear the tremendous financial burden of paying for an education—an education that is an absolute necessity if he is to obtain a good job in today's economy.

Thus I take this time today to remind the House once again that the first priority in this legislation is to extend the period of eligibility for 2 years, so that Vietnam era veterans can have enough time to finish school under Federal assistance.

I call once again for the House and Senate to immediately pass a simple bill extending the eligibility for 2 years. This is an issue on which the House and Senate have no differences, and the only reason why it has not been enacted is because it has been tied to the compre-

hensive bill. I think it is long past the time when this provision be separated from the other issues and enacted.

One further issue deserves special attention by Members of the House. Section 204 of the Senate passed bill, S. 2784, tightens up the VA's procedures for approving the participation of vocational and career schools in the GI bill programs. It is a much-needed mandate, as evidenced by an excellent investigation by the Spotlight Team of the Boston Globe, which uncovered a shocking lack of controls, by the VA and by State governments, of the quality of these institutions. The Globe team showed that a pattern of alleged fraud, misrepresentation and deceit has characterized some of these schools. The result has been that the veteran has been cheated, and the VA has done nothing.

I support the Senate's provision to require that the VA require evidence of a 50-percent placement rate of school graduates prior to VA certification of the school's participation in the GI bill. Also, I favor giving the VA access to the investigative capabilities of the Federal Trade Commission to study the advertising practices of these schools. If I am a conferee on these bills, I will support inclusion of section 204 of the Senate bill in the conference report.

Mr. Speaker, the issue of giving our young veterans an equal opportunity to obtain an education is still before us, after all of these months. The legislative vehicle to redress the inequities is before us, and I call once again for the chairman of the Veterans' Affairs Committee to call a conference immediately.

THE CURRENT PLIGHT OF THE U.S. INTERNATIONAL AIRLINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, I am greatly concerned over the current plight of the U.S. international airlines. I think we are all aware of the importance of maintaining a sound and healthy air transportation system so as not to be totally dependent on service from other countries. The best interests of the American public are well served by our own system which contributes to our labor force, our balance of payments, and an overall stronger economy.

Last week my distinguished colleague and majority whip, Congressman JOHN MCFALL, addressed the International Aviation Club here in Washington. As chairman of the Transportation Subcommittee of the Appropriations Committee, he is, of course, particularly well versed in transportation matters, and I found his remarks to be of significant interest. Congressman MCFALL clearly points out the many fronts on which our international airlines are being threatened.

I want to submit his remarks for the information of all my colleagues in the House, in order that we may better understand the seriousness of this situation and consider the alternatives currently being reviewed in hearings in the Interstate and Foreign Commerce Committee:

REMARKS OF CONGRESSMAN JOHN J. MCFALL TO THE INTERNATIONAL AVIATION CLUB, JUNE 18, 1974

I'm glad I am with you today, because tomorrow I will be on the House floor managing the Transportation Appropriations bill for 1975.

Therefore, it is very appropriate for me to say again my brief speaker's prayer: O Lord, give us the wisdom to utter gracious and tender words for tomorrow, we may have to eat them.

As I am sure you are all aware, our transportation bill provides about $1.7 billion for the activities of the Federal Aviation Administration. This includes funds for personnel facilities, and research. Last year, we asked FAA to look at the future capacity requirements at our major terminals. We are hopeful that this study will soon be implemented. In our report this year, we indicated that FAA should consult with the users to agree upon appropriate measures and translate these into action programs. Our bill also provides funds for the National Transportation Safety Board, CAB, and payments to local service and Alaskan air carriers.

It will be a busy day tomorrow—part of a busy week. In fact, Congress has a very heavy schedule ahead. This week we have three appropriations bills, a major housing and urban development bill and a conference report on a far-reaching budget and impoundment control act. Next week we have four more appropriations bills, including the big Labor-HEW bill that funds many of our major domestic programs.

In the following weeks our workload will include bills on windfall profits tax, strip mining, tax reform, mass transit assistance, campaign reform, protection of private pension rights, elementary and secondary education act extension, and a $2.7 billion cancer research extension. National health insurance is now undergoing hearings.

Estimates now are that impeachment will come to the floor by late July or early August. So much press and public attention has been focused on impeachment that it really has obscured the fact that this has been a hard-working Congress.

We have already enacted a substantial body of legislation that benefits millions of Americans in a great number of ways. For example, an eleven percent social security increase that becomes fully effective next month; a new minimum wage; a comprehensive manpower program and appropriations of $620 million for public services jobs and $305 million for youth summer employment this year. There are new school lunch and other education laws to help our children, a $544 million program to help older Americans, and health programs to help everyone. We have enacted a number of laws improving veterans benefits, a $3 billion crime control act, major federal highway and mass transit construction programs, and $600 million for sewerage construction. In the energy field, we have enacted the Federal Energy Administration, the Alaska pipeline and the mandatory fuel allocation program, and the House has passed a deepwater ports bill and an Energy Research and Development Administration to be built around the Atomic Energy Commission.

It is just not correct to say that this Congress is sitting around waiting for impeachment. One committee has been working very hard and very conscientiously on that matter. Meanwhile, the rest of the House has carried on with the business of the people, and the record shows that.

The fact that we have an International Aviation Club which brings together men and women who represent so many of the world's airlines, as well as air attaches from so many embassies, is testimony to the success achieved in fostering international aviation growth. Many of the world's airlines achieved substantial economic strength as the result of being given the opportunity to serve the U.S.-origin market; the richest air market in the world.

Some now view this country's policies toward international aviation as too successful, in the sense of producing a saturation of international airlines flying to and from the United States. That viewpoint is understandable. In addition to U.S. carriers, 57 foreign air carriers are now authorized to provide such services. All told, about 40 scheduled and supplemental airlines now compete on North Atlantic routes, alone. This situation developed as a result of the attractiveness of the market and the long-standing U.S. policy of bilateral exchange of air rights.

Such bilateral exchanges were founded upon the concept of equal opportunity for the carriers of each nation to compete in each other's marketplace for international air passengers and cargo. Increasingly, however, U.S. airlines have been denied equality of competitive opportunity in many of the countries in which they operate overseas.

Frankly, I do not understand foreign government discrimination against airlines of a nation that has done so much to help develop other nation's economies, including the air transport systems of other economies. Nor do I understand policies of our own government tending to place U.S. international airlines at a competitive disadvantage with airlines of other nations.

There is little equity when a U.S. international airline and a foreign-flag carrier purchasing the same model aircraft, possibly intended for head-to-head competition with each other on the same route, pay sharply differing interest rates. A U.S. airline seeking to borrow money on the private market to finance new equipment must pay interest rates of between 11 percent and 12 percent these days, provided, of course, that money is available.

A foreign-flag airline buying aircraft from U.S. manufacturers can receive much of the financing from the U.S. Export-Import Bank, at interest rates of seven percent.

I raise the point not in criticism of the Bank, but in recognition of the fact that today's interest rates on borrowed capital constitute a major and growing cost of doing business for many companies. When two airlines compete on the same route and one can finance aircraft at a much lower cost than the other, that one starts out with a substantial financial advantage.

Despite the massive contribution made by U.S. Nationals to tourism abroad, in some areas U.S. carriers are charged excessive amounts through the imposition of landing fees and other user charges. No one can reasonably object to an equitable system of user charges.

But the user should not be required to subsidize either aviation facilities which they do not use or other functions of Government. Unfortunately, such practices exist in a number of countries today.

Let me illustrate by citing two well known examples.

Australia's Department of Civil Aviation sets landing fees and other user charges at Sydney Airport not only to recover costs there, but also to recover the costs of running airports at Perth, Brisbane and Darwin, which are less used by the U.S. carrier. This probably explains, in part, why the landing fee for a 747 is $4,200 in Sydney, compared

with $271 in San Francisco. In this case, I think the burden on the U.S. carrier is excessive and I am glad to see that our State Department has, at last, taken up the matter with Australia.

U.S. carriers serving Great Britain face a somewhat similar situation in their use of London's Harthrow Airport. The British Airport Authority sets user charges at Hearthrow not only to cover operating expenses there, but to support a number of underused airports and to realize a 14 percent return on investment, as directed by the British government. This may explain why U.S. airlines pay a total charge to land a 747 with passengers at Heathrow of $1,675. This is 3 times the average amount charged foreign airlines to land at major U.S. airports.

Some years ago, the International Aviation Organization recommended a set of principles member countries should follow in assessing user charges. One of these principles is that the charge must be related to the cost of providing the service. The imposition upon U.S. international airlines of user charges to support airports that they do not use does not, in my opinion, meet this test. Nor is the test met when governments, as in the case of Italy, Greece and some South American countries, excuse their own national carriers from the same user charges they impose upon other airlines.

Foreign flag carriers are, for the most part, treated as competitive equals in the U.S. market. For all practical purposes, they can sell seats and cargo space to whom they please. They face no restrictions on currency, sales or advertising. They are offered a wide choice of domestic air service for connecting flights, air freight forwarders and other services supportive of air transportation. And they have done well here, capturing over 51 percent of scheduled-U.S. originating passengers on the North Atlantic.

Contrast this open competitive climate with the situation existing abroad. Many countries restrict government contractors, international business travel, and certain cargo shipments to the national carrier. Hence, the U.S. carrier is frozen out of an enormous segment of the market in these countries.

There are other problems: in Eastern Europe the U.S. carrier is prevented from making sales in local currencies. In countries where the domestic carrier has a monopoly, the U.S. carrier is placed at a disadvantage in obtaining connecting space for passengers and cargo.

In addition, national carriers may get preferential treatment from travel agencies, tour wholesalers, and freight forwarders owned by the national carrier. Free services from Customs and government-owned television and radio may also be available to them.

The cumulative impact of these discriminatory practices tends to sap the economic strength of U.S. international airlines. Neither our scheduled or supplemental carriers can afford to accept these practices any longer, particularly in light of the enormous increases in the price of fuel.

In the exercise of international diplomacy at its best, we have seen some rather remarkable successes recently. Perhaps it is time to focus such expertise on achieving a better balanced opportunity in international air transportation.

In conclusion, I wish to emphasize to this group, with its international interest, that nothing that I have said should be interpreted as counseling isolation. Far from it, a strong and viable international air transportation system is a necessary ingredient of effective world commerce and embodies the essence of internationalism.

I personally, will do everything I can to encourage international cooperation in aviation. This is one reason why our subcommittee was pleased to work with the Department of Transportation and the U.S. airlines in helping to resolve the problems associated with the Aerosat program. The Memorandum of Understanding for this program is expected to be signed this month. Immediately thereafter, the U.S. co-owner, ESRO, and Canada will proceed with the competitive selection of the hardware suppliers. The Aerosat program—a first step in the application of satellites for civil aviation—is ready for activation and we look forward to the first launch in 1977.

Clearly, we need a viable international air transport system.

Without it, international air travel and trade could well stagnate.

With it, international air travel and trade will increase its worldwide economic and social benefits manyfold—for all countries not just the United States—and with it peace and understanding for all the peoples of the world.

PERSONAL ANNOUNCEMENT

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

Mr. MINISH. Mr. Speaker, today I am placing in the RECORD pertinent information pertaining to my Federal Income Tax for taxable year 1973.

Pursuant to House rules, on April 15, I filed with the House Ethics Committee my financial disclosure statement. This statement will, of course, be on file in that committee, its contents available under the stipulated conditions.

My total income for 1973 was $46,778. Of this, $42,500 comes from my congressional salary; $4,278 comes from dividends and interest. My adjusted gross income was $43,298. My taxable income was $36,044 on which I paid Federal income taxes of $10,360.

REDUCING THE PAYROLL TAX BURDEN OF LOW- AND MIDDLE-INCOME WORKERS

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

Mr. BURKE of Massachusetts. Mr. Speaker, earlier this year, I introduced legislation to reduce the payroll tax burden on millions of low- and middle-income workers. The legislation would effect this relief, in part, by utilizing the Federal Government's general revenues. I have become more and more convinced over recent months of the need to adopt this approach. The 1974 report issued last month by the social security board of trustees indicated that the social security system cannot keep paying out benefits the way it has without additional tax increases during the next 10 years. The reason is that there will be relatively fewer workers in the future paying taxes to support the aged and other beneficiaries under social security. The system is in trouble, and the only alternative is some financing from the Federal Government's general revenues.

At a time when the social security tax rate is higher for more families than the Federal income tax rate, the prospect of still further increases in the tax to bail the system out is unthinkable.

The Congress cannot push this matter aside any longer. It cannot wait until the next Congress; 131 Members of this House have seen the light and have joined me as cosponsors. I would like to encourage others to join me at this time.

I ask permission to include for the record those Members who have shown some progressive thinking in this area. They are listed below:

COSPONSORS OF PAYROLL TAX REDUCTION

Abzug, Bella (NY), Addabbo, Joseph P. (NY), Annunzio, Frank (Ill), Ashley, Thomas L. (Ohio), Aspin, Les (Wis), Badillo, Herman (NY), Barrett, William A. (Pa), Biaggi, Mario (NY), Biester, Edward G., Jr. (Pa.), Bingham, Jonathan B. (NY), Boland, Edward P. (Mass), Brasco, Frank J. (NY), Brown, George E., Jr. (Calif), Burke, J. Herbert (Fla), Burke, James A. (Mass.).

Burke, Yvonne Brathwaite (Calif), Burton, Phillip (Calif), Carey, Hugh L. (NY), Carney Charles J. (Ohio), Chisholm, Shirley (NY), Clark, Frank M. (Pa), Clay, William (Mo), Collins, Cardiss (Ill), Conte, Silvio O. (Mass), Conyers, John, Jr. (Mich), Corman, James C. (Calif), Cotter, William R. (Conn.), Cronin, Paul W. (Mass), Daniels, Dominick V. (NJ).

Davis, Mendel (SC), Delaney, James J. (NY), Dellums, Ronald V. (Calif), de Lugo, Ron (VI), Denholm, Frank E. (S. Dak), Dent, John H. (Pa), Diggs, Charles C., Jr. (Mich), Donohue, Harold D. (Mass), Drinan, Robert F. (Mass), Edwards, Don (Calif), Ellberg, Joshua (Pa), Evins, Joe L. (Tenn), Fauntroy, Walter E. (DC), Flood, Daniel J. (Pa), Ford, William D. (Mich).

Fraser, Donald M. (Minn), Frey, Louis, Jr. (Fla), Gaydos, Joseph M. (Pa), Gilman, Benjamin A. (NY), Grasso, Ella T. (Conn), Gray, Kenneth J. (Ill), Green, William J. (Pa), Gunter, Bill (Fla), Hanley, James M. (NY), Hanrahan, Robert P. (Ill), Harrington, Michael (Mass), Hawkins, Augustus F. (Calif), Hays, Wayne L. (Ohio), Hechler, Ken (W. Va.).

Heckler, Margaret M. (Mass), Helstoski, Henry (NJ), Hicks, Floyd V. (Wash), Holtzman, Elizabeth (NY), Horton, Frank (NY), Hungate, William L. (Mo), Johnson, Harold T. (Calif), Jordan, Barbara (Tex), Karth, Joseph E. (Minn), Kluczynski, John C. (Ill), Koch, Edward I. (NY), Kyros, Peter N. (Maine), Lehman, William (Fla), Lent, Norman F. (NY).

Luken, Thomas (Ohio), McCloskey, Paul N., Jr. (Calif), McCormack, Mike (Wash), McKinney, Stewart B. (Conn), Macdonald, Torbert H. (Mass), Madden, Ray J. (Ind), Metcalfe, Ralph H. (Ill), Minish, Joseph G. (NJ), Mitchell, Parren J. (Md), Moakley, Joe (Mass), Moorhead, William S. (Pa), Morgan, Thomas E. (Pa), Moss, John E. (Calif), Murphy, Morgan F. (Ill).

Nedzi, Lucien N. (Mich), Nix, Robert N. C. (Pa), O'Hara, James G. (Mich), Patten, Edward J. (NJ), Pepper, Claude (Fla), Perkins, Carl D. (Ky), Podell, Bertram L. (NY), Price, Melvin (Ill), Pritchard, Joel (Wash), Randall, William J. (Mo), Rangel, Charles B. (NY), Reid, Ogden R. (NY), Reuss, Henry S. (Wis), Riegle, Donald W., Jr. (Mich).

Rodino, Peter W., Jr. (NJ), Roe, Robert A. (NJ), Rooney, Fred B. (Pa), Rose, Charles (NC), Rosenthal, Benjamin S. (NY), St Germain, Fernand J. (RI), Sandman, Charles W., Jr. (NJ), Sarasin, Ronald A. (Conn),

Sarbanes, Paul S. (Md), Schroeder, Patricia (Colo), Seiberling, John F. (Ohio), Shoup, Dick (Mont), Stanton, James V. (Ohio), Stark, Fortney, H. (Calif).

Stokes, Louis (Ohio), Stubblefield, Frank A. (Ky), Studds, Gerry E. (Mass), Thompson, Frank, Jr. (NJ), Tiernan, Robert O. (RI), Vander Veen, Richard (Mich), Vanik, Charles A. (Ohio), Vigorito, Joseph P. (Pa), Waldie, Jerome R. (Calif), Wilson, Bob (Calif), Wilson, Charles H. (Calif), Wolff, Lester L. (NY), Won Pat, Antonio Borja (Guam), Yatron, Gus (Pa), Young, Andrew (Ga), Young, C. W. Bill (Fla), Zablocki, Clement J. (Wis).

QUALITY HOUSING FOR ALL

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

Mr. STOKES. Mr. Speaker, on June 20, 1974, the House of Representatives passed the Housing and Urban Development Act of 1974, which provides some important new initiatives in the housing area. I was pleased to be able to offer an amendment which would make the quality of housing for low- and moderate-income Americans a basic policy consideration underlying all Federal programs relating to housing. Unfortunately, elsewhere in the bill, the housing allowance proposals, while noteworthy and ambitious, are relatively untried and only address themselves to one aspect of our housing problem. But there were some significant improvements made in the bill on the floor of the House before final passage.

I wish to thank my colleagues for their valuable support in helping to pass my amendment and to make it part of the Housing and Urban Development Act of 1974. This amendment will require the Secretary of the Department of Housing and Urban Development to totally reorient HUD's policies with regard to the quality of materials, design, and construction.

To understand the significance of this amendment, one must review and understand what our current housing situation is, the enormity of the problem, the nature of our previous efforts, and the lack of a truly major, consistent effort to remedy the situation. In 1949, Congress committed itself to the goal of a "decent home and a suitable living environment for every American family." But for millions of low-income American families that pledge has been nothing but a hollow and vicious joke. Millions have neither a decent home nor a suitable living environment.

In cities around this Nation, there are boarded-up houses and apartments which are no longer suitable for human habitation. However, because of our housing crisis, people are actually forced to live in such buildings, which are often falling apart. Whether inhabited or not, such buildings often serve to bring a blight to the entire street, block, or neighborhood.

What does it mean for those who live in or near this type of deterioration? It means rats biting your children and lead-based paint for them to eat and die from; it means a plague of crawling, filthy roaches, it means plaster falling from your ceiling, gaping holes in the walls, leaky roofs, doors and windows that do not shut properly much less lock, and broken glass; it means dangerous rotting floors and steps; and it means plumbing that leaks and does not work; worn out stoves and heating equipment that often cause dangerous explosions, and faulty electrical wiring which can cause fires. Broken air-conditioning is not a housing problem that the poor often have to worry when they have no heat for days or weeks in mid-winter. Their greatest problem may simply be that they do not have any choice: Neither the choice to move, nor the choice to repair their expensive problem.

In this great technological society of ours 3.1 million American families have only cold running water or no piped-in water at all; 3.3 million families either share a flush toilet or do not have one. Not surprisingly, while black Americans are only 11 percent of the population, they make up a quarter of the American families who do without these basic elements of comfort and sanitation.

According to the Department of Housing and Urban Development's own estimates there are over 14 million households, most with incomes of far less than $5,000 per year, who are eligible for housing subsidies, but for whom there is no subsidized housing available. Almost all of these families live in housing which is either unsafe, unsanitary, or which costs so much that other basic needs cannot be met.

Those of us who have been closest to the problems of the cities of this Nation have long agonized over the constant deterioration of the already totally inadequate housing available for the low- and moderate-income families of our urban areas.

Considering the nature and immensity of the problem, it would be expected that solving it would be a priority domestic undertaking. However, despite overwhelming evidence of our failure to provide either numerically sufficient, or decent quality housing for many millions of human beings in this Nation, the current administration has refused to provide any leadership in this area except to oppose, veto, impound, and generally attempt to cripple all programs which might alleviate the situation for those with the greatest housing need.

But even the focus of our past housing efforts as well as the direction of so many of the current proposals before us has not been aimed at the resolution of our worst problems. For example, the FHA, since it was created in 1934, has insured more than $81 billion in residential mortgages for 7.5 million families; 7.3 million of those families were white. That program produced some good and bad results, but for most black Americans caught in blighted urban and rural areas, there was no program to produce any result, good or bad. Today, as a nation, we really do not have a housing program for the poor. Why does this administration, and why do so many others in power today, refuse to assist in providing the type of home which would allow every American to go home at night to a house he can enter with pride and dignity?

If finally enacted, my amendment would seek to change the prevailing attitude of those who, up to now, have been building or renovating housing for low- and moderate-income families. Their approach has usually been to cut costs wherever possible, and to use the cheapest quality materials not absolutely forbidden by law. The result was poorly designed housing which would begin to deteriorate within months or, at best, within a couple of years. This type of housing is wasteful from an economic viewpoint, callous from a humanitarian viewpoint, and foolish and shortsighted from a social viewpoint.

When the Government builds planes, space stations, dams, bridges, courthouses, highways, or anything else, it does not build using the cheapest designs or with the cheapest, least durable materials available; but that is what it has done when it has built housing for the poor. Why should buildings that house human beings not be of the same high quality as that of almost every other Government structure? The answer is that to those in power the residents of these buildings are not people, they are "the poor." And somehow the poor are not expected to know the difference.

The effect of my amendment is that it will be legally necessary, that any housing structure built for low- or moderate-families must be designed and constructed with materials which will provide the maximum possible life. By quality, I, of course, do not mean solid gold plumbing. But, I do mean that the basic premise would be to construct housing that will last 30 or 40 or more years. These buildings are a public investment. If they are constructed in a way to allow reasonable repairs when necessary, then the basic structure and major components can, indeed, have an extremely long life, and with the proper design features and proper maintenance their usefulness can be prolonged even further.

Whether in Shaker Heights, Ohio, Montgomery County, Md., Bergen County, N.J., or any similar extremely affluent area, it is obvious that the houses in such areas are built to last. They are larger and richer than it makes sense to build, but the strength and quality of their construction ought to be completely copied when building houses. Likewise, major office buildings are so constructed as to last for decades: The homes of families ought not be constructed with less care and quality. My amendment attempts to insure that buildings constructed to house even the poorest of citizens shall reflect the dignity and humanity we all share.

The text of my amendment follows:

AMENDMENT TO H.R. 15361, AS REPORTED OFFERED BY MR. STOKES

Page 116, after line 14, insert the following new section (and redesignate the succeeding sections accordingly):

MATERIALS, DESIGN, AND CONSTRUCTION REQUIREMENTS FOR LOW- AND MODERATE-INCOME HOUSING

SEC. 525. The Secretary of Housing and Urban Development shall take such steps as may be necessary (including the insertion of appropriate requirements, specifications, and enforcement provisions in assistance contracts) to make certain that all housing which is constructed for use by low or moderate income families with assistance under any law or program administered by the Secretary or under his jurisdiction is designed and constructed in such manner, and utilizes materials of such quality and durability, as to assure to the maximum extent feasible that such housing will have a long economic life, resist deterioration, and provide ease of maintenance, regardless of any savings in cost which might otherwise be realized through the use or application of inferior design, construction, or materials.

CONGRESSIONAL ACTION IMPERATIVE: RESOLUTION OF INQUIRY AND AMENDMENT TO EXPORT ADMINISTRATION ACT INTRODUCED TO DETERMINE EXTENT OF AND PREVENT SPREAD OF NUCLEAR GIVEAWAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 15 minutes.

Ms. ABZUG. Mr Speaker, how dare Mr. Nixon assume that he can hand out nuclear power around the world as a form of largess to curry favor?

Egypt, naturally, gives assurances that the power will be used for peaceful purposes—but since a peace agreement has not yet been signed, this promise is open to question. It is an act of pure madness to inject nuclear capability into the extremely volatile situation in the Middle East. Moreover, one cannot help being suspicious of the eventual uses to be made of this nuclear material when one remembers that the shipment is being made to the oil center of the world.

Hundreds of scientists have told us that there is no such thing as a peaceful atom. Any nuclear material can quickly and easily become a nuclear weapon. We have just seen India explode a nuclear device made from peaceful atoms given her with the best of intentions, no doubt, by Canada. Now the Canadian Minister of External Affairs regretfully states that nuclear explosions for military and peaceful purposes are indistinguishable. The Washington Post for June 23rd warns us that scientists are extremely concerned about the lethal qualities of the plutonium produced by any kind of reactor. This theme is repeated by George F. Will in an article appearing in today's Washington Post, which I am attaching.

Mr. Nixon's reckless promises to Egypt and to Israel have had one beneficial effect, however; they have called to the attention of the Congress and the public a little-known fact: under similar executive agreements, the United States has already sent some 75 nuclear reactors to approximately 25 other countries. These agreements were submitted, pursuant to section 123 of the Atomic Energy Act, to the Chairman of the Joint Committee on Atomic Energy, where they lay for 30 days while Congress was in Session. In no instance has an agreement been rejected by the Joint Committee and in only one instance has there even been an attempt to do so. In those instances where agreements have provided for military nuclear cooperation, section 123(d) provides for submission of such agreements to the Congress with an opportunity for Congress to reject such an agreement by passing a concurrent resolution within 60 days.

Approximately 10 such agreements have been submitted to the Congress since 1958, when subsection (d) was enacted. None has ever been disapproved.

It should be obvious to us now that even so-called peaceful uses of nuclear materials present irreversible hazards for which we have not yet designed adequate protective measures. There is danger at every step in the production, transportation, storage, and disposal of nuclear materials. Yet we continue to ship such materials around the globe. And the President, through his recently announced agreements with Egypt and Israel, proposes to add further to this nuclear traffic. International safeguard measures, as mandated by the Non-Proliferation Treaty, are primitive compared to the sophistication of the materials handled.

Since India's recent entry into the field of nuclear weaponry, do we need any further reminder that nuclear technology or nuclear materials, even for so-called peaceful uses, can only increase the capability for developing nuclear weapons? The line between peaceful and military uses is thin indeed. The consequences of the international exchange of nuclear technology or materials, for whatever purpose, are just too great to be left to the discretion of the Executive. Congress must be given the opportunity to review these agreements and to approve them prior to their execution.

The present provisions of the Atomic Energy Act, allowing for rejection by the Congress in the case of agreements for military cooperation, are not adequate. Only by requiring affirmative action by Congress prior to execution can we be assured of adequate consideration of the extraordinary questions raised by all such agreements for nuclear cooperation. Accordingly, I have today introduced a bill to amend the Export Administration Act (Public Law 91-184) to require affirmative congressional approval of all agreements for the transfer of nuclear materials or technology. Amendments to this act, which deals with restrictions on the export of strategic materials and technology, will be coming to the floor within the next week or two.

The Atomic Energy Commission has told its Egyptian counterparts that an agreement must be signed by June 30 or it cannot be guaranteed. So many contracts have been signed here and abroad, the Commission states, that it is running out of fuel for new customers. The implications are horrifying. Immediate action must be taken by the Congress, and many questions must be asked—and answered. For example:

First. Will the United States require a commitment by Egypt and/or Israel not to construct chemical separation plants to extract weapons-grade plutonium from the fuel elements of the nuclear reactors supplied?

Second. What safeguard provisions, in addition to the minimal ones prescribed in the Nuclear Non-Proliferation Treaty, will be required by the United States to prevent the diversion of plutonium from energy to weaponry purposes?

Third. What provisions will be made to prevent the terrorist acquisition of radioactive materials in the volatile Middle East?

Fourth. What steps are being taken, in the negotiation of the agreement for cooperation with Egypt and in the negotiation of the agreement for cooperation with Israel to comply with the provisions of section 123 of the Atomic Energy Act (42 U.S.C. 2153)?

Fifth. Will any nuclear technology or nuclear materials be distributed to Egypt or to Israel pending conclusion of such agreements for cooperation?

Sixth. Will the United States require, as a condition of such agreements, that Egypt and Israel sign the Nuclear Non-Proliferation Treaty?

These are but a few of the grave issues inherent in the proposed nuclear agreements. As of now, the American people are in the dark. President Nixon's recent announcement of our intention to sell nuclear reactors to Egypt came as a complete surprise to most of us. We are still reeling from the shock and we are still in the dark, even after the White House statement of June 14, 1974, purporting to explain the proposed agreement with Egypt. Until there is some new legislative directive requiring the submission to Congress of all such agreements, we have no reason to expect that we will be informed on any of these still unresolved momentous issues. Therefore, I have also introduced today a resolution of inquiry to request the President to furnish the answers to these questions. A copy of my bill and the resolution of inquiry follow:

H.R. 15583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Administration Act of 1969 (50 U.S.C. 2411) is amended by adding a new subsection (c):

"(c) Notwithstanding the provisions of subsection (a) of this section or any other provision of law, no agreement for cooperation with any nation or regional defense organization providing for the transfer or distribution of nuclear materials or nuclear technology shall become effective until the proposed agreement has been submitted to the Congress by the President and the Congress has adopted a concurrent resolution stating in substance that it favors the proposed agreement for cooperation."

H. Res. 1189

Resolved, that the President of the United States be, and he hereby is requested, to furnish to the House of Representatives, within ten days after the adoption of this resolution, full and complete information on the following:

1. The steps being taken, in the negotiation of the Agreement for Cooperation with Egypt and in the negotiation of the Agreement for Cooperation with Israel for the sale of nuclear reactors and fuel, to comply with the provisions of Sections 54 and 123 of the Atomic Energy Act (42 U.S.C. 2074 and 2153);

2. Whether or not the United States has required a commitment by Egypt and/or Israel not to construct chemical separation plants to extract weapons-grade plutonium from the fuel elements of such nuclear reactors;

3. Whether or not any distribution of nuclear materials or of classified nuclear technology will be made to Egypt or to Israel prior to the conclusion of such Agreements for Cooperation;

4. What steps, if any, the United States has taken to require, as a condition of such agreements, that Egypt and Israel sign the Nuclear Non-Proliferation Treaty;

5. The safeguard provisions, beyond those prescribed in the Nuclear Non-Proliferation Treaty, which the United States has imposed to prevent the diversion of plutonium from fuel to weaponry purposes or to prevent terrorist acquisition of radioactive materials.

THE PROLIFERATION OF PLUTONIUM

(By George F. Will)

More than by a scarcity of food or energy or clean air or living space, civilization is threatened by an exotic surplus. It is threatened by the proliferation of plutonium.

Bear this in mind as the government, floundering along miles behind events, debates the wisdom of giving Egypt a nuclear reactor. The problem is a lot bigger than that reactor.

Plutonium is the crucial—the explosive—component in nuclear weapons. It is a man-made element. Slightly more than three decades ago all the world's plutonium was in a cigar box in a U.S. laboratory.

But the rapid growth of the nuclear power industry, which is just beginning, will produce a terrifying amount of plutonium. Plutonium is a by-product of the fissioning of the fuel (enriched uranium) in the nuclear reactors that are used increasingly to generate electricity.

The process of enriching uranium is still very complex, secret, and expensive. But most nations can build (and, if necessary, conceal) a reprocessing plant for extracting plutonium from used reactor fuel.

And a determined group or nation can get plutonium even if it has neither a reactor nor a reprocessing plant. It can steal it.

Once one has weapons-grade plutonium, construction of a bomb is a manageable task for a few competent physicists. If they need some tips they can send $4 to the U.S. Commerce Department for a book (declassified in 1961) that describes the technical problems involved in building the first atomic bombs.

The cover of the book says the government does not assume "any liabilities with respect to the use of, or for damages resulting from the use of, any information, apparatus, method, or process disclosed in this report."

(Cultural note: People were outraged in the mid-1960s when the cover of the New York Review of Books contained a sketch showing how to construct a Molotov cocktail.)

