Brig. Gen. James A. Young, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William C. Burrows, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Evan W. Rosencrans, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Michael J. Tashjian, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John J. Murphy, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John C. Toomay, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter F. Daniel, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. William M. Schonin, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Abbott C. Greenleaf, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard C. Henry, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George H. Sylvester, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. James V. Hartinger, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert T. Marsh, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Abner B. Martin, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles G. Cleveland, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Larry M. Killpack, xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Earl J. Archer, Jr., xxx-xx-xxxx FR, (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Raymond B. Furlong, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Wilbur L. Creech, xxx-xx-x... xxx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William H. Ginn, Jr., xxx-xx-... xxx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter P. Paluch, Jr., xxx-xx-x... FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Thomas M. Sadler, xxx-xx-x... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles L. Wilson, xxx-xx-... FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul W. Myers, xxx-xx-xxxx FR, (colonel, Regular Air Force, Medical), U.S. Air Force.

IN THE MARINE CORPS

The following-named temporary disability retired officer for reappointment to the grade of chief warrant officer in the Marine Corps, subject to the qualifications therefor as provided by law:

Cates, Ernest H., xxx-xx-xxxx, USMC.

HOUSE OF REPRESENTATIVES—*Wednesday, February 6, 1974*

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

Trust in the Lord and do good; so shalt thou dwell in the land and verily thou shalt be fed.—Psalms 37: 3.

Eternal Father, whose ways are mercy and truth, in the morning of this day our hearts ascend unto Thee in prayer. In these times which stir our spirits and try our souls, lead us, we pray Thee, in the paths of truth, for without Thy guiding hand we go astray, and guide us in the ways of right, for blindly we stumble when we walk alone. Only with Thee do we journey safely on. May Thy Spirit dwell within us as we work for the greater good of our beloved land.

Bless the citizens of our country. Underneath all differences of color, creed, and culture may we feel our common life together and our common duty to seek freedom and justice and peace for all, to the glory of Thy holy name and the good of all mankind. 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.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr Marks, one of his secretaries, who also informed the House that on January 31, 1974, the President approved and signed a bill of the House of the following title:

H.R. 9256. An act to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes.

MESSAGE FROM THE SENATE

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

H.R. 12253. An act to amend the General Education Provisions Act to provide that funds appropriated for applicable programs for fiscal year 1974 shall remain available during the succeeding fiscal year and that such funds for fiscal year 1973 shall remain available during fiscal years 1974 and 1975.

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

S.J. Res. 185. Joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket No. MC 43 (Sub-No. 2).

MURDER ON THE ROADS

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

Mr. DAVIS of South Carolina. Mr. Speaker, it is a sad day in America when a young man from St. Stephen, S.C., picks up a truck from a leasing company to try to earn a living for his family, then travels the highways of the State of Delaware and is murdered in cold blood.

Mr. Speaker, I think it is time we in the Congress start calling on this administration to look into this problem being caused by the striking independent truckers, to get them back on track, to meet the energy needs of this country, but also to stop tolerating the breakdown of our economy and the breakdown of law and order by this ruthless minority.

Mr. Speaker, we can no longer stand this in America today. What will happen to Mr. Nix's family is unknown at this time, but we are quite sure events such as this can only serve to destroy America.

Mr. Speaker, I ask that our so-called energy czar start looking into this lawless element. I call on the Justice Department to act to see that this ruthlessness is stopped. It is high time that the executive branch of this Government take the necessary steps to assure the rights to life and property of those who participate in interstate commerce over the highways of this great land.

REPEAL DAYLIGHT SAVING TIME

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

Mr. DORN. Mr. Speaker, today I am introducing the bill to repeal year-round daylight saving time. When the daylight saving bill passed the House last November by vote of 311 to 88 I voted against it. South Carolina educators and parents had warned me that the morning darkness would jeopardize the safety of our schoolchildren. The energy savings were doubtful.

Mr. Speaker, our fears have been realized. Throughout the Nation several schoolchildren have been killed on the way to school in the morning darkness. Parents are extremely concerned. Seldom have we experienced such strong demand for repeal so soon after enactment of a bill.

Just yesterday we received a wire from the president of the South Carolina Congress of Parents and Teachers urging repeal. This South Carolina congress represents 88,000 extremely concerned parents and teachers, I urge repeal of this unwise legislation passed in haste and hysteria.

Before the daylight saving went into effect we could rely on the sunlight to partially heat schools and public buildings. Now we must rely solely on scarce energy supplies. More and more parents now drive their children to school, rather than have them walk in the dark, thereby increasing gasoline consumption.

The year-round daylight saving time experiment has not succeeded, Mr. Speaker, and the public dissatisfaction threatens to destroy confidence in other energy savings plans. The time has come to repeal year-round daylight saving.

THE TRUCKING CRISIS

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

Mr. FLOWERS. Mr. Speaker, it seems that every morning when the American people wake up they are faced with a new crisis that could affect their everyday life in a most serious manner. Today it appears that the trucking crisis has now reached its peak and is being felt by all Americans, in every walk of life. My district offices and my Washington office have received over 100 calls the last 2 days, from God-fearing American taxpayers who are faced with serious financial problems, and even bankruptcy, unless something is done immediately to halt the strident and disruptive activity by some independent truckers.

While I can certainly sympathize with the problems of the truckers when it comes to having to pay their bills and provide for their families, I have no sympathy whatsoever with the use of violence and terror to stop another man trying to pay his bills and provide for his family. It would seem, on the surface at least, that the large majority of truck drivers, both independent and company, are attempting to work and deliver the goods that people are so dependent upon. Of course they are not satisfied with the current rate structure and the exhorbitant gasoline prices they are being forced to pay, but at least they are trying to solve their problems in the democratic way, through negotiations and bargaining, rather than fear and terror on the Nation's highways. The American people, particularly those in our part of the country, have seen enough demonstrations of this type and will not stand for it in the future.

I have today contacted President Nixon urging that he use whatever means at his disposal to bring to an immediate halt the lawlessness that is taking place on the roads of America. In this same regard, I have called upon the leadership of the Congress, both Democratic and Republican, to postpone the Lincoln Day recess, scheduled to begin Thursday, February 8, and remain in session until some solution to this most vital problem is found.

ELECTION RESULTS IN PENNSYLVANIA

(Mr. BURTON asked and was given pemission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. BURTON. Mr. Speaker, I want to express my delight with the election results of yesterday in the Pennsylvania special election to fill the vacancy created by the untimely death of our former colleague, John Saylor.

This district, as we all know, was represented for over two decades by that distinguished Member of the Republican Party, the gentleman from Pennsylvania, Mr. Saylor.

May I read from the following release:

Tuesday's special election in the 12th Congressional District of Pennsylvania indicates that Republicans will suffer heavy losses in the 1974 elections, according to Rep. Phillip Burton, Chairman of the Democratic Study Group Campaign Committee.

Tuesday's balloting showed a fall off of over 10 percent in the average Republican vote in that district, Burton said, and a drop of 18 percent from 1972. The Republican vote in Congressional elections in the 12th District during the past 20 years has averaged about 60 percent. It was 68 percent in 1972 and has not gone below 57 percent in any election since 1954.

If there were a 10 percent drop in the Republican vote across the country, Burton said, it would result in a loss of 70 GOP seats in the House. A 5 percent drop in the GOP vote would result in a loss of 34 GOP seats while a drop of 15 percent would result in a loss of more than 100 Republican seats in the House.

Burton added that GOP efforts to portray the 12th District as Democratic territory do not square with how the district has voted in federal elections during the past two decades. It has voted Republican in four of the last six Presidential elections (1952, 1956, 1968 and 1972) and just missed going Republican by less than 1 percent of the vote in 1960; it voted Republican in four of the last six elections for the U.S. Senate (1958, 1964, 1968 and 1970); and it has voted Republican for the House of Representatives in every election but one (1948) since World War II.

CONGRESSIONAL SEMINAR FOR NAVY WIVES

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

Mr. GILMAN. Mr. Speaker, Members of the 93d Congressional Club were honored today to host a congressional seminar for 20 wives of Navy officers and enlisted men living in the Washington area, including Mrs. Elmo Zumwalt.

We are pleased to have this opportunity to meet and to confer with the ladies of our Navy personnel and to provide them with an insight to the procedures and operations of the Congress.

It is important for all of our citizens to be fully familiar with and actively concerned in our system of government, and it is even more important that our service personnel, who act as ambassadors throughout the world, be familiar and conversant with the workings of the Congress.

The newer Republican Members of Congress in the 93d Club are pleased to undertake this project and look forward to their dialog with the Navy wives during the course of these congressional seminars.

THE MAJORITY LEADER COMMENTS ON PENNSYLVANIA'S ELECTION RESULTS

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

Mr. O'NEILL. Mr. Speaker, at this time I would like to make a few comments on the election that took place yesterday in Pennsylvania.

Jack Murtha, a businessman from Johnstown, Pa., took full advantage of his personable, sound, and hardhitting campaign to win Pennsylvania's 12th District, which, as we know, was represented by our colleague, John Saylor, for a period of 26 years.

Jack Murtha's history of supporting the workingman's interests in the Pennsylvania Statehouse won for him the support of the people in that district.

But it was his convincing consolidation of labor and farm support, along with industrial support, that added the formidable plus to his campaign. His firm, eminently reasonable campaign struck at the loss of confidence in government on the issues of inflation and the energy crisis.

His slogan, "One honest man can make a difference," was his only broadside at Watergate, and it was an understandable and inadvertent undercurrent of the campaign.

It is my belief that this is the first in a long string of colossal victories that are going to come the way of the Democratic Party because the people of the country are voting their resentment as to the things that are happening in this administration, principally concerning the economy and the crises we have been working and living under for the past 5 years.

ELECTION IN PENNSYLVANIA

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

Mr. CEDERBERG. Mr. Speaker, I have listened with interest to the majority leader regarding the election in Pennsylvania. If I were on the other side of the aisle, I would not be too heartened by the results. I understand they have won now in the unofficial results by 32 votes out of 120,000 in a district that has over 9,000 more registered Democrats than Republicans. That hardly looks like a landslide to me, and I would caution them that probably the election is not even over as of now.

INVESTIGATORY POWERS OF COMMITTEE ON THE JUDICIARY WITH RESPECT TO ITS IMPEACHMENT INQUIRY

Mr. RODINO. Mr. Speaker, I call up House Resolution 803 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 803

Resolved, That the Committee on the Judiciary, acting as a whole or by any subcommittee thereof appointed by the chairman for the purposes hereof and in accordance with the rules of the committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

SEC. 2. (a) For the purpose of making such investigation, the committee is authorized to require—

(1) by subpena or otherwise—

(A) the attendance and testimony of any person (including at a taking of a deposition by counsel for the committee); and

(B) the production of such things; and

(2) by interrogatory, the furnishing of such information;

as it deems necessary to such investigation.

(b) Such authority of the committee may be exercised—

(1) by the chairman and the ranking minority member acting jointly, or, if either declines to act, by the other acting alone, except that in the event either so declines, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised and the committee shall be convened promptly to render that decision; or

(2) by the committee acting as a whole or by subcommittee.

Subpenas and interrogatories so authorized may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them, and may be served by any person designated by the chairman, or ranking minority member, or any member designated by either of them. The chairman, or ranking minority member, or any member designated by either of them (or, with respect to any deposition, answer to interrogatory, or affidavit, any person authorized by law to administer oaths) may administer oaths to any witness. For the purposes of this section, "things" includes, without limitation, books, records, correspondence, logs, journals, memorandums, papers, documents, writings, drawings, graphs, charts, photographs, reproductions, recordings, tapes, transcripts, printouts, data compilations from which information can be obtained (translated if necessary, through detection devices into reasonably usable form), tangible objects, and other things of any kind.

SEC. 3. For the purpose of making such investigation, the committee, and any subcommittee thereof, are authorized to sit and act, without regard to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings, as it deems necessary.

SEC. 4. Any funds made available to the Committee on the Judiciary under House Resolution 702 of the Ninety-third Congress, adopted November 15, 1973, or made available for the purpose hereafter, may be expended for the purpose of carrying out the investigation authorized and directed by this resolution.

CALL OF THE HOUSE

Mr. FROEHLICH. 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. 19]

Abzug	Edwards, Ala.	Gubser
Broyhill, Va.	Edwards, Calif.	Haley
Chisholm	Esch	Hanna
Clark	Fish	Jones, Ala.
Clausen, Don H.	Ford	Lott
	Fraser	McSpadden
Dingell	Gibbons	Mathias, Calif.
Dulski	Gilman	Mills
Eckhardt	Gray	Murphy, N.Y.
Passman	Reid	Sikes
Pepper	Roncalio, Wyo.	Skubitz
Peyser	Rooney, N.Y.	Slack
Powell, Ohio	Rosenthal	
Railsback	Roy	

The SPEAKER. On this rollcall 390 Members have recorded their presence by electronic device, a quorum.

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

PERSONAL EXPLANATION

Mr. RONCALIO of Wyoming. Mr. Speaker, may I be included in the quorum call? I was here before the gavel fell. Has the vote been announced, Mr. Speaker?

The SPEAKER. The gentleman's remarks will appear in the record.

Mr. RONCALIO of Wyoming. Mr. Speaker, I appeared before the announcement. May I be heard?

The SPEAKER. The Chair looked all over the Chamber after the Chair had announced that all time had expired and the Chair always requests that Members will cooperate in making their presence known. The Chair never announces the result, even after he has said that all time has expired, without looking all over the Chamber.

Mr. RONCALIO of Wyoming. I thank the Chair, Mr. Speaker.

INVESTIGATORY POWERS OF COMMITTEE ON THE JUDICIARY WITH RESPECT TO ITS IMPEACHMENT INQUIRY

The SPEAKER. The gentleman from New Jersey is recognized.

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

Mr. Speaker, the English statesman Edmund Burke said, in addressing an important constitutional question, more than 200 years ago:

> We stand in a situation very honorable to ourselves and very useful to our country, if we do not abuse or abandon the trust that is placed in us.

We stand in such a position now, and—whatever the result—we are going to be just, and honorable, and worthy of the public trust.

Our responsibility in this is clear. The Constitution says, in article 1; section 2, clause 5:

> The House of Representatives, shall have the sole power of impeachment.

A number of impeachment resolutions were introduced by Members of the House in the last session of the Congress. They were referred to the Judiciary Committee by the Speaker.

We have reached the point when it is important that the House explicitly confirm our responsibility under the Constitution.

We are asking the House of Representatives, by this resolution, to authorize and direct the Committee on the Judiciary to investigate the conduct of the President of the United States, to determine whether or not evidence exists that the President is responsible for any acts that in the contemplation of the Constitution are grounds for impeachment, and if such evidence exists, whether or not it is sufficient to require the House to exercise its constitutional powers.

As part of that resolution, we are asking the House to give the Judiciary Committee the power of subpena in its investigations.

Such a resolution has always been passed by the House. The committee has voted unanimously to recommend that the House of Representatives adopt this resolution. It is a necessary step if we are to meet our obligations.

Beyond that, at this preliminary point, we are going to say little. The committee is seeking to understand just what is contemplated in the constitutional definition of impeachment.

For this, we have the papers of the Founding Fathers, some historical precedents, and the words of the Constitution itself. We are studying these.

The committee is seeking to understand the events within the scope of our investigation. We will consider, on the basis of impeachment resolutions already referred to us, of evidence already on the public record and of other evidence, whether or not serious abuses of power or violations of the public trust have occurred, and if they have, whether, under the Constitution, they are grounds for impeachment.

We will consider whether, in fact and under the Constitution, the President is responsible for any such offenses.

These are extremely grave questions, which seriously preoccupy the country. We cannot turn away, out of partisanship or convenience, from problems that are now our responsibility, our inescapable responsibility to consider. It would be a violation of our own public trust if we, as the people's representatives, chose not to inquire, not to consult, not even to deliberate, and then to pretend that we had not by default, made choices.

Whatever we learn, whatever we conclude, the manner in which we proceed is of historic importance—to the country, to the Presidency, to the House, to the people, to our constitutional system, and unquestionably, to future generations. This Nation was founded in response to one abuse of power: our Constitution was written to guard against others, whether by the Government against its citizens, or by any branch of Government against another.

We, as representatives of the people, were elected under that Constitution, which specifically defines our powers and obligations. Our whole system, since the Founding Fathers, rests on the principle that power itself has constitutional limits and embodies a trust. Those who govern are regularly accountable to the people, in elections, but always most highly accountable to the law and the Constitution itself. We ourselves are accountable. We will be worthy of our trust.

We know that the real security of this Nation lies in the integrity of its institutions, and the informed confidence of its people. We will conduct our deliberations in that spirit.

It has been said that our country, troubled by too many crises in recent years, is too tired to consider this one.

In the first year of the Republic, Thomas Paine wrote:

Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.

For almost 200 years, Americans have undergone the stress of preserving their freedom and the Constitution that protects it. It is our turn now.

We are going to work expeditiously and fairly. When we have completed our inquiry, whatever the result, we will make our recommendations to the House. We will do so as soon as we can, consistent with principles of fairness and completeness.

Whatever the result, whatever we learn or conclude, let us now proceed, with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: That was the right course. There was no other way.

Mr. Speaker, I shall now seek to explain the resolution.

House Resolution 803 authorizes and directs the Committee on the Judiciary, acting as a whole or by subcommittee established or designated for this purpose, to investigate fully and completely whether sufficient grounds exist for the House to exercise its constitutional power to impeace Richard M. Nixon, President of the United States of America. It directs the committee to report to the House any resolutions, articles of impeachment, or other recommendations it deems proper.

If, after a full and complete investigation, the committee determines not to recommend impeachment to the House, it may report this conclusion, together with any resolution that it deems appropriate in these circumstances. If, on the other hand, the committee determines after its investigation to recommend impeachment, it may report a resolution of impeachment that may include or be accompanied by specific articles of impeachment, as well as any other appropriate resolutions or recommendations.

The scope of the investigation authorized by House Resolution 803 is stated broadly to avoid foreclosing inquiry into any matter that may bear upon, or ultimately lead to evidence bearing upon, the existence or nonexistence of sufficient grounds for impeachment.

The powers of the House in an impeachment investigation stem from the express grant to the House by the Constitution of the sole power of impeachment; they do not depend upon any statutory provisions or require judicial enforcement. The sole power of impeachment carries with it the power to conduct a full and complete investigation of whether sufficient grounds for impeachment exist or do not exist, and by this resolution these investigative powers are conferred to their full extent upon the Committee on the Judiciary. It is intended that the committee and its subcommittee be empowered to exercise in any and every case the full, original, and unqualified investigative power conferred upon the House by the Constitution.

House Resolution 803 empowers the committee to require the attendance and testimony of such witnesses as it deems necessary, by subpena or otherwise. It authorizes the committee to take such testimony at hearings, by affidavit, or by deposition. Depositions may be taken before counsel to the committee, without a member of the committee being present, thus expediting the committee's investigation. House Resolution 803 furthere authorizes the committee to require the furnishing of information in response to interrogatories propounded by the committee. Like the deposition authority, the authority to compel answers to written interrogatories is intended to permit the committee to conduct a thorough investigation under as expeditious a schedule as possible.

The committee's investigative authority is intended to be fully coextensive with the power of the House in an impeachment investigation—with respect to the persons who may be required to respond, the methods by which response may be required, and the types of information and materials required to be furnished and produced. It includes the right, to the extent the committee deems necessary for purposes of its investigation, to obtain full and complete access to any persons, information, or things in the custody or under the control of any agency, officer, or employee of the Government of the United States, including the President.

The authority of the chairman and ranking minority member under section 2 is intended to include both the power to authorize the issuance of a subpena or other process and the power to determine the necessity of the information sought to the investigation as contemplated by subsection (a) of section 2.

Of course, the committee may, in the first instance, exercise this same authority acting as the Whole Committee or by a subcommittee.

Mr. McCLORY. Will the gentleman yield for an inquiry?

I would like to inquire of the gentleman his intention with respect to the conclusion of this inquiry and when the gentleman intends to report the findings and conclusions of this inquiry to the House of Representatives.

Mr. RODINO. The gentleman knows that the chairman has stated time and again that it is his intention and the intention of the committee to impose upon itself a target date of April 30. But the chairman recognizes, as the committee does, that to be locked in to such a date would be totally irresponsible and unwise; the committee would be in no position to state at this time whether our inquiry would be completed, would be thorough, so that we can make a fair and responsible judgment.

Mr. McCLORY. Will the gentleman yield further?

Mr. RODINO. I cannot yield further, because I have little time and I would like to yield now to the gentleman from Michigan (Mr. HUTCHINSON) 5 minutes for the purposes of debate only.

Mr. HUTCHINSON. Mr. Speaker, the first section of this resolution authorizes and directs your Judiciary Committee to investigate fully whether sufficient grounds exist to impeach the President of the United States. This constitutes the first explicit and formal action in the whole House to authorize such an inquiry.

The last section of the resolution validates the use by the committee of that million dollars alloted to it last November for purposes of the impeachment inquiry. Members will recall that the million dollar resolution made no reference to the impeachment inquiry but merely alloted that sum of money to the committee to be expended on matters within its jurisdiction. All Members of the House understood its intended purpose.

But the rule of the House defining the jurisdiction of committees does not place jurisdiction over impeachment matters in the Judiciary Committee. In fact, it does not place such jurisdiction anywhere. So this resolution vests jurisdiction in the committee over this particular impeachment matter, and it ratifies the authority of the committee to expend for the purpose those funds allocated to it last November, as well as whatever additional funds may be hereafter authorized.

The principal purpose of this resolution is to vest subpena power in the committee for purposes of its investigation. As the chairman (Mr. RODINO) has explained, the power is vested in the committee, and the committee acting as a whole or by subcommittee may direct the issuance of a subpena.

While the committee is vested with the power, it is contemplated that the authority of the committee will be exercised in accordance with section 2(b)(1). There it is provided that the chairman and ranking minority member act jointly, or, if either declines to act, then by the other acting alone. In that case, however, either he who declines or he who assents may take the issue to the whole committee, where the question will be whether the subpena shall issue.

Now it is obvious that if such differences as are taken to the committee be decided along party lines, the ranking minority member will be the loser every time. But the majority have committed themselves to a fair, impartial and complete inquiry, and being so committed, I would not expect them to deny to the minority the right to adduce relevant factual material which would contribute to the completeness of the inquiry. Should they do so, we would of course call attention to their refusal.

The chairman and I are agreed that if a subpena is to be issued to the President of the United States, only the full committee shall authorize it. I inform the House here and now that I will decline to join in the authorization for such a subpena, thus assuring that the question will reach the full committee. I do not contemplate that the necessity for such a subpena will arise. I believe the House should avoid constitutional confrontation, and that every effort be made to request only that information which is relevant. I expect the committee to ask for specific documentation and to be able to justify its relevancy.

I will join with the chairman in authorizing subpenas only after under-

standing exactly what is sought and the reason for it, and then only after every reasonable effort to obtain the information through voluntary request and discussion has been exhausted. I believe resort to the subpena power should be the last resort, not the first.

The resolution before you carries no cutoff date. The committee has set for itself a target date of April 30, 1974. The tragedy called Watergate has now been the subject of inquiry for approximately a year, the Senate Watergate Committee, by the Special Prosecutor's Office, now by the House Judiciary Committee. Although charges have raged in the media there has yet to be demonstrated any evidence of impeachable conduct. Therefore, if by the end of April no such evidence has been produced, the committee should so report to the House and end its labors.

Mr. RODINO. Mr. Speaker, I yield 5 minutes for the purpose of debate only to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, it should be pointed out that the action of the Judiciary Committee and its chairman in sharing the authority to issue subpenas with the ranking minority member is against all precedents. I add that it is also over my objections. However, it is the will of the chairman and the will of the committee.

This action is intended to underline the nonpartisan nature of our responsibility. I trust my colleagues of the minority will recognize this and I urge them to respond in kind.

The chairman and the majority members of the Judiciary Committee have every intention of proceeding expeditiously, fairly and thoroughly. However, we can only do so if we have the cooperation of the minority. Chairman RODINO is clearly going out of his way to prevent any actions that could be interpreted as partisan. He cannot, nor can the committee as a whole, proscribe any acts or statements of individual members. However, I am hopeful that this willingness to share a power traditionally and jealously held by the chairman will inspire our colleagues of the minority to also put aside purely partisan activity.

I am not charging partisanship on the part of my Republican colleagues, nor have any of my colleagues on this side of the aisle. However, such charges have been heard from some of the minority and from one who only recently was a Member of this body. I urge those individuals to refrain from such divisive activities and let the committee proceed with its work unhampered by regularly having to respond to baseless charges of conspiring or worse.

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

Mr. BROOKS. I yield to my distinguished friend, the gentleman from Indiana.

Mr. DENNIS. I thank my distinguished friend for yielding.

I am not suggesting, of course, any such think as partisanship, but since the gentleman has brought up the matter of how generous and fair the chairman of the majority has been on this subpena power, I would like to remind the gentleman from Texas that he had an opportunity in the committee to vote for an amendment on that very point which would have given the minority exactly even and equal subpena power, instead of subjecting the alleged joint power to a veto by a majority of the committee, as was done, in the resolution actually presented.

Mr. BROOKS. In reply to my distinguished friend, I would make crystal clear that the authority given to the minority member and to the chairman, the right to exercise authority, is essentially the same. It is the same. Both are subject to a veto by a majority of the membership of that committee.

This House has operated for many years by a majority rule, and in every committee in this Congress that has the authority to issue subpenas the issuance is normally by the chairman. He issues them, but the authority rests in the committee. In this instance if there were some controversy, certainly we could not enforce a subpena if the majority of the committee were opposed to it.

Mr. DENNIS. Mr. Speaker, will the gentleman yield again?

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

Mr. DENNIS. I thank the gentleman for yielding. I will point out, of course, as the gentleman well knows, that in effect the majority in the committee, belongs to his party, and that this is not a normal situation or I would not even argue about giving the subpena power to the chairman alone. This is unique. This is a question of the impeachment of the President, and there ought to be the very greatest and most complete equality.

Mr. BROOKS. We would have considerable differences if I were the chairman and the gentleman from Indiana the minority leader of the Republicans. But Mr. HUTCHINSON agreed to it and feels that it is a fair and reasonable proposal. My chairman, the gentleman from New Jersey (Mr. RODINO) agreed to it and thought it was a fair and reasonable proposal. I was not really in favor of doing anything about it, but they insisted they wanted it, and this is a fair and quite reasonable extension of authority for the minority.

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

Mr. BROOKS. I yield to the gentleman from Alabama.

Mr. FLOWERS. I thank the gentleman for yielding.

I would agree with the gentleman that the majority on the committee is doing everything within its power to avoid any partisanship on this entire matter. I regret that my friend, the gentleman from Indiana—whom I respect and admire a great deal—injected it at this point. Although the majority, of course, are Democrats on the House Committee on the Judiciary, I do not think the proceedings thus far reflect any partisanship by the majority side.

Mr. BROOKS. I fully concur in the gentleman's views.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). The time of the gentleman has expired.

Mr. RODINO. Mr. Speaker, I yield for the purpose of debate only 3 minutes to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, this is a very solemn occasion. It has happened but once in the history of the Republic that a resolution such as this has been on the floor of the House. I think we all should regard it as being a very solemn occasion, as I do.

The country wants Watergate to be ended as rapidly as possible. I am satisfied that the Members of this House want Watergate to be ended as rapidly as possible. Therefore, I regard the resolution which has been brought to the floor here as being a completely appropriate exercise of the authority and the duty of the Committee on the Judiciary to conduct such investigations as are necessary in order to determine this very important question which is facing the House today.

I have had occasion to talk with the distinguished gentleman from New Jersey, the chairman of this committee, at length concerning his ideas about the investigation and the length of time involved. He has told me, as he has told the House, that he believes that the investigation of the committee can be conducted and that a report can be made by April 30. The gentleman's word is good with me, and I certainly intend to accord him the credibility which he has earned—and he has earned it.

As far as I am personally concerned, if the question arises, I will vote for the previous question on the matter of agreeing to the resolution, and it will be my purpose to do whatever is necessary to make sure that the resolution is agreed to.

Of course, if it should happen that partisanship should come into this very solemn inquiry, then the minority will have to look at its options and decide what it will do from then on, but I think the statements which have been made as to the fact that this is an inquiry which is a fact-finding expedition of the very highest order are in accord with the ideas of the framers of the Constitution when they decided that this was the procedure to be followed. As long as the inquiry proceeds in this line and it is highly professional—and I think thus far it has been—then it will be my purpose to cooperate fully with the members of the Judiciary Committee and the staff and do everything I can to make sure that everybody else will do everything they are called upon to do so.

I think in this way we can best serve the interests of our country and have this inquiry go ahead and be ended as rapidly as possible.

Mr. RODINO. I yield 5 minutes to the gentleman from Illinois (Mr. MCCLORY) for the purpose of debate only.

Mr. MCCLORY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. RODINO) for yielding.

Mr. Speaker, I do not like to disagree with my minority leader but I do think this resolution is deficient in one respect, and that is there is no cutoff date. I think what the American people want more

than anything else is not only a complete and thorough investigation but also an early conclusion to this matter of the pending impeachment inquiry.

I asked the question of my chairman a few moments ago as to what the cutoff date would be. I am sure that by pressing for an amendment to establish a final date for the committee's report we have encouraged him to decide on this cutoff date of April 30. He of course hopes to get through by that time.

But at the same time I want to point out that we are delegating authority—and we are delegating broad and unprecedented authority here—to a committee for a unique and extensive investigation. So we should have some kind of date when the committee is going to report its conclusions back to the House.

There is no cutoff date, no termination date in this resolution which is before us today. It can go on and on forever.

Sure, I have confidence in the word of my chairman and confidence in his hopes and expectations, and he would like to get this inquiry over with earlier, I suppose. But certainly we should have some final cutoff, some termination date. Whatever that should be, I think the House should decide today. I would like to have the chairman yield so that I could offer my amendment, and he has been very nice to yield to me for purposes of debate, but I do not think he will yield to me for purposes of offering my amendment.

It seems almost beyond belief that a resolution of this importance and of such great historic significance is being presented without opportunity for amendment and under a rule which limits the debate to 1 hour. It seems to me that we should have an opportunity to offer an amendment to this resolution, and I will, when the chairman makes the motion on the previous question, ask that the motion be voted down. If it is voted down, then, and only then will I have an opportunity to offer an amendment.

I will offer an amendment which will call for a report of the conclusions and the recommendations, whatever they are, to this House on or before April 30, or if there is some better date then let us have the better date and put it in.

It was suggested that perhaps we should have 15 more days as an outside time limit on this, but there should be a time limit.

I know we have all gone back to our constituents and said: "How do you feel about impeachment?" And some have said: "I am for impeachment" and some have said, "No, I am against impeachment," but what do 80 percent of the people say? They say: "Get this business of impeachment behind us as rapidly as we can."

The chairman asks for an early conclusion and our leaders say it must be concluded expeditiously, but the people ought to know when, and it is up to us to embody in this resolution a response to their question—when.

If for some reason there is a hampering of our investigation, if the White House impedes our investigation, if other people impede our investigation, it is a very simple matter to come back here and get an extension of time of 15 days or 30 days, and I will support such an extension and so will all the Members because we do not want our prerogatives to be impinged upon in any way by anybody. We do have complete authority in this area and we should exercise it. I support the resolution insofar as the broad grant of subpena authority is concerned. But I also support a final date when we can conclude our inquiry and report to the House and to the American people and get this issue behind us.

We have many other important issues before us such as the energy crisis, the problems of inflation and the budget and education and health and many others. All those legislative problems are going to be held up and impaired as long as this matter is hanging over our heads.

So I implore Members on both sides of the aisle. This is certainly not a partisan subject in any way at all. It is a plea for the House of Representatives to act responsibly and expeditiously and tell the American people where we stand and how we stand and when we are going to wind up this impeachment inquiry. We get criticized by the public, and we criticize ourselves because of the slow manner in which we operate. We get criticized because of our laborious systems and dilatory practices which characterize the way we do our work; but here we have an opportunity to demonstrate—and declare that we can get the job done expeditiously. We have set target dates for a legal and constitutional report on impeachment to be available on February 20, and to have all of the available factual material before our committee on March 1. If we cannot in the following 2 months wind up our inquiry it seems to me there is footdragging, there is prejudice, and there is partisanship. I hope that when the motion on the previous question is made we will vote it down so that we may have an opportunity to vote on my amendment to require the Judiciary Committee to report its findings and conclusions on or before April 30, 1974.

As I said earlier, Mr. Speaker, it had been my hope that the chairman would yield to me for purposes of offering an amendment to the pending resolution. Let me say first of all that I support the resolution confirming the authority of the House Judiciary Committee to conduct the comprehensive impeachment inquiry contemplated by the language of this resolution. The resolution appropriately directs our committee to investigate fully and completely whether sufficient grounds exist for the House of Representatives to impeach the President. In other words, we are to determine whether such grounds exist—or do not exist.

Furthermore, I support the broad subpena authority provided in this resolution, including the manner in which the authority is to be exercised jointly by the chairman and ranking minority member, or by either acting alone except that either has the right to refer the decision to the full committee in order for such authority to be exercised. However, Mr. Speaker, the resolution is open ended. There is no date referred to in the resolution when the authority of the committee would expire. There is no requirement for the committee to prepare and report its findings and conclusions to the House, and there is no expiration date for the sweeping and unprecedented subpena authority which is embodied in this resolution.

Now, Mr. Speaker, the only way in which I can amend this resolution and to establish some date upon which the committee shall report to the House of Representatives is first, to have this House vote down the previous question when such a motion is made by the Gentleman from New Jersey (Mr. RODINO). If the previous question is voted down, as I hope and expect it will be, then I will simply offer an amendment to require the committee to report its findings and conclusions on or before May 15, 1974. This date does not mean that the committee will, or will not recommend Articles of Impeachment. It simply means that the committee is required to complete its investigation and offer its recommendation on or before that date.

Mr. Speaker, I have been favorably impressed by the manner in which the chairman and the committee staff have proceeded expeditiously with the investigation of the various resolutions pending before the committee. However, I would point out that a number of my colleagues and I raised substantial complaints regarding delays and inaction in a broad-range discussion of the subject of impeachment on the floor of this House on Tuesday, December 18, and it was not until the following day that the chairman in a spirit of true bipartisanship: First, consulted with senior Members of the minority, second, announced appointment of a special counsel for the committee, and third, first stated that the committee hoped to complete its work and report to the House by the end of April 1974.

Mr. Speaker, the April 30, 1974, date has been reiterated at various times. It is a date which I have come to regard as the time when this inquiry will be completed, and the Judiciary Committee and the House itself can get on with the other great questions facing us without the specter of impeachment facing us. Mr. Speaker, the people of the Nation are concerned and confused on the issue of impeachment. The subject is not well understood. I suspect that even some Members of the Congress may view the present inquiry in a light far beyond that which is justified. We are all receiving mail from those who favor, as well as those who oppose impeachment. The action groups which in no sense represent a broad cross section of the people of the Nation will, nevertheless, appear more determined and more vocal as the work of our committee progresses. But any of us who endeavor to secure a cross section of opinion in our congressional districts will attest to the fact that our constituents and the people of the Nation want this issue of impeachment resolved expeditiously. That, indeed, is the main impact of the amendment which I shall offer. It will provide an additional 2 weeks beyond that which the chairman has expressed as a final date for the

completion of our work. Indeed, it should enable the House to approve or disapprove of the committee's recommendations before June 1.

Mr. Speaker, I am not aware of any special investigations undertaken by ad hoc or special committees of this Chamber which are open ended. That is not the way to secure results or encourage expeditious action.

In pressing for an April 30 cutoff date, I do not want for one instant to relinquish my right to support an extension of time if there is any deliberate action on the part of the White House or elsewhere which would hamper or delay our committee in completing its work. Indeed, I pledge right here and now that I would support an extension of time in such a case. On the other hand, I am aware of the delays which have occurred thus far, and I have taken note of the long drawn-out proceedings which accompanied the impeachment action initiated against President Andrew Johnson. I can recall, also, in the literature that the impeachment of Warren Hastings in Great Britain went on for 7 years—and was pending when the constitutional provisions which we are applying were adopted in 1787.

Mr. Speaker, we have established a substantial timetable in connection with the work of our committee. This timetable contemplates an historic report on the constitutional and legal aspects of impeachment on February 20. In addition, a summary on the factual investigation of the various categories involved in the committee's work is set for March 1. At that time, the staff will set forth the uncompleted factual work which must be undertaken. In all candor, Mr. Speaker, it seems to me that the following 2-month period from March 1, to May 1, should be adequate for completion of the factual investigation which our committee must undertake in order to perform the kind of thorough and complete job with which we are charged.

Mr. Speaker, we have an opportunity today to reject charges of deliberate delays, of footdragging or other partisan or prejudicial actions which would interfere with an expeditious resolution of the impeachement charges. When the motion is made on the previous question, I shall request a rollcall vote and urge you to vote down the previous question in order that I may offer an amendment to bring the report and recommendations of the Judiciary Committee on the impeachment investigation to the House membership on or before April 30.

Mr. RODINO. Mr. Speaker, I yield for purposes of debate only 3 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, I find myself in the position of disagreeing with my learned colleague from Illinois (Mr. MCCLORY) who states his point of view as usual very well, as well as it could be stated.

I support the previous question. I support the target date of late April, but I do oppose curtailing the inquiry at any arbitrary date.

I think our inquiry must be fair and expeditious as can be without any arbitrary cutoff date. We must not find ourselves in the position of the sky diver whose chute failed to open and he found he had jumped to a conclusion. We must take the time necessary to do a responsible job.

As we debate this very important matter, let us throw some history at it. In the previous impeachment in 1867 of Andrew Johnson, it was referred to the Committee on the Judiciary on January 7 that year. The report came out November 25, nearly 11 months later.

I am sure that this committee will not take anything like that amount of time. I simply give this to show what a reasonable time based on our only previous impeachment might be.

Since the adoption of our Constitution in 1787, there have only been 12 impeachment proceedings, 9 of which have involved Federal judges. There have been only four convictions, all Federal judges. The time devoted by the House and the Senate to the impeachments that resulted in the trials of the nine Federal judges varied substantially. The impeachment of Robert Archbald in 1912 consumed the shortest time. The Archbald case required 3 months to be processed in the House, and 6 months in the Senate.

The impeachment of James H. Peck required the most time for trial of a Federal judge. The House took 3 years and 5 months to complete its action, and the Senate was occupied for 9 months with the trial.

We do not want any delay of that kind, but I am trying to point out that it takes a reasonable amount of time to do a responsible job.

I yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I yield 5 minutes to the gentleman from California, (Mr. WIGGINS) for the purpose of debate only.

Mr. WIGGINS. Mr. Speaker, I thank the gentleman for yielding to me for the purpose of debate only.

I would like initially to place in focus what is involved here today. The issue is not whether this House should conduct an investigation of Richard Nixon. There is no controversy on that point. Nor is the issue today whether the House committee in the conduct of that investigation should possess subpena power. Of course, it should.

The narrow issue, however, is what shall be the circumstances under which the subpena power is exercised? With respect to that question, I suggest that we all should unite behind several preconditions. We all should agree that the power be exercised fairly, that the power should be exercised expeditiously, and that the power should be exercised reasonably. There should be no debate on those minimum preconditions on either side of the aisle. But I regretfully report to the Members that the resolution in its present form does not meet these conditions.

First, on the issue of fairness, let me report to the Members the circumstances under which the power can be exercised under the resolution. The majority may do so and the minority may do so, but the right of the minority to subpena witnesses may only be exercised at the sufferance and with the consent of the majority. I just ask the Members: is that fair? Is that a fair procedure? Well, in my opinion it is not. It is obviously and patently unfair.

The deck is stacked at the outset. I would not expect the majority to tolerate procedures which are basically and inherently unfair. In order to correct the inequity, the resolution must be changed. And the only way it can be changed is to amend the pending resolution. In order to make the resolution amendable, the previous question must be voted down.

Mr. Speaker, the argument has been made and was made that the majority should prevail on these questions, and that subpena power should not be vested in the minority independent of the will of the majority. That is a tenet, it is said, of parliamentary law. I agree with that as a general proposition, but it does not address the question before us right now. It is also a tenet of parliamentary law that the minority has a right to make its case. It has a right to make its case, not at the sufferance of the majority, but an independent right vested in the minority. Let me tell the Members that this resolution denies to the minority the right to make its case.

You, the majority, ought not to accept that. It is inherently unfair.

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

Mr. WIGGINS. Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I am very happy to associate myself with the remarks of the gentleman from California.

Mr. Speaker, I and two other Democrats voted for an amendment which would have deleted the last clause of section 2(b)(1) of the subpena resolution. In that section it is stipulated that the authority of the committee may be exercised:

> (1) by the chairman and ranking minority member acting jointly, or, if either declines to act, by the other acting alone, except that in the event either so declines, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised and the committee shall be convened promptly to render that decision * * *.

The proposal to omit all of the language after the word "except" in the foregoing was intended to prevent the majority of the Judiciary Committee having the implicit power to prevent the ranking minority member from acting alone in extending a subpoena to individuals or documents desired by him. Obviously the committee could come together if they so desired and, exercising those rights spelled out in the rules of the House of Representatives, vote against the issuance of the subpena in question.

The proposal to omit these words was defeated in a vote with 16 ayes and 21 nays, almost all on a party basis.

It is my conviction that the majority and the minority should be permitted to seek evidence wherever they desire it and to subpena it in any way consistent with the orderly progress of the impeachment proceeding.

Mr. WIGGINS. Mr. Speaker, there is one further issue I must raise within the

very limited time available, and I ask the indulgence of the chairman of the committee.

Mr. Speaker, the resolution proposed says that the power may be exercised when it is deemed necessary for the purposes of the investigation. Surely, it is not the intention of the chairman to pursue evidence which is not relevant to the issue before us. May I have the assurance of the chairman that implicit in the concept of necessity is the concept of relevancy?

Mr. RODINO. Mr. Speaker, the concept of relevancy is, of course, always basic, but in order to insure that the scope of the inquiry is such that we may be able to get to that evidence, then it becomes essential that we employ the language of "necessary", which permits the broadest scope of inquiry.

Mr. WIGGINS. Mr. Speaker, I cannot yield further to the chairman because he has not yielded me sufficient time.

Mr. Speaker, I will ask the ranking minority Member if he agrees that the concept of relevancy is implicit in the concept of necessity.

Mr. HUTCHINSON. Mr. Speaker, I do. In my statement previously in debate, I tried to make that very clear.

Mr. WIGGINS. Mr. Speaker, I am somewhat comforted that the legislative history, at least, is clear. Implicit in the grant of subpena authority is the requirement that it must seek evidence which is relevant to the charges which caused this committee to be convened at all.

Mr. Speaker, I would like to make that explicit, not implicit, and to do so the resolution must be amended. I appeal to the Members, in a sense of fairness and in the responsible exercise of power, that they vote down the previous question to permit perfecting amendment which have been discussed.

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. FLOWERS) for the purpose of debate only.

Mr. FLOWERS. Mr. Speaker, I support the resolution and intend to vote for it as reported by the committee. I also support this inquiry only so long as we proceed fairly and with no undue delay.

The issue of impeachment is a first priority in this new year. The inquiry must go forward—everyone agrees—and it must be thorough and complete—but it must also be expeditious and the earliest possible conclusion is imperative for the good of the country.

But both Special Counsel John Doar and Minority Special Counsel Albert Jenner have advised the Judiciary Committee that it is not now feasible to make a responsible prediction of the date upon which it will report its conclusions. The committee has concluded that it is impossible to forecast the course of the investigation and its potential difficulties at such an early stage. The committee wishes to complete its work as rapidly as it can, consistent with doing it properly. The chairman has expressed the hope that we can be finished this spring, and I personally am committed to handling this matter expeditiously. I am also committed to doing nothing rash—whether respecting the substance of the inquiry or respecting predictions of the time of its conclusion.

As counsel have advised, a deadline would be misleading. The committee carefully considered amendments to establish various types of rigid time requirements and rejected all of them. And in doing so, it avoided an arbitrary deadline that actually might ultimately operate as an unnecessary hindrance to an early and just conclusion to this inquiry.

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

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

Mr. McCLORY. Mr. Speaker, I will state to the gentleman that I did talk with Special Counsel for the minority. He said that he had no objection to an April 30 or May 15 deadline. He did not say that the imposition of a deadline would impede or hamper the work of our committee, and furthermore he supports all of these target dates.

Mr. FLOWERS. Mr. Speaker, I will say to the gentleman from Illinois that I was present in the committee meeting when the question was put to both Mr. Doar and Mr. Jenner as to whether they supported a deadline or not, and as I recall it, they both said, "We do not want a deadline."

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

Mr. FLOWERS. I do not think this is an important matter—that is, setting a deadline.

My point here is that it is arbitrary to make a fight over this.

Mr. McCLORY. Mr. Speaker, Mr. Jenner stated that he would oppose a deadline if it applied to subpena power only. But he would not object to reporting the resolution on a fixed date of April 30 or May 15.

Mr. FLOWERS. Mr. Speaker, I will not yield further to the gentleman.

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

Mr. FLOWERS. I will yield to the gentleman from Florida.

Mr. FREY. Mr. Speaker, I just wish to commend the gentleman from Alabama (Mr. FLOWERS) for his forthright statement. It makes a great deal of sense to me, and because of it I am going to support the committee.

I believe it will be apparent to the American people, if we do not move expeditiously with these, proceedings there may be another time when we might disagree, but that time is not now. I hope for the good of the country that time never comes. What we do will speak louder than any promises or pledges of good will.

Mr. RODINO. Mr. Speaker, I yield 3 minutes for the purpose of debate only, to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Speaker, I propose to vote for the previous question.

I am saddened by the argument that has taken place on this side. I had hoped that my friend, the gentleman from Illinois, would not raise the question, but he has. I firmly believe that if we are going to accomplish this very serious task, we must do it with dispatch. It must be done in an orderly way, and we must have a broad subpena power so that we can get all of the information that we should consider.

I have voted against every one of the amendments which proposed to limit or restrict the subpena power when this was before the committee, because I think that those items only give us more room in which to disagree, and this, I think, slows up our process. This, of course, is not what we want to do.

Second, Mr. Speaker, I think it is important, too, to believe that there is a way by which we can do this job quickly, and I believe, as the ranking Republican Member said, that the subpena power should be used only as a last resort, and we should try first to get all of the information voluntarily. I hope that we can do that.

As a Member on this side, I will urge both the White House and Mr. Jaworski's staff to turn over everything that they have so that this committee will have a right, with dispatch, to look over everything that it should. I think this is the right way to do it.

In support of what my minority leader said as well as the ranking Republican on this side, I urge everybody to support the previous question with a unanimous vote.

Mr. RODINO. Mr. Speaker, I yield 1 minute for the purpose of debate only to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, the power of subpena sought by the Committee on the Judiciary rightfully will authorize the appearance of the President before the committee, under compulsion if necessary. During his tenure in office there is no other forum in existence that can compel his attendance. It is hoped that the President will voluntarily submit himsef to an appearance under oath and be subject to cross examination. It is only through such an appearance that the President can be required to disclose that which he has so far refused to disclose. It is only through such an appearance that the American people can learn the full extent of the involvement of the President in the web of criminal activity, deceit, and abuse of our Constitution that has surrounded his conduct of the Presidency. However his appearance is obtained, voluntarily or by compulsion, it is essential that it occur.

Mr. RODINO. Mr. Speaker, I yield 3 minutes, for the purpose of debate only to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I want to thank the chairman of the committee for yielding to me.

I rise in support of an aye vote on the previous question.

I want to associate my remarks with those of my minority leader.

Mr. Speaker, we fought a procedural battle in the committee, and we lost it. The amendments that were offered and which I supported I really think are not particularly essential. Time after time the chairman of the committee has made the point that we are going to try to finish by April 30. I think he began by saying April 1, but now he has indicated we

can finish by April 30. I think the American people are going to be watching us, and I would say that if we exceed the April 30 deadline the American people are then going to be in a position to decide whether there has been political footdragging or political stalling. So I am not too worried about that.

Mr. Speaker, I appreciate what the chairman has said about trying to finish by April 30, and I hope we can finish by that time. As far as Congressman WIGGINS' amendment is concerned, which would have to do with giving the ranking minority member an absolute subpena power, I just want to recount for you the history of that.

Chairman RODINO at the first meeting came before the House Committee on the Judiciary and asked for one-man subpena power. He did it on a temporary basis. We resented that on the minority side of the committee. We split by a 21 to 17 vote in the committee. We were opposed to giving him one-man subpena power. Now when he is requesting permanent subpena power for the House Committee on the Judiciary, in my opinion, he has been reasonable; he has accommodated us. What he has done is to say that this power will go to the House Committee on the Judiciary, which is where it would normally vest. It can be exercised by action of the chairman and the ranking Republican Member jointly. If one or the other should not agree, then it could go back to the full committee and they could override or decide exactly how that particular subpena will be exercised.

I know of no case in the history of any legislative body myself where one man, one legislator, has been given uncontrolled and unrestricted subpena power.

I would not perhaps in this case mind giving it to the ranking Republican member. Frankly, I am reluctant to give anybody that power. We would not just be giving it to one or the other here but, rather, to both. I am not sure it would be a good idea for us to give up that kind of responsibility. I might not want to give it to Chairman RODINO and maybe some of the Democrats do not want to give it to the ranking Republican.

Mr. Speaker, today the House of Representatives can take a step forward, or a step backward. It can approve House Resolution 803, or it can become encumbered in partisan polemics. As a member of the Judiciary Committee, I encourage my colleagues to take that step forward by supporting passage of this resolution; a resolution granting the specific authorities necessary for our committee to conduct a thorough impeachment inquiry. I urge this support for the following reasons:

First, with the adoption of House Resolution 803 we move closer to achieving a responsible answer to the numerous allegations, questions, and doubts which encompass the Presidency. Our staff has diligently proceeded in this effort, but it is unlikely that they can continue further without the authorities outlined in this resolution. It is our constitutional responsibility to inquire into the existence or nonexistence of impeachable offenses and delaying of the passage of this transfer of authority would delay the inquiry. By delaying the inquiry, we prolong the crisis in public confidence which prevails in this country and we further irritate an already serious situation.

Second, while encouraged by President Nixon's expressed intentions to cooperate with the Judiciary Committee, I feel it is essential that subpena authority is available for our use if needed. I am hopeful that the President and our committee can arrange informally for the transfer of needed evidence and information, but if this is not possible we must proceed with the issuance of appropriate subpenas at once. Article I, section 2 of the Constitution vests sole power for impeachment in the House of Representatives and our committee should be prepared to exercise this power, as an extension of the House, if unexpected conflicts arise.

Finally, and most importantly, House Resolution 803, although not a flawless document, represents a legitimate compromise designed to insure a bipartisan approach to the Judiciary Committee's inquiry. With or without amendments, this resolution is worthy of my colleagues' approval. It does not grant, as some might suggest, excessive authorities to the Judiciary Committee, and that authority granted is shared, at least to some extent, with the minority.

In conclusion, therefore, I again urge adoption of House Resolution 803 in an effort to take that step forward. For those who fear misuse of the authorities granted by this resolution, I suggest that in the final analysis, the best safeguard for a bipartisan impeachment inquiry conducted fairly and expeditiously will not be the wording of this resolution, or any resolution, but public interest in, and the demand for responsible, nonpartisan action.

Mr. RODINO. Mr. Speaker, I yield, for the purpose of debate only, 2 minutes to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Speaker, I thank the chairman of the House Committee on the Judiciary for yielding these 2 minutes to me.

The words "fairly," "reasonably," "expeditiously," "quickly," "now," and "immediately"—how many times have we heard them during this debate? Those words are important in terms of how quickly we proceed to our business, but let us understand that the work product of the House Committee on the Judiciary and this House of Representatives must not suffer in favor of "quickly," "expeditiously," "reasonably," and "fairly." We want to do all of those things. We also are defining impeachable offenses and whether impeachable offenses have been committed with regard to this President. And what we are doing will have to stand as a precedent for impeachment proceedings 100 or more years from now.

Let us understand that the House Committee on the Judiciary needs the authority to proceed to get the documents which are necessary for its inquiry.

One of the amendments which one Member would like to offer if the previous question is voted down deals with the words "necessary" and "relevant"; the amendment would add the word "relevant" to the word "necessary."

Understand that this committee will not proceed to procure any data or information by subpena or otherwise which is not necessary to the impeachment inquiry. If it is irrelevant we throw it out. Our concern is that our course of action proceed in a proper manner, and produce that evidence which is necessary to a final determination of whether a resolution of impeachment shall lie. It should not be impeded or inhibited by the simple word "relevant."

Have faith in the chairman of this committee. Have faith in the members of this committee. It is not impossible for us to proceed with the business of this country and also proceed with our congressional responsibility under the Constitution as to the impeachment inquiry—we can do both.

Mr. RODINO. Mr. Speaker, I yield, for the purpose of debate only, 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I wish to thank the chairman of the committee for yielding to me.

Mr. Speaker, I am supporting this resolution regardless of how our vote goes on the previous question, because I support the inquiry, and in order to have an inquiry the subpena power is obviously essential.

Nevertheless, I would support it much more happily if we could have a resolution where the exercise of the subpena power, by the terms of the resolution, was required, by the resolution, to be fair. And because in my judgment we do not have that kind of a resolution I shall reluctantly vote against the previous question as, under the parliamentary situation, it gives us the only opportunity to amend this resolution.

The chairman has said, quoting Edmund Burke, that we are in a position to be exceedingly useful to our country and to do honor to ourselves, and I agree, but in order to do this we have to proceed under rules which will assure the fairness of the inquiry.

My colleague, the gentleman from California (Mr. WIGGINS) has suggested two amendments which may never see the light of day here, because they will probably require two rejections of the previous question, in the situation in which we find ourselves, but I consider his amendments exceedingly important.

One of them is simply to insert that we can subpena for such materials as the committee deems necessary and relevant to our investigation, or which we think could lead to relevant material.

That is the general rule of law. That is the rule in the U.S. courts. What is wrong with being relevant, particularly if the committee decides it, which it would do even under the proposed amendment? If we do not want to be relevant, it means we want to go fishing. It is just that plain.

The other amendment is simply to

give equal subpena power to the majority and the minority. It says in this resolution—

> Such authority . . . may be exercised . . . by the chairman and the ranking minority member acting jointly, or, if either declines to act, by the other acting alone. . . .

That is where we want to stop—and we should go on—

> . . . or by the committee acting as a whole. . . .

But the resolution says that if either refuses to act jointly, the other can take it to the committee and have them decide the question.

The committee is controlled by the majority. They are going to uphold the chairman, not the ranking member. Remember, Mr. Speaker, this will not arise except in delicate, unusual situations. The chairman and the ranking member will agree 90 percent of the time. But suppose, for example, as a possibility, that we get into the question of whether this administration has done anything different from past administrations, and we want to call—I am not saying whom we would want to call; I am just picking names out of the clouds—HUBERT HUMPHREY or Bobby Baker, or somebody else, what is the majority of this committee going to do? In practice we will not have that opportunity.

All we are saying is that gentlemen ought to be relevant; they ought to be even-handed; they ought to be fair. If they do not want to be, if they want to vote against relevance, if they want to vote against equality, they ought to give us a better reason than simply majority rule.

All we want to do is to amend this resolution, in order to put in the two amendments of my friend, the gentleman from California. I would like to hear anybody give us one good reason why that should not be done. Even my liberal friend, the gentleman from Massachusetts agrees it ought to be done. Let us be fair. Let us pass a decent resolution. Let us remember we are drawing the ground rules from here on, and those ground rules ought to be just.

The SPEAKER. The time of the gentleman has expired.

Mr. RODINO. Mr. Speaker, I yield for the purpose of debate only, 1 minute to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Speaker, I rise today in support of the resolution before the House and call on my colleagues to give it overwhelming approval.

A week ago today, the President met with us in this Chamber and wrapped up the state of the Union address by declaring that "1 year of Watergate is enough."

I think we all share that feeling and for that reason desire that the Judiciary Committee's inquiry be conducted with all deliberate speed.

The resolution before us, providing specific subpena power for the impeachment inquiry, is designed to expedite our investigation. We are all hopeful that use of the subpena authority will not be necessary. The President has pledged cooperation with the committee, and we will most certainly seek to avail ourselves of that cooperation and use the subpena only as a last resort to obtain needed evidence.

Unfortunately, the past performance of White House cooperation in this area has failed to inspire confidence. I believe it would be hazardous and would risk further delay in resolving the impeachment question if the Judiciary Committee were to proceed with the inquiry without a vote today reaffirming the House's dedication to a thorough investigation.

We are not asking for a fishing license, only for the authority necessary to search out all the facts, those that can exonerate as well as those that may implicate.

This resolution is most significant. By approving it, we will assure that the House can exercise its constitutional authority and prerogative without unnecessary delay.

Mr. RODINO. Mr. Speaker, I yield, for the purpose of debate only, 1 minute to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, as the gentleman from Iowa said, the President suggested that 1 year of Watergate is enough. If I read my mail accurately, the people across America would like to have us get on with this business one way or another—put up or shut up: I have enough faith in the chairman of the Committee on the Judiciary, Mr. RODINO, to take his word for it. He suggested that he would like to conclude this by April 30.

And he has told members of the mass media—and there are more than 70 of them here today, and I suppose they will find 70 ways to relate this vote to a drive on impeachment one way or the other; but it is not. I have faith in the gentleman's word when he says he wants to bring this to a conclusion April 30, so I will vote for the previous question favorably. We have all of February and all of March and all of April and that is time enough to bring it to a conclusion.

Mr. RODINO. I yield 1 minute, for the purpose of debate only, to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, I thank the chairman, the gentleman from New Jersey, for yielding to me.

I would like to echo my support for the Judiciary Committee's resolution and state that I will support the previous question.

What we do on the House Judiciary Committee will stand for all time and I think every member of this committee understands the seriousness of what we are doing. We will act judiciously but quickly. We will bring to the country and to the House recommendations which will stand up not only now but also for all time.

If we accept the amendments some of my Republican friends will wish to offer, they will not only hamstring this investigation but will also infringe on the precedents established previously with respect to subpena powers in an impeachment inquiry. So, I urge that we follow the historical precedents, accept our solemn responsibilities and support the resolution of the Judiciary Committee.

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

Mr. RODINO. I yield to the gentleman from Iowa 1 minute for the purpose of debate only.

Mr. MAYNE. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

Mr. Speaker, the people of this country want this matter expedited and it certainly has not been sufficiently expedited up to the present time. This has been a matter of great concern to some of us in the minority that the Judiciary Committee has proceeded at such a leisurely pace since the impeachment inquiry was first referred to us October 25, 1973. There has been only one full meeting of the committee to discuss this matter and to take any action, although it was referred to us 3½ months ago, and the chairman called that one meeting only last week.

We the minority members of the committee have tried to encourage the chairman to move more promptly. The chairman has told us he will do everything possible to expedite the conclusion of this by April 30, and has again given that assurance to the Nation on the floor of this chamber today. I would personally believe that our committee should be able to complete its work and make a final report to the House earlier than April 30. But in the interests of avoiding partisanship, I will support him in that endeavor rather than get into a partisan squabble. That is the last thing we on the Republican side would want or the American people would want. It seems to me the American people are entitled to much better than that. They are entitled to have all relevant evidence made available to the committee promptly and to prompt consideration and action by the committee. I am willing to go along with the chairman's assurances of prompt action and to vote for the previous question to facilitate such action.

But I will say to the chairman that if he does not proceed as expeditiously as he has assured us he will and if it should become apparent there is an unwillingness on his part or that of the committee's to proceed expeditiously, then it is going to be our duty as members of the minority to bring this matter very forcibly to attention of the Members of this House and to the American people who are clearly demanding that this be handled as expeditiously as possible.

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

Mr. RODINO. I yield for the purpose of debate only to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, does the gentleman intend to call the President of the United States?

Mr. RODINO. At this time the chairman would not answer that question except to say that if it becomes necessary to complete this inquiry and to assure a fair and responsible judgment in the matter, only then would that become necessary.

Mr. WYMAN. The gentleman from

New Hampshire hopes it will not become necessary.

Mr. RODINO. And so does the gentleman from New Jersey.

Mr. BIESTER. Mr. Speaker, I rise in support of House Resolution 803, Judiciary Committee subpena power.

This resolution is essential if the Judiciary Committee is to accomplish its mandate fully to investigate whether grounds exist for impeachment.

Under its provisions, the committee can call witnesses and gain access to information and material relevant to the impeachment inquiry. The chairman and ranking minority member acting together would be able to exercise this power or, if one declines to act, the other could take the question to the full committee for a decision.

The American people want the question of Watergate and impeachment resolved quickly and fairly. Public attention is focused on the House, and the Nation is looking to the Judiciary Committee and the entire House for leadership in making a decision on this most crucial issue.

The resolution as reported out of committee came on a unanimous vote which underscores, I believe, a confidence and hope that the majority and minority can effectively work together on this matter. It is essential for the validity and viability of the decisionmaking process of the Judiciary Committee and the decisions which emerge from it that the committee approaches its responsibility with objectivity, thoroughness and fairness.

The resolution before us today will help enable the committee to discharge its obligations in a spirit of bipartisanship that seeks only to discover the truth for the good of the country—not partisan advantage for the benefit of either political party. This bipartisan spirit must exist and must be apparent in the recommendations of the Judiciary Committee. If not, a critical ingredient for public acceptability of its decisions will be lost.

Full subpena authority is indispensable if we expect the Judiciary Committee to do its job, and I urge my colleagues to support this resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of House Resolution 803 as reported from the Judiciary Committee. This resolution officially authorizes the Judiciary Committee to fully investigate whether sufficient grounds exist to impeach the President, and it further grants to that committee the power to require by subpena or otherwise the appearance of witnesses and the production of things deemed necessary to that investigation.

