recipients," Jones wrote in his confidential report, "were migratory farm workers who could be expected to remain in the area only short periods of time before moving on to another part of the country, automatically producing a dropout that would be very profitable to the institution under a strict interpretation of the [association's] refund policy, but a windfall under the distorted policies administered by the institution."

SOME $500,000 OWED

All told, Jones reckoned, Community College owned its former students some $500,000.

Hardly less callous was the attitude Jones and a colleague had encountered a few months earlier when they investigated another of the 13 schools—Delta School of Commerce in Shreveport, La.

"Although instructors appeared dedicated to a job of educating the young people," they reported, "management appears to have no interest in the welfare of the student body.

"Top management," they continued, "apparently had devoted itself to the collection of substantial sums of tuition in advance and the utilization of its capital in acquiring or opening other institutions for the purpose of obtaining additional windfalls."

A new owner acquired Delta School of Commerce in the late summer of 1972, according to Louisiana authorities. Then, in February, 1973, the Louisiana attorney general's consumer protection unit in Shreveport began investigating a student's complaint about an unpaid refund. A few days later, Delta School of Commerce announced an "early spring vacation," closed its doors and has never reopened.

A federal official's confidential memo, based on an investigation of school problems in the South, describes a blatant pattern of loan-program exploitation:

A school owner makes a deal with a bank, which agrees to pay his school a specified sum, say $150,000.

The school owner then sends salesmen to recruit 100 students and sign them up for $1,500 loans to cover tuition. The salesmen also get the students to sign papers authorizing the bank to turn over the loan proceeds directly to the school.

The bank then pays the school the $150,000 as agreed, frequently without contacting the borrowers or making sure they show up for classes.

This way the school owner has his cash. The bank gets federal interest subsidies on the loans while the borrowers are supposedly in school, and the protection of federal insurance if they default.

Only the unwitting students, faced with repaying their loans to the government if not to the bank, regardless of whether they get an education, stand to lose.

CALIFORNIA CASE

Student borrowers are left holding the bag even if a school shuts down as a result of illegal activities. This happened three years ago in California, where the state attorney general's office filed a civil fraud suit against self-promoting though technically nonprofit Riverside University. The school, swiftly forced into receivership, was charged among other things with certifying numerous ineligible students for insured loans.

Some had signed up for insured loans but hadn't yet started classes when Riverside folded. Since the school had received and spent their loan proceeds, however, the prospective students had to repay the loans despite receiving neither educations nor refunds.

Aroused by what happened at Riverside, California Congressmen Jerry L. Pettis and Alphonzo Bell introduced a bill last December aimed at better controlling school eligibility for student aid programs.

"A fine industry which is fulfilling an ever increasing need for good post-secondary education," Pettis asserted, "is being discredited by con men, hustlers and run-of-the-mill incompetents."

To protect students, their bill would relieve insured-loan borrowers of their debts if it was found the schools which short-changed them should never have been eligible for the program in the first place.

HOUSE OF REPRESENTATIVES—*Friday, June 28, 1974*

The House met at 12 o'clock noon.

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

Thou art my rock and my fortress; therefore for Thy name's sake lead me and guide me.—Psalms 31: 3.

O Thou Ruler of Nations and Lord of Life who dost seek to lead Thy children into the paths of peace, guide our President in his journey to Russia that out of his endeavors there may come the good news of a closer cooperation between our nations. Grant unto all who participate in the conferences wisdom, understanding, and an eagerness to work together for the highest good of the people of this planet.

Bless the Members of this House of Representatives. Strengthen them with the assurance that Thou art with them leading them in the ways of wisdom, by the paths of peace toward the goal of a good and a genuine living for all. May we have the courage to walk with Thee in Thy wholesome ways.

God bless Lew Deschler as he retires and grant him and Virginia joy and peace and health in their retirement.

In Thy holy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 3534. An act for the relief of Lester H. Kroll;

H.R. 5266. An act for the relief of Ursula E. Moore;

H.R. 7128. An act for the relief of Mrs. Rita Petermann Brown;

H.R. 7397. An act for the relief of Viola Burroughs;

H.R. 8823. An act for the relief of James A. Wentz; and

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims.

The message also announced that the Senate receded from its amendments numbered 1, 2, 4, 5, 6, 7, 8, 9, and the amendment to the title and agreed to the amendment of the House to the amendment of the Senate numbered 3 to the bill of the House (H.R. 14833) to extend the Renegotiation Act of 1951 for 18 months.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 11105. An act to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill and concurrent resolution of the Senate of the following titles:

S. 3490. An act providing that funds apportioned for forest highways under section 202(a), title 23, United States Code, remain available until expended; and

S. Con. Res. 96. Concurrent resolution adjourning the Senate from June 27, 1974, until noon, July 8, 1974, or until required to reassemble by the Speaker of the House and the President pro tempore of the Senate, whichever comes earlier.

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. 7724) entitled "An act 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."

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 joint resolution (H.J. Res. 1062) entitled "Joint resolution making continuing appropriations for the fiscal year 1975, and for other purposes".

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

H.R. 8217. An act to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; and

H.R. 15074. An act to regulate certain political campaign finance practices in the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8217) entitled "An act to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. HARTKE, Mr. RIBICOFF, Mr. BENNETT, Mr. CURTIS, and Mr. FANNIN

to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11295) entitled "An act to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HOLLINGS, and Mr. STEVENS to be the conferees on the part of the Senate.

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

S. 1193. An act for the relief of Oscar H. Barnett;

S. 2838. An act for the relief of Michael D. Manemann;

S. 3477. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

S. 3703. An act to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes; and

S.J. Res. 223. Joint resolution extending the authority of the Small Business Administration.

The message also announced that the Vice President, pursuant to Public Law 79–565, appointed Mr. BENTSEN to the United States National Commission for the United Nations Educational, Scientific, and Cultural Organization.

ANNOUNCEMENT BY THE SPEAKER CONCERNING SUMMONSES SERVED UPON CERTAIN MEMBERS AND OFFICERS OF THE HOUSE

The SPEAKER. The Chair advises the House that the Clerk of the House, the Sergeant at Arms of the House, the minority leader, the chairman of the Committee on Ways and Means, and the chairman of the Committee on Rules have been served with summons and complaint in an action against the House filed in the U.S. District Court for the District of Columbia.

The Chair will place in the record copies of the Clerk's letter to the Attorney General and to the U.S. attorney for the District of Columbia requesting that appropriate action be taken pursuant to 2 U.S.C. 118 in defense of this action.

Copies of letters from the Clerk, the Sergeant at Arms, the minority leader, the chairman of the Committee on Ways and Means, and the chairman of the Committee on Rules—all addressed to the Speaker—will be placed in the record along with a copy of the summons immediately following this statement by the Chair:

[U.S. District Court for the District of Columbia, Civil Action File No. 74–928]

ROBIN FICKER, PLAINTIFF, *v.* U.S. HOUSE OF REPRESENTATIVES, DEFENDANT

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon U.S. House of Representatives, U.S. Capitol, person authorized to receive service, plaintiff Robin Ficker, whose address is 9008 Flower Ave., Silver Spring, Md., an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY,
Clerk of Court.

Date: June 18, 1974.

WASHINGTON, D.C.,
June 21, 1974.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: On June 20, 1974, I was served two separate Summons and Complaint by the United States Marshal that was issued by the U.S. District Court for the District of Columbia. This summons and complaint are in connection with Robin Ficker, et al., v. The United States House of Representatives, Honorable W. Pat Jennings, Clerk of the U.S. House of Representatives, various chairmen of House committees and another House Officer, in Civil Action No. 74–928.

The summons requires the defendants to answer the complaint within sixty days after service.

Both of the summons and complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.,
June 21, 1974.

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

DEAR MR. SPEAKER: On June 20, 1974, I was served two separate Summons and Complaint by the U.S. Marshal which were issued by the U.S. District Court for the District of Columbia. This Summons and Complaint are in connection with Robin Ficker, et al., v. The United States House of Representatives, Kenneth R. Harding, Sergeant at Arms, U.S. House of Representatives, various Chairmen of House Committees, and another House Officer, in Civil Action No. 74–928.

The Summons requires the defendants to answer the Complaint within sixty days after service.

Both the Summons and Complaint are attached, and the matter is presented to you for such action as the House deems necessary to take.

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

WASHINGTON, D.C., *June 26, 1974.*

The Honorable the SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On June 25, 1974, I was served with a Summons and Complaint in Civil Action No. 74–928, in the United States District Court for the District of Columbia.

It is my purpose by this letter to inform you that it is my desire to be covered in the same arrangements for defense as provided for the Clerk of the House, Sergeant-at-Arms, and the Chairman of the Ways and Means Committee.

The Summons and Complaint in question are herewith attached so that the matter may be presented for such action as the House in its wisdom might see fit to take.

Sincerely,

JOHN J. RHODES,
Member of Congress, Minority Leader.

COMMITTEE ON WAYS AND MEANS,
Washington, D.C., June 28, 1974.

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

DEAR MR. SPEAKER: I have been served with a summons and complaint in civil action No. 74–928 in the United States District Court for the District of Columbia.

It is my purpose by this letter to inform you that it is my desire to be covered in the same arrangements for defense as provided for the Clerk of the House, the Sergeant at Arms of the House, and the Minority Leader of the House.

The summons and complaint in question are herewith attached so that the matter may be presented for such action as the House in its wisdom might see fit to take.

Sincerely,

WILBUR D. MILLS,
Chairman.

COMMITTEE ON RULES,
Washington, D.C., June 27, 1974.

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

DEAR MR. SPEAKER: On June 20, 1974, I was served a Summons and Complain by the U.S. Marshall which was issued by the U.S. District Court for the District of Columbia. This Summons and Complaint are in connection with Robin Ficket, et al., v. The United States House of Representatives, Ray J. Madden, Chairman, Rules Committee, U.S. House of Representatives, and another House Officer, in Civil Action No. 74–928.

The Summons requires the defendants to answer the Complaint within sixty days after service.

Both the Summons and Complaint are attached, and the matter is presented to you for such action as the House deems necessary to take.

Sincerely,

RAY J. MADDEN,
Chairman.

WASHINGTON, D.C.,
June 28, 1974.

Hon. WILLIAM B. SAXBE,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. SAXBE: On June 20, 1974, I was served the attached two separate Summons and Complaint by the United States Marshall that were issued by the U.S. District Court for the District of Columbia. This constituted service on the United States House of Representatives and on the Honorable W. Pat Jennings, Clerk of the U.S. House of Representatives. The Honorable Kenneth Harding, Sergeant at Arms of the House of Representatives, the Honorable Wilbur Mills, Chairman of the Democratic Committee on Committees, the Honorable John Rhodes, Chairman of the Republican Committee on Committees, and the Honorable Ray Madden, Chairman of the House Rules Committee were also served with a similar summons and complaint in Civil Action No. 74–928.

In accordance with 2 U.S.C. 118 I have sent a copy of the summons and complaint in this action to the U.S. District Attorney for the District of Columbia requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

With kind regards, I am,

Sincerely yours,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.,
June 28, 1974.

Hon. EARL J. SILBERT,
U.S. Attorney for the District of Columbia, U.S. Courthouse, Washington, D.C.

DEAR MR. SILBERT: On June 20, 1974, I was served the attached two separate Summons

and Complaint by the United States Marshal that were issued by the U.S. District Court for the District of Columbia. This constituted service on the United States House of Representatives and on the Honorable W. Pat Jennings, Clerk of the U.S. House of Representatives. The Honorable Kenneth Harding, Sergeant at Arms of the House of Representatives, the Honorable Wilbur Mills, Chairman of the Democratic Committee on Committees, the Honorable John Rhodes, Chairman of the Republican Committee on Committees, and the Honorable Ray Madden, Chairman of the House Rules Committee were also served with a similar summons and complaint in Civil Action #74-928.

In accordance with 2 U.S.C. 118 I respectfully request that you take appropriate action, as deemed necessary, under the "supervision and direction of the Attorney General" of the United States in defense of this suit against the U.S. House of Representatives and all the other listed defendants therein.

I am also sending you a copy of the letter that I forwarded this date to the Attorney General of the United States.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

CALL OF THE HOUSE

Mr. DAVIS of South Carolina. 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. 349]

Addabbo	Grover	Powell, Ohio
Archer	Gubser	Quie
Armstrong	Gunter	Quillen
Aspin	Hammer-schmidt	Railsback
Biaggi	Hansen, Wash.	Rangel
Bolling	Harrington	Reid
Brasco	Harsha	Rhodes
Burke, Calif.	Hébert	Riegle
Carey, N.Y.	Heckler, Mass.	Rinaldo
Chamberlain	Henderson	Roberts
Chappell	Holifield	Robison, N.Y.
Chisholm	Holtzman	Rodino
Clancy	Howard	Roncalio, Wyo.
Clark	Hungate	Rooney, N.Y.
Cochran	Johnson, Colo.	Rose
Cohen	Jones, N.C.	Roy
Collier	Jones, Tenn.	Seiberling
Conyers	Karth	Shoup
Cotter	Kluczynski	Shriver
Crane	Kuykendall	Shuster
Culver	Kyros	Sikes
Daniels, Dominick V.	Landrum	Sisk
Danielson	Lujan	Smith, N.Y.
Davis, Ga.	McClory	Spence
Dellums	McCormack	Stokes
Dennis	McKay	Stuckey
Diggs	McKinney	Studds
Donohue	McSpadden	Talcott
Dorn	Macdonald	Thomson, Wis.
Downing	Madigan	Thornton
Drinan	Martin, Nebr.	Udall
Edwards, Ala.	Mayne	Vigorito
Esch	Meeds	Waldie
Eshleman	Metcalfe	Ware
Evins, Tenn.	Mezvinsky	Whitten
Fish	Milford	Wiggins
Fisher	Minshall, Ohio	Williams
Foley	Moakley	Wilson, Charles H., Calif.
Fulton	Mollohan	
Fuqua	Moorhead, Pa.	Winn
Giaimo	Murphy, N.Y.	Wylie
Gibbons	Nelsen	Wyman
Goodling	Owens	Yatron
Grasso	Pepper	Young, Ga.
Gray	Peyser	Young, Tex.
Griffiths	Podell	

The SPEAKER. On this rollcall 298 Members have recorded their presence by electronic device, a quorum.

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

PREFERENTIAL MOTION OFFERED BY MRS. MINK

Mrs. MINK. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mrs. MINK moves that the managers on the part of the House on the disagreeing votes of the two Houses on the bill H.R. 69 be instructed to insist on the provisions of title IV of the House bill with respect to Federal assistance provided to school districts enrolling children whose parents work or live on Federal property.

PARLIAMENTARY INQUIRY

Mr. PERKINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Will the gentlewoman yield for a parliamentary inquiry?

Mrs. MINK. No, I do not, Mr. Speaker. I insist upon being able to present to the House my privileged motion.

The SPEAKER. The gentlewoman, of course, has the privilege against everything but a point of order.

POINT OF ORDER

Mr. PERKINS. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Mr. Speaker, I am wondering how much time I will have, as Chairman of the Committee, on the motion to instruct.

The SPEAKER. The Chair will advise the gentleman from Kentucky that is not a point of order.

The gentlewoman has 1 hour which she can yield as she desires. That is as far as the Chair can go.

Mr. PERKINS. Mr. Speaker, I would like to ask about how much time the gentlewoman intends to allocate to the opposition.

Mrs. MINK. Mr. Speaker, I will not yield at this time. I would like an opportunity first, Mr. Speaker, to present my case, and I will assure this House that in deference to the chairman of the conference; that I will yield time to him as Chairman of the full Committee, and I will also yield time to the gentleman from Wisconsin (Mr. STEIGER) to speak for the minority.

Mr. Speaker, the issue is quite clear. It is the old question of impact aid. I do not believe we need an hour to debate the issue this afternoon. Most of us are acquainted with the intricacies of the impact law, Public Law 874, as it currently exists, and most of us recognize the inequities which have been debated in this House on many occasions in the past.

The purpose of my rising to offer this privileged motion is to ask the House to sustain the action which the House took when it reported H.R. 69, the Elementary-Secondary Education Act. In that legislation, we made no substantive changes with regard to the impact law. We extended it for the regular term of that bill. We made several changes with regard to entitlements for Indian children, but we included in our impact provisions a study which would have required the GAO to report back within 1 year suggested changes to our respective committees.

There was a great deal of discussion in our committee before we reported out H.R. 69 about possible changes with regard to category B, to devise a way in which we could fund B-in children differently from B-outs; to wit, those who were going to school in the districts where their parents worked as distinguished from those children who were going to school in districts where the parents did not work. The difficulty with such a formula change was clearly brought out in our committee deliberations that the Office of Education—no office in the entire executive branch, for that matter—had the necessary data to give us the effect of any changes we were considering.

Therefore, we came to the House and asked for a 1-year study in order that the statistics might be gathered for the use of the committee so that a careful analysis could be made. The Senate, however, went ahead and made wide-scale changes with respect to category B which cut the entitlements of category B children as well as the funding levels.

I have charts there at the desk for those who are interested in seeing the effect of the two basic changes, which amounts to an overall average 20-percent cut in category B.

In our conference deliberations the other morning, the House conferees moved to accept a Senate proposal which, in effect, would have adopted in entirety all of the recommended changes that the Senate bill had proposed with regard to category B children.

Let me run through these changes as they will affect each of the categories.

With respect to A children, which are the children who live on base or on Federal land, whose parents work for the Federal Government, with regard to the civilian A's, the Senate bill cut the entitlement from 100 percent in the current law to 90 percent. Where the local contribution rate is $700, the Senate version would have cut the entitlement by 10 percent for these A children, making the contribution rate not $700 but $630 which is the reduced dollar figure that you multiply against the number of civilian A's. A loss of $70 in entitlement for every A civilian child.

In addition to that, the Senate not only cut entitlements of A children, who are the priority children which this House and Congress has said over and over again deserve the highest priority of funding, but they even cut back in their payment allotment from a current 90 percent down to 88 percent. Therefore, the across-the-board cut in civilian A children in the Senate bill is an aggregate figure of 11 percent.

Each Member knows how much of his funds under impact aid come under category A, and I tell you that you will suffer an 11-percent across-the-board cut in the A civilian category under the Senate proposal.

As for the B children, under current law, the B's are funded at one-half of the local contribution rate. That is the current law.

The Senate cut that entitlement from 50 to 45 percent for the children, whose

parents work on property inside the county.

These civilian B's, which we call B-ins, would have an entitlement figure of 45 percent, a 5-percent cut in their entitlement.

As for the children whose parents work outside the county, their entitlements would be cut back from 50 to 40 percent. For those children whose parents work outside the State as in metropolitan Washington, D.C., the Senate provides absolutely no entitlement whatsoever.

In addition to the cuts in entitlement, there were also cuts in the payment level. Under the current appropriation limitation, all of us with B children are now receiving 68 percent funding. The Senate cut even the premium B, which are the military B's. They would be cut back to a 60-percent payment level, making an across-the-board cut of 8 percent. The B-in children would be cut to 57 percent from the current 68. The civilian B-outs would be cut to 53 percent from the current 68 percent.

This is an extremely complicated provision. If some Members do not believe how complicated it is let me show you. I asked the Library of Congress to give me a sketch of exactly what the Senate changes amounted to and how they were developed.

This is what they called a simplified chart; this is what the Library of Congress presented me. And yet the Senate and House conferees on the education bill were expected to make a decision which affected some 5,000 school districts in a matter of minutes.

Mr. Speaker, I would like also to cover another very interesting point. The Senate recommendations with regard to the impact aid changes provided that they were not to take effect in this coming fiscal year anyway. They were not to go into effect in fiscal year 1975; they postponed the effective date of fiscal year 1976.

So what was the necessity of forcing a change upon our school districts which meant millions of dollars to most of our areas which are affected when it was to be delayed for 1 year, anyhow. The House provision called for a 1-year study, to give us the statistics and information necessary to make an intelligent decision. In exchange for the cuts that all of us are being asked to suffer, because they said, reform was necessary in the impact aid program, the Senate proposal added a new category of mandatory funding, and that new category of mandatory funding was in the public housing children area, the category that we refer to as "Category C."

Because of the trigger mechanism in the way the payments are listed in the Senate proposal in category C, public housing children would be counted the moment a single school district received impact aid funding. The net effect of funding the category C public housing children under the Senate proposal amounts to an additional requirement of $59 million.

Mr. Speaker, most of us are willing to allot this money, I am sure, and to count these children in determining school allotments.

I am trying my utmost to explain the complicated changes which were made under the Senate proposal, in the interest of time, so that all Members will know what they are being asked to vote upon this afternoon.

The Senate proposal recommended a mandatory funding of public housing children. This mandatory funding is at the level of 25 percent of 45 percent of the local contribution rate. This addition requires $59 million of additional funding.

Mr. Speaker, most Members of this House, faced with the Senate's adamant demand for funds under category C, would have acceded to this demand. However, what the Senate did, in offering its proposal which a majority of House conferees accepted, was to take $59 million out of category B children to pay for the added cost of adding category C. They reduced the funding, national funding, of category B from $319 million down to $250 million, representing a $69 million across-the-board cut for all category B children throughout the country. This is a 20-percent cut.

This is what I objected to. In order to counter the Senate proposal, during the conference deliberations I offered a counterproposal which would not have changed one iota the current law regarding entitlement and payments under category B, but would have added the funds needed to pay for the public housing category.

Mr. Speaker, outside in the halls I have heard people lobbying against my resolution on the ground that I sought to take away funds from public housing. That is absolutely untrue.

The proposal, which I offered to the House conferees which was rejected, sought to preserve category B funding, and placed in an even higher participation percentage in tier two the category C public housing children. As a matter of fact, every one of the cities and major metropolitan areas would have substantially benefited if my amendment had been agreed to by the House conferees. I feel absolutely certain had I been given an opportunity to make this counterproposal to the Senate that they would have accepted it.

Let me explain one other very important feature of the Senate proposal. and I address this remark specifically to those Members who come from the big cities who have expressed concern about my motion and have questioned my intentions with regard to my actions.

The current bill as agreed to by the conferees has a provision for funding of part C, title I. Part C, title I are funds which are directed to those areas which have high concentrations of poor children. This means the big city metropolitan areas would have received a very large and substantial portion of the funds authorized for the part C, title I funding.

Let me give the Members an example: Philadelphia under part C, title I funding, would have received $3.2 million each year for the life of the bill.

Chicago would have received $6,163,000.

Detroit would have received $3,320,000.

Baltimore would have received $1,353,000.

Los Angeles would have received $4,228,000 for the life of the bill, which happens to be 4 years.

What was traded for part C, title I funding was the public housing alternative. When the Senate proposal was offered, they said give us title I, part C funding for 1 year, and from the second year substitute in lieu of this, funding for public housing category C children under impact aid. And everybody said oh, without having the facts and figures before them, this must be a better deal for the big cities, because we must have more public housing children than we do children whose parents work for the Federal Government.

But let me give Members the figures which I requested of staff from the Library of Congress which illustrate the exact implications of what that exchange for the public housing funds means in lost dollars for the big cities.

For Philadelphia, this would have meant a cut of $1.4 million, because under public housing they get only $1.8 million, but under part C they would have gotten $3.2 million.

Chicago under public housing, with all their public housing children would be receiving only $3,770,000, whereas under part C they would have received $6,163,000 for each of the 4 years—an annual loss of $2,393,000.

Look at Detroit. I have heard people from Detroit argue against my resolution because of the funds they were going to get under public housing category C. The Senate proposal with part C, title I funding would give them each year $3,320,000. Had they persisted on insisting upon part C funding, for heavy concentrations of poor children, instead of accepting the exchange for public housing which amounts to only $320,000 they would have been ahead by $3 million. All that the city of Detroit will receive each year under the public housing part C funding is $320,000.

Los Angeles—and I have had many Members from the Los Angeles area tell me how category C public housing funding is going to help them and, therefore, they get a good break under the Senate proposal. Part C, title I for Los Angeles means $4 million each year for 4 years. Instead, they bought a package in the public housing funding which brings to the Los Angeles County area only $890,000 each year. A tremendous loss. And so what I am asking the Members to do today is to give the House conferees instructions to go back to the conference and to deal with the facts as they actually exist, and to insist upon the House provision in order to give us an opportunity to reopen this matter, and to negotiate a basis on which equitable funding can be provided for the public housing children, and at the same time not sacrifice category B.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. ZABLOCKI. 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. 350]

Adams	Gubser	Pepper
Addabbo	Gunter	Peyser
Andrews, N. Dak.	Hammer-schmidt	Podell
Armstrong	Hanna	Powell, Ohio
Bell	Hansen, Wash.	Quie
Biaggi	Harrington	Quillen
Bolling	Hawkins	Rangel
Brasco	Hébert	Reid
Burke, Calif.	Heckler, Mass.	Rhodes
Carey, N.Y.	Henderson	Roberts
Chamberlain	Holifield	Robison, N.Y.
Chisholm	Holtzman	Rodino
Clancy	Howard	Roncalio, Wyo.
Clark	Hungate	Rooney, N.Y.
Cleveland	Ichord	Rose
Cochran	Johnson, Colo.	Roy
Collier	Jones, N.C.	Ruth
Conyers	Jones, Tenn.	Shoup
Corman	Jordan	Shriver
Cotter	Karth	Shuster
Culver	Kluczynski	Sikes
Daniels, Dominick V.	Landrum	Sisk
Davis, Ga.	Long, La.	Skubitz
Dellums	Lujan	Smith, N.Y.
Dennis	McCormack	Spence
Diggs	McKay	Stokes
Dorn	McKinney	Stuckey
Downing	McSpadden	Studds
Drinan	Macdonald	Talcott
Edwards, Ala.	Madigan	Thomson, Wis.
Edwards, Calif.	Martin, Nebr.	Tiernan
Esch	Mathis, Ga.	Udall
Eshleman	Mayne	Vander Jagt
Evins, Tenn.	Meeds	Vigorito
Foley	Metcalfe	Waldie
Fulton	Mezvinsky	Ware
Fuqua	Milford	Whitten
Gibbons	Minshall, Ohio	Williams
Goodling	Moakley	Winn
Grasso	Mollohan	Wylie
Gray	Montgomery	Wyman
Griffiths	Moorhead, Pa.	Yatron
Grover	Nelsen	Young, Ga.
	Owens	Young, Tex.

The SPEAKER. On this rollcall, 303 Members have recorded their presence by electronic device, a quorum.

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

PRIVILEGED MOTION OFFERED BY MRS. MINK TO INSTRUCT CONFEREES

Mrs. MINK. Mr. Speaker, I will not take much more time. I believe the issues are, if not thoroughly understood, at least they have been drawn.

The question is whether the House desires to instruct the conferees to hold the House position on the question of impact aid. The net effect of voting for my resolution of instruction is to give the conferees an opportunity to go back to the conference to restore $69 million.

The simple effect of my resolution this morning is simply to give the conferees an opportunity to go back to that conference and to insist that the category B children not be sacrificed, because of the addition of public housing children. I have no objection to the funding of public housing children. I have heard Members come up to me during the interim of the quorum call and say that because I was going to seek funds for public housing they could not support me.

Let me tell the Members, that has already been done by the conference committee. They added the $59 million for public housing. That has already been accomplished. I am saying that that was accomplished at the expense of category B children to the tune of $69 million.

Why do we take education funds from school districts, which desperately need this money, to fund other children? Surely, this country is rich enough, if we must meet the crushing needs of the big cities, to find this extra $60 million to give to these big cities, but certainly not to take it away from the children who deserve it in the category B areas. That is the only purpose of my resolution; to give us an opportunity to reopen this matter.

It will be extremely difficult to do so without the support and encouragement of this House, so I would hope that the House would agree with me.

Mr. Speaker, I have nothing further to say. If the chairman of the full Committee of Education and Labor would like to have a few minutes, I would be glad to yield to him for purposes of debate only.

Mr. Speaker, I will yield 5 minutes to the chairman of the full committee.

Mr. PERKINS. Mr. Speaker, I certainly hope the gentlewoman will decide to yield an additional 5 minutes at least, since she has spoken more than 20 minutes.

First, let me state to the membership of the House that on all occasions during this conference, that CARL PERKINS has tried to uphold the position of the House.

I first asked the Senate to accept the House position on impact aid. We got nowhere with that. We had more than a half dozen proposals and counterproposals, and the Senate kept arguing that the country was losing interest in impact aid. They showed their figures. By 1972 the limitation was 73 percent of the amount of entitlements for B children and $5 million reverted to the Treasury.

In 1973 the limitation was 67 percent, and $49.4 million reverted to the Treasury. Last year the limitation was 63 percent, and $48.7 million reverted or will revert on Sunday night, even though it was appropriated for our schools for B children.

Let me tell the Members about the proposals of the gentlewoman from Hawaii to the House and Senate conferees. She proposed in the conference to eliminate payments for out-of-State B's, and also part of that proposal was to cut back on payments for out-of-county B's, and she would have included public housing children for funds at $100 million and she also would not have held any school districts harmless because of the inclusion of public housing children.

The proposal of the gentlewoman from Hawaii (Mrs. MINK) was to cut out of county B's more than is proposed in the Senate proposal that was adopted by the House and Senate conferees, because she proposed to cut back from 28 to 25 percent.

But we disregarded that and set these requirements in the bill. I agree with the gentlewoman from Hawaii that the A children in 1973 amounted to $190,244,000. For this next fiscal year, under the mandatory minimal requirements of the new proposal, the A children will be $193,469,000. And, the heavily impacted districts with more than 25 percent of A children will be funded 100 percent in the A category, and Indian children will be funded at 100 percent.

The Senate amendment, which we adopted in conference, proposes a schedule of payments, minimum payments. Paragraph 1 provides that all school districts shall be paid 25 percent of their entitlements; in other words, all the way across the board, A children, B children, and C children—for the first time in public housing—would be funded to the extent of 25 percent of their entitlements. Above that, B children will receive a minimum requirement by this proposal of 60 percent of their entitlement. Then the Committee on Appropriations could go on above the 60 percent and 25 percent if they wanted to, up to 100 percent.

Therefore, I say that the proposal adopted by the House conferees was much better and straighter than the Mink proposal that was rejected by the House and Senate conferees.

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

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for an additional 5 minutes.

The SPEAKER. The Chair does not have control of the time.

Mr. PERKINS. Mr. Speaker, will the gentlelady from Hawaii (Mrs. MINK) yield an additional 5 minutes to me?

Mrs. MINK. Mr. Speaker, I regret that I had assured the Speaker that this debate would take no more than 10 minutes. I yield 5 minutes to my fellow conferee, the gentleman from Michigan (Mr. FORD).

Mr. FORD. Mr. Speaker, I would like, first, to commend the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), and the ranking Republican member on the committee, the gentleman from Minnesota (Mr. QUIE), who is not here today, for the long, hard hours during which they have worked together.

I simply do not feel that we are at this moment involved in a kangaroo court proceeding. I really think we have been trying to work together in a spirit of cooperation in order to get a bill that is fair to both urban America and to rural America. We were not able to do that, in the opinion of many of us in the House bill, with regard to title I, which very clearly, in the minds of many Members, resulted in a very strong evidence of rural bias at the expense of the large city. Therefore, when the Senate was deliberating on what to do, they inserted in their legislation a couple of provisions which they thought would help to relieve the sting of the title I formula that discriminated, in their opinion, against urban America and the big cities in particular.

One of those provisions was the extension of part C of title I, the money

that goes where the greatest concentration of poor children visits. That would have meant a one-shot $75 million program to help offset what the big cities were losing in the formula of H.R. 69.

During the course of the conference proceedings the gentleman from Minnesota (Mr. QUIE) and the gentleman from Kentucky, CARL PERKINS, the chairman of the committee, entered into negotiations with the senior Senator from New York, and I am afraid that the Senator from New York was taught how to make horse-and-rabbit stew, because during the horse trading they were putting horses into the stew and he was putting rabbits in. That is about the extent of equality which resulted.

The Senator from New York first traded off $75 million for their $53 million, and then they decided that it would be better to trade impact dollars than to try to get additional dollars for poor children in the cities. What we are being told, very cynically, here is that if we take the money away from impact school districts, whether to the cities or to small towns, and give it to the cities which have a high proportion of public housing in relation to the number of poor people, somehow that will be more acceptable and politically salable and it will cause less trouble.

I submit to the Members that once we look at the figures, we are going to discover that is not true. No one from the State of Michigan could accept this, because we have a lot more poor people in Michigan than we have public housing to take care of them.

There is only one city on the trade-off here that comes off with more money, not this year but starting in 1976, than they would have received if they had not accepted the proposal of the House, and that is New York City. Immediately when we get to the smaller towns, towns like Philadelphia, Chicago, Detroit, and Los Angeles, we discover that they really get clobbered.

Los Angeles is an appropriate example. Los Angeles trades $4,228,000 of B money for $890,000 of public housing money. That is a perfect example of what I call a horse-and-rabbit trade. That follows all the way down. So if there are Members here who believe a vote against the position of the gentlewoman from Hawaii (Mrs. MINK) is a vote in favor of urban America getting equity in this legislation, I want to tell them they are wrong.

The way for urban America and rural America to get equity in this legislation is for us to get a resounding vote in this House so that we can say to the conferees and so that we can say to the Senators, "This matter must be reopened for further negotiation." On its face, in its present form, this is so patently unfair and unreasonable that the House is not likely to accept a conference agreement which includes this kind of a settlement.

Mr. Speaker, we are not asking this House to dictate to the other body; we are asking the Members to give the distinguished gentlewoman from Hawaii (Mrs. MINK) a vote in order to let us go back to the bargaining table and try to get legislation that is fair and equitable to everybody—something which is more fair than that which is about to be delivered to us in the package which has been agreed upon by the conferees.

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

Mrs. MINK. I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from Hawaii for yielding to me.

Mr. Speaker, I first want to compliment the gentlewoman from Hawaii for focusing the attention of the House on the need to preserve impact aid for those school districts who have the added burdens of educating children for our military personnel.

The House has previously wholeheartedly endorsed continuing this sorely needed educational aid for our impacted school districts.

In the interest of providing equitable aid to "B" school districts, I urge my colleagues to support the proposal made by the gentlewoman from Hawaii (Mrs. MINK) to instruct the House conferees to insist upon the provisions of impact aid as set forth in the House version of H.R. 69.

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

Mrs. MINK. I yield briefly to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I wish to congratulate the gentlewoman from Hawaii in her leadership in bringing this matter before the House, and I wish to associate myself with her remarks.

I would also like to suggest that the category B out-of-State provision now being considered in the conference committee would be devastating to the quality of education in northern Virginia. Any suggestion that would eliminate payments for out-of-State "B's" students for assistance, would fly in the face of simple equity on which the current impact aid program is based. The termination of that assistance without notice, even without any consideration for a phaseout period in the future, would be unconscionable. I sincerely hope and trust that the House conferees will not seriously consider or accept such a proposal.

Mrs. MINK. Mr. Speaker, I thank the gentleman from Virginia for his comments.

Mr. Speaker, I do hate to disagree with the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) but my proposal to the conferees was to hold everybody harmless at 90 percent of the current level of funding for all B category out-of-State children which were cut. The Senate proposal was only 80 percent hold harmless.

Another point that I would like to clarify which the chairman of the full committee states was that there would be adequate funding at 60 percent of payments for category B children—military.

Let me remind the Members that the level of payment now is 68 percent. Right off the top, for these premium-B's that heretofore no one challenged the Senate proposal cut by 8 percent.

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

Mrs. MINK. I yield briefly to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Speaker, I rise in strong opposition to the motion by the gentlewoman from Hawaii and in support of a conference report on H.R. 69 that will change the current and grossly inequitable funding of impact aid and embody the principles of the proposed Senate language in the pending education bill.

This is by no means the first time that I have advocated a shifting of this Nation's educational priorities to share with less fortunate school districts the benefits we now accord a few others—others that are often extremely wealthy school districts.

The issue before the House is one of fairness and equity—consider the facts. One of the wealthiest school districts in the Nation, Montgomery County, Md., receives hundreds of thousands of dollars every year of "impact aid" simply because that school district has children whose parents have chosen to work outside that State or county. On the other hand we deny even one penny of impact aid to the Stone-McKees Rocks, Pa., School District where approximately 30 percent of the pupils are children whose families reside on tax exempt property for low rent housing within that school district. Can this possibly be fair? The answer is no.

I strongly urge a change in the present unfair laws, and therefore I vigorously oppose the motion of the gentlewoman from Hawaii.

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

Mrs. MINK. I yield 1 minute to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Speaker, I thank the gentlewoman from Hawaii for yielding to me.

Mr. Speaker, what concerns me is that after working until 4:15 in the morning and after such a lengthy conference, is that the agreement between the House and Senate conferees may be jeopardized. Between the South and the North, and urban and rural areas, the conference report distributes the money under title I on a much more equitable basis. My State of Florida will receive almost double under title I compared to the preceding year.

However, the Senate conferees themselves are mainly from the big cities, and I have very serious reservations, after sweating this thing out for so many hours, if we reopen this they will really not have the motivation to continue to support this bill, and we will probably lose the conference report entirely. So this vote is a very important vote.

So Mr. Speaker, I implore the Members to support the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) in his efforts to get out a good bill this year.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER) for the purpose of debate only.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am grateful to the gentlewoman from Hawaii for her very generous allotment of time to enable the House to have a better understanding on what we are doing. Let us be blunt about it. What happens this afternoon on this floor in large measure is going to determine whether or not there is any capability on the part of either the House or the other body to get an elementary and secondary education bill out of conference and enacted this year. Let us not kid ourselves about the importance of this vote this afternoon.

There are many of those in the other body who would be happy to have no bill at all, and who have made no bones about that. I would not want to see this House find itself in the position, based on its decision this afternoon, of completely blowing up in the water the Elementary and Secondary Education Act amendments of 1974. That is the risk we run.

The issues involved are complicated and complex, but I think there are some simple issues about which no Member in this House ought to have a misunderstanding.

No. 1, are we ending impact aid? Obviously not. No. 2, what happens to military impact aid children? Basically no change. I think that ought to be clear to the Members that when we talk about the military impact aid children who are affected by the decision of the conference, we ought to understand that for the last several years in Appropriations Committee language most of the military A children in the less than heavily impacted districts have been limited to 90 percent. They are not getting a cut; they are being retained at exactly the same level that the Committee on Appropriations in both the House and the Senate have mandated.

Third, are we making changes in the impact aid program? Yes, we are. I think changes are in fact necessary. I find it very difficult to defend to my constituency or to the constituency of any Member in this House that we ought to leave intact the impact aid program. Over all it does require changes. But with the hold-harmless provisions, with the inclusion of public housing children, I think we move in the direction of trying to create a greater degree of equity. Why should we include public housing children under category B? I think the answer is simple. It is because we have accepted the title I formula in the House bill. The McClellan amendment which included the House title I formula was adopted in the Senate, and there are those in major metropolitan areas who do not like that decision.

The Members have instructed us on busing. I accept that. But if the Members instruct us on this, if they make it so impossible to bring back a conference report under any circumstances, then they must answer to their school districts, they must answer to the young people in their districts about the fact that they totally collapsed the conference on a $20 billion education bill.

I hope the House will not do that. I urge the Members, implore them, beg them to vote no on the request of the gentlewoman from Hawaii.

Mrs. MINK. The gentleman from Wisconsin has hit upon the precise issue which is confronting this House today. That is whether children in the school districts in our areas are to be traded off like some commodity in a conference committee. That is the issue here that we must face. It is not a question of helping someone else get additional money for their schools and for their school districts. It is a question of taking $69 million away from existing programs without an iota of evidence that the Senate in offering this proposal knew the traumatic impact that it would have on our districts.

The effect of the Senate changes are postponed for 1 year. What is the difference in this position from ours? We provided for a 1-year study. We would then come back after 1 year and know precisely the effect of what we are doing.

I believe that the House has had ample time to consider my resolution. The question is very clear. I beg this House not to take funds away from school districts. I urge you to give the House conferees a chance to go back, negotiate this issue, put back the category B money, and go along with the Senate conference recommedation with regard to the public housing children.

Mr. HOGAN. Mr. Speaker, I rise in strong support of the motion by the distinguished gentlewoman from Hawaii (Mrs. MINK) to instruct the House conferees on H.R. 69, the Elementary and Secondary Education Act amendments, to retain the House language on impact aid programs.

When we passed Mrs. MINK's impact aid amendment on March 27 of this year, we did so by an overwhelming margin of 276 to 129, and that solid victory for extension of impact aid programs through 1977 was well deserved.

The Committee on Education and Labor had recommended phasing out the impact aid programs at the end of fiscal 1975, despite the fact that other programs under ESEA were granted an extension to 1977. The basic unfairness of this proposal was obvious to a sizable majority of the House membership in March, and it should remain so today.

The basis for the committee's opposition to a longer extension for impact aid was a belief that these programs were providing unfair advantages for some school systems that were not afforded to other school systems, and that the impact aid programs might be outmoded.

But the committee further called for a study of these allegations to determine what the future of impact aid should be, and 1 year is simply not enough time to conduct the extensive and definitive study that should be made of this matter.

The issue before us today is the same one that we faced in March, and that is the question of whether or not the Congress wants to study impact aid programs or kill them. I want to study these programs with a view toward making them more equitable and more effective in the future, and Mrs. MINK's amendment would give us this opportunity with sufficient time to do the job properly.

Therefore, Mr. Speaker, I urge my colleagues to join me in support of this motion to instruct our conferees to hold fast to the overwhelmingly approved House language in this matter, and demand that it be included in the final conference report version.

Mr. TALCOTT. Mr. Speaker, I cannot voice too strongly my objections to the action taken by the conferees with respect to the impacted aid provisions in H.R. 69.

The provisions of the Senate version of H.R. 69 relating to impacted aid which were accepted by the conference committee would change the existing Public Law 874 program to the detriment of nearly all school districts now receiving impacted aid funds.

If this action is allowed to stand it will raise havoc with the school budgets in those affected school districts. It is unconscionable to ask our school administrators to wait until June, July, or perhaps August to learn how much Federal assistance they can expect for the upcoming school year which begins in September.

I urge my colleagues therefore to reflect on the consequences of this action and move to instruct our conferees to insist on the impacted aid provisions adopted by the House.

Mrs. MINK. Mr. Speaker, I requested the Library of Congress to provide estimates of effects of the tradeoff which was agreed to in the House-Senate conference as they affect certain districts, cities, and States.

The table below illustrates the effect of the tradeoff, based upon the most current data available, regarding the number of children, the number of public housing units with school age children, local contribution rates as used in the current fiscal year's calculations of entitlements, and allotments under part C of title I based upon full appropriations level of $75 million for fiscal year 1975.

The tradeoff was reductions of impact aid funding at both the entitlement end ranging from 5 to 10 percent and the payment end from 8 to 15 percent below the current 68 percent—in exchange for counting public housing children as "B-in's" at the payment rate of 25 percent, beginning in fiscal year 1976 in lieu of whatever the schools received under part C of title I.

As in all of these cases, most Members were deeply concerned about the loss or gain of funds for their districts. Regretably no exact figures are obtainable. No one can know what the local contribution rate will be in fiscal year 1976, or the average daily attendance, or the number of children in public housing units, or the number of children whose parents will work for the military or for the Federal Government who live outside the county.

and all the other variables which the new formula requires as new data, before an actual calculation can be made.