Looking ahead to the proliferation of electricity-generating reactors in the U.S., an expert says:

Private companies will soon own more plutonium than exists in all the bombs of NATO. With the predictable growth and expansion of the nuclear industry, power companies will make a cumulative total of 10 million kilograms of plutonium within the last quarter of the twentieth century . . . Enough plutonium to make a weapon could be carried in a paper bag.

A small group of determined persons could steal that much from private industry here, or from public or private installations abroad. Indeed, that already may have happened. We can not know for sure.

We protect plutonium no more rigorously than we protect currency. And keeping track of plutonium as it is processed and used involves a significant margin of inaccuracy.

This is called MUF—material unaccounted for. Today, skillful pilfering of weapons-building amounts of plutonium MUF could go undetected here and around the world.

Nations or groups that do not have the patience for embezzling plutonium might try instead a bolder form of stealing, such as hijacking. By the end of this century a million kilograms of plutonium will be shipped annually by planes, trains, ships, and trucks between thousands of nuclear plants in more than 50 countries.

Brazil and Libya, perhaps with the help of India or France, soon may join the nuclear weapons club, which soon may be the least exclusive club in the world. According to some sober physicists, most nations could join.

It is possible that, say, Uganda could "go nuclear" in a few years. Getting the necessary physicists would be harder (but not all that much harder) than getting the necessary plutonium.

Imagine how stimulating life will be when a blithe spirit like Uganda's General Amin adds the tang of nuclear blackmail to his already frolicsome politics. But that thought, gruesome though it is, is not the grimmest thought one must consider.

The other day a terrorist bomb made a mess of Westminster Hall in London. It may not be long before the more sophisticated terrorist organizations will have bombs that can make a crater out of central London—or any other city.

Imagine the Irish Republic Army or El Fatah as a nuclear power. Someone once described the Nazis as "Neanderthals in airplanes." Neanderthals with nuclear weapons may be the ultimate 20th-century terror.

REGARDING PROPOSED NUCLEAR POWER AGREEMENTS WITH EGYPT AND ISRAEL

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

Mr. PRICE of Illinois. Mr. Speaker, in my floor statement of June 18, 1974, I described the comprehensive procedures whereby the Joint Committee would review any proposed cooperative agreements with Egypt and Israel involving the possible export of special nuclear material or nuclear reactors. An important element of this review procedure in the past has been the conduct of thorough hearings in which the specific details of the proposed arrangements are thoroughly explored by the committee. For the information of my colleagues, I would like to include in the record at the end of my remarks a listing of the hearings, executive and public, which the committee has held on this subject over the past 20 years.

I would like to assure my colleagues again that the proposed cooperative agreements with the governments of Egypt and Israel will receive similar thorough consideration upon submittal to the Joint Committee in accordance with the provisions of the Atomic Energy Act. In the event the present legislation providing for the congressional review of such agreements is inadequate in any way, the Joint Committee on Atomic Energy will not hesitate in proposing amendments to the Atomic Energy Act as may be appropriate.

I would like to emphasize that the schedule for the commencement of negotiations on the basic agreements for cooperation with Egypt and Israel has not as yet been established. Obviously, considerable time and effort will be needed to reach agreement on the proposed agreements. After these negotiations are completed, the agreements will then be submitted to the Joint Committee on Atomic Energy in accordance with the Atomic Energy Act. The committee will keep the Congress informed of major developments as they occur:

INTERNATIONAL AGREEMENTS FOR COOPERATION FOR PEACEFUL USES OF ATOMIC ENERGY

PUBLIC AND EXECUTIVE HEARINGS OF THE JOINT COMMITTEE ON ATOMIC ENERGY

Argentina: July 29, 1955—Exec., June 22, 1960—Exec., June 20, 1964—Open.
Australia: March 1, 1961—Exec., August 6, 1957—Exec., March 20, 1967—Open.
Austria: March 20, 1967—Open.
Berlin Reactor: March 6, 1957—Exec.
Brazil: July 27, 1965—Open., May 20, 1964—Exec., June 22, 1960—Exec., July 16, 1958—Exec., June 8, 1955—Exec.
Canada: June 22, 1960—Exec., July 6, 1955—Exec., June 14, 1955—Exec.
China (Rep. of): August 25, 1966—Open, June 30, 1964—Open, June 22, 1960—Exec.
Colombia: June 8, 1955—Exec., March 20, 1967—Open.
Denmark: June 25, 1968—Open, July 16, 1958—Exec.
Euratom: June 22, 1973—Open, September 5, 1963—Open, June 22, 1960—Exec., January 21, 1959—Open, March 28, 1957—Exec., March 9, 1956—Exec.
France: June 30, 1964—Open, March 1, 1961—Exec., July 24, 1957—Exec.
Germany: July 24, 1957—Exec.
Greece: June 30, 1964—Open, June 22, 1960—Exec.
India: September 5, 1963—Open, June 25, 1963—Exec.
Indonesia: January 27, 1966—Open, June 22, 1960—Exec.
Iaea: April 29, 1965—Open, June 30, 1959—Open.
Iran: June 30, 1964—Open, March 28, 1957—Exec.
Ireland: June 25, 1968—Open, March 1, 1961—Exec.
Israel: August 25, 1966—Open, April 29, 1965—Open, May 20, 1964—Exec., June 22, 1960—Exec.
Italy: July 24, 1957—Exec.
Japan: June 25, 1968—Open, July 16, 1958—Exec.
Korea: June 4, 1965—Open.
Netherlands: July 24, 1957—Exec.
New Zealand: June 22, 1960—Exec.
Norway: March 28, 1957—Exec.
Peru: July 24, 1957—Exec.

Philippines: June 25, 1968—Open, June 28, 1966—Open, June 22, 1960—Exec., June 6, 1955—Exec., June 8, 1955—Exec.

Portugal: May 20, 1964—Exec., June 22, 1960—Exec.

Russia: May 26, 1966—Open, June 22, 1960—Exec., March 30, 1960—Exec.

South Africa: June 9, 1967—Exec., July 24, 1957—Exec.

Spain: January 27, 1966—Open.

Sweden: August 25, 1966—Open.

Switzerland: January 27, 1966—Open, June 22, 1960—Exec., July 29, 1955—Exec.

Thailand: June 30, 1964—Open, June 22, 1960—Exec.

Turkey: May 26, 1966—Open, June 4, 1965—Open, June 8, 1955—Exec.

United Kingdom: April 4, 1966—Exec., June 28, 1966—Open, June 17, 1965—Exec., July 19, 1965—Exec., July 6, 1955—Exec., June 14, 1955—Exec.

Viet-Nam: June 30, 1964—Open.

Yugoslavia: June 22, 1960—Exec., March 30, 1960—Exec.

DEMOCRACY, DIVERSITY, AND THE FLIGHT FROM FOREIGN POLICY

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

Mr. FRASER. Mr. Speaker, Thomas L. Hughes, president of the Carnegie Endowment for International Peace and former Director of Intelligence and Research for the Department of State, has written an editorial printed in the spring of 1973 issue of Foreign Policy.

Mr. Hughes believes it to be an "indispensable foreign policy requirement" that the democratic instinct be revived. He contrasts the democratic instinct and its philosophy, democracy, with pragmatism which Hughes identifies with a tolerance for diversity:

> Democracy is a variety of viewpoints, but it is also a viewpoint; diversity is just a variety of viewpoints. Democracy arouses the moral dissatisfaction, the critical conscience, the constructive insight; diversity elicits the ready apology, the easy explanation, the contentment that allows one to close the books after a routine day and rejoin the social circuit with abandon. Democracy puts everyone on the hook; diversity lets everyone off it. Democracy, never achievable, is a standing proposal for change; diversity, never escapable, tends to over-ratify things as they are. Democracy provides the organizing fervor, the energizing principle, the motivation for the continuing effort, the leitmotiv for long-run striving; diversity anticipates the failure, predisposes toward accommodation, readies for adjustment, conditions for the inevitable.

But Hughes also knows that "the democratic instinct is no patent medicine for indiscriminate or universal application. It provides no magic formula for decisionmaking. It is less pertinent to negative policies than to positive ones. It has less to do with maintaining nuclear deterrence than with promoting economic and political development, less to contribute to East-West relations than to West-West and North-South."

Hughes believes it to be false history to write off democratic instinct as the inevitable raw material for a military crusade.

Mr. Speaker, I find this essay to be a thoughtful and thought-provoking one. It has struck me that a concern for the average citizen of the world is not present in U.S. foreign policy these days. This is another way to describe the demise of the democratic instinct that Mr. Hughes sees.

The essay follows:

OPINION—DEMOCRACY, DIVERSITY, AND THE FLIGHT FROM FOREIGN POLICY

(By Thomas L. Hughes)

There is, reportedly, a sign on the White House desk of one of Mr. Nixon's prominent practitioners of pragmatism which reads, "No problem is so big or so complicated that it can't be run away from." Like foreign policy, for instance.

There are many kinds of flight involved: the flight from the foreign policy we decry, the flight from the foreign policy process we distrust, the flight from the foreign policy officials we dislike. There is the flight of internationalists from an internationalism gone sour; the flight of the sensitive who are sick of heaviness, crudity, and manipulation; the flight of men of principle who seek some oasis from the desert of pragmatism; the flight of the still committed who crave relief from cynicism and corruption; the flight of a Presidential candidate who, stirring the mystic chords of memory, ambiguously calls America to Come Home.

Interacting and reinforcing one another are large, constituent elements, including the populist's flight from elitism; the urbanist's flight from distorted priorities; the liberal's flight from the lies and the letdowns; the congressman's flight from his demonstrated lack of influence; the purist's flight from contamination with power; the individualist's flight from the gimmickry and the handouts; the advocate's flight from the missing audiences or from the listeners who do not hear; the intellectual's flight from the mediocrity and the philistinism; the permanent minority's flight from the frustration of always losing; the humanist's flight from all the callousness and the inhumane consequences.

Formerly the flight from foreign policy was championed by the New Left for whom the flight itself was the next best freak-out to hijacking one's way to Havana. Today the flight extends all the way to resentful establishmentarian experts who are unreconciled to settling for Realpolitik as a lifelong spectator sport. For others the flight focuses on the particular foreign policy one most deplores—whether it is in the Middle East, Southern Africa, the Indian Subcontinent, or Latin America.

There is the flight from foreign policy of some of the officially culpable who, having retrospectively retouched their reputations, now have their ethics and politics in a more coherent, contemporary focus. They are part of a much larger flight from the U.S. government in general, by people who have become tired of being guilty by association with its out-sized, late twentieth century, vulnerability. And accompanying them are aspirant future leaders who see clearly that they must follow if they are going to lead.

What is more, this phenomenon is not merely a flight from Washington after a decade of disillusionment. In all of those restless quarters where law and order are code words for the status quo, there is widespread evidence of a flight from the whole paraphernalia of government in general—from the institutionalism of bureaucracies, sovereignties, armies, courts and police. There is a flight from international institutions as well, for they, too, smack of frustrated hopes, swollen staffs, and disenchanting inaction. Such targets do not escape the wrath of the disillusioned just because they happen to embody institutionalized goodwill or are affiliated with, say, the United Nations, in auspices, location, or personnel.

There is a residual flight from foreign policy among those remaining inside government. It manifests itself in a retreat from real issues and a contentedness with ceremonial roles. This is especially true of many technically still within the corridors of power who have been burned by previous conflagrations or expelled from active foreign policy participation. Once they thought they were in a Government of Talents; now they see it as a Government of Two.

However one looks at it, the velocity and depth of this contemporary American foreign policy turn-off is breathtaking. One can speculate that most of these swallows will come back to Capistrano when this special season of defeatism and recoil is over. But meanwhile this many forms of flight by this many birds of passage has to add up to systematic failure. The resulting breakdown of consensus and the threatened collapse of the American foreign policy dialogue invite inquiry and analysis from many angles of vision. Here I propose to select one angle which returns us to an old debate. By the conventional wisdom, it is a debate which one side long since won. Let us see whether the losing side has any lingering wisdom to offer in explanation, expiation, or—may I say it?—regeneration.

DEMOCRACY AND DIVERSITY

I am thinking of the provocative themes of democracy and diversity. They are awkward themes, so alike and yet so unalike. For present purposes I should like to consider them as symbolic contrasts of nuance, affinity and commitment—contrasts which will serve to highlight at least one set of determinants in the flight from foreign policy and our possible recovery from it.

"Ink and paper can cut the throats of men, and the sound of a breath may shake the world." Americans, more than any other people on earth, used to know that this was true. Think only of two famous twentieth century phrases of two world-minded Presidents, and at the same time consider the contrast.

Fifty-six years ago, President Wilson delivered his war message to the Congress:

"The world must be made safe for democracy. . . . We shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments . . . the day has come when America is privileged to spend her blood and her might for the principles that gave her birth. . . . God helping her, she can do no other."

The world must be made safe for democracy. . . .

Ten years ago next summer, President Kennedy delivered his famous peace appeal at American University:

"So let us not be blind to our differences—but . . . if we cannot end now our differences, at least we can help make the world safe for diversity. For our most basic common link is that we all inhabit this planet. We all breathe the same air. We all cherish our children's future. And we are all mortal."

At least we can help make the world safe for diversity. . . .

Democracy or diversity? Why the change in the space of half a century? Apart from today's disposition to try to make the world safe for neither, is the dichotomy suggestive or relevant? Or does it obscure as much as it illumines?

Of course, at one level, democracy is diversity and diversity is democracy. They are synonyms, one often duplicating and defining the other. Diversity suggests the element of agnosticism fundamental to democratic life, the toleration for ventilating differ-

ences, the richness, variety, and experimentation which democratic systems exist to preserve and express—"the spirit," as Learned Hand once put it, "which is not too sure that it is right."

Yet in proposing that we try to save the world for diversity rather than democracy, President Kennedy had something deliberate in mind. I do not wish to be impliedly unfair to him in focusing on his words. He was clearly conscious of Wilson's antecedent phrase, and he meant to moderate it. He intended a symbolic scaling down, presumably in the direction of realism.

In 1917 Wilson was delivering a war message. In 1963 Kennedy was delivering a peace message, hoping to convince the Kremlin that war was against our mutual interest. Even then—10 long years ago—our disillusionment over past failures, our revulsion against moralistic posturing, our retrenchment from prescribing what was best for other people, our withdrawal symptoms from the exhilarations of overcommitment—all these argued for the perspective of diversity; for lowering our goals. Contrary to some of the new mythology, even the best and the brightest fully understood that making the world of the 1960's safe for democracy would have sounded implausibly old-fashioned, dangerously adventurous, and hopelessly utopian. Making it safe for diversity struck one as possible if not plausible—in any case a distinct advance toward realism. For most men agreed a nuclear world was too dangerous for uninhibited zeal, certainly for a Wilsonian crusade. President Kennedy meant to highlight this danger.

Moreover, from a variety of pragmatic perspectives, the work-a-day preference for diversity over democracy was conclusive, unanswerable. It was dictated by the facts of international life. It bespoke elemental and conventional truths. We had learned the hard way that you could lead Diversity to Democracy but you couldn't make him drink. Also, considering the undemocratic nature of our favorite clients of the past decade from the Caribbean to Southeast Asia, the terminology of diversity was surely more accurate and less embarrassing. Diverse the world unquestionably appeared to be—self-evidently composed of a diversity of goals and instructions, of means and men.

Democracy, by contrast, remains as arguable as it is actual. It has as much aspiration to it as attainment. There is much that is insufficient about the concept itself, much that is naive and vulnerable. "They are a little short on democracy in Cuba," a former British Prime Minister conceded in the days when selling buses to Castro was at issue. And they are still a little short on it many other places, too. Much is working against democracy everywhere in the dilemmas of our time. Many of the practitioners and beneficiaries of democracy in the world are demagogues in democratic clothing.

Hence any overview of the world political situation is bound to start with the actuality of diversity. But suppose we wish today to reverse the flight from foreign policy. Shall we settle then for diversity as an acceptable substitute point of reference? I shall argue against doing so, aware that I am arguing a hard case.

For just as there are ways in which democracy can be most inconvenient for diversity, there are ways in which diversity can be most embarrassing for democracy. Let loose in the blossoming transnational politics of the twentieth century, flirtations with diversity, especially when eagerly pursued, tend to split the difference between democracy and autocracy. At best they arrive at a halfway house for the hesitant, at worst a comfort station for the conservative. For somewhere on this descending escalator of goal-reduction, when making-the-world-safe-for-democracy becomes making-the-world-safe-for-diversity, the latter slips into making - the - world - safe - for - anti - democracy, and we have turned Woodrow Wilson upside down.

THE NUANCES

Let us consider some of the nuances and see where they lead: Democracy asserts the hope; diversity reasserts the reality. Democracy usually evokes tomorrow; diversity always claims today. Democracy often reaches for the intangibles; diversity abruptly returns to the tangibles. Democracy judges; diversity adjusts. Democracy summons us to abstain and censure; diversity leads us to relax and enjoy.

Democracy is a variety of viewpoints, but it is also a viewpoint; diversity is just a variety of viewpoints. Democracy arouses the moral dissatisfaction, the critical conscience, the constructive insight; diversity elicits the ready apology, the easy explanation, the contentment that allows one to close the books after a routine day and rejoin the social circuit with abandon. Democracy puts everyone on the hook; diversity lets everyone off it. Democracy, never achievable, is a standing proposal for change; diversity, never escapable, tends to over-ratify things as they are. Democracy provides the organizing fervor, the energizing principle, the motivation for the continuing effort, the leitmotiv for long-run striving; diversity anticipates the failure, predisposes toward accommodation, readies for adjustment, conditions for the inevitable.

Democracy develops its own set of clients: featuring constitutional governments, significant partisan rivalry, nonviolent transfers of power, civilian control of the military, turning popular aspiration into participation, talking a universal political language, and taking cross-cultural leaps. Diversity gravitates toward the set of clients democracy leaves out—featuring kings and juantas, authoritation and military governments, the politics of paternalism and condescension, and the sanctity of culture-bound parochialisms which we are increasingly asked to appreciate, yea admire.

Democracy makes one uncomfortable in dictatorships, no matter how essential they may be to our strategic plans, or to five-power balances, or to spheres of influence, or to intelligence gathering; no matter how charming their autocrats, how glittering their society, or how rich their ancient undemocratic tradition. Diversity renders one comfortable in these environments. It is conducive to little lessons in problem-avoidance and averting one's gaze. Democracy will argue for breaking relations (however ineffectually) to communicate discomfort, disapproval, and distance; diversity will argue for normalcy, for the line of least resistance, for the prompt post-coup resumption of arms supplies. Democracy makes you distinguish, as a ranking American politician once did, between the cold handshake for dictators and the warm abrazo for democrats; diversity explains how the same politician, after making the distinction, could be photographed giving the Dominican torturer Trujillo the warmest of abrazos.

For democracy often appeals to the sentimental, the sincere, the other-worldly; diversity regularly attracts the corrupted, the sophisticated, the under-worldly. Democracy can chill like a cold shower of Anglo-Saxon moralism; diversity can condone a thousand conflicts of interest. Democracy chastises itself over hypocrisy and sham; diversity consoles itself with William James's "rich thicket of reality." Democracy can, on occasion, pull us together, diversity disperses and scatters us. Democracy can inspire and mobilize, diversity excuses and explains away. Democracy is compulsive, stouthearted, and value-oriented, diversity is directionless, lighthearted, and value-free.

In political philosophy, democracy instinctively pulls toward one American tradition. Diversity instinctively pulls toward another. Each tradition will confusedly contest for relevance in technocratic, pluralistic, futuristic, twenty-first century America. The more we say we are for diversity, the less it will sound like democracy. As happens so often in the realm of politics, one America will find another America coming back.

Overlapping, inseparable, democracy and diversity are doomed to coexist in the human context and to contest for allegiance in the oncoming American generation.

Democracy or diversity? In one sense, genuinely both. In another sense, simply a semantic choice between two gifted Presidential phrasemakers in a world where the well of words has subsequently run dry. But more profoundly, a real choice. For the words can be made to disguse whole views of the world. There is as much reality here as rhetoric. It is my strong conviction that we are talking about something here intimately involved in the contemporary flight from foreign policy and central to our eventual national ability to recover from it.

THE INSTINCT FOR DEMOCRACY

Consider, for example, the future of the American Foreign Service—and particularly the qualities of character and mind which go to make up the personnel ranks of a large bureaucracy purporting to represent the American people. The most important quality of all may be the most elusive—the one which never appears on paper, the instinct for democracy. How much democracy does a man have in him—country director V, economist W, intelligence officer X, soldier Y, ambassador Z? On paper there is no easy way to tell. I confess I do not know precisely how you locate and identify this instinct, this commitment to people, this concern for human consequences. I am not sure how you recruit for it, employ it, protect and nurture it, much less how you promote it, reward it, and regain prominence for it as the most authentic American voice.

However, I do know that the age of transnational politics presses upon us: the rapid, burgeoning, and free flow of people, ideas, words and pictures across all the frontiers in the non-Communist world and into the Communist world as well. Some will argue what they consider to be a self-evident proposition: that in such a world we will need all the talents we can find—and that if Americans of democratic instinct are unavailable, men of less-democratic talents will be suitable. Others will regard the decline of the democratic instinct as a welcome relief from naivete and nonprofessionalism. Still others will readily propose that we conveniently economize on our talent-impact ratios, compartmentalize our interests, rationalize our inspiration, stand for different things in different places, and address separate audiences inconsistently as we have so often in the past. The instinct for diversity accommodates itself readily, as usual, to such assignments.

But the instinct for democracy. There's the rub. One never knows when it will be needed most, where it will shift the balance, when it will make the difference, in which close decisions, at what levels of governmental or societal behavior. The same list of questions, the same mix of problems, the same set of facts may be fatefully nudged in one direction or another depending upon which instincts are present around the table, at work

in the process, or lying at the back of policy-makers' minds.

Democracy and diversity will often be competitive instincts when confronting contemporary conflicts of choice. More and more they tend to tug in different directions, represent different magnetic attractions, symbolize different gravitational pulls. They incline our affinities toward competing constituencies, and point our orientations toward separate sets of subjects. They determine our receptivity to new situations. They select the people and attitudes we feel at home with, at home and around the world.

Today perhaps more than at any other time in this century the instincts toward democracy and diversity compete unevenly in American public life. The democratic instinct is bound to be disadvantaged bureaucratically, especially when it comes to foreign policy. Here the underlying issues go far beyond the current eclipse of the foreign affairs bureaucracy by the White House. Consider only the bureaucracy's traditional role as a powerful shock absorber, the congenial channeling of like-minded people into like-minded jobs, the penalties against wearing institutionalized hair shirts, the power of negative thinking, the time officialdom spends keeping things from happening, the disposition to conform rather than create, the inhibiting effects of formalized paper flow, the vagaries of access, the manifold claimants for tickets of admission to meetings, high posture and low posture as ways of life, the hesitations between ambition and propriety, the tendencies toward expatriation when leaving Washington for the field—in short, all the predicaments of being prisoners of process.

SUBJECTIVE REALITIES

The Communists talk about "objective realities." I am talking about subjective realities. Focus, for instance, on the youngest careerist today in the State or Defense Departments, in AID, CIA or ACDA. What does he really believe? How does he really relate? Where are his real sympathies? Whom does he really admire? Which are the real attitudes that he will inject into the foreign affairs environment as his career stretches on to the twenty-first century? Can he master the new requirements for technical proficiency and yet maintain the ability to transcend them? Can he contribute constructively to the politics of rising above politics? How will he behave when he discovers what the secretary or the ambassador or the administrator really thinks after three Scotches and soda? Where will he personally adjust when our people-oriented programs collide with our strategies of conflict? What navigational principles will accompany him as he moves through the seas of the public frustration, congressional vacillation, the unmanageability of complexity, and the emotional drain on all involved?

This instinctive personal factor is related to, but it both precedes and goes beyond, the mechanisms, the externals, the machinery-of-government problems, beyond the institutionalized restructuring. It goes to content, not forms. It goes, significantly, to the difference between the people who think the instinct for democracy is an asset and those who think it is a liability. In scope and scale this is supremely an issue on which America confronts America.

Today the most serious component elements of the flight from foreign policy consist of those whose instinct for democracy is strongest. The direction and content of American official behavior in the 1960's outran their toleration for complexity, their willingness to acquiesce, their disposition to defer. This we can now see clearly, but the costs are not yet in. The results may well be more destabilizing than we yet comprehend.

No man, of course, can ultimately choose his stage. He must write his personal history in terms of current history. Only rarely and within strict limits can he select his issues, his context, the setting for his career. Nevertheless, today each American of democratic instinct who desires a public career can decide broadly whether to enlist for domestic or for foreign service. Between these two large options he can choose. He can compare the nature, scope, and challenge of current problems in the foreign and domestic fields, judge his own potential impact and satisfactions, and opt if he wants to. Our national needs—even, if you will, our national interests—and his inclinations may just happen to be out of phase.

The departure of those whose instinct for democracy is strongest can, if unchecked, distort the substance and diminish the appeal of U.S. foreign policy in historic proportions. Democracy, by all odds, has in the past been the central ingredient which has made our national interest interesting to others. But democracy, if it is to remain credible in a world of exploding communications, must now more than ever be represented by those whose democratic instincts are genuine. Everywhere we face a new obligation for authenticity. By that test, the residual ascendency of diversicrats will have dispiriting effects.

What is worse, the process is unfolding in a doubly dangerous way. The disinclination for democracy and the inclination for diversity can splay unevenly across the new streams of talent available to American public life. As the flight from foreign policy continues, a compensatory phenomenon may be occurring in the reverse direction. One notices that certain precepts and practices, going well beyond the bounds of American domestic practice and acceptance, can readily be transported into a foreign affairs milieu and allowed to flourish there. I'm thinking about something more than the petulance of Presidents, grossly symbolic as their bombings, minings, and invasions at times may be. I am thinking of a more pervasive problem. Sentiments which contemporary America would not suffer among public officials on the domestic scene are not only lived with but appreciated as the wisdom of the ages when applied to certain foreign enemies, clients, affiliation, targets and issues.

In that sense the very notion of foreign service thrusts toward being value-free. There are so many assignments, so many cultures, so many viewpoints, so many intractabilities requiring so many fungible personalities, that to prepare for a career amidst them is to guarantee enhancing any man's inclination toward relativism and accommodation. International relations allow full scope for anti-democratic instincts—for the bizarre, the curious, and the irrational; for ancient concepts of inequality, aristocracy, blood feuds, and false pride—instincts which American political life no longer admits as respectable or tolerable.

Darwinian temptations, therefore, arise for a new kind of natural selection—where careers congenial to obsolete ideas will shift their venue from the inhospitable habitat of domestic democracy into the hospitable habitat of foreign diversity. Attitudes of mind and behavior, rejected at home, not only will be embraced in many foreign policy circles, but will be re-imported for domestic consumption—often to sit in judgment on basic issues where democracy and diversity contend.

In the multitude of private decisions now being made about career preferences by Americans in their twenties, the steaming domestic cauldron of urban challenge, the rebuilding of our local, state and regional institutions to brace for the twenty-first century—these crises of domestic democracy—can excite publicly oriented young men and women and pull them away from the world scene into the domestic one. Partly for that reason, and in contrast to it, there may be an abnormal proportion of other publicity-oriented Americans who may now seek refuge in a flight into foreign policy—a flight from the tempestuous egalitarianism of the American scene to the more comfortable inequalities of world affairs. Unquestionably competent, talented, often energetic, they mentally check out of our domestic crises and bring along with them an underlying set of non-democratic, even anti-democratic, attitudes precisely at the time when American foreign policy needs such attributes the least.

The tendencies grow imperceptibly into a serious splitting apart of the environments of attitude in the next official generation. We could be left with an unwanted polarization of tendencies—a fateful conversion of cross-currents—with our official policy circles less and less significantly responsive to human issues, just at the time when our domestic affairs are being replenished, hopefully, with rechargeable men of democratic instinct fresh from their flight from foreign policy. Almost without knowing it, we could face an increasingly awkward division of affinities which could distort if not dry up our natural supply of foreign affairs leadership.

Now I do not wish to be misunderstood. I do not mean that we are necessarily on the threshold of a new burst of domestic democracy, for the trends may indeed go the other way. Nor do I wish to exaggerate the multitudes of men of democratic instinct available in the on-coming generation in America, for democratic instincts may be in short supply all around. Least of all am I suggesting an artificial ingrafting of domestic astigmatism upon our vision of world realities.

Nor would anyone today pretend that the democratic instinct, with its steady humanist, egalitarian, and populist overtones, occurs in a pure or undiluted form in any human carrier. All of us in some degree are split personalities. It is hard to identify individuals, therefore, who personify the democratic instinct on a continuing basis. At any rate I do not include among them those prominent statesmen of the present or recent past who have publicly promenaded the democratic instinct as an adjunct of cold war Calvinism.

Even when identified and reliably present in foreign policy deliberations, the democratic instinct is no patent medicine for indiscriminate or universal application. It provides no magic formula for decision-making. It is less pertinent to negative policies than to positive ones. It has less to do with maintaining nuclear deterrence than with promoting economic and political development, less to contribute to East-West relations than to West-West and North-South. But present, ventilated, and heard in policy-making councils, it could play a central role in reordering priorities. It comes close to the heart of our most serious predicaments of choice, not only on the statecraft issues of how and toward whom we tilt, but on the more epochal issues of how we expend our lives, our fortunes, and our (once) sacred honor.

INDISPENSABLE REQUIREMENT

Hence I do mean to stress the indispensable foreign policy requirement of reviving the democratic instinct despite the current fashion among both the remorseful and the revisionists to rejoice in its demise. For that instinct is now languishing, in part from its own self-abdicating retreat, and in part from the misplaced revulsion of otherwise sensitive critics. Which leads me to a final admonition: The democratic instinct need not become the handmaiden of non-democratic forces. It is fashionable but false history to write it off as the inevitable raw material for a military crusade. Of course, the instinct that wants to make the world safe for democracy betrays an intellectual preference for other democracies and for human beings in

general. But that by no means proves that the instinct pushes uncontrollably in the direction of a naive universalism, careless of means and ends, bent upon trying to make the world itself democratic.

The democratic instinct like any other instinct can be manipulated, misused, and betrayed. Men of cynicism, masquerading as men of democratic instinct, can try to cosmeticize their barbarities with the public relations of democratic language. But despite what the New Revisionism teaches, the democratic instinct need not be a ready decoy for power politics. It need not indiscriminately march off to imperialist adventures—its caricature does that.

My own experience was that the democratic instinct in the bureaucracies of the 1960's tried to keep us out of unjust wars, not get us into them. After all, most of the critics of the Vietnam war were, from the beginning, those whose democratic instincts were most alive—those who saw and worried and warned of the predictable human costs. There may not have been enough of them, and their names may not have become household words. But they weren't all up there in front chorusing the war chants, composing the white papers, mounting the covert operations, and dropping the bombs. More was going on in the way of democratically-based dissent than the best sellers have disclosed. Perhaps someone will yet discover that the democratic instinct often defined the difference between the best and the brightest.

Americans of democratic instincts today are internationalists in suspension. But those instincts are still there, untapped, unchanneled, undirected, unaroused. They still constitute, as they always have, a unique national resource. Today their revival is just as essential to the rediscovery of international élan and spirit generally as it is to the reformulation of a viable foreign policy consensus in the United States itself.

Whether we look at the flight from foreign policy descriptively or prescriptively, the reinclusion of this democratic life force is essential to restraining or reversing that flight. Whether our values are cultural, pragmatic, or normative, the breach between democracy and foreign policy must be healed. Where else will we rediscover that cross-cultural continuity of political commitment that sees poverty, disease, pollution, and illiteracy as human problems that know no national boundaries? Who else will convert the human motive power, dedicated domestically to better health, housing, education, and development, into their transnational applications? Upon whom else can we depend for the moral insight which can hope to curb the propensities for power—and the excessive displays of power—which in recent years have been targeted on other human beings in the name of the American people?

Maurice Maeterlinck warned us long ago that on every crossway on the road that leads to the future, each democratic spirit is opposed by a thousand men appointed to guard the past. The least that the most timid of us can do is not to add to this immense dead weight that nature drags along. The rest of us can, if we wish, go out into this generation to stand for the propositions that man's future on earth need not be cancelled; that we need not resign ourselves to catastrophe; that our political ingenuity may still rescue us from ruin; that our democratic instincts still are here; that building the institutions of peace is worth the effort; and that we can have a world made safe for those things most centrally and lastingly human.