Mr. Speaker, there can be no question that the House of Representatives plays a very unique and preeminent role in the impeachment process and that it must have absolute access to all information which is necessary to its investigation. It was President James K. Polk who once said, and I quote:

> If the House of Representatives is the grand inquest of the Nation and should at any time have reason to believe that there has been malversation in office and should think proper to institute an investigation into the matter, all the archives, public or private, would be subject to the inspection and control of a committee of their body and every facility in the power of the Executive afforded them to prosecute the investigation.

Mr. Speaker, I wish to associate myself with President Polk's remarks, and with similar statements made by the members of our Judiciary Committee, on both sides of the aisle. I have long held that the so-called doctrine of executive privilege cannot be invoked with respect to a congressional investigation into alleged wrongdoing—a position which Deputy Assistant Attorney General Mary Lawton testified last April "has been the traditional view of the doctrine of executive privilege." There is no doubt in my mind that this concept takes on extra weight and validity in the face of an impeachment proceeding, given our undeniable constitutional role.

In the brief time remaining, Mr. Speaker, I would like to address myself to what must be our overriding concern, and that is the need to approach these proceedings in a responsible and nonpartisan manner. Alexander Hamilton, writing in Federalist No. 65, warned that an impeachment proceeding will seldom fail to agitate and divide the community, often along the lines of pre-existing factions, and will, in his words, "enlist all their animosities, partialities, influence and interest on one side or the other." He went on to say, and I quote:

> In such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt.

Mr. Speaker, while it is the Senate, and not the House, which must ultimately decide the question of innocence or guilt in an impeachment proceeding, the dangers of a partisan breakdown are just as real in our own deliberations and the consequences just as ominous. I think the members of our Judiciary Committee are aware of the special responsibility which has been placed upon them, and the special need to avoid a partisan breakdown.

The resolution which is before us today has been carefully designed with this in mind. I appreciate the fact that there are some members of that committee from this side of the aisle who think this resolution can and should be amended to insure that the inquiry is expedited, that the subpena authority is carefully prescribed, and that the rights of the minority are protected. Let me say at the outset that I am in agreement with all of these goals. But after giving this matter very careful study, I have decided not to vote for any amendments to this resolution, as well-conceived and intentioned as they may be.

First, with respect to the amendment to impose an April 30 deadline for the final report and recommendations, let me say that it is my hope that the committee will be able to meet this generally agreed upon target date. We have been promised a full, fair, and expeditious inquiry, and if this matter is intentionally prolonged, we will run the very real risk of a partisan breakdown. At the same time, we cannot pow predict what factors may intervene to prevent the completion of a thorough investigation by a date certain. I would hope that the committee will receive the full cooperation pledged by the President and that we will not be delayed by protracted litigation in the courts over the committee's right to subpena evidence. Our primary obligation must be to a fair and thorough investigation, and not to some arbitrary cutoff date which may jeopardize either fairness or thoroughness.

Second, an amendment is proposed to eliminate the provision for appeal to the full committee in the event that the chairman and ranking minority member do not agree on the issuance of a particular subpena. Instead, in the case of such a disagreement, either the chairman or ranking minority member, acting alone, could issue the subpena. I appreciate the fact that this amendment is being offered to protect the rights of the minority. But I would also warn that this same amendment would enable the chairman, without the consent of the ranking minority member or the full committee, to issue whatever subpena he deems necessary to the committee investigation. Here, Mr. Speaker, is where I think we run the real risk of a partisan breakdown, the risk of abuse of the subpena power, and the risk of delays in the courts.

I think the present provision in the committee resolution is an ingenious compromise which will insure both that the subpena power is not abused and that nonpartisanship is maintained. I know that some will argue that, given the political makeup of the committee, the chairman will always have the votes to get the subpena he wants when he and the ranking minority member are in disagreement; and conversely, that the ranking minority member will not have the votes for a subpena he wants in the event of disagreement. I do not subscribe to this theory for one very simple reason: if the chairman is making a very unreasonable request and the ranking minority member does not agree to it, when this is appealed to the full committee it is more likely to judge the issue on its merits than along partisan lines. The public focus will be on this distinguished group of 37 lawyers, and the expectation will be that they will make a judicious and not a partisan decision. In my opinion, the committee will not risk a partisan breakdown over an excessively unreasonable and blatantly abusive subpena request. In short, under the committee resolution, the committee appeal provision serves as an effective check and restraining influence on both the chairman and ranking minority member from abusing the subpena power. Under the proposed amendment, on the other hand, there is no such check or restraint and the potential for abuse and partisanship is only enhanced.

By the same token, I do not think a reasonable subpena request by the ranking minority member would be refused by the full committee, for again it would be in the best interest of the committee to maintain a framework of fairness and nonpartisanship. A denial of a reason-

able request would only accelerate a partisan breakdown and doom the deliberation of the committee.

Finally, a third amendment is being proposed to more carefully define what types of materials may be subpenaed. As the resolution now stands, the committee may subpena whatever materials "it deems necessary to its investigation." The proposed amendment would read, "as it deems necessary and relevant to its investigation or which it deems reasonably calculated to lead to the discovery of necessary and relevant evidence." It is argued that this amendment is needed to insure against fishing expeditions and other abuses of the subpena power, and that this language is in conformity with the Federal Rules of Civil Procedure.

I certainly am in agreement with the need for the committee to confine its subpenas to matters which are relevant and necessary to its investigation. Yet, while it is claimed that it is not intended that the question of "relevancy" be submitted to a court for final resolution, I wonder if that's just not what we are inviting by adopting the language of the Federal Rules of Civil Procedure. For under those rules, showing must be made to the court that the materials sought are either relevant to the case or are likely to lead to something relevant. I would submit that if we lock ourselves in to the strict language of court rules, we may well find ourselves locked up in protracted court battles over the issues of relevancy.

Again, I would maintain that the best check against an abuse of the subpena power is the provision for appeal to the full committee if a question arises as to whether the material sought by a particular subpena is really necessary to the investigation. And I would further submit that there is less likelihood that a subpena will be challenged if it has been supported by a broad bipartisan vote in the committee.

On a final note, Mr. Speaker, I would like to direct a question to the chairman of the Judiciary Committee. On page 3 of the committee report it is noted that not only may the chairman and ranking minority member jointly issue subpenas, but that, and I quote:

> In the alternative, the committee possesses the independent authority to authorize subpenas and other process, should it be felt that action of the whole committee is preferable under the circumstances.

While the report is quite explicit that the committee, acting as a whole, may issue a subpena, section 2(b)(2) of the bill reads, and I quote: "by the committee acting as a whole or by subcommittee." I would ask the chairman why the words, "or by subcommittee" have been included. Do I read this correctly that any subcommittee of the Judiciary Committee is authorized by this resolution to vote a subpena so long as it is deemed necessary to the impeachment investigation? As I look at your committee roster, I note that you have some seven subcommittees with an average membership of nine. Are you saying here that any five members of a subcommittee have the authority to vote a subpena?

Mr. BADILLO. Mr. Speaker, passage of the resolution before us is essential to enable the Judiciary Committee to get on with its job as rapidly as possible.

Issues of paramount importance to the Nation are awaiting our action—education, energy, health insurance, welfare reform, minimum wage, and a host of urban problems—and I believe that we must expedite the impeachment investigation in order to deal with the issues of moment before us.

The economy is deteriorating fast, with the highest rate of inflation in a quarter of a century, unemployment increasing, and food and fuel prices continuing to rise in the midst of shortages. The housing industry is in a depression with inadequate new starts at a time when more than 13 million families are living in households that are unsound, overcrowded, or too expensive. The energy crisis is slowing the wheels of industry, disrupting the transport of goods, and creating hardships in the form of job losses and rising prices for scarce commodities.

In the face of all these problems, an erosion of public confidence in Government has struck a kind of paralysis in the normal functioning of the executive branch and to some degree in the Congress. When the people cease to credit the statements of those they have elected to represent and lead them, Mr. Speaker, not only are our energies diverted from the tasks before us but the very fabric of our society is threatened. Without the bond of trust and belief that cement both our interpersonal dealings and the relations between citizens and institutions, we will suffer fundamental—and undesirable—changes in the political system that has served us so well for nearly 200 years.

The impeachment investigation must proceed, Mr. Speaker, in order that we may get on with the proper business of government, with public understanding and support. The cooperation of the American people in implementing voluntary energy-saving actions is evidence of the reservoir of good faith from which we may draw. But at the same time, signs of erosion of this faith surface in expressions of suspicion that the energy crisis is at least in part contrived, or in publicly stated doubts over the need for a worldwide alert of U.S. forces during the recent Mideast war.

These are portents, Mr. Speaker, that we in public office must heed and do something about. And since the truth about the Watergate affair and its many ramifications has not been forthcoming from the White House, it becomes our duty to uncover and present the facts to the American people.

The subpena power called for in the resolution before us is necessary for that purpose. The President has already announced, in effect, that he will cooperate with the House in this inquiry insofar as he determines appropriate. He makes no mention of the constitutional underpinning for the investigation, the statutory obligation laid on him as well as on the Congress.

This is not the first time that the President has signaled his bent for observing the laws of this land selectively according to his own lights. We need only refer to the conduct of an illegal war in Cambodia, the more than 30 court decisions overruling White House impoundment of funds appropriated by Congress, the dismantling of duly constituted Government programs and agencies without statutory authority, the use of tainted Government evidence to bring conspiracy indictments against lawful dissenters, invocation of executive privilege as an excuse to withhold evidence of criminal behavior, and on and on.

Mr. Speaker, the record makes it clear that not one scintilla of evidence has been surrendered voluntarily by the White House to the Special Prosecutor, the Senate Watergate Committee, or the courts. We have witnessed an undeviating pattern of White House intransigence, delaying tactics, evasive rhetoric, blurring of the facts, and now at last the destruction of evidence within the precincts of the Oval Office itself, an event whose implications were not lost on the American people.

The Presidency, Mr. Speaker, is not the fount of all authority and power in this country. Nor is it an office whose holder is entitled to flout existing law or create new law by fiat or executive order.

Rather, at its best the Presidency can embody the hopes and ideals of the people. Its keystones are integrity, responsibility, and accountability. The Presidency must epitomize the rule of law that gives continuity and vitality to our constitutional guarantees of liberty, justice, and equality. The President is not a privileged citizen; he must be the model citizen.

Mr. Speaker, the Presidency is not under attack as some would have us believe. It is rather the conduct of that office within a specific time frame that we are undertaking to examine on behalf of the American people. That the Presidency is held in low repute today is not the fault of the Congress, the press, or the public. The simple truth is that what loss of public trust there has been in the Presidency is the result of activities engaged in on behalf of, in the name of, and through the authority delegated by the incumbent of that high office.

If America is to survive this political crisis with self-confidence and pride and faith restored, our duty is clear. It is up to us to accept the responsibility that history has thrust upon us. Impeachment is the constitutional remedy and the morally imperative one. Impeachment is the poultice by which the body politic will be cleansed.

Time is critical, Mr. Speaker. The current of change in the world and events at home do not augur well for the indecisive. The American people are rightly poised to pass judgment on us at this juncture of such critical importance to the Nation. Let us get on with it.

Mr. WYMAN. Mr. Speaker, charged as we are by the Constitution with original jurisdiction in matters of impeachment, there is no alternative to the need and even the necessity for subpena authority. That this is sought by the standing committee of appropriate in-house jurisdiction strengthens the foundation of the resolution before us.

I shall vote to give the Judiciary Committee the requested authority.

I profoundly hope and trust that its report of facts found in the investigation to be discharged in the solemn responsibility entrusted to it, will be based on testimony taken under oath and subject to the penalties of perjury. A vote up or down on whether or not to impeach a President of the United States surely requires such safeguards.

The requested authority at this hour brings to mind the unfortunate precedent of the same standing committee in an earlier day in action upon a resolution of impeachment relating to Associate Justice William O. Douglas. In that matter this same committee under a different Chairman, produced a 900-page report that contained not a single word of sworn testimony, nor, to my knowledge, were any witnesses called or hearings held.

More importantly, the Justice himself was never asked to come before the committee and respond to questions. If the principal thrust of an investigation is a determination of involvement or noninvolvement of a particular individual in certain events it seems to me that person should be given the opportunity to appear.

How on earth can there be a better way than asking the person himself? Why should the House of Representatives play guessing games with tapes or memoranda or anything else as to what the President himself knew or did or instructed when the President himself is available to respond to direct and relevant and courteous questions on these points?

Surely Executive privilege has no proper place in denying relevant information to the House of Representatives in an impeachment investigation. This is not the situation of the Watergate Committee. This is a constitutional obligation of the highest magnitude of importance. I believe this will eventually be confirmed by judicial decision should these unhappy events reach such a stage of judicial review.

Admittedly the constitutional privilege against self-incrimination is as available to a President as to an ordinary citizen, but I cannot and do not believe that President Richard Nixon has engaged in any criminal conduct as President of the United States—or at any other time for that matter.

It is to be fervently hoped that ultimate confrontation between the legislative and executive branches of this Government of ours will be avoided in the public interest. The best possible way I know of for this to be accomplished and to get this unhappy business over with once and for all, is for our President to ask to appear voluntarily before the Judiciary Committee and respond to those relevant questions that would settle the matter of his knowledge and connection with the activity of others who may have broken the law out of an excess of zeal or for whatever reason.

This is neither demeaning of the office of President nor inconsequential in the public mind. It is plain commonsense.

Mr. DONOHUE. Mr. Speaker, I rise in support of House Resolution 803 and intend to vote for it as reported by the Committee on the Judiciary.

Appropriately, this resolution places the full weight of the House's constitutional authority behind the judicious inquiry the committee will be making. As the report of the committee indicates, the scope of the investigation authorized is stated broadly to permit consideration of any matter necessary to the momentous investigation into the existence or nonexistence of sufficient grounds for impeachment.

By adopting the resolution, the House will be taking a giant step toward enabling the ultimate judgment of grave matters that have been before the American public for many long and troubled months.

The House and the people are entitled to the most thorough inquiry permissible under the Constitution. Indeed, the exercise of this constitutional responsibility is as privileged an undertaking as any that may be initiated by the people's representatives. By providing the committee with these appropriate powers of subpena, deposition, and interrogatory, House Resolution 803 gives the House the tools it needs to fairly implement that undertaking.

The committee has pledged an expeditious consideration; I, too, am committed to expedition. This resolution will fully permit that and I urge its adoption by the full House.

Mr. FRENZEL. Mr. Speaker, unless I did not understand the remarks of the distinguished chairman of the Judiciary Committee, I thought I heard him say that he would not yield for an amendment to this most significant resolution. I think the country will be surprised when it hears that momentous issues like this are being decided by "gag rule," without amendment, under a limited debate.

I think it is unreal that the leadership of this House would deny full debate of germane amendments. It is unreal that debate on what the American people believe is the major task now before the Congress is being confined to a single hour allocated to members of a single committee.

I thought this was the "people's House," scene of great debate on great issues. Today it is the "Judiciary Committee's House." All the rest of us are merely spectators. Of course, we are all going to support the resolution. We all support the investigation, and want the soonest determination of this matter.

But I want this House to discuss it fully. I do not always object to closed rules. We need them sometimes, but not on an issue of this magnitude.

I support the gentleman from Illinois (Mr. McCLORY) in his efforts to overturn the previous question. I shall vote against the previous question.

I would, however, vote against the gentleman's amendment to cut off the inquiry. I believe the proceeding of the committee should be expeditious and geared to a target date, but that a deadline is not consistent with the legislative process or with a thorough inquiry.

I would also vote against the amendment of the gentleman from California (Mr. WIGGINS) to require relevancy of information. In this inquiry we should not miss a thing.

I would support the Wiggins amendment to grant equality to the minority in subpena authority.

More important than any amendment, however, is the need to allow the amendment process, and the need for full discussion. I believe the "gag rule" procedure is an outrage.

The Judiciary Committee got off to a bad start when it denied the minority a fair share of its million dollar staff. It continued the bad start with secret operations, and only one full committee meeting on the issue. Today the committee, by denying the opportunity for amendments and full debate, continues badly. I still have confidence in the committee's ability to do its job, but it is about time it showed us something good besides the employment of competent counsel.

Mr. BAUMAN. Mr. Speaker, House Resolution 803 provides the Judiciary Committee of the House with the powers it needs to conduct a full, thorough inquiry into the question of whether the President has committed impeachable offenses. The subpena powers granted under the resolution are an essential part of getting to the bottom of the so-called Watergate affair and other matters relating to conduct of the President and his staff, and I support fully the granting of such powers. The questions which have been raised must be answered, for the good of the country and the President himself.

I have consistently supported full and complete disclosure of all of the facts pertaining to alleged corruption in government, no matter who is involved. If the controversy surrounding the President is to be laid to rest, it must be explored fully, and the power of subpena will assure that all relevant data will be taken into consideration.

Several amendments would greatly improve the scope and effect of this resolution, however. As it is presently drawn, majority party members of the committee would be granted what in effect is exclusive power over the issuance of subpenas. If the chairman wishes to issue a subpena, under this resolution he may do so by either obtaining the concurrence of the ranking minority member, or, if the ranking minority member declines, the chairman may simply ask for approval by a majority of the committee. A straight party line vote is all he would need. It is not hard to see that this provision could easily result in more sharply drawn partisan behavior during the committee's deliberations, and would do so, I believe, unnecessarily. Adoption of the amendment offered by the gentleman from California (Mr. WIGGINS) in committee, allowing either the chairman or the ranking minority member to issue a subpena without the need for any further

approval, would provide the necessary investigative tool without concurrently inspiring a partisanship which this investigation can ill afford if it is to be conducted in a fair and impartial manner.

The gentleman from California also intends to offer an amendment insuring that the committee will concern itself only with matters that it considers necessary and relevant, a provision which will prevent "fishing expeditions" of the type we have sometimes observed in the deliberations of the special investigating committee in the other Body.

Mr. BLACKBURN. Mr. Speaker, today, I voted against granting unlimited authority to the House Judiciary Committee to subpena any person with regard to the inquiry into the impeachment of President Nixon. Earlier in the consideration of this matter in the House, a motion was made to vote down the previous question on the resolution in order to allow amendments to be offered. By a straight party line vote, this motion was defeated.

The effect was that the measure, as passed, granted to the Democratic majority of the Judiciary Committee the right to subpena any person they desire, regardless of the minority position.

I believe that a matter of such vital national concern, such as impeachment, must be handled with fairness to both political parties. Therefore, the inescapable political nature of the proceedings which will ensue during this investigation will find the minority with no right to issue a subpena to thoroughly investigate the issues that come before the committee.

Under the bill, as now drawn, the subpena does not even have to be relevant to the matter under consideration. The Congress has, thus, authorized a general fishing expedition which can easily develop into a political witch hunt unrelated to the matter of prime concern to millions of Americans.

Another major flaw in the resolution is that it does not set a time limit within which the committee must report its findings to the House. It is not in the national interest, both domestically and internationally, that this matter continue to be prolonged and not laid to rest as soon as possible. I believe that these investigations should be drawn to a close within a reasonable time.

My vote would be different if the committee had taken a more reasonable attitude instead of granting this open-end authority.

Mr. ROSTENKOWSKI. Mr. Speaker, the resolution brought to the floor of the House today by the Judiciary Committee will provide the committee with the tools necessary to resolve the present Constitutional crisis to the satisfaction of all Members of the House.

For those who believe that the President was some way wrongfully involved in any of the activities presently under scrutiny by the Judiciary Committee, this resolution will provide the committee with the access it needs to confirm the serious allegations that have been made.

For those Members of this body that are presently convinced that the President is innocent of all charges and allegations and that it is time to return to the many other serious problems presently confronting all Americans, the language of this resolution will provide the Judiciary Committee with the means to expedite the remaining facets of its investigation and makes its report to the full House of Representatives.

But most important of all, for the vast majority of us who are presently unsure as to whether sufficient grounds exist to vote a bill of impeachment, today's resolution provides the House of Representatives with an efficient and effective way to carry out its responsibilities mandated under article I, section II of the Constitution that—

The House of Representatives . . . shall have the sole Power of Impeachment.

By delegating to the Judiciary Committee the powers contained in this resolution, we will be providing that committee with the resources it needs to inform the whole House of the facts of this case. For, only then can each of us make an informed decision as to whether or not we should vote to send this case to trial before the U.S. Senate. If we are called upon to be grand jurors in this case, we should have all the information necessary to clear or to convict the President. For only in this way can we be fair to ourselves and more important, fair to the Nation we represent.

Mr. TREEN. Mr. Speaker, I know that my vote against House Resolution 803 runs the risk of misinterpretation, but I have never felt that to be a valid reason for determining how my vote should be cast. I have the duty and obligation always to vote in accordance with my conscience after careful consideration of all relevant factors.

First, I want it clearly understood that I did not vote against the resolution because I wish to impede the investigation of the impeachment question by the House Judiciary Committee. I do not wish to hamper the committee in any way in making a full investigation of the impeachment question.

I voted against House Resolution 803 because, in my judgment, the resolution is defective and faulty in three primary respects. Since the House absolutely refused to permit the offering of any amendments to the resolution, I wanted to register my disapproval of the form of the resolution. I could do this only by voting against the resolution on final passage.

The three deficiencies, which could have been taken care of by amendment, are:

First. The subpena power granted to the committee does not require that the evidence sought by the subpena be relevant to the impeachment inquiry. Elementary justice requires that the investigation be limited to relevant evidence, whether in the form of tapes, documents or other writings, or in the form of verbal testimony by witnesses.

Second. There is no certain date set forth in the resolution by which the committee must conclude its investigation. If there is anything that the American public wants it is for this entire controversy to be concluded at the earliest possible time. It is exceedingly damaging to this country to have the President of the United States under continual investigation. The House refused to consider an amendment which would have instructed the committee to conclude this investigation by a certain date. A time limit would not have hampered the investigation because the House Judiciary Committee could have come back to the House and explained its reasons for not being able to conclude the investigation by that certain date, and, if those reasons had any validity whatsoever, there is no question but that the House would have extended the investigative and subpena power for an additional period of time. The importance of having a date certain is the disciplinary effect that it would have, that is, it would minimize the chances of the committee going off in multiple directions. A certain time limit would provide the incentive for getting on with the basic and central issues of the impeachment inquiry.

Third. The minority on the committee, meaning the Republican side, does not have unfettered authority to issue subpenas. I believe that in these extraordinary proceedings the right should be given to the minority side to issue subpenas. If only the majority side has the right to issue subpenas, the entire inquiry is open to attack as being unfair. It is vital that the American public have confidence in the integrity and impartiality of this investigation. It is just as important for those who support President Nixon to believe that the inquiry is fair as it is for those who oppose him. If the minority does not have the right to compel witnesses to come before the committee, as does the majority, the entre proceedings are open to attack by the supporters of President Nixon as being unjust and unfair.

I made my decision on this vote in an impartial and objective manner. I asked myself how I would feel if the person involved were Lyndon Johnson, John F. Kennedy, or GEORGE MCGOVERN. When I concluded in my heart that I would accord the same rights to any of these men were he President of the United States today, I decided I could certainly do no less for President Nixon.

I was asked following my vote what would have happened if my side had prevailed, that is, if the resolution had been voted down. The answer is quite simple: The House Judiciary Committee would have come back with a resolution which would have been fairer and which would have insured a greater degree of impartiality in the proceedings. Then, under those circumstances, I would have voted for the resolution.

Mr. BOLAND. Mr. Speaker, I rise in support of House Resolution 803, a resolution providing appropriate power to the Committee on the Judiciary to conduct an investigation of whether sufficient grounds exist to impeach Richard M. Nixon, President of the United States.

I would like to note in passing that

the Committee on the Judiciary, which has the all-important task of deciding if grounds exist to present a bill of impeachment to the whole House, has voted without objection, to report this resolution to their fellow Members of the House.

I find this an extremely significant circumstance, since it indicates to the American people that the Judiciary Committee has reached a unanimous, nonpartisan agreement among themselves as to how this so crucial investigation is to proceed.

This vote ought to dispel any further speculation that the committee's efforts have been or will be either in the nature of a witch hunt or a rearguard coverup. I urge the House to endorse this resolution as resoundingly as did the members of the Committee on the Judiciary so as to provide proof positive that all Members are committed to a thorough, even handed and unquestionably honest approach to this momentous issue.

I feel that such an expression of support is necessary because House Resolution 803 is intended to delegate to the Committee on the Judiciary the full extent of the powers of this House in an impeachment proceedings—both as to the persons and types of things that may be subpenaed and the methods for doing so.

The power of subpena is lodged in the chairman and ranking minority member of the committee acting jointly, or in either of them if the other declines, or in the entire committee.

Under any of these possible groupings, the machinery is present to insure a fair and impartial use of the powers granted by this resolution. That actions taken pursuant to these powers would be bipartisan as well, goes without saying.

Mr. Speaker, I feel very strongly that the historic inquiry upon this Congress—through the agency of the Committee on the Judiciary—as embarked will be an ultimate testing of our constitutional processes. Too much is at stake in this matter to allow considerations extraneous to the question at hand to intervene or distort the committee's progress.

I applaud the decision of the committee, contained in the report that accompanies House Resolution 803, wherein the committee has voted not to place an arbitrary deadline for final action on its activities or recommendation concerning impeachment.

It seems to me that the committee's investigation has to be completely unfettered and unimpaired by restraints other than justice and due process of law.

If it were otherwise, I greatly fear that this subject, which has already produced so much divisiveness and vituperation in its wake, cannot even be laid to rest, one way or the other, by the vote of the House upon the final recommendation of the Committee on the Judiciary.

Like the ghost in Hamlet, it will come back to haunt us—and in the end—whatever that be—may be the undoing of something this country desperately needs—trust in its political process and in those that are engaged in the operation of Government.

Mr. Speaker, this resolution touches the keystone of any political system, the degree of faith that its citizens have in it. I believe that our system of law will never be the same as a result of our actions here today. I sincerely trust, however, that it will only be strengthened by what we decide, for a rejection of this resolution carries with it the seeds of an unhappy destiny for an America that we all know has such a great future.

I urge the passage of House Resolution 803 because its fate at our hands will greatly determine not only the future of this impeachment investigation, but as important, the future of our constitutional Government.

That framework, with its three coequal and counter-balanced branches, is supported by a broad base, the people of this country. But, internal disease such as a crisis of confidence in Government might produce—can reduce any great and strong oak to a shell whose core has rotted through.

It simply is not melodrama to say that we are being watched carefully by the American people as we conduct this impeachment investigation.

A vote for House Resolution 803, can, I am confident, help reassure them that this Congress is committed to an honest and unequivocal stand on this issue.

We in Congress need it as badly as does our country.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during consideration of this resolution.

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

There was no objection.

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 70, not voting 17, as follows:

[Roll No. 20]

YEAS—342

Abdnor	Bell	Broomfield
Abzug	Bennett	Brotzman
Adams	Bergland	Brown, Calif.
Addabbo	Bevill	Brown, Ohio
Alexander	Biaggi	Broyhill, N.C.
Anderson, Calif.	Biester	Buchanan
	Bingham	Burgener
Anderson, Ill.	Blatnik	Burke, Calif.
Andrews, N.C.	Boggs	Burke, Fla.
Andrews, N. Dak.	Boland	Burke, Mass.
	Bolling	Burleson, Tex.
Annunzio	Bowen	Burlison, Mo.
Arends	Brademas	Burton
Armstrong	Brasco	Byron
Ashley	Bray	Camp
Aspin	Breaux	Carey, N.Y.
Badillo	Breckinridge	Carney, Ohio
Barrett	Brooks	Casey, Tex.
Cederberg	Hicks	Randall
Chamberlain	Hillis	Rangel
Chappell	Hinshaw	Rarick
Chisholm	Holifield	Rees
Clancy	Holtzman	Regula
Clark	Horton	Reid
Clawson, Del	Hosmer	Reuss
Clay	Howard	Rhodes
Cleveland	Hudnut	Riegle
Cohen	Hungate	Rinaldo
Collier	Hunt	Roberts
Collins, Ill.	Hutchinson	Rodino
Conable	Jarman	Roe
Conlan	Johnson, Calif.	Rogers
Conte	Johnson, Colo.	Roncalio, Wyo.
Conyers	Johnson, Pa.	Roncalio, N.Y.
Corman	Jones, N.C.	Rooney, Pa.
Cotter	Jones, Okla.	Rose
Cronin	Jones, Tenn.	Rosenthal
Culver	Jordan	Rostenkowski
Daniel, Dan	Karth	Roush
Daniels, Dominick V.	Kastenmeier	Roybal
	Kazen	Runnels
Danielson	Kemp	Ruppe
Davis, Ga.	King	Ryan
Davis, S.C.	Kluczynski	St Germain
Davis, Wis.	Koch	Sandman
de la Garza	Kyros	Sarasin
Delaney	Landrum	Sarbanes
Dellenback	Latta	Satterfield
Dellums	Leggett	Scherle
Denholm	Lehman	Schneebeli
Dent	Lent	Schroeder
Devine	Litton	Seiberling
Dickinson	Long, La.	Shipley
Diggs	Long, Md.	Shriver
Dingell	Lujan	Sikes
Donohue	McCollister	Sisk
Dorn	McCormack	Slack
Downing	McDade	Smith, Iowa
Duliski	McEwen	Smith, N.Y.
du Pont	McFall	Stanton, J. William
Eckhardt	McKay	
Edwards, Ala.	McKinney	Stanton, James V.
Edwards, Calif.	Macdonald	
Eilberg	Madden	Stark
Erlenborn	Madigan	Steed
Eshleman	Mahon	Steele
Evans, Colo.	Mailliard	Steiger, Wis.
Evins, Tenn.	Mallary	Stephens
Fascell	Mann	Stokes
Findley	Maraziti	Stratton
Fish	Martin, Nebr.	Stubblefield
Fisher	Mathis, Ga.	Stuckey
Flood	Matsunaga	Studds
Flowers	Mayne	Sullivan
Flynt	Mazzoli	Symington
Foley	Meeds	Talcott
Ford	Melcher	Taylor, Mo.
Forsythe	Metcalfe	Taylor, N.C.
Fountain	Mezvinsky	Teague
Fraser	Michel	Thompson, N.J.
Frelinghuysen	Milford	Thomson, Wis.
Frey	Minish	Thone
Fulton	Mink	Thornton
Fuqua	Minshall, Ohio	Tiernan
Gaydos	Mitchell, Md.	Towell, Nev.
Gettys	Mitchell, N.Y.	Udall
Giaimo	Moakley	Ullman
Gibbons	Mollohan	Van Deerlin
Gilman	Montgomery	Vanik
Ginn	Moorhead, Pa.	Vigorito
Goldwater	Morgan	Waggonner
Gonzalez	Mosher	Waldie
Goodling	Moss	Walsh
Grasso	Murphy, Ill.	Ware
Gray	Murphy, N.Y.	Whalen
Green, Oreg.	Natcher	White
Green, Pa.	Nedzi	Whitten
Griffiths	Nichols	Widnall
Grover	Nix	Williams
Gude	Obey	Wilson, Bob
Gunter	O'Hara	Wilson, Charles H., Calif.
Guyer	O'Neill	
Hamilton	Owens	
Hanley	Patman	Wilson, Charles, Tex.
Hanna	Patten	
Hansen, Idaho	Pepper	Winn
Hansen, Wash.	Perkins	Wolff
Harrington	Pettis	Wright
Hastings	Peyser	Wyatt
Hawkins	Pickle	Wyman
Hays	Pike	Yates
Hébert	Poage	Yatron
Heckler, Mass.	Podell	Young, Ga.
Hechler, W. Va.	Preyer	Young, Tex.
Heinz	Price, Ill.	Zablocki
Helstoski	Pritchard	Zwach
Henderson	Railsback	

NAYS—70

Archer	Beard	Carter
Ashbrook	Blackburn	Cochran
Bafalis	Brinkley	Collins, Tex.
Baker	Brown, Mich.	Crane
Bauman	Butler	

Daniel, Robert W., Jr.	McClory	Shuster
Dennis	McCloskey	Snyder
Derwinski	Martin, N.C.	Spence
Drinan	Miller	Steelman
Duncan	Mizell	Steiger, Ariz.
Esch	Moorhead, Calif.	Symms
Frenzel	Myers	Treen
Froehlich	Nelsen	Vander Jagt
Gross	O'Brien	Veysey
Hammer-schmidt	Parris	Wampler
Hanrahan	Powell, Ohio	Whitehurst
Hogan	Price, Tex.	Wiggins
Holt	Quie	Wydler
Huber	Quillen	Wylie
Ichord	Robinson, Va.	Young, Alaska
Ketchum	Robison, N.Y.	Young, Fla.
Kuykendall	Rousselot	Young, Ill.
Lott	Ruth	Young, S.C.
	Sebelius	Zion

NOT VOTING—17

Broyhill, Va.	Harsha	Passman
Clausen, Don H.	Jones, Ala.	Rooney, N.Y.
Coughlin	Landgrebe	Roy
Gubser	McSpadden	Shoup
Haley	Mathias, Calif.	Skubitz
	Mills	Staggers

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Staggers with Mr. Gubser.

Mr. Rooney of New York with Mathias of California.

Mr. Passman with Mr. Don H. Clausen.

Mr. Roy with Mr. Landgrebe.

Mr. Haley with Mr. Shoup.

Mr. Jones of Alabama with Mr. Broyhill of Virginia.

Mr. McSpadden with Mr. Skubitz.

Mr. Mills with Mr. Harsha.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. RODINO. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 410, noes 4, not voting 15, as follows:

[Roll No. 21]

AYES—410

Abdnor	Brinkley	Corman
Abzug	Brooks	Cotter
Adams	Broomfield	Coughlin
Addabbo	Brotzman	Crane
Alexander	Brown, Calif.	Cronin
Anderson, Calif.	Brown, Mich.	Culver
Anderson, Ill.	Brown, Ohio	Daniel, Dan
Andrews, N.C.	Broyhill, N.C.	Daniel, Robert W., Jr.
Andrews, N. Dak.	Buchanan	Daniels, Dominick V.
Annunzio	Burgener	Danielson
Archer	Burke, Calif.	Davis, Ga.
Arends	Burke, Fla.	Davis, S.C.
Armstrong	Burke, Mass.	Davis, Wis.
Ashbrook	Burleson, Tex.	de la Garza
Ashley	Burlison, Mo.	Delaney
Aspin	Burton	Dellenback
Badillo	Butler	Dellums
Bafalis	Byron	Denholm
Baker	Camp	Dennis
Barrett	Carey, N.Y.	Dent
Bauman	Carney, Ohio	Derwinski
Beard	Carter	Devine
Bell	Casey, Tex.	Dickinson
Bennett	Cederberg	Diggs
Bergland	Chamberlain	Dingell
Bevill	Chisholm	Donohue
Biaggi	Clancy	Dorn
Biester	Clark	Downing
Bingham	Clawson, Del	Drinan
Blatnik	Clay	Dulski
Boggs	Cleveland	Duncan
Boland	Cochran	du Pont
Bolling	Cohen	Eckhardt
Bowen	Collier	Edwards, Ala.
Brademas	Collins, Ill.	Edwards, Calif.
Brasco	Collins, Tex.	Eilberg
Bray	Conable	Erlenborn
Breaux	Conlan	Esch
Breckinridge	Conte	Eshleman
	Conyers	
Evans, Colo.	Lott	Roush
Evins, Tenn.	Lujan	Rousselot
Fascell	McClory	Roybal
Findley	McCloskey	Runnels
Fish	McCollister	Ruth
Fisher	McCormack	Ryan
Flood	McDade	St Germain
Flowers	McEwen	Sandman
Flynt	McFall	Sarasin
Foley	McKay	Sarbanes
Ford	McKinney	Satterfield
Forsythe	Macdonald	Scherle
Fountain	Madden	Schneebeli
Fraser	Madigan	Schroeder
Frelinghuysen	Mahon	Sebelius
Frenzel	Mailliard	Seiberling
Frey	Mallary	Shipley
Froehlich	Mann	Shoup
Fulton	Maraziti	Shriver
Fuqua	Martin, Nebr.	Shuster
Gaydos	Martin, N.C.	Sikes
Giaimo	Mathis, Ga.	Sisk
Gibbons	Matsunaga	Slack
Gilman	Mayne	Smith, Iowa
Ginn	Mazzoli	Smith, N.Y.
Goldwater	Meeds	Snyder
Gonzalez	Melcher	Staggers
Goodling	Metcalfe	Stanton, J. William
Grasso	Mezvinsky	Stanton, James V.
Gray	Michel	Stark
Green, Oreg.	Milford	Steed
Green, Pa.	Miller	Steele
Griffiths	Minish	Steelman
Gross	Mink	Steiger, Ariz.
Grover	Minshall, Ohio	Steiger, Wis.
Gude	Mitchell, Md.	Stephens
Gunter	Mitchell, N.Y.	Stokes
Guyer	Mizell	Stratton
Hamilton	Moakley	Stubblefield
Hammer-schmidt	Mollohan	Stuckey
Hanley	Montgomery	Studds
Hanna	Moorhead, Pa.	Sullivan
Hanrahan	Morgan	Symington
Hansen, Idaho	Mosher	Symms
Hansen, Wash.	Moss	Talcott
Harrington	Murphy, Ill.	Taylor, Mo.
Harsha	Murphy, N.Y.	Taylor, N.C.
Hastings	Myers	Teague
Hawkins	Natcher	Thompson, N.J.
Hays	Nedzi	Thomson, Wis.
Hébert	Nelsen	Thone
Hechler, W. Va.	Nichols	Thornton
Heckler, Mass.	Nix	Tiernan
Heinz	Obey	Towell, Nev.
Helstoski	O'Brien	Udall
Henderson	O'Hara	Ullman
Hicks	O'Neill	Van Deerlin
Hillis	Owens	Vander Jagt
Hinshaw	Parris	Vanik
Hogan	Patman	Veysey
Holifield	Patten	Vigorito
Holt	Pepper	Waggonner
Holtzman	Perkins	Waldie
Horton	Pettis	Walsh
Hosmer	Peyser	Wampler
Howard	Pickle	Ware
Huber	Pike	Whalen
Hudnut	Poage	White
Hungate	Podell	Whitehurst
Hunt	Powell, Ohio	Whitten
Hutchinson	Preyer	Widnall
Ichord	Price, Ill.	Wiggins
Jarman	Price, Tex.	Williams
Johnson, Calif.	Pritchard	Wilson, Bob
Johnson, Colo.	Quie	Wilson, Charles H., Calif.
Johnson, Pa.	Quillen	Wilson, Charles, Tex.
Jones, N.C.	Railsback	Winn
Jones, Okla.	Randall	Wolff
Jones, Tenn.	Rangel	Wright
Jordan	Rarick	Wyatt
Karth	Rees	Wydler
Kastenmeier	Regula	Wylie
Kazen	Reid	Wyman
Kemp	Reuss	Yates
Ketchum	Rhodes	Yatron
King	Riegle	Young, Alaska
Kluczynski	Rinaldo	Young, Fla.
Koch	Roberts	Young, Ga.
Kuykendall	Robinson, Va.	Young, Ill.
Kyros	Robison, N.Y.	Young, S.C.
Landrum	Rodino	Young, Tex.
Latta	Roe	Zablocki
Leggett	Rogers	Zion
Lehman	Roncalio, Wyo.	Zwach
Lent	Roncallo, N.Y.	
Litton	Rooney, Pa.	
Long, La.	Rose	
Long, Md.	Rosenthal	
	Rostenkowski	

NOES—4

Blackburn	Moorhead, Calif.	Treen
Landgrebe		

NOT VOTING—15

Broyhill, Va.	Jones, Ala.	Roy
Clausen, Don H.	McSpadden	Ruppe
Gettys	Mathias, Calif.	Skubitz
Gubser	Mills	Spence
Haley	Passman	
	Rooney, N.Y.	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gettys.

Mr. Haley with Mr. Gubser.

Mr. Passman with Mr. Ruppe.

Mr. Roy and Mr. Skubitz.

Mr. Jones of Alabama with Mr. Spence.

Mr. McSpadden with Mr. Don. H. Clausen.

Mr. Mills with Mr. Broyhill of Virginia.

The vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RUPPE. Mr. Speaker, after voting on the previous question, it was necessary for me to return to my office to keep an appointment on a matter of importance to my district. The vote on the passage of House Resolution 803 followed immediately, and I was unable to return from my office in time to be recorded on that rollcall—rollcall No. 20. Had I been here I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my remarks appear following the vote on House Resolution 803.

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

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 United States Code 194(a), the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. TIERNAN, of Rhode Island; and Mr. STEELE, of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 United States Code 1126c, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. WOLFF, of New York, and Mr. WYDLER, of New York.

HEALTH CARE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 93–211)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

One of the most cherished goals of our democracy is to assure every American an equal opportunity to lead a full and productive life.

In the last quarter century, we have made remarkable progress toward that goal, opening the doors to millions of our fellow countrymen who were seeking equal opportunities in education, jobs and voting.

Now it is time that we move forward again in still another critical area: health care.

Without adequate health care, no one can make full use of his or her talents and opportunities. It is thus just as important that economic, racial and social barriers not stand in the way of good health care as it is to eliminate those barriers to a good education and a good job.

Three years ago, I proposed a major health insurance program to the Congress, seeking to guarantee adequate financing of health care on a nationwide basis. That proposal generated widespread discussion and useful debate. But no legislation reached my desk.

Today the need is even more pressing because of the higher costs of medical care. Efforts to control medical costs under the New Economic Policy have been met with encouraging success, sharply reducing the rate of inflation for health care. Nevertheless, the overall cost of health care has still risen by more than 20 percent in the last two and one-half years, so that more and more Americans face staggering bills when they receive medical help today:

—Across the Nation, the average cost of a day of hospital care now exceeds $110.

—The average cost of delivering a baby and providing postnatal care approaches $1,000.

—The average cost of health care for terminal cancer now exceeds $20,000.

For the average family, it is clear that without adequate insurance, even normal care can be a financial burden while a catastrophic illness can mean catastrophic debt.

Beyond the question of the prices of health care, our present system of health care insurance suffers from two major flaws:

First, even though more Americans carry health insurance than ever before, the 25 million Americans who remain uninsured often need it the most and are most unlikely to obtain it. They include many who work in seasonal or transient occupations, high-risk cases, and those who are ineligible for Medicaid despite low incomes.

Second, those Americans who do carry health insurance often lack coverage which is balanced, comprehensive and fully protective:

—Forty percent of those who are insured are not covered for visits to physicians on an out-patient basis, a gap that creates powerful incentives toward high-cost care in hospitals;

—Few people have the option of selecting care through prepaid arrangements offered by Health Maintenance Organizations so the system at large does not benefit from the free choice and creative competition this would offer.

—Very few private policies cover preventive services;

—Most health plans do not contain built-in incentives to reduce waste and inefficiency. The extra costs of wasteful practices are passed on, of course, to consumers; and

—Fewer than half of our citizens under 65—and almost none over 65—have major medical coverage which pays for the cost of catastrophic illness.

These gaps in health protection can have tragic consequences. They can cause people to delay seeking medical attention until it is too late. Then a medical crisis ensues, followed by huge medical bills—or worse. Delays in treatment can end in death or lifelong disability.

COMPREHENSIVE HEALTH INSURANCE PLAN (CHIP)

Early last year, I directed the Secretary of Health, Education, and Welfare to prepare a new and improved plan for comprehensive health insurance. That plan, as I indicated in my state of the Union message, has been developed and I am presenting it to the Congress today. I urge its enactment as soon as possible.

The plan is organized around seven principles:

First, it offers every American an opportunity to obtain a balanced, comprehensive range of health insurance benefits;

Second, it will cost no American more than he can afford to pay;

Third, it builds on the strength and diversity of our existing public and private systems of health financing and harmonizes them into an overall system;

Fourth, it uses public funds only where needed and requires no new Federal taxes;

Fifth, it would maintain freedom of choice by patients and ensure that doctors work for their patient, not for the Federal Government;

Sixth, it encourages more effective use of our health care resources;

And finally, it is organized so that all parties would have a direct stake in making the system work—consumer, provider, insurer, State governments and the Federal Government.

BROAD AND BALANCED PROTECTION FOR ALL AMERICANS

Upon adoption of appropriate Federal and State legislation, the Comprehensive Health Insurance Plan would offer to every American the same broad and balanced health protection through one of three major programs:

—Employee Health Insurance, covering most Americans and offered at their place of employment, with the cost to be shared by the employer and employee on a basis which would prevent excessive burdens on either;

—Assisted Health Insurance, covering low-income persons, and persons who would be ineligible for the other two programs, with Federal and State governments paying those costs beyond the means of the individual who is insured; and,

—An improved Medicare Plan, covering those 65 and over and offered through a Medicare system that is modified to include additional, needed benefits.

One of these three plans would be available to every American, but for everyone, participation in the program would be voluntary.

The benefits offered by the three plans would be identical for all Americans, regardless of age or income. Benefits would be provided for:

—hospital care;

—physicians' care in and out of the hospitals;

—prescription and life-saving drugs;

—laboratory tests and X-rays;

—medical devices;

—ambulance services; and,

—other ancillary health care.

There would be no exclusions of coverage based on the nature of the illness. For example, a person with heart disease would qualify for benefits as would a person with kidney disease.

In addition, CHIP would cover treatment for mental illness, alcoholism, and drug addiction, whether that treatment were provided in hospitals and physicians' offices or in community based settings.

Certain nursing home services and other convalescent services would also be covered. For example, home health services would be covered so that long and costly stays in nursing homes could be averted where possible.

The health needs of children would come in for special attention, since many conditions, if detected in childhood, can be prevented from causing lifelong disability and learning handicaps. Included in these services for children would be:

—preventive care up to age six;

—eye examinations;

—hearing examinations; and,

—regular dental care up to age 13.

Under the Comprehensive Health Insurance Plan, a doctor's decisions could be based on the health care needs of his patients, not on health insurance coverage. This difference is essential for quality care.

Every American participating in the program would be insured for catastrophic illnesses that can eat away savings and plunge individuals and families into hopeless debt for years. No family would ever have annual out-of-pocket expenses for covered health services in excess of $1,500, and low-income families would face substantially smaller expenses.

As part of this program, every American who participates in the program would receive a Healthcard when the plan goes into effect in his State. This card, similar to a credit card, would be honored by hospitals, nursing homes, emergency rooms, doctors, and clinics across the country. This card could also be used to identify information on blood type and sensitivity to particular drugs—information which might be important in an emergency.

Bills for the services paid for with the Healthcard would be sent to the insurance carrier who would reimburse the provider of the care for covered services, then bill the patient for his share, if any.

The entire program would become effective in 1976, assuming that the plan is promptly enacted by the Congress.

HOW EMPLOYEE HEALTH INSURANCE WOULD WORK

Every employer would be required to offer all full-time employees the Comprehensive Health Insurance Plan. Additional benefits could then be added by mutual agreement. The insurance plan would be jointly financed, with employers paying 65 percent of the premium for the first 3 years of the plan, and 75 percent thereafter. Employees would pay the balance of the premiums. Temporary Federal subsidies would be used to ease the initial burden on employers who face significant cost increases.

Individuals covered by the plan would pay the first $150 in annual medical expenses. A separate $50 deductible provision would apply for out-patient drugs. There would be a maximum of three medical deductibles per family.

After satisfying this deductible limit, an enrollee would then pay for 25 percent of additional bills. However, $1,500 per year would be the absolute dollar limit on any family's medical expenses for covered services in any one year.

HOW ASSISTED HEALTH INSURANCE WOULD WORK

The program of Assisted Health Insurance is designed to cover everyone not offered coverage under Employee Health Insurance or Medicare, including the unemployed, the disabled, the self-employed, and those with low incomes. In addition, persons with higher incomes could also obtain Assisted Health Insurance if they cannot otherwise get coverage at reasonable rates. Included in this latter group might be persons whose health status or type of work puts them in high-risk insurance categories.

Assisted Health Insurance would thus fill many of the gaps in our present health insurance system and would ensure that for the first time in our Nation's history, all Americans would have financial access to health protection regardless of income or circumstances.

A principal feature of Assisted Health Insurance is that it relates premiums and out-of-pocket expenses to the income of the person or family enrolled. Working families with incomes of up to $5,000, for instance, would pay no premiums at all. Deductibles, co-insurance, and maximum liability would all be pegged to income levels.

Assisted Health Insurance would replace State-run Medicaid for most services. Unlike Medicaid, where benefits vary in each State, this plan would establish uniform benefit and eligibility standards for all low-income persons. It would also eliminate artificial barriers to enrollment or access to health care.

As an interim measure, the Medicaid program would be continued to meet certain needs, primarily long-term institutional care. I do not consider our current approach to long-term care desirable because it can lead to overemphasis on institutional as opposed to home care. The Secretary of Health, Education, and Welfare has undertaken a thorough study of the appropriate institutional services which should be included in health insurance and other programs and will report his findings to me.

IMPROVING MEDICARE

The Medicare program now provides medical protection for over 23 million older Americans. Medicare, however, does not cover outpatient drugs, nor does it limit total out-of-pocket costs. It is still possible for an elderly person to be financially devastated by a lengthy illness even with Medicare coverage.

I therefore propose that Medicare's benefits be improved so that Medicare would provide the same benefits offered to other Americans under Employee Health Insurance and Assisted Health Insurance.

Any person 65 or over, eligible to receive Medicare payments, would ordinarily, under my modified Medicare plan, pay the first $100 for care received during a year, and the first $50 toward outpatient drugs. He or she would also pay 20 percent of any bills above the deductible limit. But in no case would any Medicare beneficiary have to pay more than $750 in out-of-pocket costs. The premiums and cost sharing for those with low incomes would be reduced, with public funds making up the difference.

The current program of Medicare for the disabled would be replaced. Those now in the Medicare for the disabled plan would be eligible for Assisted Health Insurance, which would provide better coverage for those with high medical costs and low incomes.

Premiums for most people under the new Medicare program would be roughly equal to that which is now payable under Part B of Medicare—the Supplementary Medical Insurance program.

COSTS OF COMPREHENSIVE HEALTH INSURANCE

When fully effective, the total new costs of CHIP to the Federal and State governments would be about $6.9 billion with an additional small amount for transitional assistance for small and low wage employers:

—The Federal Government would add about $5.9 billion over the cost of continuing existing programs to finance health care for low-income or high risk persons.

—State governments would add about $1.0 billion over existing Medicaid spending for the same purpose, though these added costs would be largely, if not wholly offset by reduced State and local budgets for direct provision of services.

—The Federal Government would provide assistance to small and low wage employers which would initially cost about $450 million but be phased out over five years.

For the average American family, what all of these figures reduce to is simply this:

—The national average family cost for health insurance premiums each year under Employee Health Insurance would be about $150; the employer would pay approximately $450 for each employee who participates in the plan.

—Additional family costs for medical care would vary according to need and use, but in no case would a family have to pay more than $1,500 in any one year for covered services.

—No additional taxes would be needed to pay for the cost of CHIP. The Federal funds needed to pay for this plan could all be drawn from revenues that would be generated by the present tax structure. I am opposed to any comprehensive health plan which requires new taxes.

MAKING THE HEALTH CARE SYSTEM WORK BETTER

Any program to finance health care for the Nation must take close account of two critical and related problems—cost and quality.

When Medicare and Medicaid went into effect, medical prices jumped almost twice as fast as living costs in general in the next 5 years. These programs increased demand without increasing supply proportionately and higher costs resulted.

This escalation of medical prices must not recur when the Comprehensive Health Insurance Plan goes into effect. One way to prevent an escalation is to increase the supply of physicans, which is now taking place at a rapid rate. Since 1965, the number of first-year enrollments in medical schools has increased 55 percent. By 1980, the Nation should have over 440,000 physicians, or roughly one-third more than today. We are also taking steps to train persons in allied health occupations, who can extend the services of the physician.

With these and other efforts already underway, the Nation's health manpower supply will be able to meet the additional demands that will be placed on it.

Other measures have also been taken to contain medical prices. Under the New Economic Policy, hospital cost increases have been cut almost in half from their post-Medicare highs, and the rate of increase in physician fees has slowed substantially. It is extremely important that these successes be continued as we move toward our goal of comprehensive health insurance protection for all Americans. I will, therefore, recommend to the Congress that the Cost of Living Council's authority to control medical care costs be extended.

To contain medical costs effectively over the long haul, however, basic reforms in the financing and delivery of care are also needed. We need a system with built-in incentives that operates more efficiently and reduces the losses from waste and duplication of effort. Everyone pays for this inefficiency through their health premiums and medical bills.

The measure I am recommending today therefore contains a number of proposals designed to contain costs, improve the efficiency of the system and assure quality health care. These proposals include:

1. HEALTH MAINTENANCE ORGANIZATIONS (HMO'S)

On December 29, 1973, I signed into law legislation designed to stimulate, through Federal aid, the establishment of prepaid comprehensive care organizations. HMO's have proved an effective means for delivering health care and the CHIP plan requires that they be offered as an option for the individual and the family as soon as they become available. This would encourage more freedom of choice for both patients and providers, while fostering diversity in our medical care delivery system.

2. PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS (PSRO'S)

I also contemplate in my proposal a provision that would place health services provided under CHIP under the review of Professional Standards Review Organizations. These PSRO's would be charged with maintaining high standards of care and reducing needless hospitalization. Operated by groups of private physicians, professional review organizations can do much to ensure quality care while helping to bring about significant savings in health costs.

3. MORE BALANCED GROWTH IN HEALTH FACILITIES

Another provision of this legislation would call on the States to review building plans for hospitals, nursing homes and other health facilities. Existing health insurance has overemphasized the placement of patients in hospitals and nursing homes. Under this artificial stimulus, institutions have felt impelled to keep adding bed space. This has produced a growth of almost 75 percent in the number of hospital beds in the last 20 years, so that now we have a surplus of beds in many places and a poor mix of facilities in others. Under the legislation I am submitting, States can begin remedying this costly imbalance.

4. STATE ROLE

Another important provision of this legislation calls on the States to review the operation of health insurance carriers within their jurisdiction. The States would approve specific plans, oversee rates, ensure adequate disclosure, require an annual audit and take other appropriate measures. For health care providers, the States would assure fair reimbursement for physician services, drugs and institutional services, including a prospective reimbursement system for hospitals.

A number of States have shown that an effective job can be done in containing costs. Under my proposal all States would have an incentive to do the same. Only with effective cost control measures can States ensure that the citizens receive the increased health care they need and at rates they can afford. Failure on the part of States to enact the necessary authorities would prevent them from receiving any Federal support of their State-administered health assistance plan.

MAINTAINING A PRIVATE ENTERPRISE APPROACH

My proposed plan differs sharply with several of the other health insurance plans which have been prominently discussed. The primary difference is that my proposal would rely extensively on private insurers.

Any insurance company which could offer those benefits would be a potential supplier. Because private employers would have to provide certain basic benefits to their employees, they would have an incentive to seek out the best insurance company proposals and insurance companies would have an incentive to offer their plans at the lowest possible prices. If, on the other hand, the Government were to act as the insurer, there would be no competition and little incentive to hold down costs.

There is a huge reservoir of talent and skill in administering and designing health plans within the private sector. That pool of talent should be put to work.

It is also important to understand that the CHIP plan preserves basic freedoms for both the patient and doctor. The patient would continue to have a freedom of choice between doctors. The doctors would continue to work for their patients, not the Federal Government. By contrast, some of the national health plans that have been proposed in the Congress would place the entire health system under the heavy hand of the Federal Government, would add considerably to our tax burdens, and would threaten to destroy the entire system of medical care that has been so carefully built in America.

I firmly believe we should capitalize on the skills and facilities already in place, not replace them and start from scratch with a huge Federal bureaucracy to add to the ones we already have.

COMPREHENSIVE HEALTH INSURANCE PLAN—A PARTNERSHIP EFFORT

No program will work unless people want it to work. Everyone must have a stake in the process.

This comprehensive health insurance plan has been designed so that everyone involved would have both a stake in making it work and a role to play in the process—consumer, provider, health insurance carrier, the States and the Federal Government. It is a partnership program in every sense.

By sharing costs, consumers would have a direct economic stake in choosing and using their community's health resources wisely and prudently. They would be assisted by requirements that physicians and other providers of care make available to patients full information on fees, hours of operation and other matters affecting the qualifications of providers. But they would not have to go it alone either: doctors, hospitals and other providers of care would also have a direct stake in making the Comprehensive Health Insurance Plan work. This program has been designed to relieve them of much of the red tape, confusion and delays in reimbursement that plague them under the bewildering assortment of public and private financing systems that now exist. Health cards would relieve them of troublesome bookkeeping. Hospitals could be hospitals, not bill collecting agencies.

CONCLUSION

Comprehensive health insurance is an idea whose time has come in America.

There has long been a need to assure every American financial access to high quality health care. As medical costs go up, that need grows more pressing.

Now, for the first time, we have not just the need but the will to get this job done. There is widespread support in the Congress and in the Nation for some form of comprehensive health insurance.

Surely if we have the will, 1974 should also be the year that we find the way.

The plan that I am proposing today is, I believe, the very best way. Improvements can be made in it, of course, and the Administration stands ready to work with the Congress, the medical profession, and others in making those changes.

But let us not be led to an extreme program that would place the entire health care system under the dominion of social planners in Washington.

Let us continue to have doctors who work for their patients, not for the Federal Government. Let us build upon the strengths of the medical system we have now, not destroy it.

Indeed, let us act sensibly. And let us act now—in 1974—to assure all Americans financial access to high quality medical care.

RICHARD NIXON.

THE WHITE HOUSE, *February 6, 1974.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In accordance with section 201(9) of the Public Broadcasting Act of 1967, as amended, I hereby transmit the annual report of the Corporation for Public Broadcasting covering fiscal year 1973.

RICHARD NIXON.

THE WHITE HOUSE, *February 6, 1974*

FEDERAL RULES OF EVIDENCE

Mr. HUNGATE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5463) to establish rules of evidence for certain courts and proceedings.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5463), with Mr. STEED of Oklahoma in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, January 30, 1974, the Clerk had read through article I of

the committee amendment in the nature of a substitute ending on page 73, line 2. Are there any committee amendments to article I?

Mr. HUNGATE. Mr. Chairman, there are none.

The CHAIRMAN. Are there any other amendments to article I?

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

The House today resumes consideration of H.R. 5463, the Federal Rules of Evidence, reading for amendments under a rule which insures that any changes proposed to the recommendations of your Judiciary Committee be given the same careful examination that has characterized each step of the codification process so far. I am confident that the action taken by the House this afternoon on H.R. 5463 will be of a judicious and responsible nature and in keeping with the careful consideration demanded by such important legislation.

Almost a year ago to the day, on February 7, 1973, the Criminal Justice Subcommittee—then known as the Special Subcommittee on Reform of Federal Criminal Laws—opened hearings on the proposed rules of evidence for use in the Federal courts and before U.S. magistrates, transmitted to the Congress by the Chief Justice of the Supreme Court.

The codification of Federal evidence rules was originated by the Judicial Conference in March 1961, when it established a special committee to determine whether the development of uniform rules of evidence would be desirable and feasible. The special committee made affirmative recommendations in this regard and on March 8, 1965, the Chief Justice, as Chairman of the Judicial Conference, appointed an Advisory Committee on Rules of Evidence and designated as its chairman, Albert Jenner, a very able trial lawyer whose name I am sure is known to all of my colleagues in this body. In March 1969, the advisory committee circulated a preliminary draft of proposed rules to the bench, bar, and law teaching community for comments and suggestions. The proposed rules were subsequently revised to reflect some of the solicited recommendations and then transmitted to the Supreme Court. After recirculation for further comment and a resulting third draft, the Supreme Court prescribed the proposed rules pursuant to titles 18 and 28 of the United States Code and on February 5, 1973, Chief Justice Burger, sent the proposed rules to Congress. The rules were to be placed in operation on July 1, 1973, unless disapproved by the Congress before that date.

Recognizing congressional responsibility in regard to the proposed uniform rules of evidence, the Criminal Justice Subcommittee, on which I am pleased to serve under the able chairmanship of BILL HUNGATE, immediately sought to examine the rules in as much depth and in as great detail as time would permit. We very soon realized, however, that it would be impossible for us to complete our task in the manner we desired and secure congressional disposition of the matter before the July 1 deadline. For that reason we proposed legislation, which was adopted by both Houses of Congress, to delay the effective date of the rules of evidence until they be "expressly approved by act of Congress"—Public Law 93–12.

H.R. 5463, which I joined with Chairman HUNGATE and other members of the subcommittee in introducing, incorporated the rules of evidence as sent to Congress by the Supreme Court, and provided our subcommittee with the vehicle on which to work the will of Congress. During the course of our subcommittee hearings, which were concluded on March 15, we received testimony from more than 50 witnesses representing practically every segment of our society whose activities might be affected by the implementation of these rules. After concluding the hearings, we held approximately 20 markup sessions, which were open to the public, and considered each rule separately while reviewing testimony given by interested witnesses during the hearings. It was not infrequent that we solicited additional views and comments from competent sources to assist us in our examination of a proposed rule.

On June 28, 1973, the subcommittee published and circulated for comment throughout the country a draft of the proposed rules of evidence which reflected the changes recommended by the subcommittee as a result of our examination. Copies of the subcommittee draft were provided the Bar Association of each State, the Justice Department, the Supreme Court, and the Judicial Conference, and all individuals and organizations of whose interest the subcommittee was aware and their views and comments were requested. In addition, the subcommittee draft was published in the CONGRESSIONAL RECORD for the benefit of our colleagues in the Congress and others who might not otherwise have access to the subcommittee recommendations.

Five additional subcommittees markup sessions were scheduled to consider the recommendations we received as a result of the circulation of the June 28 committee print. The committee print of October 10, 1973, represents the subcommittee's final work product on the rules of evidence and contains several modifications suggested in response to the circulation of the June 28 draft.