This was a major reason for the House providing for a 1-year mandated study so that these data could be obtained and the exact impact of all changes known in advance.

Be that as it may, those who were arguing against my motion who would be wise to study carefully the tables that were prepared from the best available data by the Library of Congress. It shows what the effect would be on the major cities and States if the conference draft were to become law today. You could draw a straight line correlation from that to what it will be like in fiscal year 1976 when it does go into effect. Certainly in 1 year you are not going to have massive new public housing units built, or huge shifts in poor children into the cities to affect the results in any material way.

So the following chart, I believe, has reasonable applicability to what the picture will look like in fiscal year 1976 when these major changes will become effective under the conference bill.

Further, I am assuming that part C, title I funds will be fully funded in fiscal year 1975 at the level of $75 million primarily because of the changes made in the funding mechanism. Part C, title I is for special grants for urban and rural schools with the highest concentration of poor children. In this current fiscal year 1974, $47,239,237 was allotted.

The tradeoff in the conference bill was that part C, title I funds will cease at the end of fiscal year 1975 and in place thereof the "public housing" children will begin to be counted as "B" category impact aid children but with a limited payment of 25 percent of—45 percent of the local contribution rate.

The question therefore is whether this tradeoff:

Loss of category B funds because of the revised formula and entitlement; plus

Loss of part C, title I funds is less than whatever gain your district might make from counting public housing children as "B" category at 25 percent of—45 percent of local contribution rate.

For example, as I said before, if you will look at Detroit: If you add the loss of $930,000 of part C, title I funds, and the loss of category "B" funds because of the change of the formula, it totals $1,010,000. Yet under the addition of public housing children counted as "B" children Detroit only will get $330,000. Thus the net loss for Detroit will be $680,000.

If you take Philadelphia: The loss under part C, title I funding when that is repealed at the end of fiscal year 1975 at full funding is $3,280,000; its further loss under the new category "B" formula is estimated at $550,000; yet the additional funds it will receive on account of counting public housing children as category "B" children is only $1,820,000. So in Philadelphia, the loss will amount to $2,010,000 under the conference agreement.

In Los Angeles County, the loss under part C, title I funding when that is repealed in favor of category C impact aid, again assuming part C, title I, will be fully funded is $4,230,000; the city of Los Angeles loses under the new category "B" formula $590,000; the additional funds it will receive on account of counting public housing children as category "B" is only $890,000. The city of Los Angeles has only an estimated 16,040 children living in its public housing units. Its loss under this conference tradeoff is likely to be $3,900,000.

The chart referred to follows:

State, county, and school district	Conference authorization for ESEA title I, part C (fiscal year 1975)	Estimated loss, section 3(B), over current law by Senate provisions paid at 2 tiers without low rent housing (fiscal year 1973 data)	Estimated public housing, Senate proposal at 25 percent of 45 percent LCR (fiscal year 1973 data)	Estimated low rent housing children in ADA (fiscal year 1973 data)
National	$75,000,000	$69,000,000	$53,000,000	883,000
California	9,000,000		3,830,000	69,200
Los Angeles County	4,230,000			
Los Angeles City		590,000	890,000	16,040
San Francisco	370,000	150,000	210,000	3,810
Colorado	790,000		300,000	5,280
Denver	370,000	230,000	250,000	3,000
District of Columbia	1,190,000	770,000	640,000	10,120
Florida	1,990,000		1,530,000	31,600
Dade County	500,000	40,000	200,000	4,080
Illinois	6,650,000		4,850,000	72,640
Cook County	6,160,000			
Chicago		600,000	3,630,000	53,330
Maryland	1,580,000		1,230,000	21,040
Baltimore City	1,350,000	190,000	1,080,000	14,960
Michigan	$5,250,000		$870,000	20,640
Wayne	3,320,000			
Detroit		$80,000	330,000	6,070
Missouri	1,060,000		660,000	12,800
St. Louis City	480,000	80,000	340,000	5,520
Jackson	230,000			
Kansas City		140,000	90,000	1,420
New York	9,000,000		8,420,000	91,360
New York City	7,160,000	990,000	7,860,000	71,290
Pennsylvania	4,700,000		3,390,000	58,720
Allegheny	1,120,000			
Pittsburgh		70,000	630,000	7,730
Philadelphia City	3,280,000	550,000	1,820,000	26,610
South Carolina	570,000		390,000	8,050
Charleston County	170,000	320,000	90,000	1,940
Virginia	1,210,000		1,230,000	21,120
Norfolk City	300,000	460,000	330,000	5,520
Alexandria City	0	260,000	110,000	1,040

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

The previous question was ordered.

The SPEAKER. The question is on the preferential motion offered by the gentlewoman from Hawaii (Mrs. MINK).

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

RECORDED VOTE

Mrs. MINK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 187, not voting 103, as follows:

[Roll No. 351]

AYES—144

Abdnor	Beard	Brinkley
Adams	Bevill	Brotzman
Alexander	Biester	Brown, Ohio
Anderson, Calif.	Blackburn	Broyhill, Va.
Ashbrook	Boggs	Burgener
Baker	Bowen	Byron
Bauman	Breaux	Camp
	Breckinridge	Carter
Clausen, Don H.	Hanley	Mink
Clawson, Del	Hanrahan	Mitchell, N.Y.
Cohen	Harsha	Montgomery
Conlan	Hébert	Moss
Coughlin	Hicks	Murphy, N.Y.
Crane	Hinshaw	Natcher
Daniel, Robert W., Jr.	Hogan	Nedzi
Danielson	Holt	Nichols
Davis, S.C.	Hosmer	O'Brien
Denholm	Ichord	O'Hara
Dickinson	Jarman	Owens
Dingell	Johnson, Calif.	Parris
Drinan	Jones, Ala.	Passman
Duncan	Jones, Okla.	Patman
Edwards, Calif.	Kastenmeier	Pettis
Evans, Colo.	Kazen	Pickle
Fisher	Ketchum	Pike
Flowers	King	Poage
Flynt	Kuykendall	Price, Tex.
Ford	Kyros	Pritchard
Gettys	Lagomarsino	Randall
Gilman	Leggett	Rees
Ginn	Long, La.	Rooney, Pa.
Goldwater	Lott	Rousselot
Gonzalez	McClory	Runnels
Green, Oreg.	McFall	Ruppe
Gross	Mahon	Ryan
Gubser	Mathias, Calif.	Scherle
Gude	Mathis, Ga.	Sebelius
Guyer	Matsunaga	Skubitz
Hamilton	Melcher	Snyder
	Mezvinsky	Spence
	Miller	Steed
Steele	Van Deerlin	Whitehurst
Steiger, Ariz.	Vander Veen	Wilson, Bob
Stephens	Veysey	Wilson, Charles H., Calif.
Stratton	Waggonner	Wright
Stubblefield	Waldie	Young, Alaska
Taylor, Mo.	Walsh	Young, S.C.
Thornton	Wampler	
Traxler	Whalen	
Udall	White	

NOES—187

Abzug	Buchanan	Davis, Wis.
Anderson, Ill.	Burke, Fla.	de la Garza
Andrews, N.C.	Burke, Mass.	Delaney
Annunzio	Burleson, Tex.	Dellenback
Archer	Burlison, Mo.	Dellums
Arends	Burton, John	Dennis
Ashley	Burton, Phillip	Dent
Aspin	Butler	Derwinski
Badillo	Carney, Ohio	Devine
Bafalis	Casey, Tex.	Donohue
Barrett	Cederberg	Duiski
Bell	Chappell	du Pont
Bennett	Clay	Eckhardt
Bergland	Cleveland	Eilberg
Bingham	Collins, Ill.	Erlenborn
Brademas	Collins, Tex.	Fascell
Bray	Conable	Findley
Brooks	Conte	Fish
Broomfield	Conyers	Flood
Brown, Calif.	Corman	Forsythe
Brown, Mich.	Cronin	Fountain
Broyhill, N.C.	Daniel, Dan	Fraser

Frelinghuysen	Martin, N.C.	Sarbanes
Frenzel	Mayne	Satterfield
Frey	Mazzoli	Schneebeli
Froehlich	Michel	Schroeder
Gaydos	Mills	Seiberling
Giaimo	Minish	Shipley
Green, Pa.	Mitchell, Md.	Slack
Haley	Mizell	Smith, Iowa
Hansen, Idaho	Moorhead, Calif.	Staggers
Hastings	Morgan	Stanton, J. William
Hawkins	Mosher	Stanton, James V.
Hays	Murphy, Ill.	Stark
Hechler, W. Va.	Murtha	Steelman
Heckler, Mass.	Myers	Steiger, Wis.
Heinz	Nix	Sullivan
Helstoski	Obey	Symington
Hillis	O'Neill	Symms
Holtzman	Patten	Taylor, N.C.
Horton	Perkins	Teague
Huber	Preyer	Thompson, N.J.
Hudnut	Price, Ill.	Thone
Hunt	Railsback	Tiernan
Hutchinson	Rangel	Towell, Nev.
Johnson, Pa.	Rarick	Treen
Jordan	Regula	Vander Jagt
Kemp	Reuss	Vanik
Koch	Rhodes	Widnall
Landgrebe	Riegle	Wiggins
Latta	Rinaldo	Wilson, Charles, Tex.
Lehman	Robinson, Va.	Wolff
Lent	Roe	Wyatt
Litton	Rogers	Wydler
Long, Md.	Roncallo, N.Y.	Yates
Luken	Rosenthal	Young, Fla.
McCloskey	Rostenkowski	Young, Ill.
McCollister	Roush	Zablocki
McDade	Roybal	Zion
McEwen	Ruth	Zwach
Madden	St Germain	
Mallary	Sandman	
Mann	Sarasin	
Maraziti		

NOT VOTING—103

Addabbo	Griffiths	Podell
Andrews, N. Dak.	Grover	Powell, Ohio
Armstrong	Gunter	Quie
Biaggi	Hammer-schmidt	Quillen
Blatnik	Hanna	Reid
Boland	Hansen, Wash.	Roberts
Bolling	Harrington	Robison, N.Y.
Brasco	Henderson	Rodino
Burke, Calif.	Holifield	Roncalio, Wyo.
Carey, N.Y.	Howard	Rooney, N.Y.
Chamberlain	Hungate	Rose
Chisholm	Johnson, Colo.	Roy
Clancy	Jones, N.C.	Shoup
Clark	Jones, Tenn.	Shriver
Cochran	Karth	Shuster
Collier	Kluczynski	Sikes
Cotter	Landrum	Sisk
Culver	Lujan	Smith, N.Y.
Daniels, Dominick V.	McCormack	Stokes
Davis, Ga.	McKay	Stuckey
Diggs	McKinney	Studds
Dorn	McSpadden	Talcott
Downing	Macdonald	Thomson, Wis.
Edwards, Ala.	Madigan	Ullman
Esch	Martin, Nebr.	Vigorito
Eshleman	Meeds	Ware
Evins, Tenn.	Metcalfe	Whitten
Foley	Milford	Williams
Fulton	Minshall, Ohio	Winn
Fuqua	Moakley	Wylie
Gibbons	Mollohan	Wyman
Goodling	Moorhead, Pa.	Yatron
Grasso	Nelsen	Young, Ga.
Gray	Pepper	Young, Tex.
	Peyser	

So the preferential motion was rejected.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Addabbo.
Mr. Clark with Mr. Kluczynski.
Mr. Hungate with Mr. Dominick V. Daniels.
Mr. Hanna with Mr. Stokes.
Mr. Jones of Tennessee with Mr. Holifield.
Mr. Fuqua with Mr. Macdonald.
Mr. Evins of Tennessee with Mr. Moakley.
Mr. Milford with Mrs. Chisholm.
Mr. Pepper with Mr. Moorhead of Pennsylvania.
Mr. Vigorito with Mr. Diggs.
Mr. Studds with Mr. Young of Georgia.
Mr. Sikes with Mr. Rooney of New York.
Mr. Roberts with Mr. Biaggi.
Mr. Culver with Mr. Reid.
Mr. Davis of Georgia with Mr. Carey of New York.
Mr. Landrum with Mr. Brasco.
Mr. McKay with Mr. Fulton.
Mr. Meeds with Mr. Metcalfe.
Mr. Gibbons with Mrs. Grasso.
Mr. Gray with Mrs. Burke of California.
Mr. Henderson with Mr. Cotter.
Mr. Gunter with Mr. Howard.
Mr. Rose with Mr. Harrington.
Mr. Roy with Mr. Anderson of North Dakota.
Mr. Stuckey with Mr. Clancy.
Mr. Ullman with Mr. Collier.
Mr. Whitten with Mr. Esch.
Mr. Dorn with Mr. Cochran.
Mr. Foley with Mr. Grover.
Mrs. Griffiths with Mr. Eshleman.
Mr. Karth with Mr. Hammerschmidt.
Mr. Jones of North Carolina with Mr. Edwards of Alabama.
Mr. Downing with Mr. Lujan.
Mr. Rodino with Mr. Goodling.
Mr. Sisk with Mr. Madigan.
Mr. McCormack with Mr. Martin of Nebraska.
Mr. McSpadden with Mr. McKinney.
Mr. Mollohan with Mr. Minshall of Ohio.
Mr. Powell of Ohio with Mr. Peyser.
Mr. Quillen with Mr. Podell.
Mr. Robison of New York with Mr. Quie.
Mr. Roncalio of Wyoming with Mr. Shuster.
Mr. Shoup with Mr. Talcott.
Mr. Shriver with Mr. Thomson of Wisconsin.
Mr. Smith of New York with Mr. Ware.
Mr. Winn with Mr. Williams.
Mr. Wyman with Mr. Wylie.
Mr. Young of Texas with Mr. Yatron.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MINK. Mr. Speaker, I ask that all Members may have five legislative days in which to revise and extend their remarks on the preferential motion just voted on.

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

There was no objection.

ESTABLISHING EGMONT KEY NATIONAL WILDLIFE REFUGE IN THE STATE ON FLORIDA

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8977) to establish in the State of Florida the Egmont Key National Wildlife Refuge, 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 3, strike lines 1, 2, and 3.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman explain briefly the conference report?

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

Mr. GROSS. I will be glad to yield to the gentleman.

Mr. DINGELL. I say to the Members that the Senate amendment is a very small change, not a substantive amendment. It strikes out about the last four lines of the bill which authorize the expenditure of funds to carry out the purposes of the act. The language which was stricken by the Senate is unimportant because there is other statutory authorization for precisely the same expenditure of funds. It makes no real change in the bill and no change whatsoever in existing law with regard to expenditure of funds to implement the act. It removes swift usage.

If my good friend, the gentleman from Iowa, will recall, the legislation passed the House earlier without opposition and passed the Senate more recently without opposition. It is sponsored by our good friend and colleague, the gentleman from Florida (Mr. GIBBONS), who has worked very hard on this fine wildlife refuge bill. It will set up a very fine wildlife refuge.

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

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DESIGNATING PREMISES OCCUPIED BY CHIEF OF NAVAL OPERATIONS AS OFFICIAL RESIDENCE OF VICE PRESIDENT

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate joint resolution (S.J. Res. 202) designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate amendment to the House amendment, as follows:

SEC. 3. The Secretary of the Navy shall, subject to the supervision and control of the Vice President, provide for the staffing, care, maintenance, repair, improvement, alteration, and furnishing of the official residence and grounds of the Vice President.

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

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, on June 12, 1974 by a vote of 380 ayes to 23 nays the House passed Senate Joint Resolution 202 designating the premises presently occupied by the Chief of Naval Operations as the "temporary" official residence for the Vice President of the United States.

The House version, which was in the form of an amendment, struck all after the enacting clause of the Senate joint resolution and inserted the House language. Section 3 of the House version authorized the Administrator of General Services to provide for the care, maintenance, repair, improvement, alteration, and furnishing of the official residence and grounds including heating, lighting, and air conditioning, such services to be

provided at the expense of the United States.

The Senate, on June 26, 1974, by voice vote, agreed to concur in the House amendment, with an amendment. The Senate amendment to the House version struck out section 3 set forth above, and inserted the following language:

Section 3. The Secretary of the Navy shall, subject to the supervision and control of the Vice President, provide for the staffing, care, maintenance, repair, improvement, alteration, and furnishing of the official residence and grounds of the Vice President.

The Senate position was that the Navy had the care, custody, and control of this house for the last 40 years and could adequately maintain it for the Vice President rather than turning it over to the General Services Administration. This is in line with the language in the House report which stated the committee position that when the Vice President moved into a permanent residence and vacates the official "temporary" residence that it should revert to the Navy Department for its further use as determined by the Secretary of the Navy.

Therefore, Mr. Speaker, I ask unanimous consent that the House accept the Senate amendment to the House version of Senate Joint Resolution 202, and pass the resolution as amended by the Senate.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

PAYMENTS BY THE POSTAL SERVICE TO THE CIVIL SERVICE RETIREMENT FUND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 29) to provide for payments by the Postal Service to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, 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:

Strike out all after the enacting clause and insert: That section 8348 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding any other statute, the United States Postal Service shall be liable for that portion of any estimated increase in the unfunded liability of the Fund which is attributable to any benefits payable from the Fund to active and retired Postal Service officers and employees, and to their survivors, when the increase results from an employee-management agreement under title 39, or any administrative action by the Postal Service taken pursuant to law, which authorizes in pay on which benefits are computed.

"(2) The estimated increase in the unfunded liability, referred to in paragraph (1) of this subsection, shall be determined by the Civil Service Commission. The United States Postal Service shall pay the amount so determined to the Commission in thirty equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the fiscal year in which an increase in pay becomes effective.".

SEC. 2. (a) The last sentence of section 1005(d) of title 39, United States Code, is repealed.

(b) Section 1005(d) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "The Postal Service shall pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h) of title 5.".

SEC. 3. The effective date of this Act shall be July 1, 1971, except that the Postal Service shall not be required to make (1) the payments due June 30, 1972, June 30, 1973, and June 30, 1974, attributable to pay increases granted by the Postal Service prior to July 1, 1973, until such time as funds are appropriated to the Postal Service or that purpose, and (2) the transfer to the Civil Service Retirement and Disability Fund required by title II of the Treasury, Postal Service, and General Government Appropriation Act, 1974, Public Law 93-143.

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

There was no objection.

Mr. DULSKI. Mr. Speaker, the Senate amendment to H.R. 29 strikes out all of the provisions of the House bill and substitutes an entirely new text.

However, there are only two significant differences between the House and Senate versions of the bill.

The House bill makes the Postal Service liable for any increases in the unfunded liability of the civil service retirement fund resulting from collective-bargaining agreements or administrative actions which authorize: First, new or liberalized benefits, second, extension of coverage of the retirement provisions, or third, increases in pay.

The Senate amendment, however, makes the Postal Service liable only for increases in the unfunded liability which result from increases in pay.

The Senate Committee deleted the references to "new or liberalized benefits" and "extension of coverage" on the basis that the Postal Service has no authority under either the Postal Reorganization Act or under the civil service retirement provisions to grant new or liberalized benefits or extend coverage of the retirement provisions.

Upon further consideration of the matter we now agree with the Senate's determination and believe that the change proposed by the Senate amendment is justified.

The other significant difference between the two versions of the bill relates to the effective date of the legislation.

The House bill would be effective upon date of enactment and would make the Postal Service liable only for increases in the unfunded liability which result from pay increases which become effective on or after the date of enactment. Under the House bill, the Postal Service would not be liable for any increases in the unfunded liability resulting from the pay increases authorized under the first collective-bargaining agreement of July 20, 1971.

Under the Senate amendment, the provisions of the bill would be effective July 1, 1971. However, the Postal Service would not be required to make the first three unfunded liability payments for fiscal years 1972, 1973, and 1974, attributable to pay increases prior to July 1, 1973, amounting to $284.6 million, until funds have been appropriated to the Postal Service for that specific purpose.

The 1974 Appropriation Act, Public Law 93-143, provided that $142.3 million of the appropriation contained in that act shall be available only for transfer to the civil service retirement fund.

The 1975 fiscal year appropriation (H.R. 15544), which passed the House on June 25, 1974, contains a similar provision requiring $414.4 million to be transferred for this purpose.

The authority of the 1974 act to transfer the $142.3 million to the civil service retirement fund is voided by section 3 of the Senate amendment. The Senate amendment contemplates that specific dollar amounts must be appropriated before the transfers are required for the payments due for 1972, 1973, and 1974.

Questions have been raised as to whether or not the Senate amendment could be considered as an authorization for amounts to be appropriated to the Postal Service for the amounts required to be transferred to the civil service retirement fund. We want the RECORD to show that section 3 of the bill is intended to be considered as an authorization for appropriations for the amounts due June 30, 1972, June 30, 1973, and June 30, 1974, attributable to pay increases prior to July 1, 1973. There is no other provision in the Senate amendment that is to be considered as authorizing appropriations for amounts due after June 30, 1974. The Postal Service concurs with this interpretation. I ask that a letter I have received from the Postal Service, dated June 25, 1974, confirming this interpretation, be inserted at the end of my remarks.

Upon passage of H.R. 29 by the House on May 7, 1973, it was estimated that the amount for which the Postal Service should be obligated as of June 30, 1974, was $284,667,000. This amount represented retirement amortization payments, including interest, attributable to pay increases granted postal employees prior to July 1, 1973.

While the Senate report on H.R. 29 uses such figure, it fails to take into account an additional $69,200,000 due on June 30, 1974, as the initial payment due as a result of an additional pay increase granted after July 1, 1973—in fiscal year 1974. Thus, the total amount due the fund, attributable to all intervening pay increases, is $353,867,000 as of June 30, 1974.

The Postal Service Appropriation Act for fiscal year 1974 directed that $142,333,500, representing one-half of the previously estimated obligation, be transferred to the retirement fund. It was contemplated that the remaining balance would be covered in the fiscal year 1975 appropriation bill. Such funds have not yet been transferred by the Postal Service and, upon enactment of H.R. 29, the requirement to make the transfer will be canceled.

Recap (in millions)

Amount due June 30, 1974, for pre-FY 1974 actions	$284,667,000
Amount due June 30, 1974, for FY 1974 actions	69,200,000
Amount due June 30, 1974 (arrearage)	353,867,000
Amount due in FY 1975	202,885,000
Total	556,752,000

The letter follows:

LAW DEPARTMENT,
Washington, D.C., June 25, 1974.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that some question has arisen in respect to H.R. 29, a bill relating to payments on unfunded liability by the U.S. Postal Service to the Civil Service Retirement Fund, as it passed the Senate. The question has to do with whether section 1 of the bill, which would amend 5 U.S.C. § 8348 by adding a new subsection (h), could be construed or interpreted as authorizing future appropriations to the Postal Service in respect to the obligations of the Postal Service which would be created by the new subsection (h). That is, the question runs to whether the Postal Service might at some future time request appropriations under that subsection to enable it to make payments of all or any part of the thirty equal annual installments (with interest) envisioned by subsection (h)(2).

The Postal Service has no intention of ever making such a request and could not properly do so. In our opinion, it is entirely clear that the provisions in question would not authorize any appropriation to the Postal Service. Similarly, we see no reasonable way to interpret section 2 of the bill (which would amend 39 U.S.C. § 1005(d)) as conceivably authorizing appropriations. If H.R. 29 is enacted in the form in which it passed the Senate, the Postal Service would be obliged to assume the responsibility for the remaining 27 installments on the liability created by the postal pay increases instituted in July, 1971, by the Postal Service and for all 30 installments on the liabilities arising out of all other pay increases that have been or may be instituted by the Postal Service under the Postal Reorganization Act. The only language in H.R. 29 which could be reasonably interpreted as contemplating authorization of appropriations is to be found in section 3 of the bill, regarding the payments for fiscal years 1972 through 1974 attributable to pay increases created by the Postal Service prior to July 1, 1973.

Sincerely,

LOUIS A. COX,
General Counsel.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RETIREMENT OF CERTAIN LAW ENFORCEMENT AND FIREFIGHTER PERSONNEL

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9281) to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 5, strike out "sections" and insert "section".

Page 2, strike out line 21 and insert "amended—

"(1) by striking out 'and' at the end of paragraph (18);

"(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof a semicolon and the word 'and'; and

"(3) by adding at the end thereof the following:"

Page 4, line 2, strike out "rehabilitation." and insert "rehabilitation; and".

Page 4, in the eighth line following line 16, strike out "1973" and insert "1974".

Page 4, in the ninth line following line 16, strike out "1973" and insert "1974".

Page 5, line 2, strike out "fifty-five" and insert "55".

Page 5, line 3, strike out "twenty" and insert "20".

Page 5, line 7, strike out "sixty" and insert "60".

Page 5, line 9, strike out "sixty" and insert "60".

Page 5, line 12, strike out "sixty-day" and insert "60-day".

Page 5, line 16, strike out "fifty" and insert "50".

Page 5, line 16, strike out "twenty" and insert "20".

Page 5, line 18, strike out "twenty" and insert "20".

Page 5, line 4, strike out "per centum" and insert "percent".

Page 5, line 25, strike out "twenty" and insert "20".

Page 6, line 1, strike out "per centum" and insert "percent".

Page 6, line 2, strike out "twenty" and insert "20".

Page 6, line 9, strike out "1973" and insert "1974".

Page 6, line 10, strike out "1977" and insert "1978".

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

There was no objection.

Mr. DULSKI. Mr. Speaker, the substantive differences between the provisions of H.R. 9281 as passed by the House and the Senate amendments thereto relate only to the effective dates of certain provisions of the bill.

Under the House-passed bill, the inclusion of premium pay for uncontrollable overtime as a part of basic pay and the 7½ percent retirement deduction rate for employees covered under the bill would take effect at the beginning of the first pay period after December 31, 1973. Under the Senate amendment the two provisions would take effect the first pay period after December 31, 1974.

The mandatory retirement provision would take effect on January 1, 1977, under the House bill and on January 1, 1978, under the Senate amendment.

The Senate amendments are necessary and proper in view of the 9-month time differential between passage of H.R. 9281 by the House—September 20, 1973—and passage by the Senate—June 24, 1974.

All of the other Senate amendments are purely technical changes in order to conform the language of the bill to the style of title 5 of the United States Code.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DICKINSON. Mr. Speaker, I would like to make a personal statement. On roll call No. 319, the vote on final passage on H.R. 15472, the agriculture-environmental and consumer protection appropriations bill, fiscal year 1975, the RECORD shows I am recorded as not voting. Mr. Speaker, I was here and I voted "yea."

PERSONAL EXPLANATION

Mr. PREYER. Mr. Speaker, I was in High Point, N.C., at noon yesterday keeping an important, and long standing, speaking engagement. I had arranged to be back in Washington the same afternoon—in time for important votes. Of course, the House met early and I was not present to vote on the motion of the gentleman from Louisiana (Mr. WAGGONNER), instructing the conferees on H.R. 69 to support the House language on busing. Had I been here, I would have voted for the Waggonner motion. I support the House language and will continue to do so.

CONFERENCE REPORT ON S. 3458, DOMESTIC ASSISTANCE PROGRAMS

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 3458) to amend the Agriculture and Consumer Protection Act of 1973, the Food Stamp Act of 1964, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 26, 1974.)

Mr. POAGE (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the minutes be dispensed with.

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, the bill of the conferees is within the broad general purpose of H.R. 14992, "to continue the domestic food assistance programs, and for other purposes." In summary, H.R. 14992 would have provided the Secretary of Agriculture the authority until June 30, 1975, to purchase agricultural commodities of the types customarily purchased under section 32 of Public Law 320 and section 416 of the Agricultural Act of 1949 notwithstanding other provisions of law to maintain "the level of assistance required" by the domestic food assistance programs authorized by law—except child nutrition and title VII of the Older American Act of 1965 programs.

This amounted to a 1-year, permissive extension of the authority provided in section 4(a) of Public Law 93–86, the Agriculture and Consumer Protection Act of 1973. Section 1 of the Senate bill, S. 3458, would have provided a permanent, mandatory extension of section 4(a) authority to provide "the traditional level of assistance" to all the domestic food assistance programs. S. 3458 contained additional sections regarding the food stamp and special milk programs not contained in H.R. 14992.

Section 2 of the Senate bill amended section 3 of the Food Stamp Act of 1964, which contains definitions of terms used in the act. This section defines terms appearing in section 3 of this bill, which provides for administering the food stamp program on Indian reservations. Section 2 would include, in the term "State agency," the Secretary of the Interior whenever he has responsibility to administer the program for an Indian tribe, as well as the official governing body of any tribe and any State which has responsibility for such administration. Section 2 also defines the terms "tribe" and "Indian reservation."

Section 3 of S. 3458 added a new subsection to section 4 of the Food Stamp Act of 1964. This new subsection authorizes Indian tribes to administer the food stamp program on behalf of their members who live on Indian reservations. It also authorizes the Secretary of the Interior or any State, pursuant to agreement with the tribe, to administer the program on behalf of any tribe on an Indian reservation. While section 3 authorizes operation of the food stamp program on reservations of Indian tribes which desire the program, under section 1 of the bill, tribes may, until July 1, 1976, elect to operate the family food distribution program on their reservations.

Section 3 of S. 3458 also provided that the Secretary of Agriculture may issue no regulation which pertains only to the administration of the food stamp program on Indian reservations without prior consultation with the Secretary of the Interior and authorized representatives of the tribes affected.

Section 4 of the Senate bill amended section 15 of the Food Stamp Act of 1964 to authorize the Secretary of Agriculture to pay each State agency 62½ percent of all of the State agency's costs in administering the food stamp program. At present, the Food Stamp Act authorizes the Secretary to pay each State 62½ percent of only certain designated administrative costs.

Section 4 of the Senate bill also directed the Secretary to pay any Indian tribe, the Department of the Interior, or any State, 100 percent of all the costs of administering the food stamp program on any Indian reservation pursuant to the provisions in section 3 of the bill.

Section 4 of the Senate bill also required that each State report at least annually on the effectiveness of the administration of the program. No payment of administrative costs shall be made unless the Secretary is satisfied that the State is employing enough qualified personnel to administer the program efficiently and effectively.

Section 5 of S. 3458 also requires the Child Nutrition Act of 1966 to establish a 5-cent minimum rate of reimbursement for each half-pint of milk served in the special milk program. The minimum rate of reimbursement is to be adjusted annually, beginning with the 1976 fiscal year, to reflect changes in the series of food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Adjustments are to be computed to the nearest one-fourth cent. Also, in lieu of a stated amount, appropriations of such sums as may be necessary to carry out the program are authorized.

The conference agreement adopted the House title "to continue the domestic food assistance programs and for other purposes." The conference agreement on section 1 will provide the "traditional level of assistance" to the domestic food assistance programs included in the House bill for 3 years ending June 30, 1977. Section 32 funds are authorized for use in fiscal year 1975 only. The next 2 years' moneys must be appropriated from the general revenue fund to carry out this authorized extension of section 4(a) of Public Law 93–86.

The conferees provided that the 3-year extension of the Department of Agriculture's authority to purchase and donate commodities would benefit, among other programs, supplemental feeding. The supplemental feeding program in fiscal year 1974 was intended to provide free nutritious foodstuffs to a population of 137,000 pregnant and lactating low-income women and their infants and children below the age of 5 in some 200 project areas. The conferees expect that the Department of Agriculture will continue to donate commodities to these programs wherever they may be located and will not attempt to terminate them simply because the commodity distribution program to needy families will be phased out of all of the counties in which the supplemental feeding programs operate and be replaced by food stamps during the course of the next few months in accordance with the mandate of Public Law 93–86, the Agriculture and Consumer Protection Act of 1973. The conferees further assume that, if the Department of Agriculture has announced the termination of such programs during 1974 or in fact closed them down, it will reopen them and provide them with necessary foodstuffs in accordance with the provisions of this bill.

Sections 2 and 3 of S. 3458 were not included in the conference agreement. The conferees agreed to section 4, with the exception of the Indian provision, which will substantially revise the cost-sharing mechanism pursuant to which the Department of Agriculture reimburses the States for administering the food stamp program. Since 1970, the Department has provided 62.5 percent of certain State expenses limited to the direct salary, travel, and travel-related costs—including fringe benefits—of personnel during the time that they are employed in certifying nonpublic assistance households, performing Outreach, and conducting fair hearings. The new formula would reduce the Department share of State—and county, where the State passes these on to its political subdivisions—costs to 50 percent, but would expend the items of expense covered to encompass all program-related administrative costs, some of which are specified in the law on a nonexclusive basis. This expansion means that States could be reimbursed in the future for one-half of their expenditures in, among other things, issuing food coupons—including the cost of contracting out of that function to private and public organizations and agencies—administering the program throughout the State—including the cost of all supervisory and clerical personnel and the rental, furnishing, and supplying of officers—investigating fraud and protecting against theft, utilizing automatic data processing—including equipment costs—and undertaking effective outreach to insure the participation of all eligible households that wish to benefit from the program—including the cost of mobile units and of contracting with private and public organizations and agencies to supply manpower to perform this function. The conferees understood that the cost share would not, however, extend to any expenses involved in certifying public assistance households for food stamps, since those expenses are already covered by Federal reimbursement under the public assistance program.

The conferees accepted section 5 of the Senate bill as written, which will have the effects I have previously explained.

Mr. WAMPLER. Mr. Speaker, I rise in support of the conference report on S. 3458.

It is important that this bill be quickly enacted in order to keep the pipeline of donated food flowing to needy people throughout the Nation. The present authority expires Sunday, June 30, and I hope the House will act expeditiously to prevent any gap occurring in this Department of Agriculture food donation program.

The conference report modifies the House companion legislation in three major respects.

First, it mandates the commodity distribution program for 3 more years. The House bill provided authority for 1 additional year. The conference bill, however, would require specific annual appropriations for the second and third year rather than permitting the Secretary to use "section 32" funds as he presently does and as the bill provides for the first year of its life.

I would also point out that the conference substitute retains the amendment I offered to permit the distribution of seafood and seafood products under the program. These nutritious foods can go a long way to improving the diets of those who participate in the program.

Second, it removes the annual authorization ceiling of $120 million on the present school milk law and permits such sums as Congress may appropriate in future years. It also raises the half-pint reimbursement rate by 1 penny and ties future reimbursements—starting in fiscal year 1976—to the cost of living index maintained by the Department of Labor.

Third, it increases and simplifies the Federal share of administrative expenses on the food stamp program that is run jointly with the States by adopting a "50–50" cost-sharing formula.

This legislation is needed, Mr. Speaker, to both keep and expand food assistance to many people who, without this bill, would face many hungry days.

The SPEAKER. Without objection, the previous question on the conference report is ordered

There was no objection.

The SPEAKER. The question is on the conference report.

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

Mr. BELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 325, nays 0, not voting 109, as follows:

[Roll No. 352]

YEAS—325

Abdnor	Dent	Long, La.
Abzug	Derwinski	Long, Md.
Adams	Devine	Lott
Alexander	Dickinson	Luken
Anderson, Calif.	Donohue	McClory
Andrews, N.C.	Drinan	McCloskey
Annunzio	Dulski	McCollister
Archer	Duncan	McDade
Arends	du Pont	McEwen
Ashbrook	Eckhardt	McFall
Ashley	Edwards, Calif.	Madden
Aspin	Eilberg	Mahon
Badillo	Erlenborn	Mallary
Bafalis	Evans, Colo.	Mann
Baker	Fascell	Maraziti
Barrett	Findley	Martin, N.C.
Bauman	Fish	Mathias, Calif.
Beard	Fisher	Mathis, Ga.
Bell	Flood	Matsunaga
Bennett	Flowers	Mayne
Bergland	Flynt	Mazzoli
Bevill	Ford	Melcher
Biester	Forsythe	Mezvinsky
Bingham	Fountain	Miller
Blackburn	Fraser	Mills
Blatnik	Frenzel	Minish
Boggs	Frey	Mink
Boland	Froehlich	Mitchell, Md.
Bowen	Gaydos	Mitchell, N.Y.
Brademas	Gettys	Mizell
Bray	Giaimo	Montgomery
Breaux	Gilman	Moorhead, Calif.
Breckinridge	Ginn	Morgan
Brinkley	Goldwater	Mosher
Brooks	Gonzalez	Moss
Broomfield	Green, Oreg.	Murphy, Ill.
Brotzman	Green, Pa.	Murphy, N.Y.
Brown, Calif.	Gross	Murtha
Brown, Mich.	Gude	Myers
Brown, Ohio	Guyer	Natcher
Broyhill, N.C.	Haley	Nedzi
Broyhill, Va.	Hamilton	Nichols
Buchanan	Hanley	Nix
Burgener	Hanrahan	Obey
Burke, Fla.	Hansen, Idaho	O'Brien
Burke, Mass.	Harsha	O'Hara
Burleson, Tex.	Hawkins	O'Neill
Burlison, Mo.	Hays	Owens
Burton, John	Hébert	Parris
Burton, Phillip	Hechler, W. Va.	Passman
Butler	Heckler, Mass.	Patman
Byron	Heinz	Patten
Camp	Heistoski	Perkins
Carney, Ohio	Hicks	Pettis
Carter	Hillis	Pickle
Casey, Tex.	Hinshaw	Pike
Cederberg	Hogan	Poage
Chappell	Holt	Preyer
Clausen, Don H.	Holtzman	Price, Ill.
Clawson, Del	Horton	Price, Tex.
Clay	Hosmer	Pritchard
Cleveland	Huber	Railsback
Cohen	Hudnut	Randall
Collins, Ill.	Hunt	Rangel
Collins, Tex.	Hutchinson	Rarick
Conable	Ichord	Rees
Conte	Jarman	Regula
Conyers	Johnson, Calif.	Reuss
Corman	Johnson, Pa.	Rhodes
Coughlin	Jones, Ala.	Riegle
Crane	Jones, Okla.	Rinaldo
Cronin	Jordan	Robinson, Va.
Daniel, Dan	Kastenmeier	Rodino
Daniel, Robert W., Jr.	Kazen	Roe
Danielson	Kemp	Rogers
Davis, S.C.	Ketchum	Roncallo, N.Y.
Davis, Wis.	Koch	Rooney, Pa.
de la Garza	Kuykendall	Rosenthal
Delaney	Kyros	Rostenkowski
Dellenback	Lagomarsino	Roush
Dellums	Landgrebe	Rousselot
Denholm	Latta	Roybal
Dennis	Leggett	Runnels
	Lehman	Ruppe
	Lent	Ruth
	Litton	Ryan
	Long, La.	St Germain
	Long, Md.	Sandman
	Lott	Sarasin
	Luken	Sarbanes
	McClory	Satterfield
	McCloskey	Scherle
	McCollister	Schneebeli
	McDade	Schroeder
	McEwen	Sebelius
	McFall	Seiberling
	Madden	Shipley
	Mahon	Skubitz
	Mallary	Slack
	Mann	Smith, Iowa
	Maraziti	Smith, N.Y.
	Martin, N.C.	Snyder
	Mathias, Calif.	Spence
	Mathis, Ga.	Staggers
	Matsunaga	Stanton, J. William
	Mayne	Stanton, James V.
	Mazzoli	Stark
	Melcher	Steed
	Mezvinsky	Steele
	Miller	Steelman
	Mills	Steiger, Ariz.
	Minish	Steiger, Wis.
	Mink	Stephens
	Mitchell, Md.	Stubblefield
	Mitchell, N.Y.	Sullivan
	Mizell	Symington
	Montgomery	Symms
	Moorhead, Calif.	Taylor, Mo.
	Morgan	Taylor, N.C.
	Mosher	Teague
	Moss	Thompson, N.J.
	Murphy, Ill.	Thone
	Murphy, N.Y.	Thornton
	Murtha	Tiernan
	Myers	Towell, Nev.
	Natcher	Treen
	Nedzi	Udall
	Nichols	Ullman
	Nix	Van Deerlin
	Obey	Vander Jagt
	O'Brien	Vanik
	O'Hara	Veysey
	O'Neill	Waggonner
	Owens	Waldie
	Parris	Walsh
	Passman	Wampler
	Patman	Whalen
	Patten	White
	Perkins	Whitehurst
	Pettis	Widnall
	Pickle	Wiggins
	Pike	Wilson, Bob
	Poage	Wilson, Charles H., Calif.
	Preyer	Wilson, Charles, Tex.
	Price, Ill.	Wolff
	Price, Tex.	Wright
	Pritchard	Wyatt
	Railsback	Wydler
	Randall	Yates
	Rangel	Young, Alaska
	Rarick	Young, Fla.
	Rees	Young, Ill.
	Regula	Young, S.C.
	Reuss	Zablocki
	Rhodes	Zion
	Riegle	Zwach
	Rinaldo	
	Robinson, Va.	
	Rodino	
	Roe	
	Rogers	
	Roncallo, N.Y.	
	Rooney, Pa.	
	Rosenthal	
	Rostenkowski	
	Roush	
	Rousselot	
	Roybal	
	Runnels	
	Ruppe	
	Ruth	

NAYS—0

NOT VOTING—109

Addabbo	Griffiths	Pepper
Anderson, Ill.	Grover	Peyser
Andrews, N. Dak.	Gubser	Podell
Armstrong	Gunter	Powell, Ohio
Biaggi	Hammer-schmidt	Quie
Bolling	Hanna	Quillen
Brasco	Hansen, Wash.	Reid
Burke, Calif.	Harrington	Roberts
Carey, N.Y.	Hastings	Robison, N.Y.
Chamberlain	Henderson	Roncallo, Wyo.
Chisholm	Holifield	Rooney, N.Y.
Clancy	Howard	Rose
Clark	Hungate	Roy
Cochran	Johnson, Colo.	Shoup
Collier	Jones, N.C.	Shriver
Conlan	Jones, Tenn.	Shuster
Cotter	Karth	Sikes
Culver	King	Sisk
Daniels, Dominick V.	Kluczynski	Stokes
Davis, Ga.	Landrum	Stratton
Diggs	Lujan	Stuckey
Dingell	McCormack	Studds
Dorn	McKay	Talcott
Downing	McKinney	Thomson, Wis.
Edwards, Ala.	McSpadden	Traxler
Esch	Macdonald	Vander Veen
Eshleman	Madigan	Vigorito
Evins, Tenn.	Martin, Nebr.	Ware
Foley	Meeds	Whitten
Frelinghuysen	Metcalfe	Williams
Fulton	Michel	Winn
Fuqua	Milford	Wylie
Gibbons	Minshall, Ohio	Wyman
Goodling	Moakley	Yatron
Grasso	Mollohan	Young, Ga.
Gray	Moorhead, Pa.	Young, Tex.
	Nelsen	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Davis of Georgia.
Mr. Sikes with Mr. Dorn.
Mr. Clark with Mrs. Griffiths.
Mr. Brasco with Mr. Hanna.
Mr. Roberts with Mrs. Hansen of Washington.
Mr. Macdonald with Mr. Landrum.
Mr. Kluczynski with Mr. Shoup.
Mr. Fulton with Mr. Anderson of Illinois.
Mr. Jones of Tennessee with Mr. Powell of Ohio.
Mr. Henderson with Mr. Peyser.
Mr. Holifield with Mr. Nelsen.
Mr. Biaggi with Mr. Minshall of Ohio.
Mr. Cotter with Mr. Chamberlain.
Mr. Dominick V. Daniels with Mr. Hammerschmidt.
Mr. Diggs with Mr. Foley.
Mr. Dingell with Mr. Grover.
Mr. Evins of Tennessee with Mr. Clancy.
Mr. Fuqua with Mr. Edwards of Alabama.
Mr. Podell with Mr. Frelinghuysen.
Mr. Harrington with Mr. Gubser.
Mr. Howard with Mr. Cochran.
Mr. Roncalio of Wyoming with Mr. Hastings.
Mr. Moakley with Mr. Esch.
Mr. Moorhead of Pennsylvania with Mr. Collier.
Mr. Vigoroto with Mr. King.
Mr. Studds with Mr. Eshleman.
Mr. Stokes with Mr. Gray.
Mr. Reid with Mr. Lujan.
Mr. Carey of New York with Mr. Conlan.
Mrs. Burke of California with Mr. Stratton.
Mrs. Chisholm with Mr. Culver.
Mr. Downing with Mr. Madigan.
Mr. Gibbons with Mr. Goodling.
Mrs. Grasso with Mr. Martin of Nebraska.
Mr. Metcalfe with Mr. McSpadden.
Mr. Sisk with Mr. McKinney.
Mr. Gunter with Mr. Hungate.
Mr. Jones of North Carolina with Mr. Karth.
Mr. McCormack with Mr. McKay.
Mr. Meeds with Mr. Milford.
Mr. Mollohan with Mr. Pepper.
Mr. Rose with Mr. Quie.
Mr. Rooney of New York with Mr. Quillen.
Mr. Shriver with Mr. Robison of New York.
Mr. Yatron with Mr. Talcott.
Mr. Stuckey with Mr. Thomson of Wisconsin.
Mr. Wylie with Mr. Roy.
Mr. Whitten with Mr. Williams.
Mr. Winn with Mr. Traxler.
Mr. Young of Georgia with Mr. Vander Veen.
Mr. Wyman with Mr. Young of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7724, NATIONAL RESEARCH ACT

Mr. STAGGERS. Mr. Speaker, I call up the conference report 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, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

Mrs. HECKLER of Massachusetts. Mr. Speaker, reserving the right to object, I would like to address a question to our distinguished chairman of the Committee on Interstate and Foreign Commerce (Mr. STAGGERS).