CONGRESSMAN WYDLER CONGRATULATES BELLEROSE ON ITS 50TH ANNIVERSARY

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

Mr. WYDLER. Mr. Speaker, recently I had the high honor of attending commemorative services in honor of the 50th anniversary of the Village of Bellerose, one of the smaller but nicer communities in my Fifth Congressional District. This village is indeed a gem in the collection of communities that make up the district I represent in Congress. I think it is most appropriate that the history of Bellerose Village be set forth in the RECORD so it may be noted by all my colleagues in the Congress:

BELLEROSE VILLAGE: A HISTORY

MRS. MARSH

The story of Bellerose begins with an energetic, intelligent and able lady from Lynn, Massachusetts, Mrs. Helen M. Marsh. After entering the real estate business at the age of nineteen and being rather successful, she dreamed of creating a model community. While on a trip to New York around the turn of the century, she visited this section of Long Island which seemed ideally suited to her purpose.

Five parcels of land comprising seventy-seven acres were destined to become the Village of Bellerose. Different sections were owned by various farmers over the years—the Rhodes family from before 1808 until 1906, the Frost family from 1872 until 1894 and John Lewis Childs from 1894 to 1905. The total acreage operated as a gladiola field must have been a beautiful sight.

On October 26, 1906, the United Holding Company was formed for the purpose of raising the $155,000 needed to purchase the property. Mrs. Marsh became its General Manager.

The Panic of 1907 began almost immediately. Banks closed, the stock market plunged, railroads went bankrupt, factories shut down, and thousands were out of work. It was clearly a poor time to own undeveloped real estate.

As a direct result of the Panic, a $50,000 mortgage was called on one of the parcels of land. Mrs. Marsh pledged her own securities so that the mortgage would not be foreclosed and her dream would be realized!

Mrs. Marsh's visualization of the Village has been likened to a fan with the streets terminating at the railroad station or to a wheel with the station as the hub and the boulevards as spokes. At any rate, in rejecting the conventional checkerboard pattern or grid style prevalent at the time, she ran into problems trying to find an engineer and a title company that would share her vision.

As soon as she imported an engineer from Boston and work began, she set about naming the streets after states and the Great Lakes. It is a mystery why the Hudson River was favored over Lake Erie.

At one time or another Mrs. Marsh lived in twenty-two houses in Bellerose. Even before the first house was constructed in 1910, she was living on the outskirts of the property in the red house on Jericho Turnpike now being used as an antique shop. She and her niece, Mildred Varney, moved into 4 Massachusetts Boulevard before it was completed and they lived for a time under fairly primitive conditions.

Mrs. Marsh was evidently not afraid of hardship or hard work. Not only did she water newly planted trees during the summer drought, using a borrowed horse and wagon, but she also kept the fires going throughout the winter in new houses under construction. No detail was too minute to escape her attention. She selected color schemes for the houses as well as flowers and shrubs for the gardens.

When local banks refused to lend money for construction, Floral Park farmers, among them Jacob Wicks and Joseph Rose, supplied the cash. While the second house was being built at 5 Commonwealth Boulevard, five other houses were started.

In 1922, when 117 homes had been completed and 400 people were living in the community, the United Holding Company was dissolved and all unsold land was acquired by the Bellerose Land Company. That same year title to the property changed hands again when Mrs. Marsh and another resident of Bellerose, Edgar C. Ruwe, formed the Marsh and Ruwe Company.

Advertising houses in Bellerose was done in a fairly unusual way, mainly through social activities such as teas, dances and progressive dinners. Many houses were sold when those who had already bought homes invited their friends to a party in a newly completed house. In addition Mrs. Marsh rented a studio apartment in Manhattan and held parties for prospective residents.

It is surprising that she could devote so much time and energy to Bellerose because she had many other business interests. These included large parcels of land north of Jericho Turnpike extending to the now unused railroad line, a golf club in New Jersey, a silver mine in Colorado and even a Brake Service Station on Jericho Turnpike.

Records show that in 1926 she was Treasurer of Marsh and Ruwe Company, a member of the Board of Directors of the Bellerose Association, and a member of the Board of Directors of the Rosebelle Corporation which owned and was developing some of the commercial property on Jericho Turnpike.

One of the earliest village gatherings recounted in great detail, the social event of the 1912 summer season, was the wedding of Mildred Varney to Donald Ralston. It was held on the grounds of the first two houses built in Bellerose. In addition to an altar of palms and flowers and a daisy chain aisle, the wedding featured a hidden orchestra, a platform for dancing, an outdoor reception tent and, last but not least, a bridal veil from Paris.

WAR EFFORTS

Whenever the United States was at war Bellerose responded generously. In 1917 a Home Defense League was formed. The men were drilled by Captain Robert Winne, a retired Army man and a veteran of the Spanish American War. Not to be outdone, the women supported the Red Cross and a community liberty garden.

During World War II victory gardens were planted in vacant lots on the Turnpike and scrap campaigns were launched to recycle rubber, fats, iron, tin cans, and copper. Dim out and blackout restrictions were imposed and the Village bought War Damage Insurance.

Over one hundred and thirty residents joined the various branches of the services. The War Monument in front of the Fire House honors the memory of those who died in battle.

Throughout the Korean Conflict a very active civil defense organization existed. The Village made a cash contribution toward the purchase of a pair of binoculars for the Civil Defense Observation Post at Belmont Park.

CONTROVERSIES

Over the years Bellerose has fought many good fights, some more extensive than others. For example, close to thirty years of negotiations were necessary to have the railroad tracks elevated.

Very early in its history a different kind of danger threatened Bellerose. New York State was considering various proposals which would have permitted New York City to annex adjacent property in Nassau County. In the case of Bellerose the Village would have lost a strip about a hundred feet wide across its northern boundary. This area, assessed at $990,000 in 1930 and containing all of the Village commercial property, comprised twenty-seven per cent of Village area.

Mr. Frank Dougherty, long-term resident and Village Counsel, was appointed by the Nassau County Village Officials Association to work against the proposed annexation. Bellerose, as well as many other areas in Nassau County, has good reason to be grateful to him.

THE NAMING OF BELLEROSE

At the time the land for Bellerose was purchased there was a large farm south of the railroad owned by Joseph Rose, who had a daughter named Belle. An old shed stood on his property along the railroad tracks. In pictures of this shed the name "Bellerose" is clearly visible.

He may have used that shed for shipping his produce and he may have named the station for his daughter, but there was never any way to verify that fact.

Every effort was made to trace the name. In a letter from Mr. Peter Woodward, General Passenger Agent of the LIRR Co. New York, dated August 3, 1937, it was stated that while they had no record of the old shed, their records did indicate that Mrs. Marsh did name the station.

At any rate, when the Long Island Rail Road did agree to provide service to Bellerose, Mrs. Marsh named the station expecting that the property owners would choose a permanent name at a later date. In 1917 they unanimously ratified her choice.

Years later Mr. Herbert Ricard, Historian for the Borough of Queens, asked Mrs. Marsh if the name "Bellerose" had any special significance. She replied:

"My Dear Mr. Ricard: Regarding Bellerose, will say it has no special meaning, except it seemed like a euphonious name and suitable word for a high class development. The reason it has been taken and used from one end of the county and the city of Queens, is because it is a unique development and so different from most places. We built a beautiful station, and have kept up a high class development and community and different from anything else.

"Trusting this gives you the information required, I am, yours very truly—Helen M. Marsh."

Mrs. Marsh was reported to have said that one of the biggest thrills of her life occurred when a conductor in New York called out, "First stop, Bellerose."

BELLEROSE ASSOCIATION

The purpose of the Bellerose Association, which was incorporated in 1908, is to "acquire and to construct, maintain and improve, regulate and beautify, private parks, roads, drain . . . and generally to promote the social and community interest of the owners . . ." of land in Bellerose. One vote is allotted for each 4,000 square feet of property owned and both men and women may vote.

In contrast the Bellerose Civic Association, which was organized in 1917, limited eligibility for membership to "male" property owners. Even though the 19th Amendment to the Constitution adopted in 1920 gave women the right to vote, the Civic Association did not get around to permitting any "resident" to join until 1931. Women's liberation would have a word for this!

In the early years of the Village the United Holding Company as owners of the property held most of the votes. However, as more and more families bought houses, the balance changed. The Bellerose Association had the power to approve the plans and specifications of any house or garage built on the property.

By 1916, when getting the Board of Directors of the Association together often proved difficult, Mrs. Marsh was "appointed a permanent committee to pass upon and decide all questions that may arise concerning building construction and to approve or reject all building plans. . . ." She vigorously exercised her extraordinary powers.

As well as providing for the types of buildings to be constructed, the restrictions in the by-laws of the Association even set minimum standards for the cost of construction. These standards originally ran from $2,500 to $6,000, but over the years they were periodically updated. Many of the ideas used by the Association in creating a pleasant and well-planned community were inspired by the Heathcote Association which earlier had created Scardsdale in Westchester County.

In 1910 the owner of the mortgage gave the United Holding Company permission to turn over the streets of Bellerose to the Association for the sum of one dollar. Fourteen years later the Association turned the streets over to the newly incorporated Village keeping back the parks at the west end. This effectively prevented the streets from becoming public thoroughfares.

Then the Village had to undertake the all-important job of negotiating with the public utilities and private companies which provided services to Bellerose. Over the years the restrictions have been modified and extended usually for several years at a time. They will come up for extension in 1975. The Architectural Review Board set up in 1970 does some of the work previously delegated to the Bellerose Association.

WOMAN'S CLUB

It is virtually impossible to tell the story of Bellerose without spending a great deal of time on the Woman's Club which celebrates its sixtieth anniversary in 1974.

In 1911 Mrs. Marsh, Miss Varney and Mrs. Hardon began to meet informally once a week for sewing, conversation and tea. When the number attending the sewing bee reached ten, the women felt the need for greater mental stimulation so the Woman's Club was organized with Mrs. Marsh as its first President. After a four-year term of office she became Honorary President.

The purpose of the Club has always been "to further the social and intellectual interests of the community and to promote the highest ideals of citizenship."

During World War I all of the forty acres of vacant land in the Village were patriotically turned into a War Garden sponsored and worked by members of the Woman's Club. In addition to canning thousands of jars of vegetables, the women also worked with the Red Cross.

In 1922 when membership reached eighty and the station, which had always been a convenient meeting place was being turned over to the Long Island Rail Road, the members of the Woman's Club faced the formidable problem of providing another suitable place for meeting. Within three years they had solved this problem in characteristic style by not only acquiring four plots of land on Superior Road but also by building a Club House.

In order to raise the $2,000 cost of the land various club members volunteered to bake, chauffeur, sew, iron, baby sit, cut hair and give bridge parties. The money for the construction of the Club House was raised when each member took out a $50 note from a bank. Soon afterward the Woman's Club of Bellerose became a Holding Company with each member owning a share of stock.

By 1934 membership reached an all time high of two hundred and ten. Always responsive to current needs, during World II club members worked with Civilian Defense, the Red Cross, War Relief and wounded service men. Today the Woman's Club of Bellerose continues to live up to its admirable purposes. A complete list of other active organizations in Bellerose may be found in Appendix A.

CHURCHES

The needs for a church became apparent by 1927 when the Rector of St. Elizabeth's Episcopal Church in Floral Park began coming to the Woman's Club every Sunday to conduct Sunday School for an ever-increasing number of children. The Episcopal bishop of Long Island established a Mission in Bellerose and sent his son, the Reverend Ernest Stires, to be the first Rector.

With enthusiastic support from the community St. Thomas' Church was erected. The first service was held on Thanksgiving Day, 1928. Within ten years the Mission became self-supporting and St. Thomas' was incorporated as a parish. From 1938 until his election as Episcopal Bishop of Long Island in 1948, the Reverend Jonathan Sherman served as Rector.

Under the leadership of the current Rector, Reverend Bayard Carmiencke, who was installed in 1968, the work of the Church continues to flourish through the Church School, the Couples and Singles Club, the Evangelism Commission, the Nursery Program, the Women's Auxiliary and the Narcotics Guidance Council.

St. Thomas' was not always the only Church in Bellerose. After its property was taken by New York City for the construction of the Cross Island Parkway in 1938, the Bellerose Baptist Church held services at the Woman's Club for a while and even purchased a parcel of land on Commonwealth Boulevard with a view to constructing a church. In 1940 a Baptist Church was erected on Braddock Avenue and 241st Street so the property held in the Village was eventually sold.

TENNIS COURTS

The United Holding Company originally laid out the tennis courts on the east side of Pennsylvania Boulevard close to the railroad station where they immediately became a gathering place for residents. When this property was offered for sale in 1927, the Bellerose Tennis and Skating Club took over several lots east of the Woman's Club on Superior Road. Members of the Club distinguished themselves by winning many Long Island Tournaments.

Eleven years later the Village purchased the tennis courts from Mrs. Marsh for $6,000, the cost of the mortgage. Over the years the property has been used for such divergent activities as art shows and dog shows.

Many plans have been suggested for the tennis court area ranging from the construction of a swimming pool to the building of basketball courts and a children's playground. With the current revival of interest in tennis the Village was wise to preserve the area as it is. Not surprisingly the property has been named *Marsh Field*.

MUSEUM

In 1956 William Meisser requested permission from the Board of Trustees to purchase from the Village the lot at the southwest corner of Bellerose. Mr. Meisser, who, until his retirement in 1972, was Chairman of the Board of Elections in Nassau County, came to Bellerose from Illinois in 1927. He had purchased the Findley home, one of the oldest houses in the Town of Hempstead. He moved the home to Bellerose and restored and furnished it in early American style.

Over the years Mr. Meisser has collected such diverse objects of interest as a gown worn by Grace Coolidge, a gas street light and pole, an old wall phone, old dolls and a carved wooden eagle in full flight. Many Village residents refer to this historic house as "The Museum" and some have been fortunate enough to be able to visit it.

VILLAGE SERVICES

In 1909 Jamaica Water Supply Company, one of the largest privately operated water utilities in the country, had been granted the franchise to supply water to Bellerose but that was about as far as modern conveniences went. (Today Bellerose gets its water from an interconnecting grid system of ninety-six deep wells scattered all over Long Island.)

A year later when Mrs. Marsh moved into the first house constructed in Bellerose, serv-

ices taken for granted today were virtually non-existent. Lacking electricity, gas or telephone services, she got along with kerosene, candles and coal for the first three months before electricity was installed.

Mail delivery and refuse removal were things of the future while transportation to grocery stores presented a problem. The earliest evidence for phone service is a real estate brochure from 1915 which lists Mrs. Marsh's telephone number as No. 88 Floral Park.

In 1916 after six years of fruitless attempts to secure gas for Bellerose, an agreement was signed with the Public Service Corporation of Long Island and the laying of gas mains commenced. As more houses were constructed a market wagon delivered groceries and a railroad carriage took people to social functions. (Prices in 1914 for the Floral Park and Elmont areas are unbelievable: steak—15¢ a pound, hot dogs—25¢ for fifteen, eggs—18¢ a dozen, and butter—26¢ a pound.)

In 1916 Mrs. Marsh hired Eric Anderson from Lynn, Massachusetts, as a general handyman. Various sources report that he took care of the ashes from the coal furnaces and the refuse from the houses as well as gardening, removing snow, sweeping the sidewalks weekly, recoiling the fire hose after drills and finding lost children.

He had keys to many of the houses since ashes and refuse were removed from the basements and since he made rounds early in the morning to insure sufficient heat.

The story of mail delivery by Mattie B. Moesser, Woman's Club Historian, bears retelling:

"As the village grew, the mail service was found to be inadequate. In the early days, Mr. E. V. Conwell who lived at 15 Pennsylvania Boulevard, walked to the Floral Park Post Office each morning, picked up the mail for Bellerose, boarded the train there for New York. When the train reached Bellerose, he tossed the mail from the vestibule of the train and Mildred Varney picked it up, sorted it and delivered it. . . .

"But, in February 1913, Mr. Ernest G. Sicard who was a close friend of George B. Cortelyou, the Postmaster in Washington, D.C. secured free delivery mail service from the Queens Post Office. It was a big improvement, but in July 1929, Bellerose was given its own post office, a branch of the Jamaica Post Office. It was first located in a store on Jericho Turnpike near Rocky Hill Road [Braddock Avenue], but later was moved to Jericho Turnpike, just east of Commonwealth Boulevard [249–04 Jericho Turnpike]. In 1959, it was moved to Rocky Hill Road near Hillside Avenue."

For many years mail was delivered twice a day. Recently attempts have been made to improve postal service in Bellerose by having mail delivered through the Floral Park Post Office but as yet these efforts have been unsuccessful.

FIRE DEPARTMENT

Recognizing the need for fire protection eighteen citizens founded the Bellerose Fire Department in 1916. The first purchases of the new organized department were a hose, a reel and a nozzle.

An iron hoop reputed to be from the wheel of an early railroad train was used for a fire alarm. This iron hoop, which presently stands outside the Fire House, was a gift of Ernest G. Sicard, a director of the United Holding Company.

One night in 1923 the alarm sounded for the third and most serious fire up to that date. Answering this alarm a fireman taking a short cut was injured when he collided with a clothes line. As a result a rule was passed compelling residents to remove lines after dark.

Two years later during Prohibition the Fire Department held its first and last stag beefsteak dinner at the newly-built Woman's Club. This uproarious event was supposedly immortalized by Westbrook Pegler, the widely syndicated newspaper columnist. A fuller account may be found in Appendix B.

Suffice to say that the affair ended with an early morning sing under a certain lady's window. Perhaps the intrepid Mrs. Marsh did not mind too much since she was one of the few woman members of the early Fire Department.

In 1927, just three years before the Fire House was built on a plot adjoining the Long Island Rail Road, the Fire Department was incorporated. It now houses a 1972 Ward LaFrance thousand-gallon pumper and a 1964 Mack thousand-gallon pumper. Currently fifty-seven firemen are answering alarms.

POLICE DEPARTMENT

One of the first accomplishments of the newly elected Board of Trustees immediately after incorporation of the Village in 1924 was the hiring of James Murphy to act as policeman at an annual salary of $1,800.

He was on duty for approximately ten hours a day from 7 A.M. to 5 P.M. and he traveled around the village on a bicycle. This proved his undoing one time when would-be criminals he was chasing made good their escape by scattering tacks in his path. He was aided in his work by his dog, "Sheik."

In order to provide round-the-clock protection, two additional policemen were hired. In 1929 twenty-four year old Frank Dunn began his forty-five years of service to the village as the fourth member of the police force. In 1941, four years after the official establishment of a Village Police Department, he was made Police Lieutenant (Chief) at an annual salary of $2,400.

Constantly working above and beyond the call of duty, Chief Dunn was especially beloved by the village children and by a generation of young women he personally escorted home from the Long Island Rail Road Station after dark.

When the Village contracted for the services of the Nassau County Police Department in 1969, Frank Dunn became the Superintendent of Public Works and Deputy Village Clerk, positions which he held until his retirement three years later.

TRANSPORTATION

Jericho Turnpike was built in colonial days for the purpose of bringing farm products into New York City. It was developed along a path or trail made by residents of Jamaica and Hempstead as they visited back and forth. Both settlements were founded around the middle of the seventeenth century. A toll gate is said to have stood where Pennsylvania Boulevard meets Jericho Turnpike.

As early as 1904 the Vanderbilt Cup Races were being held along the Turnpike, then part of the Long Island Motor Parkway. Cars from all over Europe and the United States would compete—some reaching the breakneck speed of a mile a minute. In 1908 George Robertson, who was to become Chief of the Bellerose Village Fire Department in 1931, won the Vanderbilt Cup and established a new speed record.

Earliest pictures of Bellerose show horse and carts competing with a newly-built trolley line along Jericho Turnpike. Long-time residents still remember a quick trolley ride into Queens Village for shopping.

For many years various bus lines paid for the right to a franchise through Bellerose. In 1927 the cost of a bus ride from Bellerose to Saks Fifth Avenue in New York City was firmly established at fifty cents. Nothing was said as to how long it might take to get there.

The Village also issued licenses renewable yearly to various taxi cab companies who maintained stands at the railroad station. For a long time the fare from the station to any point in the Village was twenty-five cents.

Over sixty years ago real estate brochures for Bellerose stressed its ideal location on the main line of the Long Island Rail Road just twenty-six minutes from Herald Square and the heart of Brooklyn. Also mentioned in 1913 was the fact that forty-eight trains a day stopped in Bellerose. This was a real triumph in view of Mrs. Marsh's struggle persuading the railroad to supply train service to Bellerose.

On the south side of the tracks about 1000 feet west of the present station was an old shed used as a loading station. Mrs. Marsh preferred a more central location so, in 1910, the United Holding Company erected the first Bellerose station where its elevated successor now stands.

In spite of having said "no" so many times, when the station was completed the Long Island Rail Road gave in, graciously or otherwise, and permitted four trains a day to be flagged down at Bellerose. Previously a horse and carriage took travelers to the Floral Park Station.

The new railroad station, which was the pride and joy of the Village, became a real community center. Dances, banquets and meetings were held there and the Fire Department stored its gear there until the Fire House was completed. As many as 104 trains a day were stopping at Bellerose during the 1940's. At the present time Bellerose is serviced by fifty-three trains daily.

As early as the 1930's, Bellerose along with many other villages on Long Island, began considering the possibility of either depressing or elevating the railroad tracks in order to eliminate a safety hazard. For most of his thirty year term of office Mayor James Magee fought the good fight with the Long Island Rail Road until finally the tracks were elevated and the new station was completed in 1962.

In a fitting tribute recognizing his forty years of village service, ten of which were spent as a trustee, Station Plaza was renamed Magee Plaza when the Mayor retired in 1963.

SCHOOLS

In 1906 the Floral Park School (later called the John Lewis Childs School) consisted of eight rooms, eight grades and 138 pupils. At first only three Bellerose pupils made the trip to school by horse and open wagon. By 1921 the school had added six classrooms, an auditorium and a kindergarten.

Eight years later the Floral Park Bellerose school was completed. It contained thirty-two classrooms and had an enrollment of almost eight hundred children ranging from kindergarten to eighth grade.

Before the completion of Sewanhaka High School in 1930 students in the ninth through twelfth grades had the choice of making a five-mile trip to Jamaica High School or to Hempstead High School. In 1957 Floral Park Memorial High School was built for grades seven through twelve and both the Floral Park Bellerose School and the John Lewis Childs School became sixth grade schools.

Mrs. Rena Hayden, who taught at the John Lewis Childs School for five years and was principal for thirty-five years until her retirement in 1948, lived in the only house in existence on the property of Bellerose Village when it was purchased by Mrs. Marsh. The edifice on the northeast corner of the Village at Jericho Turnpike which is presently being used as an antique shop was built in 1875 and occupied by Mrs. Hayden and her family from 1913 to 1951.

STATISTICS

Bellerose Village, ninety feet above sea level, is a three block by four block area bounded on the north by Jericho Turnpike, on the east by Remsen Lane, on the south by the Long Island Rail Road, and on the west by Colonial Road. It is one of the smallest villages in the state if measured in terms of area rather than population.

It encompasses seventy-seven acres on which are built 387 houses. There just possibly might be room for the construction of one more house.

Population figures vary. The 1970 census reports 1,136 residents while an informal census made by the Fire Department in 1973 shows 1,283. Peak figures of over 1,300 residents were reported in the 30's, 40's and 50's.

Even the trees have been counted. There were approximately eight hundred in the mid 1960's. Dogs number over a hundred. Parking is permitted on its 3.60 miles of roads for one to four hours with the exception of the period between 2 A.M. and 6 A.M.

The official newspaper is *The Gateway* published in Floral Park. Over the years the following have been either the official paper on the alternate: *The Sunrise Trailer, The Sun, The Nassau Daily Review-Star, Newsday* and the *Long Island Press.*

VILLAGE GOVERNMENT

Prior to incorporation on April 3, 1924, Bellerose Village was governed by meetings similar to New England Town meetings. All the residents turned out to consider important issues and each property owner had his say. With a population approaching five hundred, direct democracy must have become rather cumbersome.

With incorporation the Village acquired the legal power to provide certain services such as contracting for a water supply, a sewage system, street paving and lighting and a police department. However the Village remained under the jurisdiction of the town or the county for such services as public health and welfare.

Incorporation brought representative democracy. The first Village Board consisted of a President, Rufus Smith, and two Trustees, Ellery Mann and John Snyder. Since then only six Mayors have served—Ellery Mann, Charles Lohse, James Magee, Harry Ingerson, David Cunnison and William Bottenus. This circumstance contributed to a remarkable continuity in Village government.

The current Village Board is comprised of a mayor who is elected every two years and four trustees who serve a two-year term with two being elected every year. Token salaries for the Mayor and trustees were instituted just last year.

At present more than fifty people are either elected by the residents or appointed by the Village Board to serve Bellerose in various capacities. The complete list may be found in Appendix B.

As Bellerose approaches its fiftieth anniversary of incorporation, a quotation which appeared nine years ago in the New York Herald Tribune sums up the feelings of its residents today:

The people who live in Bellerose believe their community was good in the past, is rather excellent in the present, and they will be delighted if it stays the way it is for the future.

APPENDIX A

Name of village organization	Year organized	Meeting days	Meeting-places	Activities	Number of members
American Legion Post 1294	1945	3d Monday	Firehouse	Memorial Day Parade	40
Brownies	1930	Monday afternoon	St. Thomas' Church	Community service	19
Civic Association	1917	Quarterly on Monday evenings	Woman's Club	Informs property owners	200
Cub Scouts	1943	Pack—last Wednesday evening; dens—Tuesday afternoon.	do	Projects and service	42
Fire Department	1916	Tuesday evenings	Fire house	Fire protection and education	57
Girl Scouts:					
Troop 1523	1965	Tuesday afternoon	St. Thomas' Church	Community service	25
Troop 1088	1967	Monday afternoon	Woman's Club	do	32
Junior Woman's Club	1933	3d Wednesday evening	do	Promotes social, civic, and intellectual interests.	70
Narcotics Guidance Council	1971	Thursday evenings	St. Thomas' Church	Recreation and education programs for teenagers.	7
Republican Club (Floral Park-Bellerose)	(1)	2d Thursday evening	Republican Club of Floral Park	Fund raising and civic affairs	100
Woman's Club	1914	2d Tuesday afternoon	Woman's club	Promotes social, civic, and intellectual interests.	88

[1] Merged 1974.

APPENDIX B—INCORPORATED VILLAGE OF BELLEROSE

OFFICE AND OFFICIAL

Mayor: William R. Bottenus, Jr.

Trustee: Franklin O. Kaupp, Thomas J. McDonagh, John V. Grimaldi, Henry D. Stubing.

Village Clerk: Ralph J. Sposato.

Village Engineer: John T. Vitale.

Asst. Village Engineer: Raymond J. Cappiello.

Village Attorney: Austin J. Power, Jr.

Treasurer/Tax Collector: Robert J. Berkin.

Secretary to Board: Ralph J. Sposato.

Village Justice: Hugo S. Puglia.

Acting Justice: James F. Fanning.

Village Prosecutor: Anthony DeGaeto.

Clerk of the Court: Arthur A. Walsh.

Board of Appeals: William T. Whitelock, George M. Walsh, Gertrude L. Downing, Gerald W. Griffin.

Board of Assessors: William Hedley, Joseph H. Rooney, James G. Kelly.

Deputy Mayor: Franklin O. Kaupp.

Charge-Police Affairs: William R. Bottenus, Jr., Franklin O. Kaupp.

Fire Commissioner: Elwood M. Rebhann.

Deputy Fire Commissioner: Joseph P. Campi.

Bureau of Fire Prevention: Elwood M. Rebhann (Chairman), Joseph P. Campi, Herbert J. Pritz.

Inspectors for Bureau of Fire Prevention: Malcolm L. MacEachen, Andrew M. Simko, Richard E. Connors, Edward R. Gillen, Thomas Mylod, William J. Conway, Len B. Cooke, Jr., William Eichholz, Henry T. Hochuli, Paul C. Reilly.

Fire Chief: Herbert J. Pritz.

Building Inspector: Lavern Gabbard, Philip K. Ebel, Andrew M. Simko, Thomas F. McWilliams (S.M.).

Narcotic Guidance Council: George J. Cappiello (Chairman), Rev. Bayard Carmiencke, William T. Whitelock, Peter Porrello, Mrs. J. C. Friel, Thomas Bloom, Joseph Araneo.

Board of Architectural Review: Robert Richardson, Mrs. Frederic R. Gruger, Jefferson Stearns, Richard J. Kliegl, Len Cooke, Jr., Charles Cunningham.

Environmental Council Commission: Paul Leary, Mrs. Evelyn G. Kaupp, Mrs. Frances Altman, Richard De Iasi.

Registrar: Arthur A. Walsh.

Deputy Registrar: Robert H. Stewart.

Village Historian: Mrs. Carol Mylod.

Recreational Commissioner: William J. Conway.

QUALIFIED RIGHT TO PRIVACY

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

Mr. WYMAN. Mr. Speaker, it has consistently been my position that persons who seek election to public office, or who hold public office by election, have voluntarily chosen to waive personal rights of privacy that apply to citizens in private life. This principle applies to disclosure of assets and liabilities, taxes paid, organizations belonged to, travel at public expense, and anything else that is relevant to voter judgment.

I have previously introduced legislation in the Congress to require the disclosure of any and all holdings of assets of a substantial amount—in my bill in the last Congress, in excess of $25,000 in value whether or not subject to Government regulation. At the present time, each Member of Congress must report to the Ethics Committee only holdings in excess of $5,000 in value and then only if those holdings are subject to Government regulation. We all so report each year, but this is far short of full disclosure.

Being a candidate for the U.S. Senate, I am publishing herewith a statement of my adjusted taxable income and taxes paid on a joint tax return with my wife for each of the years in which I have held elected public office, together with a statement of my entire personal assets and liabilities. In so doing, I express no criticism of other Members who may see fit for whatever reason to refrain from taking such a step:

Year	Taxable income	Federal income tax paid
1963	13,376.02	3,054.72
1964	13,617.64	2,827.26
1967	24,119.15	5,782.16
1968	26,233.63	7,044.72
1969	33,468.13	10,299.65
1970	34,930.30	9,890.73
1971	34,392.30	9,855.20
1972	50,322.75	17,428.30
1973	43,712.65	14,837.28

My entire personal property and assets are as follows:

REAL ESTATE

Cabin, guest cottage and land (5½ acres) Wolfeboro, N.H.	21,800.00
Cabin and one acre of land, Ellsworth, N.H.	5,150.00
Contents of leased camp, Pittsburg, N.H.	100.00
Apt. Naranja, Fla. (Mtge. $11,500.: Equity $4000)	4,000.00

Wild land, Ellsworth, N.H. (55 acres)	5,350.00
House and ¾ acre land, 121 Shaw St., Manchester	35,510.00
PERSONAL PROPERTY	
Misc. personal property incl. cameras, guns, fishing rods, camping equipment, golf clubs, clothing, etc	2,500.00
Beneficial interest in trust created under will by my father, Louis E. Wyman, ⅓ interest equally with brother and sister	65,000.00
Capital interest in library, furniture and equipment at former law office, Manchester	8,000.00
Checking account, House of Representatives	4,000.00
Contents of rented apartment, Wash., D.C	1,000.00
Fractional interest in Northeast Blanco Gas Unit New Mexico (.0131120%) acquired 1954	17,500.00
3 cars (Fords, One '71, One '72, One '74 Pinto	5,000.00
SAVINGS ACCOUNT	
Amoskeag Savings Bank	853.43
Manchester Savings Bank	3,000.00
Merrimack City Savings Bank	10,347.58
Merchants Savings Bank	500.00
Misc. checks held in anticipation of taxes due (Wyman Trust Distribution: proceeds from sale of stock and certain dividends)	2,500.00
STOCKS AND BONDS	
257 shares AT&T (est)	12,000.00
1 Debenture AT&T	700.00
100 Shares Std., N.J	7,000.00
50 Shares MidCont. Tel. Co	600.00
300 Shares West Pt. Pep	7,800.00
106 Shares Sperry Rand	3,922.00
200 Shares Peoples Gas	5,200.00
200 Shares Velcro Corp	1,400.00
50 Shares Worthington Biochemical	600.00
25 Shares Merrill, Lynch	225.00
50 Shares Sturm Ruger Co	500.00
500 Chrysler Warrants	2,250.00
300 Braniff Warrants	3,600.00
650 gallons of Tomatin Malt	2,000.00
1 Debenture Franchard Corp	500.00
150 Shares Apex Minerals	50.00
1 Massachusetts Housing Authority Bond	5,000.00
INSURANCE POLICIES	
VA Endowment Policy, U.S. Government	7,500.00
Policy on son's life for educational reserve—paid up value	6,400.00
Policy on daughter's life, paid value	1,300.00
Penn Mutual paid up policy	7,000.00
N. E. Mutual Life cash surrender value	900.00
Misc. other personal assets and trinkets (estimate) antiques, pictures, etc	1,500.00

Values assigned in respect to stock are recognized to fluctuate from day to day. Values on real estate are assessed values. Listed are all of my assets without undertaking to inventory the exact worth of such items as a pair of cufflinks, an old stamp collection, or the like.