Approval by the full judiciary Committee came on November 15 when H.R. 5463 was ordered reported.

The Criminal Justice Subcommittee approached these rules in a deliberative and conscientious manner while allowing for the expeditious consideration of the matter by the Congress as a whole. I think the final product reflects admirably upon the ability of the Congress to approach a technical and controversial subject of limited interest to the average layman and develop a sound and substantive piece of legislation. The rule requested and received for the consideration of H.R. 5463 on the floor of the House provided for further responsible modifications in the proposed rules of evidence by Members of the House who had not had the opportunity to participate in committee proceedings, as well as by committee members who are interested in having the full House membership consider the merits of additional proposed changes.

I feel this legislation will be one of the great achievements of the 93d Congress, not only because of the substance of the act but also because of the manner in which it was considered. I am pleased to have been associated with House consideration of the Federal rules of evidence.

Ms. HOLTZMAN. Mr. Chairman, I would like to explain my objections to the bill on Federal Rules of Evidence (H.R. 5463). Before listing my reasons I would like to commend the work of my colleagues on the Judiciary Committee in improving various sections of the bill as originally presented. In large measure the improvements are attributable to the leadership of Representative HUNGATE, chairman of the Subcommittee on Criminal Justice.

Nevertheless, I still have substantial reservations concerning the bill even as amended in the Committee of the Whole House.

At the present time, the rules of evidence in the Federal courts are not codified. Evidentiary matters are governed essentially by the common law, with a few exceptions, and rules have been developed on a case-by-case basis.

Eminent jurists and lawyers have objected to any codification of rules of evidence—or freezing them into black letter law—primarily because evidentiary principles are extremely difficult to codify. In addition, as a whole, the testimony before the subcommittee showed no real need to codify the rules. Instead, the dangers of codification became apparent.

Black letter rules will make evidentiary points high profile. Presently, evidentiary rulings are generally not considered critical at a trial. Once we adopt a "black letter" code, lawyers will have a field day determining how many evidentiary angels can dance on the top of a pin. A number of witnesses testified that the rules will generate appeals and increase reversals on evidentiary rulings.

Another thorny problem this codification will produce is forum shopping. Because this code substantially liberalizes the hearsay rules, Federal courts may become a more attractive forum for litigation. This is not, however, a time to increase the workload of the already congested Federal courts. Nor is there any substantial justification on a hearsay issue for a different outcome in a Federal court when State law is involved.

The revisions of most of the controversial rules—privileges, impeachment by prior convictions, and the like—have in my opinion been eminently correct. Part of the reason for this was the fact that most of the comments received on the bill were directed to these rules.

Unfortunately, however, many of the other "minor" rules did not receive very much attention from the commentators or witnesses. But, these minor rules can have a sweeping and potentially harmful effect.

I will cite a few examples of rules which are troublesome.

There are problems with rules con-

cerning the admission of unfairly prejudicial evidence—rule 403, best evidence rule—article 10, use of accused's testimony on preliminary matters—rule 104 (d), statements in documents affecting an interest in property—rule 803 (15), authenticity of commercial paper—rule 902 (9), authenticity of handwriting—rule 901, hearsay use of telephone directories and similar publications—rule 803 (17), and use of court appointed expert witnesses—rule 706.

Although the Committee of the Whole has improved the rules involving admissibility of hearsay evidence, specifically I am troubled by the consequences of the general liberalization of use of hearsay evidence in criminal trials. All of us agree that live testimony subject to cross-examination is the best guarantee of a fair trial. Yet, in this code there are several rules which would impinge upon this crucial right significantly. The adoption in the Committee of the Whole of an amendment which would allow opinion evidence to be admitted, is extremely unwise and may adversely affect elemental fairness and due process in criminal trials.

Unquestionably, if we enact these rules of evidence, we will be enacting a code substantially better than the one promulgated by the Supreme Court last year. In this regard I was, of course, gratified by the adoption by the Committee of the Whole House of my amendments removing the Supreme Court's power to legislate rules in the area of privileges and narrowing the public reports exception to the hearsay rule—rule 803(b). Yet, we must balance the several improvements on the bill and the purported—but unproved—benefits of a uniform Federal code of evidence, against the dangers of codification and the problems I have enumerated.

In summary, I have concluded that I must vote against the bill before the House.

AMENDMENT OFFERED BY MR. STEIGER OF ARIZONA

Mr. STEIGER of Arizona. Mr. Chairman, I offer an amendment.

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

The CHAIRMAN. The gentleman from Missouri reserves a point of order.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Arizona: Page 73, immediately after line 2, insert the following:

Rule 107. Elimination of and Alternative to Exclusionary Rule

(a) Exclusion.—Evidence, otherwise admissible in a Federal criminal proceeding shall not be excluded on the grounds such evidence was obtained in violation of the fourth article of amendment to the Constitution of the United States, if there is an adequate legal remedy for any person aggrieved by reason of such violation.

(b) Adequate legal remedy.—For the purposes of subdivision (a), the legal remedy provided under subdivision (c) shall be considered an adequate legal remedy.

(c) Liability of United States.—

(1) The United States shall be liable for any damages caused by a violation of the fourth article of amendment to the Constitution of the United States, (A) if such violation was by any officer or employee of the United States while in the course of the official duty of such officer or employee to investigate any alleged offense against the United States, or to apprehend or hold in custody any alleged offender against the United States, or (B) if such violation was by any person acting under or at the request of such officer or employee in the course of such duty.

(2) The liability under subdivision (c) (1) shall be to any person aggrieved by such violation of the fourth article of amendment to the Constitution of the United States and such person may recover such actual damages as the jury shall determine, if there is a jury, or as the court may determine, if there is not a jury, and such punitive damages as may be awarded under subdivision (c) (3).

(3) Punitive damages may be awarded by the jury, or if there is no jury, by the court, upon consideration of all of the circumstances of the case, including—

(A) the extent of deviation from permissible conduct;

(B) the extent to which the violation was willful;

(C) the extent to which privacy was invaded;

(D) the extent of personal injury, both physical and mental;

(E) the extent of property damage; and

(F) the extent to which the award of such damages will tend to prevent violations of the fourth article of amendment to the Constitution of the United States.

(4) The remedy against the United States provided under this section shall be the exclusive civil remedy against any person for such violation of the fourth article of amendment to the Constitution of the United States.

Page 65, in the table of contents appearing after line 15, insert immediately after the item relating to Rule 106, the following new item:

Rule 106. Remainder of or related writings on recorded statements.

POINT OF ORDER

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

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

Mr. EDWARDS of California. Mr. Chairman, I make a point of order on two grounds; the first ground being that the gentleman from Arizona, in accordance with the rule, printed the amendment on page E400 of the CONGRESSIONAL RECORD of February 4, 1974, but it is in a different form as he offers it today.

Second, I make a point of order on the ground that the amendment is not germane. It raises completely extraneous and new matters never considered by either the subcommittee or the full committee during its long deliberations on this subject.

This amendment offered by the gentleman from Arizona is actually the full text of H.R. 10725, which is a bill introduced by the gentleman from Arizona last September and which has been referred to the subcommittee of the Committee on the Judiciary which I chair. The bill, according to the way the gentleman put it in the record, purports to amend title 18 of the United States Code in a most substantive way. The rules of evidence which we are considering today do not amend title 18 in any way.

The bill the gentleman from Arizona is offering as an amendment subjects the U.S. Government to liability, and the rules of evidence do not address themselves to this issue in any respect. While this bill, which the gentleman offers in all sincerity, wears the cloak of an amendment, it simply does not fit. It is a bill that should be considered by the subcommittee of the Committee on the Judiciary that I chair, and will receive appropriate attention, but it really does not have any business in the particular legislation that we are considering here today.

The CHAIRMAN. Does the gentleman from Arizona desire to be heard on the point of order?

Mr. STEIGER of Arizona. I do, Mr. Chairman.

Mr. Chairman, I would be very, very concerned if the Chair were to rule on the first of the grounds offered by the gentleman from California. I will tell the Chairman and the House that the amendment as offered in the record is not changed at all in the form in which it is before the committee. The only change is at what point in the bill it appears. I will tell the Chair that both the spirit and the letter of the rule were conformed to as far as I am concerned, and I would hope that no Member in the future would be denied a hearing on an amendment based on what has to be at best a capricious judgment.

Mr. Chairman, I would address myself primarily to the second objection raised by my good friend from California. My good friend is correct that this was introduced as a separate measure, and it was assigned to his subcommittee. Because of the pressure of the other assignments of the subcommittee, it was unable to receive a hearing. Therefore, the gentleman is absolutely correct as regards its lack of hearing in the subcommittee or the full committee.

Mr. Chairman, I will tell the Chair that it is germane, because clearly it addresses itself only to the rules of evidence and nothing more.

But the liability mentioned by the gentleman as being a new subject, if the Chair will, is a subject that is frankly addressed on every page of the committee bill, because every page of the committee bill is altering in some ways the rules of evidence. As such, the potential for testing in the courts is clear. Every test will result in a liability on the part of the Federal Government, and it seems to me the Chair is being placed in the position of determining how much liability is new liability and how much liability is excessive and, therefore, not germane.

Mr. Chairman, I would submit very reluctantly that it is not to the rules of evidence, the germaneness or the lack of conformity to the rules of the House that these objections are raised, but, rather, the concern that this matter be brought to the full House without benefit of the filtration of the committee.

Mr. Chairman, that I can understand, but that in the past has not been sufficient grounds to deny at least a hearing before the full House.

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

The text of the proposed amendment, as printed in the RECORD, and the text as offered by the gentleman from Arizona (Mr. STEIGER) are at variance. The ob-

jection raised by the gentleman from California concerning the imposition of new liability on the United States points out that the amendment goes beyond the subject matter dealt with in the bill.

Since there is a clear indication of the nongermaneness of the amendment and of failure to strictly comply with the rule, the Chair sustains the point of order.

(Mr. ROUSSELOT asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. ROUSSELOT. Mr. Chairman, I rise to address the issue raised in the amendment offered by my distinguished colleague from Arizona. In order to properly consider this proposal, we must keep in mind two basic precepts which have guided American justice from its earliest days. Even though the amendment has been ruled out of order I think we should discuss the concepts of the amendment.

The first precept is the purpose of government itself. The principal purpose of government is the maintenance of law and order, and that is nothing more than public sanction to protect the rights of each citizen.

The second precept is the innocence of the accused until guilt is established through due process of law, and that is public sanction to protect the rights of the guilty in order to protect the rights of the innocent.

As a part of that protection, the law presently excludes from a criminal trial evidence which has been illegally obtained—not on the theory that it is any less factual, not on the theory that it is subject to any less close inspection, to any less challenging cross examination, or to any less contradiction. It is excluded solely on the theory that its development contravenes certain fourth amendment rights.

All of us share, in our hearts, the willingness to see 100 guilty men go free rather than to permit the rights of just innocent men to be invaded.

But I think we all share, also, a concern for the breakdown of law and order, for the increase in lawlessness which is overtaking our land. The issue is the balance between individual rights and the rights of society. In that context, however, it is important to remember that society is made up of individuals and its principal function, expressed through organized government, is to protect those individual rights.

The question is this: Are people better served by allowing marauders to prey on their families, homes, and businesses in violation of the rights of these innocents or to permit the violation of fourth amendment rights in order to bring more miscreants to the bar and there to convict them of their foul crimes?

That is an issue with which fair-minded people have wrestled for generations.

Fortunately, Mr. STEIGER'S proposal does not force us to answer that question. On close inspection, what I find is an innovative amplification of fourth amendment rights through the provision of a cause of action for illegal search and seizure. As the law stands today, the exclusionary rule does not provide any protection to the innocent because it merely bars evidence at a trial: Those whose fourth amendment rights have been violated and are not brought to trial derive no benefit from the exclusionary rule. Mr. STEIGER would have us correct this defect.

No champion of the rights of individuals, no champion of the fourth amendment can fail to respond favorably to this formalization of redress.

On the other hand, it seems to me that no one who respects the rights of people to be protected from those who do not respect those rights can well object to the use of all relevant evidence in determining the guilt or innocence of the accused.

This amendment would permit introduction of all evidence and subject it to the full force of our adversary system of justice.

It would also provide redress for search and seizure violations. This amendment is fair to all.

It has another virtue not shared by many of the measures we consider and enact; it is simple to understand.

(Mr. EDWARDS of California asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. EDWARDS of California. Mr. Chairman, I strongly oppose Mr. STEIGER of Arizona's purported amendment.

This amendment is the complete text of H.R. 10275, introduced by Mr. STEIGER on September 13, 1973. This bill was referred to the House Committee on the Judiciary and then to the Subcommittee on Civil Rights and Constitutional Rights of which I am chairman.

This purported amendment covers a most complex, controversial, and much discussed constitutional issue. The subject of much debate, volumes of learned books and more volumes of law review articles. It also covers a subject never discussed, if even mentioned, in the 9 months of careful and thorough deliberation by the Subcommittee on Criminal Justice nor by the full Committee on the Judiciary.

We are being asked in a few minutes of debate here on the floor to consider and pass on a matter which has occupied the best legal minds of this country for years.

These rules of evidence are the culmination of almost 13 years of study by distinguished judges, Members of Congress, and lawyers throughout the country who did not consider nor comment upon the exclusionary rule.

The Subcommittee on Criminal Justice considered these rules for over 9 months. There are 600 pages of the hearing record, 400 pages of supplemental comments, and there were 17 markup sessions. Committee prints were circulated nationwide, printed in the CONGRESSIONAL RECORD, yet not one mention of the exclusionary rule was made.

The consideration of Mr. STEIGER'S proposal is simply not appropriate as an amendment to the rules before us. It is a matter of sufficient consequence as to require careful deliberation on its own merits as it emerges from committee consideration. It is a subject of some concern to my colleagues on the subcommittee, I am sure, and we will hopefully at some point in the future be able to properly address ourselves to it and accord it the more thorough treatment necessary as a condition precedent to its further consideration by this body.

Hasty decisions in this area, considered in a Supreme Court decision as late as January 8 of this year, would appear unwise. The Supreme Court in United States against Calandra once again turned its learned attention to the subject of Mr. STEIGER'S purported amendment, the exclusionary rule. In the 6-to-3 decision, the majority of the Court held that a witness summoned to appear and testify before a grand jury may not refuse to answer questions on the grounds that they are based on evidence obtained from an unlawful search and seizure. In other words, did not extend, or restricted, depending on your point of view, the use of the exclusionary rule in grand jury proceedings. Both the majority and dissenting opinions, however, make it clear that we are dealing not with just any old rule or even a substantive statute, but a series of Supreme Court decisions bottomed on constitutional rights arising from the Bill of Rights.

I suggest to you that no statutory treatment of this area would necessarily be effective against this long line of decisions, but more to the point, it cannot be decided here as cavalierly as it of necessity must be treated coming up as it does in this fashion. We could and should properly engage in a colloquy of some substance and great length on the issue itself of the exclusionary rule. I, for one, am not prepared to act so rashly nor do I believe this body should parade its irresponsibility to consider this amendment upon which we simply have had no information provided to us; no consideration by the committee proposing these rules; no mention in hearings or the committee report or the additional or separate views. I ask you to oppose this amendment.

Mr. STEIGER of Arizona. Mr. Chairman, I appreciate the chair's recognizing me, and I ask unanimous consent to proceed for 1 additional minute to engage in dialog with my friend, the gentleman from California (Mr. EDWARDS).

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

There was no objection.

Mr. STEIGER of Arizona. Mr. Chairman, I will say to my distinguished friend, the chairman of the subcommittee, that I do hope that there will be opportunity for this matter to be heard, because I know the gentleman shares my conviction that this is a significant matter.

Whether we agree on the form of this particular amendment or not, I hope that at some time he could agree to schedule it before his subcommittee.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield at this point?

Mr. STEIGER of Arizona. Certainly.

Mr. EDWARDS of California. Mr. Chairman, I certainly appreciate what the gentleman said. I read with great interest the speech that the gentleman made on this subject in the House of

Representatives here on September 13, 1973.

It is in great depth, and it makes points that certainly should be considered by the subcommittee. I cannot commit the subcommittee to anything. As the gentleman knows, we operate by majority rule there, but I will certainly bring the matter to the attention of all the Members at the next meeting.

Mr. Chairman, I do hope that we can move ahead on this important matter.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman very much.

The gentleman might be interested to know that I am considering changing the title of the bill to "The Compensation for Police Brutality bill." Maybe the gentleman would prefer to hear it under that title.

Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read article II of the bill.

The Clerk read as follows:

ARTICLE II. JUDICIAL NOTICE

Rule 201. Judicial Notice of Adjudicative Facts

(a) Scope of rule.—This rule governs only judicial notice of adjudicative facts.

(b) Kinds of facts.—A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(c) When discretionary.—A court may take judicial notice, whether requested or not.

(d) When mandatory.—A court shall take judicial notice if requested by a party and supplied with the necessary information.

(e) Opportunity to be heard.—A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

(f) Time of taking notice.—Judicial notice may be taken at any stage of the proceeding.

(g) Instructing jury.—In a civil action or proceeding, the court shall instruct the jury to accept as conclusive any fact judicially noticed. In a criminal case, the court shall instruct the jury that it may, but is not required to, accept as conclusive any fact judicially noticed.

Mr. HUNGATE. Mr. Chairman, the committee has no amendments to article II.

The CHAIRMAN. If there are no amendments to article II, the Clerk will read.

The Clerk read as follows:

ARTICLE III. PRESUMPTIONS IN CIVIL ACTIONS AND PROCEEDINGS

Rule 301. Presumptions in General in Civil Actions and Proceedings

In all civil actions and proceedings not otherwise provided for by Act of Congress or by these rules, a presumption imposed on the party against whom it is directed the burden of going forward with the evidence, and, even though met with contradicting evidence, a presumption is sufficient evidence of the fact presumed, to be considered by the trier of the facts.

Rule 302. Applicability of State Law in Civil Actions and Proceedings

In civil actions and proceedings, the effect of a presumption respecting a fact which is an element of a claim or defense as to which State law supplies the rule of decision is determined in accordance with State law.

The CHAIRMAN. Are there any amendments to article III? If not, the Clerk will read.

The Clerk read as follows:

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401. Definition of "Relevant Evidence"

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, by Act of Congress, by these rules, or by other rules prescribed by the Supreme Court pursuant to statutory authority. Evidence which is not relevant is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Althought relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Rule 404. Character Evidence Not Admissible To Prove Conduct; Exceptions; Other Crimes

(a) Character evidence generally.—Evidence of a person's character or a trait of his character is not admissible for the purpose of proving that he acted in conformity therewith on a particular occasion, except:

(1) Character of accused.—Evidence of a pertinent trait of his character offered by an accused, or by the prosecution to rebut the same;

(2) Character of victim.—Evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor;

(3) Character of witness.—Evidence of the character of a witness, as provided in rules 607, 608, and 609.

(b) Other crimes, wrongs, or acts.—Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

(a) Reputation.—In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation. On cross-examination, inquiry is allowable into relevant specific instances of conduct.

(b) Specific instances of conduct.—In cases in which character or a trait of character of a person is an essential element of charge, claim, or defense, proof may also be made of specific instances of his conduct.

Rule 406. Habit; Routine Practice

Evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

When, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 408. Compromise and Offers to Compromise

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of admissions of liability or opinions given during compromise negotiations is likewise not admissible. Evidence of facts disclosed during compromise negotiations, however, is not inadmissible by virtue of having been first disclosed in those negotiations. This rule does not require exclusion when evidence of conduct or statements made in compromise negotiations is offered for another purpose, such as proving bias or prejudice of a witness, negativing a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Payment of Medical and Similar Expenses

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Rule 410. Offer To Plead Guilty; Nolo Contendere; Withdrawn Plea of Guilty

Except as otherwise provided by Act of Congress, evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with any of the foregoing pleas or offers, is not admissible in any civil or criminal action, case, or proceeding against the person who made the plea or offer.

Rule 411. Liability Insurance

Evidence that a person was or was not insured against liability is not admissible upon the issue whether he acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

(Mr. HUNGATE during the reading). Mr. Chairman, I ask unanimous consent that this article be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to article IV?

AMENDMENTS OFFERED BY MR. MAYNE

Mr. MAYNE. Mr. Chairman, I offer an amendment to article IV which has been properly filed and printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. MAYNE: On page 76, line 20 of the bill, after the word "reputation", insert the words "or by testimony in the form of an opinion".

Mr. MAYNE. Mr. Chairman, I also offer an amendment to article VI of the bill. I ask unanimous consent that they may be considered en bloc, since they are on the same subject relative to opinion testimony, and this amendment has been filed with reference to rule 608(a) and has been printed in the RECORD.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MAYNE: On page 82, line 3 of the bill, strike the word "Reputation" and insert in lieu thereof the words "Opinion and reputation".

On page 82, line 9 of the bill, after the term "attacked by", insert the words "opinion or".

Mr. MAYNE. Mr. Chairman, these amendments would restore rule 405(a) and to rule 608(a) the language recommended by the Advisory Committee of the Judicial Conference of the United States. It is the language of H.R. 5463 as originally introduced with my cosponsorship on March 12, 1973, and as approved by the House Judiciary Committee, Subcommittee on Criminal Justice in its June 28, 1973 committee print.

The advisory committee, in recommending this language, adopted the modern rule accepted by modern legal authorities and courts, that opinion testimony as to the character of a witness should be fully as admissible as is testimony regarding the witness' reputation in the community.

Rule 405(a) as proposed by the advisory committee provides:

In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion. On cross-examination, inquiry is allowable into relevant specific instances of conduct. The Judiciary Committee reported H.R. 5463 with amendments deleting the words "or by testimony in the form of an opinion".

My amendment would restore these words.

In its note to rule 405, the advisory committee provided the following explanation for this rule:

The rule deals only with allowable methods of proving character, not with the admissibility of character evidence, which is covered in Rule 404.

Of the three methods of proving character provided by the rule, evidence of specific instances of conduct is the most convincing. At the same time it possesses the greatest capacity to arouse prejudice, to confuse, to surprise, and to consume time. Consequently the rule confines the use of evidence of this kid to cases in which character is, in the strict sense, in issue and hence deserving of a searching inquiry. When character is used circumstantially and hence occupies a lesser status in the case, proof may be only by reputation and opinion. These latter methods are also available when character is in issue. This treatment is, with respect to specific instances of conduct and reputation, conventional contemporary common law doctrine, McCormick § 153.

In recognizing opinion as a means of proving character, the rule departs from usual contemporary practice in favor of that of an earlier day. See 7 Wigmore § 1986, pointing out that the earlier practice permitted opinion and arguing strongly for evidence based on personal knowledge and belief as contrasted with "the secondhand, irresponsible product of multiplied guesses and gossip which we term 'reputation'." It seems likely that the persistence of reputation evidence is due to its largely being opinion in disguise. Traditionally character has been regarded primarily in moral overtones of good and bad: chaste, peaceable, truthful, honest. Nevertheless, on occasion nonmoral considerations crop up, as in the case of the incompetent driver, and this seems bound to happen increasingly. If character is defined as the kind of person one is, then account must be taken of varying ways of arriving at the estimate. These may range from the opinion of the employer who has found the man honest to the opinion of the psychiatrist based upon examination and testing. No effective dividing line exists between character and mental capacity, and the latter traditionally has been provable by opinion.

According to the great majority of cases, on cross-examination inquiry is allowable as to whether the reputation witness has heard of particular instances of conduct pertinent to the trait in question. Michelson v. United States, 335 U.S. 469, 69 S.Ct. 213, 93 L.Ed. 168 (1948); Annot., 47 A.L.R2d 1258. The theory is that, since the reputation witness relates what he has heard, the inquiry tends to shed light on the accuracy of his hearing and reporting. Accordingly, the opinion witness would be asked whether he knew, as well as whether he had heard. The fact is, of course, that these distinctions are of slight if any practical significance, and the second sentence of subdivision (a) eliminates them as a factor in formulating questions. This recognition of the propriety of inquiring into specific instances of conduct does not circumscribe inquiry otherwise into the bases of opinion and reputation testimony.

The express allowance of inquiry into specific instances of conduct on cross-examination in subdivision (a) and the express allowance of it as part of a case in chief when character is actually in issue in subdivision (b) contemplate that testimony of specific instances is not generally permissible on the direct examination of an ordinary opinion witness to character. Similarly as to witnesses to the character of witnesses under Rule 608(b). Opinion testimony on direct in these situations ought in general to correspond to reputation testimony as now given, *i. e.*, be confined to the nature and extent of observation and acquaintance upon which the opinion is based. See Rule 701.

Similarly, my amendments would restore to rule 608(a) the language recommended by the Advisory Committee, permitting opinion testimony as to character for truthfulness or untruthfulness in order to attack or support the credibility of a witness. The bill before the House was amended by the full Judiciary Committee to delete language in rule 608(a) which permitted such opinion evidence of character, and thus would allow attacking or supporting the credibility of a witness only by evidence in the form of reputation.

As proposed by the Advisory Committee and as it would be restored by my amendments, this rule reads:

Ruel 608. Evidence of character and conduct of witness

(a) Opinion and reputation evidence of character. The credibility of a witness may be attacked or supported by evidence in the form of reputation or opinion, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

The Advisory Committee's note explains the reasoning behind rule 608(a), as follows:

ADVISORY COMMITTEE'S NOTE

Subdivision (a). In Rule 404(a) the general position is taken that character evidence is not admissible for the purpose of proving that the person acted in conformity therewith, subject, however, to several exceptions, one of which is character evidence of a witness as bearing upon his credibility. The present rule develops that exception.

In accordance with the bulk of judicial authority, the inquiry is strictly limited to character for veracity, rather than allowing evidence as to character generally. The result is to sharpen relevancy, to reduce surprise, waste of time, and confusion, and to make the lot of the witness somewhat less unattractive. McCormick § 44.

The use of opinion and reputation evidence as means of proving the character of witnesses is consistent with Rule 405(a). While the modern practice has purported to exclude opinion, witnesses who testify to reputation seem in fact often to be giving their opinions, disguised somewhat misleadingly as reputation. See McCormick § 44. And even under the modern practice, a common relaxation has allowed inquiry as to whether the witnesses would believe the principal witness under oath. United States v. Walker, 313 F.2d 236 (6th Cir. 1963), and cases cited therein; McCormick § 44, pp. 94–95, n. 3.

Character evidence in support of credibility is admissible under the rule only after the witness' character has first been attacked, as has been the case at common law. Maguire, Weinstein, et al., Cases on Evidence 295 (5th ed. 1965); McCormick § 49, p. 105; 4 Wigmore § 1104. The enormous needless consumption of time which a contrary practice would entail justifies the limitation. Opinion or reputation that the witness is untruthful specifically qualifies as an attack under the rule, and evidence of misconduct, including conviction of crime, and of corruption also fall within this category. Evidence of bias or interest does not. McCormick § 49; 4 Wigmore §§ 1106, 1107. Whether evidence in the form of contradiction is an attack upon the character of the witness must depend upon the circumstances. McCormick § 49. Cf. 4 Wigmore §§ 1108, 1109.

The leading treatises on evidence by such noted legal scholars as Wigmore, McCormick, Ladd, and Carlson have contended for more than 30 years that the method of establishing proof of character should permit witnesses who know a person who has testified to be able to give their personal opinion as to his character.

S. Mason Ladd, dean emeritus of the University of Iowa College of Law, is among the foremost authorities on the law of evidence. He is recognized for his outstanding achievements and leadership in this field of law throughout the United States and abroad. He was an early advocate of the reforms now proposed in rule 405(a) and rule 608(a), permitting opinion testimony as to character. Many treatises and cases on the subject of character testimony cite his articles, including Ladd, Techniques and Theory of Character Testimony, 24 Iowa Law Review 498 (1939); Ladd, Credibility Tests—Current Trends, 89 University of Pennsylvania Law Review 166 (1940) and Ladd, Witnesses, 10 Rutgers Law Review 523 (1956).

Dean Ladd and his writings have had considerable influence in shaping the modern law of evidence, including the Model Code of Evidence, the Uniform Rules of Evidence, and most recently the proposed Federal Rules of Evidence. In his article "Credibility Tests—Current Trends," Legal Essays, University of Pennsylvania Law Review, volume 89, 1940–41, page 437–8, Ladd commented:

New developments in the law have not tended to exclude reputation as a means of proof where character is involved but have tended to supplement it by personal opinion of a character witness. This represents the orthodox view in the opinion of Professor Wigmore, and is consistent with the modern notion that the best evidence of a fact should supplant the use of indirect fictions. If a witness testifies that another's general reputation for honesty and veracity is bad, it undoubtedly expresses his personal opinion as well. Most courts are willing to admit in evidence a statement by the character witness that from his knowledge of that reputation he would not believe the person in question on oath. It is going but little further to permit the character witness to express his personal opinion directly based upon his perception of that person's behavior. In reshaping the rules of evidence for the future, personal opinion as well as reputation ought to be available as a means of proving character. Cross-examination of the character witness would provide an equal safeguard against personal prejudice under both methods of proof.

In "Some Observations on Credibility: Impeachment of Witnesses"—Cornell Law Quarterly, volume 52, No. 2, 1967, page 242—Dean Ladd referred to Uniform Rules of Evidence 21 and 22(c) and said:

The current trend of improvements in the law permitting opinion as well as reputation testimony as a means of proof of character but confining this testimony to traits indicating honesty and veracity or their opposites, provides a realistic method for permitting character evidence to perform its truth-testing function more effectively.

Ladd's third edition of Cases and Materials on Evidence—Callaghan & Co., 1972—written jointly with Ronald L. Carlson—associate dean and professor of law, University of Iowa College of Law, currently visiting professor at Washington University College of Law, St. Louis, Mo.—frequently refers with approval to the proposed Federal rules. On page 234, Ladd and Carlson on evidence states:

Under the early law of England and now under modern legal thought in this country, not yet accepted by many courts, personal opinion of the character witness as well as general reputation known by him, is admissible to prove a trait of character. See, Proposed Federal Rules 405, 608; Uniform Rule 46, Model Code Rule 305; Cal. Evid. Code § 1102, on issue of probability in criminal cases, and § 1103 on evidence of character of victim of crime to prove conduct. A person with firsthand knowledge of one whose character is in issue is in a position to express an opinion more reliable than through proof by reputation. Qualification examination of the character witness provides a means to check idiosyncracies and limitations if they exist and to show the reliability of the opinion expressed. See, Wigmore, Evidence § 1986 (3rd ed 1940)."

Dean Ladd, now also dean emeritus of the College of Law of Florida State University and continuing his writing at Case Western Reserve University School of Law, authored the article "Some Highlights of the New Federal Rules of Evidence," Florida State University Law Review, volume 1, No. 1, 1973. In this article—page 27, footnote 71—Dean Ladd reminds his readers:

In the early common law, personal opinion was regularly used to show a witness; own belief about the trait of an accused's character, but in 1865 in the case of Regina v. Rowton, 10 Cox Crim. Cas. 25 (Eng. 1865), the English court excluded opinion based upon personal knowledge and limited proof of character to reputation. The distinction was not made when character evidence was used to test credibility. In the early years of the United States, the distinction between opinion and reputation was not made; later the use of reputation alone became the uniform rule.

He states that rule 405 "represents a material change in the law," but points out that "Wigmore and other writers have long advocated the admissibility of opinion evidence whenever character is an issue."

On page 28 of the same article, Dean Ladd says:

The committee drafting the new Federal Rules regarded the use of opinion to be so much the preferable means of proving character that it provided in the March 1967 draft for the use of opinion evidence and excluded the use of reputation evidence. It was the exact reversal of the then-existing federal law. As there are many situations in which evidence of reputation serves a useful purpose, a change was made in the March 1971 draft providing that a character witness can give testimony expressing his own opinion, or he may testify as to the reputation of a person. There is no reason why the same character witness cannot do both if he has sufficient knowledge to give the required preliminary foundation testimony. What a responsible person thinks about the character of one with whom he is well acquainted should be more meaningful than the conglomerate hearsay gossip of the community. Also, in urban living most people may have no reputation because of the lack of general comment, but it would be possible to find individual persons who had sufficient associations with another to have an opinion with respect to him.

The antiquated rule has been that the witness could testify as to the actual reputation in the general community, but could not state his personal opinion as to the character of the witness. This concept is obsolescent today, and must be discarded. In our modern increasingly urbanized and highly mobile society today, especially in urban communities, we no longer have the same kind of community knowledge that used to be typical of all America. People who live in large apartment house complexes and in the large cities of our country frequently are not acquainted with the person next door in an apartment or on the floor below. It is a very different society than what we had 100 years ago when everybody in a community knew everyone else.

It is very obstructive to the proper administration of justice to continue to require that there must be first a general reputation established by a witness in his community before a person may testify about the reputation of the witness' character. Many who work with witnesses at their places of employment or who know them at other places away from the place where they reside have valid opinions about their character. Their testimony as to their opinion of a witness' character would often have more true probative value to a judge or jury in evaluating the truth of a witness' statement than would testimony as to the general reputation of the witness in his community.

It will clearly modernize the rule in keeping with present conditions to permit testimony stating the opinion of the witness as to the character of a person whom he knows, even though he does not happen to live in the same apartment house, or the same geographical area and so is not acquainted with his general reputation.

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

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

Mr. DENNIS. Mr. Chairman, it seems to me that if the gentleman from Iowa were addressing the matter from the viewpoint of including reputation, where one worked, for instance, as well as reputation in the community, that the argument of the gentleman would gain strength that it now lacks. It troubles me a little to just let somebody's opinion come in. I wonder if the opinion of somebody in the apartment house is really worth anything in the way of evidence. Reputation, although it ought to extend beyond residence to other areas where the man is known, such as his job, would seem to me to be perhaps more valid than mere opinion.

Mr. MAYNE. Under the rules as I propose amending them, such opinion testimony would be admissible only if they through personal knowledge have formed an opinion as to the character of the witness. A foundation must first be laid that they have had sufficient acquaintance with the witness to have formed an opinion. This acquaintanceship could be by virtue of living in the same community, so that they know the person's reputation in their geographical area, but it could also be based on an actual knowledge of the person wherever he worked.

I really feel that the Advisory Committee did consider this very carefully, and took a proper step in modernizing the law in this respect.

The reasoning of the Advisory Committee has been cited with approval by the Eighth Circuit Court of Appeals just last November 14, in the case of the *United States* v. *Joseph Armand Oliver*, No. 73–1283.

The circuit court reversed the trial judge because he had not permitted defense witnesses to testify regarding their opinion as to the prosecuting witness' character for truth and veracity.

In his decision on behalf of the circuit court, Circuit Judge Lay said the court found the reasoning of the lower court—

No longer viable in the law of evidence. Under certain circumstances in an early decision this circuit permitted a character witness to give his personal opinion. In *Swafford* v. *United States*, 25 F.2d 581, 584 (8th Cir. 1928), the court ruled that it was within the trial judge's discretion to allow the character witness to testify whether or not he would believe the person under oath. The answer to such a question clearly calls for the personal opinion of the character witness.

Accord, United States v. *Walker*, 313 F.2d 236, 239–241 (6th Cir.), *cert. denied*, 374 U.S. 807 (1963).

Although not yet adopted, the Proposed Federal Rules of Evidence recognize the admission of opinion evidence as a means of proving character. See Rules 405(a) and 608(a), 51 F.R.D. 315, 348, 388 (1971). As the Advisory Committee's note to Rule 608 indicates:

"While the modern practice has purported to exclude opinion, witnesses who testify to reputation seem in fact often to be giving their opinions, disguised somewhat misleadingly as reputation. See McCormick § 44. And even under the modern practice, a common relaxation has allowed inquiry as to whether the witnesses would believe the principal witness under oath."

Proposed Federal Rules of Evidence, Rule 608(a), Advisory Committee's Note, 51 F.R.D. 315, 389 (1971).

While the Proposed Federal Rules have no binding force as yet, we think they accurately reflect current policy favoring the admissibility of all relevant evidence. The rule limiting proof to "reputation" alone has long received criticism. As Dean Ladd observed over 30 years ago, "it would greatly facilitate the means of proof and eliminate much of the legalistic formalism involved in reputation testimony if proof of character by opinion were universally adopted." Ladd, *Techniques and Theory of Character Testimony*, 24 Iowa L. Rev. 498, 513 (1939).

At this point, circuit Judge Lay stated in a footnote—

Dean Ladd also observed: The personal judgment of a qualified and reliable witness ought to be better than reputation of character based upon the hearsay interchange of gossip of scandal in the community. Furthermore, cross-examination could readily expose the personal hostility of a character witness and if his opinion was based upon an isolated transaction it could be excluded. It could be required that it be conditioned upon long acquaintance, association or knowledge. It would not need to be the exclusive method of proof but could be used concurrently with the present use of reputation as proof. The roundabout way which the law uses to prove character cannot avoid in a large measure the effect of personal opinion, and it loses many of the benefits which could be derived from its free use by qualified witnesses.

Ladd, *Techniques and Theory of Character Testimony*, 24 Iowa L. Rev. 498, 511 (1939).

Continuing his opinion, Lay said:

Professor Wigmore has long been an advocate for the admissibility of opinion evidence as it relates to character witnesses. See 7 Wigmore, Evidence § 1986 at 166 (3d ed. 1940).

We find the policy advocated by the Proposed Federal Rules to be the more sound and logical rule. To paraphrase the commentators, the older rule has grown simply because it existed. To disguise opinion evidence behind general euphemisms of "community reputation" requires the litigants to deal in formalisms when the truth is so important and nearby. Under the circumstances here existing we hold the personal opinions of the three witnesses as to the truth and veracity of the prosecutrix in the community in which she lived should have been admitted.

I also cite the Model Code of Evidence, Rule 526, and the Uniform Rule of Evidence, Rule 63, as authority for this concept. Although the old school excluded opinion of the character of a witness, I think that approval of my amendments restoring Rule 405(a) and Rule 608(a) to the form recommended by the Advisory Committee and proposed in H.R. 5463 at its introduction is a progressive step forward in the best interests of modern jurisprudence and reform. I respectfully urge their adoption.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUNGATE. Mr. Chairman, I rise in opposition to the proposed amendment offered by the gentleman from Iowa (Mr. MAYNE).

Mr. Chairman, I recognize that the rule as proposed by the gentleman from Iowa (Mr. MAYNE) is followed commonly in at least one district, the Eighth Circuit Court of Appeals, the one in which the gentleman from Iowa (Mr. MAYNE) and I both happen to practice, but it is my understanding that it is not followed in the others, or in many of the other States.

I might say that we discussed the problem in the subcommittee at some length and, as I recall, the conclusion was that opinion evidence might be more easily developed and harder to contradict or to refute than would the customary use of reputation as to character in this sort of a case, but support of the committee's position was received from the Connecticut Bar Association, the Washington State Bar Association, and others.

As I say, I recognize that there are merits in this position taken by the gentleman from Iowa (Mr. MAYNE) but on balance the subcommittee and, in turn, the full committee thought that we might be opening the door too wide to let in opinion evidence.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Iowa (Mr. MAYNE).

The question was taken; and on a division (demanded by Mr. MAYNE), there were—ayes 13, noes 11.

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

A recorded vote was refused.

So the amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARTICLE V. PRIVILEGES

Rule 501. General Rule

Except as otherwise required by the Constitution of the United States or provided by Act of Congress or in rules prescribed by the Supreme Court pursuant to statutory authority, the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience. However, in civil actions and proceedings, with respect to an element of a claim or defense as to which State law supplies the rule of decision, the privilege of a witness, person, government, State, or political subdivision thereof shall be determined in accordance with State law.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that the article be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

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

The CHAIRMAN. The Chair will count.

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

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

[Roll No. 22]

Archer	Esch	Podell
Blatnik	Gettys	Reid
Bolling	Gibbons	Rhodes
Broomfield	Haley	Riegle
Brown, Ohio	Hastings	Rogers
Broyhill, N.C.	Hébert	Roncallo, Wyo.
Broyhill, Va.	Holifield	Roncallo, N.Y.
Camp	Hosmer	Rooney, N.Y.
Carey, N.Y.	Howard	Rooney, Pa.
Carney, Ohio	Ichord	Roy
Cederberg	Jones, Ala.	Skubitz
Clark	McSpadden	Staggers
Clausen, Don H.	Macdonald	Stephens
Culver	Martin, Nebr.	Tiernan
Danielson	Mathias, Calif.	Wilson, Charles H., Calif.
Dickinson	Mills	Young, Ill.
Diggs	Moss	
Dorn	Nichols	
Drinan	Passman	
	Patman	

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. STEED, Chairman of the Committee the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5463, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 374 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARTICLE VI. WITNESSES

Rule 601. General Rule of Competency

Every person is competent to be a witness except as otherwise provided in these rules. However, in civil actions and proceedings, with respect to an element of a claim or defense as to which State law supplies the rule of decision, the competency of a witness shall be determined in accordance with State law.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that he has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the testimony of the witness himself. This rule is subject to the provisions of rule 703, relating to opinion testimony by expert witnesses.

Rule 603. Oath or Affirmation

Before testifying, every witness shall be required to declare that he will testify truthfully, by oath or affmation administered in a form calculated to awaken his conscience and impress his mind with his duty to do so.

Rule 604. Interpreters

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation that he will make a true translation.

Rule 605. Competency of Judge as Witness

The judge presiding at the trial may not testify in that trial as a witness. No objection need be made in order to preserve the point.

Rule 606. Competency of Juror as Witness

(a) At the trial.—A member of the jury may not testify as a witness before that jury in the trial of the case in which he is sitting as a juror. If he is called so to testify, the

opposing party shall be afforded an opportunity to object out of the presence of the jury.

(b) Inquiry into validity of verdict or indictment.—Upon an inquiry into the validity of a verdict or indictment, a juror may not testify concerning the effect of anything upon his or any other juror's mind or emotions as influencing him to assent to or dissent from the verdict or indictment or concerning his mental processes in connection therewith. Nor may his affidavit or evidence of any statement by him indicating an effect of this kind be received for these purposes.

Rule 607. Who May Impeach

The credibility of a witness may be attacked by any party, including the party calling him.

Rule 608. Evidence of Character and Conduct of Witness

(a) Reputation evidence of character.—The credibility of a witness may be attacked or supported by evidence in the form of reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissable only after the character of the witness for truthfulness has been attacked by reputation evidence or otherwise.

(b) Specific instances of conduct.—Specific instances of the conduct of a witness, for the purpose of attacking or supporting his credibility, other than conviction of crime as provided in rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the court, if probative of truthfulness or untruthfulness, be inquired into on cross-examination of the witness (1) concerning his character for truthfulness or untruthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

The giving of testimony, whether by an accused or by any other witness, does not operate as a waiver of his privilege against self-incrimination when examined with respect to matters which relate only to credibility.

Rule 609. Impeachment by Evidence of Conviction of Crime

(a) General rule.—For the purpose of attacking the credibility of a witness, evidence that he has been convicted of a crime is admissible only if the crime involved dishonesty or false statement.

(b) Time limit.—Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date.

(c) Effect of pardon, annulment, or certificate of rehabilitation.—Evidence of a conviction is not admissible under this rule if (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, and that person has not been convicted of a subsequent crime which was punishable by death or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(d) Juvenile adjudications.—Evidence of juvenile adjudications is generally not admissible under this rule. The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

(e) Pendency of appeal.—The pendency of an appeal therefrom does not render evidence of a conviction inadmissible. Evidence of the pendency of an appeal is admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature his credibility is impaired or enhanced.

Rule 611. Mode and Order of Interrogation and Presentation

(a) Control by court.—The court shall exercise reasonable control over the mode and order of interrogating witness and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.

(b) Scope of cross-examination.—Cross-examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The court may, in the exercise of discretion, permit inquiry into additional matters as if on direct examination.

(c) Leading questions.—Leading questions should not be used on the direct examination of a witness except as may be necessary to develop his testimony. Ordinarily leading questions should be permitted on cross-examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions.

Rule 612. Writing Used To Refresh Memory

Except as otherwise provided in criminal proceedings by section 3500 of title 18, United States Code, if a witness uses a writing to refresh his memory for the purpose of testifying, either—

(1) while testifying, or

(2) before testifying, if the court in its discretion determines it is necessary in the interests of justice, an adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness thereon, and to introduce in evidence those portions which relate to the testimony of the witness. If it is claimed that the writing contains matters not related to the subject matter of the testimony the court shall examine the writing in camera, excise any portions not so related, and order delivery of the remainder to the party entitled thereto. Any portion withheld over objections shall be preserved and made available to the appellate court in the event of an appeal. If a writing is not produced or delivered pursuant to order under this rule, the court shall make any order justice requires, except that in criminal cases when the prosecution elects not to comply, the order shall be one striking the testimony or, if the court in its discretion determines that the interests of justice so require, declaring a mistrial.

Rule 613. Prior Statements of Witnesses

(a) Examining witness concerning prior statement.—In examining a witness concerning a prior statement made by him, whether written or not, the statement need not be shown nor its contents disclosed to him at that time, but on request the same shall be shown or disclosed to opposing counsel.

(b) Extrinsic evidence of prior inconsistent statement of witness.—Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate him thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in rule 801(d)(2).

Rule 614. Calling and Interrogation of Witnesses by Court

(a) Calling by court.—The court may, on its own motion or at the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called.

(b) Interrogation by court.—The court may interrogate witnesses, whether called by itself or by a party.

(c) Objections.—Objections to the calling of witnesses by the court or to interrogation by it may be made at the time or at the next available opportunity when the jury is not present.

Rule 615. Exclusion of Witnesses

At the request of a party the court shall order witnesses excluded so that they cannot hear the testimony of other witnesses, and it may make the order of its own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a party which is not a natural person designated as its representative by its attorney, or (3) a person whose presence is shown by a party to be essential to the presentation of his cause.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that article VI of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. WIGGINS

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

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 81, line 13 of the bill, after the word "testify", insert the words "as to any matter or statement occurring during the course of the jury's deliberations or to".

On the same line, strike the word "concerning".

On page 81, line 17 of the bill, strike the period after the word "therewith" and insert a comma and the following: "except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror."

Mr. WIGGINS. Mr. Chairman, this amendment would retain the current limits on the permissible grounds for impeaching jury verdicts, permitting such impeachment only in situations in which outside attempts to influence a jury's deliberations are alleged to have taken place.

Rule 606(b), as it is now drafted provides that a juror may be permitted to testify, in an attack upon a verdict or indictment, on matters involving the internal deliberations of the jury as opposed to the current practice of allowing testimony only as to the existence of outside influences. This presents a disturbing invitation to regularized attempts to obstruct justice after trial through the importuning of jurors to criticize the deliberations of their fellow jurors. The change would open the door to persistent post-trial harassment and intimidation of jury members by losing parties seeking to reverse verdicts that heretofore would have been considered final. As such, the current draft of the rule constitutes a most ill-advised policy.

The traditional stance adopted by the courts in this regard has been to permit impeachment of a jury verdict only in instances of extraneous influence or pressure. For example, reversals have been based upon a showing that a bailiff ex-

pressed opinions to jurors as to the guilt of a defendant (*Parker* v. *Gladden*, 385 U.S. 363) and that police witnesses against a defendant were also in charge of and conversed with jurors while supervising their sequestration. (*Turner* v. *Louisiana*, 379 U.S. 466) Similarly, reversal of a conviction has been deemed appropriate when sequestered jurors, while still undecided, were shown to have perused a newspaper article unfavorable to the defendant. (*Mattox* v. *United States*, 146 U.S. 140) The understandable rationale for permitting jurors to give evidence as to such outside influences lies in a fundamental concern that the jury deliberation should be wholly independent and based only upon evidence developed at the trial. See *Turner* v. *Louisiana*, *supra* at 471–72.

However, contrary to the Judicary Committee's proposed expanded rule, jurors have not generally been permitted to testify as to the substance or the process of their deliberations or to their method of reaching a verdict. See *McDonald* v. *Pless*, 238 U.S. 264 (1914) (concerning an allegation of an improper quotient verdict); *Hyde* v. *United States*, 225 U.S. 347 (concerning an allegation of a compromise verdict arranged among the jurors); *Bryson* v. *United States*, 238 F. 2d 657 (9th Cir. 1956), cert. den., 355 U.S. 817 (concerning an allegation that the jury had not understood the meaning of the term "affiliated," which played a part in the case).

In delineating between extraneous influences and incorrect deliberation procedures, the courts do not, and neither do I in opposing the current proposal, suggest that the latter are inconsequential. However, to expand the permissiblity of impeaching jurors beyond the particularly gross instances of extraneous influence—which certainly must be condemned—would create a Pandora's box of ill effects more than offsetting any benefit derived from mitigating the results of occasional incorrect jury deliberations.

First, if the internal jury deliberative process were subject to impeachment, it cannot but be expected that a myriad of convicted defendants and losing civil parties would immediately seek to delay and defer imposition of sentence or judgment based upon allegation of errors within the jury's deliberative process. Given the length and relative complexity of most jury instructions, the facile attorney would have no difficulty, after a post trial examination of jurors, in establishing allegations that particular instructions were misunderstood or misapplied by the jury. Thus, the essential goal of finality of decision would be further endangered, even in the realm of civil law. Such an increase in petitions would also serve to overburden even more heavily an already floundering court system.

Second, these investigations generated by an increased prospect of reversal through jury impeachment would inevitably serve to harass jurors, through the device of insistent investigators. See, for instance, *Miller* v. *United States*, 403 F.2d 77 (2nd Cir. 1968), where the court deemed it necessary to enjoin further attempts by a defendant's investigators to contact jurors after it was shown that various jurors had been repeatedly questioned, often after protesting. Such potential for post verdict interference is hardly calculated to encourage the public to accept jury service.

Finally, if it were to become common practice that the details of jury deliberations be opened to post mortem examination, replete with particular jurors testifying as to what other jurors said or did, this, in the words of the Supreme Court in the McDonald case (*supra*, at 267–268), "would be to make what was intended to be a private deliberation the constant subject of public investigation—to the destruction of all frankness and freedom of discussion and conference."

In short, the Supreme Court's cogent observations in the McDonald case in 1914, in rejecting the permissibility of impeachment of most jury deliberations, are just as applicable today:

> But let it once be established that verdicts solemnly made and publicly returned into court can be attacked and set aside on the testimony of those who took part in their publication and all verdicts could be, and many would be, followed by an inquiry in the hope of discovering something which might invalidate the finding. Jurors would be harassed and beset by the defeated party in an effort to secure from them evidence and facts which might establish misconduct sufficient to set aside a verdict. [238 U.S. at 267.]

While the adverse effects of such occurrences as quotient and compromise verdicts are not to be ignored or accepted as inevitable, their eradication is better sought through the formulation and development of more precise and lucid predeliberation jury instructions than through the nullification of the jury's final decision.

Therefore, I suggest that the House of Representatives would be better advised to adopt this amendment which would maintain the current well reasoned practice of drawing the line, as to permissible verdict impeachment, between allegations of extraneous influences and allegations of incorrect internal deliberation procedures.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. DENNIS, Mr. WIGGINS was allowed to proceed for 2 additional minutes.)

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

Mr. DENNIS. I thank the gentleman for yielding.

Under the amendment which the gentleman proposed, if one of the jurors was alleged to have stated in the jury room to the others that he had made up his mind and it did not make any difference how long he stayed there, he was going to vote a certain way, would it be possible for the other jurors to give affidavits to that effect after the vote was brought in?

Mr. WIGGINS. Under the proposed rule or under my rule?

Mr. DENNIS. Under your amendment.

Mr. WIGGINS. In my opinion, it would not.

Let me say I am not insensitive to the problem. If you have a juror who will not discuss the issues as he should, I think it is wholly appropriate for the foreman of that jury to take that fact back to the judge and see the juror is properly instructed. If in fact he fails to comply with those instructions, the foreman can then take that fact back to the judge and the matter can be corrected by the new trial at that time.

Mr. DENNIS. Will the gentleman yield further?

Mr. WIGGINS. I yield to the gentleman.

Mr. DENNIS. Under your proposed amendment, would it be possible to take the affidavit or testimony of the jurors that they had added up their several votes and divided by 12 and arrived at a quotient decision?

Mr. WIGGINS. In my opinion, that would not be the appropriate subject of inquiry under my amendment. In saying that, I say to my friend from Indiana I am not insensitive to the problem of the quotient verdict, but the further problem is whether we should open up the jury negotiations for an inquiry into that subject or whether the problem of the quotient verdict should be addressed by the court in giving instructions to the jury at the outset.

Mr. DENNIS. A I correct that under the committee version as it appears in the bill the matter of a quotient verdict, or the juror who had made up his mind, could be attacked through the testimony of other jurors as the bill now stands?

Mr. WIGGINS. I believe that is within the intent of the language of 606(b) to make such an inquiry proper.

Mr. DENNIS. I thank the gentleman.

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

Mr. Chairman, recognizing there is effective authority on both sides of the issue and the Judicial Conference supported the committee version in which we would seek to prohibit the quotient verdict. I do not think the amendment would facilitate justice, although there is a certain amount of argument on both sides.

The committee view is supported by various associations, such as Association of the Bar of New York, the Chicago Bar Association, and the Judicial Conference made no objection.

Thirteen States favor the committee's version: California, Florida, Iowa, Kansas, Nebraska, New Jersey, North Dakota, Ohio, Oregon, Tennessee, Texas, Washington, and Wisconsin.

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

The question was taken; and on a division (demanded by Mr. WIGGINS) there were ayes 25, noes 33.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to article VI ?

AMENDMENT OFFERED BY MR. HOGAN

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

The Clerk read as follows:

> Amendment offered by Mr. HOGAN: Strike out lines 1 through 4 on page 83 of the bill and insert in lieu thereof the following:
>
> (a) General rule.—For the purpose of attacking the credibility of a witness, evidence that he has been convicted of a crime is ad-

missible but only if the crime (1) was punishable by death or imprisonment in excess of one year under the law under which he was convicted, or (2) involved dishonesty or false statement regardless of the punishment.

Mr. HOGAN. Mr. Chairman, the effect of my amendment would be to reinstate the language of rule 609(a) as sent to the Congress by the U.S. Supreme Court.

This amendment is also supported by the Department of Justice.

The rule as drafted by the Judiciary Committee not only rejects the version of the rule recommended by the Advisory Committee on Rules of Evidence of the Judicial Conference of the United States, but it abrogates the prevailing view in the overwhelming number of Federal and State courts. It also is a clear disavowal of the version of the rule the Congress adopted in 1970 in the District of Columbia Court Reorganization Act.

As written in the bill, rule 609(a) would permit the impeachment of witnesses by proof of prior conviction only if the crimes involved dishonesty or false statements. Besides the difficulty inherent in determining precisely which crimes involve dishonesty and which do not, it seems to me that this provision would cut the jury off from information that justice requires the jury to have in assessing the credibility of witnesses. My amendment to this rule would allow for impeachment by proof of any conviction for a felony.

The courts would certainly have difficulty with the term "dishonesty" in the present proposal of rule 609(a). Although ordinarily one would think of car theft as involving dishonesty, it might be contended that the "joyriding" type of case did not involve dishonesty. Then, too, one might think of housebreaking as usually involving dishonesty, but there could be cases where the trespass was obviously not accompanied by any intention to steal or commit any other crime, so that argument could be made that some kinds of offenses normally thought to involve dishonesty did not involve dishonesty on the facts. The standard employed in the committee's rule is simply not a very satisfactory one.

Beyond all that, however, it is plainly unwise to limit the information that can go to a jury about the criminal record of witnesses. The rule should be amended to allow proof of any felony to be used, but one should not equate the admissibility of such evidence with a destruction of the witness' credibility. The Government must often prosecute cases with key witnesses who had previously been convicted of felonies—this frequently happens in narcotics conspiracy cases—but the juries do not necessarily reject the witnesses' testimony because of the prior conviction. I would emphasize, therefore, that this amendment concerns simply admissibility—allowing evidence to go before the jury. The amendment does not operate necessarily to destroy the credibility of a witness with a criminal record. Obviously, the character of a witness is material circumstantial evidence on the question of the veracity of the witness. Prior criminal conduct, including all prior felony convictions, is relevant evidence of such character.

The proponents of the committee's version of the rule argue that allowing proof of prior convictions unfairly prejudices the jury against the accused who takes the stand. First of all, the fifth amendment gives him the right to refuse to take the stand at all and thereby prevent all prior convictions from coming to the jury's attention. But the committee's version of the rule applies to all witnesses, not only defendant witnesses, and it applies to civil as well as criminal cases.

My amendment would benefit parties on all sides of litigation—the civil plaintiffs and civil defendants, the Government in prosecutions and the criminal defendant.

Suppose some governmental body instituted a civil action for damages, and the defendant called a witness who had been previously convicted of malicious destruction of public property. Under the committee's formulation, the convictions could not be used to impeach the witness' credibility since the crimes did not involve dishonesty or false statement. Yet, in the hypothetical case, as in any case in which the government was a party, justice would seem to me to require that the jury know that the witness had been carrying on some private war against society. Should a witness with an antisocial background be allowed to stand on the same basis of believability before juries as law-abiding citizens with unblemished records? I think not.

Let me cite an example where the committee's rule unfairly prejudices the criminal defendant. In prosecuting criminal laws, prosecutors must often use the testimony of accomplices or people with such backgrounds who mingle with the criminal element and thereby learn about criminal activities. The Government might, for example, need to use a man with convictions for drug trafficking to testify against some bigger drug peddler, that is, someone higher up in the criminal enterprise. Yet, since such crimes do not involve dishonesty, the drug convictions of Government witnesses would not be admissible under rule 609(a), as it now stands, for the defendant to cast doubt on the veracity of the prosecution's witnesses. It would simply be unjust that people could be prosecuted for serious crimes on the testimony of witnesses who are convicted felons without that fact being known to the jury. The jury should have this information to assess the witness' believability. It is a necessary fact of life that, especially in conspiracy cases, the prosecution has to use the testimony of witnesses of bad character and frequently convicted felons. It is simply unjust to prevent the jury from learning about the criminal record of such witnesses.

By the same token, the rules of evidence should not permit a witness to testify on behalf of a criminal defendant with the appearance of an unblemished citizen, whereas in fact that witness has been convicted of felonies. This is not to say that people with criminal records necessarily lie, but it is to say that juries should weigh the criminal record in determining credibility.

Mr. Chairman, no one can object to permitting a witness to be held up to a jury as unworthy of belief because he or she had been convicted for cheating or stealing, but that surely does not exhaust the subject matter. How credible is a witness who has been convicted, let us say, for kidnapping, or for espionage, or for inciting civil disorders, or for aircraft piracy, or for assassination, or for any of a number of other crimes set out in title 18 of the United States Code? Does it make sense to allow a conviction for theft to be proved against a witness and not allow other felony convictions to be proved? Are we really that suspect of acts of dishonesty while willing to keep from juries the information, for example, that a witness had been convicted for making explosive or incendiary devices with the intent to detonate them in public buildings. Personally I am more concerned about the moral worth of individuals capable of engaging in such outrageous acts as adversely reflecting on a witness' character than I am of thieves, and that comparison justifies my amendment.

When the draftsmen of the Advisory Committee on tne Rules of Evidence originally rejected the crimen falsi alternative for rule 609, they did so because most of the crimes regarded as having a substantial impeaching effect would be excluded, resulting in virtually the same effect as if the alternative allowing no prior convictions for impeachment purposes were adopted.

In the commentaries to the first draft, the Advisory Committee on the Rules of Evidence noted:

> While it may be argued that considerations of relevancy should limit provable convictions to those of crimes of untruthfulness, acts are constituted major crimes because they entail substantial injury to and disregard of the rights of other persons or the public. A demonstrated instance of willingness to engage in conduct in disregard of accepted patterns is translatable into willingness to give false testimony.

A further argument against adoption of the crimen falsi alternative, as noted above, is that of its unpredictability and its uneven application to criminal defendants across the board.

What, really, is dishonesty or false statement in judicial or legal terms? Unless one practices in a jurisdiction which has statutorily defined crimen falsi, the common law definition of "any crime which may injuriously affect the administration of justice, by the introduction of falsehood and fraud" is applicable. This definition has been held to include forgery, perjury, subornation of perjury, suppression of testimony by bribery, conspiracy to procure the absence of a witness or to accuse of crime, obtaining money under false pretenses, stealing, moral turpitude, shoplifting, intoxication, petit larceny, jury tampering, embezzlement and filing a false estate tax return. In other jurisdictions, some of these same offenses have been found not to fit the crimen falsi definition.

From the foregoing analyses undertaken by the eminent professors, jurists and lawyers of the Advisory Committee,

as well as by my colleagues on the Committee on the Judiciary, I am convinced that the only viable alternative is that which has stood the test of time. If for no other reason than that the other considered alternatives are no improvement over the shortcomings of the traditional, I urge that my amendment be adopted.

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

The CHAIRMAN. The Chair will count.

Eighty-one Members are present, not a quorum.

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

[Roll No. 23]

Adams	Hansen, Wash.	Passman
Alexander	Hébert	Powell, Ohio
Archer	Holifield	Reid
Blackburn	Horton	Rhodes
Bolling	Jarman	Roncalio, Wyo.
Broomfield	Jones, Ala.	Rooney, N.Y.
Brown, Calif.	Karth	Rooney, Pa.
Brown, Mich.	Kuykendall	Roush
Broyhill, Va.	Landrum	Roy
Camp	Leggett	Ryan
Carey, N.Y.	McSpadden	Skubitz
Carney, Ohio	Madden	Stanton,
Clark	Mailliard	James V.
Clausen,	Martin, Nebr.	Steele
Don H.	Mathias, Calif.	Steiger, Wis.
Culver	Mathis, Ga.	Tiernan
Diggs	Mayne	Vander Jagt
Dingell	Meeds	Wilson,
Esch	Mills	Charles H.,
Fraser	Mitchell, Md.	Calif.
Gibbons	Moakley	Young, Alaska
Haley	Moorhead, Pa.	Zion
Hanna	Nix	

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McFALL) having assumed the chair, Mr. STEED, 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. 5463, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 365 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

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

Mr. Chairman, I will state to the Members of the Committee that this particular amendment deals with the subject matter of when, whether, and to what extent, during the trial of a lawsuit, one can cross-examine a witness, whether he be the defendant in a criminal case or any other witness, on the subject of previous criminal convictions he may have had.