I notice on page 14 of this conference report that the protection of individual rights of conscience in cases of abortion has been retained by the conference committee, but the protection of religious hospitals has not been retained by the conference committee.

I would like to know why the protection of religious hospitals, which was included in the report last year, has been suddenly omitted?

Mr. STAGGERS. Mr. Speaker, if the gentlewoman will yield, there has been a misapprehension.

Let me read what the existing law says. We did not change the law. There has been a misunderstanding, because there was some language in the Senate version which was in their bill and which we took out. I will read section 401 of the Health Programs Extension Act of 1973 (P.L. 93-45) which is the provision we are all interested in.

SEC. 401. (a) Section 601 of the Medical Facilities Construction and Modernization Amendments of 1970 is amended by striking out "1973" and inserting in lieu thereof "1974".

(b) The receipt of any grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize any court or any public official or other public authority to require—

(1) such individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

(2) such entity to—

(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

(B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

(c) No entity which receives a grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Center Act, or the Developmental Disabilities Services and Facilities Construction Act after the date of enactment of this Act may—

(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

(2) 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 a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.

Approved June 18, 1973.

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

Mrs. HECKLER of Massachusetts. I yield to the gentleman from New York.

Mr. DELANEY. I want to make inquiry of the chairman. I received a telegram that reads as follows:

Representative JAMES J. DELANEY,
U.S. House of Representatives, Washington, D.C.:

National Conference of Catholic Bishops urge you oppose conference report on H.R. 7724, as passed the Senate H.R. 7724 protected religious convictions of church related institution and all individuals. This was in keeping with decision of Congress last year in the amendment of Senator Church to the Health act. The conference deleted protection for religious institutions and presents a threat to religious freedom. I urge you oppose the conference or support a motion to recommit.

JAMES ROBINSON,
Director, Government Liaison U.S. Catholic Conference.

Will the chairman comment on that?

Mr. STAGGERS. I will be happy to. In the Senate bill, they had language which was essentially redundant with the existing law. This is the law of the land, and we did not touch it in any way. We took out the Senate provision because it was just not necessary.

Let me read the law again.

Mr. DELANEY. Is this merely repetition?

Mr. STAGGERS. It is merely repetition.

Mr. DELANEY. Is this the basic law as it stands now?

Mr. STAGGERS. That is right.

Mr. DELANEY. The gentleman can assure me of that?

Mr. STAGGERS. That is right. I can assure the gentleman and all the Members of the House.

Mr. DELANEY. I thank the gentleman very much.

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

Mrs. HECKLER of Massachusetts. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, I feel that the fears of some of the Members here in this House are unfounded. It is clearly written in the law that no hospital, no institution, no person is required by receipt of funds under the PHS Act to give an abortion. I regret that information has been disseminated which would disturb our friends, but it is simply not true. Personally I, want to thank the distinguished gentleman from New York (Mr. DELANEY) and the gentlewoman from Massachusetts (Mrs. HECKLER), for their contribution and to assure them that their fears are unfounded.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I wish to advance a further question.

According to my understanding, Public Law 93–45 does protect the rights of religious oriented hospitals and does not require that they perform abortions; and this conference report will not alter the basic standing of that law.

My further question, however, is that since this conference report relates to research funding by the omission of protection for the Catholic hospitals or other religious hospitals, will there be ramifications in terms of research funding? Will they be required in research to support abortions or research related to it in order to receive such funds?

Mr. STAGGERS. Mr. Speaker, let me say to the gentlewoman that all medical research is done under the Public Health Service Act. That act is covered in its entirety under the law which I have just quoted a few moments ago, and they are thus protected.

Mrs. HECKLER of Massachusetts. Could the gentleman explain how it is that the individual rights are specifically protected and the rights of religious hospitals are not mentioned? How did that omission take place?

Mr. STAGGERS. Let me say to the gentlewoman again that part of the Senate version was essentially identical to the law of the land as it is now, and was thus stricken from the Senate bill. Let me assure the gentlewoman that it is the law of the land. It is written in Public Law 93–45 and carried on the books and is in effect now and will be at all times.

Mrs. HECKLER of Massachusetts. Mr. Speaker, in view of the fact that this has been omitted, and even though the opinions of the chairman are somewhat reassuring, yet an open question remains in my mind as to what are the actual consequences of this.

Therefore, Mr. Speaker, I object.

The SPEAKER. The Clerk will read the report.

The Clerk proceeded to read the conference report.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, I understood the gentlewoman from Massachusetts to object to the consideration of the conference report.

The SPEAKER. The gentlewoman did not make any such objection. The request was that the statement be read in lieu of the conference report and there was objection, so we are reading the report.

Mr. BAUMAN. Mr. Speaker, I distinctly heard the gentlewoman's statement, and she just reaffirmed to me that she objected to the consideration.

The SPEAKER. The gentlewoman has no right to object to the consideration. It is a privileged conference report. It has been on file the requisite time.

The Clerk will continue to read the report.

The Clerk proceeded to read the conference report.

Mrs. HECKLER of Massachusetts. Mr. Speaker, in view of the pressing business of this House, I withdraw my objection.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of June 25, 1974.)

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

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

There was no objection.

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) is recognized for 30 minutes.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I take this time to address myself to a press report which states that the chairman of the House Committee on the Judiciary has said that all the Democratic members——

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, is the gentleman speaking out of order?

Mr. RODINO. I ask unanimous consent to speak out of order.

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

There was no objection.

Mr. RODINO. Mr. Speaker, the press report to which I refer reads that the chairman of the House Judiciary Committee has stated that all the Democratic members of the committee will support the impeachment of President Nixon.

I want to state unequivocally and categorically that this statement is not true. There is no basis in fact for it, none whatsoever.

The chairman of the Committee on the Judiciary has, ever since the inception of this inquiry, consistently been solicitous of the need to be careful, deliberate, and altogether fair. I have stated this position, not just rhetorically, but because I feel it deep within me, and I have so expressed myself to each and every member of the committee. I am sure that no member of the committee can say other than just that. Nor have I ever inquired of any member of the committee as to how he or she will vote. I do not know how anyone will vote, nor could I presume to know.

During the course of this inquiry, I have at every press briefing, at every opportunity to express myself by public statement and otherwise, stated the need to proceed only on the basis of fairness, and only when there has been a complete presentation, only then, should members draw a conclusion. This is the way it must be because the American public and history will judge us.

For this report, this unfortunate, regrettable press report, to reflect on the committee and the committee's proceedings is, in my judgment, tremendously unfortunate and regrettable.

The gentleman from Alabama, who just left here, Mr. WALTER FLOWERS, permitted me to use his name. He had a discussion with me this morning, before I learned of this report, and again just prior to my coming to the floor.

Mr. Speaker, we discussed on a very heart-to-heart basis the questions involved and how deeply rooted they are in conscience and conviction as we continue our search for the truth. And, the gentleman from Alabama, Mr. WALTER FLOWERS, who just had to catch a plane, stated that he would be denying this report, and any statement such as this, attributed to me. He said he could deny it from here to Alabama and back.

I know that any Member of this House who knows me can state without equivocation that in any discussion he or she has had with me, that this has been the attitude of the committee chairman. Were it otherwise, I want to assure the House that I would not be sitting as chairman of the committee; I would withdraw myself from that capacity.

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

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

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

I wish to commend the gentleman for the statement he has made here today. I appreciate the fact that the gentleman is making it for the purpose of repudiating this charge, which was reported just recently in the press. I do want to say that from my observations, and I think, with perhaps some encouragement and some cooperation from our side, there has been a definite intention on the part of the Members not to prejudge.

I say that with some exceptions, but I know the chairman of the committee has tenaciously endeavored to avoid statements which would indicate any prejudging of the case.

Mr. Speaker, I just want to add this also: I think during these coming weeks it will be extremely incumbent upon us to avoid positions of partisanship which could, it seems to me, adversely affect our proceedings at this stage. I am hopeful that the chairman of the committee will not take a partisan position, for instance, with regard to opening the hearing, and will avoid actions which would result in dividing the committee along partisan lines.

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

Mr. STAGGERS. Mr. Speaker, I yield 3 additional minutes to the gentleman from New Jersey.

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

Mr. RODINO. I yield to the gentleman from Arkansas.

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

I would like to take this opportunity to say that in my view the chairman of the committee has conducted himself in a way that is in the highest tradition of fairness and honorable action throughout this long and difficult proceeding which, as all of us know, must be far beyond any considerations of partisan politics. It is a question that goes to the heart of our constitutional system of Government, and as one Member of that committee, I wish to say that I believe our committee chairman has approached the matter with that thought in mind.

Mr. Speaker, I would like to commend the chairman for his statement and for his demeanor and character in these proceedings.

I thank the gentleman for yielding.

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

Mr RODINO. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I, just as my colleague, the gentleman from Illinois, am gratified that the gentleman from New Jersey has taken the floor to discuss his position in the matter.

Certainly the gentleman must understand that when we read his remarks off the ticker tape this morning, we felt this was one of the most disturbing matters we have seen since this entire impeachment matter started. It is understandable that there was created here on the floor of the House an atmosphere which was, to say the least, upsetting.

So once again it seems to me, that if the gentleman did not make the statement attributed to him, one might refer to the whole question as "shoddy reporting" or "bad reporting," whatever you care to call it. Here again we are hearing such statements as "It has been heard," "It has been rumored," and "It is reported," "we heard". We have had enough of that kind of practice.

Mr. Speaker, I am glad for that reason that the gentleman has set forth his position this afternoon.

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

Mr. RODINO. I yield to the gentleman from South Carolina.

Mr. MANN. Mr. Speaker, the reports that have heretofore been published concerning the impartiality and fairness of the chairman of the committee are well-deserved. I can report to this Congress and to the American people that in private, in caucus, in committee, and in public I have yet to hear the chairman of the committee express any prejudgment, or attempt to influence others to prejudge this case.

I know the statement attributed to him is absolutely uncharacteristic and untrue, and I share his outrage. I wish to emphasize and reemphasize that these proceedings are going forward in accordance with the highest traditions of justice and fair play, and pursuant to the serious responsibilities entrusted to this House by the Constitution. The system imposes upon us the responsibility of determining this matter in accordance with the facts and the law, and nothing else, and the system is working, outside reports or pressures to the contrary notwithstanding.

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

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

Mr. WYDLER. Mr. Speaker, I consider this incident unusual, and very vicious reporting on somebody's part, or possibly a very vicious spreading of rumors on the part of some of your visitors.

The thing that concerns me, Mr. Chairman, and I wish the gentleman would clear it up, and that is that one reason the story is unusual is not coming from informed sources as we usually hear about, but coming through your visitors.

Could the gentleman tell us who these visitors were who spread this story of your statement?

Mr. RODINO. I have many visitors who come to me.

Mr. WYDLER. These were visitors at your noon break on Thursday, yesterday noon.

Mr. RODINO. I say that I have many visitors in my office.

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

Mr. YOUNG of Florida. Mr. Speaker, would the gentleman from West Virginia yield 8 minutes to this side?

Mr. STAGGERS. I will yield 2 minutes, because I think we had better get along with the business of the House. I have yielded to several Members on your side of the aisle who have already spoken.

Mr. BENNETT. Mr. Speaker, I have tremendous confidence in the objective and nonpartisan attitude of Chairman RODINO and his committee. I feel they and he are trying to the best of their ability to do their job in a proper manner.

The press makes mistakes from time to time, like everyone else does, but in such a vital area as impeachment there should be extreme caution and care, it seems to me.

Mr. Speaker, there recently came to my attention a misleading article in the Jack Anderson column and I had thought that I had set it straight, at least privately; but now I hear that a national television chain is going to reproduce and expand the error that was made. In the June 4 Jack Anderson column the following was said:

NIXON WOOS CONSERVATIVE LEGISLATORS

(By Jack Anderson)

White House aides have taken pains to remind members of Congress that they are sitting on the impeachment jury and, therefore, that it is improper for them to discuss the case against President Nixon.

It would seem to be even more improper, however, for Mr. Nixon as the defendant to court members of the jury. Yet he has taken key senators and representatives on dinner cruises down the Potomac. He has made White House planes, limousines and other privileges available to them. He has pampered them with sudden attention.

The President is even tailoring his legislative program, at least in part, to appeal to the conservatives whose votes he is counting upon to keep him in office. The politics of impeachment, rather than the merits of the legislation, now seem to determine what bills he will support.

For example, the President had halted the construction of a cross-Florida barge canal to preserve the beauty of northern Florida's Oklawaha River. As recently as six weeks ago, the White House reassured Florida conservationists of the President's support.

But the promises are forgotten after a contingent of conservative congressmen called upon the White House to go ahead with the barge canal. The President hastily withdrew his opposition.

Mr. Speaker on June 4 I wrote Jack Anderson as shown below:

JUNE 4, 1974.

MR. JACK ANDERSON,
1612 K Street, N.W.,
Washington, D.C.

DEAR JACK: You were misinformed in what you said in your June 4 column about the Florida Canal. The President has not told any Congressman that he has withdrawn his opposition to this canal; because if that were true, I would have known of it since the canal goes through my district, which overwhelmingly supports the canal. Although I am a fairly conservative Congressman I have not been invited to supper aboard the Sequoia and I am not expecting an invitation to do so.

The President is no longer impounding funds which Congress appropriated to make an ecological study of the canal, but that is because the U.S. District Court ordered him to go ahead with the ecological study because of the provisions of the U.S. Constitution.

Sincerely and with kindest regards, I am

CHARLIE.

Then I received the following June 6 letter from Jack Anderson:

JUNE 6, 1974.

DEAR CHARLES: You and I both know that in Washington officials speak a cautious language, which often says one thing and means another.

Although the White House is still publicly affirming its opposition to the cross-Florida barge canal, it has been taking actions to the contrary.

Specifically, the White House had earlier agreed to restore the Oklawaha River by "lowering the impoundment" of its banks. This lowering, as you know, would restore the river and is an essential element in the opposition to the canal.

But after President Nixon's meeting with the contingent of Florida Congressmen last month, he backed off from lowering the impoundment of the river and thus restoring it. A White House letter on the issue stated: "Pending a final decision, the Administration has sought to keep all its options open."

You must admit that this equivocation is a serious retreat from the President's earlier unqualified support for restoring the river. It was his way of reassuring the Florida conservatives.

I am sure you will agree that the last two years have shown us that White House public relations announcements are usually a far cry from the reality of the situation.

With best wishes,

Cordially,

JACK ANDERSON.

Then I replied by the following June 7 letter:

JUNE 7, 1974.

MR. JACK ANDERSON,
1612 K Street, NW.,
Washington, D.C.

DEAR JACK: Thank you for your June 6 letter. When I received it I called you and finding you out talked with someone else in your office and told them that I do not know much about the question of the lowering impoundment issue addressed in your third paragraph; because I never thought that this was an issue which controlled the matter of the canal being built or not. I know of no one who suggests lowering the water to the original banks of the Oklawaha River in a limited area of the lake which now exists. Perhaps there are some who wish this, but I do not have in my files any letters from anyone who has suggested that, as a logical thing to do to require the canal to be built.

In any event I have not been active in that controversy. I have vigorously supported the idea of having an environmental study made of the canal since the President proported to kill the canal on the basis of environment but never had an environmental study made that was adverse to the canal. The courts have required that the President have an environmental study made and use federally appropriated funds for this purpose.

With specific reference to your fourth paragraph, I do not believe that President Nixon ever had a meeting with Florida Congressmen last month, or at any other time, to discuss the merits of the canal. I believe that if any such meetings had occurred I would have heard of it; and I never heard of it. The Congressmen who are most interested in the canal, those through whose districts the canal runs, have denied that any such meeting has occurred as far as they know.

With kindest regards, I am

Sincerely,

CHARLES.

P.S. I can't find a copy of the letter mentioned in your fourth paragraph and have never heard of it. Can I have a copy?

Mr. Speaker, the reply to that was a telephone call from Mr. Howie Kurtz, who works for Mr. Anderson. In order to put the conclusion of this matter in writing I wrote the following June 13 letter:

JUNE 13, 1974.

MR. JACK ANDERSON,
1612 K Street, NW.,
Washington, D.C.

DEAR JACK: I had the pleasure of talking with Howie Kurtz today about the column that I wrote you about on the President and the Canal. It is my understanding that from his conversation that he did not mean to imply that the President had personally withdrawn his opposition to the Canal; but only that Nat Reed or somebody in the Department of the Interior has the impression that the President has withdrawn his opposition to the Canal. It is not my impression that the President has withdrawn his opposition to the Canal. Because I would feel that the President would notify me, either through Nat Reed or someone else, that he has withdrawn his opposition to the Canal. As far as I know, no member of the Florida Delegation has been notified that the President has withdrawn his opposition to the Canal.

I appreciate your office and Mr. Kurtz being willing to talk with me and corresponding with me on this subject. There is no need for any further action in the matter at all. I am glad that we had an opportunity to clear the record and find out what the understandings were. I still feel that the original article was misleading at least to me; and that it seems to me to imply that the President had withdrawn his opposition to the Canal, and I do not think that this is in fact true. I know that I have never had the opportunity to discuss the merits of the Canal with the President since he has been President.

With kindest regards, I am

Sincerely,

CHARLIE.

Mr. Speaker, I would not be laboring this matter at this point if I were not certain that these inaccuracies are about to be repeated on television. Therefore, I feel forced to make these comments in the public record, so that anyone who has been misled will be advised of the truth. I ascribe no bad motives to anyone in this. Everybody makes mistakes; but they ought not to be repeated.

Mr. YOUNG of Florida. Will the gentleman yield 5 minutes?

Mr. STAGGERS. I will yield 3 minutes to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman very much, but I will get my time under another process.

Mr. STAGGERS. Mr. Speaker, the conference report that is before us today is on a bill that came out of our Subcommittee on Public Health and Environment unanimously and the full committee unanimously. It passed this House by a vote of 361 to 5. It passed the Senate unanimously. The Senate agreed to the conference report yesterday, 72 to 14, and the conference report is now before the House.

This is a bill which our committee wrote last year when the administration proposed to discontinue programs for training medical researchers. The original House bill was designed to continue these programs as they had existed in the past. In the Senate some revisions were made in the training provisions and a completely new title was added to the bill calling for the creation of a permanent commission for the protection of human subjects of biomedical and behavioral research. This Commission was to make policies and regulations which the Secretary of HEW would have had to follow in his research programs.

The conference report which we now bring for your consideration contains a reasonable set of compromises on the original training provisions with a 1-year authorization of $208 million. The original House bill had authorized $208 million for fiscal 1975. The original Senate bill authorized $208 million for training for fiscal 1975. With respect to the Senate's proposal for a permanent commission for the protection of human subjects: the conference report would substitute a requirement that a commission be established to study during a 2-year

period the need for the protection of human subjects. After it has made its study it will make recommendations to the Secretary of HEW who we hope will follow its recommendations but would not be bound by them. However, I should note that if he decides not to follow the recommendations in any particular, he will be required to publish his reasons for not doing so. The Commission which makes the study would then be disbanded, and a new committee formed to advise the Secretary on an ongoing basis on the same subjects.

The original House bill also contained a ban on the performance of research on fetuses. The Senate bill contained a somewhat more specific provision which banned such research until the subject had been studied by the Commission created by the Senate bill. Since the conference report does require the creation of a commission to study such issues as that of fetal research, the conference report also follows in substance the Senate provision on fetal research.

The Senate bill contained a provision which would increase by $5 million the money authorized for assisting medical schools in financial distress. Since this provision was intended to assist the Georgetown and George Washington Schools of Medicine here in the District of Columbia and since the conferees were aware of their genuine need for such assistance, the conference report retains this provision.

The Senate bill also contained a provision, which was not included in the House bill, prohibiting individuals and entities from being required to perform services or research under our authorities if such performance would be contrary to their religious beliefs or moral convictions. This provision is similar to one which we debated in connection with the Health Programs Extension Act of 1973, Public Law 93-45. The conference report contains a partial version of the Senate provisions which is added to the provision in the Health Programs Extension Act of 1973, so that that provision will not be changed by the addition.

The conference committee has spent an enormous amount of time working out this bill which contains a variety of controversial provisions. We are pleased that we have been able to reach agreement on reasonable compromises on every issue. I would urge each of the Members to support it today in the House.

Mr. Speaker, I must say that there has been some misunderstanding, as has already been established on the floor. With every assurance that I can give—and this has the agreement of every member of the committee, especially the conference committee, and I am sure the subcommittee chairman will, when I yield time to him, agree with what I have said, and other Members who were on the conference—that the part of the conscience amendment we have mentioned should not be on the House floor at all because an almost identical provision is already law. It is the law of the land. We are trying to continue a very needed program.

When the bill passed the House there was $416 million in the bill. That has been cut to $213 million because it only carries through fiscal 1975. Thus, it is $203 million less than when it passed the House in its original form.

Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee.

Mr. ROGERS. Mr. Speaker, I am pleased to support the conference report, National Research Act, presently before us for consideration. As the chairman has stated, the bill has two essential purposes:

First, it would restore and modify the program which provides training and fellowships for biomedical and behavioral research which has been an ongoing and integral part of this Nation's research effort since 1930.

Second, it would create a temporary study commission to assist the Secretary of Health, Education, and Welfare in determining basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects.

Mr. Speaker, following World War II this Nation embarked on a substantial effort through which medical research could, and, in fact, has, evolved from a limited, private endeavor to a major national commitment commanding substantial support from the Federal Government. For the past 20 years a cornerstone of that effort has been the national program of biomedical research fellowships, traineeships, and training, whereby students and their parent institutions receive support for research and training in the biomedical sciences. As a direct result of this program, the United States now supports the finest biomedical research program in the world.

For reasons never made clear to the members of the Subcommittee on Public Health and Environment, the fiscal year 1974 budget request for HEW proposed a rapid phaseout of the entire program by requesting no moneys for new awards. Eight of the members of the subcommittee responded on March 14, 1974, by introducing legislation which would mandate the continuation of these training programs to assure the continued excellence of biomedical and behavioral research in the United States.

In the course of subcommittee hearings and deliberations on this measure, we were impressed by the overwhelming evidence from well esteemed scientists and researchers, including several Nobel laureates, that these training programs are essential to the continued excellence of the U.S. research effort. We were equally impressed by the inability of HEW representatives to present any evidence to the contrary. In face, less than 6 months later, HEW had retreated from its original position and announced that a limited number of new awards would be funded. The subcommittee, however, remained concerned that these training programs were essentially discretionary and maintained its commitment to mandate the continuation of these awards. The House agreed when it overwhelmingly passed H.R. 7724 on May 31, 1973, and sent the bill to the Senate.

The Senate passed a similar measure on September 11, 1973, with a second title which would have established a permanent regulatory commission designed to foster and implement ethical guidelines pertaining to research involving human subjects.

After a long and difficult conference, the conferees emerged with a workable report to continue the program of research training support and authorize a 2-year study commission designed to assist the Secretary in identifying basic ethical principles which should underlie the conduct of research with human subjects, to make recommendations to the Secretary for administrative and legislative action, and which would cease to exist following submission of its final report.

The Secretary is required to respond in writing to these recommendations, but he is not required to implement them.

The report contains two other significant provisions. An amendment to H.R. 7724 was adopted by the House which would have prohibited the Secretary from conducting or supporting research on a human fetus which is outside the uterus of its mother and which has a beating heart. The Senate would have placed a moratorium on fetal research until the regulatory commission contemplated by the Senate promulgated guidelines with respect to such research. The conference agreement 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, 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 infant.

In addition, the Senate bill would have authorized an increase in the fiscal year 1974 appropriation for financial distress grants for medical schools. The House agreed to this provision. A supplemental appropriation has already been enacted which included an additional $5 million for this purpose.

Mr. Speaker, this legislation reaffirms our commitment to maintaining and enchancing the excellence of the U.S. biomedical and behavioral research effort by restoring the Federal research training effort and by affording the Secretary of HEW the advice of a broad range of experts on the important and intricate implications of keying research efforts to ethical principles. I strongly urge adoption of the conference report.

Mr. Speaker, there has been some misunderstanding with respect to a provision in the Senate amendment which was dropped in conference. I think now the misunderstanding has been straightened out.

Each Member of this body apparently was sent a telegram signed by the Government Liaison of the U.S. Catholic Conference which some have construed as stating that the deletion of the Senate amendment would remove protection of religious convictions of church related institutions. This is not the case. The

Senate amendment was duplicative of provisions of Public Law 93-45 which clearly states that receipt of financial assistance under the Public Health Service Act and other Health Acts does not authorize a court or public official to require an entity to make its facilities available for abortion or sterilization procedures. The deletion of the redundant Senate provision in no way affects the provisions of this law. Somebody simply did not do a thorough job in advising the Catholic bishops as to what existing law states.

So there is no problem in this regard, and I would urge that the House accept the conference report.

Mr. CARTER. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, title I, biomedical and behavioral research training, increases the capability of the institutes within the National Institutes of Health to carry out their responsibility of maintaining a high level national program of research into the physical and mental diseases and impairments of man. This is carried out through biomedical and behavioral research training, national research service awards, and studies respecting biomedical and behavioral research personnel.

Title II, protection of human subjects of biomedical and behavioral research, establishes a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, composed of 11 members selected by the Secretary. Members shall be distinguished in the fields of law, medicine, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government, and public affairs. Five members shall have been engaged in biomedical or behavioral research involving human subjects. The Commission shall conduct an extensive investigation and study to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving humans. The Commission shall make guidelines and recommendations to the Secretary. The Commission shall also examine the ethical, social, and legal implications of advances in research technology.

Establishes National Advisory Council for the protection of human subjects of biomedical and behavioral research to provide recommendations to the Secretary concerning all matters pertaining to the protection of human subjects. Also, the Council will undertake periodic review of the changes in scope, purpose, and types of biomedical research, and may disseminate to the public such information relating to this subject that it deems appropriate.

Until the Commission has made its recommendations, the Secretary may not conduct or support research in the United States or abroad on 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.

The conference report 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 appropriation shall be used for the direct provision by the Secretary of National Research Service Awards to individuals.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 311, nays 10, not voting 113, as follows:

[Roll No. 353]

YEAS—311

Abdnor	Collins, Tex.	Hays
Abzug	Conable	Hébert
Adams	Conte	Hechler, W. Va.
Alexander	Conyers	Heckler, Mass.
Anderson, Calif.	Corman	Heinz
Andrews, N.C.	Coughlin	Helstoski
Annunzio	Cronin	Henderson
Archer	Daniel, Dan	Hicks
Arends	Daniel, Robert W., Jr.	Hillis
Ashbrook	Danielson	Hinshaw
Ashley	Davis, S.C.	Hogan
Aspin	Davis, Wis.	Holt
Badillo	de la Garza	Holtzman
Bafalis	Delaney	Horton
Baker	Dellenback	Hosmer
Barrett	Dellums	Huber
Bauman	Denholm	Hudnut
Beard	Dennis	Hunt
Bell	Dent	Hutchinson
Bennett	Derwinski	Ichord
Bergland	Devine	Jarman
Bevill	Dickinson	Johnson, Calif.
Biester	Diggs	Johnson, Pa.
Bingham	Dingell	Jones, Ala.
Blackburn	Donohue	Jones, Okla.
Blatnik	Drinan	Jordan
Boggs	Dulski	Kastenmeier
Boland	Duncan	Kemp
Bowen	du Pont	Ketchum
Brademas	Eckhardt	Koch
Bray	Edwards, Calif.	Kyros
Breaux	Eilberg	Lagomarsino
Breckinridge	Erlenborn	Latta
Brinkley	Evans, Colo.	Leggett
Broomfield	Fascell	Lent
Brotzman	Findley	Litton
Brown, Calif.	Fish	Long, La.
Brown, Mich.	Fisher	Long, Md.
Brown, Ohio	Flood	Lott
Broyhill, N.C.	Flynt	Luken
Broyhill, Va.	Forsythe	McCloskey
Buchanan	Fountain	McClory
Burgener	Fraser	McDade
Burke, Fla.	Frenzel	McEwen
Burke, Mass.	Frey	McFall
Burleson, Tex.	Froehlich	Madden
Burlison, Mo.	Gaydos	Mahon
Burton, John	Gettys	Mallary
Burton, Phillip	Giaimo	Mann
Butler	Gilman	Maraziti
Byron	Ginn	Martin, N.C.
Camp	Goldwater	Mathias, Calif.
Carney, Ohio	Gonzalez	Mathis, Ga.
Carter	Gray	Matsunaga
Casey, Tex.	Green, Oreg.	Mayne
Cederberg	Green, Pa.	Mazzoli
Chappell	Gude	Melcher
Clausen, Don H.	Guyer	Mezvinsky
Clawson, Del	Haley	Michel
Clay	Hamilton	Miller
Cleveland	Hanley	Mills
Cohen	Hanna	Minish
Collins, Ill.	Hansen, Idaho	Mink
	Harsha	Mitchell, Md.
		Mitchell, N.Y.
Mizell	Rodino	Sullivan
Montgomery	Roe	Symington
Moorhead, Calif.	Rogers	Taylor, Mo.
Morgan	Rooney, Pa.	Taylor, N.C.
Mosher	Rosenthal	Teague
Murphy, Ill.	Rostenkowski	Thompson, N.J.
Murphy, N.Y.	Roush	Thone
Murtha	Roybal	Thornton
Myers	Runnels	Towell, Nev.
Natcher	Ruppe	Traxler
Nedzi	Ruth	Treen
Nichols	Ryan	Udall
Nix	Sandman	Ullman
Obey	Sarasin	Vander Jagt
O'Brien	Sarbanes	Vander Veen
O'Hara	Satterfield	Vanik
O'Neill	Scherle	Veysey
Owens	Schneebeli	Waggonner
Parris	Schroeder	Waldie
Passman	Sebelius	Walsh
Patman	Selberling	Wampler
Patten	Shipley	Whalen
Perkins	Skubitz	White
Pettis	Slack	Whitehurst
Pickle	Smith, Iowa	Widnall
Pike	Smith, N.Y.	Wiggins
Poage	Snyder	Wilson, Bob
Preyer	Spence	Wilson, Charles, Tex.
Price, Ill.	Staggers	Wolff
Price, Tex.	Stanton, J. William	Wright
Pritchard	Stanton, James V.	Wyatt
Railsback	Stark	Wydler
Randall	Steed	Yates
Rangel	Steele	Young, Alaska
Rees	Steelman	Young, Fla.
Regula	Steiger, Wis.	Young, Ill.
Reuss	Stephens	Young, S.C.
Riegle	Stratton	Zablocki
Rinaldo	Stubblefield	Zion
Robinson, Va.		Zwach

NAYS—10

Conlan	Landgrebe	Steiger, Ariz.
Crane	Rarick	Symms
Gross	Roncallo, N.Y.	
Hanrahan	Rousselot	

NOT VOTING—113

Addabbo	Gunter	Podell
Anderson, Ill.	Hammer-schmidt	Powell, Ohio
Andrews, N. Dak.	Hansen, Wash.	Quie
Armstrong	Harrington	Quillen
Biaggi	Hastings	Reid
Bolling	Hawkins	Rhodes
Brasco	Holifield	Roberts
Brooks	Howard	Robison, N.Y.
Burke, Calif.	Hungate	Roncalio, Wyo.
Carey, N.Y.	Johnson, Colo.	Rooney, N.Y.
Chamberlain	Jones, N.C.	Rose
Chisholm	Jones, Tenn.	Roy
Clancy	Karth	St Germain
Clark	Kazen	Shoup
Cochran	King	Shriver
Collier	Kluczynski	Shuster
Cotter	Kuykendall	Sikes
Culver	Landrum	Sisk
Daniels, Dominick V.	Lehman	Stokes
Davis, Ga.	Lujan	Stuckey
Dorn	McCollister	Studds
Downing	McCormack	Talcott
Edwards, Ala.	McKay	Thomson, Wis.
Esch	McKinney	Tiernan
Eshleman	McSpadden	Van Deerlin
Evins, Tenn.	Macdonald	Vigorito
Flowers	Madigan	Ware
Foley	Martin, Nebr.	Whitten
Ford	Meeds	Williams
Frelinghuysen	Metcalfe	Wilson, Charles H., Calif.
Fulton	Milford	Winn
Fuqua	Minshall, Ohio	Wylie
Gibbons	Moakley	Wyman
Goodling	Mollohan	Yatron
Grasso	Moorhead, Pa.	Young, Ga.
Griffiths	Moss	Young, Tex.
Grover	Nelsen	
Gubser	Pepper	
	Peyser	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Dorn.

Mr. Roncalio of Wyoming with Mr. Van Deerlin.

Mr. Sikes with Mr. Rose.

Mr. Clark with Mr. Whitten.

Mr. Brasco with Mrs. Griffiths.

Mr. Roberts with Mrs. Hansen of Washington.

Mr. Dominick V. Daniels with Mr. Landrum
Mr. Fulton with Mr. Powell of Ohio.
Mr. Kluczynski with Mr. Quie.
Mr. Jones of Tennessee with Mr. Peyser.
Mr. Holifield with Mr. Nelsen.
Mr. Biaggi with Mr. Minshall of Ohio.
Mrs. Grasso with Mr. McCollister.
Mr. Cotter with Mr. Anderson of Illinois.
Mr. Evins of Tennessee with Mr. Martin of Nebraska.
Mr. Fuqua with Mr. Madigan.
Mr. Podell with Mr. Chamberlain.
Mr. Howard with Mr. Lujan.
Mr. Harrington with Mr. Frelinghuysen.
Mr. Mollohan with Mr. Goodling.
Mr. Moorhead of Pennsylvania with Mr. Clancy.
Mr. Vigorito with Mr. Grover.
Mr. Studds with Mr. Eshleman.
Mr. Stokes with Mr. Roy.
Mr. Carey of New York with Mr. Gubser.
Mr. Reid with Mr. Collier.
Mrs. Burke of California with Mr. Gunter.
Mrs. Chisholm with Mr. Culver.
Mr. Sisk with Mr. Hammerschmidt.
Mr. Metcalfe with Mr. Foley.
Mr. Downing with Mr. Cochran.
Mr. Gibbons with Mr. Hastings.
Mr. Karth with Mr. Edwards of Alabama.
Mr. Kazen with Mr. King.
Mr. Tiernan with Mr. Esch.
Mr. Charles H. Wilson of California with Mr. Kuykendall.
Mr. Hawkins with Mr. Milford.
Mr. Brooks with Mr. Andrews of North Dakota.
Mr. Ford with Mr. Davis of Georgia.
Mr. Moss with Mr. Flowers.
Mr. Stuckey with Mr. McKay.
Mr. Yatron with Mr. Jones of North Carolina.
Mr. Young of Georgia with Mr. McSpadden
Mr. Hungate with Mr. Shoup.
Mr. Lehman with Mr. Shriver.
Mr. Macdonald with Mr. Shuster.
Mr. St Germain with Mr. Talcott.
Mr. Meeds with Mr. McKinney.
Mr. McCormack with Mr. Ware.
Mr. Moakley with Mr. Williams.
Mr. Pepper with Mr. Thomson of Wisconsin.
Mr. Robison of New York with Mr. Winn.
Mr. Wylie with Mr. Young of Texas.
Mr. Wyman with Mr. Quillen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1975

Mr. NATCHER. 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. 15581), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District 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 continue not to exceed 1½ hours, the time to be equally divided and controlled by the gentleman from Indiana (Mr. MYERS), and myself.

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

There was no objection.

The SPEAKER. Is there objection to motion offered by the gentleman from Kentucky.

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. 15581, with Mr. FASCELL in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. By unanimous consent, the gentleman from Kentucky (Mr. NATCHER) will be recognized for 45 minutes, and the gentleman from Indiana (Mr. MYERS) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Kentucky.

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

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1975.

As chairman of the subcommittee on the District of Columbia Budget it is a distinct honor for me to serve with all of the members of this subcommittee. On our subcommittee we have Mr. STOKES of Ohio, Mr. MYERS of Indiana, Mr. TIERNAN of Rhode Island, Mr. MCEWEN of New York, Mr. CHAPPELL of Florida, Mr. COUGHLIN of Pennsylvania, Mr. BURLISON of Missouri, Mr. YOUNG of Florida, Mr. MCKAY of Utah, and Mr. ROUSH of Indiana. Mr. Chairman, all of these Members are outstanding Members of the House of Representatives and are good members of the Committee on Appropriations. Mr. Chairman, Mr. MYERS of Indiana is now the ranking minority member of our subcommittee and has performed yeoman service in carrying out the duties of this assignment.

For the 11th consecutive year the Congress has been presented a budget for the District of Columbia that is out of balance. We submit to the House of Representatives a balanced budget.

The District of Columbia under this bill will have the total sum of $1,382,937,000 for fiscal year 1975: $724,078,500 of this amount will come from Federal funds. The Federal payment including sewer and water charges totals $226,800,000. Federal loans for capital outlay total $162,600,000. The District of Columbia will receive in fiscal year 1975 the sum of $30,969,000 for revenue sharing, and for Federal grants the District will receive $303,709,500.

In the District of Columbia at this time we have about 746,000 people. When you compare the amount of the District budget for fiscal year 1975 with the budgets of the 50 States you will find that here in our Nation's Capital we have a per capita expenditure that is considerably higher than in most of the States.

The Federal payment in the bill totals $221,200,000. The authorized Federal payment, as you know, Mr. Chairman, which is provided for under the new home rule legislation, totals $230 million.

The budget as submitted to our committee contained a deficit of $5,661,000 in the general fund.

The Mayor and the City Council submitted a budget that carried no proposals for new taxes and can be considered an election year budget because increases were demanded in Federal funds but the District government was not willing to increase taxes to pay any part of the increased cost of operating our Nation's Capital.

Mr. Chairman, 67 percent of increased costs requested for the operation of our city government in 1975 falls in the mandatory category.

We recommend a reduction in the Federal payment of $8,800,000 and a reduction in loans for capital outlay of $7,800,000. We recommend a reduction in operating expenses of $17,185,000. We recommend a reduction in capital outlay of $22,785,000.

We recommend that the House continue the restriction on the maximum number of positions authorized for any one month to the total of 39,619. Appropriations recommended for personnel compensation are based on a lapse rate of 8½ percent which will restrict actual employment to 38,238.

Mr. Chairman, I would like to discuss briefly at this time a number of matters that are of great importance to our Nation's Capital. As I pointed out, we recommend a Federal payment to the general fund of $221,200,000. This is 40.2 percent of the local general fund collections which total $550,710,000. When the Federal payment is considered in relation to the general fund of the District of Columbia, which totals $800,857,600, the U.S. share of $221,200,000 is 27.62 percent.

The committee recommends a total of $76,878,000 for general operating expenses for the various departments, agencies, and activities. This allowance is $1,182,000 above the 1974 appropriations and $6,380,000 below the amount requested.

Our committee recommends a total of $211,529,000 for public safety activities during the fiscal year 1975. This allowance is $424,000 more than current year appropriations and $1,219,000 less than the amount requested.

For the Metropolitan Police Force, we recommend $111,675,800. This is the amount requested by the Metropolitan Police Department and, Mr. Chairman, you will be interested to know that as I pointed out during the hearings, at no time in the past 10 years has any request for personnel been denied by the committee because in every instance, the crime situation here in the District of Columbia justified the increases proposed and approved. The uniform officer strength was built up to 5,100 and in arriving at the adjusted base for 1975 the Mayor and the City Council have reduced that strength to 4,750.

Mr. Chairman, this reduction is a serious mistake and in the opinion of the committee, the crime statistics today do not justify that reduction. Overall, the number of authorized positions, including both uniform and civilian has been reduced by 251. Our committee recommends approval of the increase of $1,196,300 for police pension and relief payments.

The crime situation in the District of Columbia certainly does not justify a reduction in the Metropolitan Police force and in my opinion, the future will hold that this proposal is a mistake.

Mr. Chairman, we recommend $36,732,700 for the Fire Department. This is an increase of $473,900 over the 1974 appropriations and $266,000 under the 1975 estimates.

We recommend $31,165,000 for the courts; $31,683,800 for the Department of Corrections and $271,700 for the National Guard.

This bill contains the sum of $1,923,000 for payments to attorneys representing indigent criminal defendants in the superior court and the District of Columbia Court of Appeals and $177,000 to cover the cost of administering the program which provides a total of $2,100,000 for 1975.

An appropriation of $1,718,200 is recommended for 1975 for the Public Defender Service.

A total of $206,939,000 is recommended for the operation of the elementary, secondary and higher educational programs of the District of Columbia.

For public schools, we recommend $173,218,200. This is $4,298,900 more than 1974 appropriations and $3,664,600 less than 1975 estimates. For the Board of Higher Education, we recommend $149,800; for the District of Columbia Teachers College, $4,088,900; for the Federal City College, $19,389,700 and for the Washington Technical Institute, $10,092,400.

Mr. Chairman, this is the largest amount that we have ever recommended for the District of Columbia public school system. In addition to the $173,218,200 the public school system receives $32,279,700 in Federal grants.

The enrollment in our public school system continues to decrease about 4,000 each year. In 1968 we had 149,300 students and in 1975 it is estimated that we will have 131,300. The per pupil expenditure is $1,506 and this is one of the highest in the country.