I have no secret or hidden assets unreported or undisclosed, to my knowledge, nor do I own any foreign bank accounts, foreign gold, or other assets, either directly or indirectly, nor have I made any substantial gifts or transfers of property to members of my family within the last decade.

The furniture in our residence at 121 Shaw Street in Manchester, N.H., belongs to Mrs. Wyman, and that in my various camps is of negligible value. There is some furniture in the apartment at Naranja, Fla., but this I occasionally rent and there is only a living room, kitchen, and two bedrooms. The place is not elaborately furnished.

Of possible relevance in the context of this disclosure, is the fact that all contributions to my U.S. Senate campaign will be made to the Wyman for Senate Committee, of which Mr. John Drayton of Manchester, N.H. is chairman and Mr. William Bisson, also of Manchester, N.H., is treasurer. All expenditures will also be made by this committee. Both contributions and expenditures will be reported to the various Federal and State offices in accordance with law. There have been no secret contributions to this committee in any designated time period beforehand and not reported. I utilize only this single committee for both contributions and expenditures and shall continue my campaign with solely this one committee.

My liabilities consist of the aforementioned mortgage on the Naranja property—approximately $11,000—and notes owed to my father's trust for capital lent, in the amount of $6,300.

PERSONAL ANNOUNCEMENT

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

Mr. KOCH. Mr. Speaker, in order to keep an engagement in New York, I was compelled to leave before the final vote late Friday evening on H.R. 15472, appropriations for agricultural, environmental, and consumer protection programs.

Before leaving, I had voted in favor of various amendments, including allowing the Federal Trade Commission to conduct line-of-business reporting procedures on the largest corporations, and I supported funding the FTC in its antitrust lawsuit against the eight largest oil companies. I voted against amendments banning food stamps for strikers and students.

We prevailed in allowing strikers to continue to receive food stamps. Unfortunately we did not prevail in increasing the funding or powers of the Federal Trade Commission, or in allowing students to receive food stamps.

However, the bill as a whole is positive. It provides $13.4 billion in necessary funding for a wide range of environmental, consumer protection, and agricultural programs. These include the Environmental Protection Agency—$644 million; the Office of Environmental Quality—$2.5 million; the Food and Drug Administration—$199 million; the Federal Trade Commission—$37 million; the Consumer Product Safety Commission—$36 million; and $4.75 billion in food program appropriations, including child nutrition and food stamp programs. Had I been present on final passage, I would have voted for the bill.

UKRAINIANS APPEAL FOR JUSTICE

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

Mr. KOCH. Mr. Speaker, I have spoken on several occasions during this Congress of the abuses suffered by Ukranians at the hands of Soviet authorities. In yesterday's New York Times there appeared an appeal for Ukrainian freedom far more compelling than any words I have been able to muster. It was published as an "Appeal to the American People" by the Ukrainian Congress Committee of America, a Ukrainian-American organization whose dedication to the welfare of the people of the Ukraine is well-known to me and other Members of Congress. The statement catalogs 70 cases of Ukrainian intellectuals who have been incarcerated in Soviet jails, concentration camps, and psychiatric wards. With few exceptions, the crimes are identical: the defense of the dignity of the Ukrainian people against Russian bigotry. On the eve of the President's visit to Moscow, there is no more critical time for my colleagues in Congress and the American people to realize the intensity and scope of the suffering of free-thinking Ukrainians in the Soviet Union. In the hope that the United States will strengthen its resolve against any concessions to Soviet tyranny, I am appending the statement of the Ukrainian Congress Committee. The statement follows:

APPEAL TO AMERICAN PEOPLE—TREATMENT OF UKRAINIAN POLITICAL PRISONERS IN SOVIET UNION IS CONCERN OF CIVILIZED HUMANITY

Fellow Americans!

In a few days President Nixon will embark upon his journey for a second "Summit" meeting with the Russian Communist leaders in Moscow. In a public statement he said that the purpose of his visit is to strengthen the policy of détente with the USSR, and that any attempt by the U.S. Congress and American citizens to demand concessions to freedom would constitute "interference" in the domestic affairs of the Soviet Union.

We do desire the relaxation of international tensions and the establishment of a just peace in the world.

Precisely because of this we ask you to voice your concern for the treatment of Ukrainians who are being barbarously persecuted and abused by the Soviet government in Ukraine only for political reasons. A policy of détente should not necessarily mean an abandonment of our belief in the rights of the individual as the cornerstone of society.

WHO IS BEING PERSECUTED

From 1970 to 1973 the Soviet secret police, the KGB, arrested over 560 Ukrainian intellectuals, all of whom were tried in camera and sentenced to severe terms in jails and concentration camps, or incarcerated in "psychiatric wards" for an indefinite period. These men and women, born mostly in the 1930's, are writers, literary critics, poets, professors, artists, journalists, teachers, academicians, students, film directors, research personnel, army officers, and others.

WHY ARE THEY PERSECUTED

These young Ukrainian men and women have been formally sentenced and are being punished for participating in "anti-Soviet propaganda and agitation," that is, for criticizing the police terror, the Russification of Ukraine and the violations of human rights as defined in the U.N. Universal Declaration of Human Rights and the Soviet constitution. They are branded as outlaws because of their protests against suppression of their national, religious and cultural freedoms and traditions—the inherent elements

in the struggle for freedom and the national statehood of Ukraine.

TORTURE IN JAILS AND "PSYCHIATRIC WARDS"

Valentyn Moroz, 38-year-old Ukrainian historian, and Leonid Plyushch, 34-year-old Ukrainian mathematician and cybernetics specialist, are reported to be suffering torture and being driven to literal insanity.

Prof. Andrei D. Sakharov, outstanding Russian physicist, in his appeal from Moscow on February 12, 1974, discussed that "Leonid Plyushch is near death" in the Dnipropetrovsk "psychiatric ward" and that "the unregulated administration of large doses of haloperidol has caused a sharp deterioration of his health . . ."

Anatole Radygin, a Jewish poet and former Soviet prisoner, who met Moroz in Vladimir Prison, has reported that "from his cell we often heard screams and yells . . . they would subside for a while and then the beatings would start again . . ."

Pavel Litvinov, grandson of the former Foreign Minister Maxim Litvinov, now in this country, reported that Moroz stated that if he were not transferred to a concentration camp by July, 1974, he would start a hunger strike "until death."

Fellow Americans!

We appeal to you, in the name of justice and humanity, to express your concern by urging President Nixon to intercede on behalf of these Ukranian political prisoners and to urge the Soviet government to release forthwith Valentyn Moroz and Leonid Plyushch, so that they can receive proper medical treatment abroad and salvage their lives!

In doing so, our President will honorably uphold the basic precepts on which our government is founded: human dignity, freedom and justice.

Ukranian Congress Committee of America, Inc. For further information, please contact: Prof. Lev E. Dobriansky, President, 302 West 13th Street, New York, N.Y. 10014, Tel. (212) WA 4-5617.

UKRANIAN INTELLECTUALS VICTIMS IN SOVIET JAILS, CONCENTRATION CAMPS, AND PSYCHIATRIC WARDS!

The following is a partial list of Ukranian intellectuals who are now languishing in Soviet jails, concentration camps and psychiatric wards! With a few exceptions, they are all young Ukranian men and women who have been arrested, tried and sentenced in the last few years for being patriotic Ukranians! They protested against discrimination of the Ukranian language, Russification of Ukranian culture and the gross violations of human rights in Ukraine!

If you are a believer in the principles of freedom and justice, demand that these victims of Soviet Russian tyranny be released forthwith! Most of them have been tried in secret trials on "evidence" supplied by the arbitrary and unbridled Soviet secret police—the KGB!

Write to President Nixon, U.N. Secretary General Kurt Waldheim, the International Red Cross and, above all, write your Senator and Congressman urging them to oppose economic and technological assistance to the USSR until these Ukranian political prisoners, "prisoners of conscience," and prisoners of other nationalities in the USSR are released!

Ukranian political prisoners are not criminals—they are patriots who love their country and are resisting the alien yoke of Communist Russia!

You can help them by expressing your concern. Write to President Nixon and urge him to intercede for these victims of Soviet tyranny! Write to your Senator and Congressman to do the same!

1. Antoniuk, Zenovly. b. 1933, philologist, sentenced 1972 to 7 years in a hard-regime labor camp and 3 years of exile.

2. Brynd, Yulian, b. 1930; sentenced to 2¼ years in a general-regime labor camp in 1972.

3. Chornovil, Vyacheslav, b. 1938. TV commentator and writer (*The Chornovil Papers*); in 1972 sentenced to 7 years at hard labor and 5 years of exile—a total of 12 years.

4. Didyk, Halyna, Ukrainian Red Cross worker; sentenced in 1950 to 25 years at hard labor; still in prison.

5. Duzhynsky, V., artist; in 1957 he hoisted the Ukrainian national flag at the University or Lviv and was sentenced to 10 years at hard labor; presumably released.

6. Dyak, Volodymyr, b. 1931, engineer and poet; in 1972 sentenced to 7 years at hard labor and 5 years of exile.

7. Dzyuba, Ivan, b. 1931, literary critic and author (*Internationalism or Russification?*); sentenced in 1972 to 5 years at hard labor; pardoned and released in November, 1973, after recantation.

8. Gereta, Ihor A., scholar, Institute of Geophysics, Ukrainian Academy of Sciences; in 1968 sentenced to 3 years at hard labor; possibly released.

9. Grigorenko, Petro, Gen., b. 1907 in Ukraine, noted military writer and professor at the Frunze Military Academy, noted human rights advocate, is committed indefinitely to a psychiatric ward in Chernyakhovsk (East Prussia).

10. Hel, Ivan, b. 1937; spent 3 years in labor camps (1966–1969); in 1972 sentenced again to 5 years in strict-regime labor camps, 5 years in general-regime camps and 5 years of exile—a total of 15 years.

11. Hevrych, Yaroslav, student at Kiev Medical Institute; in 1960 sentenced to 5 years at hard labor; possibly released.

12. Hluzman, Vyacheslav, b. 1942, psychiatrist; in 1972 sentenced to 7 years at hard labor and 5 years of exile.

13. Holtz, Ihor, b. 1946, lieutenant in the Army Medical Corps; in 1972 sentenced to 3 years at hard labor.

14. Horbovy, Volodymyr, Dr., prominent Ukrainian defense lawyer and a citizen of Czechoslovakia; in 1947 he was sentenced to 25 years at hard labor; he was released in 1972.

15. Horyn, Bohdan, M., literary and art critic; in 1966 sentenced to 4 years at hard labor; presumably released.

16. Horyn, Mykola M., brother of Bohdan, psychologist and author; in 1966 sentenced to 6 years at hard labor; possibly released.

17. Hryn, Mykola, research worker, Institute of Geophysics, Ukrainian Academy of Sciences; sentenced to 3 years at hard labor in 1968.

18. Husak, Daria, a Ukrainian Red Cross worker, sentenced in 1950 to 25 years at hard labor; presumably still in jail.

19. Ivashchenko, Dmytro P., member of Union of Writers of Ukraine and university lecturer; in 1966 sentenced to 2 years at hard labor; presumably released.

20. Kalynets, Ihor, b. 1939; poet and writer; in 1972 sentenced to 9 years at hard labor.

21. Kalynets-Stasiv, Irena, b. 1940 (wife of Ihor); writer and college teacher; in 1972 sentenced to 6 years in general-regime labor camps and 3 years of exile.

22. Kandyba, Ivan O., outstanding lawyer, writer and Marxist theoretician; in 1960 he was sentenced to death, but the sentence was commuted to 15 years at hard labor.

23. Karavansky, Svyatoslav, b. 1920; poet, writer and literary translator; in 1944, as an officer of the Red Army, he was sentenced to 25 years at hard labor; released in 1960, he was rearrested in 1965 and sentenced to 8 years and 7 months at hard labor.

24. Karavansky-Strokata, Nina, b. 1925 (wife of Svyatoslav); a microbiologist, she was sentenced to 4 years at hard labor in 1972.

25. Kovalenko, Ivan b. 1918; teacher; in 1972 sentenced to 5 years at hard labor.

26. Kuznetsova, Eugenia F., chemist, b. 1913; in 1966 sentenced to 4 years at hard labor; presumably released.

27. Lukyanenko, Lev H., political activist; in 1960 he was sentenced to death, but the sentence was commuted to 15 years at hard labor.

28. Lupynis, Anatole, poet, b. 1937; spent 11 years as a political prisoner (1956–1967); in 1972 he was committed to a psychiatric ward as a "dangerous individual."

29. Martynenko, Alexander E., engineer; in 1966 sentenced to 3 years at hard labor; presumably released.

30. Masyutko, Mykhailo S., b. 1918, poet and writer; in 1966 he was sentenced *in camera* to 6 years at hard labor; also punished by a camp court for writing; is still in prison.

31. Melnychuk, Taras, b. 1942, poet; in 1972 he was condemned to 3 years at hard labor.

32. Menkush, Yaraslava Y., b. 1923, industrial designer; in 1965 was sentenced to 2 years at hard labor, released.

33. Moroz, Valentyn, b. 1936, historanian and writer; in 1966 he was sentenced to 4 years at hard labor; released in 1969, he was re-arrested in 1970 and on November 17, 1970 he was tried *in camera* and sentenced to 9 years at hard labor and 5 years of exile. His book, *A Report from the Beria Preserve*, is a powerful indictment of the Soviet system and concentration camps.

34. Osadchy, Mykhailo, b. 1936, writer and university professor; in 1972 sentenced to 7 years at hard labor and 3 years of exile.

35. Ozerny, Mykhailo D. b. 1929, teacher and translator; in 1966 he was sentenced to 6 years at hard labor; presumably released.

36. Plyushch, Leonid, mathematician and research officer at the Ukrainian Academy of Sciences; born in 1940, he was dismissed from his post in 1968 and four years later was sent for "psychiatric treatment"; in January, 1973, he was placed in Dnipropetrovsk Prison's psychiatric ward, where he is forcibly given large doses of haloperidol (in a recent message Prof. Andrei D. Sakharov described Plyusch as being "near death").

37. Reshetnyk, Volodymyr, b. 1937, college professor; in 1972 condemned to 2 years at hard labor.

38. Riznykiv, Alexander, writer; in 1972 sentenced to 5 years at hard labor.

39. Rokytsky, Volodymyr, b. 1947, student; in 1972 condemned to 5 years at hard labor.

40. Romaniuk, Vasyl Rev., a priest; in 1972 sentenced to 7 years at hard labor and 3 years of exile.

41. Senyk, Irena, educator; she was first arrested in 1946 and sentenced to 10 years at hard labor, which she served fully; in March, 1973, she was sentenced again to 6 years at hard labor.

42. Serednyak, Lyuba, b. 1953, student; in 1972 she was condemned to one year at hard labor; presumably released.

43. Serhiyenko, Alexander, b. 1932, art teacher; in 1972 sentenced to 7 years at hard labor and 3 years of exile.

44. Shabatura, Stephania, b. 1938, artist and rug designer; in 1972 sentenced to 5 years at hard labor and 3 years of exile.

45. Shukuevych, Yurly, b. 1933, electrician, son of Gen. Roman, commander of the anti-Nazi and anti-Soviet Ukrainian Insurgent Army (UPA); he was first arrested at the age of 15 and sentenced to 5 years in prison, 5 years in hard-regime labor camps and 5 years of exile—a total of 15 years.

46. Shumuk, Danylo, b. 1914, political activist; his precious imprisonment totaled 28 years (1930–1938, 1945–1955, 1957–1967); in July, 1972, he was condemned to 10 years at hard labor and 5 years of exile.

47. Shumuk-Svitlchny, Nadya, b. 1942 (wife of Danylo Shumuk and sister of Ivan Svitlychny); a radio scriptwriter, she was sentenced in April, 1973 to 4 years at hard labor.

48. Soroka Mykhailo, political leader, was first arrested in 1940 and sentenced to 8 years; released in 1948, he was rearrested in 1951 and sentenced to 25 years; he died in a Soviet prison in 1972.

49. Stus, Vasyl, b. 1938, poet; in 1972 he was sentenced to 5 years at hard labor and 5 years of exile.

50. Sverstyuk, Evhon, b. 1928, literary critic, publicist and essayist; first arrested in 1965 and imprisoned for several months. In 1972, he was sentenced to 7 years at hard labor.

51. Svitlychny, Ivan, b. 1929, literary critic and author of several literary works; he was first arrested in 1966, but released after 8 months; in 1972 he was expelled from the Union of Writers of Ukraine and sentenced to 7 years at hard labor.

52. Virun, Stepan, was sentenced to death in 1960 for demanding more rights for Ukraine in accordance with the Soviet constitution; in 1961 the sentence was commuted to 15 years at hard labor.

53. Zarytska, Katherine, wife of Mykhailo Soroka; was sentenced in 1947 to 25 years as a member of the Ukrainian Red Cross; she was released in 1972.

54. Zvarechevska, Maria, b. 1936, archivist; in 1966 sentenced to 8 months at hard labor; released.

Additional list

55. Koroban, Andrey, b. 1930; in 1970 he was sentenced to 6 years at hard labor for writing an essay on Soviet policies in Ukraine; he served 10 years before.

56. Antonenko-Davydovych, Evhen B., son of a prominent Ukrainian writer, Borys Antonenko-Davydovych: arrested in 1972, he was sentenced to an indefinite term in prison.

57. Bedrylo, Stepan, b. 1932, an agronomist; in January 1970 was sentenced to 4 years at hard labor for disseminating Ukrainian underground publications.

58. Bondar, Mykola, b. 1939, philosophy lecturer at the University in Uzhorod; on May 12, 1971 he was sentenced to 7 years at hard labor; is incarcerated in prison in Perma.

59. Horska, Alla, b. 1929; outstanding Ukrainian artist and human rights advocate in Ukraine; on November 28, 1970, she was murdered by the KGB near Kiev.

60. Kaliosh, Hryhory V., b. 1929; a teacher, in 1970 he was sentenced to 10 years at hard labor.

61. Kovalenko, Leonid M., b. 1922, a philosophy instructor at the Institute of Literature at the Ukrainian Academy in Kiev; in 1972 was sentenced to a 5-year prison term and 3 years of exile.

62. Lisovy, Vasyl, b. 1942, research officer at the Institute of Philosophy at the Ukrainian Academy of Sciences in Kiev; in 1972 he was sentenced to 5 years at hard labor.

63. Murzhenko, Alexander, b. 1943; served 6 years in prison for "political activities"; in 1970 he was tried with a group of Jews in Leningrad for attempting to highjack a plane and escape abroad; was sentenced to 15 years at hard labor.

64. Paradzhanov, Serhiy, noted Ukrainian film director who made the internationally known film, The Shadows of Forgotten Ancestors; he wrote protests against the Russification of Ukraine; in 1974 he was arrested on suspicion of "money speculation and homosexualism."

65. Plakhtoniuk, Mykola, a medical doctor and senior research officer at the Medical Institute in Kiev; in January, 1972 he was arrested and sent to the Serbsky Psychiatric Institute in Moscow as an "insane individual."

66. Popadiuk, Zoryan, student of Ukrainian philosophy at Lviv University; in 1972 he was sentenced to 7 years at hard labor for demanding that subjects in schools in Ukraine should be taught in Ukrainian.

67. Proniuk, Evhen, professor and research officer at the Ukrainian Academy of Sciences in Kiev; in 1972 was sentenced to 2 years at hard labor for "anti-Soviet propaganda."

68. Shcherbyna, Vasyl, member of the Baptist-Evangelical group in Ukraine; in 1973 he was sentenced to 3 years at hard labor.

69. Sokulsky, Ivan, b. 1940, poet and author, advocate of human rights in Ukraine, in 1970 he was condemned to 4 and a half years at hard labor.

70. Starchyk, Petro, b. 1938, a religious man, he completed philosophical studies; a staff member of the Institute of Psychology in Moscow, he was arrested in 1972 and sent to a "psychiatric prison" as a "dangerous individual," for an indefinite term.

ISRAEL'S OBLIGATION TO DEFEND ITS CIVILIAN POPULATION

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

Mr. KOCH. Mr. Speaker, the Arab terrorists have struck again in Israel and snuffed out the lives of a woman, an 8-year-old girl and a 7-year-old boy. In recent months, Arab terrorists have killed 50 Israelis. A macabre coincidence is that in Sudan, President Jaafar Nimeri yesterday released to the Palestine Liberation Organization, one of the very organizations responsible for terrorism in the Middle East, the eight Palestinian guerrillas who murdered three Western diplomats a year ago.

The terrorists' killings continue and yet Lebanon, where their arsenals and training centers are located, does nothing to stop their lawless activities. Most of the terrorists' operations are located in refugee camps in Lebanon which have fallen under the direct control of the terrorist organizations. The Lebanese Government refuses to police the camps. In short, the Lebanese Government has defaulted in its responsibility as a civilized nation to stop the generation of wanton terrorism from within its borders. The terrorists do not come from sanctuaries in Egypt, Syria, and Saudia Arabia. Those countries do not permit terrorist activities to eminate from their countries. But, the Lebanese Government does. The innocent lives taken both in Israel and Lebanon are the responsibility of the Lebanese Government, as well as the Arab terrorists whom the Lebanese refuse to control.

If Lebanon refuses to stop such lawlessness coming from within its borders, what other recourse does Israel have in protecting her citizens than to strike at the source of terror? It is so unjust that when the Israelis do strike at the terrorist centers, many in the world cry out in condemnation while having stood mute in the face of the original terrorist act.

There is an important difference between the strikes of the Israelis directed at the terrorists and the indiscriminate killing levied by the terrorists on innocent Israeli citizens. The terrorists' killing is not directed only to Israel's armed forces; instead they have chosen the more cowardly course of imposing a reign of terror by killing women and children. The Israelis, on the other hand, strike at the terrorists' bases. At times innocent civilians are killed in these strikes, but this is because the terrorists hide in their midst and use them as shields for their own protection. If the Lebanese government is truly concerned about the welfare of her citizens, she should take steps to remove the terrorists from civilian populations. In the most recent Israeli reprisal, 11 houses were selected for pin point targeting in that they housed the terrorists and nine were in fact directly hit.

The Israelis cannot depend on the governments of other countries to assist in the elimination of the terrorists or even to deal justly with those who are caught perpetuating acts within their own countries. One only need look at the history of various governments who had Arab terrorists in hand and then let them go. The latest outrage is that of the Sudanese government in releasing the eight guerrillas yesterday.

The Israeli government has an obligation to defend its civilian population and undoubtedly will continue to do so.

MATERNAL AND CHILD HEALTH PROGRAMS

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

Mr. KOCH. Mr. Speaker, I want to commend the House Appropriations Committee's action in recommending additional funds for maternal and child health programs. The appropriations bills which we will consider Thursday, includes $284,868,000 for material and child health—which is an increase of $19,000,000 over the administration's budget request.

These children and youth projects and maternal and infant care programs represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

With a team of trained professionals they have prevented illnesses, increased well child visits, reduced hospitalization, reduced infant mortality, and assured a large population of needy persons that someone does care and will help.

In an area served by the projects in New York City, the infant mortality rate has been cut by 50 percent, and hospitalization requirements have been greatly reduced.

I am pleased to see the House committee support the development of a national policy on the health of children. In the face of the administration's refusal to support funding of these projects in needy areas, it is reassuring to see that the Congress can regain its control over the purse-strings.

The administration has done more than refuse to support these programs—it has done much to reorganize the maternal and child health services out of existence. It is of utmost importance that Congress have some oversight of HEW actions in this area to assure that sufficient funds be appropriated and then used as they should be so that the poor in cities and rural areas will not have to rely on the already overcrowded hospital out-patient departments—which deliver treatment that is light years away from what we have

seen can be done in total health care delivery given by these title V programs especially designed for children.

The Appropriations Committee report has directed that a cadre of Maternal and Child Health staff is to be maintained within HEW in order to assist the States in meeting their statutory obligation to mount a program of projects which will include maternal and infant care, children and youth, dental, newborn intensive care, and family planning projects, and to support the development of a national policy of the health of children.

I would like to append for the information of our colleagues information I have received from the American Academy of Pediatrics which describes the present staffing pattern at HEW which the Congress is now attempting to rectify. The material follows:

SUMMARY OF TITLE V POSITIONS, MAY 1974

CENTRAL OFFICE

Prior to reorganization and reduction in staff the MCH Service had 83 fulltime positions, five of them AID reimbursable positions serving in international activities under an agreement with the State Department. Within the last year nine persons have transferred, retired or resigned, one is on special assignment, 14 are on outplacement lists (includes five AID positions) and 52 have been assigned to functional divisions within the Bureau of Community Health Services. Eight positions (including two vacancies) in the Office of the Associate Bureau Director for MCH are the only positions devoting fulltime to MCH activities.

A few consultants have been assigned to administrative positions and their services as consultants in their professional disciplines have been curtailed.

This shift in responsibility, some of which was voluntary, coupled with the outplacement leaves only one consultant in each of the following disciplines: nursing, nutrition, medical social work, speech and hearing, obstetrics and pediatrics (P.T.). At present there is no occupational therapy consultant, no physician in the Office of the Associate Bureau Director and three of four statisticians are on the outplacement program.

REGIONAL OFFICES

The regional reorganization is to take place no later than July 1, 1974. Before regional reorganization was initiated and before position ceiling reductions maternal and child health units had 77 full-time budgeted positions in regional offices. As of 6/30/74 the 77 positions will be decreased to 48. Each of the 10 regions will have one full-time MCH consultant. The remainder of the staff will provide services to all Bureau of Community Health Service programs—Migrant Health, Health Maintenance Organizations, Neighborhood Health Centers, Family Planning, National Health Service Corps and Maternal and Child Health.

In addition to being the regional consultant for all BCHS programs in their various disciplines, former maternal and child health staff will carry other responsibilities such as project officer for all Bureau projects within a geographic area or regional state representative. In one region for example the MCH staff will be two teams, with each team covering certain states. The nutrition consultant will serve as the project officer and be responsible for all Bureau projects in the states covered by her team and in addition be expected to provide nutrition consultation for all other regional programs. The administrative methods consultant is expected to become a regional state program representative and be responsible for liaison on all BCHS programs within one or two states.

In no region will MCH have the full-time services of specialized consultants as in the past. In those regions without a full complement of staff reorganization will cause a further dilution of services. For example, there is no medical social work position in Region I (Boston); in Region II (New York) and Region III (Philadelphia) the social worker will be the MCH program counsultant; in Region IV (Atlanta), Region V (Chicago), and Region VI (Dallas) the social worker will serve all BCHS programs and may have other administrative responsibilities. In Region VII (Kansas), Region VIII (Denver) and Region IX (San Francisco) the position is vacant and will not be filled because of staff reductions and in Region X (Seattle) there is no social work position allocated to the region. In summary, either because of reorganization or position reductions there will be no full-time social work coverage in any region for MCH programs and in Regions I, VII, VIII, IX and X there will be none.

The following analysis of regional coverage by discipline indicates part-time or no consultation services in the several disciplines;

MCH regional office positions have been used to staff HMOs, Equal Employment Opportunity, administrative services positions and in other capacities such as members of the teams doing reviews of Comprehensive Health Planning in four regions. Generally, many Title V supported positions have been and will be used for non-Title V activities. Highly trained and skilled personnel who have been providing MCH consultation to states and projects will be loaded down with administrative tasks, record keeping and a variety of other duties for which they have no particular expertise and which do not contribute to the maternal and child health programs. In exchange MCH programs will receive equivalent time of nonspecialists who have little or no experience in providing health services to mothers and children and who, in most instances have had little or no experience with state departments of health.

	Physician	Nurse	Dentist	Social work	Nutrition	AMC
Region:						
I	O-PT [1]	PT	O	O	PT	PT
II	PT	PT	O	O-PT [1]	PT	O
III	O	PT	PT	O-PT [1]	PT	O
IV	O	O	O	PT	PT	O-PT [1]
V	O-PT [1]	PT	PT	PT	PT	PT
VI	O-PT [1]	PT	O	PT	PT	PT
VII	O-PT [1]	PT	O	O	O	PT
VIII	O	PT	O-PT [1]	O	PT	PT
IX	PT	PT	O	O	PT	O-PT [1]
X	O	O	O	O	O	O-PT [1]

[1] O-PT indicates program consultants who also serve as division directors, branch chiefs and/or in other capacities.

A number of questions came to mind. How will medical social work consultation be obtained in regions where there is no social worker position? There are four regions without physician services; how will this deficit be covered? In some regions there are no dental consultants; how can dental consultation be provided to all regions with two part-time dental consultants and one central office consultant? These questions and many more show serious gaps in program consultation with little chance of fulfillment.

In the past, core regional office staffing for the provision of adequate program consultation has consisted of a physician, a nurse, a medical social worker, nutritionist, administrative methods consultant, and a dentist with support staff.

THE DECRIMINALIZATION OF MARIHUANA

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

Mr. KOCH. Mr. Speaker, On Monday, June 17, the Illinois State Bar Association passed a resolution calling for the legalization of marihuana possession. The resolution summarizes, in simple and direct terms, the case for ending the "new prohibition":

Because the individual and social costs resulting from existing laws punishing personal use or simple possession of marihuana substantially outweigh any benefits derived Federal, State, and local laws punishing personal use or simply possession of marihuana should be repealed.

This is the latest in a series of actions by State bar associations endorsing the decriminalization of marihuana. On January 27, 1973, the New York State Bar Association officially adopted the position that "the criminal prohibition of marihuana . . . undermines respect for all law . . ." On February 14, 1974, the Massachusetts Bar Association endorsed elimination of the crime of intentional possession. A similar action was taken that same month by the Vermont Bar Association, which declared that "our current marihuana laws have clearly failed" because they have not minimized the damage of legal sanction to individuals, particularly young offenders.

I think it significant, Mr. Speaker, that eminent legal organizations like these are bringing their views to bear on the marihuana debate. The tendency in recent years has been to leave this issue to the physicians and research scientists to the relative exclusion of inquiry into the legal dimensions of the question. In formulating a rational marihuana policy, the question of harm to individuals from criminal sanctions is at least as decisive as the question of harm from consumption of the drug. The case for legalization has never rested on the naive assumption that marihuana is absolutely harmless. It contends rather that, on balance, the benefits derived from prohibition as a deterrent to use are minimal when set against the social costs of officially designating as criminals 26 million citizens who have smoked marihuana and invoking criminal sanctions against significant numbers of users. It is from this perspective that legal organizations are joining the fight for decriminalization.

No one questions the fact that a segment of medical opinion holds consumption of marihuana to be harmful. Various recent studies have tried to establish

links between the drug and chromosome breakage, increased susceptibility to disease and, most recently, reduced sperm counts in males. In all cases, the studies have received serious criticism in the scientific community. The shortcomings are similar to those of previous work: failure to isolate consumption of marihuana from consumption of other drugs, unreasonable dosages given to subjects, and uncertainty as to the meaning of the results. The net impact is that findings of harm are as inconclusive as they have been in the past.

The point that needs making is that no study has revealed an effect of marihuana damaging enough to justify the current punitive laws. There is a threshold of harm from widely consumed substances that society can tolerate, just as there is a limit to the application of societal sanctions against them. We learned this lesson during the prohibition of alcohol; we know intuitively that it applies to the issue posed by tobacco. The marihuana issue is teaching the lesson again. Even if we accept the most dire allegations of harm, when compared with alcohol and tobacco, marihuana clearly falls below the threshold of harm tolerable to society. And, as the most respected bodies of legal opinion are coming to recognize, criminal sanctions against marihuana have exceeded the limits of societal viability.