The general rule, as those of us who practice law know, in most places, is that we allow unrestricted cross-examination of any and all previous convictions which any witness may have had. The theory of that is that we permit it on the ground that it goes to his credibility as a witness.

Now, it is a great anomaly that we do that, because unless the man takes the witness stand, if he is a criminal defendant, it is absolutely impossible, ordinarily, to put in any evidence concerning his previous convictions, which have nothing to do with the case on trial at all, but if he has the temerity to take the witness stand, we open all that up, on the theory that it goes to his credibility as a witness.

Now, Mr. Chairman, that is one of the most unfair rules of law that we have. And when I say so, I am not speaking from theory; I am speaking from experience. Once in a while I get a chance to talk about something that I know something about, and concerning something about which I really think I am right. As far as I am concerned, this is one of those occasions.

I spent 4 years as a prosecuting attorney in the State of Indiana, prosecuting on behalf of the State. I spent another year in the Army as a judge advocate officer, prosecuting for the Government, and I have defended a lot of defendants in criminal cases since. My experience is that, from either side of the table, this is utterly unfair. We put the fellow, whether he had any record, in this box. Either he can refuse to take the stand, as he is entitled to under the fifth amendment, and let the case go, or else he takes the stand and they crucify him with these previous irrelevant crimes which have nothing to do with what he is now on trial for.

Studies have shown that the one single reason, the one greatest reason, for miscarriages of justice is faulty eyewitness testimony.

However, about the next highest is this very rule, because people are either frightened off the stand, and do not tell their story, or else they take the stand and are crucified by being asked about entirely irrelevant offenses.

What we have done in the committee is the logical thing. If you really do want to try people just because you think they are bad actors, and you ought to throw them in jail just on general principles—and if you do not think that is a good principle, and I do not think most of us do think so—then you want to do what the committee has done, because we have said this: We have said that, for the purpose of attacking credibility of a witness, evidence that he has been convicted of a crime is admissible only if the crime involved dishonesty or false statement. In other words, if it in fact did bear on his credibility. Certainly, if he has been convicted of perjury or false pretense or fraud or something of that kind, it does reflect on his credibility, but if he stole an automobile when he was 18 years old or if he slugged somebody in a bar 10 years ago or something like that, then it has no connection to his credibility at all and it should not be inquired about on that basis.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. DENNIS. So all we have done in the committee is to write a rule of reason and fairness.

I would like to point out to you that it does not apply only to a man who is a defendant in a criminal case, but it applies to any witness. Under the rule that the gentleman has in his amendment, if 20 years ago you were guilty of some misdemeanor and were called in as a witness in a civil case, then they could ask you about it, although that case had nothing to do with the case on trial before you.

Now, at one time I was prosecuting a labor riot and there was a labor leader on the stand, a perfectly decent guy except that he had been leading the riot, with no record except for the fact that once, 18 years ago, he stole a car when he was a young man. He needed to take the stand in order to tell his version of that case. He claimed he was not guilty of anything. His attorney came to me and asked me if I would skip asking him about his previous conviction, and I am glad to say I did, because I thought it was unfair and irrelevant.

All we are doing here is holding those questions down to crimes which do in fact bear on credibility, which is the theory of asking him anything at all, and we are preventing prosecution just because the man has a bad character.

Mr. HOGAN. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. HOGAN. I am sure the gentleman from Indiana would not want to mislead the Committee of the Whole that a conviction which took place 20 years ago could be used under my version of the rule. There is a cutoff at 10 years.

Mr. DENNIS. I beg the gentleman's pardon. It is quite true. Further down in another section of the bill we limit it to 10 years, but it does not change the principle at all. Suppose he stole the car 10 years ago instead of 20 years ago. My argument is equally good. It is irrelevant; it has nothing to do with the case and is unfair.

AMENDMENT OFFERED BY MR. SMITH OF NEW YORK, AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOGAN

Mr. SMITH of New York. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Maryland (Mr. HOGAN). This amendment was printed in the RECORD and is known as the Wiggins amendment to rule 609(a).

The Clerk read as follows:

Amendment offered by Mr. SMITH of New York as a substitute for the amendment offered by Mr. HOGAN: On page 83, line 3 of the bill, after the words "only if the crime", insert the words "(1) was punishable by death or imprisonment in excess of one year, unless the court determines that the danger of unfair prejudice outweighs the probative value of the evidence of the conviction, or (2)".

Mr. SMITH of New York. Mr. Chairman, this amendment in the nature of a substitute to the Hogan amendment, puts before the committee the language adopted by the subcommittee in our consideration of this matter.

What it is, is a compromise between the version adopted by the full Committee on the Judiciary and the Hogan amendment.

The Hogan amendment, which I understand represents the present law, would allow, for the purpose of attacking the credibility of a witness, the introduction of evidence of conviction of crimes punishable by death or imprisonment in excess of 1 year; that is, felonies. In other words, to attack the credibility of a witness, it would allow the introduction of evidence of conviction of felonies

which have occurred within a 10-year period.

The committee itself has limited the introduction of such convictions only to crimes involving dishonesty or false statements.

The original version of the subcommittee was a compromise between these two extremes, and it said this—and this is my substitute:

For the purpose of attacking the credibility of a witness, evidence that he had been convicted of a crime is admissable only if the crime was punishable by death or imprisonment in excess of one year (that is a felony), unless the court determines that the danger of unfair prejudice outweighs the probative value of the evidence of the conviction, or (2) the crime involved dishonesty or false statement.

So, as I say, the wording adopted by the subcommittee is a compromise between the committee bill and the Hogan amendment.

And my substitute allows the introduction of evidence of convictions of previous felonies, within a 10-year period, but reserves to the court the opportunity and the responsibility of determining that the probative value of that evidence outweighs the danger of unfair prejudice.

We on the subcommittee thought this was a ligitimate compromise between these two points of view, because there is no doubt that there is probative value in the evidence of previous felonies, but once received, there is no doubt that testimony of previous felonies could unduly prejudice the jurors.

So I would urge upon the Members to adopt the substitute which I have offered for the amendment offered by the gentleman from Maryland (Mr. HOGAN). It restores the original wording as adopted by the subcommittee, and it is a compromise between these two versions of the committee bill and the Hogan amendment.

Mr. HUNGATE. Mr. Chairman, I move to strike the last word, and I rise in support of the substitute amendment offered by the gentleman from New York (Mr. SMITH) for the amendment offered by the gentleman from Maryland (Mr. HOGAN).

First, Mr. Chairman, I would commend those of us in this corporal's guard who are here in the Chamber, because I think this is one of the most important matters to come before us, or one of the two most important amendments relative to this bill which we are presently dealing with, and this was one that raised the most discussion among the members of the committee.

I am not qualified to say who is right or who is wrong, but this is where the real discussion should be done.

Mr. Chairman, I would like to outline what I believe the situation is on this section.

Mr. Chairman, without the amendment offered by the gentleman from Maryland (Mr. HOGAN) with the bill just as it now is, and if there is no further amendment, and if the separate amendment offered by the gentleman from New York (Mr. SMITH) is defeated, then the committee amendment provides that when you are going to attack the credibility of a witness you can do it only through the introduction of evidence of a crime—there must be a crime involving dishonesty or false statement. That is the position that is in the bill now which was adopted by the full committee.

Now, if you are going to go to extremes—and that is not a good way to put it—but if you take the context of the argument then you take pretty much what is existing law, and that is the case of the Hogan amendment, and this would mean that you could use evidence of conviction of a crime in order to impeach the credibility of a witness, or of course, if it involved dishonesty or false statement, or if it involved conviction of what we would commonly call felonies, which means 1 year.

I think I have stated that correctly, and if I have not then I would ask to be corrected.

The substitute Mr. SMITH now offers is in effect a middle ground between the two. That is what we see it as. One could impeach a witness' credibility by conviction of a crime if the crime involved dishonesty or falsity, the same as in the other. One can do that. Then one could also impeach him by evidence of what we call a felony, in other words, imprisonment of 1 year or more, but with a proviso on that, the proviso being, as Mr. SMITH explained, that the judge finds that the unfair prejudice from showing that he has been convicted of a crime does not outweigh the value of the evidence otherwise. We give discretion to the judge as to whether one is being impeached by evidence he has created by reason of a felony. Those are the three grounds.

I would support the substitute. I would probably, if it is defeated, oppose the Hogan amendment and go back to support the version adopted by the full committee.

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

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

Mr. BRASCO. I thank the gentleman for yielding.

I want to ask the gentleman from Indiana (Mr. DENNIS) a question, if I might, with respect to his amendment. I heard him in the well of the House discuss the strong intention—and I have no reason to doubt the intention of his amendment—to allow a defendant to take the stand and not be severely prejudiced as indicated, a young man who was convicted when he was 18 or 19 years old, and was now to be cross-examined as he took the stand in his own defense about that crime so long ago. I am inclined to agree with the gentleman, but I am troubled by what I consider to be a dilemma, so I should like to pose this question.

Suppose I am a defense attorney in the courtroom, and the witness is a witness for the prosecution, and he has been convicted of several crimes, say, within the last month before this trial, convicted by taking a plea before the court. I want to show that the only reason he is in the courtroom today testifying against my client is because he made a sweetheart deal with the prosecution when he had 100 years hanging over his head.

One of the crimes which has nothing to do with dishonesty or credibility, I believe, would be murder. He is a convicted murderer. He took a plea and made a real deal. Now I cross-examine him to try to show this deal. As I remember the rules of evidence, I am bound on cross-examination with respect to impeachment by the witness' answers. He says,

No, I never made any deal.

The only way I could get to the jury the fact that this prosecution witness had the motivation—and that is for the jury to decide—to make a deal is to ask him:

Is it not a fact that one month prior to your taking the stand against my client, you, on an admission of guilt on your own in an open courtroom, pleaded guilty to murder in the first degree? To assault and battery?

It seems to me—and this is the dilemma, because I agree with what the gentleman is saying——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. BRASCO, Mr. HUNGATE was allowed to proceed for 2 additional minutes.)

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

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

Mr. BRASCO. I thank the gentleman for yielding.

I am in sympathy with what the gentleman is trying to do, but this troubles me no end because what we are doing on the one hand is supposedly giving something to a defendant, and with the way the prosecutions are going today, taking a whole lot away from him by not being able to discredit a government witness except within a very limited scope.

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

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

Mr. DENNIS. I thank the gentleman for yielding.

The gentleman poses, of course, a special case, and I suppose that all rules or any rules may have some objection or some difficulty on the facts of some special case. I would say, first, in reply, that overall the rule that I am suggesting, which is in the committee bill, is still far and away the fairest rule. Second, to address myself to the gentleman's question more specifically, I think in the kind of situation he suggests, the cross-examiner could go into all of the facts and circumstances, and offers, and the entire situation, and the whole background, without really having to rely strictly on the conviction.

Mr. BRASCO. I will say to my friend, the conviction would be the strongest motivation for this man to make the deal. Again I suggest to the best of my recollection when I was in the courtroom one was preempted on the impeachment of a witness to go beyond his answer because one could go on ad infinitum. If I asked him and he said no, I did not make a deal, I was stuck with that.

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

Mr. BRASCO. I yield to the gentleman from Maryland.

Mr. HOGAN. The gentleman brought out a strong argument which I mentioned. This applies in civil cases as well as criminal cases to all witnesses, and in most prosecutions the prosecution of necessity is using in many instances convicted felons, and the defendant in those cases in no way can impeach the credibility of those witnesses who are testifying against him, so it works to the detriment of the defendant.

Mr. BRASCO. I am inclined at this point to agree with the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SMITH of New York, and by unanimous consent, Mr. HUNGATE was allowed to proceed for 2 additional minutes.)

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New York. Mr. Chairman, I would say to the gentleman that the case he propounds would be an exact case under which the compromise I offer would apply; that is, they could prove the previous convictions unless the court should determine there was danger of unfair prejudice which outweighed the probative value of the evidence, and I am sure that in your example the judge would allow the evidence in to prove the point the gentleman is making, so I would urge the gentleman to vote for the substitute which was the original subcommittee language.

Mr. BRASCO. I thank the gentleman.

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

Mr. Chairman, I am clear in my opposition to the Hogan amendment and I tend to disapprove also of the substitute which I offered. I caused the substitute to be printed in the RECORD only for the purpose of protecting the right of certain of my colleagues who believed in the substitute and to make that amendment in order, under the requirement of the rule, that it be published in the RECORD. It does not represent my personal view.

The difficulty here is we are dealing with a complex problem and are trying to fashion a single rule adequate to take care of the problem. It suggests to me further draftsmanship is necessary to spin off criminal cases from civil cases, to separate the nonparty witness problem from the party witness problem. As we deal with the total problem under a single rule, we create all this uncertainty and the possibility of inequity which has been discussed. But let us not underestimate for one moment the prejudicial impact of permitting an inquiry into unrelated prior crimes by a man who is a party defendant in a criminal trial.

There is serious doubt in my mind, and I speak from considerable professional experience, that it is possible for a man to receive a fair trial if the jury knows he has committed, for example, the crime of child molesting. I think it is almost impossible for that man to receive a fair trial under those circumstances. It is so bad in my estimation, Mr. Chairman, that the admission of evidence of unrelated crimes when the defendant himself is on the stand, borders upon a denial of due process, and I would expect sometime down the road for the Supreme Court to recognize that it is a denial of due process and preclude such evidence as a matter of constitutional law.

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

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

Mr. BRASCO. Mr. Chairman, I am not unsympathetic to what the gentleman is saying, but to be clear, my only point is, and obviously it did not come across or come to the attention of the committee, the only problem I am concerned with is the dilemma the gentleman describes because I would hate to give a man an opportunity to have a bad trial and on the other hand to take away another opportunity to show the motivation of witnesses who may come to the court to testify against him. The gentleman knows and I know all we have to do sometimes is to show the guy which way the jail house is and he will tell one anything one wants to know, whether it is true or not.

Mr. WIGGINS. I appreciate the gentleman's raising the problem and it is a real problem which ought to be considered, but I am coming to the conclusion that we are trying to do too much in one sentence.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I think I must point out to my distinguished colleague from New York with respect to his question about Government witnesses that the answer can be found in the rules; namely, in rule 404(b).

This rule says that evidence of other crimes can be used as evidence, to prove motive or bias of a witness. Therefore in the case Mr. BRASCO posed, a witness could be attacked by proof of prior convictions for his motive, or for bias. The point the gentleman from California raises is a very serious one with respect to defendants and ensuring their fair trial by allowing defendants their constitutional right, namely, to take the stand on their own behalf.

Mr. WIGGINS. The best thing for this committee to do given the dilemma confronting it is to support the committee version of the bill. It is inevitable that some different language is going to be written into this vast bill in the Senate. I would urge those on the conference to consider separating out the criminal problem from the civil problem and the nonparty witness situation from the case where the party is a witness.

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

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

Mr. DANIELSON. Under the committee version of the bill, we have provision for crimes involving dishonesty. I want to ask what do we mean by dishonesty.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. WIGGINS. The gentleman's question is: What is "dishonesty?"

Mr. BRASCO. Would murder involve dishonesty? It would not in my opinion.

Mr. WIGGINS. I want to disabuse the gentleman of that belief, as a definition of "dishonesty" as it is in this bill. The thrust of "dishonesty" as used in this bill goes to his veracity and his ability to relate the truth. "Dishonesty" is tested, for example, by perjury convictions and convictions dealing with false statements, but not generally criminality. Evidence for a conviction of murder goes to criminality, not to dishonesty.

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

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

Mr. DANIELSON. The section in the committee draft uses the expression, "false statement" specifically and it is coupled with dishonesty. I submit that it is a broader term than just "false statement."

Mr. WIGGINS. I am glad the record is clear that dishonesty does not mean criminality.

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

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

Mr. BRASCO. With regard to the statement made by my distinguished colleague from New York (Ms. HOLTZMAN), I am looking at this rule 404, in which she quoted that notwithstanding the change in the rules of evidence, one still could cross-examine the prosecution's witness.

The only thing that disturbs me is that she did not read the whole thing. It states—

> Other crimes, wrongs, or acts. Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith.

It seems to me that might preclude the entire necessity of the Dennis language in the committee. I am trying to reconcile the two, because there was a change made. I am wondering now what the change was made for, in view of the fact that in my opinion it takes away a right of the defendant.

Mr. WIGGINS. The gentleman is looking at one aspect of the problem. There are other aspects of the problem. The committee, unfortunately, tried to deal with all aspects of the situation in one statement.

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

With respect, Mr. Chairman, to the distinction, if any, between the terms "dishonesty" and "false statement," I would like to point out that unless there has been a remarkable change in the meaning of words in recent years, "dishonesty" and "false statement" are not necessarily the same.

I respectfully submit, there is no point in using both terms in section 609(a), unless they mean two different things, or at

least that the term "dishonesty" is much broader than "false statement."

Who can state that murder does not involve dishonesty? Who can, for instance, say stealing does not involve dishonesty? If stealing does not involve dishonesty, then what does it involve?

The terms "dishonest" and "false statement" are not synonymous as used in this code section, and to the extent that we are establishing legislative history here, I want today to make it clear that when I voted for this bill out of committee, and when I vote for it today, it was and is my intention that the term "dishonesty" is broader than "false statement," and any offense involving moral turpitude such as stealing, robbery, burglary, or what have you, in my opinion is an offense involving dishonesty.

I want to make the record eminently clear that I do not equate "dishonesty" precisely with "false statement."

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

Mr. DANIELSON. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, if the gentleman believes what he said, which I am sure he does, he should support the Hogan amendment rather than the committee version or the substitute. I agree with him precisely.

Mr. DANIELSON. Mr. Chairman, I am glad we are in agreement. I just feel it is unnecessary to go that far, because I think the form the committee has brought out covers the field adequately. Unless we so stultify the meaning of "dishonesty" that it is limited to false statements, we have covered everything we need to do in this particular case.

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

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

Mr. DENNIS. Mr. Chairman, I would agree with my friend that dishonesty is a bit broader than false statement, but I would not agree that it covers such things as crimes of violence. What we are getting at here is crimen falsi, in the technical language, perjury, false pretense, fraud, and perhaps some other things.

Mr. DANIELSON. Moral turpitude.

Mr. DENNIS. It goes to one's honesty and one's credibility, and it does not cover the waterfront on all crimes for which a person can be sent to jail in excess of a year such as my friend from Maryland (Mr. HOGAN) wants to do.

Mr. DANIELSON. Mr. Chairman, I am pleased to agree with the gentleman from Indiana that it involves that which shall be generally regarded as a dishonest act.

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

Mr. DANIELSON. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, the courts have not borne out the gentleman's interpretation of what is dishonesty. The courts have sometimes rejected under this same guideline robbery, theft, and many other crimes that under the gentleman's definition would be considered "dishonesty."

Mr. DANIELSON. Mr. Chairman, I submit that, if the gentleman please, with the courts aided by this colloquy on the floor as to what the Congress means when it says "dishonesty," they will be able to apply the rule correctly.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New York. Mr. Chairman, I would say to the gentleman that if the gentleman will vote to accept my substitute, it will get rid of this kind of argument because it leaves the court to judge whether there is undue prejudice toward the witness by allowing in evidence of felony convictions.

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

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

Mr. DENNIS. Mr. Chairman, I would like to say in response to the remarks of my good friend from New York (Mr. SMITH) that the trouble with his amendment, his substitute, is exactly that. It leaves it all up to the discretion of the judge without any rule. It is not logical to say that any type of crime, regardless of whether it reflects on his credibility or not, for which a person may be sent to prison for more than a year, is relevant as to credibility.

Even the amendment of the gentleman from New York (Mr. SMITH) permits such evidence unless the judge thinks that in the particular case its prejudice outweighs its relevance; but it has no relevance, so why let the court judge?

Mr. DANIELSON. Mr. Chairman, I fully agree, and may I ask the gentleman from Indiana, would not that provision compel the court to make a finding on this evidentiary issue alone in the course of a trial, probably in many instances?

Mr. DENNIS. I would think so. It gets back to the problem we had here in the District, the Luck case, which I am not defending.

Mr. HOGAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. SMITH).

Mr. Chairman, while the substitute offered by the gentleman from New York is preferable to the committee's version, it does not really solve the problem. All of this arose with a decision by the Court of Appeals for the District of Columbia, the so-called Luck case, which has been alluded to earlier today. Following that decision, there was a great deal of controversy in the District of Columbia over using criminal convictions for impeachment purposes.

Courts tried to weigh the significance of the conviction against the risk of prejudice, and there was a period of great uncertainty for the prosecutors about using convictions to impeach. The more the courts tried to develop standards to guide the individual judges in exercising discretion, the worse things seemed to get until finally the Congress acted. This complicated approach of assessing conflicting considerations before letting a jury know about the criminal record of witnesses received no encouragement from the Congress. Instead, in the District of Columbia Court Reform and Criminal Procedure Act of 1970 (14 D C. Code 305), the Congress adopted the standard that is now represented in my amendment and the standard that was used in the rules when submitted by the Supreme Court to the Congress, and the standard used in the overwhelming majority of Federal and State courts—that any felony conviction should be admissible to impeach a witness.

I cannot say it better than the committee did in reporting on the District of Columbia Court Reform and Criminal Procedure Act some 3 years ago. The rationale for allowing use of any felony conviction was given in House Report 91–907, 91st Congress, 2d session, in these terms:

> A demonstrated instance of willingness to engage in conduct in disregard of accepted patterns is translatable into willingness to give false testimony.

That is as true now as it was then. Let me simply suggest to my colleagues that they go down the list of Federal crimes found in the index to title 18 and see how many there are that do not directly involve dishonesty or false statement, and I believe they will be persuaded to support my amendment. You simply cannot get away from the fact that, if a thief or perjurer is unworthy of belief, one might be even less inclined to believe a murderer, or assassin, or drug trafficker, or white slaver, or saboteur, or what have you. Of course, even the worst people sometimes tell the truth. All I am saying is let us not keep from the jurors the information they need to make just decisions about the credibility of witnesses.

The raging debate over this rule illustrates the continual attempt of all involved with the judicial system to balance the scales of justice between the rights of the accused and the rights of society.

The Advisory Committee on the Rules of Evidence of the Judicial Conference, after thoroughly studying all possible proposals, chose to promulgate the version in my amendment which retains the rule in the overwhelming majority of Federal and State courts as well as the views espoused by Dean Wigmore, the renowned expert on evidence. My formulation adopts the prevailing prosecutorial view that it would be misleading to permit the witness, whether he be the accused or not, to appear as one who has led a blameless life.

In spite of the fact that the eminent members of the bench and bar who made up the Advisory Committee on the Rules of Evidence made their position clear, the majority of the House Committee on the Judiciary rejected the majority rule in the State and Federal courts and have changed the rule once again.

My version is the existing law. It is the version recommended by the Supreme Court and the Attorney General of the United States. It is the prevailing view in the overwhelming majority of State and Federal courts. It is also precisely the version we adopted in 1970 in the District of Columbia crime bill.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I appreciate the gentleman's yielding.

I just wish to point out to the gentleman from Maryland (Mr. HOGAN) that in the prior version of the rules—the March 1971 version—that the Advisory Committee agreed on, they did not adopt the version that the gentleman seeks to propose here. What they did adopt was a version similar to that proposed by the gentleman from New York (Mr. SMITH).

So I would say that the version which the gentleman from Maryland has offered was not the version which was accepted by the bar to the extent the gentleman appeared to suggest.

Mr. HOGAN. Mr. Chairman, with all due respect to the gentlewoman from New York, I must say that the gentlewoman is in error.

The 1969 version offered by the Advisory Committee had precisely the language of my amendment. The 1971 version changed it. The 1973 version again was precisely the language of my amendment, and the Advisory Committee considered all of the alternatives which we have been debating today.

All of these eminent lawyers and scholars and judges assessed the merits and the demerits of all these proposals, and they came to the conclusion that the one in my amendment is the preferable one to choose.

Mr. Chairman, I urge my colleagues to vote down the Smith substitute and vote for my amendment.

Mr. LOTT. My Chairman, will the gentleman yield?

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

Mr. LOTT. Mr. Chairman, I support the proposed Hogan amendment to rule 609(a) of H.R. 5463.

Like this amendment, both the subcommittee draft of rule 609(a) and the Supreme Court proposal transmitted to the Congress permit impeachment of a witness by evidence of a prior conviction of a crime punishable by death or imprisonment in excess of 1 year. This provision should be reinserted into rule 609(a), especially in light of the fact that the prevailing doctrine in the Federal courts and in most States allows a witness to be impeached by evidence of a prior felony conviction without restriction as to type of felony.

The rationale for this majority approach is basic. Obviously, the character of a witness is material circumstantial evidence on the question of the veracity of testimony of the witness. Prior criminal conduct, including all prior felony convictions, is relevant evidence of such character.

A concern expressed by those endorsing the committee version of the rule is that permitting evidence of all prior felony convictions would have a deterrent effect upon defendants with criminal records who wish to testify in their own behalf. In the interest of justice, however, a jury is entitled to any evidence bering on a testifying defendant's tendency to tell the truth. In a case where there is an unusual danger that the admission of the evidence of the prior convictions would unfairly prejudice the defendant on the merits of the case, a remedy is provided by the general provision of rule 401, which states:

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

I think it is essential to recognize that this is a rule that would have application in both civil and criminal cases, and which would apply not only to witnesses for the defense, but witnesses for the plaintiff or the prosecution as well. As regards criminal trials, it must be kept in mind that in many criminal prosecutions, especially in prosecutions involving narcotics and organized crime offenses, the Government must rely in part upon testimony of witnesses who have criminal records. In these cases as well as in others, a jury is entitled to all the evidence bearing on the witness's tendency to tell the truth.

I, therefore, urge adoption of the proposed amendment.

(By unanimous consent, Mr. HEINZ was permitted to speak out of order.)

THE LINCOLN BIRTHDAY RECESS

Mr. HEINZ. Mr. Chairman, I take this time to acquaint the House with a problem that I feel other Members in the Chamber may shortly be facing. That is the problem that was stimulated yesterday by the fact that this House, by a voice vote, passed House Concurrent Resolution 425, the Lincoln birthday recess.

I do not know how it is in the districts of other Members, but at this time, in my 18th Congressional District in Pennsylvania, exactly one out of every five filling stations is open. By the end of the week, if the present condition persists, all of the steel mills in my district—and I am fortunate enough to have a great number of them—will be forced to close, not just because they cannot get transportation to ship their product, but because no one is going to be able, for lack of gasoline, to get to work at those mills. This is true of the many other industries in my district as well.

Furthermore, my hospital council met this morning and concluded that by Thursday, if there was no change in the situation—and the situation we are referring to is terrorization on the highways—they will be turning people away because they are running out of food and important medical supplies.

I find it hardly compatible with the traditions of this House that tomorrow we should, at the close of business, go on adjournment for 5 or 6 days or more. I would suggest when this resolution comes back from the Senate, where I understand it will be subject to amendment—and I understand also it will come back for approval either later today or tomorrow—I would suggest that at that time that the resolution should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SMITH) as a substitute for the amendment offered by the gentleman from Maryland (Mr. HOGAN).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. HOGAN), as amended.

PARLIAMENTARY INQUIRY

Mr. SMITH of New York. Mr. Chairman, a parliamentary inquiry. Are we now voting on the Hogan amendment, as amended?

The CHAIRMAN. The gentleman is correct.

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 10, noes 48.

So the amendment, as amended, was rejected.

The CHAIRMAN. Are there any further amendments to article VI?

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

Mr. Chairman, I rise to ask some questions of the subcommittee chairman relating to this particular section.

First I refer the chairman to page 85 in the section referring to "Writing Used To Refresh Memory," it states:

Rule 612. Writing Used To Refresh Memory

Except as otherwise provided in criminal proceedings by section 3500 of title 18, United States Code, if a witness uses a writing to refresh his memory for the purpose of testifying, either—

(1) while testifying, or

(2) before testifying, if the court in its discretion determines it is necessary in the interests of justice,

an adverse party is entitled to have the writing produced at the hearings, to inspect it, to cross-examine the witness thereon, and to introduce in evidence those portions which relate to the testimony of the witness.

There are other portions which refer back to that particular part.

My first question is does this relate to civil actions as well as to criminal actions?

Mr. HUNGATE. If the gentleman will yield, the answer to that would be "Yes."

Mr. WHITE. If there is, for instance, hypothetically, a personal injury action, that is, if a party to the personal injury action asks for the work of an attorney fresh his memory before he came to the on matters on which the party has retrial, then would the adverse attorney and adverse party have the opportunity to inspect that work?

Mr. HUNGATE. If the gentleman will yield, I understand—and if I am in error, some other members of the committee can correct me—the attorney's work product would not be subject to that inspection.

If it was used to refresh the memory of a witness would it then not be subject to inspection?

If it were used while testifying. If it were used before testifying there are different limitations on it.

Mr. WHITE. You see, the way it reads, it says "before testifying." In other words, if you use it before testifying then it is a memory refreshener.

Mr. HUNGATE. It can become a discretionary matter with the court in that case. The rule was originally broader than this, as I recall it. We have tried to narrow the past rule, the rule that one point could have meant bringing in everything you used to refresh your memory, and the committee has sought

to restrict that. You could use the classic examples, for instance, of patent cases or antitrust cases where you might have several large railroad boxcars full of documents, and to force them to be brought in could prove to be harassment.

Mr. WHITE. Does not the chairman's own interpretation mean that at the court's discretion the court could insist that the adverse party bring to the opponent the material on which the witness refreshed his memory, is that correct?

Mr. HUNGATE. The gentleman is raising a good point, because I think the gentleman is putting two legal concepts at each other's throats, one would be perhaps the original work product of the attorney, and I am not qualified to say that this is paramount, but it was not meant to repeal the attorney-client relationship, and, let me add, this does not write that out of its present existence. It does not do away with it. What we concentrated upon was in these extremely long cases where there would be lots and lots of documents, and where it would be a harassment to have them all brought in.

And it says, again, as the gentleman I am sure realizes:

If the court in its discretion determines it is necessary in the interest of justice. . . .

Mr. WHITE. Is not this then a change in the rule, a change from the general evidentiary rules in the Federal courts?

Mr. HUNGATE. That is not the case, as I understand it.

Mr. WHITE. Presently in civil actions or personal injury actions, using the same hypothetical question, can an opponent obtain the material on which a witness refreshed his memory before he comes to testify, before the case?

Mr. HUNGATE. He could not do so.

Mr. WHITE. So this is a radical change.

The point I am trying to make is that this is an inconsistency, that a man would have to produce the writings that he had used prior to coming to testify, whatever he refreshed his memory on, but he probably could not use the same writing in that regard, if these were self-serving to him. The lawyer's own work product would then be subject to inspection if it was used to refresh the memory of a witness, and thus you have intruded into a very established rule of law.

Mr. HUNGATE. However, we come back to the fact that this does not wipe out the other sections of the law, or the law as it exists regarding the privilege of attorney-client relationships, or their work products.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. WHITE. Mr. Chairman, I do not want to pursue this any longer, but I suggest that this certainly should be looked into.

Getting back to a provision before that, to page 83, I think the language was properly intended, but that it is not properly worded. On line 12, we speak in terms of:

The conviction has been the subject of a pardon, annulment, certificate of rehabilitation of the person convicted, . . .

And then it says, further down:

Or (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure . . .

I take it that this is not intending to mean the application for a pardon; this really means the pardon itself?

Mr. HUNGATE. I would like to call the attention of the other members of the subcommittee to the very good question that the gentleman from Texas (Mr. WHITE) has raised, and for the purpose of establishing legislative history, I would like to ask the other members of the committee to correct me if I should be wrong.

When we say, starting at line 12:

(1) the conviction has been the subject of a pardon, . . .

Et cetera.

We did not mean and would not understand the wording to mean the subject of an "application" for a pardon, but we would mean a "pardon" that had been fully granted.

The gentleman from Texas has spoken to me earlier and I believe I pointed out that the same words appear, and if the gentleman will look at line 18 he will see where we again cite the same words with reference to pardon, with the same meaning and intent.

Mr. WHITE. If the gentleman will please refer to lines 22 and 23 where he states:

The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness.

I am sure this is splitting hairs, but the gentleman means "against" the witness; does he not? In other words, if the juvenile is not found responsible in a particular juvenile case, then that evidence could not come before the court?

Mr. HUNGATE. The committee's understanding of that language is, again for the purpose of legislative history, a juvenile adjudication would be akin to what would be a conviction of a crime if a juvenile were of age, and that is the meaning that is meant.

Mr. WHITE. A finding against the juvenile.

Mr. HUNGATE. That is true; yes, sir.

Mr. WHITE. I thank the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I would yield at this point to the gentleman from New York to see if he generally concurs, for the purpose of legislative history, in the interpretation.

Mr. SMITH of New York. I thank the gentleman.

I would say that the gentleman from New York generally concurs in the gentleman's interpretation.

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

The CHAIRMAN. The time of the gentleman from New York has expired.

If there are no further amendments to article VI, the Clerk will read.

The Clerk read as follows:

Page 87, line 16:

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witnesses

If the witness is not testifying as an expert, his testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of his testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to him at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissable in evidence.

Rule 704. Opinion on Ultimate Issue

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

The expert may testify in terms of opinion or inference and give his reasons therefor without prior disclosure of the underlying facts or data, unless the court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

Rule 706. Court Appointed Experts

(a) Appointment.—The court may on its own motion or on the motion of any party enter an order to show cause why expert witnesses should not be appointed, and may request the parties to submit nominations. The court may appoint any expert witnesses agreed upon by the parties, and may appoint expert witnesses of its own selection. An expert witness shall not be appointed by the court unless he consents to act. A witness so appointed shall be informed of his duties by the court in writing, a copy of which shall be filed with the clerk, or at a conference in which the parties shall have opportunity to participate. A witness so appointed shall advise the parties of his findings, if any; his deposition may be taken by any party; and he may be called to testify by the court or any party. He shall be subject to cross-examination by each party, including a party calling him as a witness.

(b) Compensation.—Expert witnesses so appointed are entitled to reasonable compensation in whatever sum the court may allow. The compensation thus fixed is payable from funds which may be provided by law in criminal cases and civil actions and proceedings involving just compensation under the fifth amendment. In other civil actions and proceedings the compensation shall be paid by the parties in such proportion and at such time as the court directs, and thereafter charged in like manner as other costs.

(c) Disclosure of appointment.—In the exercise of its discretion, the court may authorize disclosure to the jury of the fact that the court appointed the expert witness.

(d) Parties' experts of own selection.—Nothing in this rule limits the parties in calling expert witnesses of their own selection.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that article VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection

to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. Are there any amendments to article VII? If not the Clerk will read.

The Clerk read as follows: Page 90, line 6:

ARTICLE VIII. HEARSAY

Rule 801. Definitions

The following definitions apply under this article:

(a) Statement.—A "statement" is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by him as an assertion.

(b) Declarant.—A "declarant" is a person who makes a statement.

(c) Hearsay.—"Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) Statements which are not hearsay.—A statement is not hearsay if—

(1) Prior statement by witness.—The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is (A) inconsistent with his testimony and was given under oath subject to cross-examination, and subject to the penalty of perjury at a trial or hearing or in a deposition, or (B) consistent with his testimony and is offered to rebut an express or implied charge against him of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving him; or

(2) Admission by party-opponent.—The statement is offered against a party and is (A) his own statement, in either his individual or a representative capacity or (B) a statement of which he has manifested his adoption or belief in its truth, or (C) a statement by a person authorized by him to make a statement concerning the subject, or (D) a statement by his agent or servant concerning a matter within the scope of his agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court pursuant to statutory authority or by Act of Congress.

Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

(1) Present sense impression.—A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

(2) Excited utterance.—A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

(3) Then existing mental, emotional, or physical condition.—A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

(4) Statements for purposes of medical diagnosis or treatment.—Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

(5) Recorded recollection.—A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable him to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in his memory and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into evidence but may not itself be received as an exhibit unless offered by an adverse party.

(6) Records of regularly conducted activity.—A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, profession, occupation, and calling of every kind.

(7) Absence of entry in records kept in accordance with the provisions of paragraph (6).—Evidence that a matter is not included in the memoranda reports, records, or data compilations, in any form, kept in accordance with the provisions of paragraph (6), to prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind of which a memorandum, report, record, or data compilation was regularly made and preserved, unless the sources of information or other circumstances indicate lack of trustworthiness.

(8) Public records and reports.—Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law, or (C) in civil actions and proceedings and against the Government in criminal cases, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.

(9) Records of vital statistics.—Records or data compilations, in any form, of births, fetal deaths, deaths, or marriages, if the report thereof was made to a public office pursuant to requirements of law.

(10) Absence of public record or entry.—To prove the absence of a record, report, statement, or data compilation, in any form, or the nonoccurrence or nonexistence of a matter of which a record, report, statement, or data compilation, in any form, was regularly made and preserved by a public office or agency, evidence in the form of a certification in accordance with rule 902, or testimony, that diligent search failed to disclose the record, report, statement, or data compilation, or entry.

(11) Records of religious organizations.—Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.

(12) Marriage, baptismal, and similar certificates.—Statements of fact contained in a certificate that the maker performed a marriage or other ceremony or administered a sacrament, made by a clergyman, public official, or other person authorized by the rules or practices of a religious organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

(13) Family records.—Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones, or the like.

(14) Records of documents affecting an interest in property.—The record of a document purporting to establish or affect an interest in property, as proof of the content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed, if the record is a record of a public office and an applicable statute authorizes the recording of documents of that kind in that office.

(15) Statements in documents affecting an interest in property.—A statement contained in a document purporting to establish or affect an interest in property if the matter stated was relevant to the purpose of the document, unless dealings with the property since the document was made have been inconsistent with the truth of the statement or the purport of the document.

(16) Statements in ancient documents.—Statements in a document in existence twenty years or more the authenticity of which is established.

(17) Market reports, commercial publications.—Market quotations, tabulations, lists, directories, or other published compilations, generally used and relied upon by the public or by persons in particular occupations.

(18) Learned treaties.—To the extent called to the attention of an export witness upon cross-examination or relied upon by him in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other export testimony or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.

(19) Reputation concerning personal or family history.—Reputation among members of his family by blood, adoption, or marriage, or among his associates, or in the community, concerning a person's birth, adoption, marriage, divorce, death, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of his personal or family history.

(20) Reputation concerning boundaries or general history.—Reputation in a community, arising before the controversy, as to boundaries of or customs affecting lands in the community, and reputation as to events of general history important to the community or State or nation in which located.

(21) Reputation as to character.—Reputation of a person's character among his associates or in the community.

(22) Judgment of previous conviction.—Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused. The pendency of an appeal may be shown but does not affect admissibility.

(23) Judgment as to personal, family or general history, or boundaries.—Judgments as proof of matters of personal, family or general history, or boundaries, essential to the judgment, if the same would be provable by evidence of reputation.

Rule 804. Hearsay Exceptions: Declarant Unavailable

(a) Definition of unavailability.—"Unavailability as a witness" includes situations in which the declarant—

(1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of his statement; or

(2) persists in refusing to testify concerning the subject matter of his statement despite an order of the court to do so; or

(3) testifies to a lack of memory of the subject matter of his statement; or

(4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of his statement has been unable to procure his attendance (or in the case of a hearsay exception under subdivision (b) (2), (3), or (4), his attendance or testimony) by process or other reasonable means.

A declarant is not unavailable as a witness if his exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the witness from attending or testifying.

(b) Hearsay exceptions.—The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former testimony.—Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

(2) Statement under belief of impending death.—In a prosecution for homicide or in a civil action or proceeding, a statement made by a declarant while believing that his death was imminent, concerning the cause or circumstances of what he believed to be his impending death.

(3) Statement against interest.—A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject him to criminal liability, that a reasonable man in his position would not have made the statement unless he believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement. A statement or confession offered against the accused in a criminal case, made by a codefendant or other person implicating both himself and the accused, is not within this exception.

(4) Statement of personal or family history.—(A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

Rule 805. Hearsay Within Hearsay

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.

Rule 806. Attacking and Supporting Credibility of Declarant

When a hearsay statement has been admitted in evidence, the credibility of the declarant may be attacked, and if attacked may be supported, by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time, inconsistent with his hearsay statement, is not subject to any requirement that he may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine him on the statement as if under cross-examination.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that article VIII be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. MAYNE

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

The Clerk read as follows:

Amendment offered by Mr. MAYNE: On page 90, line 24 of the bill, after the word "oath", strike the words "subject to cross-examination".

On page 91, line 1, of the bill, after the word "deposition", insert the words "or before a grand jury".

Mr. MAYNE. Mr. Chairman, the purpose of my amendment is to restore this rule to the form in which it was reported by the subcommittee which considered this amendment and others for about a year's time before making its recommendation to the full committee. Essentially my amendment would permit the use in evidence of a prior inconsistent statement which had been given under oath, even though it had not been subject to cross-examination at the time it was given under oath. This is accomplished by striking the words "subject to cross-examination" following the word "oath." The reason I respectfully submit to the committee that it is not necessary that the original statement should have been given under oath is that the person making that statement is present in court and subject to cross-examination at the time the evidence is offered. My evidence also includes a prior statement by a witness given before a grand jury by inserting the words "as before a grand jury" after the word "deposition." In other words, my amendment would remove from the definition of hearsay the prior inconsistent grand jury testimony of a witness. It would be admissible as an exception to the hearsay rule. This is clearly constitutional under the U.S. Supreme Court case of *California* v. *Green*, 399 U.S. 149, a 1970 case, and in accordance with the ruling of the U.S. Court of Appeals for the Second Circuit, the decisions of which were relied on as support for the provision in its present form. It did not require that the testimony must have been subject to cross-examination.

The rule of evidence which is involved here concerns this kind of a trial situation. A witness is testifying at a trial or hearing. He is sworn and subject to cross-examination.

But he has made a prior inconsistent statement which under well-established law would be admissible to impeach the witness. The issue in framing this rule now is whether to continue to permit admission of the prior inconsistent statement, not simply to destroy the witness' credibility but as substantive evidence, that is, as evidence that a jury may accept for the truth of the matter asserted. H.R. 5463 allows for a substantive use of the prior inconsistent statement if it was sworn trial or deposition testimony, subject to the penalty for perjury, provided the witness, when giving such prior testimony, was subject to cross-examination. The rule is basically sound as proposed, but the authorities that want the adoption of a rule of evidence of this kind hold the matter of previous cross-examination not to be essential because the witness can be fully cross-examined at the trial. So I think we should return to the version adopted by the subcommittee after careful consideration and that this rule needs to be amended back to the form in which they recommended it, to cover this situation and also prior grand jury testimony.

To begin with, the general rule that courts adhered to for a long time permitted prior inconsistent statements to be used to impeach but not as substantive evidence. But as pointed out by the Supreme Court in *California* v. *Green*, the case I referred to (399 U.S. 154–155) too many jurisdictions have now broken away from the traditional rule and, beginning with Dean Wigmore, most legal commentators have come around to the view that prior inconsistent statements may be properly accepted affirmatively by a jury if the one who makes such statements is a witness and can be cross-examined about the former statements. The Supreme Court has held that the confrontation clause of the sixth amendment is not violated by a substantive use of prior statements of a witness provided the defendant can fully cross-examine the witness about the prior statement.

The U.S. Court of Appeals for the Second Circuit has led the way in recognizing the affirmative value of prior inconsistent statements. The provision in the bill is patterned after the second circuit rule in limiting the matter to prior sworn statements, but I would like to point out however that the second circuit rule allows for an affirmative use of prior testimony given not just in a trial forum, but also when given before a grand jury. *United States* v. *Mingoia*, 424 F.2d 710, 713 (1970); *United States* v. *Insana*, 423 F.2d 1165, 1170, cert. denied, 400 U.S. 841 (1970). Those are both 1970 cases.

It is extremely important that this item of legislation be expanded, et cetera.

To begin with, the general rule that courts adhered to for a long time permitted prior inconsistent statements to be used to impeach but not as substantive evidence. However, as pointed out by the Supreme Court in *California* v. *Green*, at 399 U.S. 154–155, some jurisdictions broke away from the traditional rule and, beginning with Dean Wigmore, most legal commentators have come around to the view that prior inconsistent statements may properly be excepted affirmatively by a jury if the person who makes such statements is a witness and can be cross-examined about the former statements. The Supreme Court has held that

the confrontation clause of the sixth amendment is not violated by a substantive use of prior statements of a witness provided the defendant can fully cross-examine the witness about the prior statements.

The U.S. Court of Appeals for the Second Circuit has led the way in recognizing the affirmative value of prior inconsistent statements. The provision in the bill is patterned after the second circuit rule in limiting the matter to prior sworn statements. I would point out, however, that the second circuit rule allows for an affirmative use of prior testimony given not just in a trial forum, but also when given before a grand jury. *United States* v. *Mingoia*, 424 F. 2d 710, 713 (1970); *United States* v. *Insana*, 423 F. 2d 1165, 1170, cert. denied, 400 U.S. 841 (1970).

It is extremely important that this item of legislation be expanded to allow for an appropriate use of prior grand jury testimony. One problem that is being attacked by allowing for an affirmative use of prior testimony is the problem of the witness who swears to one thing before trial and then, having been intimidated or otherwise improperly influenced, or having developed some animus or grudge toward a party in the case, changes his testimony at the trial. Under the old approach the inconsistency could be shown only to cancel out the witness' trial testimony, so that the witness would win—he would accomplish his unjust or malevolent purpose. This kind of thing is certainly like to happen, if not more likely to happen, at a first trial as upon a retrial; that is to say, there is as great, if not a greater chance, that witnesses will try to confound the criminal justice process after their grand jury appearance as there is that witnesses may change their testimony due to an influence or cause intervening between two trials. And there is no reason for providing only half a remedy in this legislation. Again, it is beside the point that a grand jury witness is not subject to cross-examination in the grand jury. Let his prior grand jury testimony be used at trial, and let the witness be cross-examined on the matter there. That is the lesson of the authorities I have mentioned.

Let me point out that this amendment concerns merely the admissibility of evidence; it will not give any artificial credibility to a worthless witness. This amendment allows a jury to make an affirmative use of the prior grand jury testimony but does not compel, or even promote the acceptance of the former testimony. As explained in *California* v. *Green*, at 399 U.S. 160:

> The witness who now relates a different story about the events in question must necessarily assume a position as to the truth value of his prior statement, thus giving the jury a chance to observe and evaluate his demeanor as he either disavows or qualifies his earlier statement. The jury is alerted by the inconsistency in the stories, and its attention is sharply focused on determining either that one of the stories reflects the truth or that the witness is simply too lacking in credibility to warrant its believing either story.

I might point out further that the complex of other evidence presented in a case may also help the jury in determining which, if either, of the conflicting accounts is the truthful one.

Legal commentators have cited cases in which the old rule against affirmative use of prior inconsistent statements has caused miscarriages of justice. Let me mention two Federal cases that are described in McCormick's Handbook of the Law of Evidence (1954), in footnotes at pages 76, 80. In one of these, *Young* v. *United States*, 97 F.2d 200 (C.A. 5, 1938), the defendant was tried for the murder of a Federal investigator. A 16-year-old boy who had lived in the defendant's house implicated the defendant shortly after the killing and gave the grand jury ample testimony to establish the defendant's guilt. At the trial, however, the witness repudiated the previous testimony and the resulting conviction was set aside. The prosecutor in that case even had an exchange of notes between the witness and his sister, the sister urging him to change his story and the witness promising to do so. This was a case where, as Professor McCormick said, the probability of truthfulness of the prior statement was overwhelming. My amendment would make such a prior statement admissible so that a jury could accept it as true.

Another illustrative case is *Ellis* v. *United States*, 138 F.2d 612 (C.A. 8, 1943). The defendants were charged with transporting two high school girls in interstate commerce for immoral purposes, the indictment resting on the detailed testimony of one of the victims before the grand jury, but she repudiated the testimony at trial. Again, in Professor McCormick's opinion, the case offers a "striking illustration of the actual probative value of previous statements," and the court seemed to have had no doubt of guilt, but the conviction had to be reversed. This case is a good example, too, of how a mass of evidence supports belief in the prior statement, because conduct of an intrastate nature had been introduced on the element of the defendants' intentions, showing a course of conduct. The jury should have been able to accept the prior statement as true, but the case foundered on a technicality.

Concluding, then, we have a basically sound proposal here that responds to the needs of law enforcement and reacts to recent developments in the law. Yet the measure is not complete. It respects the matter of cross-examination in the old way and not in the more enlightened way of the Supreme Court, the second circuit, and numerous commentators on the law. Though a witness could not have been cross-examined before the grand jury, it is not amiss to permit the jury to make an affirmative use of the prior grand jury testimony under this amendment, because the trial subjects the witness to full cross-examination about that earlier testimony. This amendment has a solid legal foundation and makes very good sense. I respectfully urge my colleagues to support my amendment.

Mr. WIGGINS. Mr. Chairman, I rise to support the amendment offered by the gentleman from Iowa.

Mr. Chairman, this is an extremely meritorious amendment which deals with a very practical problem in criminal cases. Let me set the stage by relating some facts which give rise to the problem. Let us suppose we are talking about a narcotics case and let us suppose further that an important witness in that investigation is examined before a grand jury. His testimony is taken before that grand jury under oath. It is not subject however to cross-examination because the witness' counsel is not there to cross-examine the witness. Thereafter, an indictment is returned and now we go to trial in this important narcotics case. Pending trial, the witness is exposed to the realities of the street and he is told if he testifies as he testified before the grand jury that he and his family are in serious jeopardy. During the trial, prosecutor calls the witness expecting that he will testify in accordance with his testimony before the grand jury, but he is disappointed. The witness does not testify that way at all. He changes his story and says: "I do not know anything about anything." Now under the rule it is clear that the witness can be impeached as to his credibility by the showing of the prior inconsistent statement, but the jury cannot consider as affirmative evidence the evidence which was deduced at the grand jury.

The amendment of the gentleman from Iowa (Mr. MAYNE) would permit the consideration of the evidence deduced before the grand jury as affirmative evidence in the criminal case. This is consistent with the practice in the second circuit. It has been approved as against constitutional attack by the U.S. Supreme Court in California against Green.

It provides an answer to an important practical problem confronting prosecutors in narcotics cases and in organized crime cases. It would be unwise in my opinion to deny them this important tool by the adoption of the committee language without the amendment.

If there is a fear of unfairness implicit in the amendment of the gentleman from Iowa (Mr. MAYNE), bear in mind that the witness is then before the trial jury.

He can be examined. He can be cross-examined with respect to all of the circumstances which prompted his change of testimony. He is represented by counsel, if we are talking about a party witness. There is every opportunity for fairness preserved in the amendment by the gentleman from Iowa. It is one that ought to be supported by this committee as an aid to proper law enforcement. I hope it will be accepted.

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

Mr. Chairman, it has long been the rule and it is still the rule in most of the States of the Union and, as far as I know, in all the Federal circuits, except the second circuit, that the prior inconsistent statements of a witness are not competent to prove any of the facts asserted in the statement and can only be used in cross-examination to reflect upon his credibility as a witness.

The reason for that is that, of course, such a statement is pure hearsay. If we change the rules, we get to the point where we prove the case, not by testimony on the witness stand in that case,

but by bringing somebody in and having him testify that this man said thus and so at some other time. That is classic hearsay and it has never been done.

Now, in the second circuit, they adopted a new rule for the reasons suggested by my friend from Iowa (Mr. MAYNE), I assume, and said that if the prior inconsistent statement was made under oath, one could use it to prove the case, and that is what he is trying to do here.

In the committee we went part of the way. We abandoned the traditional rule. We said one could use the prior inconsistent statement to prove the case if it was made under oath and also subject to cross-examination at the time it was made.

We felt that might give it sufficient credibility, because it had been sifted once by the powerful engine of cross-examination; but under the second circuit rule which is proposed by my friend from Iowa, prior cross-examination is not required.

This again, like many of these things, is a question of judgment. I recognize the problem which has given rise to this suggestion. I do not know to what extent we should have our rules of law, however, laid down or changed by criminals who threaten witnesses and things like that, if we think the traditional rule is sound to begin with.

Even under the proposal in the committee bill here, we have gone quite a step and under the proposal of the gentleman from Iowa (Mr. MAYNE), one can still have this situation. One could have the situation where there is not one single witness who takes the stand in that case and testifies to anything in behalf of the Government or anything against the man on trial. In fact, he testifies to the contrary, and the Government has to prove its case by proving that at some other time he said something else, which he now says is not the truth.

Now, that is a radical departure in the law. Maybe he changed his story, not because the defense threatened him, but because the cops beat him up the first time. That has happened, too; so I think the committee went far enough when we said that a prior statement which had been made subject to cross-examination could be used for that purpose, and although one can debate the matter both ways, and there is an argument both ways, as I concede, I say that, on balance, we ought to go along with most of the jurisdictions and with the traditional rule and stick with the committee bill and defeat the amendment.

Ms. HOLTZMAN. Mr. Chairman, I move to strike the last words.

Mr. Chairman, I would like to associate myself with the comments made by my very learned colleague from Indiana (Mr. DENNIS).

While I appreciate the intention behind the amendment, and although it is the practice in the circuit in the area from which I come, I think the amendment is basically not a good one. If we are trying to use statements given outside of the courtroom for the purposes of convicting somebody, I think we must make sure that these statements are given under circumstances that are similar to those at trial and subject to the safeguards of cross examination.

Therefore, I would urge that this amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. MAYNE).

The question was taken; and on a division (demanded by Mr. MAYNE) there were—ayes 7; noes 27.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HOGAN

Mr. HOGAN. Mr. Chairman, I offer an amendment, which has been filed in accordance with the rules.

The Clerk read as follows:

Amendment offered by Mr. HOGAN: Strike out lines 20 through 25 on page 90 of the bill and lines 1 through 5 on page 91 of the bill and insert in lieu thereof the following:

(1) Prior statement by witness. The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is (A) inconsistent with his testimony, or (B) consistent with his testimony and is offered to rebut an express or implied charge against him of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving him; or

POINT OF ORDER

Mr. DENNIS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DENNIS. Mr. Chairman, I make the point of order against the amendment that this is the same amendment we have just voted on.

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

Mr. HOGAN. I do, Mr. Chairman.

Mr. Chairman, if the gentleman from Indiana would read the amendment we just voted on and the amendment as proposed, while they do go to the same section, they are substantially different in their language and in their intent.

The CHAIRMAN. The Chair agrees with the statement of the gentleman from Maryland and overrules the point of order.

Mr. HOGAN. Mr. Chairman, my amendment would reinstate the language of rule 801(d)(1) as it was sent to us by the Supreme Court after the Advisory Committee of the Judicial Conference labored over the rules for many years. My amendment would allow into evidence, as an exception to the hearsay rule, any prior statements made by a witness who is in court and subject to cross-examination about the prior statements. The Attorney General favors this amendment.

I find no fault with rule 801(d)(1) as far as it goes. I assume that most everyone agrees to having an exception to the hearsay rule for prior statements that were made under oath and subject to cross-examination. Where such statements are inconsistent with the witness' trial testimony, there is ample reason for allowing the jury to know about the prior statements and to consider accepting those prior statements as true. But the rule does not go far enough. The authorities (including *California* v. *Green*, 399 U.S. 149 (1970)) allow the rule to be broadened so that any prior inconsistent statement can be used for affirmative purposes. The main justification for supporting an exception to the hearsay rule for prior inconsistent statements is that the adverse party, with the witness now in court, has the opportunity to cross-examine the witness fully about his previous statement.

Let me cite some examples to illustrate the importance of my amendment.

Take, for example, a suit for damages growing out of an automobile accident in which a witness gives an account at trial different from the one he gave police officers right after the accident. Suppose the witness now has a recollection that clashes with his former statement. Considering the length of time it takes for cases to get to trial, it is not at all peculiar that honest witnesses will give testimony inconsistent with former statements. Under the traditional rule, a former statement is admissible only to impeach the witness—to destroy the witness's credibility entirely. But, that may work an unjust result. The earlier statements must be allowed into evidence for the truth of the matter stated. I do not think it is enough to let such statements in as affirmative proof only when they were taken under oath under the full formalities of a trial or deposition. These statements should be allowed into evidence without such formalities. Let the jury decide, upon the whole of the evidence, whether the prior statement is worthy of belief or not.

For another example, take a case, whether it may be a civil or criminal case, where the witness for one of the parties has developed an animosity toward the party who wishes to call him, or where the witness is just sympathetic toward the other side. If that witness changes his testimony at the trial, he can defeat justice under the committee's version of the rule. A prior inconsistent statement made by such a witness would be admissible only to cancel out his evidence—to leave an utter void in the case. The witness would have such a power, no matter how evident it was that he had acted irresponsibly. Rule 801(d)(1) would not remedy such a situation because the prior statements had not been given under trial formalities. Rule 801(d)(1) would not, as now written, remedy a situation such as that found in *Young* v. *United States*, 97 F.2d 200 (C.A. 5, 1938), where the witness caused a prosecution to fail by repudiating former statements, even though the Government had a note which the witness had written in which he promised to repudiate his former story out of gratitude toward the defendant. This is not in the best interests of justice.

Another good example is supplied by *United States* v. *Coppola*, 479 F. 2d 1153 (C.A. 10, 1973). That case involved a prison murder growing out of a narcotics ring operating within Leavenworth prison. Soon after the offense the FBI took a statement from an inmate implicating the defendant in the murder and narcotics operation. It was a written statement of the type the FBI normally obtains from witnesses, but, of course, the defendant was not there to cross-examine the witness. Before trial, and

apparently after receiving threats from his fellow inmates, this witness repudiated his statements to the FBI. In prosecuting the case, the Government attempted to use this witness to establish what he had initially said, but in doing so, the prosecution got into problems about impeaching one's own witness, et cetera. A conviction was won, but the court of appeals set the conviction aside and allowed for a new trial. Because this witness repudiated his former statement, a conviction of a prisoner for murder and narcotics peddling was thwarted. Had the evidence of the prior statement been admissible and the witness subjected to cross-examination about it, it is quite probable that the jury would have recognized the willfulness that actuated the witness to deny what he had previously said, and the case might have ended up differently.

I hope these examples help demonstrate the need for this amendment. The amendment is not really in conflict with any established principle of law. It seems good on the surface that 801(d)(1) is written to require that there have formerly been an oath and opportunity for cross-examination when the statement was made. But those basic considerations are satisfied under the amendment. The former statements would be admissible because the witness is now under oath and subject to questioning about the former statements. I urge my colleagues to support this amendment.

Mr. Chairman, inasmuch as we have just defeated a version that does not go as far as mine, the likelihood of it prevailing is very slim at this point, so I now yield back the balance of my time.

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

Mr. Chairman, I think nothing could be as persuasive as the gentleman's argument at this time of day except cold silence, so I yield back the balance of my time.

Mr. DENNIS. Mr. Chairman, I rise against the amendment and simply point out that this is the same thing as the last amendment that was defeated except that, as the gentleman from Maryland says, it goes much further, because the prior inconsistent statement he would admit would not be under oath, subject to cross examination or anything else. Anything anybody said any time, anywhere, under any circumstances, comes in. It is as wide as that, so it ought to be defeated.

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

Mr. Chairman, the author of this amendment is a former FBI agent, as I am, and as is the gentleman from Iowa.

We have had a great deal of experience years and years ago in taking statements involving violations of Federal criminal statutes. There is a great deal of concern across the Nation about what they blame on judges, that judges primarily have become preoccupied with the rights of the wrongdoers to the exclusion of the rights of those persons who are honest, hardworking, law-abiding citizens.

When we are dealing with evidence and dealing with court proceedings, we seem to be bending over backward to protect the rights of wrongdoers. I think there are many protections that are built into our criminal statutes which give them every advantage.

It seems to me that we should look at a little bit of evidence obtained from some of the statements taken by qualified law enforcement agents, such as FBI agents, and we should let into evidence those statements taken by them under the circumstances set forth in this amendment.

Mr. Chairman, I urge the Members to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. HOGAN).

The amendment was rejected.

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: On page 94, line 11, after the word "law" and before the comma, insert the following: "as to which matters there was a duty to report".

Ms. HOLTZMAN. Mr. Chairman, I will try to be very brief, because it is late in the day.

My amendment is offered to clarify and narrow a provision on the hearsay rule (Rule 803(8)(B)). This rule now provides that if any Government employee in the course of his duty observes something—in fact, anything—and makes a report of that observation, that report can be entered into evidence at a trial whether criminal or civil, without the opportunity to cross-examine the author of the report.

While I respect Government employees, I think we would all concede that they are fallible, exactly like every other human. We do not provide such broad exceptions to the hearsay rule for ordinary mortals.

My amendment makes it crystal clear that random observations by a Government employee cannot be introduced as an exception to the hearsay rule and be insulated from cross-examination. My amendment would allow reports of "matters observed" by a public official only if he had a duty to report about such matters. One operating under such a duty is far more likely to observe and report accurately.

I urge adoption of this amendment in order to narrow and restrict the broad exception to the hearsay rule in the bill.

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

This is a matter that was considered in the subcommittee, and we decided to stay with the language as presented to the House here, which states as follows:

Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law. . . .

Mr. Chairman, this is where the point of disagreement occurred. We stayed with that version of the bill, and I would recommend that version to the Committee of the Whole House.

Mr. DANIELSON. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN).

I think if we leave this language in the proposed bill, we are opening the door to a host of problems, the like of which we have probably never seen in a trial court.

I think the proper approach, in order to eliminate this, is simply to adopt the gentlewoman's amendment, and eliminate this provision, simply because there is absolutely no restriction on the sort of material which could come in under the language as proposed.