Mr. Chairman, money alone will not teach the students in the District of Columbia schools how to read and write. This bill contains more than enough money for the public school system and I do hope that as one member of this committee, our new Superintendent and the School Board will spend this money more wisely than it has been spent in the past.

During 1973, 46,810 window panes were installed in our public school buildings; 30,080 were broken by rocks being thrown at the buildings and the total cost of restoring the window panes is $621,660. You will be interested to know, Mr. Chairman, that in our community school program which we set up a number of years ago, very few window panes are broken out by rocks being thrown at the buildings that are operated under this program. When the buildings are used after school is out and especially for meetings and programs at night, the boys and girls respect that particular building and they do not throw rocks at the windows.

Mr. Chairman, we recommend $14,852,000 for recreation.

We recommend a total of $224,482,000 for the operation of the Department of Human Resources in the fiscal year 1975. Welfare payment assistance will total $77,445,300. This is $913,100 less than 1974 and $1,767,300 less than 1975 budget requests. We have 746,000 people living in the District of Columbia and it is estimated that we will have 107,000 people on welfare during the fiscal year 1975. In 1973, we had 117,211 on welfare. By virtue of a change in the system concerning inspections and the use of personnel serving in this capacity, the number on welfare has been reduced. Mr. Yeldell is making every effort to get off of the welfare rolls, those who are there illegally.

For highways and traffic, we recommend $24,180,000 and for environmental services, the sum of $48,258,000.

A total of $204,918,000 is recommended for the fiscal year 1975 capital improvements program. This allowance is $73,162,600 more than was provided in 1974 due to the inclusion of $41,092,500 for the construction of the new court house and $57,906,500 for the development of the new campuses for the Federal City College and the Washington Technical Institute. The overall request has been decreased $22,785,000.

For public schools we had 25 capital outlay requests and we recommend 16. For recreation, 24 requests and we recommend 11. For the Metropolitan Police Department we had three requests and we recommend three. For the Fire Department, we had four requests and we recommend four. For the Department of Human Resources, we had nine requests and we recommend seven. For the Department of General Services, we had six requests and we recommend five. For the Department of Highways, we had 23 requests and we recommend 22. For the Department of Environmental Services, we had five requests from the general fund and we recommend five; from the sanitary sewerage works fund, we had three requests and we recommend three; and from the water fund we had four requests and we recommend four. For the Washington Aqueduct we had one request and we recommend this one.

Mr. Chairman, we recommend this bill to the committee.

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

Mr. NATCHER. Mr. Chairman, before yielding to my distinguished friend, the gentleman from Iowa, I would like to make this statement for the RECORD:

I have served in the Congress for 20 years; I have served on the Committee on Appropriations for 19 years, and I have been chairman of the District of Columbia Subcommittee for 12 years.

The distinguished gentleman from the State of Iowa (Mr. GROSS) who is standing to my left, has every year since I have been a member of the Committee on Appropriations clearly shown an interest, not only in this bill but in every appropriation bill that has been brought to the floor.

If I were to be asked, I would say that the distinguished gentleman from Iowa has saved this country a minimum of $5 billion since he has been a Member of the House.

The gentleman has decided to retire and we certainly will miss him.

Mr. Chairman, I want the gentleman to know that as one Member of Congress, I appreciate the service he has rendered, not only to his constituents but to the people in the 50 States.

At this time, I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I thank my friend, the gentleman from Kentucky, for yielding.

I am most grateful for his more than generous remarks, and I want him to know that it has been my privilege and pleasure to serve with him in Congress for so many years.

Mr. Chairman, I am concerned about the employment in the District of Columbia of so many municipal employees.

I have been provided with a listing of the employees in GS–15 level and above, that is, GS–15 and the supergrades.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. GROSS. If the gentleman will yield further, this listing which I have in hand provides job descriptions and names of the GS–12's through GS–15's. I am sure that all Members of the House are well aware that those are far from being the lowest grades, the GS–12's through the GS–15's, and the supergrades. I wish that these might have been printed in the hearing record so that some Members would have knowledge of the numbers and pay of the employees in the District of Columbia government. But I understand the committee did not have them printed by reason of the tremendous printing costs that would be necessary.

I notice, for instance, that there are 165 psychiatrists and psychologists employed in the District of Columbia municipal government. I wonder if the distinguished gentleman from Kentucky can give us an estimate of the cost of these head-shrinkers?

Mr. NATCHER. Mr. Chairman, I should like to say to my friend, the gentleman from Iowa, that as far as the overall costs for the psychiatrists, I do not have that figure right here with me at this point, but I certainly will submit it to the gentleman. I think the matter that the gentleman called attention to is one of the most important matters that we have in this bill each year.

As the gentleman has pointed out to the House, the number of supergrade positions beginning with GS–16 up through 18 in the District of Columbia government, totals 160. In the category of GS–12 and up to GS–18, there are 4,752, of which 3,703 are financed by D.C. funds and 1,049 are financed by Federal grants and other sources. In this category there are 1,200 policemen, firemen, and teachers in the public schools, and faculty of the institutions of higher learning.

As far as the supergrades are concerned—GS 16–18—I should like to say to my friend, the gentleman from Iowa, they must be approved by the U.S. Civil

Service Commission on a case-by-case basis. The District government is in competition with the Federal Government for employees and conforms with the U.S. Civil Service standard classification system. As far as the total of 4,752 employees in the GS–12 category and above, I certainly agree with my friend that that is considerably too many.

Mr. GROSS. I commend the gentleman and the members of his committee in making some reduction in the total payroll of the District of Columbia in this bill, but I think it is outrageous that there are so many employees in these high grades. While it may be that there is strong competition for the services of psychiatrists and psychologists in the District of Columbia, they ought to be able to cut the number to a reasonable level.

I repeat that it seems to me that this is outrageous—165 of these people feeding off the payroll.

I have other questions that I will reserve until later, but I do want to commend the gentleman, and the members of his committee, particularly the gentleman from Kentucky, for the excellent hearings that are available to all Members on this bill.

Mr. NATCHER. I thank my friend, the gentleman from Iowa.

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

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

Mr. ROUSSELOT. Mr. Chairman, could we find out what these psychologists and psychiatrists do? I did not know city governments needed them, or is it just this government?

Mr. NATCHER. As the gentleman knows we have in the District of Columbia a number of clinics and institutions where we have to have psychiatrists and those are the places where these people are placed. We have a jail and we have a reformatory and we have all the institutions in the District of Columbia, similar to those that States have, and as far as numbers are concerned it is comparable. Forest Haven is a large institution for the care of the mentally retarded. The city of Washington has to take care of these people. As far as St. Elizabeths Hospital is concerned, the cost of maintaining that institution is a matter we handle between two subcommittees, but these people are assigned, in the different institutions we have in the city operated by the District of Columbia government.

Mr. ROUSSELOT. Are the majority of those people at St. Elizabeths?

Mr. NATCHER. I would say the majority of the psychiatrists the gentleman inquires about are located in the mental health clinics, Forest Haven and the other institutions operated by the city. A majority of them are located in these facilities.

Mr. ROUSSELOT. Is that an abnormal number for a city of this size?

Mr. NATCHER. I would not say so considering the number of institutions that the city has to maintain.

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

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

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

A few minutes ago the gentleman from Kentucky mentioned to the gentleman from Iowa that possibly he had saved $5 billion, and according to my judgment that is a correct version for this calendar year.

Mr. NATCHER. Mr. Chairman, I recommend this bill to the committee.

Mr. MYERS. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, the chairman of our committee, the gentleman from Kentucky (Mr. NATCHER), has done his usual outstanding job in presenting the District of Columbia appropriation bill.

I want first to give my thanks to the newest member of our committee on the minority side, the gentleman from Florida (BILL YOUNG) who has done an outstanding job on this. He is the only new member who has not previously been serving with us, but he has done an outstanding job and he has constributed much toward making this an even better bill.

Mr. Chairman, the bill we are considering today does not really do justice to this committee or its chairman, or the members of the staff nor even to the Congress. In fact, it does not do justice to the people of the District of Columbia, as most of the other appropriations which have been brought to the District of Columbia Subcommittee in recent years have not.

My hat goes off to our chairman for chairing this subcommittee for a number of years and it certainly is not an easy job. I know several in this Chamber have served on this subcommittee and realize the tremendous task it is to go through this budget and try to make meaningful and needed cuts in this important budget. Certainly it is not an easy job. This year it was not an easy job either. In fact it was complicated somewhat by the home rule bill that Congress passed which has now been enacted into law, so on January 2 next year the District of Columbia will be coming under a type of home rule.

This budget is practically full funding although there will be some modifications hopefully next year when the District of Columbia under home rule gets running fullfledged. But the chairman has been most patient. I thank him for the patience he has shown not only to witnesses, giving them every opportunity to present their case, but also as well to the members of the subcommittee in allowing them to question the witnesses who come before the committee.

But, as the chairman has said, H.R. 15581 as it came to the subcommittee was out of budget approximately $5 million. On May 28 the District of Columbia came to us and advised us that their anticipated revenue would be about $3.5 million less than they had expected, thereby further complicating the deficiencies in balancing the budget.

Also the District of Columbia was asking for the $2,550,000 that this Congress reduced in the Federal payment last year. The District of Columbia government had asked for that increase in the supplemental and once again asked it to be increased in this budget; so we can see that the task of the subcommittee was not an easy one to try to balance that budget.

The request for the operating budget this year that was given to us by the District government was up 7.3 percent from last year yet the District is asking for an increase in Federal funds of 12.5 percent over last year. They asked for no property tax increases. They are not anticipating increasing any tax revenue from the taxpayers of the District of Columbia. All the increase to be paid for by the Nation's taxpayers, 67 percent of the increases that were asked for in this bill are mandatory, thereby making our job even more difficult, mandated by acts of this Congress, 67 percent of the increases.

So as we looked for places to cut, we ran into a wall of mandated expenditures by this Congress and it was impossible to make the cuts this committee would like to have made. I am sure a great many citizens and taxpayers of the District of Columbia would like to have seen more cuts made.

It is important to recognize that the District government asked and anticipates not collecting any more taxes from its taxpayers, but expects to collect it from your taxpayers.

The total contribution by the Federal Government, including the Federal payment, water fund and sewer fund, this Federal payment will amount to $226,800,000 and the revenue sharing will be $30,969,000. This is for the operating funds, and add to that the borrowing authority outlay $162,600,000 which they must borrow from the U.S. Treasury, we arrive to the total of $1,300 million; $724,078,500-plus is coming from the taxpayers of the Nation, not just the taxpayers of the District of Columbia. Fifty-five percent of this budget will not be paid for by the taxpayers of the District of Columbia, but by your taxpayers.

There is not a Member here who has a single community that would come close to reaching as much.

The District of Columbia does occupy about a third of the buildings that could be assessed for taxes. This is the biggest convention city in the world. Right this day we have two or three conventions, by population, that are coming to the District of Columbia and spending their money, so the District has a great benefit in the fact that the Federal Government is here.

I think it is worth noting that 52 percent of the operating budget comes from the taxpayers outside the District of Columbia and 55 percent of the total budget, including the capital outlay.

Mr. Chairman, one of the items that is growing the most rapidly in this budget is the repayment of loans and interest. This year in this budget it is $49,067,000 allocated for the repayment of loans and interest. Just a little over $10 million of that is retiring the principal. The remainder of $38,641,000 is paying interest. This year in the capital outlay, and much of it is necessary for new school buildings, new capital outlays required by a big government, we find we will be increasing this more and more.

That is exactly the same thing we find in the U.S. Treasury. One of the biggest

things growing is the interest on borrowed funds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MYERS. Mr. Chairman, I yield myself 5 more minutes.

Mr. MYERS. Mr. Chairman, this is something that only this Congress can do something about. The District of Columbia is going to request lots of new buildings and the chairman has said, they have asked for lots of new recreation facilities that in the wisdom of this committee we felt we could wait awhile for.

If we had granted all the wishes of the District of Columbia government, we would not see the figure of $49 million next year, but we would see a doubling in just a year or so. It is one we have to be aware of or conscious of, that we are increasing the capital outlay and, thereby, increasing this figure. One of the most rapidly increasing figures this year increased over last year's appropriation for just this one account, repayment of loans and interest, a 25-percent increase.

Mr. Chairman, there is not another city in the United States which spends the per capita general expenditures that the District of Columbia government is spending; $1,473.96 is the per capita general expenditure by the District of Columbia. New York is the next closest, and it is a long shot from being there. One can throw in Oregon, Minnesota, or Alabama in this difference between what New York and the District of Columbia spends on per capita expenditures.

On per capita general revenue, the District of Columbia is $1,290.49 per each individual living here. The per capita debt is reaching over $900 now. Compare this to some of the other cities of comparable size.

As the Chairman has said, our appropriations this year total for the District of Columbia is $1,382,937,000. Another city which happens to lie in the State of which I represent a part is within about 2,000 of the population of the District of Columbia—within 2,000 of the population—the city of Indianapolis. There, the expenditures are less than one-fourth as much as the District of Columbia.

Of course the proponents of this big budget say, "Yes, but we have State obligations also." The District of Columbia receives the State share of general revenue sharing that other cities do not receive. The U.S. Government provides a lot of services here which the Government does not provide for the communities that Members of this House represent.

I will mention my own State of Indiana. If we added all the employees for the entire State of Indiana—92 counties, 600 times the size in land mass as the District of Columbia and about eight times in population greater than the District of Columbia—add all the employees of the State of Indiana and all the employees of the city of Indianapolis, a city of comparable size, we still do not have the same number of employees which the city of Washington has. Washington does not have the 39,619 authorized here. It does not count the grants and all these other aid programs. The total reaches close to 50,000 employees for this city of 746,000 people.

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

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

Mr. GROSS. Mr. Chairman, I doubt that Indianapolis would support 24 chauffeur-driven automobiles, as apparently occurs in the District of Columbia. And I doubt that $650,000 worth of windowpanes in the schools in Indianapolis are deliberately smashed each year and workmen are paid hazardous duty pay to replace them.

Mr. MYERS. This is exactly to the point. This is a problem I do not know how to reach. This Committee has considered this problem of motivation, or lack of motivation, of concern of the citizenry. It really is not the responsibility of this Congress, but it is a problem the District of Columbia has.

That is a part of the problem, I say to my friend from Iowa. I do not think the District of Columbia is completely without responsibility; they have done everything they could do to prevent these outbreaks of vandalism or the lack of concern for public property.

Mr. GROSS. Certainly, that is not the responsibility of the committee. I am saying that there is not the civic responsibility in the District of Columbia. The money comes so easily that they do these things.

Mr. MYERS. I think the gentleman has hit the nail right on the head.

Let me take a couple of cities. Cleveland, Ohio—we have a gentleman on the committee from Cleveland—is a city with a population slightly more than Indianapolis. The city of Cleveland spends slightly more than Indianapolis, but a far cry from that of what the District of Columbia spends. Their total municipal employees are 11,500 employees.

Dallas, Tex., is a larger size, much larger than Washington. It spends only $301 million in total budget and has a total of 19,000 employees. San Diego, Calif., has a population of slightly less than 700,000 people and a budget of $202,000. It has 5,943 municipal employees.

The list goes on and on of the number of employees the District has in comparison, the outlay for budget expenses and so forth. I do not think we are really doing the District any favor by continually letting this figure of employees climb, continually expanding the budget and giving them more money.

There are certain hard things that we have to provide the District of Columbia: schools, police protection, recreation facilities, fire protection. These are things that we cannot ignore, but as to some of the frills, and in this budget we have seen one or two new ones, where the Federal programs are being phased out, we have assumed the responsibility for the District of Columbia. However, I think that next year we have to see how many of those we can phase out because it is not easy to change the situation when they have been at the Federal trough for so long. It is a most difficult task to try to get this budget reduced.

I again think the committee did a good job, not the best job, not the kind of job any one of us would like to have done, but considering the mandate that this Congress already has given us, we did the best of all possible jobs in reducing this budget.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield 8 minutes to the member of the committee, the gentleman from Florida (Mr. YOUNG).

Mr. WYDLER. 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.

Mr. YOUNG of Florida. Mr. Chairman, it is my intention to speak out of order at this time. I regret that I must use this procedure to continue a debate that was begun earlier, but the 2 minutes that were offered to me at that time were just not sufficient to cover the material.

POINT OF ORDER

Mr. BURLISON of Missouri. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. BURLISON of Missouri. I do not believe the gentleman is speaking on the matter under consideration.

The CHAIRMAN (Mr. FASCELL). The Chair is prepared to rule. Uner the precedents and under present unanimous-consent agreement governing the general debate on the pending bill, there is no limitation on matters which may be discussed in the Committee of the Whole. If the Committee of the Whole, operating under a rule from the Committee on Rules which limited debate to consideration of the subject matter of the bill, the gentleman's point of order would be in order.

The point of order at this time is not in order, and the Chair overrules the point of order.

Mr. YOUNG of Florida. Mr. Chairman, I rise as one Member of this House, one of a very few, in fact, maybe the only one who has ever been personally involved in an impeachment procedure from the time that it was first initiated in a State House of Representatives until the time that it was disposed of in the State Senate.

I also rise, Mr. Chairman, as a Member of this House who has repeatedly told even the most outspoken supporters of the President that a decision on impeach-

ment was one of the gravest that a responsible Member of Congress would ever be called upon to make, and that decision should not be made on the basis of emotion or on the basis of partisanship, but should only be made on the basis of truth and on fact.

Mr. Chairman, I rise today as a spokesman for the millions of Americans in this Nation who believe in fair play, people who want the truth and the whole truth, and people who believe that 2 years and $8 million worth of investigation are enough to bring out that truth so that we can make that fair decision.

Mr. Chairman, today United Press International reported a statement by the chairman of the House Committee on the Judiciary—and I have a copy of the story as it appeared in a newspaper in Los Angeles—and I want to read just two statements from this story in case the Members did not hear it earlier.

The Chairman of the House Judiciary Committee has said that all the Democratic Members will support the impeachment of President Nixon, enough to recommend impeachment to the full House, the Los Angeles Times reported today.

* * * * *

The Times said Rodino "commented at length in the presence of visitors . . . upon returning to his office Thursday" during a noon break in the committee's proceedings.

Mr. Chairman, I am very happy to hear that Chairman RODINO has denied this and stated that he could not say whom those people were that he discussed it with. I would say that I know whom I had lunch with yesterday, and I know the constituents with whom I met yesterday; but, of course, each of us must speak for ourselves.

I also know what the reaction would be if someone from the White House were to claim this same lapse of memory.

Mr. Chairman, I take this time today to state that what we have seen in this news item this morning seems to prove what some people have been suspecting for a long time: that maybe prejudgments have been made. Maybe a scenario has been worked out in advance. Some of the things that we have seen unfold and some of the drama that has been played seems to bear out the suspicion that a scenario has been established in advance.

Many of us are very curious to know who is the phantom director of this impeachment scenario.

Mr. Chairman, when we reconvene as the House I will ask unanimous consent to include with my remarks a copy of the Los Angeles Times story under discussion as well as a copy of a further UPI wire story identifying Mr. Sam Donaldson, a reporter for the American Broadcasting Co., as one of those present in Chairman RODINO's office and quoting him as confirming the statement attributed to Chairman RODINO.

[From the Los Angeles Times, June 28, 1974]

ANTI-NIXON VOTE BY 21 DEMOCRATS SEEN

(By Jack Nelson)

WASHINGTON.—Chairman Peter W. Rodino Jr. (D-N.J.), was quoted Thursday as saying that, all 21 Democrats on the House Judiciary Committee are prepared to vote to impeach President Nixon, but that at least five Republican votes are needed to make a strong case for endorsement by the full House.

Rodino has no indication of how the committee's 17 Republicans will vote. Only a simple majority is needed for a committee recommendation to impeach. However, Rodino and other committee Democrats have said that any articles of impeachment voted by the committee would stand little chance of House approval unless supported by several committee Republicans.

With the exception of limited testimony by a few witnesses, which begins next week, the committee already has heard its staff's full presentation of all available evidence.

Rodino was quoted as saying that the evidence, despite arguments to the contrary by James D. St. Clair, Mr. Nixon's chief impeachment counsel, is sufficient for a Senate trial of the President.

Rodino commented at length in the presence of visitors on the impeachment inquiry upon returning to his office Thursday during a noon break in St. Clair's presentation. That is what transpired:

He appeared irritated that St. Clair, in presenting his case, had stated conclusions based on the evidence, rather than citing factual information as required by committee rules.

"Some of the members are quite upset," Rodino said. "I've even talked to Republicans who felt it was wrong for Mr. St. Clair to state conclusions."

Rodino said Republican members who believe the evidence is strong and may vote for impeachment are "agonizing" over how they can justify voting to impeach a President who is a member of their own party.

He said he was not sure whether as many as five Republicans would support the articles, but added that if any Republicans were "waiting for another bombshell, I guess about the only thing left is the Supreme Court decision on the tapes."

Now pending before the court is the case of special Watergate prosecutor Leon Jaworski's subpoena for tapes of 64 presidential conversations. Arguments on the case will be heard on July 8.

Rodino said he did not know whether the Supreme Court would rule on the case in time for it to be a factor in the committee's deliberations. He said he was determined to stick to a committee schedule that calls for an impeachment vote by July 23.

Several Republicans on the committee have indicated they would consider it grounds for impeachment if Mr. Nixon defied a court order upholding the validity of the subpoena. St. Clair has declined to say whether the President would obey such a court order.

Mr. Nixon has rejected four committee subpoenas and has been served with four other committee subpoenas that he has indicated he will ignore. Most Republicans on the committee have indicated they do not consider noncompliance with the committee subpoenas an impeachable offense.

Rodino believes Republican members most likely to vote for impeachment include Reps. William S. Cohen (Me.), M. Caldwell Butler (Va.), Hamilton Fish Jr. (N.Y.), Thomas F. Railsback (Ill.), Robert McClory (Ill.), and Henry P. Smith III (N.Y.).

Other Republicans who have been cited as possible supporters of impeachment include Rep. Charles W. Sandman, Jr. of New Jersey, who is engaged in a close race for reelection and Rep. Lawrence J. Hogan, who Thursday announced his candidacy for the Republican nomination for governor of Maryland.

Rodino has a better feel for how the Democrats will vote because he meets with them frequently in closed-door caucuses.

On his attempts to keep some Democrats in line on procedural matters, Rodino said, "Some of them just don't look down the road for the long haul."

"As of now," he said, all Democrats appear convinced that the evidence is sufficient to impeach and that all will vote for impeachment.

Only two Democrats, Reps. James R. Mann (S.C.) and Walter Flowers (Ala.), both from Southern districts that are strongly pro-Nixon, have been considered as possible anti-impeachment votes.

On other matters Rodino said:

—Public opinion is ahead of the committee. "Their minds are made up," in wanting to see the impeachment issue resolved in a Senate trial.

—Special counsel John M. Doar and minority counsel Albert E. Jenner Jr. will give the committee their theory of an impeachment case after all witnesses have been heard. But they will not recommend that the committee vote one way or the other. Both attorneys will adopt prosecutorial roles, however, immediately after any committee vote for impeachment.

—Mr. Nixon has realized some gains in the impeachment battle in the public arena with his trip to the Middle East and his current trip to Moscow. Later, Sam Donaldson, a reporter for the American Broadcasting Co., said he was one of the visitors in Rodino's office and described the Los Angeles Times story by Jack Nelson as "absolutely accurate to my recollection."

Donaldson said he had not reported Rodino's remarks on the air because he considered them "in the nature of a guidance, background session" in which Rodino, responding to questions, gave his assessment of the likely outcome of next month's scheduled committee vote on whether to recommend impeachment.

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

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I thank the gentleman from Florida for yielding.

I share the gentleman's concern about the UPI story which quoted a Los Angeles Times story indicating, as the gentleman from Florida has said, that the chairman of the Judiciary Committee (Mr. RODINO) had stated yesterday during the noon break with a group of visitors in his office that all 21 Democrats would vote for impeachment. This troubled me very much because we had only just begun to hear the presentation of evidence from the President's counsel and we have not yet begun to hear from the witnesses.

I was very pleased to hear the chairman of the Judiciary Committee, to me personally and to the House as a whole, indicate that this story was not true. I was disappointed, however, that he failed to reveal the identity of those with whom he met yesterday during the noon hour.

Certainly, he must recall who they were and I think it might be appropriate if some of our investigative reporters would try to ascertain this. I think it is an important matter to resolve.

One of the things that troubles me more than anything else and it has troubled me a number of times during this impeachment inquiry, is that it seems to be the "in" thing to say that this impeachment inquiry has been objective and fair and totally unbiased. A number of those on this side of the aisle have so indicated. But I want to indicate to my colleagues

that I do not share that view. I think it has been biased and I think it has been unfair. It is regrettable that a myth has been created that the contrary is true, that it has been fair and unbiased.

During the evolving weeks of this inquiry, every time some element of fairness has been conceded to the President or his counsel it has taken place only after an agonizing partisan squabble. With great reluctance on the part of the majority, such concessions to fairness have been made. Finally the majority conceded that the President's counsel can participate, and then they conceded that he can make a presentation, and then they conceded that he can call witnesses. But when they finally did decide after great reluctance to call witnesses, they did not even accord the President's counsel the right to call six witnesses. Is that fair? To not allow him to just call six witnesses after we have been active in hearing material against the President for 6 weeks, is certainly not fair. If it is, I do not know what fairness is.

I want to call something else to the attention of my colleagues. During our debate in the committee the other day on this matter of calling witnesses, there was an amendment before the committee, I offered an amendment to that amendment which would have accorded to the President's counsel the witnesses that he desired to call. We called for a vote on this amendment of mine and it prevailed by a 21-to-17 vote.

Immediately upon the announcement of the result of that vote the chairman of the committee, Mr. RODINO, banged the gavel and called a recess and announced that there would be an immediate Democratic caucus. We Republicans cooled our heels and waited until the Democrats came back in. When they did everything was arranged. From that point on, every amendment offered by the Republicans to add witnesses to the list were rejected. But the most astounding thing of all is that we had a rerun on the exact language of the Hogan amendment, the precise, same language, and whereas before the Democratic caucus it prevailed by a 21 to 17 vote, after the Democratic caucus it was defeated by a 22 to 16 vote. The exact, same language.

So, when we hear talk about fairness we really ought not to be deluded into believing that is true.

This morning we had another development which disturbed me very much. The President's counsel was presenting his perception of the factual material before the committee on the various possible impeachable offenses. He presented some excerpts from some U.S. district court testimony, which is in the public domain, and which was also in the hands of our committee staff. The testimony of various witnesses which was excerpted and presented by Mr. St. Clair, the President's counsel, was exonerating to the President on various matters under consideration. It was exculpatory material. I asked the staff during that deliberation, why this had not been presented to us earlier. I asked, "If this is not an adversary proceeding, as we have been assured for weeks and weeks and weeks by the chairman, why did the staff not present this exculpatory material to us as well as the inculpatory material?" They had access to this material but they did not call it to our attention. I really think——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOGAN. Mr. Chairman, I ask unanimous consent that the gentleman in the well be accorded 3 additional minutes.

The CHAIRMAN. The request of the gentleman is out of order. The time is controlled by the gentleman from Indiana.

Mr. NATCHER. Mr. Chairman, I would like to make this statement to the members of the committee. We have no additional requests for time on this side. It is the desire of the Members on this side, Mr. Chairman, that immediately following this speaker or any other speakers that the gentleman on the other side has, to move that the bill be considered as read and open for amendment at any point.

Mr. MYERS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I thank the gentleman from Iowa for yielding. As I was saying before I was interrupted, during the factual presentation this morning the President's Council presented U.S. district court testimony of witnesses which was exculpatory of the President.

I asked the staff why this material was not presented to us while they were presenting factual material in a supposedly objective and fair and unbiased manner in a so-called nonadversary proceeding.

The answer was a very weak, "Well, perhaps we made a mistake. Perhaps we should have included it."

Now, I am not here to say that the Democratic majority does not have the right to be partisan. All I am objecting to is the myth that has been created that they are not partisan. That is the thing that troubles me very much, so when some members of the Committee on the Judiciary say that the inquiry has been fair and objective, I want my colleagues to know they do not speak for all of us on the committee.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. In these few minutes it is difficult to try to respond to the many leaks and biased information that comes from the very committee which imposed a rule of confidentiality on itself; but I think this refusal to open the meetings to public view, the refusal to allow certain witnesses to be called, determinations being made by political party caucus, rather than being made by the committee itself, that on top of the statement of the chairman on how the Democratic members are going to vote creates a further problem of credibility, in my opinion.

I think the people want to know whose credibility is in doubt. Is it Jack Nelson of the Los Angeles Times, or the few people that meet in Chairman RODINO's office, or is it the chairman himself?

I think the people deserve an answer to this question. I think it is time to take the lid off of this coverup committee.

Let us quit playing games. Let us get back to the question of trying to fairly determine the guilt or innocence of the accused.

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

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

Mr. LATTA. I want to thank the gentleman for yielding and say it is a very interesting discussion; but in the light of the discussion I would like to point out that I have heard from very reliable sources that the Democratic leadership already has its time schedule laid out. When the committee shall stop its deliberations, when the resolution is to be brought to the floor of the House, when we are to vote, and when we are to have the 2 weeks recess at the end of August and the first week of September.

It seems to me they are getting the cart before the horse. We ought to permit the committee to act based on the evidence. That is what we are supposed to make a determination on and not by what the Democratic caucus dictates.

This idea of trying to compress our work into some time frame is something to which I object, and object to very strenuously, and I mentioned this the other day in the Committee. I would hope, in fairness to the President of the United States, regardless of who occupies that high office, now or in the future, that we will treat him fairly as the President of the United States. If this terrible burden ever falls upon this body in the future—and I hope it never does—that it will not compress the work of the Judiciary Committee or whatever committee might undertake this awesome responsibility into some preconceived time frame; that they will let the evidence come out; that they will let that respondent, whoever he might be in the future, have his witnesses, have his day before the committee and before this House. Yes, and in full view of the American people. We should not deny him a witness, or 2 witnesses, or 5 witnesses, or 6 witnesses, or 60 witnesses.

Think of it. Think of it. A vote along party lines in that committee on whether or not President's counsel should have the right to call a mere six witnesses. Unthinkable, I could hardly believe this committee would take such an action on so important a matter.

Mr. NATCHER. Mr. Chairman, I have one additional speaker on this side for 3 minutes only. Following this speaker, Mr. Chairman, I would like to move that the bill be considered as read and open to amendment at any point.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I do not wish to prolong this matter, but I think there have been a couple of things said that call at least for some response

in order to set this record straight. I deeply regret the perception that a few of my colleagues on the committee apparently have of its work. I do not believe that perception is shared by the overwhelming majority of the members of the Judiciary Committee, who I believe feel strongly that this work has been carried forward in a fair and objective manner.

The chairman earlier today responded to the story to which the gentleman from Florida alluded, and I do not intend to recount that, but I do want to underscore particularly one thing which the Chairman said and its interrelationship with the attitude and the work of the members of the committee.

He stated:

During the course of these hearings, I have at every opportunity to express myself stated the need to proceed only on the basis of fairness and to insure, when there has been a complete presentation, only then should the Members draw their conclusion.

I can state to the Members that this is exactly the attitude that the chairman has communicated to the members of the committee in public, in caucus, in private talks. There is a need for the Members of this House and the people of this country to appreciate the process that is taking place in the Judiciary Committee. We have not come to predeterminations, and there is a commitment on the part of the members of the committee that the presentation should be made and that the Members at the conclusion of it should have the opportunity to render their judgment.

That is how this job is being done, and we have been working at that job week in and week out. We intend to make a fair and objective judgment on behalf of the American people, a judgment we can take to the people, defend to the people, and explain to the people.

There is no scenario, to use the word the gentleman from Florida invoked earlier. There is no script director. There is an effort to move this inquiry forward.

There is an effort to do it in a fair and objective manner, and the chairman above all has striven to the utmost to maintain this attitude and to impress it upon the members of the committee. I deeply regret this press story. The chairman has explained it earlier in the day. I deeply regret the perception that certain Members have expressed about the committee. I do not believe it is an accurate perception. I do not believe it is a fair perception.

I do not think it does justice to the efforts which most of the Members of the Judiciary Committee have been making in order to see that this very grave matter is carried forth in the manner that is called for by the Constitution and by our traditions and by our heritage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, we have no additional requests for time on this side.

Mr. MYERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. YOUNG), a member of the committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I want to say to the gentleman from Maryland who just left the well that I believe he is very sincere in what he has said and in what he believes.

My question is if, as he says, that is the firm feeling of the Committee, why is the committee proceeding in private, away from the full view of the public except for the leaks of certain stories? Why are witnesses who are suggested being refused and why are decisions being made in a political caucus rather than in the full Committee? If there is no scenario, how has the schedule and timetable already been established?

Mr. SARBANES. Mr. Chairman, if the gentleman will yield, I would assume that the gentleman would concede that there is a necessity to establish some sort of tentative time schedule. Someone made a reference to the fact that the time period for witnesses has been firmly established. That is not completely correct. The gentleman from Illinois (Mr. McCLORY), acting as the ranking Republican member of the committee, offered an amendment making it very clear that that time period could be amended, if necessary; and that amendment was supported by an overwhelming vote in the Committee, and the subsequent motion was supported by an overwhelming vote.

Mr. DIGGS. Mr. Chairman, I rise in strong support of H.R. 15581 to appropriate 1975 funds for the District of Columbia.. This coming fiscal year the city's budget totals $1.074 billion, a generous budget, but a balanced budget.

The fiscal planning process for this budget has been extensive. As I indicated in a statement to Members last September, the budget's planning began with a thorough review of the impact of 5- to 10-percent reductions or increases in each Government program as a method of examining a full range of funding choices. The Mayor's initial budget released in early January then went through a month-long intensive review by the local City Council which resulted in a number of important changes in funding for higher education and the new home rule functions. The next step was an analysis by the President's Office of Management and Budget, and finally submission to the Congressional Appropriations Committees.

I take this opportunity to point out that the budgeting provisions of the Home Rule Act passed by this body last October and approved overwhelmingly by the local voters in their May 7 referendum would preserve this budget planning process and strengthen it through a series of requirements that better fiscal information be provided to both the Congress and the City Council.

I again commend the untiring efforts of my colleague from Kentucky, Congressman BILL NATCHER, whose subcommittee has successfully shepherded this legislation through its congressional review process and has brought to the floor today a budget which maintains the major components of the city's fiscal program that begins on July 1. This budget contains nearly all the funds necessary to maintain a vigorous capital expenditure program as we rapidly approach our Bicentennial celebration.

The budget includes moneys for local community service programs to the needy—programs which previously were funded by the Federal Office of Economic Opportunity and would have terminated on June 20 if these moneys had been denied. H.R. 15581 contains, for the first time, $2.1 million in funds for attorney fees for indigent defendants so that our legal doctrines of proper representation before the courts can be preserved for all, regardless of their financial status. Most importantly, the budget before us today looks ahead to future funding needs and sets aside adequate moneys to pay forthcoming salary increases.

Finally, in recognition of the unique status of the District as the Nation's Capital, this legislation includes nearly all the authorized Federal payment contained in the Home Rule Act. For more than 75 years Congress has recognized its special responsibility to the financial well-being of the Nation's Capital by regularly appropriating a share of the funds needed for the operation of the Government of the District. I am encouraged to see this responsibility strongly reaffirmed in H.R. 15581.

I must point out, however, there still are questions about adequate funds for a number of critical local programs. No. 1 involves funding of the new responsibilities and operations transferred to the local government in Public Law 93-198: The Home Rule Act. This legislation provided for a larger locally elected City Council to undertake the many additional functions of a new local government. Sufficient funds are not included in the 1975 amounts to cover the larger staffing needs and additional expenses that will be encountered by the Council.

There is also a question that $432,000 are not provided to cover the new municipal planning functions which the city will receive from the National Capital Planning Commission on July 1. These functions are being transferred pursuant to title I of the Home Rule Act in recognition of the importance of undertaking on a comprehensive basis local planning for local needs.

Staffing and other resources must also be provided for implementing the new responsibilities of the city's rent control program and for a new office of business development. I am further hopeful that the $1.5 million reduction on special education funds will be reexamined.

Finally, only $6 million has been appropriated to cover the mandatory payments by the District of its share of the Metrobus operating expenses. The 1975 District's share is already estimated to be $16.9 million and as Mr. NATCHER has correctly predicted, will probably go even higher. I share the concerns expressed by my colleagues at the expenses of our public transit system. However, the District's payments are required by law, cannot be reduced by the District alone, and—per an agreement of the transit board—if these costs are not paid each

half year, the District must pay an interest penalty thus increasing the total amount that will be due. I am hopeful that a solution to this complicated funding problem will be found this year.

I recognized the importance of retaining a balanced budget for the District of Columbia. However, in some quarters it is believed that a balanced budget could be preserved, even with the restoration of up to $8 million to the amounts proposed in H.R. 15581. It is my hope that some way can be found to restore some of the funds for these important District programs.

Mr. NATCHER. Mr. Chairman, we have no additional requests for time on this side.

Mr. MYERS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL OPERATING EXPENSES

General operating expenses, $76,878,000, of which $7,355,600 shall be payable from the revenue sharing trust fund, $660,100 from the highway fund (including $79,200 from the motor vehicle parking account), $107,700 from the water fund, and $71,800 from the sanitary sewage works fund: *Provided*, That not to exceed $2,500 for the Commissioner and $2,500 for the Chairman of the District of Columbia Council shall be available from this appropriation for expenditures for official purposes: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That $2,375,000 of this appropriation payable from the revenue sharing trust fund (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed $125,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further*, That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, and open to amendment and points of order at any point.

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

There was no objection.

POINT OF ORDER

Mr. SYMMS. Mr. Chairman, I make a point of order.

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

Mr. SYMMS. Mr. Chairman, I make a point of order on the language to be found on page 3 of the bill, lines 7 through 10, specifically reading:

Provided, That not to exceed $2,500 for the Commissioner and $2,500 for the Chairman of the District of Columbia Council shall be available from this appropriation for expenditures for official purposes:

That is not authorized by law.

The CHAIRMAN. Would the gentleman from Kentucky like to be heard on the point of order?

Mr. NATCHER. Mr. Chairman, I would like to be heard on the point of order.

Under Public Law 93–140, approved October 26, 1973, we have section 26, which provides as follows:

The Commissioner of the District of Columbia, the Chairman of the District of Columbia Council, the Superintendent of Schools, the President of the Federal City College, the President of the Washington Technical Institute, and the President of the District of Columbia Teachers College are hereby authorized to provide for the expenditure, within the limits of specified annual appropriations, of funds for appropriate purposes related to their official capacity as they may respectively deem necessary. Their determination thereof shall be final and conclusive, and their certificate shall be sufficient voucher for the expenditure of appropriations made pursuant to this section.

This is authorized, Mr. Chairman, and the point of order should be overruled.

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

The language to which the gentleman from Idaho objects, on page 3 of the bill, lines 7 through 10, is clearly authorized within the law cited, Public Law 93–140, section 26. Therefore, the Chair is constrained to overrule the point of order.

POINT OF ORDER

Mr. SYMMS. Mr. Chairman, I make a point of order.

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

Mr. SYMMS. Mr. Chairman, I make another point of order on the language to be found on page 5, lines 12 to 17, specifically reading:

Provided further, That not to exceed $1,000 for the Superintendent of Schools, $1,000 for the President of Federal City College, and $1,000 for the President of Washington Technical Institute shall be available from this appropriation for expenditures for official purposes.

Mr. Chairman, that language is not authorized by law.

Mr. NATCHER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NATCHER. Mr. Chairman, I again would like to cite to the Chairman of the Committee of the Whole section 26 of Public Law 93–140, which clearly shows that this is authorized.

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

The language to which the gentleman from Idaho (Mr. SYMMS) objects, appearing on page 5, at lines 12 through 17, is clearly authorized within the language of section 26 of Public Law 93–140.

The Chair, therefore, overules the point of order.

AMENDMENT OFFERED BY MR. GRAY

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

(The portion of the bill to which the amendment relates is as follows:)

SEC. 1. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designating disbursing official.

The Clerk read as follows:

Amendment offered by Mr. GRAY: On page 10, immediately below line 13, insert the following:

SEC. 1A. Notwithstanding any other provision of law, the design, plans, and specifications, including detailed cost estimates, of the civic center to be constructed under the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act (Public Law 92–520) shall be deemed approved by the Senate and House Committees on Appropriations for purposes of section 3(d)(4) of such Act.

Mr. NATCHER. Mr. Chairman, I reserve a point of order to the amendment offered by the gentleman from Illinois (Mr. GRAY).

The CHAIRMAN. The gentleman from Kentucky (Mr. NATCHER) reserves a point of order against the amendment.

The Chair recognizes the gentleman from Illinois (Mr. GRAY).

(By unanimous consent, Mr. GRAY was allowed to proceed for 3 additional minutes.)

Mr. GRAY. Mr. Chairman, first I wish to apologize to the Members for taking this time. I realize this is Friday, and I know we all want to get away from here. However, I hope the Members will indulge me for a few minutes, because I believe this is a very important subject, one that touches the pocketbook of every taxpayer in this great country.

I also wish to thank my distinguished friend, the chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) for reserving his point of order so that I can explain this proposition.

I might say parenthetically that if the Chair sustains the point of order I do plan to introduce general legislation today that will accomplish the same purpose about which I intend to make these remarks.

Mr. Chairman, over 180 years ago George Washington stood where the Naval Observatory is located at 34th Street and Massachusetts Avenue NW., and he looked down upon what is now the City of Washington, and he laid this out as a central gathering point for what he knew would become a great and fast growing country. During the ensuing 180 years we have tried to build a facility in this great Capital—I say, "we"; I mean the various Congresses and the City Fathers and other people who have preceded me in public life in this city—a place where our constituents could come and could gather and could talk about their business and our business the Government of the United States, a place where we could hold inaugurations inside, a place where we could have inaugural balls without having them scattered all over the city, a place where our national nominating conventions can be held, schoolchildren, educators, and people from all walks of life could come and sit and break bread and discuss their business.

Unfortunately, up until this very day, this is the only city in the world with a

population of over 250,000 that does not have some type of a convention center, a civic center, or a meeting hall to accommodate large groups.

We on the Committee on Public Works labored for 4 long, hard years; we held five separate hearings; we even held hearings in the center of the city, which was an unprecedented act, I will say to my colleagues, and we allowed every single person who wanted to be heard a chance to speak up in behalf of the need for building a civic center in our Nation's Capital.

It was almost unanimous. The Mayor, the City Council they voted 8 to 1, Delegate Fountroy and yes, this Congress over 20 months ago by more than a 40-vote majority and unanimously by the other body, and on two occasions the President of the United States has sent special messages agreeing to the need for a civic center in our Nation's Capital.

I want to say that there is no one whom I hold in greater regard in this House than I do my friend, the gentleman from Kentucky, Mr. NATCHER. He is a handsome, erudite, able chairman who works hard. But, for some reason known only to the gentleman and to God he has sat on legislation approved 20 months ago by this House that merely called upon him to approve the plans and specifications and the cost estimates for this much needed facility.