The Javits-Koch bill, H.R. 6570, is, I think, a realistic alternative to current law. It legalizes the possession and personal use of 3 or fewer ounces of marihuana and retains criminal penalties for the sale, distribution, or transfer for profit of the drug. In view of the growing conviction in the legal community that the time for decriminalization has arrived, I invite my colleagues to consider cosponsorship of this measure. The current cosponsors of the Javits-Koch bill are: Ms. ABZUG, Mr. BADILLO, Mr. CONYERS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. PODELL, and Mr. RANGEL.

PERSONAL STATEMENT

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

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD a statement regarding two recorded votes which I missed on June 3, 1974, and an indication of how I would have voted had I been present.

Rollcall No. 261: The vote on final passage of House Concurrent Resolution 271, expressing the sense of Congress with respect to the missing in action in Southeast Asia. The resolution was agreed to 273 to 0, and had I been present, I would have voted for it.

Rollcall No. 262: A motion to suspend the rule and pass H.R. 14833, the Renegotiation Act extension. The motion carried 278 to 2, and the bill was passed. I was paired for this motion, and had I been present I would have voted for it.

AMBASSADOR MAILLIARD SPEAKS ON "INTER-AMERICAN RELATIONS IN TRANSITION"

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

Mr. FASCELL. Mr. Speaker, on June 6 our former colleague, William S. Mailliard, now U.S. Permanent Representative to the Organization of American States, delivered an important address to the Pan American Society of San Francisco on the status of our relations with the nations of Latin America and the Caribbean. In his speech Ambassador Mailliard spoke candidly about Secretary Kissinger's serious attempt to improve our relations with our Hemisphere neighbors. He also spoke candidly of the U.S. role in the OAS and efforts by members of the organization to streamline the organization. Because of the importance of Ambassador Mailliard's remarks I want to take this opportunity to call them to the attention of the House of Representatives:

ADDRESS BY THE HONORABLE WILLIAM S. MAILLIARD

INTER-AMERICAN RELATIONS IN TRANSITION

When I was offered the job of Ambassador to the Organization of American States, I accepted it for several reasons. High among these was my conviction that Latin America is very important to the U.S. and may I note that when I refer to Latin America I mean to include the Caribbean nations, some of which are not "Latin" in historical and cultural background.

In fact, I think it is probably the area of the world where there is the greatest gap between its importance to us and the attention the general public, Congress and the executive have given it. I believe that we and Latin America have enough in common —a common European cultural background and basically similar values, for example—to make long-range political and economic cooperation between us a reasonable hope for the future. Many of the Latin American countries have reached a stage of development where a highly technological society such as the U.S. has a great deal to offer—and they have much to offer us in return. And most importantly, I am convinced that Secretary Kissinger is personally and strongly committed to real and productive changes in our attitudes and policies in the hemisphere.

Unfortunately, over the past half century, U.S.-Latin American relations have oscillated for the most part between "fair" and "bad". In the thirties and early forties, the Good Neighbor Policy and then mutual concern over the dangers of Axis influence in the hemisphere gave rise to a feeling of shared interests and of cooperation. The OAS Charter, providing for a structure of peaceful hemispheric cooperation, was signed in 1948. The Rio Treaty, the hemisphere's mutual security and peacemaking instrument, had been agreed to the year before. The concepts in both treaties antedate the Cold War and owe somewhat more to Latin ideas than to our own.

There was an unfortunate decline in U.S. interest during the late forties and fifties, but the phenomenon of Castroism helped remind us of Latin America's nearness and crucial importance. In the closing years of the Eisenhower Administration and during the Kennedy Administration we gave a new dimension to our relations. We joined with the Latin Americans in a major push to improve the economic and social conditions of life in the hemisphere. As we now know, the Alliance for Progress has not been all we might have hoped for. It did inaugurate, however, a joint moral commitment to mutual efforts for economic development, a commitment which though somewhat ailing is still very much alive. During the mid and late sixties and up to recently our attention has been diverted by crises in other parts of the world and by our own urgent domestic problems.

During these years, significant and sometimes dramatic changes have occurred in the hemisphere. The whole world has become much more interdependent, and the notion of autarchy has less and less relevance to the needs of nations, large or small. The dynamic of interdependence produces new opportunities for international cooperation, and also new risks of dislocation and tension.

No longer is it possible to divide the world into neat blocs of nations. The Third World has an increasing appeal for some of the nations in this hemisphere. It is a gross over-simplification to say that the world is now cut North-South (or rich-poor) rather than East-West (or Free World-Communist). The world is more complex than that. But the north-south dichotomy has more reality than a few years ago. And it affects relations in the hemisphere.

Very soon after he became Secretary of State, Secretary Kissinger began to move to strengthen relations with Latin America. The Department of State tackled two of the most serious bilateral problems facing us in the hemisphere. Agreement with Peru on expropriation problems and agreement with Panama on principles for working out the Panama Canal negotiations demonstrated a new political will to resolve outstanding problems. Somewhat earlier, we also found a basis for agreement with Mexico over the long time irritant of the quality of the waters of the Colorado.

I was present at a luncheon in New York early last fall when Secretary Kissinger invited the Foreign Ministers of Latin America and the Caribbean to embark with him on a "new dialogue". He suggested that the Latins get together and decide what they would like to discuss. The Latin American Foreign Ministers met in Bogota in November, decided on an 8-point agenda and came to a common position on the items on that agenda.

I was also present in February in Mexico City, when Secretary Kissinger met with the Foreign Ministers for full and remarkably candid discussions, on the eight items on the Latin American agenda, plus two items which we had added. Some first steps were taken toward attacking such thorny problems as what to do about multi-national corporations and how to promote the transfer of technology. But the most important thing to emerge from the meeting was a new spirit of trust and cooperation, too long absent, which began to be diffused through inter-American relations. This "spirit of Tlatelolco" has prepared the way for vastly improved relations among the Americas.

Most of this new dialogue has so far taken place outside the framework of the OAS—the traditional regional institution. The issues and the people are the same, so why has the locus of the new dialogue been outside the structure? One reason stems directly from the OAS itself, or more accurately, from the rigidity that has characterized some of the institutions of the inter-American system in recent years.

For too long the OAS has been a forum for formal statements of positions, not for

solving problems. This was not a particularly suitable atmosphere for new initiatives or for the freewheeling style of the new U.S. Secretary of State.

A second reason for holding the dialogue outside the OAS is that some of the countries of the Americas are not members. Guyana is effectively barred from membership by an article of the OAS Charter which denies accession to aspiring members which have territorial disputes with existing members. Other new countries, such as the Bahamas, have not yet decided whether they wish to join. Canada is not a participant and the Cuban issue has proved divisive in OAS forums.

The dialogue among the Foreign Ministers has been the central element in inter-American relations over the past eight months. At the same time, most of the decisions taken by the Foreign Ministers have either been assigned to inter-American institutions or else ad hoc working groups are being set up outside the OAS to work out the necessary ways and means of implementation.

If, over time, the nations of the hemisphere set up permanent institutions outside the framework of the OAS to deal with inter-American problems—in other words, if the Foreign Ministers decide that the OAS can't or won't do the job—then we would have to ask some hard questions about the future of the OAS as an institution. Right now, however, we are embarked on what seems to me to be a constructive course of action, that of seeking to instill the spirit of the dialogue into the Inter-American System and to reinvigorate and reshape its institutions to deal with the needs of today and tomorrow.

In 1973 the General Assembly of the OAS created CEESI—The Special Committee to Study the Inter-American System and Propose Measures for Restructing It.

The Special Committee has been laboring off and on for a year both in Lima and in Washington on reforms in the principles and the workings of the Inter-American System. But so far it has concentrated most on divisive substantive issues and has made little real progress.

The OAS General Assembly in its recent meeting in Atlanta made perhaps its most important decision in directing the Special Committee to continue its work and to submit its final report, including recommendations for correcting the procedural and operational deficiencies of the organization, by February 15, 1975. The General Assembly also gave the OAS Permanent Council power to serve as a sort of board of directors, to give more direction and purpose to the OAS's activities. The U.S. strongly supported both of these resolutions. At Atlanta, the member nations gave considerable evidence of their intent to instill the Spirit of Tlatelolco and the procedures of the dialogue into the OAS.

The Special Committee resumed its deliberations yesterday in Washington and I think the results of its labors will go a long way toward answering the question, "Whither the OAS?"

I would like to say a further word here about the Atlanta General Assembly because it demonstrated so clearly the OAS's capacity both for positive achievement and for wheelspining. Certainly there was in Atlanta a spirit of getting on with the resolution of outstanding problems—as evidenced by the Council reform and the directions given to the Special Committee. A new program budget, with emphasis on developmental programs, was also approved at Atlanta. But there was also ample evidence that the OAS members have not yet made a decision to bite the bullet on many issues. The old pattern of lengthy traditional statements of positions was still quite visible. The old habit of shuttling problems from one organ of the OAS to another without resolution was still very much in evidence.

* * * * *

Let me discuss briefly but candidly some of the substantive problems we must confront in the inter-American arena. A broad complex of problems is encountered under the heading of the phrases "cooperation for development" and "collective economic security". These are the subjects which have received the greatest emphasis in the dialogue of the Foreign Ministers and have been accorded priority by the Atlanta General Assembly in the effort to reform the Inter-American System.

If I understand them correctly, (and these terms have not been clearly defined) what the Latin Americans are saying here is that national development possibilities are conditioned by the external circumstances which affect the international transfer of resources. They are talking not only about official development assistance—foreign aid, as we usually call it—but about all of the channels of resource flows through trade, private investment, technological transfer, and international payments mechanisms.

They hold, as we do, that the basic responsibility for development is that of the individual nation itself. Insofar as domestic development is constrained by external factors, they hold that U.S. and other developed countries have a moral obligation to make external resources available. To fulfill this obligation the U.S. must grant trade preferences, and stimulate the transfer of technology, and of course, increase the level of official capital flows. The U.S. should do this "without imposing unilateral conditions". What this amounts to is that resources should be made available without using criteria other than technical ones; that external assistance should not be used to achieve political objectives, to influence the form of government, or to persuade a government to take any specific action or to reverse some action already taken.

In other words, if some Latin American country seizes a U.S. fishing boat 130 miles at sea, or expropriates a U.S. firm without just compensation, this does not justify cutting off U.S. assistance.

Obviously, this view gives us a few problems. It is very difficult to convince a U.S. citizen that the U.S. government should stand by and do nothing when he gets picked up and fined for fishing in what the U.S. regards as international waters. It is also difficult to convince a U.S. businessman that the U.S. government should do nothing when his firm's foreign subsidiary is expropriated without compensation. It may also be hard to convince the U.S. taxpayer that his tax dollars should continue to flow to countries which take actions he views as hostile to the interests of the United States.

It is questions such as these which must be examined frankly and openly if the new dialogue is to become meaningful in our normal relationships with one another.

In considering cooperation for development, it is impossible to avoid the issue of foreign private investment. As you know, some unfortunate history colors this issue. But U.S. companies do have productive investments in many places in Latin America and, seen from the other side, the amount of public funds available from all of the developed nations can never be sufficient to provide adequate developmental capital. Foreign private investment becomes at once a necessity and a problem.

Most of the governments of the hemisphere recognize the importance to their development of foreign private capital and expertise. Sometimes, however, foreign companies become too prominent in the economic landscape. We have seen reaction in Canada and Australia, as well as Latin America, to what is perceived as foreign domination of the economy. Fortunately, in most cases, the governments and companies are wise enough to work out reasonable solutions. But sometimes there is confrontation that sours relationships for years to come.

This whole question of private investment cries out for more factual analysis and for mutually beneficial accommodation between the interests of the host country and the foreign private investor. There are a number of things we can and should do to improve the conditions of resource flows to Latin America, but to do these things will require support from the Congress and the people of the United States. This support is difficult to obtain unless the Latin American countries show a willingness to arrive at ways to avoid or at least mitigate the kind of problems we have been talking about. That is why it is a very healthy sign that the Foreign Ministers agreed in Washington to set up an ad hoc working group to look at the issue of multinational corporations and that the OAS General Assembly, in a complimentary move, directed a study of the same subject.

The concept of collective economic security, as a conceptual framework for dealing with the problems of interdependence, has considerable appeal. Among other things, the concept recognizes that security is not simply a question of safeguards against armed aggression, as essential as these safeguards are. In the lives of nations, as well as individuals and families, economic security can be a dominant factor. Nor should it be overlooked that causes of violence in the world are often closely linked to the economic well-being of nations. And finally, the concept implies corresponding duties and obligations for both developed and developing nations.

But as this concept is sometimes presented, it takes on a one-sided cast. Collective economic security becomes solely a mechanism to prevent the U.S. from taking actions viewed by some Latins as "economic aggression". An example of "economic aggression" in their view might be when the U.S. decides to suspend assistance to a Latin American country as a result of uncompensated expropriations. Another might be when the U.S. or perhaps a more powerful Latin neighbor adopts policies which adversely affect the economic interests of a small country. The idea which some have proposed is to create a mechanism for a collective response which would force the U.S. (or possibly Brazil or Mexico) to cease and desist and perhaps even compensate for injury caused by such "economic aggression".

This is clearly unrealistic. We accept the basic concept, and in advance of negotiations on the specific issue of collective economic security, are now engaged in an effort to write regulations under which adequate prior consultation would assure that all interests are taken into consideration when economic decisions are made. But—it would be sad indeed if a "system of collective economic security" would turn out to be merely a mechanism for confrontation.

* * * * *

The atmosphere of U.S.-Latin American relations is good.

It is inevitable that in this early stage of building up our relations, there would be something of a we-they relationship, as we work to resolve existing we-they problems. But more and more we are leaving the paternalism of the past behind us, and trying to adopt the key concept of mutuality. We

will help Latin America in the achievement of its goals, and we are confident that the countries of Latin America are prepared to be helpful to us and one another in those areas where they can be. As Secretary Kissinger has pointed out, this does not mean a quid pro quo—a one-for-one tradeoff. As a wealthier and more powerful nation we are prepared to do more, as should the more affluent Latins, to assist the poorer nations in their efforts to improve the quality of life of their citizens.

In short we hope that the new spirit which the meetings of Foreign Ministers have established has produced an atmosphere in which we can recognize our interdependence and our respective interests in a wide range of regional and global problems. Mutual effort and understanding should enable us to confront problems rather than confront one another. Considering the complexity of the problems, no one should expect the task to be easy.

Cautious optimism is an overworked expression, I know, but that is how I feel about the prospects for significantly improved hemispheric relations in the years just ahead.

RECENT ELECTIONS IN THE DOMINICAN REPUBLIC

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

Mr. FASCELL. Mr. Speaker, as my colleagues in the House are well aware, elections recently took place in the Dominican Republic in which this important Caribbean nation relected President Joaquin Balaguer to a third successive term. This event was a significant one both for the Dominican people and the United States. It was significant because only 9 years ago this nation was torn by a civil war which sparked a controversial involvement of the United States in its affairs. The past election was the third Presidential election since the civil war. This election and the economic and social progress made in the last 9 years indicate that the people of the Dominican Republic are devoting themselves to the democratic development of their country.

Three weeks ago I was visited in my office by the Honorable Pedro Morales Troncoso, Secretary of State of the Dominican Republic Without Portfolio. He came as a special emissary of President Balaguer to counter certain reports regarding Dominican elections which appeared in the U.S. press. Several news articles have appeared claiming that the past election was "mere ritual" and that there had been widespread boycotting of the election and many abstentions. Secretary Morales is an articulate and highly informed statesman who is proud of his country's accomplishments and speaks well for them. I appreciated President Balaguer's thoughtfulness in sending him to see me.

Secretary Morales has put forth his position regarding the elections in a letter printed June 4 in the Miami Herald. Mr. Speaker, I include the text of this letter to be printed in the RECORD:

DEMOCRACY WON IN DOMINICAN ELECTION

Letters to the EDITOR:

Now that the returns of the presidential election in the Dominican Republic are in, that event should be viewed in fair perspective, particularly in light of contemporary news accounts depicting the balloting as "more ritual" than a test of popular will because of allegations of "massive protest absenteeism."

These articles contain factual errors which obscure the reality of an impressive exercise of political democracy in my country.

The undisputed fact is that President Balaguer won a successive elected third term through a popular landslide.

In all, there are two million eligible voters in the Dominican Republic. As in the United States, not every eligible voter goes to the polls and I would conservatively estimate that the normal Dominican "attrition" rate is 20–25 per cent. This leaves a total of some 1.6 million votes. Of this total, President Balaguer received nearly one million votes, a clear victory by any test, and a number of votes substantially surpassing his 1966 and 1970 victory margins. More than one half of the 600,000 remaining votes were divided between the other opposition parties, were improperly cast or are still being counted, the latter being farmer votes cast in the cities.

At best then, there were 175,000–200,000 remaining votes that might reasonably be characterized as true "abstentions" or "boycotts." Even if one were to attribute each and every one of these so called abnormal "abstentions" votes to the "Santiago Accord," the coalition of parties that decided to boycott the election at the eleventh hour, President Balaguer indisputably won the election by a wide majority. Of these so-called abstentions votes, however it is reasonable to also assume that numbers of Partido Reformista (President Balaguer's party) decided not to vote at all because they could not vote against the withdrawn Santiago Accord (many have told me this) or because they felt that President Balaguer was a clear choice.

It is unfortunate that the "Santiago Accord," the main opposition group, withdrew at the last moment. This is not an untraditional characteristic of Latin American politics, where unlike American elections, the losers never congratulate the winners. The Santiago Accord's withdrawal, I believe, was a cynical move to frustrate the smooth functioning of the electoral system, and the constitution and was motivated by prior knowledge of imminent defeat.

In sum, nearly one million voters cast their ballots for President Balaguer out of a range of 1.6 million voters. This was an unprecedented vote of confidence in his record on social and economic development established over the past eight years. These years have seen the implementation of land and redistribution laws, a "concrete revolution" in dams and roads and rapid strides in schooling, tourism, education and medical care.

While we are struggling daily, as the entire hemisphere is, with inflation and unemployment and with the problems of rural migration to urban centers, our free institutions are creating the twin foundations of stability and confidence.

PEDRO E. MORALES TRONCOSO,
Secretary of State Without Portfolio,
Santo Domingo, Dominican Republic.

HUD ANALYSIS AND INDEPENDENT HOUSING ANALYSIS

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

Mr. TALCOTT. Mr. Speaker, during recent hearings before the HUD, Space, Science and Veterans' Subcommittee of the Committee on Appropriations there was discussion of the comparative costs of housing provided under the revised section 23 rental assistance program, and under the older section 236 program.

Because we will be considering the fiscal year 1975 appropriation for the Department of Housing and Urban Development this Wednesday, I am sure that many Members would appreciate the opportunity to study the information before the debate.

Therefore, I am including in my remarks at this point copies of an analysis provided by HUD, and an independent analysis made by a housing expert on the staff of the Library of Congress. I urge all Members to notice that there are two tables: I, based on an annual income of $3,240 and II, based on an annual income of $8,260; then an analysis of the HUD tables prepared by the Congressional Research Service, the Schechter report, then a series of questions submitted by our committee and responses thereto by HUD, and then an evaluation of the HUD answers by the CRS, and, finally, a rebuttal to the CRS evaluation supplied by HUD.

Housing is not only an urgent national need—for shelter and jobs; it is a highly complicated and complex subject which involves most aspects of our society. All segments of our society are involved as consumers, builders, financiers, maintainers and taxpayers.

Unfortunately, policies and arguments are sometimes based on different assumptions. The housing industry is in a state of flux.

The new housing and urban development authorization bill passed by the House last week, and now headed for a stormy conference, will probably modify the section 23 programs—further complicating the subject and adding new dimensions to the implementation of our housing goals.

I believe that these honest differences of opinion among experts in the field indicate that the best course will be for the Congress to allow HUD to proceed with proposed section 23 projects. We will then be able to obtain a true comparison of costs with other housing programs, particularly section 236 projects now in progress. This is the method members of our subcommittee have decided to adopt, and we have already informed the Secretary of Housing that we will take a long and careful look at all of the data they are able to develop in the coming year.

I include some extraneous materials including tables:

TABLE I.—COST COMPARISONS [1] OF SUBSIDIZED HOUSING PROGRAMS SERVING A FAMILY WITH INITIAL ANNUAL INCOME OF $3,240

	Conventional public housing	Sec. 236		Revised sec. 23 program		
		With rent supplement	Without rent supplement	State financing [2]	FHA insured	Conventional financing
Gross rent	$2,610	$3,440	(3)	[4] $4,440	$3,440	$3,440
Tenant contribution [5]	810	810	(3)	810	810	810
Direct subsidy	[6] 1,800	2,630	(3)	2,630	6,230	2,630
Indirect subsidies:						
Foreclosure [7]		[8] 35	(3)		35	
HUD Administration	20	20	(3)	20	20	[9] 10
LHA Administration	([10])		(3)	[11] 80	[11] 80	[9] 80
Federal tax foregone	[12] 1,520	[13] 102	(3)	[14] 1,520	65	65
Local tax foregone	[12] 940		(3)			
Total indirect subsidies	2,480	175	(3)	1,620	200	155
Total annual subsidy per unit [15]	4,280	2,805	(3)	4,250	2,830	2,785

[1] All estimates reflect 1976 projected price levels.
[2] Tax-exempt State bond financing without Federal guarantees.
[3] Cannot serve a family with an annual income of $3,240.
[4] Assumes increased amenities instead of rent reduction as result of State financing.
[5] 25 percent of gross income of $3,240.
[6] Includes annual contribution and operating subsidies.
[7] Costs in excess of MIP receipts, which are included in gross rents and estimated at $115.
[8] Actual experience indicates a somewhat higher foreclosure cost for 236.
[9] Reflects absence of Federal or State processing for financing.
[10] Included in gross rent.
[11] Could be reduced under pending legislation.
[12] Estimates based on National Housing Policy Review.
[13] Reflects special tax treatment unique to 236.
[14] Assumed the same as LHA bonds.
[15] The commitment is 20 yrs for sec. 23, 40 yrs for conventional public housing and 236. For example, costs could be $171,200 for conventional public housing, $113,200 for 236 with rent supplement and $56,600 for sec. 23 with FHA insurance (undiscounted).

TABLE II.—COST COMPARISONS* OF SUBSIDIZED HOUSING PROGRAMS SERVING A FAMILY WITH INITIAL ANNUAL INCOME OF $8,260

	Conventional public housing†	Sec. 236		Revised sec. 23 program		
		With rent supplement‡‡	Without rent supplement	State financing [1]	FHA insured	Conventional financing
Gross rent			$3,440	[2] $3,440	$3,440	$3,440
Tenant contribution [3]			2,065	2,065	2,065	2,065
Direct subsidy			1,375	1,375	1,375	1,375
Indirect subsidies:						
Foreclosure [4]			[5] 35		35	
HUD Administration			20	20	20	[6] 10
LHA Administration				[7] 80	[7] 80	[7] 80
Federal tax foregone			[8] 120	[9] 1,520	65	65
Local tax foregone						
Total indirect subsidies			175	1,620	200	155
Total annual subsidy per unit [10]			1,550	2,895	1,575	1,530

[1] Tax-exempt State bond financing without Federal guarantees.
[2] Assumes increased amenities instead of rent reduction as result of State financing.
[3] 25 percent of gross income of $8,260.
[4] Costs in excess of MIP receipts, which are included in gross rents and estimated at $115.
[5] Actual experience indicates a somewhat higher foreclosure cost for 236.
[6] Reflects absence of Federal or State processing for financing.
[7] Could be reduced under pending legislation.
[8] Reflects special tax treatment unique to 236.
[9] Assumes the same as LHA bonds based on National Housing Policy Review.
[10] Commitment is for 20 yrs for sec. 23, 40 yrs for sec. 236, e.g., sec. 236 could cost $62,000; sec. 23 State-financed $57,900; sec. 23 FHA-financed $31,500; sec. 23 conventionally-financed $30,600 (undiscounted).
* All estimates reflect 1976 projected price levels.
† Family with income of $8,260 considered overincome.
‡ Rent supplements not necessary to serve a family with an income of $8,260.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., May 24, 1974.

To: House Appropriations Subcommittee on HUD, Space, Science and Veterans.
From: Economics Division.
Subject: HUD subsidy cost comparisons for Section 23 versus Section 236 and conventional public housing.

This memorandum is with reference to Tables I and II on Cost Comparisons of Subsidized Housing Programs, submitted for the record of hearings before your subcommittee on May 21, 1974. All estimates in that table

A. *Section 236 versus Section 23 cost comparisons:*

1. *Assumption of equal gross rent:*

On both tables, an estimated gross per unit annual rent of $3,440 is shown for Section 236 and for Section 23 under each of three different types of financing. The three types of financing for Section 23 are State financing, FHA-insured financing, and conventional financing.

The question of cost differences, which would cause rent differences, is largely assumed away by the assumption of equal per unit gross rents under Section 236 and Section 23. There is a recognition that amenities and development costs might be different, at least with respect to State financed Section 23 projects. This recognition is reflected in a footnote which "assumes increased amenities instead of rent reduction as a result of State financing."

As a practical matter, there probably also will have to be greater amenities in Section 23 projects with FHA-insured and conventional financing than in Section 236 projects. Since Section 23 projects capable of attracting mostly non-subsidized tenants are to receive subsidy support preference, such projects will have to be designed with more amenities than Section 236, in order to be competitive in the non-subsidized market. The necessity for HUD to permit such greater amenities and costs and rents under Section 23 also relates to the types on FHA-insured mortgage financing which are permitted, namely, 207, 220, 221(d)4, 231 and 221(d)(3). The latter would be limited to non-profit sponsors. Required processing procedures under the applicable mortgage insurance program must be followed. Such procedures will include an FHA analysis of the marketability of the proposed project units, including a market comparison analysis in the same and competitive neighborhoods. Under such procedures, HUD will have to allow for competitive amenities for non-subsidized housing in FHA-insured and conventionally financed housing when it sets its Fair Market Rent for a locality.

The inclusion of greater amenities in non-subsidized rental housing is reflected in available data with regard to average living area per unit in projects started with FHA-insured mortgage financing in 1972, as follows:

Square feet of living area per unit

Program:	
Section 207	892
Section 221 market interest rate	807
Section 236	740

The greater size, and amenities which go with it, will generally be reflected in greater replacement costs, requiring greater mortgage amounts and equity investments in housing which can be built under Section 23 than under Section 236. An exception to the latter observation is with respect to projects financed with Section 221 market interest mortgages, primarily under Section 221(d)(4). Due to mortgage amount limitations, however, Section 221 market interest rate projects have been concentrated in smaller localities. Thus, as shown in Table 1, over 48 percent of Section 221 market interest rate mortgages have been in places of under 50,000 population. Only 3 percent have been in areas of 1 million or more population.

Based on available 1973 data, the differences in per unit mortgage amount and equity investment, and the resultant differences in rents as compared with Section 236, have been estimated in Table 2. Based on that analysis, it appears that average annual rents would exceed those in Section 236 projects by about $400 in Section 207 or conventionally financed projects and about $800 in Section 220 projects. In contrast, in Section 221 market interest rate projects without rent supplements would be about $100 per year less than in Section 236 projects.

TABLE 1.—PERCENTAGE DISTRIBUTION OF UNITS IN SELECTED FHA PROGRAMS BY SIZE OF PLACE AS OF END OF 1972

Size of place	Percentage distribution of units under—				
	Sec. 236, regular	Sec. 236, elderly	Sec. 207	Sec. 220	Sec. 221, market rate
Under 50,000	40.4	27.7	22.3	2.8	48.4
50,000 to 249,999	25.5	32.8	21.6	10.6	24.2
250,000 to 999,999	25.6	34.8	18.8	39.2	24.0
1,000,000 or more	8.5	4.7	37.3	47.4	3.4

Source: HUD Statistical Yearbook, 1972, table 163.

TABLE 2.—ESTIMATED GREATER (+) OR LESSER (−) AMOUNT OF AVERAGE MORTGAGE AND EQUITY AND RELATED DIFFERENCES IN RENT BETWEEN SEC. 236 PROJECTS FINANCED UNDER OTHER PROGRAMS OR METHODS, AS INDICATED

Item of difference estimated	Sec. 207 [1]		Sec. 220 [1]		Sec. 221 market rate [1]		Conventional [3]	
	Amount of difference	Difference in rent	Amount of difference	Difference in rent	Amount of difference	Difference in rent	Amount of difference	Difference in rent
Average mortgage amount	+$4,167		+$8,176		−$901		+$1,823	
Annual debt service	+376	+$376	+738	+$738	−81	+$81	+165	+$165
Equity investment average	[2] +463		[2] +909		[2] −100	−6	+2,808	
Return on equity at 6 percent	+28	+28	+55	+55	−6			
Return on equity at 8 percent							+225	+225
Difference in rents based on debt service and equity return		+404		+793		−87		+380

[1] Based on projects committed by FHA for insurance in 1973; mortgage amount, based on HUD-HPMC 301 reports.
[2] Estimated on basis of assumption that mortgage equals 90 percent of total replacement cost.
[3] Estimated that total replacement cost would be same as under 207 but mortgage would be for only 80 percent, and debt service factor would be same as under 207 because higher interest rate of ⅛ of 1 percent would be offset by absence of a mortgage insurance premium; return on equity estimated at 8 percent instead of maximum of 6 percent under FHA programs.

Note: Memorandum as to basic data—Average unit mortgage amounts and estimated replacement costs and equity for mortgage insurance commitments issued during 1973:

Program	Mortgage amount	Estimated replacement cost	Estimated equity investment
Sec. 236, regular	$16,933	$18,814	$1,881
Sec. 207	21,000	23,444	2,344
Sec. 220	25,109	27,899	2,790
Sec. 221, market rate regular	16,032	17,813	1,781
Conventional [1]	18,755	23,444	4,689

[1] Wholly estimated—see footnote 3 above.

Since 221 market rate projects are not feasible in many larger areas, where costs are higher and greater amenities are required by market competition, however, a large proportion of the FHA-insured Section 23 projects will be financed under other eligible FHA mortgage insurance programs than 221. Also, judging from prevalent patterns of multifamily financing patterns in recent years, a high proportion of all Section 23 projects will probably be financed conventionally. Even if as much as one-third of the Section 23 projects are financed with 221 market rate projects, and the other two-thirds are divided equally between other FHA mortgage insurance programs and conventionally financed, the average Section 23 rent would be about $300 per year more than the average Section 236 rent, based on 1973 data.[1] By 1976, the year for which the projected $3,440 average rent has been estimated, the difference would probably be 15 percent higher or about $345. This difference in rents also represents an equivalent amount of difference in required subsidy, since the tenant's payment share will be fixed as a percentage of his income.

2. *Federal tax foregone—privately financed units:*

Federal taxes foregone are shown as $120 per unit per year for 236 and $65 per unit per year for privately financed Section 23 units. The difference is attributed to special tax treatment unique to 236.

If this difference is attributed to capital gains treatment of recaptured excess depreciation (i.e., accelerated depreciation in excess of straight line depreciation) in sales proceeds in 10 years under 236 instead of 16⅔ years under other financing, it is unlikely to be realized. Section 23 leases, practically assuring occupancy, can be renewed for up to 20 years, encouraging ownership for that period. After 16⅔ years of ownership all excess depreciation proceeds are treated as capital gains.

If the difference is supposed to be due to the deferral of tax payment on capital gains when there is a "roll over" sale to tenants, it should be noted that very few, if any, "roll over" sales have taken place.

For these reasons, the greater foregone taxes of $55 per unit per year attributed to Section 236 than Section 23 should be completely discounted.

3. *Revision of HUD comparative cost estimates:*

Revision of the HUD cost comparisons to reflect the above findings as to Federal taxes and average $345 rent differences would show the following changes in total annual subsidy costs per unit.

(a) SUBSIDIZED HOUSING PROGRAMS SERVING A FAMILY UNIT WITH INITIAL ANNUAL INCOME OF $3,240

	Sec. 236 with rent supplement	FHA-insured financing	Conventional financing
HUD estimates	$2,805	$2,830	$2,785
Revised estimates	2,750	3,175	3,130

(b) SUBSIDIZED HOUSING PROGRAMS SERVING A FAMILY WITH INITIAL ANNUAL INCOME OF $8,260

	Sec. 236 without rent supplement	FHA-insured financing	Conventional financing
HUD estimates	$1,550	$1,757	$1,530
Revised estimates	1,495	1,920	1,875

b. Section 236, conventional public housing and State financing:

1. *Taxes foregone due to tax-exempt financing:*

Federal tax foregone with public housing or State tax-exempt financing is shown as $1,520 per unit per year. A mortgage insurance premium amount of $115 per unit per year is shown in footnotes with respect to FHA-insured projects. Since the mortgage insurance premium is ½ of 1 percent, an average mortgage amount (or equivalent other debt obligation) of $23,000 per unit apparently has been assumed. A $1,520 tax loss equals more than 6½ percent of the per unit debt amount. Furthermore, if the average holder of a tax-exempt bond is in the 50 percent marginal income tax bracket, this would imply about a 13 percent interest rate on tax-exempt bonds. A more realistic estimate, assuming a liberal 6 percent interest rate on tax-exempt bonds, would be a tax loss of $690.