I urge the adoption of the gentlewoman's amendment.

Mr. DENNIS. Mr. Chairman, I rise in support of the gentlewoman's amendment.

So that the committee will know what we are talking about here, this permits the introduction in evidence as an exception to the hearsay rule of public records and reports, statements, or data compilations in any form of matters observed pursuant to duty imposed by law. The gentlewoman would add "as to which matters there was a duty to report."

Again it is a matter of judgment, but the difference would be this: Supposing you had a divorce case and you tried to put in a report of a social worker, rather than putting the social worker on the stand; under the committee's language anything she said in the report which would be observed by her pursuant to her general duties would be admissible. Under the amendment, only those things as to which she had some duty to make a report would be admissible.

If the law required her to observe and report certain things about a condition in the home, that could come in, but if she put in a lot of other stuff there, she could not put that in without calling her as a witness and giving the opposition a chance to cross examine her.

On the whole I think the amendment improves the bill, and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DENNIS

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

The Clerk read as follows:

Amendment offered by Mr. DENNIS: On page 94, line 11 of the bill, after the word "law", insert the words "excluding, however, in criminal cases matters observed by police officers and other law enforcement personnel".

Mr. DENNIS. Mr. Chairman, this goes to the same subject matter as the last amendment. It deals with official statements and reports.

What I am saying here is that in a criminal case, only, we should not be able to put in the police report to prove your case without calling the policeman. I think in a criminal case you ought to have to call the policeman on the beat and give the defendant the chance to cross examine him, rather than just reading the report into evidence. That is the purpose of this amendment.

Ms. HOLTZMAN. Mr. Chairman, I rise in support of the amendment.

I will be very brief again.

I commend my colleague for raising this point. Again his purpose is to restrict the possible abuse of hearsay evidence.

I think the gentleman's amendment is very valuable and reaffirms the right of cross examination to the accused. It also permits those engaged in civil trials the right of cross examination. Cross-examination guarantees due process of law and a fair trial.

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

Mr. Chairman, in reading this amendment it seems to me that the effect of the gentleman's amendment is to treat police officers and other law enforcement officers as second-class citizens, because we have already agreed that we are going to allow in as exceptions to the hearsay rule matters observed pursuant to duty imposed by law. The gentleman from Indiana would exclude from that as follows: "Excluding however, in criminal cases, matters observed by police officers and other law enforcement personnel." This would be so even though they were matters observed pursuant to a duty imposed by law.

I just think we are treading in an area the impact of which will be very unfortunate and the effect of which is to make police officers and law enforcement officers second-class citizens and persons less trustworthy than social workers or garbage collectors.

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

Mr. SMITH of New York. I will be glad to yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would like to say on that point that of course that is not my idea. I think the point is that we are dealing here with criminal cases, and in a criminal case the defendant should be confronted with the accuser to give him the chance to cross examine. This is not any reflection on the police officer, but in a criminal case that is the type of report with which, in fact, one is going to be concerned.

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

Mr. SMITH of New York. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Chairman, as an ex-prosecutor I cannot imagine that the gentleman would be advocating that a policeman's report could come in to help convict a man, and not have the policeman himself subject to cross-examination.

Is that what the gentleman is advocating?

Mr. SMITH of New York. That is what I am advocating in that the policeman's report, if he is not available, should be admissible when it is made pursuant to a duty imposed on that law enforcement officer by law. This is the amendment we have just adopted, and for other public officers these police reports ought to be admissible, whatever their probative value might be.

Mr. JOHNSON of Colorado. Mr. Chairman, if the gentleman will yield further, as I said, I was a prosecutor in a State court, and there were so many cases where good cross-examination indicated a lack of investigative ability on the part of the man who made the report that I became more and more convinced that good cross-examination was one of the principal elements in any criminal trial. If the officer who made the investigation is not available for cross-examination, then you cannot have a fair trial.

I cannot believe the gentleman would be saying that we should be able to convict people where the police officer's statement is not subject to cross-examination.

Mr. SMITH of New York. All I am saying to the gentleman from Colorado is that—and I will concede that the gentleman has probably had greater experience in this field than I have had—all I am saying is that it seems to me that it should be allowed for the jury to consider such a report, together with all of the other aspects of the case, if this report was made by a police officer pursuant to a duty imposed upon that police officer by law.

I will have to admit to the gentleman from Colorado that it is not the best evidence.

Mr. JOHNSON of Colorado. If the gentleman will yield still further, I will have to say that in my opinion the Supreme Court would have to ultimately declare that kind of a rule unconstitutional if we did pass it, and that the present amendment is one that would have to be passed if we are going to preserve the rights and traditions of individuals that have been in existence since 1066—I think that is when it started.

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

Mr. Chairman, I would like to ask the author of the amendment, the gentleman from Indiana (Mr. DENNIS) a question. I am deeply disturbed and troubled about these rules that have been brought out today.

It seems to me that many critical areas have been overlooked.

One of the basic tenets of our law is that one should be confronted by one's accuser and be able to cross-examine the accuser.

There are many, many exceptions to the hearsay rule here.

As I understand it the gentleman from New York (Mr. SMITH) is advocating, in opposition to the amendment offered by the gentleman from Indiana (Mr. DENNIS) that if a police officer made a report that he saw Mr. X with a gun on such and such an occasion, and then thereafter that police officer is unavailable that that statement could be used in a criminal trial against Mr. X without the defense attorney having the opportunity to cross examine the officer with respect to his position with relation to Mr. X, the time of the day, whether he was under a light, or whether there was no light, how much time did he have in which to see the gun, and all other observations relevant to the case.

Mr. DENNIS. Mr. Chairman, I would say in answer to the question raised by the gentleman from New York (Mr. BRASCO) that if the statements of the police officer in his report would, in the language of this bill, be "matters observed pursuant to a duty imposed by law, and as to which he was under a duty to make a report," and I rather think they might be, that then what the gentleman says is true, and would be true.

I am trying to remove that possibility, by saying that the rule will not apply in the case the gentleman is talking about.

Mr. BRASCO. I support the gentleman. I am just standing up talking, because I cannot believe that we would for one moment entertain any other rule. I would hope we would do it with all cases of hearsay.

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

Mr. BRASCO. I will be glad to yield to the gentleman from New Jersey if the gentleman wishes me to yield to him.

Mr. HUNT. I had no intention of getting into this argument, but when the gentleman brings in the word "investigator," then I have to get in.

Mr. BRASCO. I did not say it.

Mr. HUNT. I know the gentleman from New York did not, but it was discussed. The only time I can recall in my 34 years of law enforcement that a report of an investigator was admissible in court was to test the credibility of an officer. We would never permit a report to come in unchallenged. We would never even think about bringing in a report in lieu of the officer being there to have that officer cross-examined; but reports were admitted as evidentiary fact for the purpose of testing the officer's credibility and perhaps to refresh his memory. That has always been the rule of law in the State of New Jersey, and I hope it will always remain that way—and even the Federal canons.

Mr. BRASCO. I do not think that the gentleman's amendment interferes with that at all. I think what he is talking about is that the prosecution could use this to prove its case in chief with the possibility of no other evidence being presented.

Mr. HUNT. He is talking about bringing the report in in lieu of an officer, and that certainly is not the case.

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

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

Mr. DENNIS. I thank the gentleman for yielding. I certainly agree this amendment has nothing to do with what my friend, the gentleman from New Jersey, is talking about. This applies only to a hearsay exception, where it would be attempted to bring this report in instead of the officer to prove one's case in chief, which one could do if we do not pass this amendment; but we could still use the report to contradict him and cross-examine him.

Mr. HUNT. Certainly, but the gentleman is speaking of the best evidence available then in lieu of the direct evidence.

Mr. DENNIS. I say we should bring in the man who saw it and put him on the stand.

Mr. HUNT. Certainly, the gentleman is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to Article VIII?

If not, the Clerk will read.

The Clerk read as follows:

Page 101, line 18:

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 901. Requirement of Authentication or Identification

(a) General provision. The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

(b) Illustrations.—By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this rule:

(1) Testimony of witness with knowledge.—Testimony that a matter is what it is claimed to be.

(2) Nonexpert opinion on handwriting.—Nonexpert opinion as to the genuineness of handwriting, based upon familiarity not acquired for purposes of the litigation.

(3) Comparison by trier or expert witness.—Comparison by the trier of fact or by expert witness with specimens which have been authenticated.

(4) Distinctive characteristics and the like.—Appearance, contents, substance, internal patterns, or other distinctive characteristics, taken in conjunction with circumstances.

(5) Voice identification.—Identification of a voice, whether heard firsthand or through mechanical or electronic transmission or recording, by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

(6) Telephone conversations.—Telephone conversations, by evidence that a call was made to the number assigned at the time by the telephone company to a particular person or business, if (A) in the case of a person, circumstances, including self-identification, show the person answering to be the one called, or (B) in the case of a business, the call was made to a place of business and the conversation related to business reasonably transacted over the telephone.

(7) Public records or reports.—Evidence that a writing authorized by law to be recorded or filed and in fact recorded or filed in a public office; or a purported public record, report, statement, or data compilation, in any form, is from the public office where items of this nature are kept.

(8) Ancient documents or data compilations.—Evidence that a document or data compilation, in any form, (A) is in such condition as to create no suspicion concerning its authenticity, (B) was in a place where it, if authentic, would likely be, and (C) has been in existence 20 years or more at the time it is offered.

(9) Process or system.—Evidence describing a process or system used to produce a result and showing that the process or system produces an accurate result.

(10) Methods provided by statute or rule.—Any method of authentication or identification provided by Act of Congress or by other rules prescribed by the Supreme Court pursuant to statutory authority.

Rule 902. Self-authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(1) Domestic public documents under seal.—A document bearing a seal purporting to be that of the United States, or of any State, district, Commonwealth, territory, or insular possession thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Islands, or of a political subdivision, department, officer, or agency thereof, and a signature purporting to be an attestation or execution.

(2) Domestic public documents not under seal.—A document purporting to bear the signature in his official capacity of an officer or employee of any entity included in paragraph (1) hereof, having no seal, if a public officer having a seal and having official duties in the district or political subdivision of the officer or employee certifies under seal that the signer has the official capacity and that the signature is genuine.

(3) Foreign public documents.—A document purporting to be executed or attested in his official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, and accompanied by a final certification as to the genuineness of the signature and official position (A) of the executing or attesting person, or (B) of any foreign official whose certificate of genuineness of signature and official position relates to the execution or attestation or is in a chain of certificates of genuineness of signature and official position relating to the execution or attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of official documents, the court may, for good cause shown, order that they be treated as presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification.

(4) Certified copies of public records.—A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with paragraph (1), (2), or (3) of this rule or complying with any Act of Congress or rule prescribed by the Supreme Court pursuant to statutory authority.

(5) Official publications.—Books, pamphlets, or other publications purporting to be issued by public authority.

(6) Newspapers and periodicals.—Printed materials purporting to be newspapers or periodicals.

(7) Trade inscriptions and the like.—Inscriptions, signs, tags, or labels purporting to have been affixed in the course of business and indicating ownership, control, or origin.

(8) Acknowledged documents.—Documents accompanied by a certificate of acknowledgment executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments.

(9) Commercial paper and related documents.—Commercial paper, signatures thereon, and documents relating thereto to the extent provided by general commercial law.

(10) Presumptions under Acts of Congress.—Any signature, document, or other matter declared by Act of Congress to be authentic.

Rule 903. Subscribing Witness' Testimony Unnecessary

The testimony of a subscribing witness is not necessary to authenticate a writing unless required by the laws of the jurisdiction whose laws govern the validity of the writing.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that article IX be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to Article IX?

Mr. SMITH of New York. Mr. Chairman, I ask unanimous consent to consider an amendment to article VIII that is at the desk that I missed because I was writing here.

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

There was no objection.

AMENDMENTS OFFERED BY MR. SMITH OF NEW YORK

Mr. SMITH of New York. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. SMITH of New York: On page 98 of the bill after line 9, and on page 100 of the bill after line 25, insert the following identical subdivisions numbered, respectively, (24) and (5):

Other exceptions. A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial probability of trustworthiness; provided that the proponent's intention to offer the statement was made known to the adverse party sufficiently in advance of the trial or hearing to provide him with a fair opportunity to prepare to meet it.

Mr. SMITH of New York. Mr. Chairman, I ask unanimous consent that these two amendments be considered en bloc. They are identically the same words.

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

There was no objection.

Mr. SMITH of New York. Mr. Chairman, as these rules were originally sent to us by the Supreme Court, there was a section that appeared at the end of both rule 803, covering exceptions to the hearsay rule, and rule 804 which also covers exceptions to the hearsay rule, and these sections provided some flexibility for future decisions of the court in regard to making further exceptions to the hearsay rule as technology improved and changed from its present state. The subcommittee deleted these provisions because they felt that it was open-ended and not certain enough.

But the result of this has been that there will be no flexibility in allowing courts to determine further exceptions to the hearsay rule that might be permissible because of practical guarantees of trustworthiness and arising from further advances in technology that we do not know about at the present time.

When the subcommittee's draft of the rule containing the omission of these proposed flexible rules was circulated, we had a great deal of comment, and most of it was adverse to the elimination of these provisions. Many of the constructive comments which the committee received were those of the committee of the American Bar Association and the District of Columbia Bar Committee recommending reinsertion of the provisions but in a modified form to cure the objections that had motivated the previous deletion by the subcommittee, and the specific recommendation of the American Bar Association's special committee is what I am offering here.

What it would do would be to say at the end of rule 803 and at the end of rule 804 that other exceptions not specifically covered by any of the foregoing exceptions to the hearsay rule would be allowed if they have equivalent circumstantial probability of trustworthiness, provided that the proponent's intention to offer the statement was made known to the adverse party sufficiently in advance of the trial or hearing to provide him with a fair opportunity to prepare to meet it. This reinstates the open-ended hearsay provision which was deleted by the committee from the rules submitted by the Supreme Court, but it adopts the necessity of notice that is designed so that the opponent will not be taken by surprise when this exception to the hearsay rule is requested of the Court.

I would urge that the committee vote in favor of this amendment which will allow some flexibility to the further progress of the exceptions to the hearsay rule occasioned by future technology that we do not now understand or know about. This amendment is guarded because the exception would have to have the equivalent circumstantial probability of trustworthiness, and it also would require the proponent to give notice before such an exception were sought.

Mr. HUNGATE. Mr. Chairman, I rise in opposition to the amendment. The amendment as presented by the gentleman from New York would restore the bill to the shape I think in which the subcommittee received it from the Supreme Court, and there is as I indicated respect and authority for that position.

I believe I state fairly that the subcommittee's view was there were some 23 exceptions written into the hearsay whether witnesses were available or not and another 4 written in if they were unavailable, so we have written out some 27 exceptions to the hearsay, so that in effect the catch-all found at the end of each section was perhaps not desirable, and the effect of it would be to supplant the code by case law here and to make it less clear as to what was acceptable as set forth in the code.

The further thought was that as Rule 102 states they would perhaps provide the flexibility that might be required to meet these problems. Rule 102 reads:

These rules shall be construed to secure fairness in administration, elimination of unjustifiable expense and delay, and promotion of growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined.

The bill as the committee presents it without the two amendments is supported and the amendment is opposed by the Bar Association of the City of New York, the Connecticut Bar Association, and the chief judge of the Second Circuit Court of Appeals.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. SMITH).

The question was taken; and on a division (demanded by Mr. SMITH of New York) there were—ayes 7, noes 26.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1001. Definitions

For purposes of this article the following definitions are applicable:

(1) Writings and recordings.—"Writings" and "recordings" consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other forms of data compilation.

(2) Photographs.—"Photographs" include still photographs, X-ray films, video tapes, and motion pictures.

(3) Original.—An "original" of a writing or recording is the writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it. An "original" of a photograph includes the negative or any print therefrom. If data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an "original".

(4) Duplicate.—A "duplicate" is a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic recording, or by chemical reproduction, or by other equivalent techniques which accurately reproduce the original.

Rule 1002. Requirement of Original

To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided in these rules or by Act of Congress.

Rule 1003. Admissibility of Duplicates

A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

Rule 1004. Admissibility of Other Evidence of Contents

The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if—

(1) Originals lost or destroyed.—All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

(2) Original not obtainable.—No original can be obtained by any available judicial process or procedure; or

(3) Original in possession of opponent.—At a time when an original was under the control of the party against whom offered, he was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing, and he does not produce the original at the hearing; or

(4) Collateral matters.—The writing, recording, or photograph is not closely related to a controlling issue.

Rule 1005. Public Records

The contents of an official record, or of a document authorized to be recorded or filed and actually recorded or filed, including data compilations in any form, if otherwise admissible, may be proved by copy, certified as correct in accordance with rule 902 or testified to be correct by a witness who has compared it with the original. If a copy which complies with the foregoing cannot be obtained by the exercise of reasonable diligence, then other evidence of the contents may be given.

Rule 1006. Summaries

The contents of voluminous writings, recordings, or photographs which cannot conveniently be examined in court may be presented in the form of a chart, summary, or calculation. The originals, or duplicates, shall be made available for examintion or copying, or both, by other parties at a reasonable time and place. The court may order that they be produced in court.

Rule 1007. Testimony or Written Admission of Party

Contents of writings, recordings, or photographs may be proved by the testimony or deposition of the party against whom offered or by his written admission, without accounting for the nonproduction of the original.

Rule 1008. Functions of Court and Jury

When the admissibility of other evidence of contents of writings, recordings, or photographs under these rules depends upon the fulfillment of a condition of fact, the question whether the condition has been fulfilled is ordinarily for the court to determine in accordance with the provisions of rule 104. However, when an issue is raised (a) whether the asserted writing ever existed, or (b) whether another writing, recording, or photograph produced at the trial is the original, or (c) whether other evidence of contents correctly reflects the contents, the issue is for the trier of fact to determine as in the case of other issues of fact.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that article X be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to article X? There being no amendments to article X, the Clerk will read.

The Clerk read as follows:

Page 110, line 17:

ARTICLE XI. MISCELLANEOUS RULES

Rule 1101. Applicability of Rules

(a) Courts and magistrates.—These rules apply to the United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the District Court for the District of the Canal Zone, the United States courts of appeals, the Court of Claims, and to United States magistrates, in the actions, cases, and proceedings and to the extent hereinafter set forth. The terms "judge" and "court" in these rules include United States magistrates, referees in bankruptcy, and commissioners of the Court of Claims.

(b) Proceedings generally.—These rules apply generally to civil actions and proceedings, including admiralty and maritime cases, to criminal cases and proceedings, to contempt proceedings except those in which the court may act summarily, and to proceedings and cases under the Bankruptcy Act.

(c) Rule of privilege.—The rule with respect to privileges applies at all stages of all actions, cases, and proceedings.

(d) Rules inapplicable.—The rules (other than with respect to privileges) do not apply in the following situations:

(1) Preliminary questions of fact.—The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under rule 104.

(2) Grand jury.—Proceedings before grand juries.

(3) Miscellaneous proceedings.—Proceedings for extradition or rendition; preliminary examinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise.

(e) Rules applicable in part.—In the following proceedings these rules apply to the extent that matters of evidence are not provided for in the statutes which govern pro-

cedure therein or in other rules prescribed by the Supreme Court pursuant to statutory authority; the trial of minor and petty offenses by United States magistrates; review of agency actions when the facts are subject to trial de novo under section 706(2)(F) of title 5, United States Code; review of orders of the Secretary of Agriculture under section 2 of the Act entitled "An Act to authorize association of producers of agricultural products" approved February 18, 1922 (7 U.S.C. 292), and under sections 6 and 7(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f, 499g(c)); naturalization and revocation of naturalization under sections 310–318 of the Immigration and Nationality Act (8 U.S.C. 1421–1429); prize proceedings in admiralty under sections 7651–7681 of title 10, United States Code; review of orders of the Secretary of the Interior under section 2 of the Act entitled "An Act authorizing associations of producers of aquatic products" approved June 25, 1934 (15 U.S.C. 522); review of orders of petroleum control boards under section 5 of the Act entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935 (15 U.S.C. 715d); actions for fines, penalties, or forfeitures under part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581–1624, or under the Anti-Smuggling Act (19 U.S.C. 1701–1711); criminal libel for condemnation, exclusion of imports, or other proceedings under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301–392); disputes between seamen under sections 4079, 4080, and 4081 of the Revised Statutes (22 U.S.C. 256–258); habeas corpus under sections 2241–2254 of title 28, United States Code; motions to vacate, set aside, or correct sentence under section 2255 of title 28, United States Code; actions for penalties for refusal to transport destitute seamen under section 4578 of the Revised Statutes (46 U.S.C. 679); actions against the United States under the Act entitled "An Act authorizing suits against the United States in admiralty for damage caused by and salvage service rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U.S.C. 781–790), as implemented by section 7730 of title 10, United States Code.

Rule 1102. Amendments

Amendments to the Federal Rules of Evidence may be made as provided in section 2076 of title 28 of the United States Code.

Rule 1103. Title

These rules may be known and cited as the Federal Rules of Evidence.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that article XI be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to article XI? There being no amendment to article XI, the Clerk will read.

The Clerk read as follows:

Page 114:

SEC. 2. (a) Title 28 of the United States Code is amended—

(1) by inserting immediately after section 2075 the following new section:

"§ 2076. RULES OF EVIDENCE

"The Supreme Court of the United States shall have the power to prescribe amendments to the Federal Rules of Evidence. Such amendments shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session of Congress but not later than the first day of May, and until the expiration of one hundred and eighty days after they have been so reported; but if either House of Congress within that time shall by resolution disapprove any amendment so reported it shall not take effect. Any provision of law in force at the expiration of such time and in conflict with any such amendment not disapproved shall be of no further force or effect after such amendment has taken effect."; and

(2) by adding at the end of the table of sections of chapter 131 the following new item:

"2076. Rules of evidence."

(b) Section 1732 of title 28 of the United States Code is amended by striking out subsection (a), and by striking out "(b)".

(c) Section 1733 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

"(c) This section does not apply to cases, actions, and proceedings to which the Federal rules of evidence apply."

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that section 2 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: On page 114, line 22, strike out the material starting with the quotation marks and insert in lieu thereof the following:

"Any such amendment creating, abolishing, or modifying a privilege shall have no force or effect unless it shall be approved by act of Congress; and".

Ms. HOLTZMAN. Mr. Chairman, the purpose of my amendment is to strengthen congressional prerogatives over an area that is of crucial concern to the Congress; namely, evidentiary privileges. Evidentiary privileges cover the areas of attorney-client, husband-wife, newspapermen, accountant-client, doctor-patient, and so forth. Evidentiary privileges are not simple legal technicalities, they involve extraordinarily important social objectives. They are truly legislative in nature. Nonetheless, under the enabling act of this bill, the Supreme Court is given the power to legislate with respect to evidentiary privileges and the only role that Congress can play is that of exercising a veto.

I think that the importance of privileges requires Congress to act affirmatively and not to delegate power to the Supreme Court to legislate in this area. To give you one example, I think it would be incredible if that after months and months of controversy and argument, we in the Congress enacted a newspaperman's privilege and then the Supreme Court passed a rule modifying that law—which it could do under this enabling act; or modifying the husband-wife privileges as they stand now.

I think it is very important that we do not let the Supreme Court legislate in such areas. Instead, I think it is important for Congress to legislate in such areas, and it is wholly appropriate that we do so.

The tradition in this country has been for evidentiary privileges to grow on a case by case basis upon the experience of centuries. What we are permitting the Supreme Court to do in the enabling act is to depart from tradition and enact rules on privileges instead of deciding questions of privileges in the crucible of the adversary process. That is a radical step and contrary to our traditions. It is also inconsistent with congressional prerogatives.

Therefore, I would very much urge that we make sure that we in Congress do not act simply on the basis of veto, but act in accordance with our own prerogatives. For that reason I urge that we adopt my amendment.

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

Mr. Chairman, as I understand the way the law has proceeded in this field of enabling acts, there was a 90-day period in which the court could submit rules, and after 90 days they could become effective. This authority was granted in 1934 and exercised in about 1938 in the Federal Rules of Civil Procedure. And, if you will, Congress sort of by default did nothing and they became effective, and are still effective today.

In this present case, it was submitted to the Congress, as the Members may remember, I believe last February, and we first passed an act so that it would not become effective in 90 days, not become effective without action by Congress. That bill passed by a vote, I believe, of 399 to 1.

In addition to acting on these rules, I would like to say we have had 13 years of study and review of them by distinguished panels of attorneys, judges, and others. I would reiterate again that the subcommittee had some 6 days of hearings and 600 pages of testimony; 22 days of markup, and the full committee spent 3 days on this. I would point out to the Members as to how much time the subcommittee spent—I guess something always gets by the membership of a subcommittee, but not much; Mr. SMITH of New York, Mr. DENNIS of Indiana, Ms. HOLTZMAN of New York, Mr. MAYNE of Iowa, Mr. HOGAN of Maryland, Mr. KASTENMEIER of Wisconscin, Mr. EDWARDS of California, and Mr. MANN of South Carolina; all the paperwork you can get by that crowd I will eat without salt and pepper, because the Members know these people I am talking about. They are not careless in their work.

Therefore, I would like to say that on the basis of the study that has been done as to the enabling act, which we have made a change of 90 days to a 180-day period, which gives us 6 months, the new rules, whatever they be that they propose, would not become effective if vetoed by either House. Not both Houses as the present enactment is, but either House will have the right to veto.

I want the Members to know that, to see that we have reemphasized the importance of the role of Congress and

some of the separations of powers which we have to reclaim in the body of Congress. Our subcommittee and full committee worked diligently on this: If I had to pick a leader, I would say Mr. HOGAN was the leader in asserting the importance of the House of Representatives under the Constitution.

As I understand the proposed amendment of the gentlewoman from New York, it would not change the 180 days we have in which either House could veto it. It would simply apply to the limited field of privilege, a very important field. It would not simply be a veto matter in that area, but require permanent action of the Congress.

May I ask the gentlewoman from New York, is that correct?

Ms. HOLTZMAN. Mr. Chairman, that is correct. My amendment provides for the veto power with respect to all the other rules, but it would say that in the area of privileges, before a Supreme Court legislative rule would go into effect, it would have to be approved by act of Congress.

My amendment is consistent with my feeling of what congressional prerogatives are and also consistent with my feeling that there will be an article III constitutional problem with respect to allowing the Supreme Court to legislate in the area of privilege.

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

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

Mr. DENNIS. Mr. Chairman, I would like to say that this amendment again is a matter of judgment. It is true, I think, that perhaps the subject of privilege comes more in the field of substantive law than some of these other matters. That is one of the reasons, I believe, among others, why we did not go into it in section 5 of the bill.

The gentlewoman's amendment is consistent with that theory, that this is really a substantive matter, a policy matter, that should require an Act of Congress in a positive way before we would adopt it.

Mr. Chairman, I can see arguments both ways, but I do think it is a little bit different than perhaps the rest of the subject matter, and there is a point in the gentlewoman's proposal.

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

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

Mr. DANIELSON. Mr. Chairman, I rise in support of the gentlewoman's amendment.

As a matter of fact, I would prefer that we strike the entire section 2076, although that is not what this amendment seeks to do.

I believe the very least we can do in order to preserve the jurisdiction of the Congress in this regard is to adopt the gentlewoman's amendment.

I, therefore, urge, Mr. Chairman, that we vote "aye" on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to section 2? If not, the Clerk will read.

The Clerk read as follows:

Page 115:

SEC. 3. The Congress expressly approves the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure, which are embraced by the orders entered by the Supreme Court of the United States on November 20, 1972, and December 18, 1972, and such amendments shall take effect on the one hundred and eightieth day beginning after the date of the enactment of this Act.

Mr. HUNGATE (during the reading). Mr. Chairman, I ask unanimous consent that section 3 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 3?

The Chair hears none.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that I may be permitted to offer an amendment to article VI, on page 80.

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

Mr. MAYNE. I object.

Mr. HOGAN. I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I asked for unanimous consent, not withstanding a couple of the rules, to go back and offer an amendment to article VI, on page 80, which amendment would have read this way:

At the end of that article VI, I would have offered this one sentence: It would have said——

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New York. Mr. Chairman, will the gentleman clarify it for us? Is the gentleman speaking of article VI, page 80?

Mr. GONZALEZ. Yes, article VI, page 80.

Mr. Chairman, after the words, "State law" in that first paragraph, I was going to insert the following sentence:

No accomplice who has been granted immunity from prosecution shall be competent to testify in a criminal case unless his testimony is corroborated by the testimony of another person.

Mr. Chairman, the reason that I think it is necessary to discuss this is that it is inconceivable to me to be talking about this very serious effort, which, from one point of view, is commendable, to codify and recodify these rules of procedure and evidence without going into the real, basic area of reform that the most dramatic case of the 20th century and in the history of the Republic, the case of Spiro Agnew, has so poignantly and dramatically brought to our attention.

Some of us in a State such as mine have been exposed to some of these things I refer to as a result of reforms that vitiated certain rights which have been traditional in Anglo-American jurisprudence. We have had political grand juries because of the special section we provided in the law for such grand juries.

We saw the very sad spectacle of the former Vice President pleading with the Nation that we reform this law so that no man could be convicted on the basis of uncorroborated and unsupported testimony of one person who was himself an admitted accomplice to a crime.

I think it is inconceivable we would consider this reform without thinking of a very important one along this line as to what should be admissible evidence and what should not be.

Mr. HUNGATE. Will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. HUNGATE. I can only say to the gentleman that during the time of the deliberations, as I previously mentioned, the 1 year or more in which the committee had this matter under consideration and the 13 years in which various distinguished legal bodies worked on it, this matter did not come up at all.

Let me say I realize that there are important problems existing in this area. The Committee on the Judiciary does have assigned to it a study and a reform of the criminal law. I think many of the matters the gentleman mentioned might be considered quite substantive, and when that study proceeds we would be delighted to hear from him with regard to these subjects.

Mr. GONZALEZ. Will the gentleman answer as to whether or not he knows his committee is really serious about it? I ask that question because it has been more than 2 years since I did make such a request of the previous chairman of this very distinguished committee, the gentleman from New York, Mr. Celler, because of the pathetic and tragic situation which arose concerning the Frank Sharp case in Texas.

There we saw the first signs of the prostitution of the judicial processes as exemplified by the Justice Department. I never saw anything come out of that case that addressed itself to this real area of needed reform.

Mr. HUNGATE. If the gentleman will yield further, I know the gentleman well knows, of course, that the former chairman, Mr. CELLER, is no longer chairman and the present chairman, Mr. RODINO, was not chairman at that time nor was I the chairman of the subcommittee. I would not want to discuss our predecessor chairman without affording him the right to be present.

Mr. GONZALEZ. But it still has to do with the need of this committee and the Congress to go into this matter. We have had 14 political grand juries. We had the Irish five in my State of Texas, and we are witnessing a reinstitution, I believe of the old star chamber proceedings that characterized the efforts of English kings to control and destroy any kind of dissent. We seem to be reverting to that, obliterating the progress—dearly bought—of hundreds of years, in our efforts to balance the rights of the accused against the endless powers of the state.

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

Mr. Chairman, while I understand and appreciate the very diligent efforts of this committee to reform the rules of evidence, just as the gentleman who stood in the well a moment ago, I am rather amazed that there are some basic reforms that could have been discussed and acted upon which were not touched at all, not one iota. We all stood here this afternoon and agonized over something known as hearsay testimony, which is the worst kind of testimony which could be received in a court of law. It is the worst kind because the defendant is denied the constitutional right of being confronted by those who accuse him and to be able to cross-examine him.

One area in which that testimony is admissible is in obtaining an indictment before a grand jury. The grand jury under our system is supposed to protect the rights of the innocent as well as bring forth indictments against those whom they have probable cause to believe have committed a crime. They are supposed to stand as a buffer between the prosecution and the defendant.

Yet we allow hearsay statements to be introduced without giving the grand jury the opportunity to see the witnesses, to size them up, to ask any questions, which they have the right to do—and this committee has not done anything regarding that. I hope that when it goes to the Senate that they will, at least discuss it.

The other area that the previous speaker talked about was immunity and he was correct but there is another area equally important. In the State courts of the State of New York you cannot convict a man on uncorroborated testimony of an accomplice. And that makes good sense. That makes good sense because that accomplice does not want to go to jail, and so his motives at the very least are tainted, but under Federal law we have something which says you can convict a man on the uncorroborated testimony of an accomplice. This committee did not discuss that at all.

Let me tell the Members about a crime which has been called the dung heap of the prosecutory effort, and that is the crime of conspiracy.

On page 9 of the bill—and I had hoped that an amendment would be introduced this afternoon, to strike E of rule 801, subdivision 2, but there was not, and I would hope, too, that when this goes over to the Senate, this too will be at least discussed. But very simply, the fact is that hearsay testimony is admissible in the trial of a conspiracy case, as an exception under the rule cited above. You have to understand that conspiracy is used because the prosecution cannot prove that the substantive crime was committed or even an attempt to commit the crime, was committed, so we have made illegal the use of words—and no one denies it, that we have relaxed the rules of evidence because the prosecution time and time again says that they cannot prove a case if we have to apply constitutional standards.

Let me show you, my friends, how this works.

I work for Congressman X and a good friend of mine works for Congressman Y. We are very bright administrative assistants. My friends calls me, and he says, "Come over to Mr. Y's office. Let us have a little understanding; we have to change this country. What is going on is something we cannot accept. I know the way to change it. Why do we not get a couple of guns up here on Capitol Hill? We would not hurt anybody, but we will shoot up the place, so that we can dramatize to the country what is going on. We want everybody to hear us so that we can correct this."

Well, Congressman Y during this time is minding his own business in his office. And after our little meeting in the little room that the AA has, I leave my friend. And, on the way out, I say, to myself "You know something? We have got to get these guns up onto Capitol Hill. How are we going to get them up here? Ha! What we need is a car that is not marked, and cannot be traced, so as to transfer the guns to the Capitol."

And on my way out I think of another friend of mine, Harry the Crook. You know, Harry is pretty good at stealing cars.

So I begin to talk to Harry the Crook. I say, "You know, this friend of mine and I had a little conversation in the congressional office of Congressman Y, and we are going to change this world, and turn it around. All we have to do is get a few guns up here on Capitol Hill. So, Harry, we would like you to go out and steal a car that cannot be traced."

And Harry says, "Wait a minute, my friend. Stealing cars may be all right, but I don't know if I go for bringing guns up onto Capitol Hill."

So I think, well, wait a minute. I have to impress this guy, Harry. So I say, "Harry, didn't you hear me? I told you that this conversation took place in the office of Congressman Y, didn't you understand that, Harry? And I want to tell you something else, Harry, 'the Congressman is in on it.' "

Harry says, "Oh, wait a minute, now. If this operation is good enough for Congressman Y, certainly it ought to be good enough for Harry the Crook."

So, in a little bit Harry finds out that this is not his lucky day, because he goes out and tries to steal an automobile, and he is caught. And, you know something else, that Harry is really unlucky that day because he is a multiple offender and he knows that he can go to the can for life.

So, the investigating agent says, "Harry, what is going on? What is this all about?" And the other agent says, "You see, we have got some special information that this whole thing was hatched up in Congressman Y's office."

"What do you know about that?"

Poor old Harry is sweating.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BRASCO was allowed to proceed for 1 additional minute.)

Mr. BRASCO. Harry says, "Listen, let me tell you. I got involved in this whole thing because these guys concocted a plot in Congressman Y's office. And you know something? A fellow who works for Congressman X told me that a fellow who works for Congressman Y told him that Congressman Y is part of the operation to bring guns to the Capitol."

That is is, Mr. Chairman. Those statements are introduced in evidence against Congressman Y, when he did not speak to Harry the Crook, or to me, or to anyone else. Now, this is so even if the witnesses are not available to testify at a subsequent trial of Congressman Y and his attorney has no opportunity to cross-examine the parties who made the alleged statements.

Let me tell the Members about the other part of the rule that I said was horrible, and that is the noncorroboration of an accomplice's testimony. In a conspiracy everybody is an accomplice. So we have two of the worst rules with respect to evidence that converge in the proof of a conspiracy case. I know the committee tried very hard in the area's they discussed but they did not discuss these. I tried my story on Congressman HUNGATE, the distinguished subcommittee chairman, I am sure he was impressed. He indicated that he would take these matters up with the Senate. I hope that he does, because we, in fact, are responsible for the rights of Americans as guaranteed by the constitution and ought to resist any rules of evidence which erode them. It is up to us.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STEED, 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. 5463) to establish rules of evidence for certain courts and proceedings, pursuant to House Resolution 787, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

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

The amendment was agreed to.

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

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

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.

RECORDED VOTE

Mr. HOGAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 377, noes 13, not voting 39, as follows:

[Roll No. 24]

AYES—377

Abdnor	Duncan	McClory
Adams	du Pont	McCollister
Addabbo	Eckhardt	McCormack
Alexander	Edwards, Ala.	McDade
Anderson, Calif.	Edwards, Calif.	McEwen
	Eilberg	McFall
Anderson, Ill.	Erlenborn	McKay
Andrews, N.C.	Esch	McKinney
Andrews, N. Dak.	Eshleman	Macdonald
	Evans, Colo.	Madden
Annunzio	Evins, Tenn.	Madigan
Archer	Fascell	Mahon
Arends	Findley	Mailliard
Ashbrook	Fish	Mallary
Ashley	Fisher	Mann
Aspin	Flood	Maraziti
Badillo	Flowers	Martin, Nebr.
Bafalis	Flynt	Martin, N.C.
Barrett	Foley	Mathis, Ga.
Bauman	Ford	Matsunaga
Beard	Forsythe	Mayne
Bennett	Fountain	Mazzoli
Bergland	Fraser	Meeds
Bevill	Frelinghuysen	Melcher
Biaggi	Frenzel	Metcalfe
Biester	Frey	Mezvinsky
Bingham	Froehlich	Michel
Blatnik	Fulton	Milford
Boggs	Fuqua	Miller
Boland	Gaydos	Minish
Bolling	Gettys	Mink
Bowen	Giaimo	Minshall, Ohio
Brademas	Gibbons	Mitchell, Md.
Bray	Gilman	Mitchell, N.Y.
Breaux	Ginn	Mizell
Breckinridge	Goodling	Moakley
Brinkley	Grasso	Mollohan
Brooks	Gray	Montgomery
Broomfield	Green, Oreg.	Moorhead, Calif.
Brotzman	Green, Pa.	
Brown, Mich.	Griffiths	Morgan
Brown, Ohio	Gross	Mosher
Broyhill, N.C.	Grover	Murphy, Ill.
Buchanan	Gubser	Murphy, N.Y.
Burgener	Gude	Myers
Burke, Calif.	Gunter	Natcher
Burke, Fla.	Guyer	Nedzi
Burke, Mass.	Hamilton	Nelsen
Burleson, Tex.	Hammer-schmidt	Nichols
Burlison, Mo.		Nix
Burton	Hanley	Obey
Butler	Hanrahan	O'Hara
Byron	Hansen, Idaho	O'Neill
Carey, N.Y.	Hansen, Wash.	Owens
Carney, Ohio	Harrington	Parris
Carter	Harsha	Patman
Casey, Tex.	Hastings	Patten
Cederberg	Hays	Pepper
Chamberlain	Hechler, W. Va.	Perkins
Chappell	Heckler, Mass.	Pettis
Chisholm	Heinz	Peyser
Clancy	Helstoski	Pickle
Clark	Henderson	Pike
Clay	Hillis	Poage
Cleveland	Hinshaw	Powell, Ohio
Cochran	Hogan	Preyer
Cohen	Holifield	Price, Ill.
Collier	Holt	Price, Tex.
Collins, Ill.	Horton	Pritchard
Conable	Hosmer	Quie
Conlan	Howard	Quillen
Conte	Hudnut	Railsback
Conyers	Hungate	Randall
Corman	Hunt	Rangel
Cotter	Hutchinson	Rarick
Coughlin	Ichord	Rees
Cronin	Jarman	Regula
Culver	Johnson, Calif.	Reuss
Daniel, Dan	Johnson, Pa.	Rhodes
Daniel, Robert W., Jr.	Jones, N.C.	Riegle
	Jones, Tenn.	Rinaldo
Daniels, Dominick V.	Jordan	Roberts
	Kastenmeier	Robinson, Va.
Danielson	Kazen	Robison, N.Y.
Davis, Ga.	Kemp	Rodino
Davis, S.C.	Ketchum	Roe
Davis, Wis.	King	Rogers
de la Garza	Kluczynski	Roncallo, N.Y.
Delaney	Koch	Rooney, Pa.
Dellenback	Kuykendall	Rose
Dellums	Kyros	Rosenthal
Denholm	Landrum	Rostenkowski
Dennis	Latta	Roush
Dent	Leggett	Roybal
Devine	Lehman	Runnels
Diggs	Lent	Ruppe
Donohue	Litton	Ruth
Dorn	Long, La.	Ryan
Downing	Long, Md.	St Germain
Drinan	Lott	Sandman
Dulski	Lujan	Sarasin
Sarbanes	Stubblefield	Widnall
Satterfield	Stuckey	Wiggins
Scherle	Studds	Williams
Schneebeli	Sullivan	Wilson, Bob
Schroeder	Talcott	Wilson, Charles H., Calif.
Sebelius	Taylor, Mo.	
Selberling	Taylor, N.C.	
Shipley	Teague	Wilson, Charles, Tex.
Shoup	Thompson, N.J.	
Shriver	Thomson, Wis.	Winn
Shuster	Thone	Wolff
Sikes	Thornton	Wright
Sisk	Tiernan	Wyatt
Smith, Iowa	Towell, Nev.	Wydler
Smith, N.Y.	Udall	Wylie
Snyder	Ullman	Wyman
Staggers	Van Deerlin	Yates
Stanton, J. William	Vander Jagt	Yatron
	Vanik	Young, Alaska
Stanton, James V.	Veysey	Young, Fla.
	Vigorito	Young, Ga.
Stark	Waggonner	Young, Ill.
Steed	Waldie	Young, S.C.
Steele	Walsh	Young, Tex.
Steelman	Wampler	Zablocki
Steiger, Wis.	Ware	Zion
Stephens	Whalen	Zwach
Stokes	Whitehurst	
Stratton	Whitten	

NOES—13

Abzug	Hicks	Moss
Armstrong	Holtzman	Podell
Brasco	Johnson, Colo.	White
Dingell	Jones, Okla.	
Gonzalez	Landgrebe	

NOT VOTING—39

Baker	Haley	Reid
Bell	Hanna	Roncallo, Wyo.
Blackburn	Hawkins	Rooney, N.Y.
Brown, Calif.	Hébert	Rousselot
Broyhill, Va.	Huber	Roy
Camp	Jones, Ala.	Skubitz
Clausen, Don H.	Karth	Slack
	McCloskey	Spence
Clawson, Del	McSpadden	Steiger, Ariz.
Collins, Tex.	Mathias, Calif.	Symington
Crane	Mills	Symms
Derwinski	Moorhead, Pa.	Treen
Dickinson	O'Brien	
Goldwater	Passman	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rousselot.
Mr. Rooney of New York with Mr. Huber.
Mr. Hawkins with Mr. Hanna.
Mr. Haley with Mr. Dickinson.
Mr. Jones of Alabama with Mr. Camp.
Mr. Moorhead of Pennsylvania with Mr. Don H. Clausen.
Mr. Karth with Mr. Baker.
Mr. Passman with Mr. Del Clawson.
Mr. Roncallo of Wyoming with Mr. Bell.
Mr. Roy with Mr. Collins of Texas.
Mr. Reid with Mr. Goldwater.
Mr. Slack with Mr. Blackburn.
Mr. Symington with Mr. Crane.
Mr. McSpadden with Mr. Derwinski.
Mr. Brown of California with Mr. O'Brien.
Mr. Mills with Mr. Broyhill of Virginia.
Mr. Mathias of California with Mr. Skubitz.
Mr. Spence with Mr. Treen.
Mr. Symms with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN THE ENGROSSMENT OF H.R. 5463, FEDERAL RULES OF EVIDENCE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the clerk be authorized to make technical corrections in spelling and punctuation in the engrossment of the bill H.R. 5463, to establish rules of evidence for certain courts and proceedings.

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

There was no objection.

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

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

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

Mr. WAGGONNER. Mr. Speaker, reserving the right to object, will the gentleman from Missouri tell us what the subject matter of the privileged reports is?

Mr. BOLLING. Mr. Speaker, my understanding is that there may be two different items: One, a conference report on the so-called energy bill, and the other, a resolution on another matter.

Mr. WAGGONNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

REQUEST TO MEET AT 11 O'CLOCK A.M. ON THURSDAY, FEBRUARY 7, 1974

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow morning.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the purpose for coming in at 11 o'clock in the morning?

Mr. O'NEILL. Well, Mr. Speaker, it is my intent to ask unanimous consent that the Committee on Rules may have until midnight to file certain reports. The other matter is House Joint Resolution 893.

That is a resolution from the Committee on Interstate and Foreign Commerce concerning the national transportation crisis, as follows:

> Whereas there exists a National Transportation crisis which presents a grave risk to the commerce and the wellbeing of the Nation * * *

This is an emergency matter that was sent to us in a message from the White House. It has already passed the Senate. That is one item.

Mr. Speaker, the other item is S. 2589, and this is in order that the Committee on Interstate and Foreign Commerce may report the conference report on the nationwide energy emergency.

Mr. GROSS. Of course, we do not need to come in at 11 o'clock in the morning to get a report from the conference committee on the so-called energy bill. We need to know whether we are going to consider that bill tomorrow or not. That is what we must know.

Mr. O'NEILL. We will consider the bill.

I will have to say that the bill will be considered. It is a question of whether it is reported this evening and as to whether it needs a majority vote tomorrow or whether it is reported tomorrow and it needs a two-thirds vote for consideration tomorrow.

Mr. GROSS. Mr. Speaker, with respect to House Joint Resolution 893, there would be no reason for coming in at 11 o'clock tomorrow morning to consider that, with practically no other business, so far as I know, on the program tomorrow.

It is my understanding the energy conference report has not even been signed; is that correct?

Mr. O'NEILL. Well, Mr. Speaker, I was speaking to the gentleman from West Virginia (Mr. STAGGERS) approximately 10 minutes ago, and he said conferees are going over to sign it forthwith.

It is my understanding that the Committee on Rules is standing by to have a meeting of the committee with respect to these two matters.

These matters are considered as emergencies by the administration, and it is felt that we should act on them before the Senate goes on its week's vacation.

Mr. GROSS. What other business is there besides the conference report on the energy bill and House Joint Resolution 893? What other business would there be to consider tomorrow?

Mr. O'NEILL. We had scheduled the animal health research bill.

Mr. GROSS. Well, the wild animals is a real good title for a bill that would bring us in early on the day the House is supposed to go out on a recess.

Mr. O'NEILL. We have the Animal Health Research Act, which would be the first matter to be put on tomorrow. Then we had scheduled the Solar Heating and Cooling Demonstration Act, on which a rule has been granted. It was requested by the chairman that this matter be put off until next week. So I would say at this particular time we would have the Animal Health Research Act, the Emergency Energy Act conference report, and a resolution concerning the transportation situation. I would have to say that those are items of serious concern to the Nation and to this Congress. In view of the fact that the Senate is meeting tomorrow to go off on a recess for a week, we would like to complete that legislation tomorrow.

Mr. GROSS. First of all, let me say I am not clear as to what bills will be put over until next week. Does the wild animals go over until next week?

Mr. O'NEILL. I thought I had agreed with the gentleman that he was not going to object.

Mr. GROSS. On the condition that we were going to have an energy conference report. The Senate must act first on the conference report and that could be on Friday.

Mr. O'NEILL. They come in at 10 o'clock and that is the only matter on their agenda. I am sure they will act as expeditiously as they can and send it over here, and we will be able to complete that action.

Mr. GROSS. I want to clarify the situation. The gentleman said that he approached me on that subject of coming in at 11. I wanted to know first what would happen to the energy bill. I am not interested in coming in at 11 o'clock if all we are going to do is consider some of this other legislation, because we can handle that tomorrow in the normal procedure. We do not have to get out of here at 2 o'clock in the afternoon tomorrow in order to take care of the junketeers.

Mr. O'NEILL. The gentleman makes a very interesting observation.

Mr. GROSS. The gentleman is very well aware of what is proposed to be done in certain areas.

Mr. O'NEILL. I am aware of the fact there is a delegation that is going as United Nations observers, for 3 days.

Mr. GROSS. Yes. And I am willing to go along with the time that we come in, but I do not know about these wild animal bills. I do not want to sit here tomorrow afternoon and cool my heels. If we are going to take up the energy report tomorrow, all right, but that is subject to a vote in the Senate first. Nobody knows whether they will filibuster this or what they will do. I am perfectly willing to come in at 11 if we can get to that conference report, but I do not see any reason for it otherwise.

Mr. HAYS. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HAYS. I will say to the gentleman I want to go along with the majority leader, but I would observe that if the Senate acts according to their norm, we will not get the bill until 10 or 11 o'clock tomorrow night, anyway.

Mr. GROSS. That is what I am afraid of.

Mr. BOLLING. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BOLLING. Could I ask the majority leader what would be the plan in the event it was not possible to bring up the energy bill tomorrow, with regard to the schedule for next week.

Mr. O'NEILL. With regard to the schedule for next week, the energy conference report would have to be put on the calendar for Wednesday of next week, because we have already passed a resolution that with our conclusion of business tomorrow the House is in recess until Wednesday next.

Mr. BOLLING. I thank the gentleman.

Mr. GROSS. Mr. Speaker, with the assurance of the gentleman from Massachusetts that we are going to consider the energy conference report tomorrow, I will withdraw my reservation of objection.

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

Mr. WAGGONNER. Mr. Speaker, further reserving the right to object, the majority leader through the chairman of the Committee on Rules or a representative of that committee asked unanimous consent to have until midnight tonight to file certain privileged reports and identified those as being twofold; one having to do with the conference report on the energy bill.

Mr. Speaker, I entered an objection. We went through this charade just before the Christmas holidays. Nobody in this House, including the chairman of the House Committee on Interstate and Foreign Commerce, had a copy even of that conference report. They wrote it here at the table while this House was in session, and nobody knew what was going on. This Congress made fools of itself with that spectacle. This is of importance to this Nation. This affects the economic life of this country of ours.

Mr. Speaker, it is not asking too much that this Congress simply be allowed to have a printed copy of that conference report, at least, so that we might make an intelligent decision. That is the only thing that I am asking for.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, I will be happy to give the gentleman a copy right here. Here it is.

Mr. WAGGONNER. That is not the conference report.

Mr. O'NEILL. That is what the chairman of the committee handed me.

Mr. WAGGONNER. That is the Senate bill that was waved before us, and all of which was stricken by the House committee back last year; that particular bill.

Mr. O'NEILL. If the gentleman will yield further; in fairness to the gentleman, it is my understanding that the Committee on Rules is going to meet forthwith, and I am sure that the gentleman could go up to the Committee on Rules and hear the colloquy between the chairman of the committee and the members of the Committee on Rules as to what is in the conference report. I would say that the gentleman from West Virginia (Mr. STAGGERS) at that time would have copies of the amendments, or of any changes that were in the legislation.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, having entered an objection to the unanimous-consent request, am I correct in assuming that, under the rules of the House, the only device available by which, or the procedure by which this conference report could be considered tomorrow would be under a rule by the Committee on Rules?

The SPEAKER. The Chair will state that the conference report would have to lay over for 3 days without a special rule.

Mr. WAGGONNER. Then if a special rule is granted, Mr. Speaker, will that rule require a two-thirds vote to get the conference report up for consideration?

The SPEAKER. The Chair will state that if it is called up the same day it is reported. In other words, if a rule were granted tomorrow, or if the report were not filed until tomorrow, it could not be brought up tomorrow, and adopted, without a two-thirds vote.

Mr. WAGGONNER. So that if the Committee on Rules meets this afternoon and grants a rule, that it can be considered, at 6 o'clock, could we have a vote tomorrow?

The SPEAKER. The Chair will state if it were filed before the House adjourns tonight, or if it were filed by unanimous consent.

Mr. WAGGONNER. Mr. Speaker, I move the House do now adjourn——

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

Mr. WAGGONNER. Mr. Speaker, I withdraw my motion, and I yield to the gentleman from New York.

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

Mr. Speaker, I would like to urge the gentleman from Louisiana not to continue his objection. It seems to me it is going to be a very grave move if this House further delays action on this very vital emergency energy bill. I do not know about the situation in Louisiana, but I have received over 50 telephone calls in my district offices in Schenectady, Albany, and Amsterdam today, from people all over the capital district of New York State who just cannot get any gasoline at all. I have been in touch with Mr. Simon's office to try to help them, and they do not know what to do. They just tell me to call the regional administrator in New York. Well, you cannot get in touch with the regional administrator in New York very easily. The Governor of New York is supposed to have a 3 percent reserve of gasoline to use in emergencies, but his office says he has not received that reserve because of the truckers' strike.

I think this House made a great mistake when we left this Chamber before Christmas without enacting an energy bill. I think it would be an even graver mistake for us to get ourselves into a bind where we cannot pass such a bill now before next Wednesday, or Thursday.

I think that the gentleman from Louisiana, who I always felt was interested in the future of this House, ought to withdraw his objection.

Mr. WAGGONNER. I am just as interested in the future of this House as I am interested in the future of this country. We have played politics with this energy issue long enough, and until we quit talking about the politics of the issue and we consider matters of substance and do something about the emergency issue, we will not solve the problem.

Everything the gentleman said was said before this House adjourned just before Christmas.

Let me ask the gentleman from New York a question: Does the gentleman know what is in this conference report?

Mr. STRATTON. I have got a pretty darned good idea what is in the conference report.

I think I have got a better idea of what is in it than I had of what was in the bill we just passed a moment ago on legal rules of evidence. One thing that is in that is a provision for gas rationing, and I think it is about time we began to ration. Now all we have is mile-long lines and people waiting for hours to buy $2 worth.

I sent out a questionnaire in my district last month and 80 percent said they preferred rationing to sharply increased gas prices. I do not think the people of this country are going to stand for these long lines and trying to drive around to buy $2 worth of gasoline much longer. I think Congress should bite the bullet and insist on rationing.

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

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

Mr. HAYS. Let me just say that we cannot ration something we do not have. The reason there is no gasoline in the gentleman's district and the reason there is none in my district is because of the truckers' strike, and the truckdrivers who want to work are afraid to haul a tank of gasoline down the highway for fear somebody will shoot a hole in it and make a torch out of it.

The President of the United States can end this intolerable situation this afternoon with a stroke of the pen. He has got the power to roll back prices. He has got the power to put these trucks back on the road. I do not know whether anybody has told him what is going on in the country or not. He has lots of gas, lots of steaks, and everything else. But passing this bill is not going to do this.

Mr. STRATTON. The bill coming up tomorrow is designed to try to end the strike by permitting cost passthroughs, as I understand it.

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

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

Mr. ECKHARDT. I thank the gentleman for yielding. The argument that the President does not have authority without the energy bill to ration is absolutely fallacious. The President has the authority to ration if he decides to ration under the allocation bill.

Three and a half weeks ago I wrote Mr. Simon, pointing out the section in that bill that clearly gives the authority to ration. I have not yet received an answer. Every day during the last week we have called Mr. Simon's office, asking about the answer, and we have been told that the letter is either in the hands of their lawyers or in the mail. Every day we have failed to get it. The reason we are not getting it is because the administration does not want to admit that it has the power to do whatever it wants with respect to whether to ration or not ration. I, myself, am entirely disgusted with the proposition that we have to have more legislation giving more power to the President when we have passed legislation that gives him that option.

Mr. O'NEILL. Mr. Speaker, have we acted on my unanimous-consent request that when the House adjourns, it adjourn to meet at 11 o'clock tomorrow?

The SPEAKER. The request was made and a reservation of objection was made.

Mr. WAGGONNER. Under my reservation, I now object, Mr. Speaker.

The SPEAKER. The request was that when the House adjourns it adjourn until 11 o'clock tomorrow, and that request is pending.

Mr. WAGGONNER. Under my reservation, I object, Mr. Speaker.

The SPEAKER. The Chair did not understand the gentleman from Louisiana.

Mr. WAGGONNER. I made a reservation on the unanimous-consent request, and I now object.

The SPEAKER. On the request to adjourn?

Mr. WAGGONNER. On both requests, Mr. Speaker, I objected to it initially. Now I exercise my reservation and object again to the unanimous-consent request.

The SPEAKER. Objection is heard to the request to adjourn until 11 o'clock tomorrow.

REQUEST FOR PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE CERTAIN REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file reports on S. 2589, the Emergency Energy Act, and House Joint Resolution 893 relative to the trucking crisis.

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

Mr. WAGGONNER. Mr. Speaker, reserving the right to object, I would like to be sure that this request applies to the rail issue. Is that correct?

Mr. O'NEILL. I will put the requests separately.

The first one on which I request unanimous consent is House Joint Resolution 893, the resolution with respect to transportation.

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

There was no objection.

Mr. O'NEILL. Mr. Speaker, I made the same request on S. 2589, the Emergency Energy Act.

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

Mr. WAGGONNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 5463.

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

There was no objection.

DISCLOSURE OF FINANCIAL WORTH

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

Mr. PIKE. Mr. Speaker, today's Washington Post carries a story indicating

that the New York Times requested me to provide them with a copy of my latest income tax return and a statement of my net financial worth—which is true—and that I refused to do so—which is not true. In order to set the record straight, I append hereto verbatim copies of precisely what the New York Times said to me and what I said to the New York Times:

THE NEW YORK TIMES,
WASHINGTON BUREAU,
Washington, D.C., January 24, 1974.

Hon. OTIS G. PIKE,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PIKE: The question of the financial affairs of public officials has become a matter of growing concern to those in and out of Congress. No systematic method now exists enabling the public to obtain such information.

The New York Times is therefore undertaking a study of the fiscal condition of the six senators and 60 members of the House of Representatives from New York, New Jersey and Connecticut.

Would you therefore kindly send us a statement of your net worth, and a copy of your latest income tax return? If you would like to add any explanatory material, we would like that, too. Of course, we would get back to you if we have any questions.

With all good wishes,

Sincerely,

MARTIN TOLCHIN.

JANUARY 28, 1974.

Mr. MARTIN TOLCHIN,
The New York Times Washington Bureau,
Washington, D.C.

DEAR MR. TOLCHIN: I acknowledge receipt of your letter of January 24, 1974, in which you ask if I would "kindly send us a statement of your net worth, and a copy of your latest income tax return?"

I have a public life which is everybody's business, and a private life, which is nobody's business. My income tax return lies halfway in between, so I am torn. In moments of doubt, however, I tend to reveal rather than conceal, so essentially the answer to your question is "Yes."

The "Yes" in the preceding paragraph is, you will note, without qualification. While there is no qualification, there is a complication. There is no way on earth I can tell you what my net worth is because I don't know. I will tell you what I own, however, and you can tell me what my net worth is if you want to. All of the stocks which I own are in closely held corporations as to which there is no traded price. Most of the rest of my assets consist of real estate, including the house in which I was born, and which has not been appraised since about that time.

I own six different parcels of real estate, five of which I owned before I came to Congress fourteen years ago. You can probably arrive at a pretty fair approximation of what they are worth by looking at the taxes I paid on them, which you will find as a deduction on my income tax return.

Now that I have answered your question as best I can, the only thing remaining is to determine when I will provide this information. I will provide it when I receive a letter from either Mr. John B. Oakes, the editorial page editor of the New York Times, or Mr. A. M. Rosenthal, the managing editor of the New York Times, either providing me with a statement of his net worth and a copy of his latest income tax return, or a letter explaining the philosophy behind the idea that my statistics published in the New York Times are in the national interest, and their statistics are not. Obviously the editorial page of the New York Times exerts at least as great an influence on the shaping of legislation as does any one lowly Congressman, or even most highly Congressman. If the philosophy is based on the concept that I am elected and they are not, where do we draw the line? The justices of the peace in my home town are elected, whereas the Republican County Chairman is not. Nor is the chairman of the board of Exxon. Who do you suppose most greatly influences the nation? The New York Times is curious to see my income tax return, to see whether I have unjustly enriched myself, perhaps, or whether my votes on legislation are influenced by thoughts of personal profit and advantage. I have an equally healthy curiosity about what influences the editorial pages of the New York Times. I assume, of course, that the Times editorials are influenced by nothing but the best interests of our nation. But, then, my mind and heart are terribly pure.

Please note that my offer to provide my statistics is not contingent upon their providing theirs. I just want an explanation of the rationale as to why they won't.

Cordially,

OTIS G. PIKE.

P.S.—Of course, if they do, you can print mine in the Times and I'll print theirs in the Record. OGP

UNITED STATES MUST RETAIN CONTROL, SOVEREIGNTY OVER PANAMA CANAL

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

Mr. EVINS of Tennessee. Mr. Speaker, indications that the United States may be on the threshold of surrendering ownership, control, and sovereignty of the Panama Canal, I want to join my colleague, Congressman DAN FLOOD, and others in protesting this proposed action by our Government and particularly by the State Department.

Press reports that Secretary of State Henry Kissinger plans to sign an agreement within the near future surrendering and giving up U.S. sovereignty over the Canal Zone and the Panama Canal are alarming, disturbing, and distressing.

News reports say that Doctor Kissinger's actions will "set the stage for the United States to bow out of its 71-year-old domination of the Canal Zone."

Mr. Speaker, it is in the national interest to retain our ownership, control, and sovereignty over the Canal Zone and the Panama Canal.

We must not surrender U.S. sovereignty.

Our presence in Panama is based on treaties legally signed and executed.

The United States bought and paid for the Canal Zone and we have received sovereign rights "in perpetuity" in a treaty with the Panamanians. The fact that they now assert that our control over the canal is an example of "Yankee imperialism" is no ground, reason, or basis for any State Department surrender of sovereignty.