Now, my friends, it would take all day to tell you about the great benefits to be derived from this particular project. Let me summarize it very briefly:

Since Congress passed the authorization for the District of Columbia to build a civic center—several private entrepreneurs have pledged over $200 million in new hotels, in new restaurants, and in new facilities in this worn-out area known as Mt. Vernon Square; I repeat, over $200 million. The cost of the Eisenhower Center would be $5 million a year with 5.5 percent rate on the bonds. That is much cheaper than the Government can borrow money.

The real estate taxes alone—forget about the sales taxes, forget about the bed taxes now being charged—the real estate taxes alone collected from these private entrepreneurs would more than pay for the entire cost of this facility if the city never took in a nickel at the front door, from spectator events and from conventions.

But I am more concerned, my friends, as I leave the Congress. I am more concerned about what is happening to this city. I am concerned about the collision course we are on with fiscal disaster in this city.

My distinguished friend, the gentleman from Kentucky (Mr. NATCHER), gave an eloquent speech in his opening remarks and he told the Members that out of the $1,382,000,000 carried in this bill today that $724 million of that is coming from your taxpayers and from mine. I represent the fourth largest taxpaying State in the Nation.

The gentleman also told you there were 4,000 less schoolchildren in the schools in the District.

The gentleman did not tell you that since I have been in the Congress that we have lost over 55,000 people in Washington, D.C. The gentleman did not tell you that there are only 748,000 people residing in the District of Columbia. The gentleman did not tell you that just in the past 10 years we have increased the direct Federal payment from $37 million per year to $221 million today, a 600-percent increase in 10 short years.

The gentleman did not tell you that just the increase—and I repeat—just the increase in the Federal payment in the past 3 years alone would have paid cash, lock, stock and barrel for everything you see here on this drawing.

Yes, we are heading for a fiscal disaster in the District of Columbia. And I do not mean to cast any aspersions on my friend Mayor Washington and the distinguished City Council, but the facts are that the inner city around Mt. Vernon Square is dying.

I flew over the city recently in a helicopter and you see very few cranes going up over new buildings except Federal buildings to serve Bureaucracy. But, go out in the environs and that is all that you see, new housing projects, new high-rise buildings, new shopping centers.

Who is paying for this regression in the Nation's Capital? My taxpayers and yours.

Here is an opportunity for private entrepreneurs to come in and build the hotels and the restaurants to give this city some new jobs, new spirit and some new lifeblood.

Is it not ironic, my friends, we are spending $3.5 billion to $4 billion to put in a subway system for who to ride on? You can walk the streets after dark in the Mt. Vernon Square where we propose to put this project and you will see very few people. We need to build in more vitality. We are now building the Visitors' Center at Union Station. The Civic Center will be only 8 blocks away. We will have ample parking at the Union Station. We will have a connection there with the subway. We will have minibus services back and forth, and you will see a whole new corridor from Union Station down to Mt. Vernon Square with new hotels, restaurants, yes, new lifeblood for the District of Columbia. If the Appropriations Committee will only act.

It is already public law. The Members are not going to be voting on the Eisenhower Center. It is a public law. It has been since October 1972. We are only asking the Committee on Appropriations to follow the mandate of this House, of this Congress, and of the President in reviewing the plans and approving them. If they do not like these plans, they have an obligation to say what they do not like about them. If it is parking, we can resolve that. If they do not like the design, we will have the architects redesign it.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GRAY was allowed to proceed for 1 additional minute.)

Mr. GRAY. The city of Washington and the bankers of this city have put up $600,000 to draw these plans. We have not put up a dime for this civic center. We can build all types of facilities in Cambodia, Laos, and South Vietnam and 128 million for such projects as the FBI Building in Washington but for the Nation's capital, not a dime has gone into this center. They had to go to the local banks and borrow $600,000—the city did—in order to draw these plans that we see here before us. Is that not a national disgrace? Billions for bureaucracy but nothing for a facility that the taxpayers will use and enjoy.

If the Committee on Appropriations continues to sit on its constitutional obligation, we will lose $600,000 for a set of plans. We will lose $200 million committed in writing by private entrepreneurs who want to see this city go and want to see it develop. Further, it is costing $700,000 every month this project is held up.

Mr. Chairman, as I said earlier, if I receive an adverse ruling on the point of order the gentleman from Kentucky has raised, I intend to offer general legislation today that will allow the project to move forward now. Mr. Chairman, I want to see the day come when we can be self-sustaining. I want to see the day come when we will not have to increase this Federal payment by $30 or $40 million every single year, and that is the case today. The increase today is over $33 million plus other taxpayer funds in loans and public works.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard further on his point of order?

Mr. NATCHER. Mr. Chairman, I insist on my point of order, and I should like to be heard on the point of order.

Mr. Chairman, the amendment offered by my distinguished friend, the gentleman from Illinois, is clearly legislation on an appropriation bill. The provision of the basic legislation, the organic legislation, Public Law 92-520 of October 21, 1972, provides in part as follows:

No purchase contract for the construction of such civic center shall be entered into pursuant to the authority of this section until 30 legislative days following submittal to and approval by the Senate and House Committees for the District of Columbia and the Senate and House Committees on Appropriations, of the design, plans, and specifications, including detailed cost estimates, of such civic center.

Mr. Chairman, section 1(a) as set forth in the amendment offered by the gentleman from Illinois provides in part as follows:

"Notwithstanding any other provision of law"—and that clearly, there at that point, Mr. Chairman, makes it legislation on an appropriation bill, and I insist on my point of order.

In closing, Mr. Chairman, I think in all fairness to the members of the Subcommittee on District of Columbia Appropriations, and in fairness to the Committee on Appropriations, I should say just a word to my distinguished friend, the gentleman from Illinois, about this center.

Mr. Chairman, as the Members will recall at the time this matter was submitted to the Congress by the distinguished gentleman from Illinois, he and other members of his Subcommittee on Public Works stated to the House of Representatives that this civic center

would not cost the taxpayers of the District of Columbia one dime. He said on this floor that every dollar of this money would be used and would be obtained from private entrepreneurs downtown to construct this center, and it would not cost a dime.

He also said, Mr. Chairman, that the bill as presented contained $14 million of Federal money. Other than that money, they would go downtown and get a contractor, a private entrepreneur, and construct this civic center and turn it over to the District of Columbia.

Mr. Chairman, when they appeared before our subcommittee with their fixed cost estimate and with plans and specifications, we said, "Who is going to build it?" They said, "Mr. Chairman, we cannot get anyone downtown to build this civic center. We cannot get anyone to contract for it. We cannot get an entrepreneur to build it. We now ask you Mr. Chairman, to let us issue $81 million worth of bonds payable by the District of Columbia to be issued by the District of Columbia to build this civic center." Their proposal was not that this be done by private entrepreneurs and not under a contract where somebody else would build it and then turn it over to the District of Columbia.

Mr. Chairman, a word or two and I will conclude. When they said that they wanted $81 million worth of bonds, we said, "Why do you want them?" The House of Representatives was informed that the civic center would cost not to exceed $65 million." "Mr. Chairman," they said, "we need $81 million of bonds because we have to pay for the cost of the bond issue but the structure itself will cost only $72.1 million, and amortized over a period of 30 years it would cost the District of Columbia $165 million."

Then, Mr. Chairman, here is what we on our subcommittee said to them. We said that we do not have the right on this subcommittee to violate the provisions of the law and to violate what they said to the House when they came in and said it would cost $65 million. That is why the bill was passed. We do not have the right to change the provisions of that law and say that we are going to let the bonds be issued and that we are going to let it cost $165 million over a 30-year period.

Mr. Chairman, as long as I am a Member of this Congress, and I say this to you frankly, I do not have that right and I do not intend to come into this Committee and say we have changed the law. It was not presented that way. We cannot say: "We are going to change it for you and let it cost $165 million."

I voted for home rule. I thought the District of Columbia people should have the right to vote for and elect their Mayor and City Council, and I think, yes, the people in Washington should have the right to decide whether they want this $165 million project saddled on their backs, when it was presented to this Congress as $65 million and not to cost the taxpayers a dime.

Mr. Chairman, the Chair has been good enough to let me make this statement. I appreciate it, Mr. Chairman, but in all fairness to the Members of this House I had to make that statement.

Mr. Chairman, I now insist on my point of order.

Mr. GRAY. Mr. Chairman, may I be heard on this point of order? I hope the Members will indulge me as they indulged my friend, the gentleman from Kentucky, while he made his statement.

The CHAIRMAN. Now that the Chairman has been enlightened as to the facts on both sides of this situation he would be delighted to hear the gentleman on the point of order.

Mr. GRAY. Mr. Chairman, since my friend, the gentleman from Kentucky, got carried away, I hope I can be indulged while I explain why we are here. It does revolve around the point of order.

Mr. Chairman, the gentleman from Kentucky stated we were asking for something in this amendment that was not authorized by law. I think I could put it in proper perspective by pointing out that it reminds me of the little old lady who told her daughter that she might go swimming but that she must not get near the water.

Mr. Chairman, the chairman of the committee has stated we are asking for something that was not authorized by law and he could not possibly violate the law, but I would like to point out the basic language before the Chairman rules on the point of order.

No purchase contract for the construction of such Center shall be entered into pursuant to the authority of this section until the Appropriations Committees of the House and the Senate have had the plans and they have been approved.

My friend, the gentleman from Kentucky, said the District was unable to get a private entrepreneur to build this private facility. The District of Columbia is prohibited by law from engaging an entrepreneur, on the amendment offered by the gentleman from Kentucky (Mr. SNYDER). How can they engage an entrepreneur until a plan has been approved which is required by law? So all my amendment, which is pending, does, Mr. Chairman, is to say that the Appropriations Committee does hereby approve the plans and specifications. That is the first thing.

That is the first thing. The second thing, Mr. Chairman, it requires the approval of the District of Columbia Committee, which is the authorizing committee. The very distinguished chairman is sitting here, the gentleman from Michigan (Mr. DIGGS). He can tell us that the District of Columbia Committee has approved the plans and cost estimates and the specifications for this project. So it is only the Committee on Appropriations that is holding back.

Third, Mr. Chairman, and this is very, very important, the reason the District of Columbia is talking about bonds is to save money.

Mr. ROUSH. Mr. Chairman, the gentleman in the well is not addressing himself to the point of order.

The CHAIRMAN. The gentleman from Illinois will address himself to the point of order.

Mr. GRAY. Mr. Chairman, the distinguished gentleman from Kentucky certainly did not speak to the point of order.

I will let the ruling stand and move to strike the last word. I do not think the record should stand on the remarks of the gentleman from Kentucky.

I know he is proceeding in good faith, but I know he is inaccurate. I ask for a ruling and if I am ruled out, I move to strike the last word.

The CHAIRMAN. The Chair is prepared to rule. The amendment of the gentleman from Illinois, which would concern a new section in the bill, recites:

SEC. 1A. Notwithstanding any other provision of law, the design, plans, and specifications, including detailed cost estimates, of the civic center to be constructed under the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act (Public Law 92-520) shall be deemed approved by the Senate and House Committees on Appropriations for purposes of section 3(d)(4) of such Act.

When one refers to the language of the act which was read by the gentleman from Kentucky in his discussion on the point of order, that language being contained in Public Law 92-520 of the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act and section 3 of that act, it is quite clear there that the act requires approval of the Senate and House Committees on Appropriations, in addition to other matters, and that the language of the amendment very clearly seeks to change existing law by legislating such approval.

It is not a question of whether or not any funds in the amendment have been authorized, but whether or not the pending amendment seeks to change existing law, and it obviously and clearly seeks to do that. Therefore, the Chair sustains the point of order.

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

Mr. Chairman, I again apologize to my colleagues, but I do not want the record to stand as it is right now and I know the gentleman from Kentucky did not intend to impugn my integrity when he said that I stated on this floor in 1972, that this project would not cost the taxpayers a dime and then he went on to say that it now will. Mr. Chairman, this is absolutely not true.

What happened is very simple.

We are building new buildings in Kentucky, Illinois and other places, public buildings with private entrepreneurs and the interest rate is running from 8 to 10 percent; so I take my hat off to the mayor and the council. Here is what they did. They formed a private entrepreneurs corporation as a legal entity and that legal government entity was able to go to the bond market. They have a statement in writing and the bond market said, "We will buy your bonds at 5 or 5½ percent."

Why would my friend from Kentucky and his subcommittee be opposed to the city saving $8 million over the life of the contract on this project? That is what it amounts to. If he wants the city to go ahead and go out on the market with the high interest rate prevailing today and pay 10, 11, 12 percent, he should say so;

but the mayor and the council devised a way of selling bonds at 5 or 5½ percent and the testimony is replete from the mayor and the council that this project will not cost the residents of Washington or the taxpayers one dime, because this is seed money and with the issuance of these bonds, will go many contracts with these entrepreneurs to build the hotels, to build the restaurants and build the other facilities that more than guarantee them the $5 million a year to amortize the bonds.

We have not changed the law one iota. Private entrepreneur financing means just what it says. They can get it from a bank, the city can get it from a savings and loan association, or they can get it from an individual or group. Bonds paid back from revenues and borrowed by a private corporation formed by the city is in full compliance with the law and what we told the House in 1972. The city must guarantee the contract either way. The only difference here is a more favorable interest rate which should please the Appropriations Committee.

The distinguished gentleman from Michigan (Mr. DIGGS) can tell the members of the committee that he and his committee heard the testimony on this. He was satisfied with the method of financing and satisfied with the cost, and by a majority vote the District of Columbia Committee, which is the authorizing committee, approved the plans, specifications, and cost estimates.

So, I say to my friend from Kentucky that if his argument is right, then the District Committee is wrong; if the Appropriations Committee is right, then the District of Columbia Committee is wrong, because they have approved precisely what I am trying to do here today with the proposed amendment. There is no difference.

I think the gentleman ought to appreciate the fact that the District is trying to save some money instead of continuing to catapult this Federal payment into the city. The Members of Congress should not be required to go to their taxpayers in Iowa and California and Kentucky and other States and ask them to continue to shell out all this money within this city when the city could be self-sustaining for a pittance of $5 million per year seed money, which will bring phenomenal growth to the city.

I emphatically state we have not misled the House. We said it would be privately financed. We say that today, June 28, 1974. The District of Columbia Committee agrees and I hope when we bring out legislation from the Public Works Committee that the House and Congress will agree with us. Thank you.

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

Mr. Chairman, I do not expect to take the full 5 minutes because I realize the hour is late, but I would like to say that every member of this subcommittee heard every witness from the District of Columbia, whether that witness be part of the government or a resident of the Community affected or just a taxpayer. I say "just a taxpayer" because when we talk about seed money, the taxpayers of the District of Columbia would eventually probably have to pay for this.

We heard every witness and examined the recommendations made by the gentleman from Illinois, who also appeared before the committee and testified. We heard every witness, examined them, and unanimously this committee decided that this was not a wise investment for the District of Columbia government.

Mr. Chairman, I do want to be very clear that the chairman of the subcommittee did not act singularly, but the subcommittee voted unanimously no.

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

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

Mr. GRAY. Mr. Chairman, I appreciate my friend yielding to me. Is it not a fact that the Mayor testified himself; the Budget Director testified before the gentleman's committee that this project would not cost a cent in increased taxes? Is that not a fact?

Mr. MYERS. A great many people testified; the neighborhood, the Board of Trade appeared.

Mr. GRAY. I ask my friend if the Mayor, who represents the city, did not testify before the House and Senate to the fact that this would not cost a dime of increased taxes, but would in fact bring in millions of dollars of additional revenue? I can get out the record if the gentleman wishes to read it.

Mr. MYERS. This is true. The Mayor did give this testimony, but I might also say that a great many witnesses questioned the figures presented by the Mayor, such as increased taxation that would be required.

The plan provided for taxation on the gentleman's and my constituents who come to visit, not the city civic center, but to visit the government and see the gentleman and myself, will pay one dollar at least per day more taxes on their hotel rooms and also higher taxes on their food and everything else. Other testimony came in also.

Mr. GRAY. Could the gentleman tell me who those expert witnesses were? I am relying on the Mayor and City Council, on the people who are in the District every day; not somebody who jumps up and is running for City Council and wants to make a political argument out of this. It is very sad that this project has been embroiled in local politics, because it is so important to the whole Nation.

Would the gentleman please tell me any expert witness who told him that this would cause increased taxes?

Mr. MYERS. If the gentleman would define "expert", I will try to answer his question.

Mr. Chairman, I would say this: There were a number of members of City Council who appeared before our committee and said that at the time they first acted, they were not given all the information. They would like to reconsider, but never had the opportunity.

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

Mr. Chairman, I would like to ask the gentleman from Kentucky a question or two concerning this project which the gentleman from Illinois is so bothered about.

Why does the District of Columbia not, if this convention center is such an excellent project, go right ahead and build it? If it will do so much for the city, why do they not go right ahead, either with private financing or funds provided by the taxpayers of the District of Columbia?

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

Mr. GROSS. I am glad to yield to my friend from Kentucky.

Mr. NATCHER. I would like to say to my distinguished friend, the gentleman from Iowa, that when we say to him that the people of the District of Columbia should have a right to vote on this project, they do not want that to take place. The reason why they do not is because they know that the people in the city of Washington will vote it down. They do not want it.

As to why do they not go ahead and build it, the distinguished gentleman knows the history of the District of Columbia Stadium. When the gentleman asked the question, "How much is it going to cost?" the gentleman on the other committee rose and said, "It will be between $5 and $6 million."

The gentleman from Iowa said, "I do not believe it."

What the gentleman said was true. It cost $20 million, and not one bond has been retired. We have had to provide the District authority to borrow $831,000 each year just to pay the interest on those bonds.

That is one of the main reasons why the people of the city of Washington do not want another white elephant, and I say that to the gentleman frankly.

Mr. GROSS. The stadium was not to cost us a dime.

Mr. NATCHER. That is correct. The stadium was not to cost a dime. The bonds were to be retired out of the income of the stadium. I remember the question and the answer.

Mr. GROSS. Not a dime of expense to the taxpayers of the rest of the country.

Mr. NATCHER. That is correct.

Mr. GROSS. I am sure that my friend, the gentleman from Kentucky, is aware of the fact that there are already rumblings of legislation to be brought to the House floor with respect to the Federal Government paying for a substantial part of the stadium cost. Has the gentleman heard of this?

Mr. NATCHER. No, though I have seen one or two stories in the newspapers concerning the stadium. There was a request for a $1.5 million Federal payment for a sinking fund to retire the bonds which we did not consider as it was not authorized.

But let me say this, Mr. Chairman: I think the distinguished gentleman from Michigan, the chairman of the District of Columbia legislative committee, will do the right thing as far as the stadium is concerned. I think that.

Mr. GROSS. By way of conclusion—and I do not want to take more time of the House on this particular subject—but by way of conclusion, this is the first

time that I have heard that $5 million was just a pittance.

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

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

Mr. MYERS. In response to the gentleman's question as to why a private investor does not invest these funds in the civic center, a private investor would have to make the project pay, and there is not one of these civic centers in the United States that will pay for itself. So we voted $800,000 for interest on the bonds this year.

No private investor is going to make any money. The Government is the only one which takes the risk, and we did not feel like pushing these people, the taxpayers in the District of Columbia.

Mr. NATCHER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15581) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1975, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

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.

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 36, not voting 162, as follows:

[Roll No. 354]

YEAS—236

Abdnor	Biester	Burke, Fla.
Adams	Bingham	Burke, Mass.
Alexander	Blatnik	Burleson, Tex.
Anderson, Calif.	Bowen	Burlison, Mo.
Andrews, N.C.	Brademas	Burton, John
Annunzio	Bray	Burton, Phillip
Arends	Breckinridge	Butler
Ashley	Brinkley	Carney, Ohio
Aspin	Brooks	Carter
Badillo	Broomfield	Casey, Tex.
Bafalis	Brotzman	Cederberg
Bell	Brown, Mich.	Chappell
Bennett	Broyhill, N.C.	Clausen,
Bergland	Broyhill, Va.	Don H.
Bevill	Buchanan	Clay
	Burgener	Cleveland
Cohen	Hunt	Rodino
Collins, Ill.	Hutchinson	Roe
Conable	Jarman	Rogers
Conte	Johnson, Calif.	Rooney, Pa.
Conyers	Johnson, Pa.	Rosenthal
Coughlin	Jones, Okla.	Rostenkowski
Cronin	Kemp	Roush
Danielson	Kyros	Roybal
Davis, S.C.	Lagomarsino	Ruppe
de la Garza	Latta	Ryan
Dellenback	Leggett	Sarasin
Dellums	Long, La.	Sarbanes
Denholm	Long, Md.	Schneebeli
Dennis	McCloskey	Sebelius
Derwinski	McDade	Seiberling
Dickinson	McEwen	Shipley
Diggs	McFall	Skubitz
Dingell	Madden	Slack
Drinan	Mahon	Smith, N.Y.
Duncan	Mann	Snyder
du Pont	Maraziti	Staggers
Eckhardt	Mathias, Calif.	Stanton,
Edwards, Calif.	Matsunaga	J. William
Eilberg	Mazzoli	Steed
Erlenborn	Melcher	Steele
Evans, Colo.	Mezvinsky	Steelman
Findley	Michel	Steiger, Wis.
Fish	Mills	Stratton
Fisher	Minish	Stubblefield
Flood	Mink	Sullivan
Ford	Mitchell, Md.	Symington
Forsythe	Mitchell, N.Y.	Taylor, Mo.
Fountain	Morgan	Taylor, N.C.
Fraser	Moss	Thompson, N.J.
Frelinghuysen	Murphy, Ill.	Thone
Frenzel	Murphy, N.Y.	Thornton
Frey	Myers	Towell, Nev.
Froehlich	Natcher	Traxler
Gaydos	Nedzi	Udall
Gettys	Nichols	Ullman
Giaimo	Obey	Van Deerlin
Goldwater	O'Brien	Vander Jagt
Gonzalez	O'Hara	Vander Veen
Gray	O'Neill	Vanik
Green, Oreg.	Owens	Veysey
Green, Pa.	Parris	Waldie
Gubser	Passman	Walsh
Guyer	Patman	Whalen
Hansen, Idaho	Patten	White
Harsha	Perkins	Widnall
Hébert	Pettis	Wiggins
Hechler, W. Va.	Pickle	Wilson, Bob
Heckler, Mass.	Pike	Wilson,
Heinz	Poage	Charles, Tex.
Helstoski	Preyer	Wolff
Henderson	Price, Ill.	Wright
Hicks	Price, Tex.	Wyatt
Hillis	Pritchard	Wydler
Hinshaw	Railsback	Yates
Hogan	Rangel	Young, Alaska
Holt	Rees	Young, Fla.
Holtzman	Regula	Young, Ill.
Horton	Reuss	Young, S.C.
Hosmer	Riegle	Zablocki

NAYS—36

Archer	Gilman	Murtha
Ashbrook	Gross	Randall
Baker	Haley	Rarick
Bauman	Hanrahan	Rousselot
Byron	Landgrebe	Runnels
Camp	Lott	Ruth
Clawson, Del	Martin, N.C.	Satterfield
Collins, Tex.	Mayne	Scherle
Conlan	Miller	Symms
Daniel, Dan	Mizell	Waggonner
Davis, Wis.	Montgomery	Zion
Fascell	Moorhead,	
Flynt	Calif.	

NOT VOTING—162

Abzug	Corman	Ginn
Addabbo	Cotter	Goodling
Anderson, Ill.	Crane	Grasso
Andrews, N. Dak.	Culver	Griffiths
Armstrong	Daniel, Robert W., Jr.	Grover
Barrett	Daniels, Dominick V.	Gude
Beard	Davis, Ga.	Gunter
Biaggi	Delaney	Hamilton
Blackburn	Dent	Hammer-schmidt
Boggs	Devine	Hanley
Boland	Donohue	Hanna
Bolling	Dorn	Hansen, Wash.
Brasco	Downing	Harrington
Breaux	Dulski	Hastings
Brown, Calif.	Edwards, Ala.	Hawkins
Brown, Ohio	Esch	Hays
Burke, Calif.	Eshleman	Holifield
Carey, N.Y.	Evins, Tenn.	Howard
Chamberlain	Flowers	Huber
Chisholm	Foley	Hudnut
Clancy	Fulton	Hungate
Clark	Fuqua	Ichord
Cochran	Gibbons	Johnson, Colo.
Collier	Jones, N.C.	Jones, Ala.
	Jones, Tenn.	Moakley
	Jordan	Mollohan
	Karth	Moorhead, Pa.
	Kastenmeier	Mosher
	Kazen	Nelsen
	Ketchum	Nix
	King	Pepper
	Kluczynski	Peyser
	Koch	Podell
	Kuykendall	Powell, Ohio
	Landrum	Quie
	Lehman	Quillen
	Lent	Reid
	Litton	Rhodes
	Lujan	Rinaldo
	Luken	Roberts
	McClory	Robinson, Va.
	McCollister	Robison, N.Y.
	McCormack	Roncalio, Wyo.
	McKay	Roncallo, N.Y.
	McKinney	Rooney, N.Y.
	McSpadden	Rose
	Macdonald	Roy
	Madigan	St Germain
	Mallary	Sandman
	Martin, Nebr.	Schroeder
	Mathis, Ga.	Shoup
	Meeds	Shriver
	Metcalfe	Shuster
	Milford	Sikes
	Minshall, Ohio	Sisk
		Smith, Iowa
		Spence
		Stanton, James V.
		Stark
		Steiger, Ariz.
		Stephens
		Stokes
		Stuckey
		Studds
		Talcott
		Teague
		Thomson, Wis.
		Tiernan
		Treen
		Vigorito
		Wampler
		Ware
		Whitehurst
		Whitten
		Williams
		Wilson, Charles H., Calif.
		Winn
		Wylie
		Wyman
		Yatron
		Young, Ga.
		Young, Tex.
		Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Dent.
Mr. Addabbo with Mr. Donohue.
Mr. Roncalio of Wyoming with Mr. Dorn.
Mr. Sikes with Mrs. Griffiths.
Mr. Clark with Mrs. Hansen of Washington.
Mr. Dominick V. Daniels with Mr. McClory.
Mr. Brasco with Mr. Martin of Nebraska.
Mr. Rooney of New York with Mr. Mallary.
Mr. Hays with Mr. Madigan.
Mr. Fulton with Mr. Lujan.
Mr. Kluczynski with Mr. Kuykendall.
Mr. Jones of Tennessee with Mr. Lent.
Mr. Holifield with Mr. Blackburn.
Mr. Biaggi with Mr. Goodling.
Mrs. Grasso with Mr. Edwards of Alabama.
Mr. Cotter with Mr. Brown of Ohio.
Mr. Macdonald with Mr. Esch.
Mr. Evins of Tennessee with Mr. Collier.
Mr. Fuqua with Mr. Chamberlain.
Mr. Podell with Mr. Eshleman.
Mr. Howard with Mr. Devine.
Mr. Moorhead of Pennsylvania with Mr. Clancy.
Mr. Harrington with Mr. Grover.
Mr. Stokes with Mr. Roy.
Mr. Mollohan with Mr. Gude.
Mr. Studds with Mr. Crane.
Mr. Vigorito with Mr. Hammerschmidt.
Mr. Carey of New York with Mr. Robert W. Daniel, Jr.
Mrs. Burke of California with Mr. Gunter.
Mrs. Chisholm with Mr. Culver.
Mr. Sisk with Mr. Hastings.
Mr. Metcalfe with Mr. Foley.
Mr. Downing with Mr. Huber.
Mr. Gibbons with Mr. Cochran.
Mr. Delaney with Mr. Hudnut.
Mr. Kazen with Mr. King.
Mr. Charles H. Wilson of California with Mr. Anderson of Illinois.
Mr. Hawkins with Mr. Lehman.
Mr. Yatron with Mr. Beard.
Mr. Young of Georgia with Mr. Corman.
Mr. Hungate with Mr. Hanna.
Mr. Meeds with Mr. Jones of Alabama.
Mr. McCormack with Mr. Landrum.
Mr. Moakley with Mr. Talcott.
Mr. Pepper with Mr. McKinney.
Mr. Davis of Georgia with Mr. Minshall of Ohio.
Mr. Jones of North Carolina with Mr. Nelsen.
Mr. Flowers with Mr. Mosher.
Mr. McKay with Mr. Quie.
Mr. Roberts with Mr. Robinson of Virginia.
Mr. Barrett with Mr. Karth.
Mr. Boland with Mr. Quillen.
Mr. Breaux with Mr. Shriver.
Mr. Brown of California with Mr. Rinaldo.
Mr. Kastenmeier with Mr. Powell of Ohio.

Mr. Koch with Mr. McSpadden.
Mr. Stephens with Mr. Shoup.
Mr. Teague with Mr. Robison of New York.
Mr. Tiernan with Mr. Sandman.
Mr. Reid with Mr. Ichord.
Mr. Smith of Iowa with Mr. Roncallo of New York.
Mr. St Germain with Mr. Shuster.
Mr. Stark with Mr. Milford.
Mr. James V. Stanton with Mr. Spence.
Mr. Stuckey with Mr. Rose.
Mr. Mathis of Georgia with Mr. Steiger of Arizona.
Mr. Litton with Mr. Thomson of Wisconsin.
Ms. Abzug with Mr. Luken.
Mr. Dulski with Mr. Andrews of North Dakota.
Mr. Ginn with Mr. Treen.
Mr. Hanley with Mr. Wampler.
Mr. Hamilton with Mr. Ware.
Mrs. Jordan with Mr. Zwach.
Mr. Nix with Mr. Young of Texas.
Mr. Whitehurst with Mr. McCollister.
Mrs. Schroeder with Mr. Williams.
Mr. Whitten with Mr. Winn.
Mr. Wylie with Mr. Wyman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 15581) just passed.

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

There was no objection.

PROPOSAL TO EXTEND EXPORT-IMPORT BANK AUTHORITY FOR 30 DAYS

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

Mr. BROWN of Michigan. Mr. Speaker, the chairman of the Banking and Currency Committee, the gentleman from Texas (Mr. PATMAN), intends to ask unanimous consent to take up a resolution to extend the authority of the Export-Import Bank for 30 days.

Several Members heretofore have expressed their concern about the extension of credits and guarantees to Soviet Russia and I think their concern is well founded and should be dealt with in the bill which will soon be before us. However, the authority of the Bank expires on June 30 and we will not be able to take up this matter before the House in usual order until the Suspension Calendar on Monday. There is a time gap and I certainly hope objections will not be raised to the chairman's request.

To assure those who have been concerned about this matter, the president of the Bank, Mr. Casey, wrote to the gentleman from California (Mr. ROUSSELOT), a member of our committee, and he said:

JUNE 27, 1974.

Hon. JOHN R. ROUSSELOT,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ROUSSELOT: If the extension of the Bank's charter is not voted in the House until next week, it will be necessary for us to send telegrams to some 300 odd banks temporarily withdrawing their discretionary commitment authority which the Bank has delegated to them, and also to suspend our credit insurance program. This would be expensive, confusing and damaging to the Bank's reputation and the public impression of the effectiveness of the Congress.

Senator Byrd had the same concern on the Senate resolution to extend the Bank's charter for 30 days as you have. However, on my assurance that the Bank would not act on Soviet credits during the period of extension he withdrew his objections and I hope you will do the same. For your information I would like to point out that I have not authorized any new commitments to the Soviet Union since coming to the Bank and will not until the Congress has acted on the terms of the Bank's authority in this area. I am enclosing a letter similar to the one I sent to Senator Byrd.

Sincerely,

WILLIAM J. CASEY.

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

Mr. BROWN of Michigan. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I would say to the gentleman from Michigan I think the concern of some of us goes much beyond that to the way in which these matters are handled. A few of us are getting tired of this brinkmanship, whether the subject concerns the railroad strike or the continuing resolution or the Export-Import Bank. If orderly processes are not observed, then the very last minute is reached and we are told that on a crisis basis we have to go along with it or chaos will result. I for one would object not only to the conduct of the Export-Import Bank but also to the procedures which put us into this position at this time.

Mr. BROWN of Michigan. I for one would substantially agree with the gentleman, but we cannot avoid the situation before us; even though the matter can go on the Suspension Calendar on Monday.

The Members will have the opportunity at that time to express their dissent, if that is their will; but it just seems to me that to require the Bank to go through this procedure of notifying its banking associates is totally unnecessary, serves no useful purpose and is unjustified, even irresponsible at the present time, since we will probably authorize the extension on Monday, anyway.

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

Mr. BROWN of Michigan. I yield to the gentleman from Ohio.

Mr. ASHLEY. I would like to ask the gentleman, I am on the Subcommittee on International Trade of the Committee on Banking and Currency. I have jurisdiction over the authorizing of the Export-Import Bank. I am sure that the gentleman would be sympathetic with the fact that the committee on which I serve and on which a number of others serve has had an unusual amount of legislation. We have just finished a $10 billion housing bill. We have had the Export Administration Act, the Export-Import Bank Act, and others before us.

I am a hardworking Member of this body, as the gentleman knows, and I can tell him there have been a number of measures that have been put in a time frame that have put us in a difficult position, indeed. It is for that reason may I suggest that we proceed on the continuing resolution, not only to allow the committee more properly to do its work, but to allow this body, and the gentleman included, who I know has an intense interest in the matter of this bank, and as the gentleman from Michigan (Mr. BROWN) said, and it is true and I am sure it is not the intention of the gentleman from Ohio or the gentleman from California or elsewhere to disrupt the normal activities of the Export-Import Bank. This is an institution that for many years has been a major arm in the export effort of this country.

There is concern on the part of my colleagues from Ohio and others with respect to the proposed credits with regard to goods and commodities in trade with the Soviet Union.

Now, I would say to the gentleman that what we had from Mr. Casey, Chairman of the Export-Import Bank, is an absolute assurance that there would be no such credits extended during the period of the next 30 days or until, as a matter of fact, until the current legislation is in place; in other words, until this body has had an opportunity to work its will.

That seems to me to be imminently reasonable on the part of the Chairman of the Export-Import Bank.

The plea that I make is not to interrupt and to disrupt the legitimate activities of this very important lending institution upon which we rely so extensively for so many of our domestic concerns in their efforts to participate in international markets.

It is on the basis of my word and the word of the gentleman from Michigan (Mr. BROWN) that I would urge that the unanimous-consent request of the gentleman from Texas not be objected to.

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

Mr. BROWN of Michigan. Certainly, I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman yielding, in view of the fact the letter refers to my name.

Mr. BROWN of Michigan. I wish to thank the gentleman for loaning me a copy of the letter.

Mr. ROUSSELOT. Well, I am not as convinced as is my colleague from Michigan that all this disruption will occur. Obviously, the commitments made will be continued. I do not know what the mandate is that the chairman of the Export-Import Bank, the President, has to send out all these telegrams telling everybody to stop everything, since he has made the promise anyway that no new commitments will be made and no deals will be consummated. Since he has made that commitment, I am grateful that the gentleman from Michigan put the letter in the RECORD. I do not know what all the whoop-de-doo is about, that he has to send out all these telegrams and carry out all this pressure, even if this commitment is not made.

Mr. BROWN of Michigan. But the gentleman is entirely wrong.

Mr. ROUSSELOT. Let me finish my

statement. Even if we were to terminate this agency today, which we are not going to do, because we realize its importance to overseas plane sales and everything else, it would take at least 6 or 7 months to phase this all out.

So, to try to bring the positions of this body together at this late hour, that everything is going to terminate and go down the drain, I think, is an unfair tactic.

Mr. BROWN of Michigan. The gentleman is entirely wrong, and he knows he is wrong. What the letter says is that there will be no commitments entered into during this 30-day period to Russia.

Under the functioning of the bank, as with any bank, there is committed a sort of line of credit. If we do not extend the bank's authority during this period, these commitments remain extended, but if the bank's authority to honor those commitments terminates, there is no way—there is no way that the commitments could be honored. I think it would give us as a nation, a terrible black eye if that happened.

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

Mr. BROWN of Michigan. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, is the gentleman saying the $180 million loan through the Export-Import Bank to Russia would be jeopardized at this point?

Mr. BROWN of Michigan. No, clearly the Russia question is not involved, as stated in the Casey letter, rather we are talking about exporters using the Bank under credit or continuing arrangements, even manufacturers in the gentleman's district, who are relying upon a line of credit, which ongoing line of credit must be terminated.

The Ex-Im Bank will now have to say, "Don't rely upon Ex-Im Bank financing assistance because we do not know if the Export-Import Bank will be in business." And, it will not be in business if we do not adopt this resolution since the authority ceases before the House meets again. I do not blame the gentleman for his criticism; he does not seem to be asking an awful lot. But, we are going to have the main legislation before us soon. I certainly would hope the gentleman would be a little forebearing. I understand his concern and his criticism, and he ought to have his day on the floor of the House, but I am saying he should not object to this limited extension at this time. That is the thing I am concerned about.

Mr. PATMAN. Mr. Speaker, the Chairman of the Export-Import Bank has been very fair. Now, this act will terminate Sunday. That is the 30th. We cannot possibly get anything done before it terminates unless we do it by unanimous consent today.

This agency is very important to our Government. Not only does the foreign country borrow from the Ex-Im to buy their goods here in the United States but our people profit in addition. They profit on the interest of the money that they pay and other charges, and also they must buy the goods with that money here in the United States of America, and we make the profit on that.

We do not have a more desirable agency in our Government than this agency. Now, if we do not do something today, the Chairman of the SEC will send out more than 300 telegrams to agencies all over the United States which have contracts with the SEC to get money under these conditions, and he would have to terminate that immediately and have to do it before midnight tomorrow night. That is what we are up against.

The country cannot lose by this action; we cannot possibly lose by it. Then, we can take the bill up, if we get this done today, on Monday under suspension.

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

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

Mr. GROSS. Mr. Speaker, how did the SEC, the Securities and Exchange Commission, get into this act?

Mr. PATMAN. Well, they pass on everything relating to it.

Mr. GROSS. Is the SEC going to send out the notices?

Mr. PATMAN. Naturally, they are, because they are consultant and adviser and they have to do with it, so there is no doubt about that. We cannot afford to lose this agency. We cannot afford to handicap it nor can we afford to cripple it. We cannot afford to terminate its contracts which are signed and sealed and everything ready for delivery.

Mr. RUTH. Mr. Speaker, will the gentleman yield for a correction?

Mr. PATMAN. I yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, I think the gentleman has referred to the SEC.

Mr. PATMAN. I mean the Export-Import Bank; Mr. Casey, was the head of the SEC, now he is head of Eximbank.

Yes. We have to pass this resolution today.

Mr. RUTH. The gentleman said we gain two ways on the money. Would the gentleman tell me what interest rate we get?

Mr. PATMAN. The interest rate is lower, and our people are pleased with it.

The SPEAKER. The time of the gentleman has expired.

Mr. RUTH. Mr. Speaker, I ask unanimous consent that the gentleman have 30 seconds to answer my question.

The SPEAKER. The Chair will recognize the gentleman from North Carolina for 1 minute and the gentleman from Maryland for 1 minute.

Mr. PATMAN. Mr. Speaker, may I make my request?

The SPEAKER. If they desire to speak on this, the Chair will recognize the gentlemen.

Mr. RUTH. Mr. Speaker, I merely repeat my question: What interest rate do we get on the money? The distinguished chairman said that we gain in two ways. Do we get interest on the money?

Mr. PATMAN. There is no requirement, but it says they will not make a move until this is approved. This gives him guidance for the year immediately following. That could include the interest rate. There is interest paid to Ex-Im.

Mr. RUTH. Does the chairman refuse to answer my question on what the interest rate is?

Mr. PATMAN. No; I do not refuse. Nobody can answer until the act passes here. Then he will be guided by what we say, and that includes interest rates and everything else.

Mr. RUTH. The distinguished chairman plainly stated that we gained in two days: We sold our products and we drew interest on the money. I have asked a very simple question.

The SPEAKER. The time of the gentleman from North Carolina has expired.

The gentleman from Maryland is now recognized.

Mr. LONG of Maryland. Mr. Speaker, the Export-Import Bank has been making large-scale loans to a great many countries at lower rates of interest than the average businessman can borrow money on in this country. We are giving more favorable terms abroad than we are here at home.

The Export-Import Bank has exported billions of dollars of capital with the result that this country is capital-starved, and interest rates have been forced up as a consequence.

Even worse, the Export-Import Bank has made about 50 loans to more than 14 countries for nuclear reactors and technology. Some of these can be counted on to result in nuclear weapons in the future.

Furthermore, we have been subsidizing the economy of Russia, which has been spending billions of dollars on an arms race and forcing us to spend billions of dollars on national defense, with resulting heavy taxes and inflation here at home.

A well-written editorial in today's Wall Street Journal presents superbly the case against the Export-Import Bank. I include it here for the RECORD:

A LONG LOOK AT THE EXIMBANK

The authority of the Export-Import Bank expires today, which simply means that until Congress renews its authority the bank cannot make new loan commitments. How nice it would be if Congress took its time, say a year or two, before acting one way or another. It might even find that U.S. economic interests would be served by liquidation of the bank, which by our reckoning stays in business by sleight of hand and covert use of the taxpayers' money.

After all, the only thing the bank really does is subsidize exports. No matter how you slice it, it is a subsidy to provide 7% money to finance sale of a widget or an airplane to Ruritania or a computer to the Soviet Union, when an American businessman can't finance purchase of either for less than 11¾%. The bank gets privileged rates in the private capital market because the United States puts its full faith and credit behind the loans. Why the U.S. government should give the Ruritanian businessman a sweetheart deal that it won't give an American, save those at Lockheed, is beyond us.

The alleged economic justification for the bank's operation, which Ex-Im Bank Chairman William J. Casey pushes with great fervor, is that it improves the U.S. balance of

trade. Granted, an export is an export. But Mr. Casey would have us look at only one side of the transaction. There's no way he could persuade us that wresting capital away from Americans, then forcing it abroad through the subsidy mechanism, does anything but distort relative prices, misallocate resources and diminish revenues, with zero effect, at best, on the trade balance.

Sen. Lloyd Bentsen of Texas sees part of the economics when both sides of the transaction are analyzed. He has an amendment that "would prevent Ex-Im financing of those exports involving the financing of foreign industrial capacity whenever the production resulting from that capacity would significantly displace like or directly competitive production by U.S. manufacturers." He has in mind Ex-Im's subsidizing of a foreign textile or steel plant that competes with its U.S. counterpart, to the detriment of our balance of trade.

Senator Bentsen thinks it's okay to subsidize finished products, like airplanes, which the Ex-Im Bank does plenty of. But Charles Tillinghast, Jr., chairman of TWA, doesn't like the idea. He says TWA is losing piles of money flying the North Atlantic against foreign competitors who bought Boeing 747s and such with subsidized Ex-Im's loans. If TWA got the same deal, it would save $11 million a year in finance charges. Mr. Tillinghast is currently pleading for a government subsidy so he can continue flying the North Atlantic and providing revenues in support of, ahem, our balance of trade.

Even if Ex-Im Bank subsidized only exports of goods and services which could not conceivably come back to haunt us directly, we see adverse economic effects. Subsidizing the export of yo-yos to the Ruritanians gives them a balance of trade problem that they correct by subsidizing the export of pogo sticks to us. Taxpayers both here and in Ruritania are thereby conned by this hocus pocus into supporting lower prices for yo-yos and pogo sticks than the market will support. In fact, all our trading partners have their own Ex-Im Bank to achieve exactly this end.