2. *Local property taxes foregone on public housing:*

Table I (only) includes an allowance for local taxes foregone of $940. Since local losses are being counted, an offsetting local gain of equity in land and structures as the bonds are amortized should also be counted. The land which accounts for 5 percent of total development costs, will certainly have value, and part of the site improvement value, accounting for about another 10 percent will also remain. The value of those assets, plus a minimum value of structures that could still be used, suggest that the remaining value of land and structures will be at least 20 percent of the original development cost of $23,000, or $4,600 would remain in local public ownership after the bonds are paid off. That would represent an average of $115 per year over 40 years.

3. *Revision of comparative cost estimates:*

Revision of the HUD cost comparisons to reflect the above findings and those in Section A of this memorandum would show the following changes in total annual subsidy costs per unit:

(a) SUBSIDIZED HOUSING PROGRAMS SERVING A FAMILY WITH INITIAL ANNUAL INCOME OF $3,240

	Conventional public housing	Sec. 236 with rent supplement	Sec. 23		
			State financing	FHA-insured	Conventional financing
HUD estimates	$4,280	$2,805	$4,250	$2,830	$2,785
Revised estimates	[1] 3,335	2,750	3,420	3,175	3,130

[1] Based on 221 market rents averaging $100 less than 236, other FHA units $600 more and conventionally financed $400 more than 236.

[1] If the public housing subsidy is estimated only on the basis of cash Federal outlays ignoring Federal taxes foregone, local property taxes foregone and the value of and and structures remaining after full debt repayment it is $1,820.

(b) SUBSIDIZED HOUSING PROGRAMS SERVING A FAMILY WITH INITIAL ANNUAL INCOME OF $8,260

	Sec. 236 without rent supplement	Sec. 23		
		State financing	FHA-insured	Conventional financing
HUD estimates	$1,550	$2,895	$1,575	$1,530
Revised estimates	1,495	2,065	1,920	1,875

COST COMPARISONS OF SUBSIDIZED HOUSING PROGRAMS

HUD RESPONSE TO COMMITTEE QUESTIONS

Q. 1. Assuming that the priority for Section 23 projects with 20 percent or less assisted units has the desired effect, a large proportion of the projects will have to be designed to attract non-subsidized tenants. They would have to be marketable in competition with other non-subsidized housing. That requirement would be enforced by FHA for insured mortgage financing and by lenders for conventional financing. In order to be effectively competitive in the non-subsidized market, wouldn't the Section 23 projects have to have units with greater living areas and amenities than non-competitive Section 236 units. To support such competitive features, won't the fair market rental have to accommodate the required cost in excess of Section 236 costs. And won't this generally require significantly greater gross rents and and subsidy costs under Section 23 than would be possible under Section 236? What were the comparable market rents for new units of a given size (number of bedrooms) in the same locality in 1972 or 1973, under 236 and under each of the FHA-insured programs eligible for Section 23 financing?

A.1. In the Section 236 program the builder-developer had a strong incentive to maximize his profits by adding amenities in order to bring costs up to the maximum insurable mortgage amount. The Section 23 projects are likely to cost less than Section 236, because developers must bid competively in order to secure the subsidy, and since the ACC limits the amount of rent, he has the incentive to keep the initial rent low by economizing on construction costs so as to have a margin for rent increases in the future.

Again, because there was no need to compete for unsubsidized tenants, the builder-developer did not have a strong incentive to produce a given level of amenities in the most efficient cost-effective manner possible. Because of this and other factors, the National Housing Policy Review found that for any given level of amenities, Section 236 costs were some 20 percent higher than the costs of conventional units competing on the private market.

A comparison of new Section 236 two-bedroom units with all recently completed units in 15 cities found that Section 236 rents exceeded the rents for all new units in 12 of the 15 cities by amounts ranging from $10 to $97 per month. In the other three cities payments were lower by only $10 to $15 per month. Although the bedroom sizes used in these comparisons are not exactly comparable, the large rent differentials are at least indicative of significantly higher rents being charged for 236 units.

The only data offered in the CRS study which supports the contention that Section 23 would have higher costs is that the square footage of the average Section 236 unit is lower than that in the average 207 and 221 unit. However, this comparison would only be meaningful if the projects being compared were comparable in both age and location. Clearly, they are not. The 221 data is more heavily weighted with rural sites where land is relatively cheap and such favorable land cost differential can be used to increase unit size.

A.1. Even if it could be shown that in the past Section 221 and 207 projects were produced with greater amenities and larger living space, there is no reason to believe these programs used in conjunction with the Revised Section 23 Regulations, which prohibit "luxury" housing (See HUD Handbook 7431.1), would produce housing with the same high level of amenities (and high costs) in the future.

Q.2. Federal taxes foregone are calculated as $55 per unit per year greater under Section 236 than under Section 23 due to a tax treatment unique to Section 236. What is this unique treatment? If it is supposed to be the deferral of taxation of capital gains from a "rollover" sale to tenants and reinvestment of sales proceeds in another Section 236 project, what is the number of such project rollover sales that have been consummated and what percentage of 236 projects insured through 1973 does this number represent? If the unique treatment is supposed to be the capital gains treatment of all sales proceeds above book value after 10 years for 236 projects, and 16⅔ years for all other rental housing, won't this wash out if the Section 23 owner retains ownership for the 20-year maximum Section 23 lease period?

A.2. The roll-over provision (Section 1039), wherein taxation of capital gains is deferred upon sale of the housing to the tenants followed by reinvestment of the proceeds in another Section 236 project, was estimated to result in more Federal tax foregone under Section 236 than under Section 23. The optimum time for disposition of a low- or moderate-income project is 10 years, when all excess depreciation is converted to capital gains under Section 1250. It was assumed that the privately financed projects would be sold after 10 years, and the proceeds from the Section 236 project would be reinvested in another low-income project, thus deferring the tax on the capital gains another 10 years. At a 6 percent discount rate, the present value of a tax payment 10 years in the future is about 1.8 times greater than the present value of a tax payment 20 years in the future. This factor was applied to the Federal taxes foregone under Section 236 to estimate a lesser tax loss of about $65 for other low- and moderate-income housing which is not subject to the "roll-over" provision. The optimum time to dispose of most Section 236 projects from a tax viewpoint has not yet been reached, so that it is not surprising that the provision has not yet been utilized to any extent. Nevertheless, the provision is certainly of great future importance as 236 projects approach the optimal roll-over time.

The fact that Section 23 leases may extend for as long as 20 years does not imply that owners will hold it for that long. Many may perceive higher rates of return on other investments and therefore it is likely that a significant number will opt out of lease renewals by the 10th year.

Q.3. Federal tax foregone under public housing and State tax-exempt financing is shown at $1,520 per unit per year. What assumptions have been made as to the per-unit capital debt amount, the interest rate on the tax-exempt securities issued, and the average marginal income tax rate of the holders of such securities issued, and the average marginal income tax rate of the holders of such securities? And how have these factors been applied arithmetically to arrive at the $1,520 per-year figure?

A.3. The conventional public housing program traditionally has been built to a higher set of construction standards than has privately owned housing, and requires a much longer development time, averaging about 48 months. These difference give rise to higher total development costs than are the case in the Sections 23 and 236 programs. Also, publicly owned housing experiences a different set of operating costs due to tax exempt interest on the capital financing, and local property taxes foregone.

For these reasons, conventional public housing was treated as a special case, and subsidy costs were based on actual budget projections of average annual contributions needed in FY 1976 for conventional public housing units. The budget figure was $1,785 per unit. This amount was reduced to $1,700 to account for the slightly smaller units (in bedroom sizes) produced under the Sections 236 and 23 programs. An additional payment of $100 per year in operating subsidies was also assumed, at least for the early years of the program, for a total direct subsidy cost of $1,800.

The annual contribution of $1,700, at a 6 percent bond interest rate, will support a total development cost of $25,700. This compares with a mortgage amount of $23,000 under the other programs. At the 6 percent rate the interest payment in the first year is about $1,537, and the average over the first five years is $1,516. This was rounded to $1,520 of average annual interest income to the holder of the bond.

A.3. At a 50 percent marginal tax rate, $1,520 in tax-exempt interest income is equivalent to $3,040 in taxable interest income, and the tax loss to the Treasury is the difference between the $3,040 in taxable income and the $1,520 in income after taxes, or $1,520. At a lower marginal tax rate, the Treasury loss would be less, of course, while the converse is true if a higher marginal tax rate had been assumed.

Q.4. Since local property taxes foregone are counted as a public housing cost, shouldn't there also be an offset to costs in the form of local agency equity value accumulated in land and structures as the capital debt is paid off? How many units will there be in projects that become debt free within 10 years? And what will be the estimated average current per-unit value of land and structures in those projects?

A.4. It is true that a local public body would retain ownership of the land underlying publicly owned local public housing projects after 40 years when the capital debt is fully amortized. Also, the structure, still should remain on the land. However, despite traditional theory concerning the residual value of land, it is premature to assume that this land will still have value, or that the structures will still retain some useful economic life. Both may have zero value, such as is true currently with many inner city properties. This value may even be negative if structure demolition costs exceed residual land value. Even if a residual value remained, the discounted present worth of that value of 40 years hence would be minimal. Local property tax exemption in excess of payments in lieu of taxes is significant and is a cost which is present from the time of initial acquisition of the project land by an LHA.

EVALUATION OF ANSWERS SUPPLIED BY THE DEPARTMENT

1. The response to question one does *not* provide comparable market rents for new units of a given size (number of bedrooms) in the same locality under 236 and FHA programs eligible for Section 23 financing. Such data should be available from accumulated program statistics.

The validity of the 15 city comparison of 236 and other rental unit costs is questionable. *In Housing in the Seventies*, the data from the 15 cities, identified as the HUD rent survey data, were not used because, as was explained in the supplementary HUD *Technical Record*, rents were not adjusted for differences in amenities or neighborhood characteristics.

As is noted in the HUD reply, the bedroom sizes used in the comparison "were not exactly comparable." To compare rents of units with different rent sizes and different ameni-

ties does not provide a meaningful answer to the question.

2. The HUD reply indicates that in the table it apparently was assumed that *all* Section 236 units would be sold under the "roll-over" tax benefit provisions. It is claimed in the HUD reply that this would happen after ten years of ownership—which would be the most propitious time for such sales. Actually, the most propitious time may be much earlier, depending upon sales price. Organizing a tenant group to purchase the project will prove most difficult at any time. Probably, very few, if any, Section 236 projects will be sold under the "roll-over" provision—and the additional tax benefit revenue loss related to 236 on this basis is grossly overstated.

3. The answer to question three reveals a confusion between "Federal tax foregone" and the comparable after tax income value of interest to the bondholder. The Federal tax foregone is only the tax foregone on the tax-exempt interest income, estimated at $1–20. If it is assumed the holder of the tax-exempt bond is in the 50 percent marginal income bracket, then the tax revenues foregone is $760—not the full $1520 in interest income received by the bondholder.

4. The answer to question four was not responsive. It did not give the number of public housing units that would be free of bonded indebtedness and the average per unit value of land and structures. Instead, a hypothetical possibility is raised of negative value, such as is now the case with some inner city properties. The fact is that these are public housing projects that are occupied and in acceptable neighborhoods which will be debt free in a few years. The HUD reply completely evades the reality of the situation which was raised by the question.

RESPONSE TO FURTHER EVALUATION BY THE CRS

1. Originally, the CRS argued that the gross rents would be higher in the Section 23 program because units would have to contain a *higher* level of amenities than Section 236 in order to compete in the private market. We responded suggesting that the incentives in the two programs were such that, if anything, the level of amenities would be lower in the new Section 23 program. *However, for the purposes of most of our cost comparisons we assumed that amenity levels would be the same.*

The data which we presented for 15 cities lent some support for our contention that units which compete on the private market typically cost less than 236 units either because of fewer amenities or because a given level of amenities tends to be provided more efficiently. We admitted that the comparisons were somewhat flawed because bedroom sizes were not exactly comparable, but we believe that the differences which were reported overwhelm any biases introduced by the non-comparability of bedroom sizes.

The reference to *Housing in the Seventies* in the CRS Evaluation is a red herring. It is true that the data which we provided should not be used in comparing costs of a *given* level of amenities, but the main issue raised by CRS is that amenity levels would differ.

Past program data is also irrelevant to the main question raised by CRS since Section 23 regulations have undergone a radical change in order to improve incentives in the program. Only future experience will allow precise estimates of the effects of these changes, but in the interim, we believe that it is quite reasonable to assume that gross rents will be the same in the two programs and *if anything, our estimates are biased against the Section 23 program.*

2. The assumption was made that all Section 236 units *which had not defaulted* would be sold under the "roll-over" tax benefit provisions. Since Section 236 families are of moderate income, generally employed, with income growth rates quite similar to the national average, it was felt that after 10 years they would be able to assume responsibility for the property under some form of ownership. It is also true that the propitious time for roll over may be shorter than 10 years.

These assumptions may or may not be realistic, but *it must be noted that a relatively minor issue is being debated here.* Our estimates assumed a difference of $55 between the taxes foregone under Section 236 and Section 23. Even if CRS is correct in stating that this is a "gross overstatement" and if the estimate is lowered by $30, this amounts to about one percent of the total subsidy cost.

3. We believe that it is the CRS which is confused on the issue of how much Federal tax revenue is lost because of the tax exempt nature of the housing authority bond. They simply ask how much tax would be raised by taxing the *tax-exempt* interest on the bond as though interest rates and the pattern of investment in the country would not be affected by eliminating the exemption on such bonds. This is clearly unrealistic.

However, the fact that CRS takes an erroneous approach does not mean that finding the correct answer is easy. One way of posing the question is to ask how the investor in authority bonds would invest his funds if the housing unit was not built and therefore, the bond was not available. If he invested in a way that stimulated new corporate investment, the increase in tax revenues would be very much more than we estimated since the new income stream would first be taxed by the corporation income tax and then by the personal income tax as it was reflected in increased dividends or capital gains. Of course, there would be other second-order effects as other investors shifted their assets in response to the change in the portfolio of the original investor. If the original investor chose to invest in another tax-exempt or in a different tax shelter, the increase in tax revenues would be less than we estimated unless the second-order effects of other investors being driven out of tax exempts generated considerable tax revenues elsewhere.

We chose a very simple approach which was to assume that the original investor directly sought out an investment which provided the same after-tax income as that received from the tax exempt bond. We ignored the possibility of corporate or other tax revenues being generated.

There are many other approaches to this complex problem and these are discussed in D. Ott and A. Meltzer, *Federal Tax Treatment of State and Local Securities*, Brookings, 1963.

In general, any program using tax free bonds for financing will be relatively expensive. The basic reason is that the revenue losses to the Government exceed the interest saving to the Local Housing Authority. *However, note that even with the CRS estimate of the tax loss, the conventional public housing unit is more expensive than those Section 23 units which do not use State financing.*

4. CRS accuses us of concocting a "hypothetical possibility" that some public housing units will have a negative rather than positive value within 40 years. Unfortunately, projects like Pruitt-Igoe are all too real and some projects will achieve negative values even before 40 years have passed. Some, of course, will have positive values.

However, even if *all* had positive value and if we accepted the CRS estimate of a value of $4,600 per unit in the year 2016, *it must again be noted that a minor issue is being debated.* One way of estimating the implied cost saving is to calculate the sinking fund payment which would accumulate to $4,600 at a 6 percent rate of interest. The amount is $29.73, less than one percent of the subsidy amount. (The CRS calculations did not apply a discount factor to the $4,600 even though most of this amount will not accrue for a long period of time. Clearly, this procedure is unacceptable.)

CRS requests data on the number of projects which are soon to be free of bonded indebtedness. We do not think that such data is relevant to what may occur between now and 2016, but it is estimated that as many as 100,000 units may be free of indebtedness by 1980.

At this time there are very few projects in this category and we do not have precise estimates of their value.

CONFERENCE REPORT ON S. 2830

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2830) to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus:

CONFERENCE REPORT (H. REPT. No. 93–1147)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2830) to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment to the text of the bill insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Diabetes Mellitus Research and Education Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress makes the following findings:

(1) Diabetes mellitus is a major health problem in the United States which directly affects perhaps as many as ten million Americans and indirectly affects perhaps as many as fifty million Americans who will pass the tendency to develop diabetes mellitus to their children or grandchildren or to both.

(2) Diabetes mellitus is a family of diseases that has an impact on virtually all biological systems of the human body.

(3) Diabetes mellitus is the fifth leading cause of death from disease, and it is the second leading cause of new cases of blindness.

(4) The severity of diabetes mellitus in children and most adolescents is greater than in adults, which in most cases involves greater problems in the management of the disease.

(5) The complications of diabetes mellitus, particularly cardiovascular degeneration, lead to many other serious health problems.

(6) Uncontrolled diabetes mellitus significantly decreases life expectancy.

(7) There is convincing evidence that the known prevalence of diabetes mellitus has increased dramatically in the past decade.

(8) The citizens of the United States should have a full understanding of the nature of the impact of diabetes mellitus.

(9) The attainment of better methods of diagnosis and treatment of diabetes mellitus deserves the highest priority.

(10) The establishment of regional diabetes research and training centers through-

out the country is essential for the development of scientific information and appropriate therapies to deal with diabetes mellitus.

(11) In order to provide for the most effective program against diabetes mellitus it is important to mobilize the resources of the National Institutes of Health as well as the public and private organizations capable of the necessary research and public education in the disease.

(b) It is the purpose of this Act to—

(1) expand the authority of the National Institutes of Health to advance the national attack on diabetes mellitus; and

(2) as part of that attack, to establish a long-range plan to—

(A) expand and coordinate the national research effort against diabetes mellitus;

(B) advance activities of patient education, professional education, and public education which will alert the citizens of the United States to the early indications of diabetes mellitus; and

(C) to emphasize the significance of early detection, proper control, and complications which may evolve from the disease.

DIABETES PLAN

SEC. 3. (a) The Director of the National Institutes of Health shall, within sixty days of the date of the enactment of this section, establish a National Commission on Diabetes (hereinafter in this section referred to as the "Commission").

(b) The Commission shall be composed of seventeen members as follows:

(1) The Directors of the seven Institutes referred to in subsection (e).

(2) Six members appointed by the Secretary of Health, Education, and Welfare from scientists or physicians who are not in the employment of the Federal Government and who represent the various specialties and disciplines involving diabetes mellitus and related endocrine and metabolic diseases.

(3) Four members appointed by the Secretary of Health, Education, and Welfare from the general public. At least two of the members appointed pursuant to this paragraph shall be diabetics or parents of diabetics.

The members of the Commission shall select a chairman from among their own number.

(c) The Commission may appoint an executive director and such additional personnel as it determines are necessary for the performance of the Commission's functions.

(d) Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Commission who are not officers or employees of the Federal Government shall each receive the daily equivalent of the rate in effect for grade GS–18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(e) The Commission shall formulate a long-range plan to combat diabetes mellitus with specific recommendations for the utilization and organization of national resources for that purpose. Such a plan shall be based on a comprehensive survey investigating the magnitude of diabetes mellitus, its epidemiology, and its economic and social consequences and on an evaluation of available scientific information and the national resources capable of dealing with the problem. The plan shall include a plan for a coordinated research program encompassing programs of the National Institute of Arthritis, Metabolism, and Digestive Diseases, the National Eye Institute, the National Institute of Neurological Diseases, the National Heart and Lung Institute, the National Institute of General Medical Sciences, the National Institute of Child Health and Human Development, and the National Institute of Dental Research and other Federal and non-Federal programs. The coordinated research program shall provide for—

(1) investigation in the epidemiology, etiology, prevention, and control of diabetes mellitus, including investigation into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, prevention, and control of diabetes mellitus;

(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal phenomena associated with diabetes mellitus, including abnormalities of the skin, cardiovascular system, kidneys, eyes, and nervous system, and evaluation of influences of other endocrine hormones on the etiology, treatment, and complications of diabetes mellitus;

(3) research into the development, trial, and evaluation of techniques and drugs used in, and approaches to, the diagnosis, treatment, and prevention of diabetes mellitus;

(4) establishment of programs that will focus and apply scientific and technological efforts involving biological, physical, and engineering science to all facets of diabetes mellitus;

(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive diagnostic, therapeutic, rehabilitative, and control approaches to diabetes mellitus;

(6) the education and training of scientists, clinicians, educators, and allied health personnel in the fields and specialties requisite to the conduct of programs respecting diabetes mellitus;

(7) a system for the collection, analysis, and dissemination of all data useful in the prevention, diagnosis, and treatment of diabetes mellitus;

(8) appropriate distribution of resources between basic and applied research.

The long-range plan formulated under this subsection shall also include within its scope related endocrine and metabolic diseases and basic biological processes and mechanisms, the better understanding of which is essential to the solution of the problem of diabetes mellitus.

(f) In the development of the long-range plan under subsection (e), attention shall be given to means to assure continued development of knowledge, and dissemination of such knowledge to the public, which would form the basis of future advances in the understanding, treatment, and control of diabetes mellitus.

(g) The Commission may hold such hearings, take such testimony, and sit and act at such time and places as the Commission deems advisable to develop the long-range plan required by subsection (e).

(h)(1) The Commission shall prepare for each of the Institutes whose programs are to be encompassed by the plan for a coordinated diabetes research program described in subsection (e) budget estimates for each Institute's part of such program. The budget estimates shall be prepared for the fiscal year ending June 30, 1976, and for each of the next two fiscal years.

(2) Within five days after the Budget for the fiscal year ending June 30, 1976, and the Budget for each of the next two fiscal years is transmitted by the President to the Congress the Secretary shall transmit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Labor and Public Welfare of the Senate, and the Committee on Interstate and Foreign Commerce of the House of Representatives an estimate of the amounts requested for each of the Institutes for diabetes research, and a comparison of such amounts with the budget estimates prepared by the Commission under paragraph (1).

(i)(1) The Commission shall publish and transmit directly to the Congress (without prior administrative approval) a final report within nine months after the date funds are first appropriated for the implementation of this section. Such report shall contain the long-range plan required by subsection (e), the budget estimates required by subsection (h), and any recommendations of the Commission for legislation.

(2) The Commission shall cease to exist on the thirtieth day following the date of the submission of its final report pursuant to paragraph (1) of this subsection.

(j) There are authorized to be appropriated to carry out the purposes of this section $1,000,000.

DIABETES MELLITUS PREVENTION AND CONTROL PROGRAMS

SEC. 4. Section 317 of the Public Health Service Act is amended—

(1) by striking out "communicable disease control" each place it occurs and inserting in lieu thereof "communicable and other disease control";

(2) by striking out "communicable diseases" in subsection (a) and inserting in lieu thereof "communicable or other diseases";

(3) by striking out "communicable disease program" in subsection (a) and inserting in lieu thereof "communicable or other disease control program";

(4) by striking out "communicable disease" in subsection (b)(2)(C)(i) and inserting in lieu thereof "communicable or other disease";

(5) by striking out "Rh disease," in subsection (h)(1) and by inserting "diabetes mellitus and Rh disease and" before "tuberculosis" in that subsection; and

(6) by striking out "COMMUNICABLE" in the section heading.

RESEARCH AND TRAINING CENTERS; DIABETES COORDINATING COMMITTEE AND GENERAL AUTHORITY

SEC. 5. (a) Part D of title IV of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"DIABETES RESEARCH AND TRAINING CENTERS

"SEC. 435. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Secretary shall provide for the development, or substantial expansion, of centers for research and training in diabetes mellitus and related endocrine and metabolic disorders. Each center developed or expanded under this section shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and (2) conduct (A) research in the diagnosis and treatment of diabetes mellitus and related endocrine and metabolic disorders and the complications resulting from such disease or disorders, (B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such disease, disorders, and complications, and (C) information programs for physicians and allied health personnel who provide primary care for patients with such disease, disorders, or complications. Insofar as practicable, centers developed or expanded under this section shall be located geographically on the basis of population density throughout the United States and in environments with proven research capabilities.

"(b) The Secretary shall evaluate on an annual basis the activities of centers developed or expanded under this section and shall report to the Congress (on or before

June 30 of each year) the results of his evaluation.

"(c) There are authorized to be appropriated to carry out this section $8,000,000 for fiscal year ending June 30, 1975, $12,000,000 for fiscal year ending June 30, 1976, and $20,000,000 for fiscal year ending June 30, 1977.

"DIABETES COORDINATING COMMITTEE

"SEC. 436. For the purpose of—

"(1) better coordination of the total National Institutes of Health research activities relating to diabetes mellitus; and

"(2) coordinating those aspects of all Federal health programs and activities relating to diabetes mellitus to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

the Director of the National Institutes of Health shall establish a Diabetes Mellitus Coordinating Committee. The Committee shall be composed of the Directors (or their designated representatives) of each of the Institutes and divisions involved in diabetes-related research and shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary. The Committee shall be chaired by the Director of the National Institutes of Health (or his designated representative). The Committee shall prepare a report as soon after the end of each fiscal year as possible for the Director of the National Institutes of Health detailing the work of the Committee in carrying out the coordinating activities described in paragraphs (1) and (2)."

(b) Section 434 of the Public Health Service Act is amended by adding at the end the following new subsection:

"(d) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases, working through the Associate Director for Diabetes (if that position is established), shall (1) carry out programs of support for research and training in the diagnosis, prevention, and treatment of diabetes mellitus and related endocrine and metabolic diseases, and (2) establish programs of evaluation, planning, and dissemination of knowledge related to research and training in diabetes mellitus and related endocrine and metabolic diseases."

ASSOCIATE DIRECTOR FOR DIABETES

SEC. 6. The Secretary of Health, Education, and Welfare may establish within the National Institute of Arthritis, Metabolism, and Digestive Diseases the position of Associate Director for Diabetes who would report directly to the Director of the Institute and who, under the supervision of the Director of the Institute, would be responsible for programs with regard to diabetes mellitus within the Institute.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
SAMUEL L. DEVINE,
ANCHER NELSEN,
Managers on the Part of the House.

EDWARD M. KENNEDY,
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ALAN CRANSTON,
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RICHARD S. SCHWEIKER,
JACOB JAVITS,
PETER H. DOMINICK,
J. GLENN BEALL, JR.,
R. W. TAFT, JR.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2830) to amend the Public Health Services Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House to the text of the bill with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The Senate bill provided the following short title: "The National Diabetes Research and Education Act".

Under the House amendment, the short title was "National Diabetes Mellitus Act of 1974".

The conference substitute conforms to the Senate bill.

GENERAL FINDINGS AND PURPOSE

The Senate and House findings are basically similar. The Senate bill contained a finding not found in the House amendment which stated that the establishment of regional diabetes research and training centers throughout the country is essential for the development of scientific information and appropriate therapies to deal with diabetes mellitus. The Senate bill identified the National Institute of Arthritis, Metabolism, and Digestive Disease as the primary institute within the National Institutes of Health capable of advancement against diabetes mellitus. The Senate bill also stated its purpose as the expansion of the authority of the National Institute of Arthritis, Metabolism, and Digestive Disease in order to advance the national attack on diabetes mellitus.

The House amendment contained findings not in the Senate bill which stated—

(1) an indication of the incidence of diabetes mellitus (estimated 10 million Americans directly affected, 50 million with genetic traits);

(2) that diabetes mellitus is a family of diseases that have an impact on virtually all biological systems of the human body;

(3) that the severity of diabetes mellitus in children and most adolescents is greater than in adults, which in most cases involves greater problems in the management of the disease; and

(4) that the complications of diabetes mellitus, particularly cardiovascular degeneration, lead to many other serious health problems.

The House amendment stated its purpose to be the establishment of a long-range plan to—

(1) expand and coordinate the national research efforts against diabetes mellitus;

(2) advance activities of patient education, professional education, and public education, which will alert the citizens of the United States to the early indications of diabetes mellitus; and

(3) emphasize the significance of early detection, proper control, and complications which may evolve from the disease.

The conference substitute combines the findings in the Senate bill and House amendment and contains a combination of the Senate and House statements of purpose, with the designation of the National Institutes of Health (as contained in the House amendment) as the agency authorized to mount the fight against diabetes.

AGENCY FOR DIABETES PLAN

The Senate bill amended the Public Health Service Act to require the Secretary of Health, Education, and Welfare to establish a ten-member National Task Force on diabetes consisting of six scientific and four lay members for the purpose of preparing, in nine months, a long-range plan to combat diabetes mellitus. $500,000 was authorized for the work of the National Task Force.

The House amendment required the Director of the National Institutes of Health to establish a 17-member National Commission on Diabetes to formulate a long-range plan to combat diabetes mellitus. The Commission was to be composed of the Directors of seven NIH Institutes and six scientific and four lay members. $1 million was authorized for the National Commission. The Commission was given seven months in which to make its report, and the Commission was to cease to exist when it finished its report. The Commission was also to prepare and submit budget estimates to the President and the Congress concerning the diabetes research program.

The conference substitute conforms to the House provisions, except that it allows the Commission nine months in which to make its report.

THE DIABETES PLAN

Both the Senate bill and House amendment required the development of a plan to combat diabetes mellitus and the requirements for the plan were similar.

The compromise agreed to by the conference follows the House provision, except that—

(1) a requirement (in the House amendment) that the Director of the National Institutes of Health seek the advice of his advisory council in establishing the Commission is deleted;

(2) a requirement (in the Senate bill) that the plan include a plan for an appropriate balance of basic and applied research is included;

(3) a requirement (in the Senate bill) that the plan include related endocrine and metabolic diseases and basic biologic processes and mechanisms whose understanding is essential to the solution of the problem of diabetes mellitus is included;

(4) a requirement (in the Senate bill) for a system for the collection, analysis, and dissemination of all data useful in the prevention, diagnosis, and treatment of diabetes mellitus is included in place of a similar requirement in the House amendment;

(5) a requirement (in the Senate bill) that the plan give attention to means of disseminating knowledge of diabetes mellitus to the public is included; and

(6) a requirement (in the House amendment) that the plan contain proposed Federal, State and local programs for the screening and detection of diabetes and continuing counseling and education of doctors and diabetics (and their relatives) is deleted.

DIABETES PREVENTION AND CONTROL PROGRAM

The Senate bill required the Director of the National Institute of Arthritis, Metabolism and Digestive Disease to establish in cooperation with Federal, State, and local agencies programs of epidemiology, prevention, and control of diabetes with a total authorization for fiscal years 1975–1977 for this purpose of $17.5 million.

The House amendment contained no comparable provision.

The conference substitute adds diabetes mellitus to the list of diseases for which prevention and control programs are supported under section 317 of the Public Health Service Act but does not authorize additional appropriations for that purpose.

DIABETES RESEARCH AND TRAINING CENTERS

Both the Senate bill and House amendment required the establishment by HEW of diabetes research and training centers. The conference substitute generally follows the House provision with the following exceptions:

(1) the Senate bill required that the establishment of the centers be consistent with the recommendations of the entity responsible for the long-range plan to combat diabetes, and this provision is included.

(2) The Senate authorized $10 million in 1975, $15 million in 1976, and $20 million in 1977, a total of $45 million. The House authorized for the centers $5 million in 1975, $7.5 million in 1976, and $10 million in 1977; a total of $22.5 million. The conference substitute authorizes $8 million in 1975, $12 million in 1976, and $20 million in 1977, a total of $40 million.

Diabetes Coordinating Committee

Both the Senate bill and House amendment contained a requirement for the creation of an Inter-Institute Diabetes Coordinating Committee for the purpose of coordinating all research activities in the National Institutes of Health which relate to diabetes mellitus. The Committee was to be composed of representatives from each of the participating Institutes. In addition, the Senate bill, but not the House amendment, required the establishment of an interagency technical committee to coordinate the activities of the various Federal departments concerned with diabetes mellitus.

The conference substitute requires the establishment of a Diabetes Mellitus Coordinating Committee within the National Institutes of Health to be chaired by the Director of NIH (or his designated representative) and gives it the additional functions of the interagency technical committee required by the original Senate proposal.