The hard truth is that the United States has been giving away too much in recent years—the practice of a little Yankee thrift and commonsense is recommended.

The United States literally bought each parcel of land that comprises the Panama Canal Zone which makes this acquisition more expensive than the combined cost of all other U.S. territorial possessions.

The U.S. investment in the canal since 1904 totals more than $5 billion, 695 million, including defense expenditures.

Retention of the canal is vital to the continuation of our two-ocean navy and our security and defense.

Certainly I endorse the resolution proposed by my colleague, the gentleman from Pennsylvania (Mr. FLOOD), which declares the sense of the Congress to be that "there be no relinquishment or surrender of any presently owned vested U.S. sovereign right, power, or authority—except by treaty authorized by the Congress."

U.S. sovereignty over the Panama Canal should be maintained in the national interest.

ELECTION IN PENNSYLVANIA'S 12TH DISTRICT

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

Mr. MICHEL. Mr. Speaker, earlier in the day I heard the comments of the distinguished majority leader and the gentleman from California (Mr. BURTON) with respect to yesterday's election in the 12th District of Pennsylvania. I certainly take no comfort in losing any election and I would not concede this one at least until after the Friday canvass inasmuch as the margin is so thin that a recount is certainly in prospect.

Making no apologies to anyone for losing if that is the ultimate result, I would remind my friends here in the House on both sides of the aisle that Democratic registration exceeds Republican registration by better than 8,000 and there is no question but that it had become over the past 25 years a "Saylor" district in the sense that the late John Saylor had a tremendous personal following. I happen to remember his first race which was also a special election in September of 1949 following the death of Congressman Coffey, a Democrat.

It would seem to me that the really big significance of this race is the power and influence that organized labor can turn on in a concentrated effort if it wants to. I would suspect that in the ensuing days we will have ample evidence and documentation to back up this statement.

Mr. George Meany has said he wants a "veto-proof Congress" and it would appear that if we lose he has bought his first seat in 1974 and the American people should take note of it.

THE TRUCKER CRISIS

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

Mr. SEIBERLING. Mr. Speaker, I listened with great dismay to the colloquy that took place in connection with the

objection of the gentleman from Louisiana to the request of the majority leader.

It just happens that Akron, Ohio, which is the major city in my district, is te focal point of this National Independent Truckers Association and that is where all the trouble has begun. I have been meeting all day long with representatives of a group within that group who object to the violence, who object to the tactics that have been used, and who have been down here with their lawyer, who is a responsible member of the bar in Akron, making some points that they think will end this crisis if we will only act.

They made three basic points. One is there must be a rollback in the gasoline and diesel fuel prices to some extent. The second is there must be an immediate pass through that is effective, not just a pass through which the customers do not have to accept, but one which they do. Fortunately the conference report takes care to some extent of the rollback, and the bill now pending before the Interstate and Foreign Commerce Subcommittee, the Senate bill, takes care, as I understand it, of the question of a pass through, requiring the ICC to give practically immediate relief so that these truckers can pass through some of their costs.

These men are small businessmen and they contract to major carriers and they can only go on operating at a loss for another week or two before going out of business. When they go out of business, that is going to be the end of the food deliveries and the fuel deliveries and deliveries of a great many other things in this country, and a great many people are going to be out of work.

We cannot afford to sit by and let this country collapse. That is exactly what is going to happen the way things are going. We had better stay here all weekend if necessary until we take action that makes some sense. It does no good to point out that the White House is passing the buck. We have a job to do right here.

The third thing these truckers pleaded about is that we must do something tangible so that truckers get some kind of immediate relief. The best way to do that is to temporarily suspend the weight limits on the interstate highways so they can add another 10,000 pounds to their maximum loads. That will be permitting them to make some money again. As it is now, they are losing $50 every day they go out for a day's travel. Obviously they cannot continue that way. Yet they cannot shut down, for they have interest to pay on their rigs.

So, all I can say is we have got to take action and we have got to take action now and we do not dare to go into recess unless we have action on the bills before the Committee on Interstate and Foreign Commerce.

TRUCKING EMERGENCY

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

Mr. ADAMS. Mr. Speaker, in reply to the gentleman, we have been holding hearings all afternoon on a bill we received yesterday. There is a meeting scheduled again at 6 o'clock on the idea of the pass-through of the rate to various consumers.

I want to state to the gentleman that it may handle the particular problem of the brokerage and heavy steel operators, but it will not help the problem of the so-called gypsies, the people that do not have a contract with a regulated carrier. It will not handle the problem of those dealing with foodstuffs that are exempt commodities, as they are not regulated by the ICC. These people are in a position where they are the ones out blocking the highways.

We just finished with the Department of Justice. We asked if there had been an arrest on the interstate highways under the Hobbs Act or any other act. They reported that as of 2 o'clock this afternoon they had not arrested anybody, any place, in interstate commerce.

We are saying we will pass the bill if the gentleman allows it to be filed. It will not solve the problem. The only thing that will solve the problem is a rollback in price and to make available fuel at the truckstops and those powers are available under existing law. If we pass the bill tomorrow, it is not going to solve it. If we pass the conference report that comes over here, as the gentleman from Louisiana says, it is not going to solve the problem.

As for rationing, it is not in the conference report. It was rejected on the floor here. It was rejected in conference; but if Mr. Simon wants to put it into effect, he can use end use allocation and allocate it to the customers at the end in the existing Emergency Allocation Act.

What we are saying is, that we bought 55-miles-per-hour speed limits. We bought daylight savings time and we are now going to buy this one. As these things have been brought up by the administration.

It is time to stop and tell them to use the power they have, because they have the power to stop the blockade and we should stop being monkeys on a string.

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

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

Mr. SEIBERLING. I have drafted a letter to Mr. Simon about the weight limit, for example, and they think further research is necessary.

I find a statutory roadblock that Mr. Simon cannot change the weight limits on the highways. What do we do about that?

Mr. ADAMS. Mr. Speaker, if the gentleman wants to do something about the weight limit, he will find there are an enormous amount of problems. There are two sections of the country, one with one set of weight limits and one with another and all the operations are geared to weight limits.

Just as happened with the 55-mile-per-hour limit, these things look good. They make a nice press release and they can say they have done these things; but they have not examined the side effects. We should never have put daylight saving into effect in the morning hours when it is dark in December, January, and February. We should not have put a 55-mile-an-hour limit on the country. These cannot complete their routes.

I am saying, if the Department of Transportation does not set up the truckstops and say that these are the places they can fill up and the allocation will be there when they get there, we can pass all these bills and they will not help, because the truckers cannot pay for the fuel and not get it when he arrives. It is that simple. It is an administration problem, not a legislative problem, and we are being foolish to treat it as such. If we want to pass the bill, we will get it up here tomorrow and we will vote for it, but this is not the way to handle the problem.

I will give you a real alternative—an effective fuel price rollback and full disclosures by the oil industry is what is being proposed by myself and Congressman BOB ECKHARDT.

The Adams-Eckhardt bill, the Emergency Energy Control Act, is the first of a series of legislative proposals to complement the Consumer Energy Act of 1974, the plan which a number of us offered earlier this week. This first bill is geared to solve some of the most urgent problems and inequities caused by energy shortages and these short-sighted administration policies which are not effective.

Under the new Emergency Energy Control Act, the rollback provision calls for a return to prices as they were on November 1, 1973 of crude oil and all petroleum products. This would eliminate the unjustified and unnecessary $1 a barrel increase allowed by the Cost of Living Council on December 19. That $1 increase resulted in higher revenues to the oil companies of $3 billion a year, without any promise of increased domestic production—but with full assurance that gasoline prices would skyrocket. In addition, our rollback provision would require the oil companies to sell fuel at an averaged price, regardless of whether the fuel originated from domestic or imported sources.

Despite congressional hearings, administration and oil industry pronouncements, and growing public concern about the energy crisis, all we have really found out over the last several months is that we have a severe shortage of information about actual energy supplies. Therefore, this bill requires that the oil companies disclose information on supplies, production rates, costs and profits.

The other two major provisions of the Adams-Eckhardt Emergency Energy Control Act are: authority to restrict oil exports on the basis of the domestic supply situation and gives authority to ration the limited gasoline supplies, as a solution to the long serpentine lines now forming behind gas pumps all across the country.

This new bill is a timely alternative to the energy legislation now tied up in a House-Senate Conference Committee. I believe this bill embodies the best ideas from the previous energy bill, eliminates all the special interest provisions, and

meets directly the needs of the American consumers.

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

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

Mr. SEIBERLING. These truckers, whom I have every reason to believe are sincere, say that the small independent truckers that the gentleman is talking about are looking for an excuse to call this thing off; but they want something tangible that they can hang their hats on and not just promises.

I think if the administration will not give it to them, we have an obligation to the country to do what is necessary to end this situation, which is getting more desperate.

Mr. ADAMS. Mr. Speaker, I will yield over here in a minute; but I want to say that in the situation with steel haulers and such, they deal with brokers and a pass-through for the agricultural truckers, the so-called gypsies, the moving van haulers, those blocking the highways are not helped by this legislation.

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

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

Mr. RANDALL. I thought I heard the gentleman say there is not rationing in the conference report.

Mr. ADAMS There is not.

Mr. RANDALL. And from the records, it had been rejected on the floor.

Mr. ADAMS. It was and it was rejected in the committee.

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

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, I would just like to say that as far as I personally am concerned——

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

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report on the joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in Docket No. MC 43 (Sub-No. 2).

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

Mr. WAGGONNER. Mr. Speaker, reserving the right to object, this unanimous consent request has to do only with the Rules Committee, not the Interstate and Foreign Commerce Committee filing their report?

Mr. PEPPER. Mr. Speaker, I answer the able gentleman by saying that I understood he did not object a while ago to the unanimous consent request that the Interstate and Foreign Commerce Committee file a resolution.

Mr. WAGGONNER. Mr. Speaker, the gentleman is exactly right, but I am now reserving the right to object.

Mr. PEPPER. This is not the energy bill, it is just on transportation.

Mr. WAGGONNER. Mr. Speaker, further reserving the right to object, is the Rules Committee—and the gentleman is a member of that distinguished committee—going to consider this afternoon granting a rule on the conference report on the energy bill?

Mr. PEPPER. Mr. Speaker, the Chairman had called the Members into session to hear the Interstate and Foreign Commerce Committee on the energy bill, and I understand we were going to consider the transportation also, but that request was intended before the events on the floor when the gentleman interposed his objection.

MOTION TO ADJOURN

Mr. WAGGONNER. Mr. Speaker, I withdraw my reservation and I move the house do now adjourn.

Mr. PEPPER. Mr. Speaker, I wish the able gentleman would allow just this matter that affects the strike.

Mr. WAGGONNER. Mr. Speaker, I withdrew my reservation, but I am not going to sit here while the Rules Committee is in session and allow them to come back down to this House and file any rule this afternoon so that we can consider that conference report tomorrow with a majority vote. If we adjourn this House this afternoon before that rule is filed, it will require a two-thirds vote to consider it tomorrow.

Mr. PEPPER. Mr. Speaker, if my friend will allow me, I am not asking him to defer any request or motion or objection he wishes to make. I am only relating my request to the trucking strike, and this is the only way we can solve this question.

Mr. WAGGONNER. Mr. Speaker, I move the House do now adjourn.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I move the House do now adjourn.

Mr. SPEAKER. The question is on the motion of the gentleman from Louisiana (Mr. WAGGONNER).

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 125, nays 155, not voting 149, as follows:

[Roll No. 25]

YEAS—125

Abzug	Baker	Burgener
Anderson, Calif.	Bauman	Burleson, Tex.
Anderson, Ill.	Boggs	Butler
Andrews, N.C.	Bowen	Casey, Tex.
Archer	Bray	Clancy
Arends	Brown, Ohio	Clawson, Del
	Buchanan	Cochran
Collier	Hutchinson	Regula
Collins, Tex.	Ichord	Rhodes
Conable	Johnson, Colo.	Robinson, Va.
Conte	Jones, N.C.	Rosenthal
Crane	Jones, Okla.	Rostenkowski
Daniel, Dan	Jordan	Rousselot
Dennis	Kastenmeier	Runnels
Dent	Kazen	Ruppe
Devine	Ketchum	Ruth
Dickinson	Koch	Satterfield
Dorn	Landgrebe	Schneebeli
Duncan	Latta	Sebelius
Eckhardt	Long, La.	Shuster
Edwards, Ala.	Long, Md.	Sikes
Flowers	McEwen	Smith, Iowa
Fountain	Mahon	Snyder
Frelinghuysen	Mallary	Spence
Froehlich	Martin, Nebr.	Steed
Gettys	Mathis, Ga.	Steelman
Ginn	Mayne	Symms
Gonzalez	Mezvinsky	Taylor, Mo.
Goodling	Michel	Thornton
Gross	Montgomery	Ullman
Gubser	Murphy, Ill.	Vander Jagt
Hammer-schmidt	Myers	Waggonner
Hansen, Idaho	Nichols	Walsh
Harsha	Obey	Ware
Hays	Pettis	Whitehurst
Henderson	Pickle	Whitten
Holt	Poage	Williams
Holtzman	Price, Tex.	Wyatt
Horton	Pritchard	Young, Ill.
Hosmer	Quie	Young, Tex.
Huber	Quillen	Zion
Hunt	Railsback	
	Rarick	

NAYS—155

Abdnor	Gaydos	Owens
Adams	Gibbons	Pepper
Addabbo	Grasso	Perkins
Alexander	Green, Oreg.	Peyser
Andrews, N. Dak.	Green, Pa.	Pike
Armstrong	Grover	Podell
Ashley	Gude	Preyer
Aspin	Gunter	Price, Ill.
Bafalis	Guyer	Randall
Barrett	Hamilton	Riegle
Bergland	Hanley	Rinaldo
Biaggi	Hanna	Robison, N.Y.
Biester	Hanrahan	Roe
Bolling	Hastings	Rogers
Brademas	Hechler, W. Va.	Roncallo, N.Y.
Brasco	Heckler, Mass.	Rooney, Pa.
Breckinridge	Heinz	Rose
Broyhill, N.C.	Hicks	Roush
Burke, Mass.	Hogan	Ryan
Burlison, Mo.	Howard	Sarasin
Burton	Hungate	Seiberling
Carter	Jones, Tenn.	Shoup
Chappell	Kemp	Sisk
Clark	Kluczynski	Smith, N.Y.
Clay	Kyros	Staggers
Cleveland	Litton	Stanton, J. William
Corman	McClory	Stark
Cotter	McCollister	Steele
Coughlin	McCormack	Stokes
Cronin	McDade	Stratton
Culver	McKinney	Stuckey
Daniels, Dominick V.	Macdonald	Studds
Danielson	Madden	Thone
Davis, S.C.	Mann	Tiernan
de la Garza	Maraziti	Van Deerlin
Delaney	Matsunaga	Vanik
Dellums	Mazzoli	Vigorito
Denholm	Melcher	Waldie
Derwinski	Metcalfe	Wampler
Dingell	Miller	Whalen
Donohue	Minish	White
Dulski	Mink	Wilson, Bob
du Pont	Mitchell, N.Y.	Wydler
Edwards, Calif.	Moakley	Wylie
Ellberg	Mollohan	Wyman
Esch	Morgan	Yates
Eshleman	Mosher	Yatron
Evins, Tenn.	Moss	Young, Alaska
Fascell	Murphy, N.Y.	Young, Fla.
Flood	Natcher	Young, Ga.
Frey	Nedzi	Zablocki
	O'Hara	
	O'Neill	

NOT VOTING—149

Annunzio	Breaux	Camp
Ashbrook	Brinkley	Carey, N.Y.
Badillo	Brooks	Carney, Ohio
Beard	Broomfield	Cederberg
Bell	Brotzman	Chamberlain
Bennett	Brown, Calif.	Chisholm
Bevill	Brown, Mich.	Clausen, Don H.
Bingham	Broyhill, Va.	Cohen
Blackburn	Burke, Calif.	Collins, Ill.
Blatnik	Burke, Fla.	Conlan
Boland	Byron	

Conyers	Karth	Rooney, N.Y.
Daniel, Robert W., Jr.	King	Roy
Davis, Ga.	Kuykendall	Roybal
Davis, Wis.	Landrum	St Germain
Dellenback	Leggett	Sandman
Diggs	Lehman	Sarbanes
Downing	Lent	Scherle
Drinan	Lott	Schroeder
Erlenborn	Lujan	Shipley
Evans, Colo.	McCloskey	Shriver
Findley	McFall	Skubitz
Fish	McKay	Slack
Fisher	McSpadden	Stanton, James V.
Flynt	Madigan	Steiger, Ariz.
Foley	Mailliard	Steiger, Wis.
Ford	Martin, N.C.	Stephens
Forsythe	Mathias, Calif.	Stubblefield
Fraser	Meeds	Sullivan
Frenzel	Milford	Symington
Fulton	Mills	Talcott
Fuqua	Minshall, Ohio	Taylor, N.C.
Giaimo	Mitchell, Md.	Teague
Gilman	Mizell	Thompson, N.J.
Goldwater	Moorhead, Calif.	Thomson, Wis.
Gray	Moorhead, Pa.	Towell, Nev.
Griffiths	Nelsen	Treen
Haley	Nix	Udall
Hansen, Wash.	O'Brien	Veysey
Harrington	Parris	Widnall
Hawkins	Passman	Wiggins
Hébert	Patman	Wilson, Charles H., Calif.
Helstoski	Patten	Wilson, Charles, Tex.
Hillis	Powell, Ohio	Winn
Hinshaw	Rangel	Wolff
Holifield	Rees	Wright
Hudnut	Reid	Young, S.C.
Jarman	Reuss	Zwach
Johnson, Calif.	Roberts	
Johnson, Pa.	Rodino	
Jones, Ala.	Roncalio, Wyo.	

So the motion was rejected.

The result of the vote was announced as above recorded.

EMERGENCY TAX CREDIT FOR MOTOR VEHICLE TRANSPORT CARRIER

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

Mr. DENHOLM. Mr. Speaker, I have authored and I have proposed legislation today that will provide emergency assistance for all persons engaged, directly or indirectly, in the motor vehicle freight transportation essential to the health, safety, and welfare of the American people.

The legislation that I have introduced will not result in an increased adjustment of established and prescribed tariff rates to offset the increased costs of fuel, gas and petroleum imposed upon common carriers and the Independent Truckers of America. It will provide acceptable and immediate relief in a manner that need not and should not increase freight rates to producers and increased consumer costs to all. It has the character of a price rollback without adversely affecting the essential incentive for an increased supply of the total required fuel, gas, or petroleum for the motor vehicle transportation industry.

Mr. Speaker, an emergency exists. This is the time for action. The legislation that I have proposed provides for an emergency tax credit relief for the recovery of excessive fuel costs by those engaged in the motor vehicle transportation industry. I respectfully request that the proposed legislation that I have introduced today be printed as follows, to wit:

H.R. 12676

A bill to amend the Internal Revenue Code of 1954 to provide tax relief for motor transport carriers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that an emergency exists in the national motor vehicle transportation system as the result of unprecedented increases in the acquisition cost of diesel fuel, gasoline and other motor fuels, and that such shortages exist in the supply of fuel, gas, and petroleum combined with inequities in the allocation to retail market outlets, and that all such circumstances seriously impair the free flow of intrastate and interstate motor transportation cargo shipments and transportation of essential food and fiber to the extent of irreparable economic hardship endangering the health, safety and welfare of the people.

SEC. 2. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 42 as section 43 and by inserting after section 41 the following new section:

"SEC. 42. Credit for motor transport carriers' increased fuel expenditures.

(a) GENERAL RULE.—In the case of any person regularly engaged in the commercial transportation of property by the use of highway motor vehicles, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the total expenditures made by such person during the taxable year for price increases, as determined under subsection (b), accruing after July 1, 1973, for gasoline, diesel fuel, and other fuel used for such transportation.

"(b) PRICE INCREASE DEFINED.—For the purposes of subsection (a), the term 'price increases' means—

"(1) so much of the price of the fuel purchased at each sale as exceeds the price for such type of fuel, determined by the Secretary or his delegate by regulation, which prevailed on July 1, 1973;

"(2) multiplied by the quantity of fuel so purchased at such sale.

"(c) Reduction of Credit.—The credit for any taxable year under subsection (a) shall be reduced, under regulation prescribed by the Secretary or his delegate, to the extent any adjusted 'pass through' tariff scheduled freight payment increase was received by such person.

"(d) Credit in Lieu of Deduction.—No deduction under any provision of this chapter shall be allowed with respect to any expenditure to the extent credit is taken under this section.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this Act.".

(b) Section 6401(b) of such Code (relating to the treatment of excessive credits as overpayments of tax) is amended—

(1) by striking out "and 667(b)" and inserting in lieu thereof ", 42 (relating to credit for motor transport carriers increased fuel expenditures), and 667(b)"; and

(2) by striking out "other than the credits allowable under sections 31 and 39" and inserting in lieu thereof "other than the credits allowable under section 31, 39, and 42".

(c) Section 6402 of such Code (relating to authority to make credits or refunds) is amended by adding at the end thereof the following new subsection:

"(c) Refunds of Section 42 Credits.—Notwithstanding any other provision of law, the Secretary or his delegate, under such regulations as he may prescribe, is authorized and directed to refund amounts allowed as credits under section 42 on a quarterly basis, upon claim for such refund by the taxpayer, without regard to the liability for tax for the taxable year during which such claim is made."

Sec. 3. The amendments made by the first section shall apply to expenditures made during taxable years ending on and after December 31, 1973.

PROPOSED ENERGY LEGISLATION

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

Mr. DANIELSON. Mr. Speaker, while we are talking about the Emergency Energy Act I would like to point out that among some of the other incidentals that might confront us I looked over the bill as it appeared a few days ago and it seemed to me we might be overburdening our courts. I have been in touch with the Administrative Office of the U.S. Courts and today I received a response which indicates this bill might create some 300,000 new cases per year for our U.S. courts, which would, of course, put them out of business.

The response starts off and reads as follows:

The bill which was reported by the Committee of Conference contained three sections which would directly affect the jurisdiction of the courts and their caseloads. Section 104 amends the Emergency Petroleum Allocation Act of 1973 to authorize a program of end-use rationing. In accordance with the provisions of the Energy Petroleum Allocation Act of 1973 and the Economic Stabilization Act, as amended, which that Act amends, cases arising on this topic could be brought in the United States District Courts and appealed to the Temporary Emergency Court of Appeals. We are unable at this time to estimate the number of cases which might be brought under this section. However, it can be anticipated that the number would be substantial since end-use rationing would effect nearly every citizen of the country.

Under § 118, administrative rulemaking would be subject to the provisions of the Administrative Procedure Act, with certain exceptions. Judicial review of rulemaking of general and national applicability would be obtained in the United States Court of Appeals for the District of Columbia. Judicial review of administrative rulemaking of general but not national applicability would be obtained in the United States court of appeals for the appropriate circuit.

Section 118(b)(2) provides that the district courts will have exclusive original jurisdiction over cases and controversies arising under the Act or regulations issued thereunder, also with certain exceptions. Cases or controversies arising under rules or orders of states or their subdivisions or state or local boards would be heard in either the appropriate state court or, without regard to the amount in controversy, in the district courts of the United States.

Sections 119 and 120 prohibit violations of rules, regulations, and orders, issued pursuant to this Act and provides for civil and criminal penalties. The criminal penalties range from fines of $5,000 for willful violations to $50,000 for second offenses. The penalties specified are in excess of those as to which United States magistrates are authorized to exercise jurisdiction. We do not, of course, have any information relative to the type of regulations which would be promulgated beyond the information contained in the Congressional Record. During the

Senate debate on December 21, there was inserted in the Record a list of possible conservation actions, which list appeared also in the Record of January 29 at page 1145. The list included the following:

"1. Retail gasoline sales may be banned from 9:00 p.m. Saturdays to 12:01 a.m. Mondays.

"2. An additional day on which retail gasoline sales may be banned.

"3. Maximum speed limit of 55 MPH for intercity buses and trucks and 50 MPH for automobiles.

"7. Turn down thermostats 6 degrees in residential and 10 degrees in commercial establishments.

"9. Require that retail sales of gasoline be limited to a specified amount per sale or per day.

"14. Restrict weekend and evening lighting in commercial and industrial facilities.

"17. Limit hours of operation for commercial, industrial and governmental establishments."

Of course we are unable to state with any degree of specificity the number of violations which might occur or be prosecuted. However, United States magistrates who have jurisdiction only over traffic offenses in Federal enclaves last year tried 55,888 traffic cases of all types. While recognizing that most speeding offenses would continue to be handled in the State and local courts, we do not consider it unrealistic to expect a five-fold increase in the number of such offenses being brought before Federal court. These cases would not be tried by the magistrate but would be tried by the United States district judges.

We regret that we are unable to provide any further statistical information with respect to these aspects of the bill.

Sincerely,

ROWLAND F. KIRKS,
Director.

BILL TO PASSTHROUGH FUEL COSTS

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

Mr. HAYS. Mr. Speaker, I am told that the Interstate and Foreign Commerce Committee just reported out a bill for a passthrough in increased fuel costs with 10 members present, which is not a quorum, and I want to serve notice that if they bring that bill up I will make a point of order that it was reported out of the committee in violation of the rules.

A passthrough will not solve the problem because these independent truckers are working for people with an ICC certificate and the passthrough will apply only to the ICC people and it will not pass it back to the independent truckers, and this is not going to settle the strike.

The only thing that is going to settle the strike is an order by the President to roll the price of fuel back to a reasonable level. It has gone up more than 100 percent with the price of crude going up only 21 percent. These people also must be given a sufficient amount of fuel so they can operate.

The President can, if he wants to, sit down in the White House and bring this country to its knees, but I do not think the majority of the people are going to forget about that. I think the President should act, I know he has the power to act, and I think it is an outrage that he does not act.

Mr. HOSMER. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

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

Mr. HOSMER. Mr. Speaker, many years ago I inquired of the Parliamentarian whether or not it was possible to make an objection on the basis that the committee had passed out a measure without a quorum present. I asked if I could make that objection here on the floor and I was told that it would not be possible.

Mr. HAYS. I think I can answer the gentleman's question. Let me say I made this objection to a bill that the gentleman from Texas (Mr. BURLESON) brought out when he was chairman of my committee, and the Speaker sustained it, and I will have that precedent and that ruling tomorrow when I make the point of order.

Mr. HOSMER. Will the gentleman yield further?

Mr. HAYS. I will yield all night if I have the time.

Mr. HOSMER. I would ask the gentleman, was there an inquiry as to the parliamentary rule at that time or was it given as a matter of course?

Mr. HAYS. I made an objection, the Speaker asked the chairman, the gentleman from Texas (Mr. BURLESON), if a quorum was present, and the gentleman from Texas (Mr. BURLESON) honestly answered a quorum was not present, and the Speaker, therefore, ruled that the bill could not be brought up. The Speaker, if I remember, was Mr. Rayburn, but I will have the date and the precedent tomorrow.

Mr. HOSMER. That is why I wanted to clarify the matter for some of the other Members here.

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

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

Mr. WAGGONNER. Will the gentleman repeat again the subject matter of the report from the Committee on Interstate and Foreign Commerce; what was reported on?

Mr. HAYS. I am addressing the House under the rules of evidence which just passed this afternoon, which permits hearsay and what I heard was hearsay, that the Committee on Interstate and Foreign Commerce reported out a bill for a passthrough with 10 Members present. My informant was a member of the committee and I have some confidence in his reliability; although, I must say I have hearsay evidence at this point, but if it is good enough for evidence in a conspiracy trial, it is good enough for me.

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

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

Mr. SEIBERLING. Yes; it is only hearsay, but I understand that the bill that passed the Senate, which is the same that the House committee is considering, authorizes the Committee on Interstate and Foreign Commerce to expedite its rulings on carriers having higher rates, which would, in effect, require them to pass this to allow for passthrough from the contract truckers that they are contracting with.

Mr. HAYS. I will say to the gentleman, if the bill authorizes the ICC, I will still object, because they will not do anything in God's world unless somebody orders them to.

Mr. SEIBERLING. I agree.

Mr. HAYS. If the bill orders them to, that is a horse of a different color; I agree to that.

Mr. SEIBERLING. I agree with that, also, and I hope our little colloquy might spur that kind of result.

The SPEAKER. The time of the gentleman has expired.

PRESIDENT'S EDUCATION MESSAGE AND BUDGET

The SPEAKER. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 10 minutes.

Mr. PERKINS. Mr. Speaker, the President's education message submitted to us last week and his budget submitted this week propose a very modest overall increase in Federal aid to education and limited "advanced funding" for elementary and secondary education if the Congress consolidates programs in six areas.

The whole tone of the administration's approach as exemplified by these messages has changed significantly over the past year. Last year, the administration told us to enact its special revenue sharing proposal or there would be no aid for elementary and secondary education. This year, there is no such threat. And the administration's recommendations are set out in conciliatory terms.

We should be thankful for that at least. The administration, it seems, has learned something over the past year.

I must, however, still express concern about the budget request for elementary and secondary education. Although there are recommendations for some modest increases in certain programs, the total request for elementary and secondary education calls for a cutback of over $300 million over this year's appropriation.

The President recommends a cutback of $254 million in the impact aid program. He would achieve this by eliminating payments over 2 years for "b" children. I must again state my opposition to this course of action. Impact "b" children constitute a Federal responsibility, and we must continue our support for them.

The second major cutback in Federal aid would be for the Emergency School Aid Act. That act, which the President cites in his education message as one of the major accomplishments of his 5 years, would be allowed to expire and would be replaced by a minor assistance program. I am somewhat puzzled by this request for cutback of approximately $160 million in emergency school assistance.

But I am even more confused about the administration's position on library

and equipment programs. The budget requests no funds for the college equipment program or for library construction or for college libraries or training. These recommendations are fully consistent with the administration's approach toward library programs for the past several years in that there have been no requests for any Federal programs aiding libraries.

Yet, the President states in his message that he believes "the Federal Government has a responsible role to play" in maintaining public libraries. In fact, the administration this year is proposing a new program to encourage coordination of library resources. This seems to be somewhat of an about-face by the administration, and I look forward to learning more of the details of this proposed legislation.

I am also concerned about the form of the administration's proposal for "advanced funding" for elementary and secondary education. I have long been a proponent of "forward funding" and congratulate the administration on its recent conversion to the concept. But I must view with anxiety the limited extent to which the administration proposes advanced funding. It seems from the President's message and from the budget that only those programs which are to be consolidated will be "advanced funded" and in no case is impact aid to be advanced funded. This shows not only a recent conversion but also a partial conversion.

I cannot see any reasonable basis for making a distinction in this manner among these programs. All of elementary and secondary education and vocational and adult education programs must be forward funded if we are truly—in the President's words—to let school administrators "know how much Federal money they would have before the school year begins, not several months after the school year has begun."

I also wish to express my concern about the proposed cutback in the Follow-through program and in the bilingual education program. The cutback in bilingual education particularly does not make any sense in light of the Supreme Court's recent decision in Lau against Nichols, requiring school districts to provide bilingual education for all children with limited English-speaking ability. I am also concerned about the administration's continued failure to request funds for the Occupational Education Act, especially in light of its rhetoric concerning the need for career education.

Let me conclude by congratulating the administration on its change of tone concerning education legislation and on its more conciliatory approach to the issue of consolidation of categorical aid programs. But, let me reiterate my concern that the budget cuts requested by the administration are unacceptable in a time when inflation is eating away at Federal dollars for education. And, let me repeat my insistence that advanced funding must be for all elementary and secondary education programs and for all vocational and adult education programs if we are to bring true stability to Federal aid to education.

PRESIDENT NIXON'S DISAPPOINTING BUDGET FOR EDUCATION AND SOCIAL SERVICES

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, may I say that it had not really been my intention to inflict upon my colleagues the full text of my remarks in respect to the subject before me; but considering the hour and the circumstances in which we find ourselves, I rise to express several concerns about the budget recently proposed by President Nixon for the U.S. Government for the fiscal year 1975.

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

Mr. BRADEMAS. I yield briefly to my friend from Iowa with great pleasure.

Mr. GROSS. If the gentleman is feeling so bad and says that is what he wants to do, why does he not do it and insert his remarks?

Mr. BRADEMAS. As the gentleman remarked, it is because of the circumstances in which we find ourselves.

For although the President, in his state of the Union address, acclaimed his budget as "an agenda for truly significant progress for this Nation," the truth is that it represents an enormous disappointment to anyone concerned about social services and education programs in our land.

So I want, Mr. Speaker, to discuss those areas of the budget related to legislation under the jurisdiction of the Select Subcommittee on Education, which I have the honor to chair, of the Committee on Education and Labor.

For the education and human services programs with which members of that subcommittee work illustrate only too well the inadequate nature of the President's proposals.

SIGNIFICANT MERIT

But I should first, Mr. Speaker, applaud several positive features of the President's state of the Union message as well as his budget proposals.

For I want my colleagues to understand that my criticisms of the President's suggestions are motivated not by partisanship but rather by a deep concern that we not forget the important human services programs which have helped to make America the "great and good land" to which the President so eloquently referred in his state of the Union message.

So, first, let me say that I was pleased to sense in the President's message a new and welcome spirit of cooperation with, and respect for, Congress.

For the spirit of comity between the executive and legislative branches of Government is essential to a fruitful dialog on the important issues which will be faced by the 93d Congress in the 2d session.

Second. I am glad to see the President endorse advance funding for programs designed to assist elementary and secondary education.

For this is a provision that some of us in Congress, both Democrats and Republicans, have long advocated. So I am delighted that President Nixon has joined us.

Third. I want to express my support for the $1.3 billion request the President has submitted for the funding of the basic educational opportunity grants program, authorized by the Higher Education Act, as amended.

However, Mr. Speaker. I must point out to the President that in suggesting that, we in order to provide the $1.3 billion terminate the supplemental educational opportunity grants program, for BOG's he is proposing to breaking the law.

So surely, if President Nixon is, indeed, a man who does not break the law—as his former counsel, Prof. Charles Wright, assured Judge John J. Sirica in October—will want to amend his budget so as to provide at least $130 million for the SEOG program, the amount required by law before the BOG program can go into the effect.

Finally, Mr. Speaker, I want to congratulate the President for his request for $195,200,000 for the Endowments for the Arts and Humanities.

For this increase of almost $50 million from fiscal year 1974 for programs authorized under the National Foundation on the Arts and the Humanities Act indicates that the President understands the importance of cultural and human development in a great land such as ours.

EDUCATIONAL PROGRAMS

But I want also, Mr. Speaker, to express my deep distress at several other requests in the President's budget.

I note, first, that the President has requested no funds under the Drug Abuse Education Act of 1970.

Surely this is an astonishing development when we consider what the President told us in his state of the Union message.

Listen to his words:

> The drug battle is far from over.
>
> For the sake of the next generation, I am determined to keep the pressure on—to ensure that the heartening progress made to date is translated into a lasting victory over heroin and other drugs.

And part of the battle, as the President told the participants at the White House Conference on Treatment Alternatives to Street Crime on September 10, 1973, is to provide effective educational programs about drugs.

And that is why, in March, 1970, the President said:

> There is no priority higher in this administration than to see that children—and the public—learn the facts about drugs in the right way and for the right purpose through education.

And yet I regret to report, Mr. Speaker, that the President has, apparently, settled for rhetoric, and not substance—for his budget requests no money in order to provide funds so that, to use the President's words "children and the public" may "learn the facts about drugs in the right way and for the right purpose through education."

Or let us turn to environmental education.

For here, again, the President is on

record as strongly supporting efforts to educate our citizenry about the environmental, not to mention economic, hazards of our continued abuse of scarce natural resources.

Just last March, for example, President Nixon twice called for "special attention to educational efforts directed toward protecting and enhancing our lifegiving environment" and for "educational efforts directed toward recognizing the need for clean water and protecting the supply."

Indeed, since coming to office in 1969, the President has six times spoken of the need to develop "environmental literacy" in our citizenry—literacy which will require, in the President's words "the development and teaching of environmental concepts at every point in the education process."

And what, Mr. Speaker, has the President requested for fiscal year 1975 so that we can provide programs to achieve this "environmental literacy"?

The answer, I regret to tell my colleagues is: Nothing.

To paraphrase former Attorney General John Mitchell, it is perhaps best that we watch what this administration does, and not what it says.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BENNETT. 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. 26]

Annunzio	Drinan	McKay
Ashbrook	Edwards, Calif.	McSpadden
Badillo	Erlenborn	Madigan
Beard	Evans, Colo.	Mailliard
Bell	Findley	Martin, N.C.
Bevill	Fish	Mathias, Calif.
Bingham	Fisher	Meeds
Blackburn	Flynt	Milford
Blatnik	Foley	Mills
Boland	Ford	Minshall, Ohio
Breaux	Fraser	Mitchell, Md.
Brinkley	Frenzel	Mizell
Brooks	Fulton	Moakley
Broomfield	Fuqua	Moorhead, Calif.
Brotzman	Giaimo	Moorhead, Pa.
Brown, Calif.	Gibbons	Murphy, N.Y.
Brown, Mich.	Goldwater	Nelsen
Broyhill, Va.	Gray	Nichols
Burke, Calif.	Green, Oreg.	Nix
Burke, Fla.	Griffiths	O'Brien
Byron	Haley	Parris
Camp	Hanna	Passman
Carey, N.Y.	Hansen, Wash.	Patman
Carney, Ohio	Harrington	Patten
Cederberg	Harsha	Peyser
Chamberlain	Hawkins	Powell, Ohio
Chisholm	Hébert	Railsback
Clark	Hillis	Rangel
Clausen, Don H.	Hinshaw	Rees
Clay	Holifield	Reid
Cohen	Hudnut	Reuss
Collins, Ill.	Jarman	Rhodes
Conlan	Johnson, Calif.	Roberts
Conyers	Johnson, Colo.	Roncallo, Wyo.
Daniel, Robert W., Jr.	Johnson, Pa.	Roncallo, N.Y.
Davis, Ga.	Jones, Ala.	Rooney, N.Y.
Davis, Wis.	Karth	Roy
Dellenback	King	Roybal
Dickinson	Kuykendall	Ruth
Diggs	Landrum	Sandman
Dorn	Leggett	Sarbanes
Downing	Lehman	Scherle
	Lent	Schneebeli
	McCloskey	Schroeder
	Stokes	Wiggins
	Stubblefield	Wilson, Charles H., Calif.
	Sullivan	Wilson, Charles, Tex.
	Symington	Winn
	Talcott	Wolff
	Taylor, N.C.	Wright
	Teague	Wyatt
	Thompson, N.J.	Young, S.C.
	Thomson, Wis.	Zwach
	Towell, Nev.	
	Udall	
	Veysey	
	White	

The SPEAKER. On this rollcall 266 Members have answered to their names, a quorum.

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

PRESIDENT NIXON'S DISAPPOINTING BUDGET FOR EDUCATION AND SOCIAL SERVICES

The SPEAKER. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

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

Mr. BRADEMAS. I yield to the gentleman from Massachusetts.

TRIBUTE TO HON. CHARLES E. BENNETT

Mr. CONTE. Mr. Speaker, on the previous rollcall the gentleman from Florida (Mr. BENNETT) missed his first rollcall in 20 years. He left here when he thought the House was all through with its work. He called and found out the House was on special orders, and he assumed, like all of us, that the House was through, so he took off for his home to have dinner with his family and his children. I know the Speaker prolonged the rollcall as long as he could. I know of no more conscientious man in the House of Representatives nor a more dedicated and hard-working public servant in the U.S. Congress than CHARLES BENNETT.

Mr. BENNETT. Mr. Speaker, if the gentleman will yield, I thank the gentleman from Massachusetts very much and I thank all the Members for their thoughtful kindness throughout the years. It has been a real pleasure for me to be here all this time. I really have been lucky to be here all this time. I have been lucky in my life, so I am not really dejected about this. It is like a lot of things that come and go.

I do have some problems with the scheduling and I do happen to try to be at home with my teenage and younger children in high school and junior high school so I can have supper with them. It is difficult when the Congress gets through with its legislative work and then gets back into legislative work, to be sure. I did eventually miss this rollcall.

But I do want to say, since I have this opportunity, that the concern of the Members is really something very beautiful and I am very much touched by it.

I thank the gentleman.

Mr. BRADEMAS. Mr. Speaker, may I say that having quite by chance the floor at this stage of the evening I want simply to echo the sentiments so eloquently expressed by the gentleman from Massachusetts in terms of the high regard that every Member of this House has for our dear friend, the gentleman from Florida (Mr. BENNETT).

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

Mr. BRADEMAS. I yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I share this regard for the gentleman. Since in a sense of the word I share some responsibility for his difficulty by being here to do what I thought was best, I am going to utilize the rules of the House, as I understand them, and I am going to ask unanimous consent that the quorum call be reopened and that the gentleman from Florida be allowed to record his presence.

The SPEAKER. The Chair, of course, would like to entertain that unanimous-consent request because on one other occasion the Chair did keep the House in session, when a quorum was not present, for at least 45 minutes. The Chair long after a quorum had been established this evening did attempt to give Members extra time to respond, but as the demand had been made for regular order the Chair felt the rules of the House required him to act.

I do not believe the gentleman from Florida would want the Chair to entertain that kind of request because there might come a time when a Member will miss a vote and it will cause his defeat. It always is a question of degree as to how serious it is to a Member to miss a vote. That holds true for many of the major votes of this session, so the Chair does not feel in conscience that he can entertain that request and be fair to the rules of the House.

Mr. WAGGONNER. Mr. Speaker, I will not insist on the unanimous-consent request, based on the statement of the Chair, and I withdraw my unanimous-consent request.

The SPEAKER. The Chair appreciates the action of the gentleman.

Mr. BRADEMAS. Mr. Speaker, to conclude my remarks under my special order, let me finally, with respect to another program vital to the Nation's well-being, note the President's distressing recommendations for libraries.

For to replace the $175 million which the Federal Government in 1974 will spend on our Nation's school, college, and community libraries, the President requests that Congress appropriate for fiscal 1975 a paltry $25 million.

Surely, Mr. Speaker, $25 million cannot be expected to fulfill the responsible role of the Federal Government in assisting libraries to which President Nixon referred in his education message to Congress on January 24, 1974.

HUMAN SERVICES

Let me turn my attention now, Mr. Speaker, to comment on certain social services programs under the jurisdiction of the subcommittee which I have the honor to chair.

For although, at first glance, the budget indicates that the President has not proposed the savage slashes in these areas that he suggested last year, his proposals are not cause for optimism.

Because the Select Education Subcommittee handles the Older Americans Act, I would first, Mr. Speaker, comment on the President's suggestions with respect

to the 20 million Americans aged 65 and over in our society.

I regret that he has not seen fit to request increased appropriations for either the nutrition or community services programs for the elderly financed under the Older Americans Act. Many progressive and necessary programs for the elderly enacted into law last year by Congress under the Comprehensive Older Americans Services amendments will receive absolutely no funds at all.

Indeed, Mr. Speaker, it appears to me that the most glaring anomaly in the President's budget is that money for military hardware—under the guise of a search for "lasting world peace"—is scheduled to jump a staggering $6.3 billion while funds for services for the elderly under the Older Americans Act will remain at the fiscal 1974 level of less than $200 million.

And while we can be thankful that the President has not proposed deep slashes in these funds, we all know, Mr. Speaker, that the "funny money" policies of this administration make standing still a step to the rear.

For in the real world of galloping inflation, to maintain the status quo is, in reality, to retreat.

In brief, Mr. Speaker, if we accept the President's inadequate budget requests for programs under the Older Americans Act, services to our senior citizens will decrease, and the number of older Americans served will decline.

Even more disturbing, Mr. Speaker, is that the President has taken an ax to the funds provided to sponsor demonstration programs designed to expand and improve upon community service programs for the elderly.

In place of the $17 million available for demonstration programs in this fiscal year, the President suggests that we cut $10 million for fiscal 1975, to a level of $7 million.

CHILDREN

Mr. Speaker, let me now turn my attention to a variety of programs concerned with the welfare of children—for the Select Education Subcommittee has jurisdiction, also, over child development programs.

Let me first tell my colleagues, Mr. Speaker, that last year when the subcommittee was considering legislation to deal with the tragic problems of the abuse and maltreatment of young children, the Department of Health, Education, and Welfare, initially told us that the measure was unnecessary because the Department would be spending at least $4 million on this problem in the coming year.

But bipartisan cooperation on the part of the subcommittee members enabled us to resolve most of our differences with the administration on this measure so that a bill was passed and the President last week signed it into law.

But when, Mr. Speaker, I looked at the budget for the funding of child abuse activities within the Department of Health, Education, and Welfare, I found to my astonishment that no money seemed to be available.

For although the budget states that research and development moneys, in the Child Development Division of the Assistant Secretary of Human Development, will be available for programs to combat child abuse, only $15.7 million—or an increase of $500,000 over the fiscal 1974 figures—is available for all research and development on child development.

Mr. Speaker, if the administration indeed intends to honor its commitment to Congress for child abuse programs, where is the money?

Or is the Nixon administration playing a budgetary shell-game with the lives of thousands of young children?

Let me now, Mr. Speaker, turn to the Head Start program—which has proved to be of significant value in helping disadvantaged youngsters prepare for entry into school.

Although the President is requesting an additional $37.9 million for the Head Start program—an increase over the Fiscal 1974 budget of almost 10 percent—it is a cause of dismay to realize that this 10 percent increase is intended according to the budget, only to keep up with inflation.

For the budget notes that the increase is required to continue to serve the 379,000 children served in 1974 and to maintain the quality of services offered.

So here again, Mr. Speaker, we see not an advance in the number of children served, but merely the maintenance of the status quo.

And if this observation is true with respect to Head Start, for which a 10-percent increase is proposed, is it not also true with respect to the programs funded under the Older Americans Act—which, we have already seen, will receive no increase—and the vocational rehabilitation program?

REHABILITATION

For with respect to the programs supported under the Rehabilitation Act of 1973, Mr. Speaker, I must again point out to my colleagues that the President's budget proposes that we stand still.

And if we are to accept the logic of the budget document with respect to Head Start, we know that standing still will mean either a reduction in the number of handicapped people served or a dilution of the quality of the services offered.

Mr. Speaker, the President would, no doubt, respond that he is not proposing to reduce appropriations for rehabilitation services, but is, indeed, increasing his request for the basic State program from the $630 million appropriated in fiscal 1974 to $670 million for fiscal 1975, close to the fully authorized amount of $680 million.

Although that is true, Mr. Speaker, I must point out that what the President gives with one hand, he is taking away with the other.

For to balance the $40 million increase in the basic State program, the President suggests that Congress slash $38 million from research and special projects—two areas of critical importance to the development of new and improved programs to assist the handicapped.

Mr. Speaker, the budget message of the President quotes with approval the following remark from a great President, Abraham Lincoln:

> The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot do well, for themselves, in their separate and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere.

And, notes President Nixon: "I share this belief."

I, too, Mr. Speaker, share this belief. I believe most Members of Congress, of both parties, do.

But, Mr. Speaker, with respect to those persons in our society whom we may call "vulnerable"—young children, the elderly, the handicapped—Mr. Nixon's proposed budget for 1975 does not reflect the convictions of Abraham Lincoln.

For President Nixon cannot seriously ask us to believe that abused young children are better able to defend themselves on their own.

Nor can he ask us to accept the notion that our 7 million handicapped fellow Americans require no further increases in assistance.

And I reject, Mr. Speaker, the contention that 20 million Americans aged 65 and over deserve no increase in funds for the programs authorized by the Older Americans Act and the Nutrition Program for the Elderly Act.

To reiterate, Mr. Speaker, President Nixon's budget for fiscal 1975 does not, in fact, reflect the words he would have us think he believes, namely, that Government should help those who cannot help themselves.

Let me conclude, Mr. Speaker, by reminding my colleagues of some words spoken by another great American President.

I refer to the second inaugural address of Franklin D. Roosevelt.

Said President Roosevelt:

> The test of progress is not whether we add more to the abundance of those who have too much, it is whether we provide enough for those who have too little.

Mr. Speaker, for too long the vulnerable groups in our society—children, the disabled, and the elderly—have had too little.

Let us not continue this tradition of neglect by accepting the budget just submitted to Congress by President Nixon.

MR. NIXON'S EDUCATION MESSAGE

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 10 minutes.

Mr. O'HARA. Mr. Speaker, President Nixon has frequently criticized his predecessors for proposing programs which in performance failed to live up to their promise. But Mr. Nixon's own education message generated hopes which his education budget utterly failed to redeem. The fiscal year 1975 education budget is a classic example of disappointed expectations.

The budget for HEW's education division in a year of increasing needs and costs is about the same as fiscal year 1974, and less than fiscal year 1973. There are, also, changes within the overall education total, with sharp reductions in

aid to impacted areas, in other elementary and secondary education programs, and in library resources. These reductions are accompanied by a net increase of $272 million for higher education which is achieved by an increase in the recommended appropriation for basic education opportunity grants by $825 million, offset by reductions of $553 million in other student assistance and institutional aid programs.

The President's budget cuts assistance for construction of college and university facilities; cuts the funding for foreign language training and area studies; eliminates aid to land-grant colleges; reduces Federal support of the training and development of university teachers; and provides zero funding for university community services, State Postsecondary Education Commissions and veterans' cost of instruction programs.

And most regrettably, Mr. Speaker, the Nixon budget continues to completely ignore the enactment of title X of the Higher Education Act of 1972. That title authorized substantial new programs of assistance to technical and occupational education and to our Nation's community colleges. Not only has the administration once again refused to request funds to carry out this part of the law it has, ever since the enactment of title X, been dragging its feet on preliminary steps leading to the creation of State Postsecondary Education Commissions which must be brought into existence before the Congress can fund title X. This flouting of congressional intent and of the decisions made by the Congress and enacted into law is unfortunately a dereliction of duty typical of this administration's dealings with education programs—representing the belief, no doubt sincerely held by the White House, that the law is only a pious suggestion that the executive branch is free to ignore, suspend, disobey, or declare "inoperative" pursuant to the higher wisdom residing in the executive branch and in the Office of Management and Budget.

Nowhere is this disregard for the law more apparent than in the President's budget request dealing with higher education student assistance programs. The 1972 law establishing the basic educational opportunity grant program provided that funds could be appropriated for this new program only after the existing institutional programs, college work study, national direct student loan and supplemental educational opportunity grants had been funded at certain minimum levels established by the law. This year for the third year in a row the Nixon budget asks, not that this part of the law be changed but that the administration be excused from following it. On the previous occasions the Congress has refused to grant the executive branch a dispensation from following the law. I know of no one in or out of the executive branch who thinks that the Congress will give such a dispensation in this third year of the BEOG program. To do so and place our entire reliance for student assistance on the basic educational opportunity grant program, the guaranteed student loan program, and a cutback work study program would be highly irresponsible. This year, only first year students are eligible for basic educational opportunity grants. But even so, the eligibility standards under the program have been drawn so restrictively by the Office of Education, in an effort to reduce the number of successful applicants, that not all of the statutorily eligible students badly in need of financial assistance will obtain help. What then does the budget suggest as a replacement for the assistance students have been eligible to receive under the institutionally based supplemental educational opportunity grant and direct student loan programs? Presumably students would be forced to resort to the guaranteed student loan program. But the volume of loans under the guaranteed student loan program is down very sharply since the adoption of the 1972 amendment requiring each applicant for a guaranteed bank loan to obtain and present to the lender a "needs analysis" from the student aid officer at the institution he proposes to attend. For this and other reasons guaranteed student loans are now harder to obtain than before, not easier. And to blithely suggest that the recipients of SEOG and NDSL assistance could make up for the loss of that financial help through recourse to the guaranteed student loan program is unrealistic to say the least. The administration has not even chosen to support changes in the law to make guaranteed student loans more accessible for families of moderate income, but has instead proposed writing letters to the presidents of lending institutions.

Mr. Speaker, the President's student aid objectives as set forth in his message deserve the support of us all. They are objectives to which few of us would take exception. "No qualified student should be denied a college education, because of a lack of funds." That is a standard to which the wise and honest can repair. But Mr. Speaker, the man who wrote that message and the man who wrote the budget apparently are not on speaking terms, because the budget falls sadly short of even making a reasonable beginning toward the goal's so eloquently enunciated message.

Mr. Speaker, I think education is a sound investment. I think educating our young people, giving them new skills, new ideas, training their hands, and sharpening their minds, is a wise and prudent way to invest public funds.

I think this Nation has operated on that belief virtually since the days of our Founding Fathers, and I think it is unfortunate that we are not operating on that belief in this administration. But more important than the question of specific education programs, more important even than the question of priorities, is the question of the rule of law. And it is in precisely this area that I must most sharply disassociate myself from the President's 1975 education budget. It is regretful that the budget is an inadequate one—a budget that devotes too small a part of our national resources to the education of our children. But it is even a greater cause for regret that the budget continues to be a lawless one—a budget that ignores the law and seeks to justify its lawlessness in terms of what the country can in the opinion of Mr. Nixon and his assistants afford to do. Mr. Speaker, the one thing this democratic republic cannot afford is to let the budget replace the rule of law.

HOW TO INCREASE GASOLINE SUPPLIES IMMEDIATELY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 15 minutes.

Mr. WYMAN. Mr. Speaker, I have today reintroduced legislation, with 88 cosponsors, to temporarily suspend automobile emissions standards in those parts of the country without a significant auto-related air pollution problem. This proposal would also give dealers the right to improve gasoline economy on cars brought in to them and sold by them, including modification or removal of emissions controls as appropriate.

The suspension would not apply to those areas heavily impacted by auto emissions. The bill specifically authorizes the Administrator of the Environmental Protection Agency to require emissions controls in 13 air quality control regions, comprising the greater part of California, the megalopolis from Boston to Washington D.C., and Metropolitan Chicago, Phoenix, and Tucson. In over 90 percent of the geographical area of the United States, however, there is no need for automobiles to be equipped with pollution control devices in order to protect public health or the environment.

The bill would take the automobile industry to a two-car policy, with about one-half to two-thirds of the cars being produced without emissions controls and the remainder with. The industry can live with this. In fact, a two-car policy has been in effect since the mid-sixties, because of the more stringent antipollution standards set by California.

Removing emissions devices where they are not needed will save billions of gallons of gasoline annually. The Department of Transportation reports that in 1973 passenger cars and taxis used 69.2 billion gallons. An increase in fuel economy of only 10 percent in half the cars in the Nation would result in a 3.5 billion gallon saving in 1 year.

The fuel penalty due to emissions controls in 1973 and 1974 cars is estimated to be approximately 17 percent by the Du Pont Co. I include their results at the end of my remarks. All but about 2 percent of this should be recoverable immediately, with the remainder due to the switch from high to low compression engines.

With the price of gasoline approaching 70 cents per gallon, and with shortages even interrupting schoolbus operation, it is imperative that the Congress act now to eliminate unnecessary wasting of gasoline. I am including a list of those courageous Members who, despite unfounded claims that a partial suspension of emissions standards would destroy the environment, have cosponsored this legislation in the public interest.

LIST OF SPONSORS

Mr. Bray, Mr. Whitehurst, Mr. Rose, Mr. Cleveland, Mr. Myers, Mr. Montgomery, Mr. Ketchum, Mr. Goodling, Mr. Hudnut, Mr. Cochran, Mr. Waggonner, Mr. Towell, Mr. Beard, Mr. Casey of Texas, Mr. Collier, Mr. Ginn, Mr. Roberts, Mr. Scherle, Mr. Randall, Mr. Sebelius, Mr. Shipley, Mr. Guyer, Mr. Steeds, and Mr. Camp.

Mr. Hanrahan, Mr. Hicks, Mr. Henderson, Mr. Arends, Mr. Shuster, Mr. Jones of North Carolina, Mr. Wampler, Mr. Stratton, Mr. Bowen, Mr. Alexander, Mr. Dennis, Mr. Charles Wilson of Texas, Mr. Price of Texas, Mr. O'Hara, Mr. Ruth, Mr. Gross, Mr. Omar Burleson of Texas, Mr. Kuykendall, Mr. Latta, Mr. Milford, Mr. Johnson, Mr. McCollister, Mr. Landgrebe, and Mr. White.

Mr. Clark, Mr. Symms, Mr. Zion, Mr. Spence, Mr. Froehlich, Mr. Devine, Mr. Dickinson, Mr. Steiger of Arizona, Mr. Flynt, Mr. Dan Daniel, Mr. Rarick, Mr. Hammerschmidt, Mr. Collins of Texas, Mr. Archer, Mr. Abdnor, Mr. Minshall, Mr. Bevill, Mr. Robinson of Virginia, Mr. Young of South Carolina, Mr. Eshleman, Mr. Miller, Mr. Robert W. Daniel, Jr., Mr. Ichord, and Mr. O'Brien.

Mr. Andrews of North Dakota, Mr. Sandman, Mr. Ashbrook, Mr. McSpadden, Mr. Young of Alaska, Mr. Cederberg, Mr. Passman, Mr. Crane, Mr. Madden, Mr. Quillen, Mr. Hunt, Mr. McCormack, Mr. Michel, Mrs. Holt, and Mr. Lott.

[Excerpt from E. I. duPont de Nemours & Co. paper, "A Total Vehicle Emission Control System," May 15, 1973]

EFFECT OF EMISSION CONTROLS ON FUEL CONSUMPTION

In the absence of any other considerations it would be desirable to attain the lowest emission levels from automobiles that are technologically achievable. However, available information indicates that fuel consumption increases with increasing stringency of emission control. Preservation of our natural resources such as crude oil is very important so it is imperative to achieve a balance between gasoline utilization and the degree of air quality achieved. Therefore, the goal should be to set automobile emission standards at those levels which will just achieve the ambient air quality standards in the worst urban areas since this approach will minimize gasoline consumption.

To assess the fuel consumption penalty of achieving low, and perhaps unnecessarily stringent, emission levels in the future it is necessary to quantify the effect of emission control systems already installed on vehicles and predict what the penalties will be when more stringent emission control systems are used. Two studies on the effect of emission control systems on vehicle fuel consumption have been used. First, trends in fuel consumption and performance of car models produced since the 1970 model year have been determined at Du Pont. Second, a report detailing the fuel economy of more than 2,000 vehicles spanning the model years from 1957 to 1973 has recently been released by EPA (8). Data from these two studies are examined in this section and are used as a basis to assess the penalties which have occurred and to project anticipated fuel consumption penalties through the year 1976.

TEST FLEET AND PROCEDURES

The Du Pont Petroleum Laboratory has purchased a fleet of representative, current model cars each year for the past 20 years to determine the road octane quality of fuels and the octane requirements of cars. Since 1970, we have purchased each year a group of six cars of the same make and model, and equipped with the same accessories. We have determined fuel consumption and acceleration performance for these cars each year after they have been operated at least 5,000 miles. Information on the individual cars is summarized in Table 7.

From 1970 to 1971 the compression ratio of most engines decreased significantly with some additional reduction in the average for all cars for 1972 and 1973 models. As shown in Table 8, the average compression ratio declined 0.9 unit from 1970 to 1971 and 0.1 additional unit in both 1972 and 1973. Averages for the six cars were within 0.1 ratio of weighted U.S. average car based on studies of Coordinating Research Council Octane Number Requirement Surveys for 1970, 1971, and 1972 (9, 10, 11).

TABLE 7.—CARS USED IN FUEL ECONOMY PROGRAM

[V-8 automatic transmissions, 1970 to 1973 models]

Car make	Air conditioning	Displacement CID	Carburetor barrels
A	Yes	350	2
C	do	455	4
D	do	400	2
E	do	351	2
F	No	302	2
G	do	318	2

TABLE 8.—COMPRESSION RATIO OF CARS USED IN PROGRAM

[Manufacturer's published ratios]

Car make	Model year— 1970	1971	1972	1973
A	9.0	8.5	8.5	8.5
C	10.0	8.5	8.5	8.5
D	10.0	8.2	8.2	8.0
E	9.5	9.0	8.5	8.6
F	9.5	9.0	8.5	8.0
G	8.8	8.6	8.6	8.6
Average	9.5	8.6	8.5	8.4
Weighted CRC average [1]	9.4	8.7	8.6	----

[1] Based on analysis of data in CRC octane number requirement surveys for 1970–72.

The weight of the vehicles increased each model year with the average increasing 291 pounds from 1970 to 1973 as shown in Table 9. About half of this increase (148 pounds) occurred between the 1972 and 1973 models and is associated primarily with safety standards involving bumpers. A change in construction of Make F from unit body to frame and body coincided with an increase of 510 pounds for that car from 1971 to 1972. There were no significant changes in real axle ratios, tire sizes, or automatic transmission characteristics. Changes affecting carburetion, ignition timing, valve timing, and exhaust gas recirculation were made to the vehicles throughout the period to meet the successively more stringent U.S. vehicle emission standards.

Performance was measured in terms of time, in seconds, to acceelrate from 25 to 60 miles per hour and 0 to 60 miles per hour. Speed and time were plotted automatically from a speed sensor on a fifth wheel. Six repeat accelerations were run, three in each direction, on a straight and level section of a public highway. Results are based on the average of the times in seconds for the six accelerations.

Fuel consumption was measured by driving over a 26 mile urban-suburban course which included approximately nine miles of city traffic and 17 miles of suburban and interstate highways. A summary of the test course is outlined in Table 10. More time was spent in city traffic than on the highway. The test vehicles were fueled from auxiliary tanks located in the trunk and the fuel consumed was determined by weight difference.