Two and three decades ago, when the Ex-Im Bank was a modest affair, its impact was relatively trivial. Now, it has $20 billion of lending authority and is asking Congress to bump this to $30 billion. By 1971, its impact on federal budget deficits had grown so large that Congress pased a special act taking the bank's net transactions out of the federal budget, so the deficit would look smaller. But the transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. In the fiscal year just ending, the bank took $1.1 billion out of the capital market. In the next fiscal year, it expects to take $1,250,000,000 out of it.

There being no economic justification for the bank, Congress should feel no qualms about letting its authority lapse for a few years to watch what happens. The Russians, eager to continue getting something for nothing through the Ex-Im Bank, would be mildly unhappy. But they'd adjust by getting into the private capital markets with the under-privileged. We'd be surprised, too, if our trading partners didn't follow suit by scrapping these nonsensical subsidies. And, if they don't, why should we complain about their taxpayers sending us subsidized pogo sticks?

Mr. Speaker, I am going to object to the consideration of this extension legislation.

The SPEAKER. The time of the gentleman has expired.

The gentleman from Texas is recognized.

REQUEST TO CONSIDER SENATE JOINT RESOLUTION 218, 30-DAY EXTENSION OF EXPORT-IMPORT BANK ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 218) to extend by 30 days the expiration date of the Export-Import Bank Act of 1945, which is on the Speaker's desk.

The Clerk read the title of the Senate joint resolution.

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

Mr. LONG of Maryland. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON H.R. 11873, ANIMAL HEALTH RESEARCH ACT

Mr. MELCHER filed the following conference report and statement on H.R. 11873, Animal Health Research Act:

CONFERENCE REPORT (H. REPT. No. 93–1167)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, 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 amendments of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendments insert the following:

That this Act shall be known as the Animal Health Research Act.

SECTION 1. PURPOSE.—It is the purpose of this Act to promote the general welfare through improved health and productivity of fresh water fish and shellfish, domestic livestock, poultry, and other income-producing animals so essential to the Nation's food supply and the welfare of producers and consumers of animal products; to prevent disease epidemics that would be disastrous to the American livestock and poultry industries and our food supply; to minimize losses due to sicknesses and diseases of livestock and poultry; to minimize losses of livestock and poultry due to transportation and handling; to protect human health through control of animal diseases transmissible to humans; to improve the health of companion animals which support an industry of major economic importance and which contribute significantly to the quality of family life; to improve methods of controlling the births of predators and other animals; and otherwise to promote the general welfare through expanded programs of research to improve animal health. It is recognized that the total animal health research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is a close coordination between such programs, and it is further recognized that colleges of veterinary medicine and departments of veterinary sciences and animal pathology, and similar units conducting animal health research in the agricultural experiment stations, are especially vital in the training of research workers in animal health.

SEC. 2. In order to carry out the purposes of this Act, the Secretary of Agriculture is hereby authorized to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of animal health research at eligible institutions.

SEC. 3. DEFINITIONS.—As used in this Act:

(a) "Eligible institutions" shall include all accredited colleges of veterinary medicine and at institutions where there is no college of veterinary medicine, agricultural experiment stations eligible to receive assistance under the Hatch Act, as amended in 1955 (69 Stat. 671), which have departments of veterinary science or animal pathology, or similar units conducting animal health research: *Provided, however,* That when a new college of veterinary medicine is formed, the Secretary, after consultation with the Advisory Board, shall provide for the orderly transfer of support from the agricultural experiment station to the college of veterinary medicine in that institution.

(b) "Dean" shall mean the dean of a college of veterinary medicine. "Director" shall mean director of an agricultural experiment station at institutions where there is no college of veterinary medicine.

(c) "State" shall mean all States, Guam, Puerto Rico, and the Virgin Islands.

(d) "Secretary" shall mean the Secretary of Agriculture.

(e) "Advisory Board" shall mean a Veterinary Medical Science Research Board appointed by the Secretary of Agriculture which shall be constituted of not less than nine nor more than twelve members selected from individuals nominated by and selected so as to give equal representation to respectively: (1) accredited colleges of veterinary medicine, (2) veterinary science or animal pathology departments or similar units conducting animal health research at other eligible institutions, and (3) to representatives of national livestock and poultry organizations.

(f) "Animal health research capacity" shall mean the capacity of an eligible institution to conduct research on animal diseases as measured by a formula to be developed and applied by the Secretary with the advice of the Advisory Board. The Secretary's formula will provide a figure for each eligible institution which will be used in determining that institution's relative capacity to perform such research as a percentage of the total national capacity of all such institutions to conduct animal health research.

SEC. 4. (a) To support continuing research programs at eligible institutions, the Congress is hereby authorized to appropriate such funds, not to exceed $21,125,000 annually during each of the three fiscal years beginning June 30, 1974, and ending July 1, 1977, and $20,000,000 annually for each fiscal year thereafter, as it may determine to be necessary. Funds appropriated under this section shall be used to meet expenses of conducting research, publishing and disseminating the results of such research, of contributing to retirement of employees subject to the provisions of an Act approved March 4, 1940 (54 Stat. 39), of administrative planning and direction, and for the purchase of needed equipment and supplies and the alteration or renovation of buildings necessary for conducting research and for carrying out the provisions of subsection (f).

(b) Except as provided in subsection (f) of this section, funds appropriated under this section shall be apportioned as follows:

(1) Four per centum shall be retained by the United States Department of Agriculture for administration, program assistance to the States, and program coordination.

(2) Forty-eight per centum shall be distributed to eligible institutions in the proportion that the value and income of domestic livestock and poultry in each State where such institution is located, bears to the total value and income of domestic livestock and poultry in the United States according to the latest published United States De-

partment of Agriculture statistics. The Secretary will determine the total value and income and the proportionate value and income of domestic livestock and poultry for each State with guidance of the Advisory Board from the latest inventory of all cattle, sheep, swine, horses, and poultry published by the United States Department of Agriculture.

(3) Forty-eight per centum shall be distributed among the eligible institutions of the States in proportion to the animal health research capacity of the eligible institution or institutions in each State.

(c) When the amount available under this section for allotment to any eligible institution on the basis of livestock values and income exceeds the amount for which such institution is eligible on the basis of animal health research capacity, the excess may be used for remodeling of old facilities, construction of new facilities, or to increase staffing proportionate to the need for added research capacity.

(d) When a State has two or more eligible institutions, the funds available for such institutions in that State under this section shall be apportioned between or among those institutions in proportion to their animal health research capacity as defined in section 3(f).

(e) The sums distributed on the basis of proportionate value and income of domestic livestock and poultry (b) (2) above and proportionate animal health research capacity (b) (3) above in the first appropriation under this Act and like sums appropriated in subsequent years shall be based on the latest available data on National and State livestock values and income and research capacities, and any sums in addition to the initial appropriation level appropriated in subsequent years shall be distributed on the basis of domestic livestock and poultry values and income and animal health research capacities in the years those additional sums are first appropriated: *Provided*, That sums available to an eligible institution will not be decreased because of subsequent changes in the proportionate distribution of domestic livestock and poultry values and income and animal health research capacities.

(f) The Secretary is authorized to conduct an inventory of all horses in the United States during each of the three fiscal years beginning July 1, 1974, and ending June 30, 1977: *Provided*, That of the amount authorized by subsection (a) of this section, there are hereby authorized to be appropriated not to exceed $1,250,000 annually for the purposes of carrying out the provisions of this subsection.

SEC. 5. (a) To support research on specific national or regional animal health problems, the Congress is hereby authorized to appropriate such funds, not to exceed $15,000,000 annually, as it shall determine to be necessary. Funds appropriated under this section shall be used to pay costs of conducting research and other costs provided for in section 4(a).

(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done as mutually agreed upon between the Secretary and the eligible institutions. In developing plans for the use of these funds, the Secretary shall consult the Advisory Board.

SEC. 6. (a) To support cost of providing veterinary medical science research facilities, the Congress is hereby authorized to appropriate such sums, not to exceed $12,000,000 annually, as it determines to be necessary. Funds provided under this section shall be used to purchase land, construct or remodel buildings, and to buy and install necessary research and research-related equipment.

(b) Funds appropriated under this section shall be apportioned among eligible institutions in the same manner as funds apportioned under section 4(b), except that, to meet specific national or regional animal health research needs, additional funds may be appropriated to provide animal health research facilities at one or more eligible institutions as mutually agreed upon in each case between the Secretary and the eligible institution: *Provided*, That, in developing plans for the use of these additional funds, the Secretary shall consult the Advisory Board.

SEC. 7. Sums available for allotment under the terms of this Act shall be paid to each eligible institution at such times and in such amounts as shall be determined by the Secretary. Funds shall remain available for payment of unliquidated obligations for one additional fiscal year following the year of appropriation, except that funds appropriated under section 6 shall remain available for payment, at the option of an eligible institution, for a period of not more than two fiscal years following the fiscal year of appropriation plus the one additional year for payment of unliquidated obligations.

SEC. 8. When the Secretary determines that an eligible institution is not eligible to receive its allotment of funds because of a failure to satisfy requirements of this Act or regulations issued under it, the Secretary shall withhold such amounts; the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid it shall be carried to surplus.

SEC. 9. (a) The dean or director of each eligible institution will have prepared local project proposals for research on priority problems of animal health which comply with the purpose in section 1 and for use as specified in section 4(a) and with general guidelines for project eligibility to be provided by the Secretary with the advice of the Advisory Board. Research proposals approved by the dean or director will be submitted to the Secretary with a brief outline abstract summary which will reveal compliance with the purpose of this Act and the Secretary's general guidelines.

(b) Each dean or director shall also submit a brief annual report of research accomplishments on a project-by-project basis and he shall account for all funds allotted to his institution under the provisions of this Act at such times and on such forms as the Secretary shall prescribe. If any portion of the allotted moneys received shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced, no subsequent appropriation shall be allotted or paid to said college or university.

SEC. 10. (a) The Secretary is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act and to furnish such advice and assistance as will best promote the purposes of this Act. The Secretary is further directed to appoint the Advisory Board.

(b) The Advisory Board, in addition to providing consultation and advice to the Secretary as provided elsewhere in this Act, shall meet at least annually to advise the Secretary with respect to administration and implementation of this Act and to recommend priorities for conduct of research programs authorized under this Act. The Advisory Board shall continue for the duration of this Act.

(c) Each recipient of Federal assistance under this Act, pursuant to grants, subgrants, contracts, subcontracts, loans, or other arrangements, entered into other than by formal advertising, and which are otherwise authorized by this Act, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (c) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, loans, or other arrangements referred to in subsection (c).

SEC. 11. The amount paid by the Federal Government to any eligible institution for assistance under this Act, exclusive of the funds paid for research on specific national or regional animal health problems authorized by sections 5 and 6, shall be in an amount not to exceed $100,000 in addition to an amount not to exceed during any fiscal year the amount available to and budgeted for expenditure by such institution during the same fiscal year for animal health research from non-Federal sources. The Secretary is authorized to make such expenditures on the certificate of the appropriate official of the institution having charge of the animal health research for which the expenditures as herein provided are to be made. If any of the institutions certified for receipt of funds under this Act fails to make available and budget for expenditure for animal health research in any fiscal year sums at least as much as the amount for which it would be eligible for such year under this Act, the difference between the Federal funds available and the funds made available and budgeted for expenditure by the institution shall be reapportioned by the Secretary to other eligible institutions of the same State if there be any which qualify therefor and, if there be none, the Secretary shall reapportion such differences to the qualifying institutions of other States participating in the animal health research program.

And the Senate agree to the same.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
JOHN MELCHER,
GEORGE A. GOODLING,
ROBERT B. MATHIAS,
JOHN M. ZWACH,
Managers on the Part of the House.

HERMAN E. TALMADGE,
GEORGE MCGOVERN,
JAMES B. ALLEN,
DICK CLARK,
MILTON R. YOUNG,
ROBERT DOLE,
HENRY BELLMON,
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. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, 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 acompanying Conference Report.

The House recedes from its disagreement to the amendments of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendments.

The differences between the House bill and the Senate amendments and the substitute agreed to in conference are noted in the following outline, except for conforming, clarifying and technical changes.

(1) The Conference substitute adopts the Senate provision to include fresh water fish and shellfish as animals for which research is to be carried out under the bill.

(2) The Conference substitute adopts the Senate provision to authorize research to minimize losses of livestock and poultry due to transportation and handling.

(3) The Conference substitute adopts the Senate provision authorizing the Secretary of Agriculture to conduct an inventory on horses with an amendment limiting the inventory to the three fiscal years beginning July 1, 1974, and ending June 30, 1977.

(4) The House bill authorized appropriations not to exceed $20,000,000 annually to support continuing research programs at eligible institutions. The Senate amendment increased the authorization to $40,000,000.

The Conference substitute adopts the House provision with an amendment increasing the authorization to $21,125,000 annually during each of the three fiscal years beginning June 30, 1974, and ending July 1, 1977, with $20,000,000 authorized annually for each fiscal year thereafter. The Conference substitute provides that of the total amount authorized for the first three fiscal years, an amount not to exceed $1,250,000 annually is authorized to be appropriated to conduct the horse inventory authorized by the bill.

(5) The House bill authorized appropriations not to exceed $15,000,000 annually to support research on specific national or regional animal health problems. The Senate amendment increased the authorization to $20,000,000.

The Conference substitute adopts the House provision.

(6) The House bill authorized not to exceed $10,000,000 annually to support the cost of providing veterinary medical science research facilities. The Senate amendment increased the authorization to $15,000,000.

The Conference substitute authorizes not to exceed $12,000,000 for such purpose.

(7) The Conference substitute adopts the Senate amendment eliminating local review committees. Such committees, under the House bill, would have reviewed local project proposals for research on priority problems of animal health.

Under the Conference substitute (and the Senate amendments), such review authority is vested in the dean or director of each college of veterinary medicine or eligible institution conducting animal health research.

(8) The Conference substitute adopts the Senate provision requiring the keeping of records by grant recipients and requiring that the Secretary of Agriculture and the Comptroller General be given access to the reports.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
JOHN MELCHER,
GEORGE A. GOODLING,
ROBERT B. MATHIAS,
JOHN M. ZWACH,
Managers on the Part of the House.

HERMAN E. TALMADGE,
GEORGE MCGOVERN,
JAMES B. ALLEN,
DICK CLARK,
MILTON R. YOUNG,
ROBERT DOLE,
HENRY BELLMON,
Managers on the Part of the Senate.

LEGISLATIVE PROGRAM FOR THE WEEK OF JULY 1, 1974

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have asked for this time in order that I might request the distinguished majority leader to advise us as to the program for next week.

Mr. O'NEILL. Mr. Speaker, will the distinguished minority whip yield?

Mr. ARENDS. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of July 1, 1974, is as follows:

On Monday, we will call the Consent Calendar, and we will consider legislation under suspension of the rules as follows:

An unnumbered House resolution, authorizing suspension of 5-minute rule (clause 27(f)(4) of rule XI) for the impeachment inquiry;

H.R. 15461, Federal Rules of Criminal Procedure 1-year delay;

H.R. 14597, International Criminal Police Crganization dues;

Senate Joint Resolution 218, Export-Import Bank Act 30-day extension;

H.R. 15283, Forest and Related Resources Planning Act;

S. 2137, Smithsonian Institution additional appropriations; and

H.R. 15406, refining procedures for adjustment in military compensation.

We will then consider H.R. 15276, Juvenile Delinquency Prevention Act, under an open rule, with 1 hour of debate; and

H.R. 15247. Amtrak authorization, under an open rule, with 1 hour of debate.

For Tuesday and Wednesday, the schedule is as follows:

First, we will call the Private Calendar. Under suspension of the rules, we have no bills scheduled.

Then we will consider H.R. 15465, International Development Association fourth replenishment, under an open rule, with 1 hour of debate.

Conference reports may be brought up at any time. Any further program will be announced later.

Mr. Speaker, I wish to remind the Members of the House that the House will be in adjournment for observance of Independence Day from the close of business on July 3, until noon, Tuesday, July 9.

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

ADJOURNMENT TO MONDAY, JULY 1, 1974

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to meet on Monday, July 1, 1974.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMITTEE REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, quite possibly one of the most telling votes of the 93d Congress was cast yesterday when the Democrats withheld from the American people the opportunity for public debate and a vote on the Committee Reform Amendments of 1974. The vote to table the appeal of the Speaker's ruling against bringing the Committee Reform Resolution before the Rules Committee not only demonstrated the Democrat's opposition to reform but, even worse, their disregard for the public's right to know.

The very act of hiding reform of Congress from the public and not allowing their representatives to publicly comment or vote on this proposal is the very reason that the confidence of the public is reaching an all-time low. And what has been our response? While many felt forming a bipartisan Reform Committee was a sincere response to public concern with the legislative branch, the Democratic leadership's attempt to bury their very positive report—delivered after 14 months of extensive hearings and compromise—is evidence that this was obviously part of a charade. Apparently, the Democratic leadership is satisfied with the state of affairs in the House that has led to this level of public disdain.

Mr. Speaker, once again ironclad party discipline, special interests, and power politics have denied the public the right to know and denied this House the opportunity to function effectively. As President John Kennedy said, "Sometimes party loyalty asks too much." This was definitely one of those times. It is most unfortunate that many Democrats ostensibly so committed to reform have blindly followed this path.

Mr. Speaker, this is not only a question of committee reform but of reform in general and openness in the legislative process. The day is long gone when the Congress can hide their activities in Washington from constituents. How much lower must the confidence level sink before there will be a response by the Democratic leadership. Apparently, condemnation of their administration of the House by 80 percent of the citizenry is not enough. But, it is for me and every Member of this body who goes door to door listening to the concerns of their constituents. They want a change. They deserve a change. And no rationalization citing parliamentary procedure is going to fool them. They know what this vote meant.

Mr. Speaker, the people deserve better.

CRISIS IN THE AMERICAN DAIRY INDUSTRY—A CALL FOR ACTION

The SPEAKER. Under a previous order of the House, the gentleman from

Idaho (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, no group of Americans is more important to the well-being of the Nation than our dairy farmers. They contribute an abundance of wholesome food products that give Americans a nutritious and balanced diet that help to make them among the best fed and healthiest people in the world. The dairy industry has also created millions of jobs, added billions of dollars to our national income and added strength and vitality to our private enterprise, free market economy. All Americans, therefore, have a vital stake in maintaining a strong and healthy domestic dairy industry.

Unfortunately, however, our dairy farmers are facing a serious financial crisis. Prices they receive for their milk have lagged far behind skyrocketing production costs. If positive steps are not taken soon to reverse these trends the harmful consequences to the entire Nation will be far-reaching.

IDAHO—A DAIRY STATE

Idaho is an agricultural State and the dairy industry is a cornerstone of the farm economy. It is estimated that the dairy industry contributes more than one-half billion dollars each year to the economy of Idaho and it has created thousands of jobs. About 5,000 farm families in the State depend to some degree on income from their milk cows.

Having grown up on a farm in Idaho with a herd of milk cows, I know from experience the problems our dairy farmers are now facing. It was my job during the early 1940's to feed and care for our dairy cows, including milking all of them by hand. Our dairy herd was small by present standards, averaging about 12 head. It was greatly expanded after I returned from service in the Navy during World War II because of the advantages that greater mechanization offered.

The milk check was important for our family. Because it was almost the only regular and dependable source of income from farming operation it was needed to help pay the monthly household bills. For thousands of farm families across the land the milk check is still one of the principal means of paying for the groceries, clothing and other necessities.

But now, the milk check does not even pay the cost of producing the milk. The reason for the crisis facing the dairy farmer is not difficult to discover. He is caught in a squeeze between rapidly rising production costs and milk prices that are far too low to permit him to break even. The cost of hay, grain and feed supplements has jumped sharply in recent months. The dairy farmer is also paying more for labor, electricity, supplies and services needed to keep him in business. Because milk prices have not caught up with prices, the dairy farmer is slipping farther behind each month.

RISING IMPORTS DEPRESS DOMESTIC PRICES

Among the contributing causes of low prices is the rising volume of imports of dairy products. In seven separate actions in 1973 and 1974 the U.S. Department of Agriculture increased imports of dairy products. First quarter imports this year were equivalent to 1.4 billion pounds of milk, up from 0.4 billion pounds during the same period last year. Dairy farmers have also complained that the USDA has failed to collect countervailing duties on imports as required by law.

While imports have been rising, domestic production has dropped. Total milk production in the United States this year will likely reach the lowest level since 1948. Contributing to this decline is the liquidation of dairy herds and for the first time in 30 years a drop in production per cow. This is largely due to the cutback in the use of high protein concentrate in feeds because of higher costs.

DECLINING DAIRY PRODUCTION HURTS THE NATION

If these trends continue—if more dairy herds are liquidated and overall production continues to decline—the Nation will feel the adverse impact in three major ways: First, the national economy will suffer directly from the loss of jobs and income. The dairy farmers and their families will be hardest hit, of course, as they sell out their operation and turn to other means to earn a livelihood. The small towns and rural communities that depend on the income from dairy farms will also suffer.

Second, the American consumer will suffer by becoming increasingly dependent on foreign producers. Supplies from overseas are much less dependable than our own dairy industry. It would be a mistake to look to foreign countries for an important element in the diet of our people. And, we have learned from recent bitter experience with the oil embargo what can happen when we become too dependent on other countries for essential goods. We could face shortages and much higher prices. To rebuild our own dairy industry to expand production could take years.

Third, any increase in dairy imports will weaken our position in international trade and make it more difficult for us to achieve a favorable balance of payments. We should limit imports to goods we can produce ourselves so that we can pay for the products we must import such as oil and certain other minerals and metals.

The slaughter of dairy cattle that will result from the liquidation and thinning of herds will also have a depressing effect on beef prices. The livestock industry is already having a tough time, due partly to the rising level of meat imports.

FOUR WAYS TO HELP THE DAIRY INDUSTRY

Mr. Speaker, four positive steps can and should be taken without delay to restore the American dairy industry to a level of prosperity that will permit it to survive and to continue to serve our people: First, imports of dairy products should be limited to amounts that will not depress prices paid to American producers. Second, the USDA should expand its purchases to help relieve buildups of manufactured dairy products. Third, price support should be raised to realistic levels that will keep pace with the dairy farmers rapidly rising production costs. Fourth, the American producer should be protected from what is in effect unfair competition resulting from the failure to require foreign producers selling in the U.S. market to comply with the inspection standards and procedures that our dairy farmers must meet.

I am today introducing legislation that will require the same inspection for both United States and foreign producers from whom we import dairy products. Passage of this legislation will benefit both the dairy farmer and the consumer. It will help to assure fair competition for our producers. And it will help to assure the consumer that imported dairy products will be wholesome and of high quality.

INSPECT FOREIGN SUPPLIERS TO U.S. STANDARDS

I include as a part of my remarks the text of my bill, H.R. 15699:

H.R. 15699

A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Dairy Quality Act of 1973".

SEC. 2. For the purposes of this Act:

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The terms "dairy products" and "milk products" mean those food products derived from milk, including milk, such as butter; cheese (whether natural or processed); dry, evaporated, stabilized, condensed, or otherwise processed milk, cream, whey, and buttermilk; edible casein; frozen desserts; and any other food product which is prepared in whole or in part from any of the aforesaid products as the Secretary may hereafter designate.

(4) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(5) The term "labeling" means labels and other written, printed, or graphic matter on or attached to the container of any dairy product.

(6) The term "purity" means free from poisonous or deleterious substances which may render the product injurious to health.

(7) The term "quality" means the minimum quality standards defined by the Secretary in accordance with this Act.

(8) The term "administration and supervision" means the administrative review of foreign country laws, regulations, and enforcement procedures offered as being comparable to United States laws, regulations, and enforcement procedures, under the provisions of this Act, and the supervision of inspection personnel both here and abroad.

(9) The term "inspection" means the official service rendered by the Department of Health, Education, and Welfare, under the administration and supervision of the Secretary, for the purposes of carrying out the provisions of this Act.

SEC. 3. (a) No dairy product shall be imported into the United States unless it has been inspected and found to be wholesome and unless the foreign farms and plants in which such products were produced, manufactured, or processed comply with all the inspection, grading, and other standards pre-

scribed by the Secretary pursuant to the provisions of this Act. The standards prescribed by the Secretary shall include standards for sanitation procedures in the production, cooling, storage, transportation, and handling of milk, and in the manufacture of dairy products, as well as standards concerning the quality and purity of the final product.

(b) The standards established by the Secretary for any imported dairy product, for the farms on which the milk used in such product is produced, and for the establishments in which such imported dairy product is produced, manufactured, or processed shall be comparable to those standards prescribed by the Secretary for the same kind of dairy product produced, manufactured, or processed in the United States and for establishments in the United States in which the same kind of product is produced, manufactured, or processed whenever the Secretary, in connection with any dairy product program carried out by the Department of Health, Education, and Welfare has established standards for such product and for the establishments in which such product is produced, manufactured, or processed. The Secretary shall establish standards with respect to those kinds of imported dairy products (and the establishments in which they are produced, manufactured, or processed) for which no Federal standards have been established, and such standards shall be equivalent to those standards heretofore established for other kinds of dairy products and the establishments in which such other kinds of dairy products are produced, manufactured, or processed.

(c) The labeling of imported dairy products shall comply with the requirements of the Fair Packaging and Labeling Act and shall be otherwise marked as the Secretary may require.

SEC. 4. (a) For the purpose of establishing comparable inspection requirements and preventing the importation of dairy products produced, manufactured, or processed in foreign dairy farms or plants not meeting the minimum standards prescribed by the Secretary pursuant to the provisions of this Act, the Secretary shall, where and to the extent necessary, require such products to be accompanied by a certificate of compliance issued by the exporting country in accordance with rules and regulations prescribed by the Secretary establishing minimum standards as to the quality of the milk farm, plant facilities, equipment, and procedures used in the production and transportation of milk, and the production, manufacture, and processing of such imported dairy products. Further, the Secretary shall, where and to the extent necessary, establish inspection procedures to insure that the certificates of compliance issued by foreign governments signify full compliance with the provisions of this Act.

(b) The Secretary shall cause to be inspected, in accordance with such rules and regulations as he may prescribe, all dairy products imported into the United States.

SEC. 5. (a) All imported dairy products shall, after entry into the United States, be subject to the Federal Food, Drug, and Cosmetic Act, and other Acts providing for the inspection, testing, or grading of dairy products to insure their purity and to insure that they are wholesome in the same manner and to the same extent as if such products were produced in the United States.

(b) The Secretary is authorized to prescribe rules and regulations to carry out the purposes of this Act, and such rules and regulations shall provide for the destruction of dairy products offered for entry and refused admission into the United States, unless such dairy products are reexported or brought into compliance within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this Act shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

SEC. 6. In carrying out the provisions of this Act, the Secretary may cooperate with foreign governments, other departments and agencies of the Federal Government, and with appropriate State agencies, and may conduct such examinations, investigations, and inspections as he determines necessary or appropriate through any officer or employee of the United States, of any State, or of any foreign government, who is licensed by the Secretary for such purpose.

SEC. 7. (a) The Secretary may prescribe such assessments and collect such fees as he determines necessary to cover the cost of the inspection services rendered under the provisions of this Act.

(b) Except as provided in subsection (a) of this section, the cost of administering and supervising the provisions of this Act shall be borne by the United States.

SEC. 8. There is hereby authorized to be appropriated such sums as are necessary to carry out the administration and supervision of the provisions of this Act.

SEC. 9. Any person who knowingly violates the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 and imprisoned not more than one year, or both.

SEC. 10. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 11. This Act shall take effect one hundred and eighty days after enactment.

UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT—AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, the Alaska Native Claims Settlement Act, Public Law 92–203, directed the Secretary of the Interior to make a study of all Federal programs primarily designed to benefit Native people and to report back to the Congress with his recommendations for the future management and operation of these programs within 3 years of the date of enactment of the law. The 3-year deadline will expire on December 18 of this year.

Mr. Speaker, the bill I am offering today would authorize and direct the Secretary of the Interior to conduct a comprehensive study of all Federal programs designed to benefit Alaskan Native people—not just the 20 programs which will be selected by the contractor for the 2(c) study. The Secretary is further charged with the responsibility of assessing changes in Native lifestyle, health status, income levels, and a range of other socioeconomic variables which may be altered as a result of the land claims settlement. This study would use the present 2(c) study as a starting point. Under my bill the final study would be submitted to Congress along with the recommendations for the future direction of Federal programs for Alaskan Natives on June 20, 1977.

The Alaska Native Claims Settlement Act made history by being the first legislated aboriginal claims settlement in our Nation's history. I feel that Congress acquitted itself well in this task. It is my intention that the will of Congress in mandating the 2(c) study be fulfilled. The major point in section 2(c) is that a study be submitted to Congress by December 18, 1974. I do not feel that the 3-year time frame provided in the Land Claims Act is sufficient. But we can use the 2(c) study as a base—and complete the task if this bill is enacted. The point is that we wish an accurate, complete evaluation of any changed Federal responsibilities toward Alaskan Native people as a result of the settlement. The text of the bill follows:

A bill to amend the Alaska Native Claims Settlement Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sec. 2(c) of the Alaska Native Claims Settlement Act is amended by adding at the end thereof the following new language:

"; upon completion of the study required pursuant to section 2(c) of the Alaska Native Claims Settlement Act (85 Stat. 688) (hereinafter referred to as the "Settlement Act"), the Secretary of the Interior (hereinafter referred to as the "Secretary") shall submit such study to each of the Alaska Native Regional Corporations established under that Act and to the State of Alaska. Each such Corporation and the State of Alaska may review such study and submit its comments to the Secretary prior to June 30, 1975. The study, together with the comments and any response the Secretary may wish to make to such comments, shall be submitted anew to the Congress on or before July 30, 1976; the Secretary is authorized and directed to make a study of (i) any changes in Alaska Native life style, health status and needs, income distribution and holdings, economic pursuits, housing, means and patterns of transportation, modes of communication, and social and cultural patterns which may result from the implementation of the Settlement Act, and (ii) all Federal programs designed to benefit Alaska Native people. The study shall include recommendations of the Secretary for the future management and operation of these Federal programs and any other Federal programs which may be required to serve the Alaska Native community during the remaining period of, and after, the implementation of the Settlement Act; in making the second study the Secretary shall give full consideration to the initial study and to the comments thereon by Alaska Native Regional Corporations and the State of Alaska pursuant to this section; the Secretary shall provide the opportunity for participation of Alaska Natives and the State of Alaska in the conduct of the second study; the second study shall be submitted to the Congress on June 30, 1977; there are hereby authorized to be appropriated to the Secretary such sums as are necessary to conduct the second study."

ALLEDGED STATEMENT BY CHAIRMAN OF THE COMMITTEE ON THE JUDICIARY

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, to sort of put together some of the things we have been talking about throughout the day today, I want to make the RECORD

complete, and I am talking about the earlier discussion of a newspaper story in the Los Angeles Times reporting statements attributed to the chairman of the House Committee on the Judiciary.

In a comment on the floor, the chairman of that committee denied having made the statement attributed to him in the Los Angeles Times story.

To follow that up, a wire story came over the machine, and I want to read several sentences from that—

Rodino denied a report published in the Los Angeles Times that he had told visitors to his office that all 21 Democrats on the committee planned to vote for impeachment. The paper also quoted the Chairman as telling the visitors he was hopeful of getting five Republican votes as well.

"I am stating that it is not true," said the Chairman. Asked if he might have said anything close to what was reported, he replied, "No, I did not."

Then, Mr. Speaker, I want to read another wire story that came from the United Press International, as a follow-up to the earlier story respecting the alleged comments of Chairman RODINO. And this UPI story says:

Later, Sam Donaldson, a reporter for the American Broadcasting Company, said he was one of the visitors in Rodino's office and described the Los Angeles Times story by Jack Nelson as "absolutely accurate to my recollection."

Donaldson said he had not reported RODINO's remarks on the air because he considered them "in the nature of a guidance, background session" in which RODINO, responding to questions, gave his assessment of the likely outcome of next month's scheduled committee vote on whether to recommend impeachment.

In my earlier remarks, Mr. Speaker, I raised the point that the people of America must now have several questions. They must be questioning the credibility either of Jack Nelson of the Los Angeles Times, or they must be questioning the credibility of those people who were visitors in Chairman RODINO's office, or they must be questioning the credibility of Chairman RODINO himself, and now with this statement by Mr. Donaldson, they must also be questioning the credibility of Sam Donaldson, a reporter for the American Broadcasting Co. It is going to be interesting to find out just where the credibility lies.

BIOMEDICAL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I withdraw my objections because I am satisfied after a colloquy with the distinguished chairman of the Commerce Committee, Congressman STAGGERS, and conversations with the distinguished chairman of the Health Subcommittee, Congressman ROGERS, and the distinguished doctor from Kentucky, Congressman CARTER, that the basic protections contained in title IV of the Health Service Act Extension of 1973 are preserved under this legislation. I have been reassured that the original intent of the Congress remains intact.

As provided in title IV by amendments which I authored in the House, an individual, a hospital, or any other medical entity may follow the dictates of religious or moral conviction when faced with the issue of abortion or sterilization. The law states that Federal moneys cannot be used as a means of compelling individuals or instiutions who are opposed to such acts to perform them. The basic right to the individual's religious and moral beliefs is recognized and endorsed.

The bill does not change the intent of title IV. The individual's right of conscience continues to hold the supreme place it deserves in our society. This conference report combines this right with the use of Federal moneys in an impressive recognition of the importance of an individual's religious and moral beliefs.

Mr. Speaker, the conference report on biomedical research will provide essential Federal funding for fellowships, traineeships, and training at various types of hospitals and research institutions throughout the country. The Federal funding provided in this legislation is crucial to our Nation's health. I recognize the desperate need for adequately funded biomedical research and therefore strongly endorse this legislation.

A BILL TO PERMIT THE FEDERAL RESERVE TO ALLOCATE CREDIT TO NATIONAL PRIORITY NEEDS

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

Mr. REUSS. Mr. Speaker, I introduce for appropriate reference H.R. 15709, a bill to amend the Federal Reserve Act to give the Board of Governors power to influence the allocation of bank credit.

By using these powers, the Board could induce banks to increase loans and investments in high-priority sectors of the economy, with offsetting decreases in the remaining sectors to avoid inflationary pressures.

Such a power to allocate credit, rather than simply to rely on meat-axe, undifferentiated, money-aggregate policy, is needed on a continuing basis. It is particularly needed at a time, like today, when the credit crunch is badly hurting interest-sensitive sectors like capital investment, housing and the thrift institutions, State and local governments, and small businesses, and is intensifying inflationary pressures in such sectors as inventories, supplies of scarce materials, and real estate.

An intractable inflation has reached an annual rate of almost 13 percent during the first quarter of this year. Curbing this inflation is obviously going to require responsible monetary restraint. In fact, I have argued for quite some time that the Fed's restraint on monetary growth has not been tight enough.

But indiscriminate credit restraint, reckless of its side-effects, is surely irresponsible. The Fed must be given the means to allocate scarce credit so that more is available, at lower interest rates, for priority uses, and that accordingly less is available, at higher interest rates, for nonpriority uses.

We can see all about us today how meat-ax, undifferentiated, money-aggregate policy is starving priority sectors of the economy.

Take housing, for example. In 1966 and again in 1969, high, short-term interest rates resulting from tight money caused heavy outflows of funds from savings and loan associations and other thrift institutions. This led to precipitous drops in housing starts.

The experience of 1974 is no different. With prime commercial paper bringing more than 10 percent, and U.S. Treasury notes going for more than 8 percent, disintermediation caused savings and loan associations to suffer a net outflow of $335 million in deposits in April. Housing starts for this May, as reported by the Department of Commerce, were at an annual rate of 1.45 million units, off almost 40 percent from the 2.33 million rate of last May. Much of this drop occurred in low- and middle-income housing, where we can least afford it.

Small businesses have also suffered. Recently the maximum interest rate on SBA-guaranteed bank loans to small businesses has been as high as 11 percent, a rate few small businesses can afford. Small business failures have risen to 190 per week, compared to about 170 a year ago. The total debt of small businesses going bankrupt is up to $200 million per month, 50 percent over 1973.

New capital investment in plant and equipment, despite a vast variety of tax incentives, is likewise hampered by tight money. Less production capacity spells future inflationary increases. Further, with long-term borrowing rates at record highs, incentives to invest in pollution-control and environment-enhancing equipment diminish. The cost of this will surely be with us for years to come.

At the same time that high interest rates are chilling worthwhile activities, the meat-axe, undifferentiated, money aggregate policy sees credit wasted on non-priority objectives (like Bahamas gambling casinos); diverted into conglomerate takeovers that bid up the prices of existing assets—like Mobil Oil using $350 million that should be used for oil exploration to buy up Montgomery-Ward; or channeled into inflation-inducing overexpenditures—such as inventories and supplies "that will cost more later on."

The time has come to make the Board of Governors of the Federal Reserve responsible for the allocation implications of monetary policy. With their 14-year terms and their independence, the Governors must not shrink from responsibility. We must develop a new set of tools which the Fed can combine with its control of monetary aggregates to allocate the supply of credit to priority areas.

A number of knowledgeable people have urged that the Fed act as credit-allocator as well as credit-creator.

Federal Reserve Governor Andrew Brimmer has repeatedly advocated allocative powers for the Fed since 1969. In testimony before the Senate Committee on Banking, Housing and Urban Affairs on April 7, 1971, Governor Brimmer urged implementation of supplemental asset reserves to avoid "unwanted and

disproportionate effects of monetary restraint in particular sectors of the economy" and "to encourage banks to modify their . . . lending behavior to conform more to the objectives of monetary policy."

Federal Reserve Bank of Philadelphia President David P. Eastburn in the May 1974, Business Review envisaged the Fed's developing "market-oriented means to induce lenders to allocate their funds in particular directions for social purposes."

John R. Bunting, chairman of the First Pennsylvania Bank, in a May 19 speech reported in the Philadelphia Evening Bulletin "assailed the Federal Reserve's 'fixation solely on control of the size of the money supply' as a tool of dampening inflation." Instead, he said:

> The monetary authorities should encourage banks to channel loans into industries whose products are in short supply and whose production is pushing close to capacity.

In an April 10 speech, Albert T. Sommers, senior vice president and chief economist of the conference board, asked "whether the Federal Reserve should not be equipped with additional powers affecting the direction of credit, and not simply the aggregate volume of credit supply."

And Business Week, in an editorial on June 1, called upon the Fed "to start thinking about a more selective approach to credit control. It could, for instance, call upon the member banks to give preference to temporary financing of new industrial capacity. Or it could ask for legislation to give it the power to establish a priority system for borrowers."

All agree that the meat-axe aggregate approach to monetary policy hopelessly misallocates credit.

Other countries successfully direct the allocation of credit through a variety of mechanisms. A December 1970 study by the Joint Economic Committee, "Activities by Various Central Banks to Promote Economic and Social Welfare Programs," lists numerous examples. The Bank of France uses direct credit controls to stimulate financing of agriculture. The central banks of Germany, India, Italy, and Mexico, as well as the Bank of France, provide direct loans to state and local governments or to public agencies. Central bank funds are lent directly to private companies in France, and are lent indirectly through private banks in Japan. Other instruments have also been widely used—special rediscounting privileges, special reserve requirements and credit ceilings, and approval over individual loans. Such far-reaching controls do not appear necessary in this country, at present, but the experience of foreign central banks with comprehensive controls is instructive.

Tax incentives and subsidies are often suggested as an alternative way of redirecting resources to priority uses. Nonpriority uses of the economy's resources, as for Bahama gambling casinos, can be discouraged by taxing them very heavily. Priority uses such as low income nursing could be expanded if the Federal Government were to pay part of the cost through a subsidy.

Taxes and subsidies, however, involve real problems. First, though most priority sectors of the economy have been given vast subsidies, periodic crises still appear with tight credit and high interest rates. Second, imposing high taxes on nonpriority uses of the economy's resources is a time-consuming and complex process; tax schemes are inflexible and are very difficult to change as the economy's needs change. Finally, increasing the subsidies going to priority sectors would further erode the tax base and open new loopholes. America's taxpayers don't need a more loophole-ridden tax code.

H.R. 15709 gives the Board of Governors of the Federal Reserve a new and powerful monetary tool for credit allocation purposes. By vigorously employing its new power, the Fed could significantly increase the share of the Nation's bank credit going to priority sectors of the economy, and by the same token reduce the amount going to nonpriority uses.

H.R. 15709 establishes a new category of national priority loans and investments. This provision specifically gives priority in loans and investments to four important sectors of the economy: First, new capital investments that increase productive capacity, lower costs, control pollution, or conserve energy; second, low- and middle-income housing; third, State and local government investments; and forth, small businesses. The Fed may also establish other priority areas as the investment needs of the Nation change provided that it informs Congress at least 60 days in advance so that Congress may disapprove by concurrent resolutions if it wishes. This mirrors the present power of Congress to disapprove changes in the organization of the executive branch, under the Reorganization Act of 1949.

To redirect the allocation of bank credit to national priority needs, H.R. 15709 establishes a new category of supplemental reserves and credits against bank assets. First, the Board of Governors may require each member bank to hold supplemental reserves against nonpriority loans and investments, in addition to the required reserves currently held against deposits. Second, the Board would allow each bank to credit against its supplemental reserve a percentage of its national priority loans and investments. The combined effect of supplemental reserves and credits is to increase bank earnings from national priority loans and investments and to reduce earnings on nonpriority loans and investments. This gives banks a powerful incentive to make more national priority loans and investments.

The text of H.R. 15709 follows:

H.R. 15709

A bill to amend the Federal Reserve Act to permit the Federal Reserve Board to allocate credit to national priority needs

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

SECTION 1. This Act may be cited as the "Credit Allocation Incentive Act of 1974".

SEC. 2. (a) Section 19 of the Federal Reserve Act is amended by adding at the end thereof the following new subsection:

"(k)(1) For purposes of this subsection, the term 'National Priority Loans and Investments' means any loan or investment which the Board determines is used for, or made to, any of the following:

"(A) useful capital investments, particularly if capacity-adding, energy-conserving, environment-enhancing, or productivity-increasing,

"(B) low- or middle-income housing,

"(C) State or local government facilities,

"(D) small businesses, or

"(E) any other category or loan or investment which the Board determines to be a 'National Priority Loan and Investment'.

"(2) National Priority Loans and Investments in a category established under paragraph (1)(E) shall be made only if—

"(A) the Board notifies both Houses of Congress on the same day of a proposed category it desires to establish under such paragraph (1)(E), and

"(B) both Houses of Congress do not adopt resolutions disapproving establishment of such category within a sixty-day period of of continuous session of Congress which commences on the date the Board notifies both Houses of Congress under subparagraph (A).

For purposes of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die, and

"(ii) 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 sixty-day period.

"(3)(A) In addition to any reserve requirement under subsection (b), the Board may require each member bank to maintain a supplemental reserve consisting of a percentage, determined by the Board, of its total loans and investments other than National Priority Loans and Investments minus a credit equal to a percentage, determined by the Board, of such bank's total National Priority Loans and Investments. The total credit of any bank may not exceed its supplemental reserve.