ASSOCIATE DIRECTOR FOR DIABETES

The Senate bill required the establishment of a position for an Associate Director for Diabetes in the National Institute of Arthritis, Metabolism, and Digestive Disease and required that such Associate Director be responsible for carrying out the diabetes programs of the Institute. The House amendment contained no comparable provision. The conference substitute authorizes the Secretary to establish such a position, but does not require it, and requires that, if the position is established, the Associate Director be responsible for conducting the diabetes programs of the Institute.

HARLEY O. STAGGERS,
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ROBERT T. STAFFORD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 7724

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 7724) to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-1148)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724) to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

Section 1. This Act may be cited as the "National Research Act".

TITLE I—BIOMEDICAL AND BEHAVIORAL RESEARCH TRAINING

SHORT TITLE

SEC. 101. This title may be cited as the "National Research Service Award Act of 1974".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 102. (a) Congress finds and declares that—

(1) the success and continued viability of the Federal biomedical and behavioral research effort depends on the availability of excellent scientists and a network of institutions of excellence capable of producing superior research personnel;

(2) direct support of the training of scientists for careers in biomedical and behavioral research is an appropriate and necessary role for the Federal Government; and

(3) graduate research assistance programs should be the key elements in the training programs of the institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration.

(b) It is the purpose of this title to increase the capability of the institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration to carry out their responsibility of maintaining a superior national program of research into the physical and mental diseases and impairments of man.

BIOMEDICAL AND BEHAVIORAL RESEARCH TRAINING

SEC. 103. The part II of the Public Health Service Act relating to the appointment of the Directors of the National Institutes of Health and the National Cancer Institute is redesignated as part I, section 461 of such part is redesignated as section 471, and such part is amended by adding at the end the following new sections:

"NATIONAL RESEARCH SERVICE AWARDS

"SEC. 472. (a) (1) The Secretary shall—

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in matters relating to the cause, diagnosis, prevention, and treatment of the disease (or diseases) or other health problems to which the activities of the Institutes and Administration are directed,

"(ii) training at the Institutes and Administration of individuals to undertake such research,

"(iii) biomedical and behavioral research at non-Federal public institutions and at nonprofit private institutions, and

"(iv) pre- and postdoctoral training at such public and private institutions of individuals to undertake such research; and

"(B) make grants to non-Federal public institutions and to nonprofit private institutions to enable such institutions to make to individuals selected by them National Research Service Awards for research (and training to undertake such research) in the matters described in subparagraph (A)(i).

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, divisions, and bureaus included in the Institutes or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support residencies.

"(3) Effective July 1, 1975, National Research Awards may be made for research or research training in only those subject areas for which, as determined under section 473, there is a need for personnel.

"(b)(1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c)(1); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a)(1)(A)(iii) or (a)(1)(A)(iv), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the Award will be conducted.

An application for an Award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The award of National Research Service Awards by the Secretary under subsection (a) and the making of grants for such Awards shall be subject to review and approval by the appropriate advisory councils to the entities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration (A) whose activities relate to the research or training under the Awards, or (B) at which such research or training will be conducted.

"(3) No grant may be made under subsection (a)(1)(B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section other than paragraph (1) of this subsection, National Research Service Awards made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Award made to any individual under subsection (a) may not exceed three years in the aggregate unless the Secretary for good cause shown waives the application of the three-year limit to such individual.

"(5) National Research Service Awards shall provide such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the recipi-

ents of the Awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c)(1)(A) Each individual who receives a National Research Service Award shall, in accordance with paragraph (3), engage in—

"(i) health research or teaching,

"(ii) if authorized under subparagraph (B), serve as a member of the National Health Service Corps or serve in his specialty or

"(iii) if authorized under subparagraph (C), serve in a health related activity approved under that subparagraph,

for a period computed in accordance with paragraph (2).

"(B) Any individual who received a National Research Service Award and who is a physician, dentist, nurse, or other individual trained to provide health care directly to individual patients may, upon application to the Secretary, be authorized by the Secretary to—

"(i) serve as a member of the National Health Service Corps,

"(ii) serve in his specialty in private practice in a geographic area designated by the Secretary as requiring that specialty, or

"(iii) provides services in his specialty for a health maintenance organization to which payments may be made under section 1876 of title XVIII of the Social Security Act and which serves a medically underserved population (as defined in section 1302(7) of this act),

in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

"(C) Where appropriate the Secretary may, upon application, authorize a recipient of a National Research Service Award, who is not trained to provide health care directly to individual patients, to engage in a health-related activity in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

"(2) For each year for which an individual receives a National Research Service Award he shall—

"(A) for twelve months engage in health research or teaching or, if so authorized, serve as a member of the National Health Service Corps, or

"(B) if authorized under paragraph (1)(B) or (1)(C), for twenty months serve in his specialty or engage in a health-related activity.

"(3) The requirement of paragraph (1), shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's Award, as the Secretary shall by regulation prescribe. The Secretary shall (A) by regulation prescribe (i) the type of research and teaching which an individual may engage in to comply with such requirement, and (ii) such other requirements respecting such research and teaching and alternative service authorized under paragraphs (1)(B) and (1)(C) as he deems necessary; and (B) to the extent feasible, provide that the members of the National Health Service Corps who are serving in the Corps to meet the requirement of paragraph (1) shall be assigned to patient care and to positions which utilize the clinical training and experience of the members.

"(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (3), to comply with such requirement, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \phi \frac{t - 1/2s}{t}$$

in which 'A' is the amount the United States is entitled to recover; 'ϕ' is the sum of the total amount paid under one or more National Research Service Awards to such individual and the interest on such amount which would be payable if at the time it was paid it was a loan bearing interest at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing at the time each Award to such individual was made; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by him in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at the same rate as that fixed by the Secretary of the Treasury under subparagraph (A) to determine the amount due the United States.

"(4)(A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such Awards $207,947,000 for the fiscal year ending June 30, 1975. Of the sums appropriated under this subsection, not less than 25 per centum shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A).

"STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 473. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act at or through institutes under the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Sciences to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than March 31 of each year."

CONFORMING AMENDMENTS

SEC. 104. (a)(1) Section 301 of the Public Health Service Act is amended (A) by striking out paragraph (c); (B) by striking out in paragraph (d) "or research training" each place it occurs, "and research training programs", and "and research training program"; and (C) by redesignating paragraphs (d), (e), (f), (g), (h), and (i) as paragraphs (c), (d), (e), (f), (g), and (h), respectively.

(2)(A) Section 303(a)(1) of such Act is amended to read as follows:

"(1) to provide clinical training and instruction and to establish and maintain clinical traineeships (with such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary);".

(B) Section 303(b) of such Act is amended by inserting before the first sentence the following: "The Secretary may provide for training, instruction, and traineeships under subsection (a)(1) through grants to public and other nonprofit institutions.".

(3) Section 402(a) of such Act is amended (A) by striking out "training and instruction" in paragraph (3) and inserting in lieu thereof "clinical training and instruction", and (B) by striking out paragraph (4) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(4) Section 407(b)(7) of such Act is amended (A) by striking out "and basic research and treatment", and (B) by striking out "where appropriate".

(5) Section 408(b)(3) of such Act is amended by inserting "clinical" before "training" each place it occurs.

(6) Section 412(7) of such Act is amended by striking out "(1) establish and maintain" and all that follows down through and including "maintain traineeships" and inserting in lieu thereof ", provide clinical training and instruction and establish and maintain clinical traineeships".

(7) Section 413(a)(7) is amended by inserting "clinical" before "programs".

(8) Section 415(b) is amended by inserting before the period at the end of the last sentence thereof the following: "; and the

term 'training' does not include research training for which fellowship support may be provided under section 472".

(9) Section 422 of such Act is amended (A) by striking out paragraph (c) and by redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), respectively, and (B) by striking out "training and instruction and establish and maintain traineeships" in paragraph (e) (as so redesignated) and inserting in lieu thereof "clinical training and instruction and establish and maintain clinical traineeships".

(10) Section 434(c)(2) of such Act is amended by inserting "(other than research training for which National Research Service Awards may be made under section 472)" after "training" the first time it occurs.

(11) Sections 433(a), 444, and 453 of such Act are each amended by striking out the second sentence thereof.

(12) The heading for part I of title IV of such Act (as so redesignated by section 103) is amended by striking out "Administrative" and inserting in lieu thereof "General."

(b) The amendments made by subsection (a) shall not apply with respect to commitments made before the date of the enactment of this Act by the Secretary of Health, Education, and Welfare for research training under the provisions of the Public Health Service Act amended or repealed by subsection (a).

SEX DISCRIMINATION

SEC. 105. Section 799A of the Public Health Service Act is amended by adding at the end thereof the following: "In the case of a school of medicine which—

"(1) on the date of the enactment of this sentence is in the process of changing its status as an institution which admits only female students to that of an institution which admits students without regard to their sex, and

"(2) is carrying out such change in accordance with a plan approved by the Secretary,

the provisions of the preceding sentences of this section shall apply only with respect to a grant, contract, loan guarantee, or interest subsidy to, or for the benefit of such a school for a fiscal year beginning after June 30, 1979."

FINANCIAL DISTRESS GRANTS

SEC. 106. Section 773(a) of the Public Health Service Act is amended (1) by striking out "$10,000,000" and inserting in lieu thereof "$15,000,000", and (2) by striking out "1972" each place it occurs in the last sentence thereof and inserting in lieu thereof "1974".

TITLE II—PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

PART A—NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is established a Commission to be known as the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (hereinafter in this title referred to as the "Commission").

(b)(1) The Commission shall be composed of eleven members appointed by the Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary"). The Secretary shall select members of the Commission from individuals distinguished in the fields of medicine, law, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government, and public affairs; but five (and not more than five) of the members of the Commission shall be individuals who are or who have been engaged in biomedical or behavioral research involving human subjects. In appointing members of the Commission, the Secretary shall give consideration to recommendations from the National Academy of Sciences and other appropriate entities. Members of the Commission shall be appointed for the life of the Commission. The Secretary shall appoint the members of the Commission within sixty days of the date of the enactment of this Act.

(2)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of the basic pay in effect for grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Commission.

(B) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(C) While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(c) The chairman of the Commission shall be selected by the members of the Commission from among their number.

(d)(1) The Commission may appoint and fix the pay of such staff personnel as it deems desirable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 59 of such title relating to classification and General Schedule pay rates.

(2) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

SEC. 202. (a) The Commission shall carry out the following:

(1)(A) The Commission shall (i) conduct a comprehensive investigation and study to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects, (ii) develop guidelines which should be followed in such research to assure that it is conducted in accordance with such principles, and (iii) make recommendations to the Secretary (I) for such administrative action as may be appropriate to apply such guidelines to biomedical and behavioral research conducted or supported under programs administered by the Secretary, and (II) concerning any other matter pertaining to the protection of human subjects of biomedical and behavioral research.

(B) In carrying out subparagraph (A), the Commission shall consider at least the following:

(i) The boundaries between biomedical or behavioral research involving human subjects and the accepted and routine practice of medicine.

(ii) The role of assessment of risk-benefit criteria in the determination of the appropriateness of research involving human subjects.

(iii) Appropriate guidelines for the selection of human subjects for participation in biomedical and behavioral research.

(iv) The nature and definition of informed consent in various research settings.

(v) Mechanisms for evaluating and monitoring the performance of Institutional Review Boards established in accordance with section 474 of the Public Health Service Act and appropriate enforcement mechanisms for carrying out their decisions.

(C) The Commission shall consider the appropriateness of applying the principles and guidelines identified and developed under subparagraph (A) to the delivery of health services to patients under programs conducted or supported by the Secretary.

(2) The Commission shall identify the requirements for informed consent to participation in biomedical and behavioral research by children, prisoners, and the institutionalized mentally infirm. The Commission shall investigate and study biomedical and behavioral research conducted or supported under programs administered by the Secretary and involving children, prisoners, and the institutionalized mentally infirm to determine the nature of the consent obtained from such persons or their legal representatives before such persons were involved in such research; the adequacy of the information given them respecting the nature and purpose of the research, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. On the basis of such investigation and study the Commission shall make such recommendations to the Secretary as it determines appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him meets the requirements respecting informed consent identified by the Commission. For purposes of this paragraph, the term "children" means individuals who have not attained the legal age of consent to participate in research as determined under the applicable law of the jurisdiction in which the research is to be conducted; the term "prisoner" means individuals involuntarily confined in correctional institutions or facilities (as defined in section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781)); and the term "institutionalized mentally infirm" includes individuals who are mentally ill, mentally retarded, emotionally disturbed, psychotic, or senile, or who have other impairments of a similar nature and who reside as patients in an institution.

(3) The Commission shall conduct an investigation and study to determine the need for a mechanism to assure that human subjects in biomedical and behavioral research not subject to regulation by the Secretary are protected. If the Commission determines that such a mechanism is needed, it shall develop and recommend to the Congress such a mechanism. The Commission may contract for the design of such a mechanism to be included in such recommendations.

(b) The Commission shall conduct an investigation and study of the nature and extent of research involving living fetuses, the purposes for which such research has been undertaken, and alternative means for achieving such purposes. The Commission shall, not later than the expiration of the 4-month period beginning on the first day of the first month that follows the date on which all the members of the Commission have taken office, recommend to the Secretary policies defining the circumstances (if any) under which such research may be conducted or supported.

(c) The Commission shall conduct an investigation and study of the use of psychosurgery in the United States during the five-year period ending December 31, 1972. The Commission shall determine the appropriateness of its use, evaluate the need for it, and recommend to the Secretary policies defining the circumstances (if any) under which its use may be appropriate. For purposes of this paragraph, the term "psychosurgery" means brain surgery on (1) normal brain tissue of an individual, who does not suffer from any physical disease, for the purpose of changing or controlling the behavior or emotions of

such individual, or (2) diseased brain tissue of an individual, if the sole object of the performance of such surgery is to control, change, or affect any behavioral or emotional disturbance of such individual. Such term does not include brain surgery designed to cure or ameliorate the effects of epilepsy and electric shock treatments.

(d) The Commission shall make recommendations to the Congress respecting the functions and authority of the National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research to be established under section 217(f) of the Public Health Service Act.

SPECIAL STUDY

SEC. 203. The Commission shall undertake a comprehensive study of the ethical, social, and legal implications of advances in biomedical and behavioral research and technology. Such study shall include—

(1) an analysis and evaluation of scientific and technological advances in past, present, and projected biomedical and behavioral research and services;

(2) an analysis and evaluation of the implications of such advances, both for individuals and for society;

(3) an analysis and evaluation of laws and moral and ethical principles governing the use of technology in medical practice;

(4) an analysis and evaluation of public understanding of and attitudes toward such implications and laws and principles; and

(5) an analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to advances in biomedical and behavioral research and technology and public attitudes toward such advances.

ADMINISTRATIVE PROVISIONS

SEC. 204. (a) The Commission may for the purpose of carrying out its duties under sections 202 and 203 hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(b) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon the request of the chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) The Commission shall not disclose any information reported to or otherwise obtained by it in carrying out its duties which (1) identifies any individual who has been the subject of an activity studied and investigated by the Commission, or (2) which concerns any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code.

(d) Except as provided in subsection (b) of section 202, the Commission shall complete its duties under sections 202 and 203 not later than the expiration of the 24-month period beginning on the first day of the first month that follows the date on which all the members of the Commission have taken office. The Commission shall make periodic reports to the President, the Congress, and the Secretary respecting its activities under sections 202 and 203 and shall, not later than ninety days after the expiration of such 24-month period, make a final report to the President, the Congress, and the Secretary respecting such activities and including its recommendations for administrative action and legislation.

(e) The Commission shall cease to exist thirty days following the submission of its final report pursuant to subsection (d).

DUTIES OF THE SECRETARY

SEC. 205. Within 60 days of the receipt of any recommendation made by the Commission under section 202, the Secretary shall publish it in the Federal Register and provide opportunity for interested persons to submit written data, views, and arguments with respect to such recommendation. The Secretary shall consider the Commission's recommendation and relevant matter submitted with respect to it and, within 180 days of the date of its publication in the Federal Register, the Secretary shall (1) determine whether the administrative action proposed by such recommendation is appropriate to assure the protection of human subjects of biomedical and behavioral research conducted or supported under programs administered by him, and (2) if he determines that such action is not so appropriate, publish in the Federal Register such determination together with an adequate statement of the reasons for his determination. If the Secretary determines that administrative action recommended by the Commission should be undertaken by him, he shall undertake such action as expeditiously as is feasible.

PART B—MISCELLANEOUS

NATIONAL ADVISORY COUNCIL FOR THE PROTECTION OF SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 211. (a) Section 217 of the Public Health Service Act is amended by adding at the end the following new subsection:

"(f)(1) There shall be established a national Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research (hereinafter in this subsection referred to as the 'Council') which shall consist of the Secretary who shall be Chairman and not less than seven nor more than fifteen other members who shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Secretary shall select members of the Council from individuals distinguished in the fields of medicine, law, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government, and public affairs; but three (and not more than three) of the members of the Council shall be individuals who are or who have been engaged in biomedical or behavioral research involving human subjects. No individual who was appointed to be a member of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (established under title II of the National Research Act) may be appointed to be a member of the Council. The appointed members of the Council shall have terms of office of four years, except that for the purpose of staggering the expiration of the terms of office of the Council members, the Secretary shall, at the time of appointment, designate a term of office of less than four years for members first appointed to the Council.

"(2) The Council shall—

"(A) advise, consult with, and make recommendations to, the Secretary concerning all matters pertaining to the protection of human subjects of biomedical and behavioral research;

"(B) reviews policies, regulations, and other requirements of the Secretary governing such research to determine the extent to which such policies, regulations, and requirements require and are effective in requiring observance in such research of the basic ethical principles which should underlie the conduct of such research and, to the extent such policies, regulations, or requirements do not require or are not effective in requiring observance of such principles, make recommendations to the Secretary respecting appropriate revision of such policies, regulations, or requirements; and

"(C) review periodically changes in the scope, purpose, and types of biomedical and behavioral research being conducted and the impact such changes have on the policies, regulations, and other requirements of the Secretary for the protection of human subjects of such research.

"(3) The Council may disseminate to the public such information, recommendations, and other matters relating to its functions as it deems appropriate.

"(4) Section 14 of the Federal Advisory Committee Act shall not apply with respect to the Council."

(b) The amendment made by subsection (a) shall take effect July 1, 1976.

INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

SEC. 212. (a) Part I of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following new section:

"INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 474. (a) The Secretary shall by regulation require that each entity which applies for a grant or contract under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant or contract assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or sponsored by such entity in order to protect the rights of the human subjects of such research.

"(b) The Secretary shall establish a program within the Department under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately."

(b) The Secretary of Health, Education, and Welfare shall within 240 days of the date of the enactment of this Act promulgate such regulations as may be required to carry out section 474(a) of the Public Health Service Act. Such regulations shall apply with respect to applications for grants and contracts under such Act submitted after promulgation of such regulations.

LIMITATION ON RESEARCH

SEC 213. Until the Commission has made its recommendations to the Secretary pursuant to section 202(b), the Secretary may not conduct or support research in the United States or abroad on a living human fetus, before or after the induced abortion of such fetus, unless such research is done for the purpose of assuring survival of such fetus.

INDIVIDUAL RIGHTS

SEC. 214. (a) Subsection (c) of section 401 of the Health Programs Extension Act of 1973 is amended (1) by inserting "(1)" after "(c)", (2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and (3) by adding at the end the following new paragraph:

"(2) No entity which receives after the date of enactment of this paragraph a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health, Education, and Welfare may—

"(A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

"(B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of any lawful health service or research activity, because he refused to perform or assist in the performance of any such service or activity on the grounds that his performance or assistance in the performance of such service or activity would be contrary to his religious beliefs or moral con-

victions, or because of his religious beliefs or moral convictions respecting any such service or activity."

(b) Section 401 of such Act is amended by adding at the end the following new subsection:

"(d) No individual shall be required to perform or assist in the performance of any part of a health service program or research activity funded in whole or in part under a program administered by the Secretary of Health, Education, and Welfare if his performance or assistance in the performance of such part of such program or activity would be contrary to his religious beliefs or moral convictions."

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 215. Section 772(a)(7) of the Public Health Service Act is amended by inserting immediately before the semicolon at the end thereof the following: ", or (C) providing increased emphasis on, the ethical, social, legal, and moral implications of advances in biomedical research and technology with respect to the effects of such advances on individuals and society".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
SAMUEL L. DEVINE,
ANCHER NELSEN,
Managers on the Part of the House.

HARRISON WILLIAMS,
GAYLORD NELSON,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
HAROLD E. HUGHES,
ALAN CRANSTON,
CLAIBORNE PELL,
THOMAS F. EAGLETON,
JACOB K. JAVITS,
PETER H. DOMINICK,
RICHARD S. SCHWEIKER,
J. GLENN BEALL, JR.,
ROBERT TAFT, JR.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724) to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—BIOMEDICAL AND BEHAVIORAL RESEARCH TRAINING

Short Title.—The House bill provided for the following short title: "National Biomedical Research Fellowship, Traineeship, and Training Act of 1973". Under the Senate amendment the short title was "National Research Service Award Act". The conference substitute provides the following short title: "National Research Act".

Biomedical and Behavioral Research Training.—The House bill required that the Secretary of HEW establish and maintain (1) fellowships for the conduct of biomedical research and for training to conduct such research within the National Institutes of Health (NIH) and the National Institutes of Mental Health (NIMH); (2) fellowships for biomedical research and training at non-Federal public and nonprofit private institutions; (3) traineeships and training within NIH and NIMH; and (4) grants to public and nonprofit private institutions to award traineeships (commonly referred to as training grants) except for residency training. It required that fellowships, traineeships, and training grants be awarded only upon approval of an application therefor, subject to review and approval by the appropriate advisory councils to the National Institutes of Health and the National Institute of Mental Health. Traineeships awarded by nonprofit institutions under a training grant from HEW would have to be made in compliance with regulations. The period of support per fellowship, traineeship, or training grant was limited to three years, unless the Secretary waived that limitation for good cause. Fellowship awards could provide for payments to be made to the institution at which the research or training was to be carried out, in order to offset the cost of providing institutional support services for the individual. The House bill required each individual receiving a fellowship or traineeship to provide one of the following kinds of public service upon completion of training: (1) Engage in health research or teaching for two years for each year of support received, or (2) if no suitable health research or teaching positions were available, serve in the National Health Service Corps for two years for each year of training received.

The House bill required that if any individual failed to meet the service requirements within the prescribed period, the United States would be authorized to recover a certain amount from the recipient (except in case of death or extreme hardship), computed by multiplying the amount of assistance received plus interest by a fraction based on the extent to which the recipient engaged in the required activity or service.

The Senate amendment provided for the provision of National Research Service Awards for biomedical and behavioral research and training in such research at the National Institutes of Health, the National Institute of Mental Health and at non-Federal public and nonprofit private institutions. The Awards were to be made only upon approval of an application therefor. All applicants for National Research Service Awards for research or research training at non-Federal public and private nonprofit institutions had to be sponsored by such institution. Each Award was to be subject to the review and approval by the appropriate advisory council of the institutes of the National Institutes of Health or of the National Institutes of Mental Health. The period of a single Award was three years with the provision for a waiver of that three-year limit by the Secretary for good cause. Awards could also provide for payments to the accredited institutions at which the programs for research or training were to be carried out for the cost of support services including, but not limited to, a portion of faculty salaries, supplies, equipment, staff, general research support, and overhead. Each individual receiving an Award would be required to provide one of the following kinds of service upon completion of training: (1) Health research or teaching at an accredited institution for a period of one year for each year of support received, or (2) if no suitable health research or teaching positions were available (A) service as a member of the National Health Service Corps utilizing the specialty for which he had been trained for a period of one year for each year of training received, (B) service in his specialty in private practice in a geographic area designated by the Secretary as requiring that specialty for a period of 20 months for each twelve months of training received, or (C) service in his specialty as a member of a nonprofit prepaid group practice authorized for reimbursement under title XVIII of the Social Security Act for a period of 20 months for each year of training received. If the individual failed to meet the service requirements, a monetary payback requirement comparable to the House bill would apply.

In addition, the Senate amendment repealed all existing biomedical and behavioral fellowship and training authority in the Public Health Service Act.

The conference substitute combines the provisions of the House bill and the Senate amendment. It provides for National Research Service Awards, as specified in the Senate amendment, for research and research-training in NIH and the Alcohol, Drug Abuse, and Mental Health Administration (the Administration created by P.L. 93-282 has supervisory authority over NIMH, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse) and non-Federal public and nonprofit private institutions. Provisions of the House bill which enabled the awarding of grants to non-Federal public and nonprofit private institutions in order for those institutions to select and support their own trainees is included, with technical and conforming changes, in the conference substitute. The conferees believed that this provision was essential if the administrators of research training programs were to be able to plan their programs on a prospective basis. The conferees used the existing training grant programs of the National Institutes of Health as the model for this provision. In addition, the conference substitute specifies that of the sums appropriated at least 25 percent shall be reserved for the direct provision of National Research Service Awards to individuals. The conference substitute adopts the Senate service requirements, adding the stipulation that service for a health maintenance organization may be chosen only if the organization serves a medically underserved population designated as such under title XIII of the Public Health Service Act.

It is the intent of the conferees that the Secretary liberally apply the provision authorizing waiver of the three-year limitation of support under the National Research Service Awards. The conferees believe that the period of training of individuals could, in some instances, exceed the three-year limitation, especially in those cases where individuals are attempting to complete both predoctoral and postdoctoral training programs.

The conferees also believe that the provision authorizing waiver of the monetary payback requirements should be applied in such a manner so as not to discourage future applicants from seeking training under this legislation.

The conference substitute adopts the Senate language on repeal of existing training and fellowship authority under the Public Health Service Act, with technical and conforming amendments. The conferees point out that in the conforming amendments, present law authorizing the conduct of clinical training is retained in section 303 of the act. The conferees intend that the term "clinical training" be broadly construed to include all types of training, except research training.

Authorizations.—The House bill authorized two years support for both fellowships and traineeships:

Fellowships and Traineeships awarded directly to the individual—$54,599,000 each for fiscal years ending June 30, 1974, and June 30, 1975.

Training grants to nonprofit institutions—$153,348,000 each for fiscal years ending June 30, 1974, and June 30, 1975.

The Senate amendment authorized $207,947,000 (the total annual House authorization) for the fiscal year ending June 30, 1974.

The conference substitute authorizes an appropriation of $207,947,000 for the fiscal year ending June 30, 1975, subject to the requirement that not less than 25 percent of the appropriations shall be used for the direct provision by the Secretary of National Research Service Awards to individuals.

Studies Respecting Biomedical and Behavioral Research Personnel.—Both the House bill and the Senate amendment required the Secretary to arrange for the conduct of certain studies relating to establishment of the Nation's need for biomedical research personnel and the adequacy of existing training programs conducted under the Public Health Service Act and other existing training programs in fulfilling the established need for such personnel.

The House bill required a report of the results of such studies to be submitted to appropriate committees of Congress within one year from date of enactment. The Senate amendment required a series of ongoing studies and reports, to be submitted on an annual basis, not later than January 31 of each year. The Senate amendment provided that after completion of the first study the Secretary may grant National Research Service Awards in a given specialty only after he had certified, after evaluation of the study report, that a need for additional manpower in that specialty existed.

The conference substitute adopts the Senate provision with technical and conforming changes and modifies the reporting requirement so that the annual report must be submitted not later than March 31 of each year.

Sex Discrimination.—The Senate amendment amended section 799(A) of the Public Health Service Act, which requires applications for grants under title VII of such Act to provide assurances that health professions schools will not discriminate in their admissions policies on the basis of sex, to render its provisions inapplicable until June 30, 1979, in the case of schools in the process of changing their status from institutions admitting only female students to institutions admitting students without regard to sex (in accordance with an approved plan).

The conference substitute adopts the Senate amendment.

Financial Distress Grants.—The Senate amendment amended section 773(a) of the Public Health Service Act, which authorizes grants to assist health professions schools which are in financial distress, to increase the fiscal year 1974 authorization from $10,000,000 to $15,000,000.

The conference substitute adopts the Senate provision.

The conferees note that a supplemental appropriation has been included in PL 93-245 for an additional $5,000,000 under section 773(a) and that release of these funds is contingent upon this approval of an increase in the authorizing legislation.

TITLE II—PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.—The House bill provided that the Secretary could not conduct or support research in the United States or abroad which was in violation of any ethical standard respecting research which was adopted by the National Institutes of Health, the National Institute of Mental Health, or by their respective research institutes.

The Senate amendment established a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. It was to have the following characteristics:

(1) It was to be comprised of eleven members, appointed by the President from the general public and from among individuals in the fields of medicine, law, ethics, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs.

(2) The President was to appoint, with the advice and consent of the Senate, one member to serve as chairman and one to serve as cochairman, each for a term of 4 years.

(3) Not more than 5 members of the Commission could be people who have engaged in biomedical or behavioral research involving human subjects.

(4) Members were to serve for staggered terms of four years each.

(5) Nominees for Commission members were to be solicited from the National Academy of Sciences and other appropriate independent nongovernmental organizations.

(6) Members could not serve more than two full terms.

The duties of the Commission were—

(1) to undertake a comprehensive investigation and study to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects; to develop and implement policies and regulations to assure that research is carried out in accordance with the ethical principles identified by the Commission;

(2) to develop procedures for the certification of Institutional Review Boards;

(3) to develop and recommend to the Congress the implementation of an appropriate range of sanctions and the conditions for their use and for the failure of Institutional Review Boards to respond to Commission rules;

(4) to develop and recommend to the Congress a mechanism for the compensation of individuals and their families for injuries or death proximately caused by the participation of such individuals in a biomedical or behavioral research program;

(5) to develop and recommend to the Congress a mechanism to broaden the scope of the Commission's jurisdiction; and

(6) to consider (A) developing guidelines for the selection of subjects to participate in biomedical or behavioral research, (B) the nature and definition of informed consent in various settings, (C) the role of assessment of risk benefit criteria in the determination of the appropriateness of research involving human subjects, (D) the conditions and procedures by which appeal of an Institutional Review Board decision could be made to the Commission, (E) defining the boundary between biomedical and behavioral research involving human subjects and the accepted and routine practice of medicine, (F) evaluating and responding to requests from the biomedical and behavioral research communities and the public for clarification of particular ethnical problems confronting society, (G) the need for variation in the review procedures carried out by the Institutional Review Boards, (H) evaluating and monitoring of the performance of Institutional Review Boards, (I) the question of conflict of interest in the performance of Institutional Review Board duties, and (J) conditions and procedures by which individual protocols may be referred to the Commission for decision.

The Senate amendment provided that the policies established and implemented by the Commission would take precedence over existing Department of Health, Education, and Welfare policies wherever the two were in conflict. The Senate amendment required the Commission to conduct a study and investigation of the use of pychosurgery over the 5 year period ending December 31, 1972. It also required the Secretary to apply, to the maximum feasible extent, as appropriate, the policies and procedures developed by the Commission to the delivery of health services in health service programs (other than programs under the Social Security Act) funded in whole or in part by the Department of Health, Education, and Welfare.

The Senate amendment required the establishment of Institutional Review Boards at all entities which received grants or contracts to conduct research involving human subjects. The review boards were to be composed of sufficient members including religious leaders, persons schooled in ethics, and non-health care professionals with such varying backgrounds of competence as to assure a complete and adequate review. Each Institutional Review Board was to have two subcommittees: A protocol review subcommittee and a subject advisory subcommittee. The latter was to be primarily concerned with the protection of the rights of subjects of biomedical and behavioral research and was responsible for assuring that human subjects of research were as well informed about the nature of that research as reasonably possible. The National Commission was to establish regulations applicable to Institutional Review Boards, and certain duties were prescribed for such boards.

The Senate amendment provided for interim provisions for the protection of subjects of biomedical and behavioral research to be effective until Institutional Review Boards were established. These interim provisions prescribed basic requirements of informed consent for each participant in a research project involving human subjects.

The Senate amendment required the National Commission to annually set aside one percent of its budget for the evaluation of its activities and those of the Institutional Review Boards. This evaluation was to be conducted by contract with a qualified independent organization.