The vehicles were tested in matched pairs so that they drove the course in identical time to insure that variations in traffic and thus variations in average speed on the course did not unduly influence the results. The drivers and the position of the cars were rotated and replicate tests of at least four determinations on each matched pair were made. Due to changes in traffic lights in the city portion of the test course the average speed has decreased from a value of 28.6 mph in 1970 to a current average value of 24.4 mph. Thus, it was not possible to compare data obtained several years ago with current data because the fuel consumption was affected by speed. A minor change has been made recently in the city portion of the driving to avoid some of the more congested streets and the average speed over the course is now about 30 mph or much closer to the value obtained when the course was originally set up in 1970. To compensate for these variations in speed in recent tests, the relationship between speed and fuel usage was determined by linear regression analysis and all fuel consumption data were normalized to an average speed of 24.4 mph.

PERFORMANCE AND FUEL CONSUMPTION OF 1970 TO 1973 CARS

Performance in terms of acceleration times for the six car fleet has deteriorated in the past four model years as shown in Table 11. An increase of 13 percent in acceleration time occurred between the 1970 and 1971 models. This increase probably is associated with the reductions in compression ratio and other changes made to meet the emission standards. Small increases were seen also between 1971 and 1972 models and 1972 and 1973 models. When the cumulative increase from 1970 to 1973 was calculated based on the individual changes in each year, the acceleration times apparently increased 23 percent. In view of this rather large change in vehicle performance, the 1970 vehicles which had been retained at Du Pont were run in direct match against the 1973 vehicles in early 1973. These evaluations showed that the differences between the 1970 and 1973 fleets were only 10 and 11 percent rather than 22 and 23 percent. Although the vehicles were checked thoroughly and adjusted to meet manufacturer's specifications, no explanation was found for the fact that the 1970 vehicles were not capable of repeating the acceleration times that they had displayed when they were relatively new. Perhaps the accumulation of approximately 30,000 miles had caused some deterioration in engine performance which was not detectable by conventional diagnostic techniques. However, it is clear that there has been a significant decrease in vehicle performance between the years 1970 and 1973 and the acceleration times of vehicles have increased by at least 10 percent. Approximately 5 percent of this increase is due to the increase in weight of the cars from 1970 to 1973 and the remainder is due to decreased power.

TABLE 9.—MEASURED WEIGHT OF CARS USED IN PROGRAM

Weight determined with full fuel tank and a constant allowance for driver]

Car make	Model year— 1970	1971	1972	1973
A	4,350	4,470	4,520	4,610
C	4,840	5,050	5,070	5,280
D	4,640	4,690	4,660	4,820
E	4,360	4,400	4,450	4,680
F	3,760	3,600	4,110	4,230
G	4,220	4,210	4,220	4,300
Average	4,362	4,403	4,505	4,653

TABLE 10.—URBAN-SUBURBAN FUEL CONSUMPTION ROAD COURSE

	City	Suburbs	Overall
Miles	9.0	17	26.0
Time, minutes	44.0	20	64.0
Speed, miles per hour	12.3	51	24.4

TABLE 11.—ACCELERATION TIME CHANGES, 1970-73

Year of test	Models tested	Acceleration time 0-60	Acceleration time 25-60
1970	1970	10.7	7.8
	1971	12.2	8.8
Increase, percent		13.0	13.0
1971	1971	12.0	8.5
	1972	12.2	8.8
Increase, percent		2.0	3.0
1972	1972	12.8	9.6
	1973	13.6	10.1
Increase, percent		7.0	5.0
Cumulative increase 1970 to 1973, percent		23.0	22.0
1973	1970	11.4	8.6
	1973	13.0	9.5
Increase, percent		10.0	11.0

In this report we have chosen to express fuel usage in terms of fuel consumption. The expression fuel economy or miles per gallon has been commonly used in the past but fuel consumption or the amount of fuel used per mile is a more meaningful measure of the effect of various vehicle changes on the demand for gasoline and relates directly to the utilization of natural resources. Fuel consumption is expressed as grams per mile because of the familiarity of this term in reference to exhaust emission measurements.

Fuel consumption of the 1973 cars is greater than for the corresponding 1970 cars as shown in Table 12. Fuel consumption increased each year, ranging from 6 to more than 9 percent more. The cumulative fuel consumption increase between 1970 and 1973 calculated based on the individual changes for each year was 24 percent. Because of the implications of changes of this magnitude it was decided to make a direct check between the 1970 and 1973 model cars.

The fuel consumption of 1973 cars was 14 percent greater than 1970 cars on a direct match basis. All of the fuel consumptions were regressed against average test speed and all data normalized to an average vehicle speed of 24.4 mph. The fleet average fuel consumption data are given in the lower part of Table 12. To further check these measurements, triplicate emission tests were made on each of the vehicles and the fuel consumption calculated based on exhaust emission analysis while conducting the 1975 CVS Federal emission test procedure. These data are shown in Table 12. Again, the fuel consumption increase was 14 percent for the 1973 models when compared with the 1970 model vehicles.

TABLE 12.—FUEL CONSUMPTION BY MODEL YEAR

Year of test	Speed (miles per hour)	Models tested	Fuel usage: Economy (miles per gallon)	Fuel usage: Percent loss	Fuel usage: Consumption (grams per mile)	Fuel usage: Percent increase
1970	28.6	1970	14.1		199	
		1971	13.1	7	214	8.0
1971	24.9	1971	13.1		214	
		1972	12.4	5	226	6.0
1972	24.4	1972	12.7		221	
		1973	11.6	9	242	9.5
Cumulative 1970 to 1973				19		24.0
1973	24.4	1970	13.0		215	
		1973	11.5	12	245	14.0
1973 [1]		1970	13.3		211	
		1973	11.7	12	239	14.0

[1] Calculated from exhaust analysis during CVS 1975 test procedure

The discrepancy between the direct determinations of the fuel consumption of the 1970 and 1973 vehicles and the calculated cumulative effect based on individual model year comparisons has not been explained at this time. However, it is believed that the most recent data, because of the greater number of tests and the fact that direct match tests were made, are more accurate.

About one-third of the increase in fuel consumption of the six cars between 1970 and 1973 was determined to be due to increased weight. The other two-thirds of the increase was due to other changes which had been made to control emissions. The effect of increased weight on fuel consumption was determined directly. The weight of the 1970 vehicles was increased approximately 500 pounds by placing weights, equally distributed, in the front and rear passenger compartments. Replicate, direct match fuel consumption measurements were made with the 1970 vehicles with and without the additional weights. The average fuel consumption data for the individual 1970 and 1973 vehicles were normalized to an average speed of 24.4 mph and are shown in Table 13 and Figure 4. The fuel consumption for the 1970 vehicles plus a sufficient amount of weight so that they equaled the weight of the 1973 vehicles is given also. The increase in fuel consumption of the individual 1973 cars ranged from -2 percent to 15 percent greater than for the 1970 cars at equal vehicle weights. The six-car fleet average increase in fuel consumption at equal weight was 9.4 percent for the 1973 cars compared with the 1970 cars.

The 9 percent increase in fuel consumption and the 10 percent increase in acceleration time can be attributed to the reduction in compression ratio and other engine changes to meet emission standards. If vehicle performance had been held constant, the increase in fuel consumption would have been greater

TABLE 13.—EFFECT OF EMISSION CONTROLS ON FUEL CONSUMPTION, 1970-73

[Average speed, 24.4 mi/h]

	Economy (miles per gallon)	Percent loss [1]	Consumption (grams per mile)	Percent increase
1970 A	11.7		240	
1970 A+260 lb	11.4		246	
1973 A	10.5	7.9	267	8.5
1970 C	11.6		242	
1970 C+440 lb	11.0		255	
1973 C	11.2	−1.8	250	−2.0
1970 D	12.0		234	
1970 D+180 lb	11.8		238	
1973 D	10.6	10.2	265	11.3
1970 E	13.6		206	
1970 E+320 lb	13.1		214	
1973 E	11.4	13.0	246	15.0
1970 F	13.9		202	
1970 F+470 lb	13.7		205	
1973 F	11.3	17.5	248	21.0
1970 G	15.4		182	
1970 G+80 lb	15.3		184	
1973 G	13.8	9.8	203	10.3
Average:				
1970	13.0		215	
1970+291 lb	12.5		224	
1973	11.5	8.6	245	9.4

[1] At equal vehicle weight.

COMPARISON OF DU PONT AND EPA DATA

Another source of data showing the effect of emission control systems on fuel consumption is the previously mentioned EPA report (8). These fuel economy data were calculated, we understand, by the EPA from carbon monoxide and carbon dioxide measurements made during the 1972 CVS Federal emission test procedure. More accurate results would have been obtained if allowance were made for the hydrocarbons emitted—this is particularly true for the pre-emission control cars which emitted substantially higher hydrocarbon levels than the 1970 and 1973 cars. The data from Table I of Reference 8 are illustrated graphically in the upper part of Figure 5 and the data corrected for hydrocarbon emissions are shown in the lower part of Figure 5. The fuel economies for the model years 1964 through 1967 were averaged to give representative fuel economies for the model years immediately prior to the institution of Federal exhaust emission controls in 1968. Also shown are the fuel economy data for the years 1970 and 1973. In their report, the EPA averaged the data for all vehicle weights and concluded there were no significant differences between 1970 and 1973 vehicles other than a weight effect. However, there are significant differences in the fuel economies of the 1970 and 1973 vehicles when compared with the pre-controlled vehicles at all vehicle weights above 3,500 pounds. In our opinion, the scatter in the data for vehicle weights below 3,500 pounds precludes any conclusion as to the effect of model year on fuel economy for these lighter cars. This scatter may be due to the lack of a sufficient number of data points for these lighter weight vehicles and the wide differences in the types of vehicles represented. Above 3,500 pounds, most of the vehicles are the conventional U.S. standard size sedans equipped with a relatively large displacement engine and an automatic transmission. Figure 5 not reproduced in the RECORD.

The Du Pont data showing a fuel consumption increase of 9.4 percent from 1970 to 1973 for a nominal 4,500 pound vehicle appears to be in reasonably good agreement with the EPA data. The fuel consumption data from the EPA study obtained from the faired curve corrected for hydrocarbon emissions shown in Figure 5 are given in Table 14. Also shown are the data from the Du Pont road test at a vehicle weight of 4,653 pounds which was the average weight of the 1973 test fleet. The fuel consumption of the 1973 vehicles compared with the 1970 vehicles increased from just under 4 percent for the 3,500 pound vehicles to more than 9 percent for the 5,500 pound vehicles. The EPA data corrected for hydrocarbon emissions comparing the 1973 vehicles with the pre-emission con-

trol 1964 to 1967 vehicles are shown in Table 15. Fuel consumption increased from 7 to 20 percent dependent on vehicle weight. These data illustrate the effect of reduced compression ratios and emission control systems on fuel consumption because the comparisons are made at equal weight.

TABLE 14.—EFFECT OF EMISSION CONTROLS ON FUEL CONSUMPTION, 1970–73

[Analysis of EPA report (8), corrected for unburned hydrocarbons]

	Fuel usage					
	Economy, miles/gal.			Consumption, grams/mile		
Weight, lbs.	1970	1973	Percent loss	1970	1973	Percent increase
3,500	13.2	12.7	3.7	213	221	3.8
4,000	11.7	11.0	6.0	240	255	6.2
4,500	10.6	9.9	6.6	265	283	6.8
[1] 4,653	12.5	11.5	8.6	224	245	9.4
5,000	9.9	9.1	8.1	283	308	8.8
5,500	9.4	8.6	8.5	298	326	9.4

[1] Du Pont road tests, average weight of 1973 fleet.

TABLE 15.—EFFECT OF EMISSION CONTROLS ON FUEL CONSUMPTION, 1964–67 TO 1973

[Analysis of EPA report (8) corrected for unburned hydrocarbons]

	Fuel usage					
	Economy, miles/gal.			Consumption, grams/mile		
Weight, lbs.	1964–67	1973	Percent loss	1964–67	1973	Percent increase
3,500	13.6	12.7	6.6	206	221	7.3
4,000	12.4	11.0	11.3	226	255	12.8
4,500	11.6	9.9	14.7	242	283	16.9
5,000	10.9	9.1	16.5	257	308	19.8
5,500	10.3	8.6	16.5	272	326	19.9

ESTIMATED FUEL CONSUMPTION LOSSES FROM PRE-1968 THROUGH 1976 MODELS

The information from the previous section can be used to quantify the effect of compression ratio reductions and emission control systems on fuel consumption for systems already in use. Information provided by the automotive companies and various study groups commissioned by the EPA to study future control systems can be used to project the effect on fuel consumption of future emission control systems which meet the U.S. 1976 emission standards.

The fuel consumption increases from the previous section have been plotted for Figure 6 for an average 4,500 pound vehicle. The penalties would be greater for a heavier vehicle and would be less for a lighter vehicle. The cumulative increase in fuel consumption through 1973 model year as compared with pre-emission control cars is 17 percent. This increase is due to many factors such as changes in carburetion, spark timing, compression ratio, valve timing, and the introduction of exhaust gas recirculation in the 1973 model cars. The increase however does not contain any component related to vehicle weight. Projections of increases in fuel consumption beyond the 1973 model years are difficult in that prototype 1975 and 1976 vehicles are not available for test at this time. However, during testimony at the recent remand hearings before the EPA, the automobile manufacturers discussed the fuel economy losses that would be encountered in their best effort 1975 prototype vehicles (12, 13, 14). Their estimates for the fuel economy loss for the 1975 models when compared with the 1973 models ranged from 0 to 10 percent. We have assumed an average value for the loss between 1973 and 1975 of 5 percent in terms of fuel economy. This loss, coupled with previous penalties, results in a cumulative increase in fuel consumption from pre-1968 models to the 1975 models of 24 percent. The imposition of stringent nitrogen oxide emission controls in 1976 will bring about a further increase in fuel consumption. It has been estimated that the decrease in fuel economy would range from 5 to 20 percent comparing the 1976 models with the 1975 models (15, 16, 17). Again, we have assumed a median value of 10 percent economy loss between the 1975 and 1976 vehicles. This penalty results in an overall increase in fuel consumption of 42 percent for the 1976 vehicles compared with pre-emission controls.

The foregoing discussion illustrates the extent of the increased fuel consumption penalties that reduced compression ratios and emission controls have caused and are anticipated to cause in the future. Current model full size American built cars use approximately 17 percent more fuel than pre-emission control models and it is anticipated that by the time hydrocarbons and carbon monoxide have been decreased to the 1975 interim California levels the total penalty in terms of increased fuel consumption will rise to approximately 24 percent. Imposition of the very stringent NOx standard in 1976 as mandated by the Clean Air Act Amendments will cause the increase in fuel consumption to total 42 percent when compared with pre-emission control vehicles. The amount of the increase probably will be somewhat different with different kinds of emission control systems but the major change will take place with the scheduled imposition of the more stringent standards in 1976 as shown in Figure 6.

Increases up to 42 percent in the gasoline consumed by vehicles require that the need for such stringent automotive exhaust emission standards as mandated by the Clean Air Act Amendments of 1970 be examined critically. If the ambient air quality standards can be met with less stringent emission control, great savings in domestic crude oil and decreased demand for imported crude oil will be realized.

BILINGUAL EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I am encouraged by the progress made in bilingual education.

Just last month, the Supreme Court held that Federal civil rights law requires San Francisco public schools to take steps to insure that the nearly 3,000 non-English-speaking children are equipped with language skills to profit from their required attendance at school. Justice Douglas, in writing for the majority stated:

> Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic (English) skills is to make a mockery of public education.

In our country, we must remember that we wear an ethnic coat of many colors, and American pluralism is healthy.

Fortunately, there is also a commitment on the part of the Congress to implement bilingual education programs in the Nation's schools. The Bilingual Education Act of 1968, title VII of the Elementary and Secondary Education Act—ESEA—remains the major source of bilingual education funds. As my colleagues are undoubtedly aware, title VII is designed to meet the needs of children 3 to 18 years of age who have limited English-speaking ability and who come from homes where English is not the dominant language. Title VII provides money in the form of grants to local education agencies for the implementation and development of bilingual programs, and its guidelines encourage the instruction of the history and cultural heritage which reflects the value systems of speakers of both languages. The bilingual programs include early childhood programs, adult education, and instruction for dropouts.

According to the Office of Education, under title VII ESEA, 111,000 children throughout the Nation were served in fiscal year 1973, and an estimated 143,000 in fiscal year 1974. Although these numbers are still minimal in comparison to the 5 million students in need of bilingual instruction, we are attempting to expand the availability of services to more pupils when the bilingual education act is renewed this year.

Other bills the Congress will consider include the Emergency School Aid Act, Education Profession and Development Act—bilingual teacher training—the Indian Education Act, Head Start, and Follow Through. We must enact the best legislation to expand services, narrow the education gap between students, and change favorably the attitudes of parents, students, and administrators toward bilingual education.

We are clearly a long way from the time when several States had policies whereby a teacher could lose his license if he taught bilingually. According to the Office of Education, over $14 million in State funds were committed to bilingual education for fiscal year 1974.

In addition to the Court decision and efforts at both the State and Federal level, efforts are underway by private individuals. In May of this year, an Annual International Bilingual Bicultural Education Conference will be held in New York City to promote peace and harmony among the peoples of the world. Because I am committed to bilingual education in this country, and because I also believe knowledge and appreciation of other languages is important to our relations abroad as well, I have sponsored House Joint Resolution 883. Briefly stated, that legislation will proclaim the week of May 13, 1974—during which time the conference will be held—as "Bilingual Education Week."

I take this opportunity to urge the immediate and favorable consideration of this resolution, and also any other legislation that would be of assistance in providing for the educational needs of culturally differentiated groups in our country.

MURRAY M. CHOTINER LEAVES THE SCENE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 30 minutes.

Mr. HOSMER. Mr. Speaker, early in the morning of January 30, death came to Murray M. Chotiner in Washington, D.C. He was the victim of the dangerously careless driver of a Government truck.

In Murray's passing thousands of people throughout the land, including the President of the United States, lost a beloved and respected friend. The President issued this statement from the White House immediately on learning of Murray's death:

THE WHITE HOUSE—STATEMENT BY THE PRESIDENT

I am profoundly saddened by the death of Murray Chotiner. For more than a quarter of a century he was an ally in political battles; a valued counsellor; and a trusted colleague. But above all, Murray Chotiner was my friend. His friendship never wavered; in periods of adversity it grew stronger.

While some recoil from the label, "politician," Murray was rightly proud of it because he was a professional who had the respect and admiration of those who worked with him. In life he had my respect and deep friendship; he will forever have my gratitude. I shall miss him.

Mrs. Nixon joins me in extending to his wife, Nancy, and their family, our heartfelt sympathy.

Hundreds of telegrams and letters of condolence from everywhere have been received by Murray's wife, Nancy. They are signed by people whose names are known the world around. The burden of sorrow which falls now so heavily on her and upon Murray's children and grandchildren is lightened only by their knowledge that it is shared by so very many others, including Mrs. Hosmer and myself.

Murray M. Chotiner was a complicated, charismatic and brilliant man. To his friends he was a delight and to his enemies a very able and very effective opponent. To both he was at once a many-sided intellectual and a decisive man of action.

I first met Murray Chotiner more than a quarter of a century ago when I entered congressional politics in California. Then and thereafter I was never able to afford his services as a campaign manager, but just as decisively, I could never afford to lose the companionship he so abundantly offered as a true and loyal friend.

The variety of attitudes concerning the man himself, but ceaseless admiration for his abilities were caught by two veteran Washington reporters in their writings after learning of the senseless tragedy which caused his death. The first is by Lou Cannon. It appeared in the news section of the January 31 Washington Post. The second is by Vic Gold. It was part of the editorial page of the Washington Star-News of February 5.

[From the Washington Post, Jan. 31, 1974]

MURRAY CHOTINER, CLOSE FRIEND OF NIXON

(By Lou Cannon)

He was called the creator of Richard Nixon by Mr. Nixon's enemies and the discoverer of him by Mr. Nixon's friends. The President counted him as one of his most abiding supporters. Historians agree that he rescued Mr. Nixon from the most severe crisis of his vice presidency and preserved his place in public life.

Murray Chotiner died yesterday, on the eve of his President's fifth State of the Union message. His death closed a chapter of an era of bare-knuckles California politics that once divided the country but which came to seem strangely tame and even reassuring in the year of Watergate.

"Just stand there in your Navy uniform, keep your mouth shut and I'll get you elected to Congress," is the way Mimi Nemeth, one of Mr. Chotiner's three ex-wives, recalled his initial advice to Mr. Nixon.

Mr. Chotiner engineered Mr. Nixon's headline-grabbing campaign against Rep. Jerry Voorhis in 1946, which depicted Voorhis as an ally of Communists without ever calling him one. He used the same format in 1950 when Mr. Nixon, fresh from his victory over Alger Hiss, ran for the Senate against Democrat Helen Gahagan Douglas.

Mr. Chotiner devised "a pink sheet," on pink paper, that compared Mrs. Douglas' voting record with that of Rep. Vito Marcantonio, of the Communist-line American Labor Party. Mr. Nixon won.

"I say to you in all sincerity that if you do not deflate the opposition candidate before your own campaign gets started, the odds are that you are doomed to defeat," Mr. Chotiner said in explaining his philosophy to a Republican campaign school in 1955.

Mr. Chotiner's career was intertwined with Mr. Nixon's, but he was well known in California politics before Mr. Nixon came on the scene. He managed the campaigns of various GOP congressional candidates and of Sen. William Knowland and Gov. Earl Warren.

Mr. Nixon's biographer Earl Mazo recalls that Mr. Chotiner used to chuckle over stories saying that he "created" Mr. Nixon.

"Damn it, why do they always say I was the creator of Nixon," Mazo remembers Mr. Chotiner as saying. "I started out by creating Earl Warren."

But it was Mr. Nixon, more than any Chotiner pupil, who appreciated his advice about taking the offensive. This advice, by Mr. Nixon's own account, probably salvaged Mr. Nixon when President Eisenhower attempted to jump him from the ticket in 1952 after accounts about a "Nixon slush fund."

In his autobiography, "Six Crises," Mr. Nixon recalls that he was just starting to write a letter to the Republican National Committee protesting what was happening when Mr. Chotiner "bluntly" barged into his office.

"Dick," he said, "a good campaign manager must never be seen or heard. But if you're kicked off this ticket, I'm going to break that rule. I'm going to call the biggest damn press conference that's ever been held . . . And I'm going to tell everybody who called who, what was said—names and everything."

"Would you really do that?" Mr. Nixon asked.

"Sure I'd do it," Mr. Chotiner answered. "Hell, we'd be through with politics anyway. It wouldn't make any difference then."

Mr. Nixon said that Mr. Chotiner left without waiting for a reply.

"I was glad that he had come in," Mr. Nixon wrote. "His devil-may-care attitude, so uncharacteristic of him, had broken the tension and given me a needed lift."

Mazo gives Mr. Chotiner credit for the famous "Checkers speech"—"The kids, like all kids, loved the dog and I just want to say this, right now, that regardless of what they say about it, we are going to keep it"—which turned the tide of Republican sympathy to Mr. Nixon and preserved his place on the ticket.

"Murray was the only one in the entourage who wasn't destroyed by events," says Mazo. "He knew that Nixon would wind up doing what he wanted him to and that everything would turn out all right—and it did."

Mr. Chotiner's family moved from his birthplace in Pittsburgh, Pa., to southern California in 1922 when he was 13. He obtained a law degree from Southwestern University in Los Angeles after completing a year of prelegal studies at UCLA. Only 19 at the time, he had to wait two years to be admitted to the bar.

In his law practice Mr. Chotiner gained a reputation as a shrewd, effective attorney. Some of his clients, including several with gangland connections, were once described by Mr. Chotiner as "unsavory, to say the least."

Mr. Chotiner first became significantly active in politics in 1942 when he headed the southern California organization for Warren's first gubernatorial campaign. He performed a similar service for incumbent Sen. Knowland in 1946, the same year he served as public director for Mr. Nixon's first campaign.

Despite a frequently troubled private life, the jowly Chotiner was popular with a myriad of lawyers, politician and reporters for a quick and sometimes sardonic sense of humor. "He always made the campaign workers feel they were somebody important," recalled one veteran of the California campaigns.

Mr. Chotiner was preparing to assume an important role in the 1965 Eisenhower-Nixon re-election campaign when a Senate subcommittee asked him to explain his dealings with two clothing manufacturers accused of kickbacks to government procurement officers. He denied the charges and the investigation was dropped.

However, the investigation apparently cost Mr. Chotiner a role in the campaign, and he subsequently played only a minor part in Mr. Nixon's unsuccessful races for the presidency in 1960 and the California governorship in 1962.

Nonetheless, he remained loyal to Mr. Nixon and convinced him that he could some day be elected President.

His ex-wife, Mimi Nemeth, said in a recent interview that she regarded Mr. Nixon and Chotiner as essentially the same: "The two men are so similar that it's eerie. . . . They look more alike than brothers do. They both have the receding hairline, the crinkly hair, the five o'clock shadow, the jowls. When (John) Mitchell became attorney general, I began calling it the jowl administration."

When Mr. Nixon became President in 1969 he attempted to install Mr. Chotiner as the No. 2 man at the Republican National Committee, an action that precipitated the resignation of Chairman Ray Bliss. Subsequently, Rogers Morton took the job after winning a pledge that Mr. Chotiner would not be appointed to the job.

Mr. Chotiner played a role in the largely unsuccessful 1970 attempt by the Nixon administration to win Senate elections against "radiclib" candidates. Some of Mr. Chotiner's friends say Mr. Nixon had hired him for the Senate campaign after a newspaper article appeared declaring that Mr. Nixon had abandoned his former campaign manager.

Essentially, Mr. Chotiner never got along with the crew-cut, confident young businessman types that came to typify both the Nix-

on administration and the Committee to Re-elect the President. He also was not on close terms with Nixon aides H. R. Haldeman and John D. Ehrlichman and, during the 1972 campaign, was given the largely token job of "ballot security."

In private conversations Mr. Chotiner became throughout 1972 increasingly critical of the "stupid" conduct that had led to Watergate.

"Murray would have run a tough campaign but it wouldn't have been stupid," Mazo said yesterday. "I also doubt that it would have been crooked."

This view is shared by former Rep. Patrick J. Hillings of California, who succeeded Mr. Nixon in his congressional district and was a longtime law associate of Chotiner.

"I don't think Watergate would have happened if he had been in there," Hillings said. "I don't think he would have put up with that Watergate business. And he was one of the few people who spoke up to the President. He fought hard and he fought aggressively, but he fought clean, and he took a bad rap."

Speaking of Watergate to a group of Young Republicans on March 31, 1973, Mr. Chotiner said: ". . . I think it was a stupid, useless inane experiment by people who have seen too many TV shows and especially too many productions of Mission Impossible."

Last August, Mr. Chotiner described the President as "unhappy" about Watergate and ready to go on the offensive.

"By now, I would say he is probably finding himself and is ready and willing to fight back," Mr. Chotiner said. "He's that kind of fellow you can't push into a corner; he comes out fighting. He would rather have peace, but he won't take things lying down."

Mr. Chotiner was named a special counsel to the President in 1970, the job he held while advising the White House on the ill-starred election campaigns. Since March, 1971, he has been associated with the law firm of Harrison, Lucey, Sagle and Solter, with offices across the street from the White House.

He was scheduled later this week to announce a new partnership with attorney George Webster with offices a half block away at 1747 Pennsylvania Ave. NW.

Mr. Chotiner died believing that President Nixon will weather the storms of Watergate. Mazo recalls that in a post-Christmas conversation Mr. Chotiner predicted that the President would be able to put Watergate behind him "by the spring."

In the same conversation, Mazo says, Mr. Chotiner expressed his view that "Dick wouldn't have had anything to do with it."

It was the last tribute to Richard Nixon from the man who more than any other person in politics launched and kept alive the career that put him in the White House.

[From the Washington Star-News, Feb. 5, 1974]

THE PASSING OF MURRAY THE CANDID

Murray Chotiner, the campaign manager who guided Richard Nixon through his early political years, died on the afternoon preceding his onetime political protege's fifth State of the Union address. It was a speech that will be best remembered in history for its Watergate addendum.

In years to come, to be sure, Chotiner will also be remembered, whenever Republican campaign experts gather to tell tall tales, as a professional's professional. But the truth is that "the man who created Nixon" was throughout his career a political amateur, in the pure and best meaning of the word: one who participates for love of the game itself.

Chotiner loved the human interplay of politics, the way all competitors relish the challenge of a game they play naturally and well.

An observer once described Chotiner as the Republicans' non-Irish answer to the Democrats' Jim Farleys and Larry O'Briens. Indeed, had he worked for FDR or JFK, Chotiner's political gifts and exploits would have been exalted by his worst critics—those on the knee-jerk left who never forgave him for having helped win the early Nixon campaigns against liberal folk heroes.

But for the vagaries of liberal semantics, the Chotiner described as Nixon's "hatchet man" might have been FDR's "point man." And Nixon's "ruthless" campaign manager could have been JFK's "hard-nosed" political adviser. By such distinctions are reputations and legends made.

When I first met Chotiner he was already a legend—and had been for two decades—in the political campaign field. His image from afar, as projected by what I had read and heard of him, was that of a somber, even sinister, gray eminence of the political right (although before Nixon, he had handled Earl Warren's campaigns in California).

It took all of a minute for Chotiner to puncture that preconception. At Murray's conversational pace that 60 seconds produced two outrageous puns and three irreverent verbal darts cast in the direction of the nearest stuffed shirt. So this was Nixon's Dr. Frankenstein?

Murray Chotiner was a man, I learned firsthand in the years following, of wit, warmth, perspective—and that rarest of all political attributes, candor. Yet, ironically, in a town full of journalists who deplore the absence of candid political talk, Murray's very forthrightness came to be used against him.

There was, for one memorable example, that speech he delivered to a group of party campaign workers in the mid-1950s—the one in which he spelled out his rough-and-tumble philosophy of political campaigning. It was nothing, really, that anybody who knows anything about politics—this side of the League of Women Voters—would find shocking. But the crocodile roars from the liberal cirtics could be heard for miles around and years to come.

Watergate was beyond the comprehension of a man who loved the game, understood the system, and knew where the line was drawn between rough politics and dirty tricks. By 1972, however, Murray the Candid was no longer within the closed circle of a protege who had come to rely on men who told him what he wanted, rather than what he ought, to hear.

So it was, listening to the President deliver his State of the Union message the night his mentor died, I couldn't help but think that, had he continued taking counsel from the flesh-and-blood Chotiners instead of the mechanist Haldemans, that addendum wouldn't have been necessary.

We are all going to miss Murray. Richard Nixon already has.

To take part in his funeral 20 of Murray Chotiner's longtime friends from various walks of life were named as his honorary pallbearers at ceremonies at the Washington Hebrew Congregation on Monday last. They were: Ray Arbuthnot, Jim Bishop, Jack Drown, Robert Finch, Syndey Floersheim, Marion E. Harrison, Robert Hartmann, Robert Hill, Pat Hillings, Joe Holt, and Craig Hosmer.

Oakley Hunter, Donald Jackson, Charles E. Lucey, Fred Mcalpin, John E. Nidecker, William Price, Eugene Reeves, Robert F. Sagle, and Myron Solter.

The funeral was attended by hundreds of mourning friends, including the President and Mrs. Nixon.

At this ceremony Prof. Irving Ferman, a law professor at Howard University, described Murray Chotiner's personal life and professional accomplishments as a lawyer, not his political life. Professor Ferman spoke of Murray's "utterly refreshing wit," his "thoughtfulness and courtesy toward everyone," his "concern for civil liberties" and many other facets of his life.

Julie Chotiner wrote an essay concerning her father which was read after Professor Ferman's tribute.

Julie's essay is a personal thing. For that reason I have not asked that it be reproduced here. But I can say that she wrote of her father as a hero. She said he was "fun, fair, honest" and knew most about politics. "The only bad thing I can think of is his bad memory," said Julie, and then added, "I respect my Dad greatly."

After the services, the President escorted Murray's widow, Nancy, and her daughters, Julie and Renee, to their car. He embraced the daughters and told Mrs. Chotiner, "He was a great guy."

And to me and to thousands that is exactly what he was.

GENERAL LEAVE

Mr. HOSMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the late Murray M. Chotiner.

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

There was no objection.

COMPREHENSIVE HEALTH INSURANCE ACT OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SCHNEEBELI) is recognized for 10 minutes.

Mr. SCHNEEBELI. Mr. Speaker, I am today introducing on behalf of the administration the Comprehensive Health Insurance Act of 1974.

The need to provide adequate health insurance to all Americans should be a primary national goal. The bill I have introduced today represents a comprehensive effort over a considerable period of time by the administration to respond to this need in a thoughtful and responsible way.

I am appending to my remarks an explanation of the bill prepared by the administration. I believe the bill deserves the careful attention of the Ways and Means Committee and the Congress, and I am hopeful that we will be able to consider this legislation at the earliest possible opportunity.

The explanation follows:

MAJOR FEATURES OF THE COMPREHENSIVE HEALTH INSURANCE PLAN

I. STRUCTURE

A. Employee Health Insurance Plan (EHIP):

All employers would be required to offer the basic insurance plan and Health Maintenance Organization (HMO) coverage to each employee under age 65 who has met the full-time hours of work test. Coverage extends to family members under 65. Employers may self-insure;

Election of coverage would be voluntary at the option of the employee;

The basic plan would also be available to self-employed and non-working families, in-

dividuals, and non-employer groups (e.g., unions or professional associations), through private carriers;

Employers would be required to offer coverage meeting the basic plan, and could offer optional plans supplementing the basic plan. Employers could not offer non-approved plans;

Employers would contribute 65 percent of premium expenses for covered employee (75% after three years). However, if an employer's payroll rises by more than 3 percent due to required contributions to coverage, then the Federal Government would pay a subsidy to the employer for employer premiums in excess of the 3 percent increase in payroll expenses. The subsidy would be 75 percent of such excess in the first year reduced by 15 percentage points each year thereafter;

The employer contribution toward coverage would begin 90 days after onset of employment and continue for 90 days after termination of full-time employment; and

An individual or family which has been enrolled in an Employee Health Insurance Plan would be allowed to continue coverage under the plan, at the employer's group rate, for 90 days following the period of a required employer contribution (a total of 180 days after termination), by paying the premium in full themselves.

B. Assisted Health Insurance Plan (AHIP):

States would contract with intermediaries to offer the basic plan to all residents of the State, except those with family incomes of $7,500 or more who are offered the Employee Health Insurance Plan;

Employers who desire to do so could offer AHIP (at 150% of the average group rate in the State) in fulfillment of the requirement to offer a mandated plan. Members of such employee groups could enroll in AHIP irrespective of income level;

Persons who would, in fact, enroll in AHIP:

a. families below $5,000 income ($3,500 for individuals) regardless of work status;

b. non-working families between $5,000 and $7,500 income ($3,500–$5,250 for individuals);

c. very high risk working families between $5,000 and $7,500 income ($3,500–$5,250 for individuals);

d. non-working families with unusually high medical risks (disabled and early retirees) regardless of income; and

e. unusually high risk employer groups.

All persons eligible for AHIP would have the option of obtaining coverage through an approved prepaid health care plan;

The premiums, deductibles, coinsurance, and maximum liability would be related to income;

Carriers administering AHIP coverage would be reimbursed by the State on the basis of actual benefits paid for coverage services, less income derived from the plan, plus a negotiated rate for administration;

Employers would be required to make a contribution to AHIP for low-income employees who elect that coverage, in the amount they would have contributed for other employees under an Employee Health Insurance Plan; and

For AHIP eligibles who elect coverage through a prepaid health care plan, the State would contribute an amount equal to the cost of providing AHIP coverage.

II. BENEFIT PACKAGE

A. Reimbursable Services:

Hospital services, not subject to a dollar limitation;

Physician services, not subject to a dollar limitation; and

Prescription drugs, out-of-hospital.

Mental Health services:

Inpatient—30 full days or 60 partial days; and

Outpatient—30 visits to a comprehensive community care center or private practitioner (the latter not to exceed 15 visits).

Special and preventive services for children:

Well child care up to age 6;

Eye examinations, developmental vision care, and eyeglasses up to age 13;

Ear examinations and hearing aids up to age 13;

Routine dental services up to age 13.

Other preventive services:

Prenatal and maternity services; and

Family planning.

Home Health Services—100 visits per year.

Post-hospital extended care—100 days per year.

Blood and blood products.

Other medical services, as in Medicare (prosthetic devices, dialysis equipment and supplies, x-rays, laboratory, ambulance, etc.).

B. Premiums and Cost-Sharing (EHIP and AHIP):

Employer Plan:

Premiums for employer groups of 51 or more employees and other families and groups being offered EHIP would be negotiated between employer and other groups and the insurance carrier;

Expenses for an insured individual which exceed $10,000 in a year cannot be attributed to the experience rating of the employee group through which the individual has obtained coverage;

Each insurance company would be required to offer the same rate to all employees in firms with 1 to 50 employees (subject to the single/family rate differential);

Rates for coverage under the plan cannot differ on the basis of family size and composition, except that there must be separate rate determinations for singles and families with the single rate being 40 percent of the family rate;

The benefit package as presently constituted would result in an approximate average group family premium of about $600. (A single person's premium could be expected to be $240.) The average premium required by this coverage per full-time employee is $415;

The employer would eventually pay 75% of premium costs and employees the remaining 25%;

EHIP would not reimbuse for services until the insured unit has met a deductible of $150 per person (maximum of three deductibles per family), with a separate $50 per person deductible on reimbursement for outpatient drugs;

After satisfying the deductible, the enrollee pays a coinsurance of 25 percent, with a maximum liability for cost-sharing (deductible plus coinsurance) of $1,500 in a year; and

There would be no per year or lifetime limitation on benefits paid by the Plan.

Assisted Health Insurance Plan (AHIP):

Premiums, deductibles, coinsurance, and maximum liability would be all income-related under the AHIP. The following schedule has been used in making cost estimates for the Comprehensive Health Insurance Act of 1974.

SINGLE

Annual income	Contribution [1]	Per person deductible: Drugs	Per person deductible: Other	Coinsurance (percent)	Maximum liability
I. 0 to $1,749	0	0	0	10	[2] 6
II. $1,750 to $3,499	0	$25	$50	15	[2] 9
III. $3,500 to $5,249	$120	50	100	20	[2] 12
IV. $5,250 to $6,999	240	50	150	25	[2] 15
V. $7,000 plus	360	50	150	25	$1,050

[1] Based on 50 percent of average group single rate in group III, 100 percent in group IV, and 150 percent in group V. Expected average group single premium rate equals $240.
[2] Percent of income.

FAMILY

Annual income	Contribution [1]	Per person deductible: Drugs	Per person deductible: Other	Coinsurance (percent)	Maximum liability
I. 0 to $2,499	0	0	0	10	[2] 6
II. $2,500 to $4,999	0	$25	$50	15	[2] 9
III. $5,000 to $7,499	$300	50	100	20	[2] 12
IV. $7,500 to $9,999	600	50	150	25	[2] 15
V. $10,000 plus	900	50	150	25	$1,500

[1] Contributions based on 50 percent of average group family premium rate in the State for group III, 100 percent for group IV, and 150 percent for group V. Expected average group family premium rate equals $600.
[2] Percent of income.

III. FEDERAL PROGRAMS

A. Medicare:

Medicare for the Aged would be retained, with the benefits changed to conform with the mandated health plan;

Medicare would continue to be administered directly by the Social Security Administration through its own system of fiscal intermediaries;

The benefit package would include the full range of services as in EHIP and AHIP. As a result, outpatient drugs and mental health services would be covered, and the aged would have far superior protection against catastrophic expenses—complete hospitalization and maximum financial liability. (Medicare now covers 90 days of hospitalization per episode plus a lifetime reserve of 60 days.);

A Medicare beneficiary would face an annual per person deductible of $100 on all services except outpatient drugs. The deductible for outpatient drugs would be $50. Beneficiaries would pay 20 percent coinsurance on expenses above the deductible up to a maximum annual liability of $750;

Medicare for the Aged would be financed from the current 1.8 percent payroll tax plus a small premium contribution by the enrollee (about $90 per person annually, roughly equal to the current Part B premium);

Federal, State, and local government employers and employees would participate in the Medicare system and be subject to the Medicare payroll tax;

Medicare beneficiaries who are low-income would be eligible for reduced premium payments and cost-sharing. The income testing and income definitions would be tied to SSI;

Dependents of Medicare beneficiaries below age 65 would be eligible to enroll in AHIP;

Medicare for the Disabled (including the kidney disease provisions) would cease as a separate program. The disabled would be eligible for AHIP coverage. Most current Medicare disabled beneficiaries would have better protection because of the catastrophic provisions and because a high proportion would qualify for reduced cost sharing because they are low-income but have Social Security cash payments which place them beyond Medicaid eligibility; and

Reimbursement for Medicare services in a State would be based on the same system as used in that State for EHIP/AHIP services.

B. Medicaid:

Medicaid would be terminated except for certain services not covered by the Compre-

hensive Health Insurance Act. These include (1) services in a skilled nursing facility or intermediate care facility; (2) care in mental institutions for persons under age 21 or over 65; and (3) home health services.

C. Indian Health:

The Indian Health Service would continue to provide health care to eligible Indians.

Indians may also participate in State AHIP programs.

D. Veterans Administration:

The VA would continue to operate a separate health care system for those eligible for VA benefits.

The VA system would be reimbursed for services not related to a disability incurred while in the military.

IV. REIMBURSEMENT POLICY

A. Healthcard:

All persons (including Medicare enrollees) would receive an identification card which would be evidence of financial protection for all covered services.

Participating providers of service would be required to accept the card as evidence of coverage and would bill the indicated carrier for covered services.

The carrier would reimburse the provider and would bill the enrollee for the applicable cost-sharing.

B. Classification of Providers:

Full-Participating Providers—would agree to accept reimbursement through the Healthcard as payment in full for all patients (EHIP, AHIP, and Medicare). To these providers the Healthcard would reimburse the full amount of the applicable reimbursement rates (the insured amount as well as the patient's cost-sharing). All institutions would be required to be full-participating providers;

Associate-Participating Providers—would agree to accept reimbursement through the Healthcard as payment in full for all AHIP and Medicare patients, and as payment of the insured amount of an Employee Health Insurance Plan enrollee's bills. To collect the remainder of his fee for the patient, the physician would bill the patient directly; and

Non-Participating Providers—would not be reimbursed from any approved plan for services provided.

V. REGULATION AND ADMINISTRATION

A. State Regulation and Administration—States must enact appropriate legislation fulfilling each of the following responsibilities to be eligible for Federal financial participation in the plan. This regulation must extend to prepaid health care plans as well as to all private carriers and self-insured employers;

Carriers and self-insured employers providing the basic plan would file their plans with the States, keeping the State advised of the employers and employees to whom the plan is provided. States would be required to provide for prompt review of the plan and determination as to whether it meets the requirements of the law;

Premium rates and rating structures would be reviewed for reasonableness (file and use procedure) for all private health insurance;

Enrollees would be guaranteed against noncoverage or nonpayment of claims related to the basic plan resulting from carrier insolvency;

An annual CPA audit would be required for all insurance carriers offering coverage under the plan;

Carriers would be required to disclose information with regard to services covered, rates, and the relations between premiums and benefits paid. This requirement must extend to all private health insurance sold;

All capital investment over $100,000 would be approved by a State-designated planning agency to receive reimbursement through the plan;

Medical services would be subject to Professional Standards Review Organization;

Physician reimbursement for covered services under the insurance plans would be based on amounts determined after consultation with providers and other interested parties. Physicians would be free to bill additional charges to those covered under the Employee Health Insurance Plan provided the patient is notified beforehand of such additional charges;

States would establish prospective reimbursement systems for hospitals;

Providers would make available to patients information regarding charges for most commonly given services, hours of operation and other matters affecting access to services, and extent of certification, accreditation, and licensure; and

In addition to administration and participation in financing of the AHIP, States would be responsible for certifying health care providers as eligible for participation in the Comprehensive Health Insurance Plan.

B. Federal Regulation and Administration—The Federal Government would:

Establish standards for eligibility;

Define the services to be reimbursed by the plan; and

Operate an expanded program of benefits for the aged.

VI. COSTS

Added Federal/State expenditures to finance the Assisted Health Insurance Plan would approximate $6.9 billion;

Added State spending under the Government Plan would equal about $1.0 billion. Much of this would be offset by reductions in other State health programs;

Added Federal spending would equal about $5.9 billion;

The Federal subsidy to assist low-income employees and their employers would equal about $0.45 billion; and

The additional cost of increased benefits for the aged would be $1.8 billion.

VII. FINANCING

A. Employee Health Insurance Plan (EHIP):

Would be financed jointly by employers and employees; and

Employers would be required to make a contribution to the EHIP for those employees who qualify and enroll.

B. Assisted Health Insurance Plan (AHIP):

Costs of AHIP above the income derived from enrollees would be shared by State and Federal governments. The States share would be related to current levels of State expenditures, ability to pay, and anticipated future expenditures under The Comprehensive Health Insurance Plan in that State. The total State share would be about 25%.

C. Medicare:

The Medicare Trust Fund (plus a small premium contribution (about $90 per year)) would pay for all services provided under the basic Medicare plan. The cost above the basic income aged would be borne by General Revenues and State contributions.

D. Medicaid:

A residual Medicaid program for long term care services would continue with the current Federal/State Medicaid matching formula.

VIII. SPECIAL PROVISIONS TO ASSIST SMALL EMPLOYERS

The following provisions have been incorporated, which would particularly assist small employers, since they have a higher proportion of low wage workers and pay higher premiums than large employers:

Where two members of the same family are eligible for Employee Health Insurance Plan coverage, only one could accept. This program would benefit small business, which hire a disproportionate number of secondary workers;

Each insurance company would be required to offer coverage at the same premium rate to all employees in firms with up to 50 employees. This provision would reduce the costs associated with carriers individually rating small groups. It also would minimize the adverse labor market effects against hiring medical risk individuals; and

The Federal government will subsidize the employer whose payroll costs increase by more than three percent as a result of The Health Insurance Plan. The excess over three percent will be subsidized by 75% the first year and reduced 15 percentage points each year thereafter.

FEDERAL PAPERWORK BURDEN RELIEF ACT—NECESSARY LEGISLATIVE ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. YATRON) is recognized for 5 minutes.

Mr. YATRON. Mr. Speaker, the Federal paperwork burden is a problem of vast proportions, for the entire Federal structure is replete with countless instances of necessary reporting requirements. In no way should the desirability or necessity for these requirements be diminished. However, it would be desirable and is necessary that they be coordinated, revised, and lessened. This can and must be accomplished. My bill seeks to do so.

The problem is compounded by the fact that there are actually three separate categories of paperwork, which are outlined below:

Line agencies: This segment of paperwork encompasses the various Federal Departments, such as Commerce, Labor, and so on.

Regulatory agencies: This category is self-explanatory. Numerous reporting requirements exist, relating to such agencies as ICC, FTC, FPC, FCC, and so forth.

IRS: This is yet another separate segment of the paperwork burden and relates to none of the above.

The need for specific legislative action, such as the Federal Paperwork Burden Relief Act, is very real, in order to effectively coordinate, unify, and encompass these various paperwork fragmentations. The General Accounting Office is the proper channel through which we should seek the guidelines and recommendations to be followed and carried out by the Congress.

For that reason, the paperwork bill very simply directs the GAO to undergo a study, throughout the Federal structure, as to the nature and extent of the paperwork burden and the reporting requirements. This approach is both feasible and desirable, in light of the fragmentation outlined above.

Apparently, the need for the measure is supported by the fact that some 140 of my House colleagues have thus far cosponsored the legislation thus far.

The "line agencies" paperwork segment would primarily entail the Office of Management and Budget—OMB. Unfortunately, however, as has been emphasized by the National Federation of Independent Business and others familiar with the paperwork problem, no action has been forthcoming to relieve the situation from the OMB in the last 30 years.

The direct and feasible approach of

the Federal Paperwork Burden Relief Act takes on an even greater meaning and special legislation of this kind is, in fact, necessary.

So vast is the paperwork problem that strong interest in the measure has been indicated by such varying segments as the National Archives, the District of Columbia government, the public utilities industry, the Federal Statistics Users Conference, and many other varying and different segments of the Nation.

Let us begin the task of determining the exact nature and extent of the Federal paperwork burden. Ample testimony has been received from a number of knowledgeable sources. Let us act soon to provide the necessary legislative impetus so that GAO can carry out its responsibility and arm the Congress with its findings and recommendations.

Enactment of the Federal Paperwork Burden Relief Act, H.R. 12181 and subsequent numbers, is crucial.

The following list represents the cosponsors thus far, as of this writing, as well as those organizations and interests who have voiced support and interest in the legislation:

Roe, Harrington, Collins, Miller (Ohio), Huber, Burke (Fla), Heckler, Ware, Rogers, Cronin, Shuster, Bevill.

Duncan, Lehman, Roncallo, Riegle, Daniel (Bob/Dan), Davis, Mathis, Green, Froehlich, Abdnor, Derwinski, Wright.

Brown (Cal), Whitehurst, Rooney, Grasso, Eilberg, Cleveland, Kemp, Winn, Murphy (Ill), White, Young (SC), Ashley.

Litton, Baker, Gunter, Mollohan, Powell, Stokes, Hungate, Hudnut, Denholm, Young (Ill), Edwards (Ala), McEwen.

Buchanan, Michel, Long (Md), Dickinson, Young (Alaska), Thone, Rodino, Mazzoli, Holt, Owens, Bowen, Shoup.

Jones (Ok), Hillis, Towell, Stark, Pike, Preyer, Gude, Frenzel, Collier, McKay, Lott, Nichols.

Conlan, Morgan, Fascell, Martin (NC), Anderson (Ill), Mann, Studds, Wilson (Tex), Helstoski, Hamilton, Gaydos, Dent.

Ford, Butler, Henderson, Thompson, Sarbanes, Bell, Foley, Wolff, Boland, Bafalis, Eshleman, Jones (NC).

Roush, Cederberg, Ullman, Bingham, Esch, Brinkley, Mallary, Roy, Clausen, Melcher, Steiger, Bauman, Ichord, Scherle, Zwach, Parris, Montgomery, Goodling, Vander Jagt, Treen, Beard, Steelman, Young (Ga), Hansen.

Ginn, Rose, Culver, McCormack, Waggonner, Sebelius, Sikes, Sarasin, Obey, Flynt, Gettys, Stratton, Jarman, Bray, Walsh, Veysey, Rarick.

Endorsements received and forthcoming:

National Federation of Independent Business.
American Medical Association.
American Newspaper Publishers Association.
National Canners Association.
American Farm Bureau Federation.
American Association of Small Research Companies.
American Society of Travel Agents.
American Pharmaceutical Association.
Independent Meat Packers Association.
National Small Business Association.
National Archives representatives.
D.C. government representatives.
Independent businessmen.
Local chambers of commerce.
Local medical societies.
Legal associations.
American Bakers Association.
Manufacturers associations.

FOOD STAMPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, today I introduced a bill which would guarantee that impoverished aged, blind and disabled persons, formerly on public assistance, will not lose food stamp benefits by virtue of their transfer to the supplemental security income—SSI—program.

Forty thousand elderly and disabled New Yorkers, who were transferred from public assistance to SSI, have lost their eligibility for food stamps without receiving an increase in SSI payments to compensate for this loss. As a result, many of these people, who are already living at bare subsistence levels, have seen their incomes reduced even further.

I understand that residents of four other States are also affected: California, Massachusetts, Wisconsin, and Nevada.

I do not believe that Congress intended this cruel result. The "hold harmless" provision of Public Law 93-66 directed that persons formerly receiving public assistance be maintained at their former benefit levels when they entered the SSI program. This took place in States which have chosen to continue to issue food stamps to SSI recipients. New York, however, and the other States which have "cashed out" by giving recipients the cash bonus value of food stamps, instead of the stamps themselves, are not required to include this bonus value in their "hold harmless" payments. Thus, people of these States, whom the law was intended to protect, have lost benefits.

My bill would correct this inequity by requiring cash-out States to include the bonus value of food stamps in payments to all people transferred to the SSI program. It will not affect non cash-out States, nor will it cost the Federal Government any money. It will simply correct an omission in the original SSI act.

Speedy action on this bill will insure that the most helpless people in New York and the other affected States—the impoverished elderly, crippled, and blind—do not suffer because of a legislative oversight.

The text of the bill follows:

H.R. 12680

A bill to make it clear that the bonus value of food stamps is to be included in the "hold harmless" amount guaranteed to recipients of supplemental security income benefits under the Social Security Amendments of 1972, so as to assure that recipients in cash-out States do not suffer reductions in the benefits they actually receive

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212(a)(3)(B)(i) of Public Law 93-66 is amended by striking out "and" after "June 1973," and inserting in lieu thereof the following: "together with the bonus value of food stamps in such State for January 1972, as defined in section 401(b)(3) of Public Law 92-603, for which such individual was eligible, or would have been eligible had he applied, in December 1973, if, for such month, such individual resides in a State which provides State supplementary payments (I) of the type described in section 1616(a) of the Social Security Act, and (II) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps, and".

SEC. 2. (a) The amendment made by the first section of this Act shall take effect on January 1, 1974.

(b) The Secretary of Health, Education, and Welfare is authorized to prescribe regulations for the adjustment of an individual's monthly supplemental security income payment in accordance with any increase to which such individual may be entitled under the amendment made by the first section of this Act, provided that such adjustment in monthly payment, together with the remittance of any prior unpaid increments to which such individual may be entitled under such amendment, shall be made no later than the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

IMPROVES GI BILL FOR VIETNAM VETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, the House Veterans' Affairs Committee, of which I am a member, has adopted a bill which marks a significant breakthrough in our treatment of Vietnam-era veterans. The full committee adopted the recommendations which we on the Education and Training Subcommittee made for substantially improving the GI education bill for Vietnam vets. These recommendations, drawn from a variety of proposals offered by myself, other members of the subcommittee and veterans groups across the country, include a 13.6-percent increase in the education subsistence allowance, under all veterans' education programs, an extension in the eligibility time period from 8 to 10 years, a directive to the Administrator of Veterans Affairs to make annual adjustments in educational assistance rates in accordance with the cost of living and a 6-month period of assistance for refresher training. The bill makes several other minor improvements in the current program and establishes a Vietnam Era Veterans Communication Center within the VA, to be composed of employes who are Vietnam vets, who will make periodic evaluations of the effectiveness of the veterans outreach services program. These are greatly needed and vital changes in the current GI bill, and I feel that both the Veterans Affairs Committee and the Education and Training Subcommittee should be commended for their diligent work on this legislation. It is my hope that the House will act quickly and favorably to adopt the committee's proposal.

While there is no question that the above changes are critically needed to help Vietnam vets now in school, I am also concerned over the thousands of veterans who are unable to take advantage of the GI bill.

There are hundreds of thousands of vets across the country particularly those who reside in States with high public education costs, who simply cannot meet initial tuition costs and thus cannot take advantage of the GI bill. At present, a veteran attending school receives only a monthly subsistence al-

lowance. The recent ETS study, prepared for the Veterans' Administration, concluded that this allowance falls short of the financial needs of veterans attending a 4-year public institution by a considerable amount. Needless to say, the discrepancy is even greater in those States, like New York, New Jersey, Indiana, Pennsylvania and Ohio, with high public education costs. In New York State, for example, public education costs average over $750, which is more than twice what a vet needs in States with low-cost public education, such as Texas and California. The veteran's inability to meet an initial tuition payment of $600 or $800 is the most formidable obstacle preventing his participation in an education or training program, and there are countless numbers of vets who face this problem.

I have introduced the Comprehensive Vietnam Era Veterans Educational Benefits Act, which is designed to complement the proposal adopted by the House Veterans Affairs Committee, and to help remove the obstacles facing those vets not now taking advantage of the GI bill. In essence, this legislation combines the significant achievements of the committee bill with two other vital provisions: The first of these would provide a tuition payment to the veteran for tuition costs above $400 per school year, with a ceiling of $1,000. In other words, the veteran would pay the first $400 himself and the VA would reimburse him for tuition costs up to a total of $1,000. This would enable veterans in States with high public education costs to use the GI benefits, and it would serve to provide equal educational opportunities for all our vets, regardless of the State in which they reside.

The second provision would allow a veteran to draw his full 36-month entitlement in larger amounts over a shorter period of time. If the present subsistence allowance were $220 a month, he could draw $440 a month for only 18 months. This system would be of tremendous help to veterans with prior education or to those who wish to attend a 2-year vocational school. It is, in my mind, a reasonable and equitable approach to allowing the veteran to use his education benefits as they best suit his individual needs.

These are the two critical additions which this new legislation makes to the Veterans' Affairs Committee bill. I have added at the end of my remarks a summary of all of the provisions, as well as an estimated cost analysis.

I might also add that identical legislation has been introduced in the other body as well by a broad coalition of over 30 Senators from both sides of the aisle, including Majority Leader MANSFIELD and Minority Leader HUGH SCOTT.

In sum, this legislation seeks to bring the Vietnam era GI bill up to a par with its World War II predecessor. Most of us have read the recent study completed by the Educational Testing Service for the VA which outlines the grave inadequacies of the present GI bill, particularly in comparison to its predecessor. Unlike the World War II bill, the present program discourages many veterans from beginning their education when they are not assured of the financial support needed for completing degree requirements. I feel we must remove the obstacles now standing in the way of the Vietnam vet getting a justly deserved education and chance for a better life. I feel confident that this Congress will not shirk the responsibility which we owe to those who served so well during the course of our involvement in Vietnam.

For the record, a summary of the major provisions of the Comprehensive Vietnam Era Veterans and Educational Benefits Act follows:

THE COMPREHENSIVE VIETNAM ERA VETERANS EDUCATIONAL BENEFITS ACT OF 1974

Inadequacies in the present GI bill deny the Vietnam veteran the assistance and opportunities that Congress intended they have. This is the conclusion of the Congressionally commissioned report published by the Educational Testing Service on educational assistance programs for veterans. Their findings are confirmed by independent hearings conducted by the National League of Cities, U.S. Conference of Mayors, and the American Association of Junior Colleges.

This bill is designed to overcome the specific inadequacies of the present GI bill and provide assistance and opportunities to veterans who are currently unable to use their benefits. It is also designed to meet the mandates of major veterans organizations in the most comprehensive, flexible, and effective manner possible.

MAJOR PROVISIONS

1. A tuition payment made to the veteran for tuition costs above $400 per school year. The ETS study showed $400 to be the average tuition cost at a 4 year public institution. The veteran would pay the first $400 himself and the V.A. would reimburse him for tuition costs up to a total of $1,000. Out of a total tuition cost of $1,000, the veteran would pay $400 and the V.A. $600. Any cost above $1,000 would have to be paid by the veteran.

This would enable veterans in states with high cost public education to use the GI benefits. The GI bill participation rates in Ohio, Pennsylvania, Indiana, New Jersey, and New York (states with public education costs averaging over $750) are half those of states with low cost public education (California, Texas, and Massachusetts). The inability of the veteran to make an initial tuition payment of $600 or $800 is the most formidable obstacle preventing participation in an education or training program.

2. An increase in the subsistence allowance paid to veterans in vocational rehabilitation and education programs of 13.6%. This is consistent with action already taken in the House of Representatives and covers the 8% inflation rate since the present rates were enacted.

3. An extension of the present 36 month entitlement period for up to 9 additional months subject to case by case approval by the V.A. This will allow veterans who are subject to special circumstances to complete the course of education they set out on. Specifically, it is intended for those who have lost credits because they have transferred from one school to another or because they lacked sufficient preparatory background and need additional courses to complete their program of instruction.

4. An increase from 8 to 10 years in the eligibility period. Presently veterans have eight years from date of discharge to complete their education with the help of GI assistance. Many veterans discharged in 1964, 1965 and 1966 were unable to use the benefits until 1970 when the subsistence rate was raised above $130. Others have attended on a part time basis and also face the prospect of losing part of their 36 month allotment when the eight years is up.

5. A provision allowing a veteran to draw his full 36 month entitlement in larger amounts over a shorter period of time. Present subsistence allowance for a single veteran is $220 per month. This provision would allow the veteran to draw up to $440 per month for only 18 months. This would enable veterans with prior education to complete their programs with a minimum of money worries. It would also enhance the prospects for those who may wish to attend medical or law school or a two year vocational objective.

6. The bill removes the restrictions of the work study program. This will enable the V.A. to utilize veterans to fulfill vitally needed outreach work while allowing them to earn money that will help defray their college costs.

7. Establishment of a Vietnam Era Veterans Communication center and a veterans advisory committee. The center would insure that the input, advise, experience, and knowledge of young veterans would be used in programs effecting Vietnam era Veterans. The advisory task force would combine government and private efforts to make veterans programs more effective and more widely utilized.

COST (A consensus reached after consulting the V.A., OMB and various private concerns)

1. Tuition payment—200 million.
2. Subsistence Increase—370 million.
3. Extension of entitlement—15 million.
4. Extension of eligibility period—20 million.
5. Accelerated subsistence—No new cost.
6. Expansion of work-study—25 million (to be determined by VA and Cong. authority).
7. Communication Center—Funded out of existing V.A. funds.

CPA AT USDA—IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, because there has been much confusion surrounding the proposals to create a Consumer Protection Agency, I have asked selected agencies to supply me with information concerning their activities and proceedings during 1972 which would have been subject to CPA advocacy if any of the pending bills were enacted at that time. I have been inserting these agency replies in the RECORD as received. Today I wish to complete the reply of the Department of Agriculture, which was too voluminous for a single insertion.

There are three proposals to create a CPA now being considered by a subcommittee on which I serve. The major difference in the bills is that two of them, H.R. 14 by Congressman ROSENTHAL and H.R. 21 by Congressmen HOLIFIELD and HORTON would empower the CPA to obtain judicial review of agency actions. The remaining bill, H.R. 564, introduced by Congressman BROWN of Ohio and myself would not grant the CPA this extraordinary power.

This final portion in the USDA reply is particularly pertinent in this regard, for it includes a listing of the 1972 actions of this agency which would have been subject to review by the Federal courts at the instigation of a CPA, if a CPA had been in existence at that time.