"(B) Under subparagraph (A) with respect to supplemental reserves and under subsection (b) with respect to reserves against deposits, the Board shall take and time its actions in order to promote efficiency and mitigate hardship.

"(C) In order to offset any undesirable money supply effects resulting from its actions under this subsection, the Board shall employ open market operations."

(b) Section 19(c) of the Federal Reserve Act is amended by inserting "or (k)" immediately after "subsection (b)".

To see how H.R. 15709 would end the undiscriminating credit effects of aggregate monetary policies, consider the following illustration.

Based on data published in the latest Federal Reserve Bulletin, member banks in the Federal Reserve System currently hold about $600 million in loans and investments. It is difficult to determine from these figures the exact uses to which these loans and investments are put, but the most generous criteria would classify about one-third, or $200 million, as national priority uses, such as residential mortgages, State and local government securities, and some commercial and industrial loans. The remaining $400 million is classified as nonpriority uses, such as nonresidential real estate, inventories, brokerage loans, and loans to finance companies.

Supplemental reserve requirements on the nonpriority assets, combined with credits for national priority assets, could induce banks to improve this allocation of credit. Assume the Fed requires each member bank to hold as little as 2 percent of its nonpriority loans and invest-

ments in a supplemental reserve, against which it allows a 3-percent credit for national priority loans and investments. The supplemental reserve would be $8 billion—2 percent of $400 billion of nonpriority assets—and the credit would be $6 billion—3 percent of $200 billion of national priority assets. With their current portfolios, banks overall would have to keep $2 billion in their supplemental reserves. Although this is not very large in comparison with the $35 billion reserve they currently keep on demand and time deposits, it still represents significant foregone earnings—about $200 million at current interest rates.

Banks could reduce their supplemental reserve requirements by devoting more of their loans and investments to national priority needs. For every $10 billion shifted from nonpriority uses to national priority uses, banks would free up $500 million, since their supplemental reserve requirement would fall by $200 million—2 percent of the $10 billion reduction in nonpriority loans and investment—while their credits would rise by $300 million—3 percent of the added $10 billion in national prirority uses. A shift of $40 billion more into national priority uses from the current figures—to $240 billion in national priority assets and $360 billion in nonpriority assets—would eliminate the $2 billion supplemental reserve in the illustration altoghether. The potential of this for shifting credit into national priority uses, even with low reserve requirements, is thus substantial.

The supplemental reserve requirement for individual banks would very according to the proportion of assets devoted to national priority uses. The average bank with one-third of its assets in national priority areas would, in the above example, have to keep only one-third of 1 percent of its total assets in the supplemental reserve. A bank with more than 40 percent of its loans and investments in national priority areas would escape the reserve requirement.

The Fed should choose the combination of supplemental reserve requirements and credits necessary to channel the proper amount of credit to national priority uses. It can make the incentive to invest in national priority areas more powerful by raising the reserve requirement and reducing earnings on nonpriority assets, and by increasing the credit and raising earnings on national priority assets. It should be possible, however, to use fairly low reserve requirements, as in the illustration, to attain the goals of this bill without unduly burdening the Nation's banks.

The Fed should pay close attention to the effect which supplemental reserves might have on bank liquidity. If adding supplemental reserves to existing required reserves on deposits squeezes bank liquidity, the Fed should by all means reduce existing reserve requirements, or engage in open market operations to offset the squeeze. Furthermore, to minimize potential hardships on individual banks, the Fed should introduce supplemental reserve requirements gradually and give adequate leadtime before promulgating changes. After all, the purpose of this bill is to end the meat-ax effects of money aggregate policies, not to crunch down on banks.

The Fed has a long and promising history of adapting its monetary tools to the changing needs of the American economy. At an aggregate level, reserve requirements have often been changed to alter the liquidity positions of banks and to expand or contract the money supply. But, as Governor Brimmer points out, the Federal Reserve has "been moving more and more into the use of reserve requirements to achieve certain specialized purposes with respect to monetary policy." For example, in 1969 the Fed imposed supplemental reserve requirements on Eurodollar borrowings by domestic banks, in order to inhibit monetary growth from this source. In July 1966 and again in July 1973, the Fed increased reserve requirements on time deposits, other than savings accounts, to as high as 11 percent on July 4, 1973, in order to inhibit the flow of funds from savings and loan associations to bank certificates of deposit. Supplemental reserves and credits on assets would be in line with this tradition.

Although H.R. 15709 would materially improve the Nation's ability to allocate credit, it admittedly is not a complete panacea.

First, it does not give the Board of Governors powers of allocation over the lending and investments of nonmember commercial banks. Legislation pending before Congress to give the Fed power over the reserve requirements of most nonmember banks would readily remedy this.

Second, H.R. 15709 does not give the Board allocative power over nonbank financial institutions, such as savings and loan associations, credit unions, or pension funds. At the moment, however, it does not seem necessary to give this power to the Board. Nonbank financial institutions are restricted, either by law or the nature of their liabilities, as to the kinds of loans and investments they carry in their portfolios, thus limiting their ability to counteract Fed policies. Further, some of these institutions, such as savings and loan associations and mutual savings banks, already invest heavily in national priority areas.

Finally, H.R. 15709 contains no controls over the uses to which corporations put their internally generated funds, amounting to more than $150 billion in 1973. It is possible that large corporations could obtain resources for nonpriority uses from their internal funds or going into other credit markets, such as commercial paper or Eurodollars. There is certainly the risk that this and other escape hatches could impair the Fed's ability to direct more credit to national priority areas.

If experience shows that Fed control should go beyond commercial banks, further legislation could be enacted extending reserve requirements and credits against assets to other financial institutions. Congress could also consider establishing in the Fed mandatory credit allocation powers. Making the Fed a credit allocation agency would not be unprecedented. In fact, during the Korean war, the Fed undertook an extremely successful voluntary credit restraint program under the Defense Production Act of 1950—to "curtail the use of credit for speculative purposes and to divert funds from nonessential to essential uses." Directed by a committee of Fed Governors and business leaders, the success of the program is attested to by a massive shift in credit from retail trade, commodity dealers, and finance companies to defense production and investment by utilities during 1951. The end of the Korean war brought an end to the program, but there is no reason why we should not resurrect it if needed.

While the purpose of H.R. 15709 is to improve credit allocation, it will also affect the ability of the Fed to control monetary aggregates. Supplemental reserves and credits on assets will be a new variable in Fed calculations. They introduce a new uncertainty, since banks would be able to change their average reserve requirements by changing their asset portfolios.

The new reserve requirements, however, should not impose insurmountable problems for Fed monetary policy. Day-to-day control of monetary aggregates, which would be most vulnerable to reserve uncertainty, is not as important as is longterm control, where adaptation to new variables is easier. Secondly, the relationship between movements in monetary aggregates and the performance of the economy is not so precise that this amendment would significantly alter it. Finally, with its current level of professional expertness, it should not take the Board of Governors or its staff very long to incorporate supplemental reserve requirements and credits into their money supply calculus. The benefits of assuring that credit is available for national priority needs far outweigh any possible difficulties in short-run control of money supply.

In light of the damage done by meat-ax aggregate money policies to national priority sectors of the economy, like business investment in plant and equipment, low- and middle-income housing, and State and local governments, a new approach to credit allocation is needed. H.R. 15709 fills this need by transforming the Federal Reserve into a credit-allocating, as well as a credit-creating, institution.

The importance and complexity of this issue requires that a full discussion and exchange of ideas about it take place. I hope that H.R. 15709 will lead to this much-needed discussion.

TRIBUTE TO LAWRENCE R. PIERCE, JR., CHAIRMAN, BOARD OF VETERANS APPEALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BEVILL) is recognized for 20 minutes.

Mr. BEVILL. Mr. Speaker, it is a special privilege for me to pay tribute to Lawrence R. Pierce, Jr., Esq., who is retiring from the Government after 33 years of dedicated public service.

A native of Mobile, Ala., Mr. Pierce attended the University of Arkansas and received his LL. B. degree from Woodrow Wilson College of Law, Atlanta, Ga.

He is a member of the Georgia Bar. After Army service in World War II, he joined the Board of Veterans Appeals as an attorney. He advanced rapidly and is the only official in the Board's 40-year history to have appointments to positions of increasing responsibility and stature approved by three Presidents. In 1952 he was appointed associate member by the then Administrator of Veterans' Affairs and approved by President Truman; in 1957 his appointment to Vice Chairman of the Board was approved by President Eisenhower; and in 1971, Mr. Pierce was appointed to Chairman of the Board by the Honorable Donald E. Johnson, Administrator of Veterans' Affairs and approved by President Nixon. He has served under all eight of the Administrators of Veterans' Affairs except General Hines.

The Board of Veterans Appeals, a statutory appellate body, provides independent and objective appellate review of all questions on claims for benefits under laws administered by the Veterans' Administration, and finally decides all issues of fact and law involved therein. During Mr. Pierce's 17 years as a top official in the Board of Veterans' Appeals more than 500,000 appeals were decided here in Washington and another 246,000 were disposed of in field offices.

Larry Pierce's sustained contribution to the successful conduct of the VA mission has been outstanding. He has earned the respect and esteem of officials, both in and outside of the VA for maintaining the highest possible standards in administering the appellate program. He has earned the highest honor awards that the VA can give including the Exceptional Service Award and the Meritorious Service Award. Mr. Pierce has also received many honor awards and commendations from veterans national service organizations such as the VFW, AL, DAV, AMVETS, and their service officers at the grassroot State and county levels.

Mr. Pierce's efforts were always directed toward excellence in service to veterans and quality of appellate decisions. The improvement and innovations made in the appellate program during his tenure are too numerous to mention here. I would be remiss, however, if I did not mention several of the more important actions.

First. Shortly after taking over as Vice Chairman in 1957, Mr. Pierce set out to improve the quality of decisions as well as procedural due process. This he felt was necessary in view of the statutory finality of the Board's decisions.

Second. As a first step, he sent travel sections of the Board of Veterans' Administration offices in the several States to conduct formal hearings for claimants who had initiated appeals to the Board of Veterans' Appeals. This gave veterans, service organization case advocates, and local attorneys the opportunity to appear before panels of the Board without the necessity for, and the expense of, traveling to Washington for a hearing. This brought the Board closer to claimants who desired hearings but were unable or unwilling to travel to Washington. Thus, many veterans, case advocates, and attorneys, for the first time, had an opportunity to evaluate the methods, attitudes, and effectiveness on the basis of first-hand experience. This has and continues to contribute greatly to the Board's national image of fairness and objectivity.

Third. As vice chairman, Mr. Pierce had primary overall responsibility for operation of the professional quasi-judicial activities of the Board. He detected what seemed to him two weaknesses in the appellate and decisional processes. These can be roughly cataloged as deficiencies in "due process" and deficiencies in quality, format, and comprehensiveness of its final decisions. This he set about to correct, to the extent possible under the existing law, and with recommendations for legislative change. Stemming from extensive studies of the Board's statutory concept, the Congress passed a law which revolutionalized the appellate process. This law provided for better "notice" to appellants, made the appeal right more meaningful, and permitted the appellant to effectively prosecute his appeal. It was Mr. Pierce's responsibility to develop and implement operating guidelines on adequacy of due process for Veterans' Administration-wide compliance. The compliance which has been achieved results in a degree of due process beyond that contemplated when the law was first implemented.

Fourth. Mr. Pierce's first innovation was to establish a quality review system for the Board's appellate decisions. A quality review committee was established to independently measure and evaluate the quality of decisions of all sections on a sampling basis. This system resulted in immediate improvement in overall quality of decisions. It has been continuously in effect since inception, and has made a substantial contribution to the quality of decisions—now at the highest level in the Board's 40 years of existence.

Fifth. The next thrust by Mr. Pierce toward improvements in the appellate system was development of a more organized format for decisions viewed toward achieving greater comprehensiveness. The British tribunal system and other systems were studied, and a wholly new format was developed. This format was designed to dispose of appealed issues in a more orderly and reasoned manner.

It provided a special section devoted to a summary of the applicable laws and regulations, and for the first time decisions included separately stated findings of facts and conclusions of law. After observing the success of these innovations, Mr. Pierce urged support for enactment of a law requiring such separately stated findings and conclusions. This was ultimately accomplished. The Board's decisional process and its final decisions have received high public acceptance, and have been the subject of study by other administrative appellate bodies, in an effort to improve their decisions.

Sixth. The Board has statutory authority to reconsider an appellate decision upon allegation of error of fact or law. Since inception of the Board in 1933, it had been the policy for reconsideration to be by the Members signatory to the decision being reconsidered. Mr. Pierce felt that it would enhance real objectivity to institute a modified en banc approach providing for the assignment of one or more additional sections of the Board to the reconsideration panel. At Mr. Pierce's direction, a change to the Board's rule of practice was proposed. This change was approved and promulgated by the Administrator of Veterans' Affairs. This procedure has been acclaimed by all major veterans' organizations engaged in representing claimants in prosecuting appeals to the Board of Veterans' Appeals.

Seventh. Mr. Pierce developed and put into practice a code of ethics for the conduct of hearings on appeal. These standards and principles have improved the hearing process in adjudication of claims in Veterans' Administration offices in the several States. It has been said by many case advocates that win or lose most appellants feel satisfied that they have had their day in court.

Eighth. Since its inception, the Board not only served its statutory quasi-judicial function, but also participated in the agency's policymaking as it related to administration of the many benefit programs. All regulations proposed by the Veterans' Administration departments governing the adjudication of claims for benefits were reviewed for concurrence or recommendation prior to referral to the Administrator for approval. Mr. Pierce viewed this as inconsistent with the quasi-judicial role of any appellate body.

He was active redefining the Board's role to exclude original policy formulation, leaving the Board uncommitted on any issue of interpretation of law, regulations or other controlling criteria which may arise in appealed cases. Removal from policy participation has added to the independence and objectivity of the appellate review of cases. With this change in role, rulemaking was divorced from the quasi-judicial function of the Board.

Ninth. On taking office as Chairman of the Board, Mr. Pierce established a personal goal—that of "more concern for the people we serve." In other words, "humanizing" appellate decisions. This involved a massive effort on his part to instill in all professional personnel involved in the decision process dedication to "adjudicate with a heart and with empathy" and to be "completely unbiased and fair to all who come before the Board," to quote him directly. He further stated,

> Let us . . . prove that we are not only procedurally fair, but eminently fair in judging the merits of every case.

It is this leadership and his philosophy "to do real justice in all cases" that has brought the Board of Veterans' Appeals to the highest level of public acceptance and acclaim in its 40 years of public service. These and the other accomplishments during Mr. Pierce's tenure as Vice Chairman and Chairman of the Board, coupled with his integrity, objectivity and effectiveness, have made a substantial contribution in the field of veterans' law.

Larry Pierce was an outstanding Chair-

man with profound and sympathetic concern for the welfare of the veterans of our great Nation. Through his judicial temperament, dedication to equity and justice and dynamic leadership he motivated and inspired his staff to decide appeals with sympathetic understanding so as to reflect the generous intent of the law. On his retirement he can be proud of his accomplishments and of the organization that he led for so long.

PRESIDENT NIXON'S OFFER OF NUCLEAR AID TO EGYPT AND ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 15 minutes.

Mr. TIERNAN. Mr. Speaker, I was surprised and shocked to read of President Nixon's offer of nuclear aid to Egypt and Israel. In my opinion, it was a grave mistake, one which we could regret for generations to come. At a time when the United States is engaged in the promotion of world peace, there simply is no justification for introducing an element as potentially destructive as nuclear power into a volatile area of the world such as the Middle East.

The promise made by Mr. Nixon was one made in secrecy during the course of diplomatic negotiations. It was made in a vacuum as a concession to one or both opposing countries to entice them into agreement. The administration should not be using nuclear power, the most destructive force man has ever created, as a bargaining chip in any negotiation, nor should it be used as an economic weapon to gain the friendship of previously hostile nations. There are far too many risks and uncertainties connected with nuclear reactors to warrant this kind of "stick and carrot" diplomacy.

To begin with there is the experience of the past which shows us that plutonium, a waste generated by nuclear reactors, can be used to create nuclear weapons. Witness India's first nuclear explosion last month in which plutonium was the nuclear element triggering the explosion. India proved conclusively that nuclear wastes can be siphoned off from the reactor, accumulated, converted into a nuclear explosive devise and detonated. Once a reactor is constructed there is no certainty that this will not happen, regardless of the safeguards installed in the system. Nothing is 100-percent foolproof.

The fact that highly secured U.S. Government weapons and property are often stolen should have made an impression upon us a long time ago. The absolute control and protection of the plutonium wastes from nuclear reactors cannot be guaranteed, and likewise the administration cannot guarantee that neither Egypt nor Israel will not at some future date use the plutonium to create a nuclear weapon. Nor is there any guarantee that some other organization, possibly a terrorist organization, will not get hold of this plutonium and use it to their advantage. Are we willing to risk the possibility of these things happening? Are we willing to chance the tremendous loss of life that the explosion of one of these devices represents? Do we want to add fuel to the fires of destruction already burning throughout the world? I think not.

Aside from the potential misuse of nuclear reactor wastes, there is the additional question of the safety of these plants and the disposal of their wastes. The Atomic Energy Commission has expressed complete confidence in the safety of nuclear reactors, however, other prominent organizations such as the Sierra Club, the Friends of the Earth, and the Union of Concerned Scientists, do not share their confidence. In fact, the Atomic Energy Commission has underway what it considers the most complete study of nuclear reactor safety ever conducted. The study, headed by Dr. Norman Rasmussen of the Massachusetts Institute of Technology, is expected to be completed this summer, and according to the Atomic Energy Commission the report "will provide a more precise quantification of the probabilities and implications nuclear accidents."

But in the meantime, the AEC has announced the signing of contracts with Egypt and Israel to supply them with $78 million worth of uranium fuel for the atomic powerplants Mr. Nixon promised them on his Mideast tour. These contracts are for a 10-year supply of uranium enriched with U^{235}, the isotope of uranium that fissions and sustains the reaction. According to a June 27, 1974, Washington Post article entitled "Uranium Fuel Pacts Signed," the "Commissioners of the AEC learned about the plan to supply nuclear power to the two countries only a month before the President left on his tour." Why was Congress not informed of Mr. Nixon's plans to offer nuclear aid to Egypt and Israel? Why was this deal kept secret? Was the administration fearful that the Congress would reject this offer as irresponsible, or did Mr. Nixon think that this whole matter was none of Congress' business, that it was within his prerogative to offer nuclear technology and fuel to these countries like he capriciously gave away a U.S. helicopter to President Sadat? As much as Mr. Nixon and the AEC seem to think, this offer is not a fait accompli which Congress will rubberstamp.

Mr. Speaker, the Congress must restore some sanity and responsibility to promises of nuclear aid to foreign nations. We cannot allow diplomatic success to be achieved at the cost of national integrity and world safety. I have therefore cosponsored legislation, H.R. 15664, which would prohibit the transfer by the United States of nuclear materials of technology, for peaceful or other purposes, to any foreign nation without specific congressional approval. The Nixon administration has demonstrated an astounding and frightening lack of responsibility to the U.S. Government by assuming control over any transfer of nuclear materials or technology to foreign nations.

A RICH MAN'S TAX CUT IS AN ECONOMIC OUTRAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL), is recognized for 20 minutes.

Mr. O'NEILL. Mr. Speaker, the Nixon administration is proposing a further economic outrage.

The Secretary of the Treasury has revealed that the administration is thinking about a tax cut after all—another rich man's tax cut intended to benefit big business.

There was no word at all about a tax cut for the people who really need it—the middle and lower incomes groups and those living on fixed incomes. These are the people who are suffering most from inflation. These are the ones who need the tax cut.

Instead, the Nixon administration wants to regress to the old trickle-down theory—make the rich richer and they just might let some of it trickle down to the workers and the farmers and the little people.

Secretary Simon is at this business with a vengeance. He says that not only should big business be forgiven more of its taxes, but that business should also be encouraged to increase its profit margins. Last year's sky-high profits were not enough, he says.

And to top it off, he wants only a minimal reduction in unemployment so that business will have a good supply of labor available at bargain basement prices.

I have never heard a more cold-blooded, antihuman and misconceived assessment of our economic difficulties. There seems to be no form of economic injustice that this administration is not ready to perpetrate upon the people.

ROBERT B. HEINEY

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD).

Mr. WAMPLER. Mr. Speaker, the canned foods industry and, in fact, the democratic process, of the United States is losing a valuable servant this year. Robert B. Heiney will be retiring from the National Canners Association, September 30, 1974, after 44 years of faithful service to the canning industry. Bob's primary assignment at NCA has been directing the government-industry relations division. This brought him in contact with many congressional offices as well as executive agencies. Many other programs and committees at NCA prospered because of his guidance.

Mr. Heiney is being honored by his friends Wednesday evening, June 17. Many of you have indicated you will attend this tribute to Bob.

Let me tell you of this man. His lifetime endeavor is an illustration of what Walt Whitman said about Abraham Lincoln:

> Political democracy as it exists and practically works in America—with all of its threatening evils—supplies a training school for making first-class men.

Bob's early history was a forecast of tenacity, dedication, and achievement.

Born in Indiana, the youngest of four children, he worked during high school as a department store stockboy, as a bank messenger, and then as a bank clerk. He labored also in the manufacture of heavy industrial equipment.

He arrived in Washington to continue his education in 1929. Almost immediately, the first chief executive of the National Canners Association spotted the potential of the young Bob Heiney. In effect then, Bob carries into retirement an unmatched insight, and a working knowledge of the development of the canned foods industry from the formation of its national trade association in 1906 to its present day condition.

He worked, and he learned. On the job he handled mail and provided duplicating and messenger services. He handled the central files and worked the switchboard. He became the legman and news gatherer for industry publications.

With the employment at NCA came the long years of arduously gathering college and law degrees at night school. In 1935, he received his LL.B. degree, and a year later, was admitted to the practice of law in the District of Columbia. He received a Certificate of Merit in Advance Management Studies from the Institute for Organization Management in 1966 from Michigan State University and the U.S. Chamber of Commerce.

It was in 1935 also that he married Margaret Laura Roth of New Philadelphia, Ohio. His devoted wife, Rex, will be at his side July 17.

Bob is one of those rare individuals who has earned my full confidence and that of many of my colleagues. In today's complex society, Government has become so powerful and its interests so broad that individual representatives, both Federal and State, cannot possibly visualize the many ramifications of proposed legislation on which they are asked to vote every day—legislation that often materially affects the economic health of the entire Nation. The obvious recourse for a representative who desires to be well informed is to consult experts of proven reliability and integrity.

Bob has been consulted often. But his contributions do not end in the halls of Congress.

In these times of questioning the conduct of public servants, there are some critics who may remind us of what Jonathan Swift said in "Gulliver's Travels":

> Whoever could make two ears of corn, or two blades of grass, grow upon a spot of ground where only one grew before, would deserve better of mankind, and do more essential service to his country, than the whole race of politicians put together.

But those who would concur with Jonathan Swift, must be unaware of what has happened in the United States the last half century.

No industry has become more regulated than food processing, or has had to adjust to agricultural programs, governmental marketing controls, farm and factory labor regulations, environmental controls, food and drug laws, packaging controls, and hundreds of other Federal and State laws controlling production, processing, distribution and marketing.

Bob Heiney has lived through it all.

It is perhaps impossible to catalog his service and contributions. But allow me to provide some examples.

Serving canning industry committees, he has dealt expertly in the complicated areas of government procurement, simplification of container sizes, and coordinating a broad-spectrum of industry policies.

He has provided key leadership to groups involving hundreds of trade associations and thousands of businesses—Food Industry Committee on Packaging and Labeling, Information Committee on Federal Food Regulations, The Food Group, Agricultural Labor Committee, National Industrial Council, National Council of Agricultural Employers—and many others.

Yes, those who pay tribute to Bob Heiney on July 17 will recognize a capable lawyer, a competent administrator, and a patriot who commanded a naval gun crew in the Southwest Pacific. Perhaps any one of these achievements would justly satisfy most men, but not Bob Heiney.

FOREIGN POLICY IMPLICATIONS OF ATOM AGREEMENTS

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

Mr. BINGHAM. Mr. Speaker, along with many other Members of the Congress, I am deeply concerned about President Nixon's decision to provide nuclear power reactors to Egypt and Israel.

It is clear from testimony submitted to two subcommittees of the Foreign Affairs Committee, which are considering the matter jointly, that there are grave risks involved, and that, in spite of the administration's assertion that all possible safeguards will be incorporated in the agreements to be signed, various proposed safeguards may not be included.

The Congress was not consulted before the President made these commitments. Now it is essential that the Congress be fully involved in the process of finalizing these agreements, if indeed they are to be finalized.

I am gratified that the Joint Atomic Energy Committee has reported out legislation which would require that agreements of the type proposed be submitted to the Congress, subject to disapproval within a 60-day period by concurrent resolution. However, the Joint Committee's bill contemplates that the agreement be referred only to the Joint Committee and that only the latter committee be instructed to report its views to the House and Senate.

It seems clear to me that in matters of this kind, which so gravely affect the foreign relations of the United States, the views of the Senate Foreign Relations Committee and of the House Foreign Affairs Committee also be solicited. I am accordingly today introducing a version of the Joint Committee's bill which accomplished that result. The text of the bill follows:

H.R. 15696

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 123 d. of the Atomic Energy Act of 1954, as amended, is revised to read as follows:

"d. The proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of sections 53, 54, 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith, has been submitted to the Congress and referred to the Joint Committee, the House Committee on Foreign Affairs, and the Senate Foreign Relations Committee and a period of sixty days has elapsed while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days), but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided, however,* That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation. Prior to the expiration of the first thirty days of any such sixty-day period the House Foreign Affairs Committee and the Senate Foreign Relations Committee shall each submit to its respective House of Congress a report stating its views and recommendations respecting the proposed agreement.

SEC. 2. This Act shall apply to proposed agreements for cooperation and to proposed amendments to agreements for cooperation hereafter submitted to the Congress.

TAXPAYERS AND THE NEEDY MUST STILL PAY FOR WASTEFUL SET-ASIDE PAYMENTS

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

Mr. BINGHAM. Mr. Speaker, on June 21, the House passed H.R. 15472, a bill making appropriations for agriculture-environmental and consumer protection programs. During the debate very little attention was paid to the huge funding for the Commodity Credit Corporation included in this bill. During this time of worldwide food shortages, it is shocking that over $3.5 billion was appropriated to reimburse the CCC for set-aside payments made to farmers for not growing crops. The fact that these payments were made to farmers in fiscal year 1973 does not make it any less intolerable that American taxpayers should have to pay such huge sums to prevent the growing of food.

Set-aside payments have always bene-

fited a few while ignoring the needs of many. Over the past 4 years, the following payments were made to farmers not to grow wheat, cotton, and feed grains: Fiscal year 1971, $2.374 billion; fiscal year 1972, $1.873 billion; fiscal year 1973, $2.787 billion; fiscal year 1974—estimated—$1.954 billion. I cite these figures to call attention to a serious myopia which has plagued past Congresses. Set-aside payments contributed to the food shortages and sharply rising inflation of the past several years. Although new laws limit payments to individual farmers to $20,000 annually, and despite the prediction that no such payments will be made during fiscal year 1975, the Government is discouragingly late in cutting back this program. Taxpayers will be paying these costs for at least 2 more years, and the billions of dollars worth of foregone food supplies can never be recovered.

GRIGORENKO: A DISSIDENT AND A HERO

(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 was gratified to read in yesterday's New York Times that Pyotr G. Grigorenko, one of the Soviet Union's most influential spokesmen for human rights, has been released by Soviet authorities after 5 years in a mental hospital. Mr. Grigorenko, a Ukrainian and former major general in the Red Army who held the Order of Lenin and two orders of the Red Banner, was arrested and ruled insane in May 1969, after he had publicly defended a group of Crimean Tatars on trial for anti-Soviet activity. He spent the next 4½ years in virtual solitary confinement in prison hospitals. Last month, his wife Zinaida indicated that he had consistently refused to retract his dissident views during interviews with psychiatrists. He emerged from the hospital tired, but completely rational. That Grigorenko retained his intellectual integrity and his mental stability after 5 years in the environment of an asylum testifies to the remarkable strength of this man.

Needless to say, the timing of the Grigorenko release holds its real significance for the welfare of other Soviet dissidents. Its occurrence on the eve of President Nixon's Soviet summit meeting marks it as an attempt by Moscow to defuse the issue of Soviet dissidents to promote the success of the upcoming negotiations. The Soviet Government regards its imprisoned dissidents as a valuable resource to be manipulated as a tool of foreign policy. The intent is to give the appearance of liberalization to encourage a more favorable U.S. response to suggestions of economic concessions to the Soviets. The task of the President is to distinguish appearance from reality in Soviet internal affairs.

The pattern in the past has been for the release of a prominent dissident to be accompanied by an intensification of repressive activity far from the public eye. The Grigorenko case is no exception.

The day of his release, plainclothesmen arrested a Jewish cyberneticist, Mikhail Agursky, only a few hours after he had been warned against taking part in an unofficial seminar planned for next week by Jewish scientists who have lost their posts after applying for emigration. In addition, when scientist Bella Palatnik refused to sign a paper disavowing the seminar, she was assured that "appropriate measures" would be taken if the seminar were conducted as planned. A half-dozen scientists already involved in the seminar have been jailed to forestall possible demonstrations during Mr. Nixon's visit.

In view of this escalation of the campaign against dissidents, Grigorenko's release must be seen for what it is: a taken gesture made in isolation from the brutal realities of Soviet life. If Mr. Nixon makes concessions to the Soviet Union while exacting no more than the appearance of liberalization, the hopes of Soviet dissidents will be dealt an unforgivable blow. That the Soviets are sensitive to American demands for liberalization is beyond doubt. That Mr. Nixon is willing to make such demands is less clear. At this point, the decision is his alone. As he surely must know by now, he holds with him in Moscow the hopes of millions of Soviet citizens whose appetite for freedom has roused the ire of the Soviet regime and inspire the admiration of those of us who live in safety and comfort.

Regardless of the outcome of the Moscow summit, the need for reform of American policy toward the Soviet Union will remain. Until our policy formally makes economic concessions to Moscow contingent upon the guarantee of free emigration, as provided in the Jackson-Vanik amendment, our commitment to the liberty of the Soviet people will have little meaning. Jackson-Vanik is not designed to aid Soviet Jews alone. It represents the dreams of million of Armenians, Estonians, Ukrainians like Pyotr Grigorenko, and others who today struggle for tolerance of cultural and religious diversity in the Soviet Union.

FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AT THE EXPENSE OF FOREIGN GOVERNMENTS

(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, I take this time to inform my colleagues that the Committee on Standards of Official Conduct has approved an advisory opinion dealing with the propriety of accepting expense-paid trips as guests of foreign governments. Copies of the opinion have been sent to all Members' offices.

The committee took this action because of many requests for clarification of provisions in the Constitution and in the statutes dealing with acceptance of gifts from foreign governments.

Mr. Speaker, I insert the advisory opinion at this point in the RECORD, along with supporting documents from the Comptroller General and the Department of State cited in the opinion:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, U.S. HOUSE OF REPRESENTATIVES—ADVISORY OPINION NO. 3

ON THE SUBJECT OF FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AT THE EXPENSE OF FOREIGN GOVERNMENTS

Reason for issuance

The Committee has received a number of requests from Members and employees of the House for guidance and advice regarding acceptance of trips to foreign countries, the expenses of which are borne by the host country or some agent or instrumentality of it.

The Committee is advised that similar inquiries recently have been put to the Department of State with respect to other Federal employees.

In order to provide widest possible dissemination to views expressed in response to the requests, and to coordinate with statements likely to be forthcoming from other areas of the Federal government in this regard, this general advisory opinion is respectfully offered.

Background

The United States Constitution, at Article I, Section 9, Clause 8, holds that:

"No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

This provision, described as stemming from a "just jealousy of foreign influence of every sort," is extremely broad as to whom it covers, as well as to the "presents" or "emoluments" it prohibits—speaking of the latter as *of any kind whatever*. (emphasis provided)

It is narrow only in the sense that the framers, aware that social or diplomatic protocols could compel some less than absolute observance of a prohibition on the receipt or exchange of gifts, provided for specific exceptions with the "consent of the Congress."

Congress dealt from time to time with these exceptions through public and private bills addressed to specific situations, and dealt generally, commencing in 1881, with the overall question of management of foreign gifts.

In 1966 Congress passed the latest and the existing Public Law 89-673, "an Act to grant the consent of Congress to the acceptance of certain gifts and decorations from foreign governments." That law is presently codified at title 5, United States Code, section 7342, a copy of which is attached.

The law is quite explicit in virtually all particulars, save whether the expense of a trip paid for by a foreign government is a ". . . present or thing, other than a decoration, tendered by or received from a foreign government; . . ."

It is on this point that this Opinion lies.

Basis of authority for opinion

Since this matter impinges equally on all Federal employees, the Committee sought advice from the Comptroller General as legal advisor to the Congress, and from the Secretary of State as the implementing authority over 5 U.S.C. 7342.

Copies of their official responses are attached to this Opinion.

Summary opinion

It is the opinion of this Committee, on its own initiative and with the advice of the Comptroller General and the Assistant Secretary of State, that acceptance of travel or living expenses in specie or in kind by a Member or employee of the House of Repre-

sentatives from any foreign government, official agent or representative thereof is not consented to in 5 U.S.C. 7342, and is, therefore, prohibited. This prohibition applies also to the family and household of Members and employees of the House of Representatives.

UNITED STATES CODE, TITLE 5

§ 7342. Receipt and disposition of foreign gifts and decorations

(a) For the purpose of this section—

(1) "employee" means—

(A) an employee as defined by section 2105 of this title;

(B) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or of the District of Columbia;

(C) a member of a uniformed service;

(D) the President;

(E) a Member of Congress as defined by section 2106 of this title; and

(F) a member of the family and household of an individual described in subparagraphs (A)–(E) of this paragraph;

(2) "foreign government" means a foreign government and an official agent, or representative thereof;

(3) "gift" means a present or thing, other than a decoration, tendered by or received from a foreign government; and

(4) "decoration" means an order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(b) An employee may not request or otherwise encourage the tender of a gift or decoration.

(c) Congress consents to—

(1) the accepting and retaining by an employee of a gift of minimal value tendered or received as a souvenir or mark of courtesy; and

(2) the accepting by an employee of a gift of more than minimal value when it appears that to refuse the gift would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.

However, a gift of more than minimal value is deemed to have been accepted on behalf of the United States and shall be deposited by the donee for use and disposal as the property of the United States under regulations prescribed under this section.

(d) Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the agency, office or other entity in which the employee is employed and the concurrence of the Secretary of State. Without this approval and concurrence, the decoration shall be deposited by the donee for use and disposal as the property of the United States under regulations prescribed under this section.

(e) The President may prescribe regulations to carry out the purpose of this section. Added Pub.L. 90–83 § 1(45) (C), Sept. 11, 1967, 81 Stat. 208.

DEPARTMENT OF STATE,
Washington, D.C., May 9, 1974.

Hon. MELVIN PRICE,
Chairman, Committee on Standards of Official Conduct, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am replying to your letter of April 17 to Mr. Hampton Davis, of the Office of the Chief of Protocol, requesting comment on Congressman Kemp's suggestion that your Committee issue a briefing paper on the propriety of acceptance by Congressional Members and staff of trips offered them at the expense of foreign governments.

Various Federal agencies have put similar questions to the Department of State on a number of occasions in behalf of their employees who have received but not yet acted on offers of such trips. It has been the Department's consistent position that the offer of an expenses-paid trip is an offer of a gift and that, therefore, if tendered by a foreign government or any representative thereof to a Federal employee, the Foreign Gifts and Decorations Act of 1966 would require its refusal. A trip cannot qualify under the special provision permitting acceptance of a gift of more than minimal value on the ground that to refuse it would appear likely to "cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States". This follows from the requirement that the donee, being deemed to have accepted such a gift on behalf of the United States, deposit it for use and disposal as property of the United States in accordance with the implementing regulations, since the recipient of a trip could not fulfill that requirement.

Precisely because of the impossibility of surrendering the gift of a trip once it has been accepted and taken, we believe it would be highly advisable for your Committee to issue the briefing paper on the subject which Congressman Kemp has suggested. In this connection the Committee may be interested to know that the Department is planning a new informational program designed to improve understanding and compliance with the Foreign Gifts and Decorations Act and the implementing regulations. The program will be aimed not only at those within the Federal establishment who might become donees or who may have responsibility for briefing potential donees, but also at the foreign governments that appear to be less than fully aware of the stringent legal restrictions that we operate under in this area. We shall be happy to see that the Committee is included in the distribution of the material being developed.

I hope that we have been helpful in this matter and that you will feel free to call upon us at any time you think we can be of assistance.

Sincerely yours,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 9, 1974.

Hon. MELVIN PRICE,
Chairman, Committee on Standards of Official Conduct, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of April 17, 1974, with attachments, requests our comments on the advisability of issuing a briefing paper on the legal ramifications of the acceptance by Members of Congress, or staff, of trips abroad that are paid for by foreign governments.

We are not aware of any decision by any forum as to the legality of such trips. The question arises because of the prohibition contained in article I, section 9, clause 8, of the United States Constitution, which reads as follows:

"No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

In connection with this provision, we have viewed the term "present" as "synonymous with the term 'gift'," denoting "something voluntarily given, free from legal compulsion or obligation." 34 Comp. Gen. 331, 334 (1955); 37 Comp. Gen. 138, 140 (1957). "Emolument" has been defined as profit, gain, or compensation received for services rendered. 49 Comp. Gen. 819, 820 (1970); B–180472, March 4, 1974. Accordingly, and in view of the emphatic language of the Constitution (i.e., present or emolument "of any kind whatever"), we see no basis whereby trips paid for by foreign governments may be accepted by Members of Congress or members of their staffs without the consent of the Congress. If payment of the cost of a trip in a particular case be considered as an emolument for services to be rendered acceptance thereof would be categorically prohibited by the above-cited constitutional provision unless consented to by the Congress.

If on the other hand the payment of travel costs in a particular circumstance constitutes a gift, by enactment of section 7342 of title 5, United States Code, entitled "Receipt and disposition of foreign gifts and decorations," the Congress has given its consent to (quoting the Code provision in part)—

"(1) the accepting and retaining by an employee of a gift of minimal value tendered or received as a souvenir or mark of courtesy; and

"(2) the accepting by an employee of a gift of more than minimal value when it appears that to refuse the gift would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.

"However, a gift of more than minimal value is deemed to have been accepted on behalf of the United States and shall be deposited by the donee for use and disposal as the property of the United States under regulations prescribed under this section."

The term "employee" is defined in section 7342 as including Members of Congress.

By Executive Order 11320, the President delegated to the Secretary of State the authority to issue regulations implementing this statute. These regulations are contained in part 3 of title 22, Code of Federal Regulations (C.F.R.) A "gift of minimal value" is defined as "any present or other thing, other than a decoration, which has a retail value not in excess of $50 in the United States." 22 C.F.R. § 3.3(e). The statute and regulations do not specificially cover trips, and the legislative history of the Foreign Gifts and Decorations Act of 1966, of which section 7342 is a part, indicates that the statute contemplated gifts of tangible items. In any event, the intent seems clear that, although a gift of more than minimal value may be "accepted" in the limited situations indicated, the value of such gift is not to inure to the benefit of the individual recipient. Accordingly, it is our view that section 7342 would not permit the acceptance of gifts of trips abroad by Members of Congress or member of their staffs that are paid for by foreign governments.

We see no objection to the issuance of a briefing paper, setting forth the above views of our Office, in order to provide guidance to Members of the Congress regarding this matter.

Sincerely yours,

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

TRIBUTE TO ERNEST GRUENING

(Ms. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Ms. ABZUG. Mr. Speaker, it is with very deep sadness and regret that I rise to pay tribute to a good man and great peacemaker, former Senator Ernest Gruening. His passing is a truly great loss to all Americans and I join my colleagues in the House of Representatives in paying tribute to his memory.

Ernest Gruening was a friend and colleague of mine from the peace movement. He has been foremost an activist and

advocate of peace in our world. He cast one of only two votes in Congress in 1964 opposing the Gulf of Tonkin Resolution. This vote was an act of great courage. In 1965 he wrote an article for the Associated Press in which he declared,

The United States intervention in the South Vietnamese civil war cannot, and will not, be won on the battlefield. It is a political struggle which can only be settled at the conference table.

During President Nixon's first term, Ernest Gruening carried his campaigns against the war to his former colleagues in Congress by helping to read the 50,000 signatures to the 1971 Peoples Peace Treaty on the steps of the Capitol. His wisdom and perspective will be sorely missed.

Mr. Gruening's service to his country has been extensive. In 1934 he was named director of the division of territories and island possessions in the Interior Department by President Roosevelt. He was appointed governor of the Territory of Alaska in 1939. He was elected to the Senate in 1956 and in 1959 was sworn in for a 4-year term.

Ernest Gruening is known for his support of civil rights causes and a pioneer champion for birth control. He was a leading advocate of the impeachment of President Nixon. His causes were not always the popular stand of the day, but time has proved him right as well as courageous. His deep convictions and activism will long be remembered. A fierce fighter, I hope the causes he worked for will continue to be fought with even half his vigor and conviction.

I extend my deepest sympathy to his widow and son. Their loss is America's great loss as well.

ABORTION VICTORY

(Ms. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Ms. ABZUG. Mr. Speaker, I congratulate my colleagues for joining me last night in rejecting by a 2-to-1 vote the Roncallo amendment to the HEW appropriation bill.

This was a highly significant turning point in the public stance the House has taken previously on the right to abortion. The abortion issue is so enmeshed in controversy and emotion that until now it has been difficult for House Members to vote objectively on restrictive amendments.

Last night a majority recognized at last that by successively going along, albeit reluctantly, with discriminatory antiabortion legislation, they were being led into an untenable position.

In view of the Supreme Court decision upholding the right to abortion, the Roncallo amendment was patently unconstitutional. If passed, it would have embroiled the Government in endless lawsuits by women whose constitutional rights would be impeded. It would have penalized women who could not afford private abortions. Most ominous was the sweeping nature of this latest proposal, so faulty in its knowledge of the process of conception and so clumsy in its attempt to define what even the Supreme Court, physicians, biologists, religionists, moralists and philosophers have hesitated to define.

The effect of this amendment, and particularly its ban on abortifacient drugs and devices, would have been to restrict contraceptive methods short of abortion. We should realize that many of those who so strongly oppose the right to abortion under any circumstances * * * are also opposed to family planning and contraceptive techniques. If the right to abortion is denied, the next step will be to encroach on programs for family planning.

By its vote last night, the House has now at last taken the position that it would no longer be pushed into hasty, ill-considered action and that the right to abortion is a private matter sustained by the individual's rights under the Constitution. It leaves it up to the individual woman to decide on the basis of all the factors which only she and her physician can know whether she should have an abortion.

It is never an easy decision for a woman. Abortion is generally regarded as a method of last resort. It is expected that there will be fewer abortions as family planning programs give women and men more familiarity with and access to contraceptives, which once also were outlawed and are still restricted in some States. But safe and legal abortion must be available to any woman who finds herself pregnant against her will.