The Senate amendment required the Commission to compile a complete list of decisions pertaining to programs under its jurisdiction and to annually publish and distribute reports of important decisions. The Secretary and the Commission were given authority to require inspections and certain kinds of record-keeping which would be necessary for the Commission to responsibly carry out its activities. Provision was made for confidentiality of records.

The Senate amendment also required the Commission to conduct certain special duties which would involve a comprehensive investigation and study of the ethical, social and legal implications of advances in biomedical and behavioral research and technology. This would include, without being limited to, (1) an analysis and evaluation of scientific and technological advances in the biomedical services sciences, (2) an analysis and evaluation of the implications of such advances both for individuals and for society, (3) an analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice, (4) an analysis and evaluation through the use of seminars and public hearings and other appropriate means of public understanding of and attitudes towards such implications, and (5) an analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to biomedical advances and public attitudes towards such advances.

$3 million was authorized to be appropriated for the fiscal years ending June 30, 1974, and June 30, 1975, for the purposes of the title.

The conference substitute represents a significant modification of the Senate amendment. Under the conference substitute

the Commission shall have a life of only two years. It is to be advisory in nature, and not have the regulatory authority proposed in the Senate amendment. However, the conference substitute requires that all Commission recommendations must be published and that the Secretary must publicly respond to each of its recommendations. Commission members are to be appointed by the Secretary of Health, Education, and Welfare within 60 days of enactment of this legislation instead of by the President, as proposed in the Senate amendment. The composition of the Commission is identical to the composition required in the Senate amendment, except that one or more of the members of the Commission must be a representative of the behavioral sciences. Members shall serve for the life of the Commission.

The conference substitute provides for the following Commission duties:

1. To conduct a comprehensive investigation and study to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects.

2. To develop guidelines which should be followed in such research to assure that it is conducted in accordance with such principles.

3. To make recommendations to the Secretary for administrative actions that may be appropriate to apply those guidelines to biomedical and behavioral research in order to fully protect the subjects of that research.

4. To consider the following: (A) The boundaries between biomedical or behavioral research involving human subjects and the accepted and routine practice of medicine, (B) the role of assessment of risk-benefit criteria in the determination of the appropriateness of research involving human subjects, (C) appropriate guidelines for the selection of human subjects for participation in biomedical and behavioral research. (D) the nature and definition of informed consent in various research settings, and (E) mechanisms for evaluating and monitoring the performance of Institutional Review Boards and appropriate enforcement mechanisms for carrying out the decisions of those review boards.

5. To consider the appropriateness of applying the principles and guidelines identified and developed by the Commission to the delivery of health services to patients under programs conducted or supported by the Secretary.

6. To identify the requirements for informed consent for participation in biomedical and behavioral research by children, prisoners, and the institutionalized mentally infirm and make such recommendations as it deems appropriate to assure such informed consent.

7. To conduct an investigation and study to determine the need for a mechanism to assure that human subjects in biomedical and behavioral research not subject to regulation by HEW are protected. If the Commission determines such a mechanism is needed, it shall develop recommendations for it and send them to the Congress.

8. To conduct an investigation and study of the nature and extent of research involving living fetuses, the purposes for which such research has been undertaken, and alternative means for achieving such purposes. The Commission must report the results of this study to the Secretary within four months after the month in which the Commission is established.

9. To conduct an investigation and study of the use of psychosurgery in the United States during the five-year period ending December 31, 1972, determine the appropriateness of its use, and recommend appropriate policies to the Secretary.

10. To make recommendations to the Congress respecting the functions and authority of the National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research (described below).

In addition to these duties, the Commission must undertake the special study as provided for in the Senate amendment pertaining to the ethical, social, and legal implications of advances in biomedical and behavioral research and technology.

The Commission is to complete its duties not later than 24 months after it is established and shall, within 90 days of the completion of its duties, make a final report to the President, the Congress, and the Secretary respecting its activities and its recommendations for administrative and legislative action. The Commission shall cease to exist 30 days following submission of its final report.

The conference substitute requires that the Secretary publish, within 60 days of its receipt, any recommendation made by the Commission. This publication must be in the Federal Register and an opportunity must be provided for interested persons to submit written data, views, and arguments with respect to the Commission recommendation. Within 180 days after the publication of the recommendation in the Federal Register, the Secretary must determine whether to favorably act upon the recommendation or whether to reject it. If the recommendation is rejected, the Secretary must publish his reasons for that determination in the Federal Register.

The conference substitute also provides for the establishment of a permanent National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research, effective July 1, 1976. The Secretary is to serve as Chairman of the Advisory Council. The Council shall have a membership (in addition to the Secretary) of not less than seven nor more than fifteen individuals selected from the fields of medicine, law, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government, and public affairs. Three, but not more than three, of the members of the council shall be individuals who are or who have been engaged in biomedical or behavioral research involving human subjects. Council members shall have terms of four years except for an initial staggering of the terms. No individual who was an appointed member of the National Commission may be appointed to the Council.

The conference substitute sets forth the following duties for the Council:

1. To advise, consult with, and make recommendations to, the Secretary concerning all matters pertaining to the protection of human subjects of biomedical and behavioral research.

2. To review existing policies, regulations, and other requirements that govern biomedical and behavioral research in order to determine the extent to which those policies are effective and consistent with the basic ethical principles which should underlie the conduct of that research, and to make recommendations to the Secretary respecting appropriate revision of policies, regulations, or requirements which are not effective or consistent with basic ethical principles.

3. To review periodically changes in the scope, purpose, and types of biomedical and behavioral research being conducted and the impact such changes have on the policies, regulations, and other requirements of the Secretary for the protection of human research subjects.

Unlike his responsibilities with respect to Commission recommendations, the Secretary is not obligated to publish or formally respond to Advisory Council recommendations. However, the Advisory Council is authorized to disseminate to the public such information, recommendations, and other matters relating to its functions as it deems appropriate. The conferees expect that all Council recommendations will undergo extensive public discussion.

The conference substitute also provides that the Secretary shall by regulations, promulgated within 240 days of enactment, require entities which apply for a grant or contract under the Public Health Service Act for a program which involves the conduct of research involving human subjects to provide assurances that it has established Institutional Review Boards. It also requires the Secretary to establish a mechanism within the Department of Health, Education, and Welfare under which requests for clarification and guidance with respect to ethical issues that may be raised in connection with research involving human subjects shall be responded to promptly and appropriately.

The conferees deleted the interim informed consent provisions of the Senate amendment only after carefully reviewing the new Department of Health, Education, and Welfare regulations for the protection of subjects of biomedical research (promulgated May 22, 1974) and concluding that the objective of the Senate interim informed consent provision was incorporated into the regulations. The conferees expect that the Secretary's enforcement of such regulations will achieve the objectives of this provision of the Senate amendment, which the conferees fully support and endorse, more expeditiously through its enactment into law.

Limitation on Research.—The House bill prohibited the Secretary from conducting or supporting research in the United States or abroad on a human fetus which is outside the uterus of its mother and which has a beating heart.

The comparable Senate provision was keyed to other provisions of the Senate amendment. The Senate provision required that until such time after certification of Institutional Review Boards were established pursuant to provisions of the Senate amendment and the permanent Commission contemplated by the Senate developed policies with regard to the conduct of research on the living fetus or infants, the Secretary could not conduct or support research or experimentation in the United States or abroad on a living fetus or infant, whether before or after induced abortion, unless such research or experimentation was done for the purpose of insuring the survival of that fetus or infant.

The conference substitute combines the two approaches. It provides that until the temporary Commission established pursuant to the conference substitute has made recommendations to the Secretary with respect to fetal research, as required by the conference substitute, the Secretary may not conduct or support research in the United States or abroad on a living human fetus, before or after the induced abortion of such fetus, unless such research is done for the purpose of assuring the survival of such fetus.

Individual Rights.—The Senate amendment contained provisions which (1) would prohibit an individual from being required to perform services or research under projects funded by the Secretary of Health, Education, and Welfare if such performance would be contrary to the religious beliefs or moral convictions of the individual, (2) would prohibit entities from being required to make their facilities available for the performance of services or research under projects funded by the Secretary if such performance is prohibited by the entity on the basis of religious beliefs or moral convictions, and (3) would prohibit discrimination in employment, promotion, termination of employment, or extension of staff or other services with respect to physicians or other care personnel by an entity solely because such personnel performed or assisted or refused to perform or assist in the performance of a lawful health service or research activity if the performance or refusal to perform would be contrary to the religious beliefs or moral convictions of the personnel.

The House bill contained no comparable provision.

The conference agreement adopts, with technical and clarifying modifications, the provisions of the Senate amendment which prohibits requiring individuals from performing a part of a health services program or research activity funded by the Secretary if such performance would be contrary to the religious beliefs or moral convictions of such individuals and the provisions of the Senate amendment which prohibit discrimination in employment or extension of staff privileges to an individual because he performed or refused to perform lawful research or services contrary to his religious beliefs or moral convictions, except that the provisions are made applicable only to entities that receive grants or contracts for biomedical or behavioral research under programs administered by the Secretary.

Special Projects Grants and Contracts.— The Senate amendment contained a provision which would amend section 772(a)(7) of the Public Health Service Act (which authorizes the awards of grants and contracts to health professions schools to carry out certain special projects) to include programs which provide increased emphasis on, the ethical, social, legal, and moral implications of advances in biomedical research and technology with respect to the effects of such advances on individuals and society as projects for which grants and contracts would be authorized.

The conference substitute adopts the Senate provision.

Review of Grant and Contract Awards.— The Senate amendment contained a provision not in the House bill which would require the Secretary to provide for proper scientific, peer review of all grants and all research and development contracts administere ' by the NIH or the NIMH.

The conference substitute does not contain the Senate provision. The conferees note that a comparable provision is contained in the conference report on S. 2893, the National Cancer Act Amendments of 1974.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
SAMUEL L. DEVINE,
ANCHER NELSEN,
Managers on the Part of the House.

HARRISON WILLIAMS,
GAYLORD NELSON,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
HAROLD E. HUGHES,
ALAN CRANSTON,
CLAIBORNE PELL,
THOMAS F. EAGLETON,
JACOB K. JAVITS,
PETER H. DOMINICK,
RICHARD S. SCHWEIKER,
J. GLENN BEALL, JR.,
ROBERT TAFT, JR.
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. PARRIS (at the request of Mr. ARENDS), after 3:30 today, on account of official business.

Mr. MCSPADDEN (at the request of Mr. O'NEILL), for today, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KETCHUM) to revise and extend their remarks and include extraneous matter:)

Mr. WHALEN, for 15 minutes, today.
Mr. KEMP, for 30 minutes, today.
Mr. YOUNG of Alaska, for 5 minutes, today.
Mr. BLACKBURN, for 10 minutes, today.
Mr. TALCOTT, for 20 minutes, today.
Mrs. HECKLER of Massachusetts, for 5 minutes, today.
Mr. BLACKBURN, for 60 minutes, on June 26.

(The following Members (at the request of Mr. GINN) and to revise and extend their remarks and include extraneous matter:)

Mr. O'NEILL, for 10 minutes, today.
Mr. MINISH, for 5 minutes, today.
Mr. VANIK, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BURKE of Massachusetts, for 5 minutes, today.
Mr. STOKES, for 10 minutes, today.
Ms. ABZUG, for 15 minutes, today.
Mr. KOCH, for 5 minutes, today.
Mr. BRADEMAS, for 5 minutes, today.
Mr. BINGHAM, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRASER and to include extraneous matter notwithstanding the fact that it exceeds 3½ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $595.

Mr. WYDLER and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $836.

Mr. VEYSEY to revise and extend his remarks immediately following the remarks of Mr. ROBISON of New York.

Mr. TALCOTT 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 $888.25.

(The following Members (at the request of Mr. KETCHUM) and to include extraneous material:)

Mr. HANRAHAN in two instances.
Mr. SANDMAN.
Mr. BELL.
Mr. KEMP in three instances.
Mr. MINSHALL of Ohio.
Mr. SPENCE.
Mr. WALSH.
Mr. HEINZ.
Mr. DICKINSON.
Mr. ARCHER.
Mr. RUPPE.
Mr. FRELINGHUYSEN.
Mr. HUBER.
Mr. ASHBROOK in seven instances.
Mr. RONCALLO of New York.
Mr. VANDER JAGT.
Mr. CAMP.
Mr. YOUNG of Illinois in two instances.
Mr. FROEHLICH.
Mr. WYMAN in two instances.
Mr. PRICE of Texas.
Mr. FREY.
Mr. VEYSEY in two instances.
Mr. WIDNALL.
Mr. ANDERSON of Illinois in two instances.
Mr. LAGOMARSINO in two instances.
Mr. FRENZEL.
Mr. GILMAN in two instances.
Mr. ABDNOR.
Mr. ROUSSELOT.
Mr. HOSMER in three instances.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mr. DENT in seven instances.
Mr. MURPHY of New York.
Mr. EDWARDS of California.
Mr. SYMINGTON in four instances.
Mr. RODINO in two instances.
Mr. BADILLO in three instances.
Mr. CAREY of New York.
Mr. MATSUNAGA.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. PATTEN in two instances.
Mr. HUNGATE in two instances.
Mr. DINGELL in two instances.
Mr. BURKE of Massachusetts.
Mr. HARRINGTON in five instances.
Mr. YOUNG of Georgia.
Mr. WRIGHT in three instances.
Mr. LEGGETT.
Mr. BINGHAM in 10 instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3679. An act to provide emergency financing for livestock procedures; to the Committee on Agriculture.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 26, 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:

2487. A letter from the President of the United States transmitting amendments to the request for appropriations for the Department of Defense in the budget for fiscal year 1975 (H. Doc. No. 93-322); to the Committee on Appropriations and ordered to be printed.

2488. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2489. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions by James B. Engle, Ambassador-designate to Dahomey, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

2490. A letter from the Acting Secretary of the Interior, transmitting notice of the transfer of the Government Comptroller of the Virgin Islands, pursuant to 48 U.S.C. 1599(a); to the Committee on Interior and Insular Affairs.

2491. A letter from the General Counsel, National Council on Radiation Protection and Measurements, transmitting the audit of the Council's financial statements for calendar year 1973, pursuant to section 14(b)

of Public Law 88-376; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 15465. A bill to provide for increased participation by the United States in the International Development Association and to permit U.S. citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad (Rept. No. 93-1142). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. H.R. 15046. A bill to authorize appropriations for the U.S. Information Agency, and for other purposes (Rept. No. 93-1143). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNGATE: Committee on the Judiciary. H.R. 15461. A bill to secure to the Congress additional time in which to consider the proposed amendments to the Federal Rules of Criminal Procedure which the Chief Justice of the U.S. Supreme Court transmitted to the Congress on April 22, 1974 (Rept. 93-1144). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15427. A bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes; with amendment (Rept. No. 93-1145). Referred to the Committee of the Whole House of the State of the Union.

Mr. STRATTON: Committee on Armed Services. H.R. 15406. A bill to amend title 37, United States Code, to refine the procedures for adjustments in military compensation, and for other purposes (Rept. No. 93-1146). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 2830 (Rept. No. 93-1147). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 7724 (Rept. No. 93-1148). Ordered to be printed.

Mr. PRICE of Illinois: Joint Committee on Atomic Energy. H.R. 15582. A bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology (Rept. No. 93-1149). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 1194. Resolution providing for the consideration of H.R. 14883. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 2-year period, and for other purposes (Rept. No. 93-1150). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1195. Resolution providing for the consideration of H.R. 14920. A bill to further the conduct of research, development, and demonstration in geothermal energy technologies, to establish a geothermal energy coordination and management project, to amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, to amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, and for other purposes (Rept. No. 93-1151). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1196. Resolution providing for the consideration of H.R. 15323. A bill to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes (Rept. No. 93-1152). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1197. Resolution providing for the consideration of H.R. 15276. A bill to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes (Rept. No. 93-1153). 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. PRICE of Illinois (for himself, Mr. HOLIFIELD, Mr. YOUNG of Texas, and Mr. HOSMER):

H.R. 15582. A bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology; to the Joint Committee on Atomic Energy.

By Ms. ABZUG:

H.R. 15583. A bill to amend the Export Administration Act of 1969 to require that all proposed agreements between the United States and any foreign nation providing for the transfer or distribution of nuclear materials or technology be subject to congressional approval; to the Committee on Banking and Currency.

By Mr. PHILLIP BURTON (for himself, Mr. JOHN L. BURTON, Mr. TAYLOR of North Carolina, Mr. UDALL, Mr. KASTENMEIER, Mr. O'HARA, Mrs. MINK, Mr. MEEDS, Mr. STEPHENS, Mr. MELCHER, Mr. RONCALIO of Wyoming, Mr. BINGHAM, Mr. SEIBERLING, Mr. OWENS, Mr. DE LUGO, Mr. JONES of Oklahoma, Mr. CRONIN, Mrs. HANSEN of Washington, Mr. EVANS of Colorado, and Mr. WALDIE):

H.R. 15584. A bill to amend the act of October 2, 1968 (82 Stat. 931) to expand the Redwood National Park in California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PETTIS:

H.R. 15585. A bill to direct the Secretary of the Treasury to issue $2 bills bearing a design emblematic of the Bicentennial of the American Revolution on the reverse side; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BAFALIS, Mr. BEARD, Mr. BRINKLEY, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. DEL CLAWSON, Mr. COUGHLIN, Mr. DOMINICK V. DANIELS, Mr. DELLUMS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESHLEMAN, Mr. FISH, Mrs. GRASSO, Mr. GREEN of Pennsylvania, Mr. GROVER, Mr. GUNTER, and Mr. TIERNAN):

H.R. 15586. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

By Mr. ASPIN (for himself, Mr. HARRINGTON, Mr. KETCHUM, Mr. KOCH, Mr. KYROS, Mr. LONG of Maryland, Mr. LUKEN, Mr. MAYNE, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of Illinois, Mr. OWENS, Mr. PEPPER, Mr. PRITCHARD, Mr. RANGEL, Mr. REID, Mr. RIEGLE, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ROY, Mr. ST GERMAIN, and Mr. SARASIN):

H.R. 15587. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

By Mr. ASPIN (for himself, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. STEELE, Mr. STUDDS, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. THONE, Mr. ULLMAN, Mr. CHARLES WILSON of Texas, Mr. WINN, and Mr. WOLFF):

H.R. 15588. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

By Mr. CAREY of New York:

H.R. 15589. A bill to amend the Internal Revenue Code of 1954 to extend the cutoff date for qualification of low-income housing rehabilitation expenditures for the 5-year depreciation privilege provided by section 167(k); to the Committee on Ways and Means.

By Mr. DAVIS of South Carolina:

H.R. 15590. A bill to amend the Social Security Act to provide for medical, hospital, and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax cerdits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 15591. A bill to amend section 62 of the Internal Revenue Code of 1954 in order to permit penalties incurred because of premature withdrawal of funds from time savings accounts or deposits to be deducted from gross income in calculating adjusted gross income; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 15592. A bill making an appropriation to Radio Liberty to provide for initiating broadcasting in Baltic languages into the Union of Soviet Socialist Republics; to the Committee on Appropriations.

By Mr. FREY (for himself, Mr. KYROS, Mr. SYMMS and Mr. BOB WILSON):

H.R. 15593. 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. KEMP:

H.R. 15594. A bill to amend the Federal Water Pollution Control Act to authorize additional funds for grants for the construction of treatment works which are required for compliance with international pollution control agreements; to the Committee on Public Works.

By Mr. McKINNEY:

H.R. 15595. A bill exempting State lotteries from certain Federal prohibitions and for other purposes; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 15596. A bill to amend section 502(b) of the Mutual Security Act of 1954 to reinstitute specific accounting requirements for foreign currency expenditures in connection with congressional travel outside the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MITCHELL, of Maryland:

H.R. 15597. A bill to amend title 28 of the United States Code to permit certain suits against the United States with respect to

tort claims arising out of assault, battery, false imprisonment, and false arrest; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland (for himself, Ms. CHISHOLM, Mr. DAVIS of South Carolina, Mr. PODELL, Mr. HARRINGTON, Ms. SCHROEDER, Mr. MURPHY of Illinois, and Mr. DIGGS):

H.R. 15598. A bill to amend the Internal Revenue Code of 1954 to provide individuals one additional income tax exemption for each dependent who is handicapped; to the Committee on Ways and Means.

By Mr. RONCALLO of New York:

H.R. 15599. A bill to amend the Internal Revenue Code of 1954 to encourage the recycling of lubricating oil by repealing the provisions which allow the repayment of the excise tax imposed on lubricating oil not used in highway motor vehicles; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 15600. A bill to direct the Secretary of Agriculture to conduct a cost production study of cattle, hogs, sheep and lambs; to the Committee on Agriculture.

By Mr. STEELMAN (for himself, Mr. STEELE, Mr. FRASER, and Mr. COHEN):

H.R. 15601. 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 Mrs. SULLIVAN (for herself, and Mr. LEGGETT) (by request):

H.R. 15602. A bill to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAXLER:

H.R. 15603. A bill to amend the Consolidated Farm and Rural Development Act to establish a loan insurance program for owners and processors of livestock or livestock products which have been condemned or quarantined by a Federal or State official for reasons of public health; to the Committee on Agriculture.

By Mr. WYATT:

H.R. 15604. A bill to repeal the act terminating Federal supervision over the property and members of the Confederated Tribes of Siitz Indians of Oregon, and to reinstate the Confederated Tribes of Siletz Indians of Oregon as a federally recognized Indian tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska:

H.R. 15605. A bill to amend section 405 of title 37, United States Code, to delay for a period of at least 30 days the effective date of any reduction in the cost-of-living allowance authorized by the Secretary concerned under such section for members of the uniformed services serving at certain duty stations outside the United States or in Alaska or Hawaii; to the Committee on Armed Services.

By Mr. BOWEN:

H.R. 15606. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. CAREY of New York:

H.R. 15607. A bill to extend for 1 year the suspension of the 120-percent criterion for State "on" and "off" indicators for purposes of the Federal-State Extended Unemployment Compensation Act of 1970; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 15608. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. HARRINGTON (for himself, Mr. HELSTOSKI, Mr. ADDABBO, Mr. PEPPER, Mr. ROSENTHAL, Mr. WOLFF, Mr. PODELL, Mr. YATES, Mr. MOAKLEY, Mr. WALDIE, Mr. RANGEL, Mr. DRINAN, Ms. BURKE of California, and Ms. HOLTZMAN):

H.R. 15609. A bill to establish a National Resource Information System, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. REID, Mr. CONTE, and Mrs. HECKLER of Massachusetts):

H.R. 15610. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Ms. HOLTZMAN (for herself and Mr. BINGHAM):

H.R. 15611. A bill to amend section 214 of the Internal Revenue Code of 1954 to provide a deduction for dependent care expenses for married taxpayers who are employed part time, or who are students, and for other purposes; to the Committee on Ways and Means.

By Mr. McCORMACK (for himself, Mr. TEAGUE, Mr. MOSHER, Mr. GOLDWATER, Mr. DAVIS of Georgia, Mr. WYDLER, Mr. FUQUA, Mr. FREY, Mr. SYMINGTON, Mr. HANNA, Mr. FLOWERS, Mr. ROE, Mr. CONLAN, Mr. COTTER, Mr. CRONIN, Mr. BERGLAND, Mr. PICKLE, Mr. BROWN of California, Mr. MILFORD, and Mr. GUNTER):

H.R. 15612. A bill to further the conduct of research, development, and demonstrations in solar energy technologies, to establish a solar energy coordination and management project, to amend the National Science Foundation Act of 1950 and the National Aeronautics and Space Act of 1958, to provide for scientific and technical training in solar energy, to establish a Solar Energy Research Institute to provide for the development of suitable incentives to assure the rapid commercial utilization of solar energy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MELCHER:

H.R. 15613. A bill to direct the Secretary of Agriculture to conduct a cost of production study of cattle, hogs, sheep and lambs; to the Committee on Agriculture.

By Mr. O'BRIEN:

H.R. 15614. A bill to amend the chapter of title 10 of the United States Code relating to U.S. real property, to permit a percentage of the receipts from leasing certain property to be used by public schools where the property is located; to the Committee on Armed Services.

By Mr. RONCALLO of New York:

H.R. 15615. A bill to provide for the reimbursement of regulated public utilities engaged in the sale of electric power at the wholesale or retail level for any amount expended for residual fuel oil which is more than average price for residual fuel oil during calendar year 1972, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 15616. A bill to provide for the labeling of major appliances and motor vehicles to promote and effect energy conservation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15617. A bill to extend the Solid Waste Disposal Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE) (by request):

H.R. 15618. A bill to amend the Federal Power Act and the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mrs. SULLIVAN (for herself, Mr. DINGELL, and Mr. BIAGGI):

H.R. 15619. A bill to provide for the conservation and management of fisheries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CLANCY:

H.R. 15620. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. ROE:

H. Con. Res. 551. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. VEYSEY:

H. Con. Res. 552. Concurrent resolution to establish a select joint committee to be known as the Joint Committee on Customs and Immigration Policy; to the Committee on Rules.

By Ms. ABZUG:

H. Res. 1189. Resolution requesting certain information regarding nuclear agreements with Egypt and with Israel from the President of the United States; to the Committee on Foreign Affairs.

By Mr. CAREY (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BRASCO, Mr. DELANEY, Mr. FISH, Mr. GROVER, Mr. KOCH, Mr. RANGEL, Mr. RONCALLO of New York, and Mr. ROSENTHAL):

H. Res. 1190. Resolution expressing the sense of the House that the President not attend the Summit meeting until Soviet leaders provide assurances that his visit will not be used as an excuse for intensified persecution of the Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. HEINZ (for himself, Mr. ABDNOR, Ms. ABZUG, Mr. ANDREWS of North Carolina, Mr. BROOMFIELD, Mr. BUCHANAN, Mr. BURGENER, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. ROBERT W. DANIEL, Jr., Mr. DAVIS of South Carolina, Mr. DRINAN, Mr. FREY, Mr. FROEHLICH, Mr. HARRINGTON, Mr. HANNA, Mr. HELSTOSKI, Mr. JARMAN, Mr. JOHNSON of Pennsylvania, Mr. KETCHUM, Mr. KYROS, Mr. LAGOMARSINO, Mr. LUKEN, Mr. MAYNE and Mr. McKINNEY):

H. Res. 1191. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. HEINZ (for himself, Mr. MOAKLEY, Mr. MOSHER, Mr. MURTHA, Mr. PREYER, Mr. REGULA, Mr. RONCALLO of New York, Mr. RUPPE, Ms. SCHROEDER, Mr. STARK, Mr. STEELMAN, Mr. STOKES, Mr. TALCOTT, Mr. THONE, Mr. WALSH, Mr. BOB WILSON, Mr. CHARLES H. WILSON of California, Mr. WON PAT, Mr. YATRON, Mr. YOUNG of Georgia, Mr. YOUNG of

Illinois, Mr. KEMP, Mrs. BOGGS, Mrs. CHISHOLM, and Mr. RONCALIO of Wyoming):

H. Res. 1192. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. VEYSEY:

H. Res. 1193. Resolution to authorize the Committee on Government Operations to conduct an investigation and study of the feasibility of consolidating into one Federal agency all existing Federal Establishments concerned with the immigration of individuals and the importation of goods into the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

505. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the tax-exempt status for State and local bonds for federally aided projects; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 15621. A bill for the relief of Antoni B. Wojcicki; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 15622. A bill for the relief of Anthony Mohamed Kaikai; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

452. The SPEAKER presented a petition of the Board of Commissioners, North Redington Beach, Fla., relative to the Veterans' Administration hospital at Bay Pines, Fla.; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

UTILITY CONSUMER BILL OF RIGHTS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 25, 1974

Mr. METCALF. Mr. President, the Michigan Public Service Commission adopted a "utility consumer bill of rights." It is an excellent statement. I ask unanimous consent to print it in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MICHIGAN PSC ADOPTS UTILITY CONSUMER BILL OF RIGHTS

The Michigan Public Service Commission has taken final action to put into effect a consumers bill of rights for all Michigan residential gas and electric utility customers.

The Commission approved final rules which will bring the relationship between the customer and the utility into the 20th century.

The comprehensive rules cover customer-utility relationships including payment of bills, late charges, security deposits and complaint and termination procedures.

The rules, first issued in November for public comment and hearing, must first be reviewed as to form and legality, and then sent to the Joint Administrative Rules Committee of the Legislature for final approval.

The Commission strongly urged the legislative committee to take prompt action prior to adjournment to enable the Public Service Commission to put the rules into effect.

The new rules, which represent the first revision of consumer standards since 1944:

Require each utility to give a customer 21 days to pay his bill.

Require the utilities to eliminate all late payment charges and discounts.

Require each utility to extend utility service to a customer without a deposit until he proves himself to be a bad credit risk.

Eliminate all standards for deposits except the customers failure to pay his bill and to refund current deposits that do not meet the new rules.

Require each utility to publish and distribute a comprehensive pamphlet which in layman's terms fully describes the customers rights and responsibilities.

Establish complaint procedures which will insure prompt, courteous and effective handling of all customer inquiries, service requests and complaints.

Require each utility to set up hearing procedures which will give each customer a due process right to challenge a utility's decision to cut off service prior to termination.

Require the utilities to hire hearing examiners to conduct hearings and prevent them from performing any other services for the utility.

Prevent the utility from discontinuing utility service when a medical emergency exists.

Require the utility to offer a customer a reasonable settlement agreement to pay his bill in installments when financial emergencies occur.

Require the utility to follow strict procedures prior to physically terminating utility service.

Require the utilities to file comprehensive quarterly reports concerning relationships with customers.

Permit the newly established Consumer Services Division to constantly monitor and review all utility-custom activities.

The Commission stressed that the relationship between the consumer and the utility company has been affected by our changing society. It is abundantly clear that basic utility services are necessities of life, and services that millions of consumers depend upon to function and exist in our society. It is, therefore, essential that this relationship be governed by rules and regulations which adequately reflect the realities of the 1970's.

The Michigan Public Service Commission has the statutory responsibility to insure that every consumer in the State of Michigan has an equal opportunity to obtain and receive adequate and safe utility services under reasonable conditions. In the opinion of the Commission, the proposed rules establish fair and practical standards guaranteeing basic rights to every Michigan gas and electric utility consumer.

In essence, the rules reflect one essential theme—fairness to the utility customer:

A fair opportunity for ratepayers to pay bills within a reasonable time without penalty.

A fair opportunity for all ratepayers to obtain utility service without deposits or guarantees unless and until they establish unacceptable credit.

A fair opportunity, as embodied in the concept of due process of law, to protest incorrect charges or practices at the company and Commission.

A fair opportunity to be informed of utility practices, rules, conditions of service and complaint procedures.

The Commission believes that these rules, when formally enacted, will provide Michigan utility customers with the most effective and advanced set of standards ever implemented by a regulatory commission.

The Commission stressed that while the new rules establish fair service policies for all gas and electric customers, they also encourage the utilities to improve collection procedures and take prompt action when customers refuse to pay bills without legitimate reasons.

While utility bills have increased due to inflation and higher fuel costs, the rules do not relieve every customer of the responsibility to pay in full all legitimate charges for utility service.

The rules represent the culmination of the work of the Commission staff under the direction of Carl H. Kaplan, Deputy Director of Policy. The utilities, consumer groups and the general public have all contributed a great deal of effort in formulating the rules and are commended by the Commission for their contributions.

TELEVISION AND IMPEACHMENT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 25, 1974

Mr. METCALF. Mr. President, in a commencement address at Northwestern University, Fred W. Friendly made a compelling argument for responsible broadcast coverage of impeachment proceedings—should such proceedings occur—in the U.S. House and Senate.

A former president of CBS News, Mr. Friendly concluded that the American people will demand "a first-person, unbridged view of so historic an event" without having it strained and filtered through even the most responsible press and broadcast observers.

He told graduates of the Medill School of Journalism—

None of us here today can know whether such a trial will take place, but I can assure you that neither history nor the American public will accept surrogate witnesses to so momentous an event.

Most signficantly, Mr. Friendly warned his audience that in any such coverage of impeachment proceedings, journalism in general and broadcast journalism in particular will also be on trial. The danger, he said, is that broadcast journalists in their competitive drive will permit production values to overwhelm the event—"and suddenly the atmosphere of a political convention will prevail."

To avoid this trap, which he said could set broadcast journalism back a generation, Mr. Friendly recommended a series of guidelines for television coverage should the impeachment process occur.

Mr. President, I believe all of my Senate colleagues will wish to have an opportunity to read Mr. Friendly's thoughtful presentation, and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the address