The Supreme Court has held that the Constitution liberates women from the indignities, terrors, and dangers to their health of illegal abortions. The House in its vote last night has at last conceded the wisdom of the Court's decision.

NUCLEAR PROLIFERATION

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

Mr. ROUSH. Mr. Speaker, somehow it seems strange that the United States, until now one of the most vehement opponents of nuclear proliferation, should be concluding negotiations with countries in one of the most unstable regions of the world for the sale of nuclear reactors, fuels, and technology. Strange is an understatement; shocking more closely describes the situation.

In the last weeks we have agreed to sell nuclear reactors and fuels to both Egypt and Israel, both agreements being made without congressional consultation or notification, yet both agreements being anticipated a month before the President's visit to the Middle East. Only yesterday, before the House Foreign Affairs Subcommittee on the Near East, Mr. Alfred Atherton, Assistant Secretary of State for Middle Eastern Affairs, admitted that the administration is now concluding a similar pact with yet another nation, oil-rich Iran.

Amidst it all, the administration persists in its claims that these pacts are for peaceful nuclear purposes. Yet, experts testifying before this same Near East Subcommittee admit that the provision of technology is sufficient to allow a nation to develop a nuclear explosion with the fuels provided. And there is no such thing as a peaceful nuclear explosion.

In addition, the world is faced, due to nuclear proliferation, with the dangers of the spread of plutonium, one of the fuel byproducts of the uranium reaction. This plutonium can be used not only to build nuclear bombs but also to threaten the international community with blackmail. Imagine, if you have the courage, a terrorist group, even without the weapons technology to develop a bomb, possessing a chemical such as plutonium which if inhaled causes immediate lung damage and which, according to findings published in the June 23 Washington Post, causes death by suffocation within minutes if inhaled in large doses.

And there seem to be no sure safeguards against the theft of plutonium. Dr. Theodore Taylor, in a study completed for the Ford Foundation, indicates that even the most secure safeguards employed in this country still leave room for possible theft.

All this, and the reactors now being sold are to be built in one of the most insecure regions of the world, an area even now suffering a continuing war between radical Palestinian guerrillas and the states of the region.

All this and the number of nations in that area gaining nuclear assistance from the United States grows day by day.

No, strange does not seem to adequately describe the process. Shocking even falls short. Outrageous may be more appropriate.

FIVE GROUNDS FOR IMPEACHING THE PRESIDENT

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

Mr. JAMES V. STANTON. Mr. Speaker, the noted American historian, Henry Steele Commager, has presented an excellent article on impeachment which is worthy of consideration by the Members of the House:

FIVE GROUNDS FOR IMPEACHING THE PRESIDENT

(By Henry Steele Commager)

Opinion in the Nixon and the anti-Nixon camps has come around to supporting impeachment rather than resignation as the proper solution for the Watergate crisis, and for the soundest of reasons: impeachment will answer fundamental questions about Presidential power and the nature of the American constitutional system, whereas resignation will leave these questions forever unanswered.

But Presidential tactics, together with Congressional timidity and confusion, may forfeit the advantages of impeachment. For if Richard M. Nixon has his way, his guilt or innocence will be judged almost wholly on technical issues of complicity in ordinary crimes and will therefore neither solve nor illuminate the great questions that confront us.

The President has so far won two strategic victories in the realm of public, and perhaps even of Congressional, opinion. First, he has succeeded in concentrating attention on Watergate and its associated chicaneries to the exclusion of most of the great constitutional issues that his conduct has raised. Second, he has won widespread, if uncritical,

support for the wholly erroneous argument that impeachment is a "criminal" trial and that the Senate must find him guilty of some ordinary "criminal" act in order to remove him from office.

This argument finds no support in law or in history. It was contradicted by the three men who contributed most to writing the Constitution: James Madison, Alexander Hamilton and James Wilson. It was specifically rejected in the Federalist Papers—still the best explanation of what the authors of the Constitution meant.

If the House Judiciary Committee accepts the Richard M. Nixon-James D. St. Clair interpretation of impeachment, the consequence will be to make the whole process irrelevant and faintly absurd and to deny to the country an opportunity to clarify once and for all the great constitutional issues that are in controversy.

For we do not, after all, need a Congressional verdict to know that Watergate was a crime, that the break-in at the office of Dr. Daniel Ellsberg's former psychiatrist was a crime, and that payoffs to burglars are a crime. Nor do we need further evidence to prove that Mr. Nixon is totally unfit to be President. The character of the men he chose as his associates and as instruments of his will and the transcripts of his conversations with them amply demonstrate this.

The real crimes for which Mr. Nixon should be tried by the Senate fall into five major categories:

First is the usurpation of war power in the secret war against Cambodia. The Constitution lodges the power to declare war in the Congress. President Nixon had no more right to bomb Cambodia without Congressional authority than he would have had to bomb China or France.

Second is the denial to the Congress of those powers that are confined to it by the Constitution—a denial particularly dangerous in the realm of foreign relations.

How is the Congress to fulfill its constitutional function to declare war, to advise and consent to treaties and to vote appropriations if it is not allowed to know when the President makes war, or against whom; not allowed to know the contents of secret agreements with foreign powers; not allowed to know what the Central Intelligence Agency—which is a quasi-war agency and a quasi-foreign affairs agency—is up to, and not allowed to know how its money is being spent.

Third is the effective nullification of the legislative power over the purse, the most important weapon in the arsenal of Congressional independence and the most important instrument of democracy.

By "impounding" some $15 billion appropriated by the Congress, Mr. Nixon has not only usurped a basic Congressional function and denied to the people the right to spend their money as they see fit, he has gone far to destroy the delicate mechanisms set up to control Presidential vetoes. If he is vindicated here, Presidents will no longer need to pay any attention to a two-thirds vote overriding their veto; they can simply refuse to execute Congressional laws.

Fourth is the nullification of the guarantees of the Bill of Rights in the effort to apply prior censorship over the press; in the intimidation of the television media; in the illegal arrest of 12,000 Americans exercising their constitutional rights of assembly and petition; in the use of that most-hated device of the police state, the *agent provocateur;* in the use of electronic surveillance in the face of Supreme Court prohibitions; in the wholesale invasion of privacy.

Fifth is the corruption of the democratic political processes by the readiness to resort to "dirty tricks" against political opponents and to undermine elections by violating laws regulating campaign gifts and expenditures; by character assassination of political enemies; by using the instrumentalities of the Government such as the Federal Bureau of Investigation, the Central Intelligence Agency, the Secret Service, the Internal Revenue Service and even administrative agencies for political harassment or profit; and by endorsing Tom Charles Huston's plan for a police state.

These are the "high crimes and misdemeanors" that the Founding Fathers had in mind when they wrote the impeachment clauses into the Constitution. These are the issues we must clarify if we are to avoid a recurrence of them in the future. These are the grounds for impeaching Mr. Nixon.

RESULTS OF QUESTIONNAIRE

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

Mr. MANN. Mr. Speaker, shortly after the 2d session of the 93d Congress convened, I mailed out more than 130,000 questionnaires to households in the Fourth Congressional District of South Carolina. The questionnaire contained 12 questions on subjects which I believed to be of concern and importance to the American people and to the deliberations of the 93d Congress.

The responses to the questionnaire have now been tabulated and I would like to share with my colleagues the views of my constituents on these issues. I feel that these questionnaire results represent an excellent sampling of the opinions of the people of the fourth district on some of the more controversial issues before the Congress.

The questions and the tabulated results are as follows:

QUESTIONNAIRE

1. Of the following issues, which do you consider to be the most important (number from 1 to 10 in order of preference): Cost of living, 1; energy crisis, 2; election reform, 6; consumer protection, 5; health care, 7; tax reform, 4; impeachment, 8; crime, 3; housing, 9; others, 10.

2. With respect to the national economy, do you favor or oppose continuation of wage-price controls? Favor, 35.4%; Oppose, 53.3%; undecided, 11.3%.

3. Do you think the problem of fuel prices and shortages has become so unmanageable that the government should:

(a) Continue to allow the existing free market supply and demand system to operate but subject to stringent antitrust surveillance so as to guard against monopolistic control, 48.3%.

(b) Limit the profits of the oil companies in such a way as to guard against exploitation of the consumer, 17.2%.

(c) Enter into direct competition with the oil industry by developing government production facilities in the vast federally-owned oil reserves, 8.0%.

(d) Regulate the production, prices, and profits of the oil companies in the same way it now controls certain other essential industries such as public utilities, 26.5%.

4. In order to deal with the broader and longer range energy problem do you support the idea of a multi-billion dollar government-financed program for research and development of alternative sources of energy? Yes, 59.1%; no, 30.9%; undecided, 10.0%.

5. It appears that Congress will be addressing itself to the question of legislating some type of national health insurance program. If given a choice between the following approaches, which would you prefer:

(a) Compulsory program of comprehensive health insurance coverage for all, operated by the government and financed from general revenue sources, 17.1%.

(b) An employer-provided comprehensive health insurance program financed by employer-employee contributions, with special provisions for government assistance to the aged and/or poor, 52.7%.

(c) A limited tax-supported system for the relief of the extraordinary financial burdens of catastrophic illness, 30.2%.

6. To eliminate abuses in elections one of the reforms being proposed is to finance campaigns from public funds rather than from voluntary contributions. Assuming that strict spending limits were imposed in either case, which method would you prefer?

(a) Public funds, 27.6%.

(b) Voluntary contributions, 48.7%.

(c) Combination of both, 23.7%.

7. Should newsmen be permitted to keep their sources of information confidential?

(a) Under all circumstances, 20.5%.

(b) Under no circumstances, 13.6%.

(c) Under all circumstances except when deemed by a judge to be essential to justice in a court of law, 65.9%.

8. Do you support efforts to increase trade and expand diplomatic relations with the Soviet Union and Mainland China? Yes, 56.0%; no, 33.2%; undecided, 10.8%.

9. Should automobile insurance be regulated by:

(a) Each individual State, 70.5%.

(b) The Federal Government, 29.5%.

10. Do you feel that a system of Post Card Voter Registration would be preferable to the present personal appearance method? Yes, 24.2%; no, 72.4%; undecided, 3.4%.

11. Would you favor the substitution of a government guaranteed minimum family income plan for the variety of categorical welfare programs that are now in existence? Yes, 28.6%; no, 55.1%; undecided, 16.3%.

12. The President's budget for fiscal 1975 projects a $9.4 billion deficit. Should Congress:

(a) Accept the budget level, but raise taxes so as to balance the budget, 5.3%.

(b) Reduce the budget, and federal spending, by this amount even if it means curtailing various government programs, 77.3%.

(c) Tolerate deficit spending as a means of stimulating the economy and/or preventing increased unemployment, 17.4%.

WHY DOESN'T CONGRESS DO SOMETHING?

(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, our colleague from Wisconsin, LES ASPIN, has contributed a very perceptive piece to the summer 1974 issue of Foreign Policy. The thesis of this essay, "Why Doesn't Congress Do Something," is that "Congress acts reluctantly if at all," and that "when it comes into conflict with the executive branch, Congress all too often caves in." Our colleague's statement that "The Pentagon gets everything it wants and sometimes more," accurately describes the situation here in the House and confirms ASPIN's thesis.

LES ASPIN gives his view of why Congress is the way it is, and it comes down to this: Congressmen are political animals and only the most secure—or foolhardy—choose to meet head-on tough issues, the resolution of which inevitably offends some important segment of a Congressman's constituency. Second, Congressmen are seldom experts in defense systems and foreign policy and

tend to defer to what they see as executive expertise.

ASPIN has no facile answer to our failure to exercise our power. We can inhibit the arms race, we can stop the tendency to aid with arms most of the right wing dictators now oppressing their peoples. But we will not do this, or, at least, not directly. ASPIN suggests that the most likely approach that may successfully curb some of the executive's excesses in military and foreign policy is to exercise Congress ability to dictate the rules of the game—the procedures the executive must follow as it makes decisions. Our colleague from southern Wisconsin has made a sound analysis of the problem. His suggestions about what the remedy may be are equally good. I commend his foreign policy article to this House:

WHY DOES NOT CONGRESS DO SOMETHING?

(By Les Aspin)

(In Foreign Policy 11 (Summer 1973) Les Aspin, a Democratic congressman from Wisconsin, presented a lucid explanation of the "Games The Pentagon Plays" to get what it wants from Congress. Aspin, who worked in the Pentagon under Robert McNamara, is in a good position to observe the problem: he is a junior member of the powerful House Armed Services Committee.

Having explained the problem in Foreign Policy 11, Congressman Aspin now suggests ways Congress can reassert (some might say assert) itself vis-a-vis the executive branch. In the article which follows, he dismisses the potential importance of congressional self-reform and suggests that Congress has more of a chance to influence events if it uses its power to shape process than if it tries to deal with specific budgetary or policy questions.)

As most students of government will acknowledge, Congress acts reluctantly if at all. Furthermore, when it comes into conflict with the executive branch, Congress all too often caves in. At a time of increasing concern over the concentration of power in the Presidency, the apparent incapacity of Congress to act as a check on the President has become a serious problem. This is especially true in the areas of defense and foreign policy.

Congress could have ended American participation in the Southeast Asia war any time during the last decade simply by refusing to appropriate money for it. However, it wasn't until 1972 that the Senate finally got a slim 49–47 majority vote against funding the war. The House never voted "no" on the Vietnam war. Even on the question of whether to stop bombing Cambodia, after all our troops had been withdrawn from Southeast Asia and the irrelevance of our actions there had become apparent to all, the House was unable to override a veto by President Nixon. The end, when it finally came, was the result of a compromise between the executive and legislative branches—hardly the result of some decisive congressional action.

Military spending is no exception to the general rule. It is obvious to anyone who is acquainted with defense that Congress could check our runaway military budget by making any one of a hundred possible cuts in the Pentagon's budget each year. However, this hardly ever happens. Every year we offer a dozen or so amendments to cut money for fancy new weapons, and every year these amendments go down—usually to crushing defeats. The Pentagon gets everything it wants and sometimes more. This year, the Administration is asking for a big increase in the military budget. Perhaps this is the year for Congress to begin digging in its heels. But there is no cause for excessive optimism at this point. Last year's military budget—the largest peacetime military budget ever—passed without any essential changes.

I could go on endlessly with examples of what Congress hasn't done. However, the proposition hardly needs proving. Congress' reputation for its ability to duck the tough issues—and the most important issues, as it turns out, are tough—is well established.

CONGRESSIONAL REFORM

Most people assume that if only Congress can reform itself, it will reassert itself and take its rightful place in the formulation of public policy. It is also assumed that policies thus arrived at will be more enlightened than those possible under the present system. Unfortunately, this is unlikely on both counts. The first hope, that Congress will increase its power through internal reorganization, is almost a non sequitur. Congressional reform is not likely to affect Congress' position in relation to the executive branch. As a matter of fact, in the past Congress has exercised its greatest power at times when it was least reformed—that is, most autocratic. It is only slightly more realistic to suppose that congressional reform will lead to more enlightened public policy. Public campaign financing, for example, which is the current rage, could go a long way toward decreasing the influence of special interests. It's a worthwhile idea, and by all means it should be adopted. However, public financing would have little or no effect on how Congress handles many important issues. Impeachment is a perfect example—or the military budget or the war in Vietnam. The truth is that the basic problem goes much deeper.

Many proposals for congressional reform seem to be based on a misconception of what Congress is or can become. Judging from these proposals, many of the advocates for reform would like to see Congress become more "rational." The line of thinking seems to be that if only Congress were freed of such constraints as, for example, the seniority system, it would begin gathering information, and making rational decisions on the basis of that information, just as our high school civics books and government texts said it should. If this oversimplified version of an eighteenth century conceptual model of a legislature had any validity, it has lost it by now. Yet, this is what seems to underlie many of the proposals for congressional reform. What it fails to take into account is that Congress is unalterably political.

THE REASONS FOR RELUCTANCE

The reason Congress is so slow to take a stand on so many important issues has a lot to do with the essentially political nature of a congressman's job. It is often said that a congressman represents the will of his constituents: however, it is rarely noted how diverse that will usually is. A typical congressman represents a wide variety of constituent interests on practically every question. Therefore, no matter what actions he takes, he is going to offend someone. Since only the most politically secure congressman can afford to offend constituents—and since there are so many ways to offend them—natural survival instincts dictate that a congressman will duck any tough issues that he can. Politically, it is often much safer to let the Executive do the leading.

There is another important reason for congressional reluctance to act or to stand up to the Executive. Congressmen are rarely experts on anything except how their constituents are reacting to the current political, social, and economic state of affairs. Sometimes, as a result of this, congressmen develop a passing expertise on domestic matters. Rarely, however, does a member of Congress turn into an expert on defense or foreign policy, much of which is either highly technical or exotic or both. On these subjects, particularly, the congressman is painfully aware that the "experts" (scientists, economists, generals) are working for the executive branch. For Congress to stand up to the Executive on a major issue requires that over half of the congressmen are confident enough to declare, in effect, that they know more about a particular issue than the so-called experts. But probably no more than a relative handful of members of the House of Representatives knows enough about any given weapons system, for example, to vote for or against it on its merits. No wonder the Pentagon hardly ever loses.

Two prominent exceptions to the rule—the SST and ABM fights (the second, ending in a tie vote in the Senate, was a moral victory of sorts)—have served only to obscure the overriding fact that Congress does not stand up to the Administration's top experts on complicated questions of technology. Few defense issues before or since have called forth such broad-based opposition. The coalition of citizen groups that formed against these two programs would be almost impossible to duplicate, either by design or chance. It was this lobbying effort that overcame not only congressional reluctance to knock heads with the Executive but, with an intensive educational campaign, Congress' timidity before the experts. Ordinarily, ignorance prevails. Even if a congressman is inclined to become knowledgeable on a particular issue, there is usually not enough time.

It is clear that, at least for now, Congress is not about to develop meaningful alternatives to our foreign or military programs. This is not to say that Congress shouldn't or even can't—just that it won't. It is one thing to say that Congress has the legal power to do something. Everyone knows that Congress has the "power of the purse" with which it could stop any program in its tracks—the Southeast Asia war, aid to Greece, the Trident submarine, you name it. This is certainly true, but it doesn't help much, especially if you are trying to accomplish something in Congress. Of course, we should not cease to measure Congress against what it might be; but at the same time we should not allow our expectations to blind us to what Congress, flawed as it is, can realistically be expected to accomplish.

What Congress can do is, not surprisingly, the converse of what it can't. Congress is afraid to match its knowledge of technical details with that of the experts; it prefers to deal in generalities. Congress is reluctant to meet issues head-on, especially when this involves contravening the executive branch; it will, if forced, dispose of issues indirectly. The two examples used earlier to demonstrate congressional inaction are also instructive in this regard. Last year on the Defense Authorization Bill, the House of Representatives rejected every amendment to cut or reduce manpower or weapons programs, usually by overwhelming margins. It adopted by a fairly comfortable margin, however, an amendment to place a ceiling on the defense procurement bill. Congress never took a decisive stand against the Vietnam war. However, last year, after our military involvement had been ended, Congress was able to override a Presidential veto on the war powers resolution, setting up procedures by which another such war might be ended. If this seems slightly hypocritical, as well it might (especially to the more issue-oriented), it is nevertheless consistent with what Congress itself thinks it should be.

THE THREE BASIC FUNCTIONS

As I see it, Congress performs three basic roles, which it more or less consciously set for itself. The first and most obvious of these is as a conduit for constituent interests. Congress is, in fact, the only place where the wishes of the people are fed directly into the system on a priority basis. It is, for example, an important sounding board for how our Federal programs are being accepted. To be sure, it is not a perfect sound-

ing board. Special interests are overrepresented and the votes in Congress are sometimes not indicative of the general will of the country. However, what is said in debates on the floor of the Congress is important, and the mood of Congress, as represented in these statements, is rarely far from the mood of the country.

The second role of Congress is that of a general overseer of government policies and resource allocations. In this role it acts not unlike a board of trustees. Because congressmen rarely have the time or inclination to become expert on the details of specific programs, they are most confident when they concern themselves with legislation that determines general priorities. This has the dual advantage of avoiding a direct confrontation with the executive branch and of meeting the Executive on ground where Congress is the ranking expert and holds the upper hand. In national security matters, for example, rather than deal with technologically complex weapons and the mysteries of foreign policy, congressmen much prefer to approach the defense budget indirectly, which they do by using such ploys as thresholds, ceilings, and cutoff dates.

Congress' third role is to act as guardian of the processes of government—the rules of the game by which government business is conducted. In a word, Congress is the guardian of procedure. In many ways, this is the most intriguing of the three roles.

Often by establishing new procedures, which are, of course, ostensibly neutral. Congress is able to effect quite substantive changes.

Once again, the War Powers Bill is a good example. In passing the War Powers Bill, Congress did not say the country should not go to war, but rather established a procedure by which the decision could be made. The War Powers Bill said that if the administration sends troops into foreign combat it must report to Congress within 48 hours and within 60 days submit its action to a vote of Congress. In establishing this procedure, Congress changed, or rather, set the rules of the game by which this country goes to war. One way of looking at Congress' failure to end the Vietnam war is that it was reluctant to change what was effectively the status quo. Reversing the status quo always exposes oneself to more pressures than does just going along. But in enacting the war powers resolution, Congress established a status quo. In common language, Congress put the ball in the President's court, and in the future it will be up to the President to play—either to comply with the new rules or, at his peril, to disobey them.

This year the Department of Defense has decided to push for major changes, including increased accuracy and payload of our arsenal of nuclear missiles. Their strategy, which is fairly straightforward, may succeed simply because most congressmen are not prepared to debate the Pentagon on what seems to be its home ground. The issues involved are, of course, not all that complicated, but most congressmen will be unwilling to match their wits or expertise with the well-prepared Pentagon spokesmen. Hopefully, this new spiral in the arms race can be averted. But if it can't, it will be because the Pentagon learned a lesson about Congress and procedure.

Late in 1972, after the SALT agreement was signed, Secretary of Defense Melvin Laird tried to sneak an authorization for a hard target re-entry vehicle into a supplemental budget. Undoubtedly, the request was made in this way in order to bypass the expected opposition in the Senate. The House Armed Services Committee was reconvened and the entire package of "SALT add-ons" was approved. However, the Senate Armed Services Committee, which had also finished hearings, declared that since the request had arrived too late for hearings, the hard target re-entry vehicle would have to be omitted from the bill. Later, the Conference Committee dropped the item on the grounds that the Senate had not considered it. So in the end the hard target re-entry vehicle was turned down, not just on the merits of the case—although the principal people involved understood what these were—but on procedural grounds as well. Many congressmen undoubtedly felt the executive branch was infringing upon their prerogatives.

One of the advantages of procedure is that it allows congressmen to disguise the real effects of their votes. It offers them a measure of protection from the conflicting pressures of their constituents. More positively, however, it offers Congress, with its highly divergent membership, the opportunity to arrive at a consensus—and this, after all, is the real business of the legislative branch. Procedural votes, because they generalize issues, often make for surprising allies.

PROCEDURAL DEVICES

There are a number of procedural devices that Congress has used to establish the rules of the game in its favor. Structural change is one of them. Congress can establish organizations or it can abolish them; it can give them more influence by having them report directly to the President, or less influence by having them report to someone else. If Congress does not think that arms control is being given enough consideration by the executive branch, it can create an agency with independent access to the White House—as it did with the Arms Control and Disarmament Agency. In the field of foreign policy and military affairs there are any number of examples of how Congress has done this, from the National Security Council to the Central Intelligence Agency to the Office of the Secretary of Defense.

A second possibility is for Congress to require certain factual findings before specific action can be carried out. The outstanding example of this is the Walsh Act of 1935, which required that before the administration could transfer destroyers to another country, it first had to get the Navy to certify that it did not need them. Of course, the purpose of the Act was to prevent President Roosevelt from giving the destroyers to Britain. But Congress followed a much more comfortable policy of indirection. To no one's surprise, the Navy was very reluctant to declare that it had too many destroyers.

A third procedural device available to Congress is to designate the person who must make certain types of decisions. Placing the responsibility for a decision on a person with predictable political or organizational interests naturally tends to affect the decision in a predictable way. The person designated may be the President or another official. There are many examples of laws into which procedural requirements like this have been written with specific ends in mind. The act that established the Naval Petroleum Reserve, for example, requires that any decision to release the reserves must be approved by the Secretary of the Navy. Needless to say, the Secretary of the Navy, whoever he may be, is not likely to make such a determination.

A fourth possibility, which has been largely overlooked, is the confirmation process. Congress could take much greater advantage of this opportunity (perhaps the only one it has) to place conditions on Presidential appointees. It is here, before an official has been confirmed, that he is attempting to be most agreeable and conciliatory to the Senate and therefore is as likely as he will ever be to accept conditions laid down by the Senate. While candidates for confirmation would have an understandable reluctance to be pinned down on specific issues, they would have less justification to refuse to make pledges on procedures.

In a series of well known events. Elliot Richardson resigned his position as Attorney General over a difference in policy with the President. He did it, or he said he did it, because in his confirmation hearings he had promised that the Watergate Special Prosecutor, Archibald Cox, would have a free hand, and he couldn't fire Cox as ordered without violating that pledge. Of course, it is problematical whether this was Richardson's only reason, but the point is that this is the reason he used. The pledge he made to the Senate Judiciary Committee provided him with a legitimate reason to stand up to the President. The Richardson case suggests a broader use of this leverage.

Suppose, for example, the problem is secrecy in government, and a newly designated Secretary of Defense is appearing for confirmation before the Senate Armed Services Committee. As a condition of his confirmation, the Secretary-designate would be asked to observe a few basic procedures that are requisite to any open administration. A sample list might be: (1) appear when requested by congressional committees; (2) respond candidly; (3) volunteer information; and (4) express differences of opinion with the administration. Such a procedure obviously would not work in the case of an inveterate liar. But it is bound to have some impact on any decent person, especially if he is reminded of it by a senator who uses it as a prelude to asking his question. Moreover, it may give a good person an excuse to do something he may want to do anyway. He can tell the President that his loyalty is unbounded, but those so-and-so's in the Senate made him take an oath in order to get confirmed, and if he now gives answers that the President thinks are disloyal, he is doing it because he has no choice.

Fifth, Congress can involve already existing groups in government decisions from which they have been excluded by making them a party to new procedures. This might be a citizen group—such as the environmentalists, who were brought in on decisions on new construction through the National Environmental Policy Act—it might be an already existing agency of government, or it might even be Congress itself (e.g., once again, the War Powers Bill).

The real impact of procedural changes such as these is that they change the decision-making procedure within the executive branch and, thereby, potentially change the decision itself. They bring new people in on the decision or indicate to people who are outside the decision-making process how that decision is going to be made and whom they should try to influence.

Of course, the way Congress involves itself in new procedures depends on what it wants to accomplish. If Congress wants an advocate for a particular point of view, it can create, for example, an arms control agency or a consumer protection agency. In bureaucracies, an organization develops a "protective" interest in the subject it deals with, and it is fair to assume that if a group is established to address certain kinds of concerns, those concerns will be favorably addressed.

If Congress wants to bring a more objective group in on a government decision it can also create a procedure for that. Those in government most likely to be impartial are those who have a professional commitment outside the government. The Council of Economic Advisors, the President's Scientific Advisory Council (if there is one), and the antitrust division at Justice are examples of this approach. The professional standing of such people depends to a large extent on the judgment of their peers outside of government. That being the case, there is a limit to the amount of politically expedient but professionally unsound orders that they will abide, even at the cost of their jobs. They are therefore good groups to be included in government decisions.

Congress might also have far-reaching effects on decisions by including agencies that are competitors for another agency's funds in that agency's budgeting process. To be a candidate for this role, groups should not only be rivals for the same funds but should possess, in addition, some professional standing that would make their objections credible. This would be particularly desirable for the defense budget, which is currently a product of a fairly closed decision-making apparatus. The problem is finding a governmental entity that fulfills both criteria. There are many groups that compete with the Pentagon for money and that might, if they submitted their views on the defense budget, serve to create a better balance in the final bill. But few such groups have the necessary professional standing. The Department of Health, Education, and Welfare has the budgetary interest but no standing. The State Department, with its small and relatively fixed budget, has standing but no real budgetary interest. Quite likely, the only groups in government with both budgetary interest and standing are to be found in the Pentagon itself. Why not, then, promote a little interservice rivalry without reverting completely to the pre-McNamara days? Certainly, as budget squeezes become more painful, the services will have more incentive than ever to make critical evaluations of their sister services' major weapons systems. This strategy might well lead to some interesting comments on the B–1, the CVAN 70, and the Main Battle Tank. It would very likely lead to less wasteful allocation of the defense budget.

This is not to say that it would be impossible for the Executive to subvert any of these procedures once they are set up. It wouldn't. However, procedures would be effective for a time, at least, because subverting them could be accomplished only at a certain political cost. Nor does setting up a new procedure for the executive branch ensure that the right decisions will be made. All anyone can seek to guarantee is that the right kinds of people will have an input and a chance to affect the outcome. But that has always been both the aim and method of democracies. Influencing decision-making through procedural change may seem to be influencing decision-making at the margin; certainly, it operates at a degree removed from the actual issues involved. But since that is the way Congress works, when it works at all, it may be Congress' best hope of recapturing the power it has lost to the Executive.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. JONES of North Carolina (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. RONCALIO of Wyoming, for Friday, on account of official business.

Mr. SISK (at the request of Mr. O'NEILL), for today and Monday, July 1, on account of death in the family.

Mr. SMITH of Iowa, for July 1 and 2, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YOUNG of Florida) to revise and extend their remarks and include extraneous material:)

Mr. YOUNG of Alaska, for 1 hour, July 22.

Mr. WYDLER, for 1 hour, August 23.

Mr. SKUBITZ, for 5 minutes, today.

Mr. STEELMAN, for 5 minutes, today.

Mr. HANSEN of Idaho, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. YOUNG of Florida, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mrs. HECKLER of Massachusetts, for 10 minutes, today.

Mr. MYERS, for 30 minutes, today.

(The following Members (at the request of Mr. VANDER VEEN) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. BEVILL, for 20 minutes, today.

Mr. TIERNAN, for 15 minutes, today.

Mr. O'NEILL, for 20 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 two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $522.50.

Mr. MADDEN to revise and extend his remarks.

Mr. BENNETT, to follow the remarks of the gentleman from New Jersey (Mr. RODINO) and to include extraneous material.

Mr. GRAY to include extraneous matter with the remarks made by him today in the Committee of the Whole on H.R. 15581.

Mrs. HECKLER of Massachusetts to revise and extend her remarks, and include extraneous matter, during her colloquy with Mr. STAGGERS in the House today, on the conference report on H.R. 7724, National Research Act.

Mr. YOUNG of Florida to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 15581.

Mr. BLATNIK to revise and extend his remarks today in the Extensions of Remarks.

(The following Members (at the request of Mr. YOUNG of Florida) and to include extraneous matter:)

Mr. HOSMER in three instances.
Mr. BROWN of Michigan.
Mr. SKUBITZ in two instances.
Mr. SARASIN.
Mr. COLLINS of Texas in five instances.
Mr. GUYER.
Mr. HUBER.
Mr. HARSHA in two instances.
Mr. DERWINSKI in three instances.
Mr. LOTT.
Mr. YOUNG of Illinois in two instances.
Mr. YOUNG of South Carolina.
Mr. KUYKENDALL.
Mr. PRICE of Texas.
Mr. YOUNG of Florida.
Mr. FINDLEY in five instances.
Mr. KEMP in three instances.

(The following Members (at the request of Mr. VANDER VEEN) and to include extraneous matter:

Mr. MCFALL.
Mr. ANDERSON of California in two instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. DENT.
Mr. TIERNAN in 10 instances.
Mr. STEPHENS.
Mr. KOCH in five instances.
Mr. FRASER in five instances.
Mr. BLATNIK in 10 instances.
Mr. MINISH.
Mr. MAHON.
Mr. GAYDOS.
Mr. TRAXLER.
Mr. HAMILTON.
Mr. VANDER VEEN.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1193. An act for the relief of Oscar H. Barnett; to the Committee on Interior and Insular Affairs.

S. 2838. An act for the relief of Michael D. Manemann; to the Committee on the Judiciary.

S. 3477. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia; to the Committee on the District of Columbia.

S. 3703. An act to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S.J. Res. 223. Joint resolution extending the authority of the Small Business Administration; to the Committee on Banking and Currency.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3534. An act for the relief of Lester H. Kroll;

H.R. 5266. An act for the relief of Ursula E. Moore;

H.R. 7089. An act for the relief of Michael A. Korhonen;

H.R. 7128. An act for the relief of Mrs. Rita Petermann Brown;

H.R. 7397. An act for the relief of Viola Burroughs;

H.R. 7724. An act to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research and for other purposes;

H.R. 8660. An act to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances;

H.R. 8747. An act to repeal section 274 of the Revised Statutes of the United States

relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students;

H.R. 8823. An act for the relief of James A. Wentz;

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims;

H.R. 11105. An act to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes;

H.R. 12412. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations to provide disaster and other relief to Pakistan, Nicaragua, and the drought-stricken nations of Africa, and for other purposes;

H.R. 12799. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes;

H.R. 13221. An act to authorize appropriations for the saline water program for fiscal year 1975, and for other purposes;

H.R. 14291. An act 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.

H.R. 14434. 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;

H.R. 14832. An act to provide for a temporary increase in the public debt limit;

H.R. 14833. An act to extend the Renegotiation Act of 1951 for 18 months;

H.R. 15296. An act to authorize the Commissioner of Education to carry out a program to assist persons from disadvantaged backgrounds to undertake training for the legal profession;

H.J. Res. 1056. Joint resolution to extend by 30 days the expiration date of the Defense Production Act of 1950;

H.J. Res. 1057. Joint resolution to extend by 30 days the expiration date of the Export Administration Act of 1969;

H.J. Res. 1061 Joint resolution making further urgent supplemental appropriations for the fiscal year ending June 30, 1974, for the Veterans' Administration, and for other purposes; and

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

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolution of the Senate of the following titles:

S. 3458. An act to continue domestic food assistance programs, and for other purposes;

S. 3490. An act providing that funds apportioned for forest highways under section 202(a), title 23, United States Code, remain available until expended;

S. 3705. An act to amend title 38, United States Code, to provide for a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows; and

S. J. Res. 202. A joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 28, 1974, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 14832. An act to provide for a temporary increase in the public debt limit;

H.R. 14833. An act to extend the Renegotiation Act of 1951 for 18 months;

H.R. 14434. An act making appropriations for emergency 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;

H.J. Res. 1056. A joint resolution to extend by 30 days the expiration date of the Defense Production Act of 1950;

H.J. Res. 1057. A joint resolution to extend by 30 days the expiration date of the Export Administration Act of 1969.

H.J. Res. 1061. A joint resolution making further urgent supplemental appropriations for the fiscal year ending June 30, 1974, for the Veterans' Administration, and for other purposes; and

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

ADJOURNMENT

Mr. VANDER VEEN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, July 1, 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:

2501. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a supplemental report on operational testing and evaluation of two weapons systems, the procurement schedules of which the House has previously been notified, pursuant to 10 United States Code 139(a); to the Committee on Armed Services.

2502. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of funds awarded to the Three Affiliated Tribes by the Indian Claims Commission in dockets No. 350–A, E, and H, pursuant to section 2(a) of Public Law 93–134 (87 Stat. 466); to the Committee on Interior and Insular Affairs.

2503. A letter from the Secretary of Transportation, transmitting an annual report on the financial condition of the Penn Central Transportation Company, pursuant to section 10 of Public Law 91–663; to the Committee on Interstate and Foreign Commerce.

2504. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of May 31, 1974, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2505. A letter from the Administrator of General Services, transmitting an amendment to the approved prospectus for the Consolidated Federal Law Enforcement Training Center, Beltsville, Md.; to the Committee on Public Works.

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. POAGE: Committee of conference. Conference report on H.R. 11873 (Rept. No. 93–1167). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 15695. A bill to amend the Export-Import Bank Act of 1945 to strengthen the oversight role of Congress with respect to extension of credit by the Bank, and for other purposes; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 15696. 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 Mr. BREAUX:

H.R. 15697. A bill to provide for the disposition, by the Secretary of the Army, of certain easements which are no longer necessary for Federal navigation projects; to the Committee on Public Works.

By Mr. BURLESON of Texas:

H.R. 15698. A bill to exempt from Federal taxation the obligations of certain nonprofit corporations organized to finance student loans and to provide that incentive payments to lenders of those student loans shall not be regarded as yield from the student loans for the purpose of determining whether bonds issued by such nonprofit organizations are arbitrage bonds; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 15699. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

By Mr. HECHLER of West Virginia:

H.R. 15700. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of coal, and to impose a countervailing duty on imported coal; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia (for himself, Mr. BRADEMAS, Mr. BURKE of Massachusetts, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. METCALFE, Mr. PODELL, Mr. RANGEL, Mr. ROE, Mr. STUDDS, and Mr. YOUNG of Georgia):

H.R. 15701. A bill to provide for the orderly phasing out of surface coal mining operations, and to control those underground coal mining practices which adversely affect the quality of the environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HELSTOSKI:

H.R. 15702. 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. LOTT:

H.R. 15703. A bill to incorporate the U.S. submarine veterans of World War II; to the Committee on the Judiciary.

By Mr. MARTIN of North Carolina:

H.R. 15704. A bill to authorize recomputa-

tion 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 Committe on Armed Services.

By Mrs. MINK (for herself and Ms. HOLTZMAN):

H.R. 15705. A bill to amend the Mineral Lands Leasing Act to provide for a more efficient and equitable method for the exploration for and development of oil shale resources on Federal lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURTHA:

H.R. 15706. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Allegheny River, Pa., for potential addition to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.R. 15707. A bill to provide emergency financing for livestock producers; to the Committee on Agriculture.

H.R. 15708. A bill to amend part B of title XI of the Social Security Act to provide a more effective administration of professional standards review of health care services, to expand the professional standards review organization activity to include review of services performed by or in federally-operated health care institutions, and to protect the confidentiality of medical records; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 15709. A bill to amend the Federal Reserve Act to permit the Federal Reserve Board to allocate credit to national priority needs; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 15710. A bill to provide for the reimbursement of regulated public utility companies engaged in the sale of electric power at the retail level for any amount expended for residual fuel oil which is more than $7.50 a barrel; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE:

H.R. 15711. A bill to amend the National Aeronautics and Space Act of 1958 to provide for the coordinated application of technology to civilian needs in the area of Earth resources survey systems, to establish within the National Aeronautics and Space Administration an Office of Earth Resources Survey Systems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. TIERNAN:

H.R. 15712. A bill to amend the Federal Power Act to prohibit public utilities from increasing any rate or charge for electric energy, by means of any fuel adjustment clause in a wholesale rate schedule, in order to reflect any increased fuel cost; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 15713. A bill to prevent the estate tax law from operating to encourage or to require the destruction of open lands and historic places, by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land (rather than at its fair market value), and to provide that real property which is listed on the National Register of Historic Places may be valued, for estate tax purposes, at its value for its existing use, and to provide for the revocation of such lower evaluation and recapture of unpaid taxes with interest in appropriate circumstances; to the Committee on Ways and Means.

By Mr. BOWEN:

H.R. 15714. A bill to amend the Consolidated Farm and Rural Development Act to provide for emergency loans to certain producers and processors whose livestock and poultry have been condemned because of chemical contamination; to the Committee on Agriculture.

By Mr. CLEVELAND (for himself and Mr. TIERNAN):

H.R. 15715. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to permit donations of surplus supplies and equipment to older Americans; to the Committee on Government Operations.

By Mr. CONTE:

H.R. 15716. 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 Mr. DANIELSON:

H.R. 15717. A bill to establish the Relocation Benefits Commission to provide assistance to citizens of the United States who were relocated under the authority of Executive Order No. 9066, dated February 19, 1942, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. DENT, Mrs. HECKLER of Massachusetts, and Mr. PRICE of Illinois):

H.R. 15718. A bill to amend title 18 of the United States Code to permit the mailing, broadcasting, or televising of lottery information and the transportation, mailing, and advertising of lottery tickets in interstate commerce but only concerning lotteries which are lawful; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 15719. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of certain increases in monthly benefits under the Social Security Act and other Federal retirement programs; to the Committee on Veterans' Affairs.

By Mr. FREY (for himself, Mr. CONTE, and Mr. MARAZITI):

H.R. 15720. 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. GRAY:

H.R. 15721. A bill relating to approval of certain matters pertaining to the Dwight D. Eisenhower Memorial Bicentennial Civic Center; to the Committee on Public Works.

By Mr. HEINZ:

H.R. 15722. A bill to amend the Internal Revenue Code of 1954 to allow an individual to elect a tax credit for 50 percent of his charitable contributions in lieu of the deductions allowed for such contributions; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 15723. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. MARAZITI:

H.R. 15724. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the authority of the Secretary of Health, Education, and Welfare with respect to foods for special dietary use; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 15725. A bill to provide property tax relief to low-income elderly homeowners through direct reimbursements; to the Committee on Ways and Means.

By Mr. SYMMS (for himself, Mr. JONES of North Carolina, Mr. POWELL of Ohio, Mr. HUNT, Mr. JOHNSON of Pennsylvania, Mr. STUBBLEFIELD, Mr. BURLESON of Texas, Mr. STUCKEY, Mr. BAFALIS, Mr. HUBER, and Mr. MYERS):

H.R. 15726. A bill to repeal the Occupational Safety and Health Act; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 15727. A bill to amend title IV of the Social Security Act to provide means of enforcing the support obligations of parents of children who are receiving assistance under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 15728. A bill to amend the Alaska Native Claims Settlement Act; to the Committee on Interior and Insular Affairs.

By Mr. ASHBROOK (for himself, Mr. QUIE, Mr. MOSS, Mr. CLEVELAND, Mr. DOWNING, Mr. MADIGAN, and Mr. GILMAN):

H.J. Res. 1082. Joint resolution to prevent the abandonment of railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself, Mr. WHITE, Mr. EDWARDS of California, Ms. SCHROEDER, and Mr. STARK):

H.J. Res. 1083. Joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROYHILL of Virginia introduced a bill (H.R. 15729) for the relief of Arthur Carlson, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

ENERGY AND THE ENVIRONMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my Washington Report entitled "Energy and the Environment":

ENERGY AND THE ENVIRONMENT

The objectives for an energy policy in this country are a reliable supply of energy, at reasonable cost, without undue dependence upon foreign sources, and with safeguards for the quality of the environment. As with many questions of social policy, the difficulty is in achieving all of those objectives simultaneously. The conflict between two of these objectives—protecting the environment and expanding the supply of energy—has arisen often in the Congress during the past year, and will be a common problem for energy policy in the years ahead. Energy enhances the quality of life in countless ways, but it also pollutes. Offshore oil drilling risks spillage on beaches, coal strip mining defaces the land, burning coal produces sulfur oxides and particulate matter in the air, and cars burning gasoline produce carbon monoxides and other air pollutants.

A tendency exists to pose an unavoidable choice between sufficient energy supply or protection of the environment. This choice is, in my view, misleading. The single-minded pursuit of any sole objective will