Mr. Speaker, for these very important reasons I now insert in the RECORD the

remainder of the reply of the Department of Agriculture:

REPLY OF THE DEPARTMENT OF AGRICULTURE

Question 7: Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: Many final agency actions taken by this Department can be appealed to a court or subjected to judicial review by one means or another. Because of the scope of the activities of a Department this size, such actions would run into the thousands and it would be impracticable to attempt to list all of those individually. For example, the Forest Service, which is just one of many agencies of the Department, relies heavily on professionals in the field to administer the National Forest System. The Rangers and Forest Supervisors make thousands of land use decisions and rulings each year, ranging from granting permits to occupy and use National Forest lands to awards of timber sales and road construction contracts. Any of these actions can be considered final agency actions and can lead to court cases. Our experience in the past has shown that a wide range of agency decisions has been subjected to judicial review. In view of the foregoing, we are listing only those final agency actions which are taken in formalized proceedings or which are subject to court review by specific statutory provision or both. Most final rulemaking, many of which would correspond closely to those listed under Question 1, would also generally be subject to court review.

1. Sixty-five (65) marketing quota review determinations under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1361–1368), as follows: 1 with regard to rice, 10 peanuts, and 54 tobacco.

2. Fourteen (14) decisions by the Judicial Officer on petitions of handlers alleging illegality of provisions or obligations of Federal milk marketing orders pursuant to section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c(15)(A)).

3. Cease and desist orders under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), as follows:

Packers	25
Market agencies	29
Dealers	21
Total	75

4. Thirty (30) reparation orders under the Packers and Stockyards Act.

5. 313 reparation orders under the Perishable Agricultural Commodities Act, as amended (7 U.S.C. 499a *et seq.*).

6. Three (3) cease and desist orders under the Commodity Exchange Act, as amended (7 U.S.C. 1 *et seq.*).

7. Fifteen (15) decisions of the USDA Board of Contract Appeals with regard to disputes under contracts relating to boiler, road, fire tower and dam construction, tree planting, purchase of equipment, river drainage, and Commodity Credit Corporation price support purchases.

8. Twenty (20) decisions of the USDA Board of Forest Appeals and the Secretary of Agriculture pursuant to Appeal Regulations concerning Forest Service contracts or activities.

9. 267 denials of claims for indemnity under the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*).

10. Five (5) denials of requests for information under the Freedom of Information Act.

CONGRESSMAN DRINAN OUTLINES PLANS TO PROTECT AND EXTEND THE RIGHT OF PRIVACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 20 minutes.

Mr. DRINAN. Mr. Speaker, the events of the recent past have focused an increasing amount of public attention on the individual right of privacy. A great deal of that interest has been generated by ill-conceived, immoral, and in some instances, illegal acts and programs of the Nixon administration. The investigation work of numerous congressional committees, the press, and the special prosecutor have all brought to light the outrageous activities of this administration which have undermined the personal security and freedom of American citizens. Thus it was with a touch of irony that we heard, in this Chamber a few days ago, a Presidential pledge to take steps to protect the right of privacy. While we can rant about the demagoguery of it all, perhaps the wisest course is to note that we may have gained another ally in the battle against governmental excesses. But time will demonstrate whether Mr. Nixon is merely a sunshine patriot and summer soldier.

The calls for securing personal privacy against governmental intrusions were heard in this House before the state of the Union message, 1974. The first Congress debated and passed 10 amendments to the Constitution to protect citizens from their government. Some of those guarantees were at the heart of individual privacy: The freedom from unreasonable searches and seizures and the right not to have soldiers quartered in one's home. These measures were enacted to curb the excesses of the English monarch. The hated writs of assistance, for example, which in effect permitted general searches of private homes, were outlawed.

Since those guarantees were embodied in the supreme law of the land, it was understood that the courts, both State and Federal, would be the principal protector of those rights. Having experienced the intrusions by the king, the Congress knew better than to entrust the liberties of the people to the self-restraint of the Executive. William Rehnquist's statement a few years back that the Justice Department could regulate itself raised anew the ancient fears of an unbridled and tyrannical Executive.

The fundamental notion that the judiciary would check governmental excesses was given new impetus in the privacy field in 1890. In that year, Samuel Warren and Louis Brandeis published their seminal article on "The Right to Privacy" in the Harvard Law Review. They identified the concern for insulating the "sacred precincts of private and domestic life," exalting the "right to be let alone." The authors predicted that the "question whether our law will recognize and protect the right to privacy must soon come before our courts for consideration."

THE COURTS AND PRIVACY

To be sure, the courts have ventured into the area to some degree. They have expanded the protection under the fourth amendment against unreasonable searches and seizures. That guarantee has been applied against State intrusions as well as Federal invasions. The traditional requirement that a trespass occur before violating its proscription has been removed. Its sweep now covers a person's temporary residences, such as a motel room, as well as one's home. And its command against warrantless incursions has been extended to persons engaged in activities allegedly threatening the internal security of the Nation.

Furthermore other areas of privacy have received judicial recognition. Freedom of association, while not expressly protected by the Constitution, has been elevated to a preferred position. State legislative committees have been prohibited from subpenaing membership lists from civil rights organization where exposure would inhibit the advancement of equal rights. The right to use and to advocate the use of contraceptive devices has been deemed a part of one's right of privacy. And it has been held that food stamps cannot be denied to persons who live together merely because they are not related by blood or marriage.

But the judicial excursions into the area of privacy have, indeed, been slow and deliberate. They have not been adequate to meet the needs of the people, partly because technology has outdistanced the common law and partly because the Government has outdistanced the common man. The need for legislation is obvious. Samuel Warren, the coauthor of "The Right to Privacy," perceived that need 15 years after its publication. On April 10, 1905, he wrote to Louis Brandeis asking him—

> To draw a statute that would meet the chief invasions of privacy, without covering more ground than considered public opinion would sustain. No greater service could be rendered the community than the adoption of a well-considered law on this subject.

Now, in 1974, a decade before that fateful Orwellian year, we have neither a "well-considered law" nor definitive legal parameters of the right to privacy.

In recent times there have been stirrings in the House of Representatives with respect to privacy. Members have regularly sought to abolish our Internal Security Committee—HISC, formerly the House Un-American Activities Committee—which tramples upon the "right to be let alone" of thousands of Americans who have done nothing more than disagree with the policies of the Government of the day. One of my first speeches to this distinguished body related to the work of HISC. In April 1971 I noted that the names of 754,000 Americans, including House Members, were contained in the files of the committee. Staff personnel extracted such names "from unspecified magazines and newspapers which alleged that these individuals for unstated reasons were somehow a threat to the internal security of this country."

A similar effort was made by Members of this House with respect to Mr. Nixon's attempt to expand the jurisdiction of the Subversive Activities Control Board, an agency that had been moribund for many years. In July 1971, the President sought to enervate the SACB which, in compiling a poor track record during its existence, spent millions of the taxpayers' dollars to inquire into their lawful activities.

PENDING LEGISLATION

Legislative proposals have also been initiated from this place to deal affirmatively with the problem of citizen solitude. The Federal Privacy Act of the 91st and 92d Congresses sought to require Government agencies to notify individuals about whom files were kept, to provide citizen access to those files, and to forbid disclosure without consent. Similar legislation is pending in this Congress—H.R. 667, 8845, and 12207.

Other bills are also pending in the 93d Congress which deal with limited aspects of the privacy problem. H.R. 9781, which I introduced, would ban all methods of intercepting or recording oral or wire communication without the consent of all parties. H.R. 10181 would severely restrict the furnishing by private lending institutions to governmental agencies of financial information supplied by private citizens. Further, H.R. 9786 would regulate the collection of information respecting private conduct stored in automatic data banks owned or operated by nongovernmental organizations. H.R. 11629 would prohibit military surveillance of "the beliefs, associations, or political activities" of civilians.

Finally, there are several bills seeking to regulate the collection and dissemination of information obtained through the criminal justice system—H.R. 188 and 9783. Hearings have already been held before the Subcommittee on Civil Rights and Constitutional Rights of the House Judiciary Committee with respect to these bills. In addition, the bills, introduced by Chairman RODINO and Congressman EDWARDS on February 5, 1974, also deal with this subject—H.R. 12574 and H.R. 12575.

The difficulty with each of these proposals is that none deals comprehensively with the problem of privacy. Each bill seeks to resolve only one facet of the problem. While each measure appears to be independent of the other, they are in fact interrelated. Furthermore the bills have been assigned for hearings to three different committees of the House: Judiciary, Banking and Currency, and Government Operations.

Some important aspects of the privacy question are left untouched by this legislation. None deals with the ordinary manual file kept by private and public agencies for employment, licensing, health, payroll, solicitation, direct mailing, or other purposes. Nothing is said in these bills of the use by the Government of census information, tax returns, informers, or mail covers. And none would restrict or abolish Government loyalty-security programs.

With all this isolated activity going on, it is difficult to understand and appreciate the major themes which course through these seemingly disparate pieces of legislation. I think it is both possible and fruitful to identify the common problems presented by the various intrusions into our privacy and to structure legislation to remedy the most egregious of them. It is helpful, in my judgment, to begin with some notion of what we mean by the "right to privacy."

A DEFINITION OF PRIVACY

In his work on "Privacy and Freedom," Alan F. Westin defined privacy as "the claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others." Professor Westin's study presents a good deal of rather horrifying information about the methods by which Government and industry can utilize listening and watching devices, polygraphs, "truth serums," computerized data, and other techniques to break down the walls and doors of personal privacy.

A second aspect to the right of privacy involves conduct, as distinguished from information-gathering. Since most intrusions on private conduct are perpetrated by government through the use of criminal sanctions, it is sound to allow the courts to continue to define the scope of protected activities. The applicable precedents appear to be moving in the direction of giving greater latitude to citizens in their private lives. At the same time, legislatures can accelerate that movement by repealing criminal laws which bear little or no relation to protecting the general public from harm. The nexus between many private acts which are presently proscribed and a valid public purpose seems tenuous at best.

The more important of the two aspects of personal privacy is the one underscored by Professor Westin: That which is related to the collection, storage, and dissemination of information about individuals and organizations. In the hope of our coming to some understanding of the dimensions of this problem, let me share with you my thoughts on the matter.

It seems to me that the information-gathering aspect of the privacy problem has three elements: Collection, storage, and dissemination. Legislation should seek to impose regulations or restrictions with respect to each of these three stages. First, the collection stage. Every attempt to legislate in the privacy area should begin with a hard-nosed analysis of the need of the Government or private agency for the information contained in its file. Most of the bills pending before us now ignore this fundamental question. We should ask, for example, whether law enforcement agencies really need all the information they gather on persons.

Does the House need the files of the Internal Security Committee? Must employment applications ask all the questions they do? Is the information gathered, say, by credit bureaus, so unreliable, outdated, and incomplete, that collection should be totally prohibited? Is it really necessary that employers—present or future—know our home telephone numbers, our marital or family status, or even our criminal history? When private or public institutions seek to collect data from citizens, they must demonstrate that the information sought is necessary to the decisionmaking at hand—that is, hiring, granting a loan, arresting or prosecuting a person, and so forth. It should not be sufficient that the data sought is only of the nice-to-know but not essential variety.

Second, the storage stage has two aspects to it: temporal and physical. In legislating controls, we must ask ourselves whether the information gathering agency needs to have temporary or permanent possession of such data. It may be, for example, that once an applicant for employment is rejected, the person's entire file can be destroyed. Or if law enforcement officials gather information on a person which does not lead to an arrest, it may be that such material should be expunged.

With respect to the physical aspect of the storage stage, data is ordinarily maintained in two forms: manual files or automated systems. Some of the pending bills deal only with computerized storage operations. While these data banks may pose more serious problems, we cannot ignore the manual system.

Indeed, it could be argued that automated systems are more easily controlled since access can be severely limited because of the technical problems involved in retrieval. On the other hand, anyone can have access to manual files. Further we should inquire whether certain kinds of data are better left in manual files while other types better stored in automated banks. The answer to this question will depend upon the ease of access of each kind of storage facility and the nature of the information sought to be stored. It might be, for example, that manual files are easier to destroy than computer tapes are to erase. Thus data which is intended to remain only temporarily in the files of an agency (public or private) should be stored in manual files.

Finally we should always inquire into the question of which employees have access to the data, manual or automated. Again the test should be on an absolute need-to-know basis. We must develop the norm that even the most innocuous information relating to an individual may, in her judgment, be very personal. Thus information should not be casually dispensed around an agency. A final problem in storage relates to whether individual data needs to be identifiable with the person from whom it came. For example, if we could eliminate the connection of names with census data, we would have less fear that they would be misused. Whenever information can be "depersonalized," we decrease the opportunity for an unwarranted invasion of privacy.

Third, the dissemination stage. A great deal of the attention of the pending bills is on the distribution stage of information systems. While this is an important feature, we must recall my earlier observation that there is no need to worry about improper dissemination if the data is not allowed into the system in the first

instance. However, assuming that information is properly in an automated or manual file, and assuming it is stored in proper form, the problem of distribution then arises.

Again we must caution ourselves against assuming traditional notions of who is entitled to see data. Why, for example, must the district attorney have a defendant's "rap" sheet—the criminal history? In most places, a rap sheet lists only arrests since recordkeeping in the criminal justice system is at best poor. Thus the district attorney determines the scope of plea bargaining in large measure by the rap sheet, which may be extremely unfair—particularly if the person had no convictions. Or again should we not require the prospective employer to demonstrate that school grades are highly probative of a candidate's qualifications before we permit the institution to disseminate the information? Why should we allow Congressmen and Federal agencies access to HISC files?

A second aspect of the dissemination problem concerns the permanent or temporary nature of the data in storage. If the information is soon to be destroyed, it should almost never be distributed outside a small group of people who must see it. Clearly a person who subscribes to a magazine for 6 months on a trial basis should not thereafter receive solicitations from every cause or publication known to man. When the subscription expires, the subscriber's name and address should be destroyed. Again an arrested person should not have that fact distributed among 50 States prior to a conviction.

Third, we must overcome the idea that once a person demonstrates an entitlement to a file—application, data, and so forth—he is then entitled to everything in it. Access for one purpose does not invariably mean access for every purpose. A prospective employer might very well be able to show a need for securing school grades, but this should not allow him to see a disciplinary record, or a list of club memberships—which might indicate a political or religious affiliation.

Individual consent is relevant to the dissemination problem. The data bank owner should have to demonstrate the business or governmental necessity for distributing information about an individual without her consent. Prior agreement should be the basic rule, and nonconsensual disclosure the exception. The problem really arises in the circumstances surrounding the giving of consent. An applicant should never be required to give her consent for certain distribution as a condition for the applicant being considered for the job. Nor should a welfare recipient or former drug addict be denied benefits for failing to agree to dissemination of their files—even to research groups.

Of course, the keeper of the data should be required to keep careful records of the people to whom information is given without a person's consent. Since that circumstance is the exception, the administrative burden should be light. In the same vein, the individual about whom the file is maintained should be given notice that the file exists and access to it. Only upon a showing of necessity—the ever-present standard—should access to certain facts be denied. Again we must always be extremely critical of claims for nondisclosure. If the District Attorney must eventually give up the names of witnesses, why withhold them at the outset of the criminal proceeding?

PRIVACY AND THE 93D CONGRESS

Several of the privacy bills now in Congress are before the Subcommittee on Civil Rights and Constitutional Rights, of which I am a member. Hearings were held last fall on the problem of criminal justice data banks. Additional hearings will be held later this month, particularly in light of the new bills introduced on February 5. I think it is crucial that these proposals be measured against the principles set forth here.

Furthermore, I believe there are a number of additional steps which should be taken in the course of the legislative proceedings. First, all proposals relating to privacy should be referred to one committee. Since most of the bills are already before the Judiciary Committee, since it has already had some hearings on the subject, and since the matter primarily involves civil liberties and constitutional rights, it seems to me that the Committee on the Judiciary is the most logical forum.

Second, one of the most promising ideas in the privacy area is to establish a Federal Commission on Privacy. Present proposals which call for the establishment of privacy boards do not go far enough with respect to the concept. I envision an agency which, at first, would devote its time to understanding and evaluating governmental and private actions which impinge upon individual freedom and privacy. After additional legislation is passed, it would eventually have the authority to hold hearings, promulgate rules and regulations, and act as ombudsman for individual complaints. I am preparing legislation on this subject and invite the comments and suggestions of other Members of the House.

There is, I would hope, common agreement that the 93d Congress enact some measure to advance the cause of individual privacy. It may be that any proposal really comes down to a choice between efficiency and citizens solitude. It may be that police, public officials, private companies, school administrators, and others who collect, store, and disseminate information about each of us will have to make adjustments in the way they have carried on their activities in the past. It may be that they will have to curtail practices previously thought to be unassailable. But that is the cost of securing every constitutional right. I for one am prepared to pay that price. After all, 1984 is only 10 years away.

EFFICIENT USE OF ENERGY RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, an imbalance currently exists between the supply and demand for fuel and energy, and it is likely to persist for some time. In the long run, beyond the year 2000, developments such as cheap nuclear energy may change the energy supply picture. For the coming 25 years, however, ways must be found to use scarce energy resources in the most efficient manner and with minimum adverse impact on the environment.

Solar energy has been proposed as a possible alternative energy source to reduce demand on the present fuel and energy supplies. The task force on energy for the Committee on Science and Aeronautics concluded that the technology exists for the successful implementation of solar energy for heating and cooling on the residential level. With minor engineering and relatively simple architectural modifications, solar energy could now be used for space heating of residential and commercial buildings and the heating of water.

This would represent no minor savings; one-third of the energy consumed in the United States is used by the residential market and associated commercial facilities. And the number of community developments will likely double before the turn of the century. Conservative preliminary estimates suggest that solar energy utilization could reduce residential fuel requirements by 72 percent in the Baltimore-Washington area. Also, solar energy does not have the environmental problems associated with fossil or nuclear energy.

The task force delineated three major classes of problems associated with residential solar implementation: economic, a substantial initial higher investment, average $2,000 per house; technological, no solar equipment industry exists today; and institutionally, the present lack of a coordinated effort among the diverse institutions which interact to effect construction, builders, codes, et cetera.

H.R. 11864 recognizes that an effective demonstration program is necessary to overcome these obstacles. The technology is there, but a new industry and a new market must be generated whose products are generally affordable before solar energy becomes a practical energy source. The bill proposes a two step commercial demonstration involving the National Aeronautics and Space Administration in research, development, and manufacturing of residential solar equipment and the Department of Housing and Urban Development in the installation and monitoring of said equipment in 1,000 residential units along with the dissemination of the resulting information. There is also a provision allowing for an increase in the maximum dollar amount of any federally assisted mortgage loan equal to the difference in the initial investment required by solar heating or heating and cooling.

H.R. 11864 acknowledges that there is an energy problem and it is likely to be with us for a long period of time. Solar energy has the potential to alleviate at least partially this problem through heating and cooling utilization on the

residential level. But whereas the necessary technology exists, its implementation presents a few problems of its own. A successful commercial demonstration, which is the purpose of this bill, would result in the creation of standards for residential solar operation, in cooperation with the Bureau of Standards, and the demonstration of economic viability through creation of a solar industry and market. Such a demonstration is a necessary step in attaining the goal of widespread commercial production and marketing of solar heating and cooling systems for millions of American homes.

In conclusion, Mr. Speaker, I strongly urge the passage of H.R. 11864. It is a necessary measure in a time of crisis and a resourceful action in a neglected area. The eventual harnessing of the virtually limitless power of the sun, toward which this bill is a first step is an endeavor certainly beneficial to this country's needs, both environmentally and with regard to our energy resources.

THE STATE OF THE COMMONWEALTH OF PUERTO RICO—1974

(Mr. BENITEZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BENITEZ. Mr. Speaker, the Governor of Puerto Rico, the Honorable Rafael Hernández Colón, delivered an extensive state of the commonwealth message to Puerto Rico's Legislative Assembly on the evening of January 28, 1974. His address presents a thorough and encompassing analysis of Puerto Rico's current problems, programs, and prospects. The Governor's speech reflects the concerns of a forward-looking community enmeshed in all the crises operating in the United States, in Latin America and in the Near East.

The Puerto Rican press as well as critics from all sides expressed appreciation for the realism of the Governor's analysis, as well as for the resolute determination of our Government to forge ahead in spite of the multiplicity of constraints and uncertainties on all sides. The Government's tenacity in behalf of social and humane objectives in the face of enveloping difficulties is heartening.

Neither Cassandra nor Pollyanna preside over our thinking. Rather, we are sensible of the exacting requirements of public office. During my first session in Congress, it was a special privilege to acquaint my colleagues and many of the leaders of the executive branch with the basic objectives of the Commonwealth of Puerto Rico. A special advisory group of 14 members, 7 appointed by the President of the United States and 7 appointed by the Governor of Puerto Rico, are engaged now in the task of identifying and formulating recommendations concerning how best to advance self-government and participation within the framework of Commonwealth. Three members of this House and three from the Senate of the United States participate in this work.

Recommendations for legislative action will come to the Congress hopefully during this session. Moreover I have felt it not only proper but highly desirable—as a general policy—that Members of both Houses be kept advised of major developments in Puerto Rico. The full text of the speech by Gov. Hernández Colón provides ample information and background to these ends.

The speech follows:

STATE OF THE COMMONWEALTH MESSAGE TO THE LEGISLATIVE ASSEMBLY OF PUERTO RICO BY HON. RAFAEL HERNANDEZ COLON, GOVERNOR OF PUERTO RICO, JANUARY 28, 1974

INTRODUCTION

I come before you to fulfill the duty given me by the Constitution of the Commonwealth, of reporting the State of the Commonwealth at the beginning of each Ordinary Session of the Legislature. On this particular occasion my appearance takes place at a moment in which grave problems shake the entire world.

1973 has been the year in which it has been made apparent, more dramatically than ever, that the resources of our planet are not so vast and boundless that we can continue on the trajectory of selfishness, nationalism and waste that has characterized the history of society so far. We have been awakened to the fact that the problems are grave for everybody: the oil crisis, the population explosion, limitation of resources, pollution, the disruption of the world monetary system, violence, senseless terrorism, and an uncertain peace are only some of them.

In addition to the world situation, the United States is also facing a grave internal crisis of a political nature which takes a large part of the time and attention of officials who must provide leadership for the solution of the worldwide problems.

The fact of interdependence between peoples, of how each one is dependent upon the others, and of the dispersion of power in the world, has emerged dramatically and with effects felt by all in every country.

The world of today is one of movement—we live amidst currents impelled by pressures from diverse and distant areas of the earth. Our struggle for progress is a day-to-day effort, and it is the same for other peoples as well. There are no permanent solutions to most of these worldwide problems. What is solved one day is again complicated on the next; what seems settled on one end becomes disrupted on the other; and the only realistic attitude consists of applying ourselves constantly to the task with the best of our talent, the maximum of our capabilities and a total dedication to the unceasing struggle.

The greatest difficulty is not in taking a philosophical stand before the phenomena that confronts us. In the abstract or in theory all conflicts of values can be brought into harmony—we are talking about economic growth without pollution, of maintaining order while protecting civil rights, of industrializing the economy without weakening agriculture, or urban development without negative impact on the natural environment.

The real test, however, comes day-to-day in the determination of criteria over the various actual cases and situations in which we must apply our principles and values. That is the moment of truth that must be faced continuously in a never ending stream of problems.

The overall government program presented each year is a new individual and collective challenge in the application of our values to our realities. The present time is burdened with possibilities and risks, with possible satisfactions and sacrifices, with challenges and anxieties.

Within the difficulties of present circumstances, I am presenting to you an elaborate program of concrete goals. Our commitment is to continue the economic development of Puerto Rico and to achieve, in a gradual manner, the significant social reforms that are necessary to realize a society of greater justice and equality. The immediate problems, as serious as they may be, should not divert us from this objective. I have the conviction that we will conquer them, with the aid of all men and women of good will, with clear thinking and sincere patriotism.

We are an Island, but we are not isolated. All of the currents, international pressures and circumstances, as well as the internal ones of the United States, are also felt in our community, with varied impact. At the same time these forces limit our sphere of action to deal with the problems of our country, and they shape the frame within which we must pursue our objectives. It is within that constellation of forces and dramatic events that shook the world in 1973, that we most examine the State of the Commonwealth.

THE STATE OF THE COMMONWEALTH

Fiscal and economic policy

Net income for fiscal year 1972–73, which ended last June 30, rose by 10.8% in current prices.

Not counting the rise in prices, the real growth was 6.6%.

The gross national product increased to $6,430 million, an increase of 11% over the previous year.

Net per capita income rose to $1,834.00.

A large part of the growth occurred during the first part of the calendar year. In the following months the rate of economic growth has decreased progressively. This was partly because the manufacturing industry in Puerto Rico began to feel the impact of a slower rate of growth in the economy of the United States; partly because the net income originating from public spending maintained a somewhat slower rate of growth, and partly because the construction industry had already achieved all of its growth as compared with the previous year. Agriculture offered a more positive picture, suggesting the beginning of an upward trend.

The analysis of these and other sectors of the economy leads the Planning Board to conclude that so far in the present fiscal year the economy of Puerto Rico, measured in terms of net income in current price, has decreased its pace of growth, although not abruptly. What has gone down abruptly is the buying power of that income—or, in other words, the real growth of the economy. The reason for this is the rapid increase in prices that has taken place in the world since the beginning of last year, from which, of course, Puerto Rico could not escape.

I am deeply concerned that this rise in the cost of living is more than counteracting the increase experienced in income in terms of current prices. I am concerned that as a consequence, the purchasing power for a large number of our families is diminishing. I will later set forth the elements of the economic policy that we will implement to stimulate our economy within the present circumstances.

The effects of the oil crisis

The oil crisis that has hit all industrialized nations by the embargo of the Arab countries casts a shadow of uncertainty over all of our economic calculations. The embargo cut petroleum shipments to the United States by 10 to 15%, and it came at a time when the entire world was already feeling an oil shortage because growth and demand were much higher than production.

Although Puerto Rico has always imported most of its petroleum from Venezuela, the embargo affects us too. Part of the petroleum we imported during 1973 came from Algeria, which also cut off shipments to Western na-

tions last October. At this moment our local refineries, as well as refineries in the continental United States, are having great difficulty in obtaining sufficient petroleum to run to capacity. Another consequence of the shortage is the high increases in prices. Crude oil from foreign countries sold at $1 to $2 per barrel for many years. It is now at $10 to $15 per barrel, and we have no indication as to the level it may reach. Naturally, these high prices for petroleum have caused prices to rise even greater for all oil-derived products.

Puerto Rice, as well as Japan and other countries, depends almost totally on imported oil for its energy, and this situation will not change in forthcoming years, not even when our first atomic plant starts working early in the next decade.

In the case of Venezuela, the government has increased the nominal value of petroleum for revenue collection purposes from a little over $3 per barrel to almost $14 per barrel, an increase of 350%.

These increases in taxes in Venezuela and other countries, which started early last year, will add another $850 million to the cost of our oil imports for 1974, if we import the same amount of oil. Naturally, a large part of the additional cost will be reflected in the price of exports, but even then our economy will have to absorb approximately $300 million, and I want to point out that these figures do not take into consideration possible additional price boosts.

Gasoline, for example, which at this time sells for more than $1 per gallon in European countries, is expected to reach a cost of $2 per gallon at the end of this year. Puerto Rico must expect that the local price of gasoline will probably reach $1 per gallon within a year. The prices of our kerosene, diesel and residual fuel will also increase proportionately. These costs will be reflected in higher rates for electricity, public transportation, manufacturing, and finally, in almost all consumer prices. As a result of these increases in the price of petroleum, we are caught within the world inflationary spiral.

In addition to the shortage of petroleum, there exists a serious shortage of refining capacity and petrochemical production in the United States. This shortage will continue for some time. The oil and petrolchemical industry in Puerto Rico—its plants and personnel—are still in good shape despite the problems of shortage of crude oil and other materials, and of the price of those materials.

Our government will do everything in its power to maintain our oil and petrochemical industries in sound economic condition in the years to come.

This crisis proves our need to have a deep water port in Puerto Rico as soon as possible. Only by this means will we be able to import petroleum from any other part of the world.

We have lately observed encouraging signs from oil-producing countries interested in participating in our superport project. We are competing with other countries to obtain the crude oil, the superport and the multiple satellite industries that will come as a result. I believe that we have more to offer than other areas, and that we will win this competition.

It does not mean that the price of crude oil will decrease in the forthcoming years, but it does mean that the prices we pay will be the lowest possible competitive price—and that our economy will survive and grow.

In the meantime we are continuing our efforts with Venezuela towards obtaining additional petroleum for the immediate needs of Puerto Rico; we are also continuing to seek fair treatment within the Oil Allocation Program of the United States. The details of this program are not completely clear yet, but apparently we will have sufficient fuel to maintain all our industries. It is possible that we may have a shortage of gasoline on the Island, as there is in the United States at present. We must therefore make our gasoline consumption as low as possible, by using smaller cars that adequately serve to cover the relatively small distances that we have by: increased use of collective means of transportation. Sharing automobiles with friends and co-workers is a means not only to alleviate family expenses, but to help the country in this adverse situation of insufficient oil resources.

Another consumer item in which our families can help reduce energy demands is electricity. Residential consumption of electricity was 3,400 million kwh, that is, 29% of total production. Since the Water Resources Authority consumption of oil products is 18% of imports, we may attribute 5.2% of all imported crude and derivatives to residential consumption of electricity. This implies that families will experience an increase in electricity costs because of the oil crisis that may reach $40 million, even if consumption in 1974 stays at the level of last year.

The Water Resources Authority, meanwhile, is developing an educational campaign to orient consumers in ways to economize in the use of electricity.

I have asked the Director of the Authority to study the means of reducing voltage without affecting the functioning of electrical home appliances. As a longer range measure, the Planning Board must revise home and building design and construction regulations. Finally, I have ordered an acceleration of steps toward the establishment of the nuclear plant, and a study of the use of combustible waste for the generation of electric energy.

The dramatic way in which the interdependence between peoples has been made apparent, as can be seen in the case of the petroleum crisis, makes it imperative for Puerto Rico to establish and strengthen relations with other countries, particularly those of the Western Hemisphere, and that within the Hemisphere we give special attention to those with whom our country has historical, cultural, economic and geographic links. In the same manner, it is necessary to revitalize the relations that we have maintained in the past with international organizations and with organizations of multilateral action that have arisen in the Caribbean area.

Certain plans have been initiated and measures have been taken toward the achievement of those objectives. The Department of State has been reorganized to create an assistant secretary of external relations. The North-South Center is being coordinated in a functional way with this new entity, with the purpose of giving our external relations the importance and professionalism that they deserve, and enabling the Department to fulfill more effectively its function of planning, guiding and coordinating such relations.

Estimated income

At the start of our efforts in January of last year, we found that the revenues for the year had been overestimated by the previous Administration. Since the collection of the overestimated amounts did not materialize, and all of those funds had already been committed, a serious budget situation ensued which made necessary the adoption of drastic measures with the purpose of lowering expenses for that fiscal year.

* * * * *

The sharp increase in the price of food that * * * of the year causes a substantial part of our income to leave Puerto Rico, and the drastic rise in the price of petroleum and other raw materials also takes a substantial measure of wealth away from Puerto Rico. Both facts, acting simultaneously, force Puerto Rico to lower its living standards.

Our government has, however, the mechanisms to make the necessary adjustments to the budget without having to put too big a burden on public spending, which in situations such as these give a healthy push to the economy.

At this moment, the Secretary of the Treasury estimates the revenues for next fiscal year at approximately $1,000 million. Therefore, we are facing not only a great dilemma in trying to reduce once more the level of services and outlays in the present fiscal year—so as to bring about savings of $100 million in the second half of the fiscal year—but we will also have to observe equally austere measures beginning with the fiscal year that starts next July 1st.

I will, therefore, propose a *temporary* and *flexible* duty on oil products. This duty should be flexible, so that the government can respond constructively to any sharp changes in the market, to avoid damage to this promising sector of our industrialization program. This duty will have a maximum duration of two years.

The public debt of the Commonwealth, not including its public corporations, is at present $865,245,000.00.

This debt requires for its redemption the payment of principal and interest on bonds in circulation and authorized issuance, an annual outlay of $92,008,290.00.

Our Constitution permits a debt limit entailing an annual redemption of not more than 15% of the average revenue for the two preceding years. That 15% amounts to $27.6 million.

The annual revenues from internal sources for 1972–73 were $834,796,361.00.

The bond issue that I propose for this year amounts to $225 million. This will require a payment of principal and interest amounting to an additional $18.8 million, and will leave a remainder of $16.7 million. We will then be utilizing 13% of the average revenue, which will leave a remaining 2%.

The financing of this investment, because of its importance to development, has maximum priority in our Fiscal policy.

It is necessary to structure in Puerto Rico a policy of financing and credit, and to develop the necessary instruments to put it into action; to encourage local savings and reduce the high rate of spending or excessive spending; to increase local funds for internal investments, and to achieve a more effective participation of private banking in development undertakings.

At this moment we have already taken the following steps: There has been a reorientation of the Government Development Bank into a more significant development agency; public funds are being centralized in the Bank; funds under the custody of the Secretary of the Treasury, both those of the Commonwealth as well as the Pension Fund, are being channeled and invested in Puerto Rico.

I have organized a Financial Council which is functioning effectively in its capacity as adviser to the Governor and various public agencies in matters of finance. This Council is undertaking financial studies in depth and long range for the financing of the economic development of Puerto Rico.

I have also ordered the Planning Board to broaden and improve its systems of information, models and statistical indicators, so that we may have the necessary data to carry out financial and economic analysis, both short and long range, which are essential in a rapidly and constantly changing society.

THE TAX REFORM

Tax reform is one of the principal measures that the present Administration is put-

ting into effect to direct growth toward the betterment of all Puerto Ricans. It is not enough to have increased our gross income. It is necessary that that income be better distributed. It is necessary for progress to reach the neediest, the ones that have as yet not shared in that progress. It is also necessary for the tax burden to be shared more equitably and in proportion to the income of all citizens. We must put an end to the theft that goes by the name of tax evasion, and we must develop consciousness that paying fair taxes is a very important duty of every citizen.

The work entrusted to the Committee on Tax Reform for the financing of development is fundamental. This committee, appointed by virtue of a law approved by the Legislative Assembly, started working last year, and will soon render a partial report about the various areas of the tax structure, namely, the administration of the tax system; municipal finances, and certain duties.

PUBLIC ADMINISTRATION

Upon assuming its responsibilities, this new Administration realized the deterioration in the different systems of public administration.

We found a large measure of dissatisfaction and frustration among public employees, a situation which has led them into demanding a larger participation in those matters that affect them. Resulting in their claims for better working conditions, salaries and other benefits.

Four months ago I named a commission of five distinguished citizens to make a study of associations, unions, collective bargaining and labor relations problems in our public service. The Commission has worked intensely and deeply, with great competence and promptness. The quality of its work has merited recognition from international experts in these matters.

During the present session of the Legislature I expect from the Committee not only a broad report about the situation in that field, but also their recommendations with regard to vital matters such as: how to insure an equitable distribution of available funds among *all* public servants; how to bring into harmony the merit system with the principle of collective bargaining; what norms and procedures are needed to deal effectively and fairly with disputes and strikes in the public sector: what kind of legislation and government instrumentalities will we have to create to efficiently implement the new public policies to be recommended.

At this moment we cannot indicate with precision all the changes that will be needed, but it does seem clear that the changes in our public service are urgent, and will be fundamental.

Any reform, however, must be consistent with the principle of merit.

I propose, therefore, that the principle of merit be consolidated in our Constitution, so that it will govern in all matters of public administration.

In order to put an end to the interminable delays and paper work in the selection of government personnel, I propose a decentralization of the Office of Personnel. This should not result in an escape hatch in the application of the merit system. The objective is precisely to strengthen it and to achieve more efficiency and dispatch.

The functions of the Office of Personnel should be limited to serving as an organism of guidance, advice and technical aid with relation to the administration of personnel, the principle of merit, and the training and development of personnel.

I propose, furthermore, a revision of the Law of Personnel to make a clear distinction between service that includes positions of trust and career service, and to ensure that career employees not be exposed to political changes; to develop mechanisms for the preservation or order and discipline in the performance of services, and to regulate the participation of public officials and employees in partisan political activities.

The bureaucracy

These changes should improve the quality of the services rendered by the government to its citizens. But we must go much farther in order to inspire public administration with the dynamism, agility, creativeness and effectiveness demanded by our times.

The citizen often feels frustrated and impotent before the passivity and indifference of some government agencies.

I say then to our government executives that the hour has arrived to awaken a sense of urgency toward the solution of our citizens needs in those public employees who still do not have it. The people are impatient, and they want action, now.

The workshops of the new Puerto Rico

When our government assumed its duties I became aware of the need for an instrument that would break through the artificial barriers of bureaucratic jurisdiction, to permit a better integrated and coordinated formulation of public policy, and of its implementation. With the purpose of filling that need, eight task forces composed of Cabinet members and agency heads have been working now for some time.

These task forces, which we have called the Workshops of the New Puerto Rico, have been organized on the basis of eight problem areas affecting Puerto Rico. They are the same areas in which this report is divided, namely, Fiscal and Economic Policy, which I have already touched upon: Employment, Training and Education; Land Utilization; Infrastructure and Public Works; Urbanism and Housing; Cost of Living; Social Planning; Betterment of the Disadvantaged, and Recreation and Use of Leisure.

MUNICIPALITIES

For the purpose of expediting government action, I regard municipalities as the primary line of service to citizens.

This Legislative Assembly has already taken initial steps for broadening municipal autonomy with the approval of the Fund for the Program of Municipal Participation and the transfer of permanent improvement measures from agencies to municipalities.

This legislation facilitates the development of local public works. Municipal governments have had the responsibility of determining what work, and of what magnitude, will be financed by the Fund. The program of municipal public works has had a remarkable success, and is creating thousands of jobs at the municipal level, with a Commonwealth appropriation of $10 million to be matched by the municipalities. For next year I propose that the appropriation be increased to $15 million.

In the Federal area a development of great interest for the Commonwealth is now materializing under the policy of "new federalism". It provides for Federal funds to be made available directly to municipalities with 50,000 inhabitants or over.

To these municipalities we will lend technical assistance to ensure the use of these resources in creative programs which will attend to the most pressing needs of citizens in general.

With the purpose of institutionalizing counselling services to municipalities in general, to prepare them for their new responsibilities, I now propose the creation of an Administration of Municipal Services.

This new agency will centralize technical services now being offered by several public agencies in matters such as management, planning, programming and development of works and services; preparation, presentation and administration of budgets; evaluation of programs; organization and methods; purchasing and supplies; drafting of model ordinances; drafting of regulations; filing systems; fiscal matters; revision of municipal legislation; personnel administration; accounting systems, and advice for the procurement of Federal funds.

In order to make growing municipal autonomy more effective, municipalities need additional resources for operating expenses. I believe that those resources must be provided and that they should be the municipalities' own resources and not dependent upon Commonwealth appropriations.

The Committee on Tax Reform has recommended, and I will submit the pertinent legislation for, the creation of two sources of additional revenue for municipalities, namely, the revision of the Law of Municipal Patents, and the establishment of a Municipal Lottery whose benefits would be distributed among all municipalities.

In this manner, with concrete plans, we approach the goal of real municipal autonomy to improve government services for our people.

EMPLOYMENT

The Puerto Rican economy has grown solidly during the past two decades, creating numerous employment opportunities. Unemployment, however, has for a long time been the most painful symptom of the shortcomings of our economy.

During 1973, some 27,000 new jobs were created. Yet the unemployment rate during the past fiscal year was 12%.

This unemployment does not show equally in all families. It affects totally unemployed families more adversely. According to Planning Board data as of April 1972, of the 96,000 unemployed 53,000 were in families where some members were working. Some 43,000 were in wholly unemployed families. This latter situation obviously represents more human suffering than the other.

Evidently we have a chronic unemployment problem that cannot be solved through economic development to create new jobs alone.

While it is true that we must seize every opportunity to create new jobs we cannot ignore the factors at work in the continuous growth of the number of unemployed Puerto Ricans.

As a result of the birth rate in 1957—35.0 per thousand people—28,000 persons entered the island's labor force this year. The birth rate last fiscal year was 24.6 for every thousand inhabitants, representing a notable decrease as compared to 1957. This rate, however, is still too high if compared to that of other industrialized countries such as the U.S. (17.3 in 1972), France and England, whose rates were 16.7 and 16.2 respectively.

We must add to this inordinate population growth a tendency that is showing in the area of migration. During 1972 and 1973 we had a net reverse migration of 41,000 and 28,000 respectively, mostly Puerto Ricans coming back after having established themselves in the states. This represents an increase in our labor force too.

Should this tendency prevail, our population will continue to grow out of proportion with our resources to support it. Thus the urgent need for a firm and vigorous population planning policy.

Family planning

Family planning is the indispensable base or a real solution to unemployment and many other fundamental problems of our country.

The family planning programs have been grouped under one agency—the Health Department—and a post of assistant secretary has been created to deal exclusively with this area. This office will have as its only responsibility to develop and carry out a vigorous family planning policy on a voluntary basis, dealing directly with the problem and coordinating the efforts of the Family Planning Association which will continue to receive

economic support both from the Commonwealth and the Federal government.

The goal of the Health Department in this respect is to raise this program to the needed level so that all Puerto Ricans have access to the information and services offered on the basis of voluntary participation. The Bureau of the Budget, acting on my instructions, has allocated the necessary resources so that this program may reach optimum development and expansion.

Migratory movements

The Puerto Rican government will under no circumstances stimulate the migration of Puerto Ricans to the mainland. It is a fact, however, that this migration occurs spontaneously, as does immigration of Puerto Ricans from the states to the island. The Commonwealth government will help Puerto Ricans living in the states to integrate into the communities where they are located and it will strive toward the maximum possible development of the potential of every Puerto Rican. Thus if the Puerto Rican chooses to stay in the states he will be better adjusted to the community he lives in, while if he prefers to return to Puerto Rico he will be better trained and developed to assume positions to greater productivity in our economy.

It is with this purpose that I have created a Governor's advisory council made up of Puerto Ricans who are representative of the areas of greatest Puerto Rican concentration in the states. The Council will deal solely with matters pertaining to the Puerto Ricans living in the states. I have also appointed a special Governor's representative to visit Puerto Ricans in thse communities to establish a direct line of communication with them.

I have also instructed the Secretary of Labor to reorganize and strengthen the New York Office of Migration and the services offered to the migrants in Puerto Rico in order to: 1) provide better orientation for these migrants; 2) guide Puerto Ricans in the states toward communities of greater job opportunities; 3) develop a program of job contracts for non-agricultural workers following the pattern of the successful agricultural job contracts; 4) improve the skills of Puerto Ricans living in the states and help them adapt more easily to their new environment; 5) improve the agricultural migrant workers program so as to cover all such migrants and get the best possible contracts for them; 6) supervise more closely the agricultural contracts to protect the rights of the workers.

This does not mean, however, that we are to render Puerto Ricans on the mainland the services that are due them by the states and cities where they reside and work. What it means is that we are going to help Puerto Ricans obtain those rightful services, and/or organize themselves to solve their own problems.

School dropout reduction

The government's policy to reduce unemployment and improve the Puerto Rican worker's efficiency should include major efforts to keep young people in school and to give them a better education and training. To give you an idea of the magnitude of this problem, let us look at some of the data. Only one third of the 77,041 children who started school in 1961 graduated from high school. During fiscal 1973 there were in Puerto Rico some 18,000 unemployed and 20,000 unemployable youths between the ages 14 to 19.

To meet this situation, we hope to increase student retention and upgrade the achievement per student. This should result from the current revision and reorientation of the programs and structures of the school system. These changes consist of the following:

We are working toward a year-round school calendar and a total curriculum revision aimed at greater student achievement and better use of school facilities.

Vocational education is being strengthened and reorganized.

Job demand is being re-examined so as to adjust school programs to the prevailing reality.

A plan is being worked out with the industrial, commercial and agricultural sectors to pinpoint the specialized skills needed in the occupations of greatest demand in Puerto Rico.

The utilization of industry as a laboratory for student training is being intensified, along with the consideration of using industry also for the training of teachers in certain fields.

A stronger role is being assigned to area vocational schools as job training centers with a view toward achieving greater efficiency and a more effective use of available resources.

We have looked at the measures we propose to take concernir g factors not directly related to the economic development as such, but that have a definite bearing on our serious unemployment problem, to wit: a high birth rate, immigration and school dropouts. Now we will examine what is being done to create jobs through economic development.

Job generating growth

Our goal is to create 28,000 jobs next fiscal year starting July 1. This means an increase of 6,000 annually above the average job creation over the last four years.

This objective calls for a sustained and rapid pace of economic growth. Our strategy will be to promote the sectors of primary growth in our economy so that the growth fans out to stimulate all other branches of the economy. These primary sectors, which we call the propelling group, consist of the manufacturing industry assisted by tourism and agricultural development. Manufacturing is and will continue for many years to be the main economic propelling factor in Puerto Rico and as such must receive all our stimulus and support.

To advance as much as we plan in this sector, the gross industrial product must maintain a rate of growth similar to that of the last ten years. But to maintain such a pace the effort today must be doubled.

Our policy as to manufacturing should optimize our industrial opportunities and promote and conserve jobs in labor intensive light industries. Also we should stimulate the integration of industrial processes.

Industrialization

The effort required by Fomento (the Economic Development Administration) to reach its goals will be so great that it will almost exceed that agency's promotional capacity. This is due to the major problems now faced by the manufacturing community, such as rapid increases in the cost of raw materials, especially crude oil and derivatives, transportation costs, and strong competition from countries where wages are lower.

Our goal through Fomento is based on the assumption that new incentives are needed to attract more light industry, including additional assistance for equipment, buildings, transportation and other items, and that we must systematically promote special support projects such as the superport, shipbuilding and copper mining ventures, in order to build a base for labor intensive industries.

Another one of these special projects is the creation of a Regional Development Center at Ramey Field in Aguadilla.

Plans for converting the Ramey airport complex into a productive element of the Puerto Rican economy are being worked out jointly by the government and a group of private investors. The proposal calls for an aeronautical center, tourism attractions, an industrial park with a free foreign trade zone and a research and technological park.

The benefits for Puerto Rico from the successful conversion of Ramey, a former Air Force base, for such civilian uses would be substantial. Tourism development alone would create from 600 to 1,200 jobs. The industrial park and the aeronautical center would bring another 5,000 to 10,000 jobs. But, what is more important, Puerto Rico would have a nucleus for the research, development and production of highly technological manufacture. This will open new avenues for the economy and for the improvement of skills in the labor force.

The following additional steps will be taken next fiscal year in our industrial development effort:

Strengthening, expansion and reorientation of the industrial incentives program.

Reorientation of the promotional effort in the U.S. toward areas with a greater potential for attraction of high technology industries.

Further development of the petrochemical industry. We already have received information of immediate significant expansion in the existing petrochemical complexes.

Establishment of a new promotional organization.

Substantial strengthening of our industrial advertising campaign in the U.S.

And last, but not least, I propose to submit in the next few days a bill to amend the law creating the Puerto Rico Development Bank to allow this institution to create subsidiaries that would invest funds in any enterprises that could or that may now be making a substantial contribution to our economic development and the creation of jobs. This new source of capital will be of special importance for the development of local industries.

AGRICULTURE

There are great problems and limitations in agriculture and our rural areas in general. But there is also a great potential, a challenge and hope. The efforts made during 1973 have resulted in a public policy for agriculture and the rural areas that seeks four basic objectives:

First: To stabilize production in the most important traditional items—sugar cane, coffee and tobacco—at levels compatible with present conditions here.

Second: To increase to the utmost the production of foodstuffs for local consumption, especially dairy and poultry, fruits and vegetables.

Third: To diversify our agriculture, emphasizing those existing enterprises with possibility of further development in today's Puerto Rico.

Fourth: To improve the quality of life in rural areas.

To reach these goals we must provide farmers with financial help for their crops and guarantee fair markets to compensate for the toil, the investment and the risks involved in agricultural production. We must also see to it that farm workers obtain the highest possible wages compatible with a healthy agricultural economy.

Regarding sugar cane, coffee and tobacco, the markets of which are assured, we have placed emphasis on financing and adequate return. The program of price subsidies for these three items, along with guaranteed minimum prices for sugar cane, have shown notable impact. Also of importance in the sugar cane industry has been the consolidation of all government-managed sugar cane operations—which are of great magnitude under one single entity—the Sugar Corporation, created in 1973.

The integration of all field and mill operations has already resulted in an improvement of production efficiency, with the consequent reduction in costs and in economic losses. These had reached alarming proportions in the last several years.

Agricultural production data for the first five months of this fiscal year and estimated

production for the rest of the year indicate a significant increase for the whole period, even without taking into account higher prices, meaning that there will be an upward trend in agricultural production. This will reflect not only in the traditional crops of sugar cane, coffee and tobacco but also in dairy and poultry, fruits and vegetables. If this increase occurs it will be the first in many years and will indicate that our agricultural approaches are moving in the right direction to obtain a greater contribution from agriculture to the general welfare of the country.

These objectives make it essential that we preserve productive land for agricultural purposes. Toward that end we are taking the necessary steps through the Planning Board and will submit legislation to you soon.

The corporations for agricultural development and rural development created through legislation last year, within the Department of Agriculture, have already been organized and are at work. These entities have the necessary resources and flexibility to fulfill their mission.

Tourism

Tourism is another impelling sector I intend to strengthen within the development strategy for Puerto Rico. The success of our employment policy depends very much on whether tourism is able to make its maximum contribution toward the creation of jobs.

Tourism showed a 15% economic growth during the past fiscal year. Our hotels lodged a total of 544,000 visitors. Tourism represented 2.8% of our gross national product.

The hotel industry naturally, is the main source of employment—providing stable and well-paid jobs—in the tourism industry. To aid in the support and financing of luxury hotels that are the major providers of jobs in the industry is a matter of public policy of our government. We intend to submit legislation aimed at creating a firmer economic base for hotel operations. However, it will not be a policy of my Administration to acquire and run on a permanent basis high-priced hotels operating with losses.

Tourism should benefit all regions of Puerto Rico and that makes it necessary to decentralize the industry and promote inland tourism based on the country's natural and cultural attractions. We will also promote the development of new tourism concepts combining recreation and residential facilities through the use of the condohotel idea. We seek to create diverse lodging facilities such as guest houses, stopovers (inns), cottages and touristic villas oriented both toward outside and internal tourism.

Construction

Construction experienced a slump during fiscal 1972–73. In January, 1973, the Federal Housing and Urban Development Department discontinued its subsidies of mortgage interest for low income housing. This unexpected action caused serious problems in the financing of housing for low and moderate income families. Housing projects that were ready to start were stopped, and others in the planning stage had to be abandoned. The situation worsened throughout 1973 as interest rates went up, curtailing the availability of financing for many residential projects. These unexpected developments forced us to take extraordinary measures to give new life to housing construction.

As we sought to give renewed impetus to the industry, we revised procedures and regulations at the Planning Board to accelerate construction projects. The Law of Certifications, that will speed up processing of construction permits, will become effective at the beginning of March of this year.

We will definitely speed up government public works and construction aided by the government, as well as development of certain types of housing to give the construction industry the greatest possible boost within our administrative limitations and resources. The Commonwealth and its public corporations will carry out a massive permanent public works program amounting to $964 million during next fiscal year as a means of stimulating the economy.

The Government: A last resort employer

The Right to Employment Administration has a dual purpose as temporary provider of employment and as a promoter of job opportunities both in private and public organizations. All of the programs of the Right to Employment Administration are geared toward those who cannot find jobs in the normal activities of the economy.

During this past year it became obvious to me that the funds given to the Right to Employment Administration were not sufficient to take care of the islandwide demand. To prevent many families from going hungry because of lack of employment for at least one member of the household, I authorized the agency to launch a job creation program based on a doubling of its budget. For this reason I am asking this Legislative Assembly to immediately allocate $10 million to the Administration and to raise to $20 million its budget for the next fiscal year.

I am also bringing under the Right to Employment Administration all of the Federal and Commonwealth programs dealing with human resources that are now spread out among several agencies. Because of recent developments at the Federal level, the Administration will receive about $19 million in additional funds to create new jobs in Puerto Rico starting next March.

RELATIONSHIP BETWEEN JOB SUPPLY AND DEMAND

There is a big gap between the capacity, skills and preferences of those available for employment and the jobs available. Evidently, if present trends continue, the sources of employment will have trouble in getting the needed personnel. The structure of job demand shows that the training and education of the Puerto Rican must be reoriented and fitted more closely to the specialized tasks required. Otherwise there will be an excess of professionals and office personnel vying for the few jobs that may be created in the development of governmental work.

I have already explained the measures we propose to take on vocation orientation and the reform of the present vocational education system in the public schools. But that is not enough.

Board of technical instructions and high skills

I am now proposing the creation of a Board of Technical Instruction and High Skills to integrate the responsibility for post secondary technical education and high skills. This organism will be in charge of supplying the demand for highly skilled and technical personnel, both for existing industries and newly attracted industries.

Employment bank

I further propose the creation of an employment bank to coordinate all job opportunities in every municipality with the type of manpower available.

This would be a centralized and computerized operation of the Employment Service. This service will facilitate the recruitment of personnel for all employers throughout Puerto Rico and will reduce to a minimum the unemployment of able persons since there would be better facilities to orient them in their search for employment. In addition the new Employment Service offices will be established in 27 municipalities now lacking that service and at the principal campuses of private universities and the University of Puerto Rico.

The educational system

The Department of Education, with the participation of teachers, has begun a complete re-examination of the objectives to be pursued in all of its programs so that they may respond to the needs, interests and realities of the Puerto Rican student.

Among the objectives of the program are the following:

Development of action to achieve a greater equality of educational opportunities.

Restructured of the system administration.

Improvement of the process of education and of its output.

In order to widen the road toward the attainment of these objectives, I will submit legislation to the Legislature to authorize the Secretary of Education to create Experimental School Districts in which the Secretary will have maximum flexibility to make changes in the curriculum, calendar, acquisition of teaching materials, hiring of personnel, and other matters.

To improve the quality of instruction it is necessary to adequately compensate the teacher so that we may attract the best talent to carry out the fundamental task of teaching, which our country depends on so largely. To be able to do this within our budget limitations it is necessary to spread salary increases over three years. Later in this message, and together with other salary increases, I will indicate what I propose for the first year.

The University system should become more closely linked to the public school system; it should be in closer contact with the efforts being made in planning toward the best possible utilization of our natural and human resources. It should tie itself more to the industrialization effort and contribute more effectively to the development of a new and modern agriculture.

As the University System introduces our young people to the marvelous world of science and technology it also should intensify the study of the world of cultural and artistic creation and emphasize and enrich our historic heritage. And along with the training of professionals and technicians in its main campuses, the system should devote a greater effort, through the regional colleges, to train intermediate and lesser technicians to fill the growing demand for services.

To insure that we do not stray from these purposes I will always be mindful of the pressures that may disrupt the institutional organization and the atmosphere of work and respect that should prevail at the University.

EDUCATION REFORM

Our system of instruction needs short and long range reform at all levels, from grammar school to the University system. I have mentioned some of the short range modifications, that is, those we can tackle immediately. I want you to be aware of the kind of reform that our education system needs and that demands careful analysis and planning.

Education must be modernized. The educational structures are being questioned, there is talk about free and open schools at the elementary level and beyond; a high dropout rate at all levels; there is a mounting degree of dissatisfatcion among students and among the community in general about the kind of education the system provides.

It is true that the state has been devoting the largest portion of its budget to education, but the product of this effort is unsatisfactory. The question is not of resources, but whether we should continue to plunge whatever resources we may have into a system of education that no longer responds to Puerto Rico's needs and aspirations and to the hopes that Puerto Ricans have placed on education.

Countless studies of the public schools and the University system during the past three decades have pointed out the need for a reform not only of the structure, but of the

content of our institutional programs. However, whatever changes have been made are hardly perceptible and the dissatisfaction with the product of our educational system keeps growing. We probably do not need additional studies of any great depth. Plenty of information has already been collected and a Commission for Educational Reform can begin right away to analyze the studies that have been made and make other studies that may be deemed necessary to rapidly carry out the changes in educational approaches that our present society demands. I am aware that the Department of Education has launched short range reforms that could be the starting point for more encompassing modifications of the public educational system in general.

Therefore, I propose the creation of a Commission for the Reform of Education in Puerto Rico, the task of which will be what the name implies. This Commission will examine the system of public instruction from the elementary school up to the university level and then propose legislation and approaches, draft a public policy and design means for the total reform of the system. This commission should have an adequate annual budget so that it may contract the services of such authorities in the field of education, within and outside Puerto Rico, as the project may call for, and must work at full speed to submit its report during the current four-year term of the present Administration.

Our examination of the State of the Commonwealth cannot omit mature consideration of the basis for our development. These include: the land, other natural resources and our economic infrastructure.

THE LAND

The geographical area available for continued development is being reduced dramatically. Of Puerto Rico's total land area of some 2.3 million acres, more than half, 1.2 million acres, consists of relatively inaccessible mountainous terrain. In addition, 200,000 acres have already been utilized for non-agricultural purposes and another 300,000 acres are flooded or are subject to flooding. That leaves us with some 600,000 acres for all uses. Of these 600,000 acres, moreover, 350,000 have slopes ranging from 16% to 35%. Given the prevailing methods of construction, these steep lands would make development extremely costly. *This places us in the serious situation of having only some 250,000 developable acres for urban, industrial and commercial expansion and other purposes.*

As a result of the scarcity of land, land values have increased disproportionately, especially in the San Juan Metropolitan Area. Currently, developable rural lands are being sold by the square meter instead of by the acre as had been the practice in the not so distant past.

To grapple with the complex problem of utilization of this scarce resource, we should consider Puerto Rico as a highly integrated system, so that, in case of conflicting demands among the various sectors of the economy, decision-making will favor that usage which will better serve the public interest of the system as a whole and not that of a particular sector.

For that reason, the Planning Board will press for a rigorous policy to insure optimum land use with the aim of assuring availability of this resource for the future options of the island. To these ends, it is our intention to place emphasis on vertical urban development to gradually supplant the horizontal development patterns we have been pursuing up to the present time.

The comprehensive land-use plan, to be established by the Planning Board, will take into consideration the needs of various sectional policies. It will provide for harmonious land-use in order to meet, simultaneously, the needs of industrial, agricultural, tourism and urban development, for conservation of natural resources and for the needs of housing and of infrastructure creation.

To implement this, the Planning Board will have to have clear, express legal authority to determine the best uses of land for all of Puerto Rico. This includes the power to extend zoning throughout the island. To these ends, I will submit appropriate legislation.

Legislation dealing with planning in Puerto Rico and in particular with the structure of the Planning Board must be revised to meet the requirements of today's Puerto Rico. The Planning Board must be reorganized so that it can effectively fulfill its essential planning and public policy-making functions and so that it can adequately carry out the afore-mentioned policies. I am proposing legislation already being processed to achieve these goals and to reorganize the existing structure of the Planning Board.

Given the scarcity of this valuable resource, I have already established as a public policy of my Administration that Commonwealth lands should be rented and not sold, except in those special cases where it is clear that the sale would serve the public interest.

NATURAL RESOURCES

Copper

Among the known resources of Puerto Rico are the copper deposits in the Utuado-Lares-Adjuntas area. I am aware that the potential yield of these deposits is estimated at 1.5 million tons. For more than a decade, the Commonwealth has been studying the best way to utilize this important resource for the benefit of its sole owner—the people of Puerto Rico. These studies have made it possible for us to view clearly the possibilities and the risks involved in exploitation of copper.

It is the goal of my Administration to make 1974 the year of final decision for the exploitation of copper under conditions most favorable to the Commonwealth.

In order to stimulate a greater number of jobs, my Administration will only permit extraction of copper providing that copper smelting be developed in Puerto Rico. In this way, extraction of copper in the Utuado-Lares-Adjuntas area will give valuable thrust to the strengthening of the economy of the Commonwealth.

Current world conditions favor maximum economic benefits for Puerto Rico from exploitation of this mineral. Consequently, we propose to obtain the largest possible share in the benefits and earnings which would derive from the exploitation of copper.

To achieve these goals, the Department of Natural Resources will have the responsibility of determining the conditions under which Puerto Rico could reap the optimum benefits from mineral extraction. Moreover, the Department will explore various alternatives, including the holding of a public auction, to which would be invited the major global corporations interested in copper mining, processing and refining.

To this end, the Department is now completing a series of new studies intended to bring up to date and to complete previous surveys. The Secretary of Natural Resources has assured me, nevertheless, that we will be able to proceed with this project, with all the safeguards required by the public interest, during the current year.

All development has to be paid for, and, of course, the establishment of a copper industry is no exception. Therefore, we will have to face up to the inevitable social and environmental effects of copper mining, and, most of all, to the effects of creating the infrastructure required to serve the industry and the additional numbers of people who will be drawn to these areas.

Water

Projections for the next 30 years indicate that our growth—in both the demographic and the industrial sense—will increase the demand for water about six times. For that reason, we are establishing a public policy aimed at conserving, managing and developing this scarce resource in an effective and efficient manner.

Underground water supplies are a limited public resource. Moreover, in certain areas such as the Southwest sector of the island, they represent an important reserve for the future. The Department of the Natural Resources will formulate norms and regulations for water supply usage and protection. The Department will establish a system of permits and licenses to regulate water extraction. The Environmental Quality Board will implement a series of regulations aimed at minimizing the possibility of pollution.

At the same time, we will initiate a program to develop new sources of serviceable water supply in order to meet future demands of our society in an economically feasible manner. We will establish:

A program of flood control. Along with the land-use plan, this will permit optimum use of excess groundwater during heavy rainstorms and floods. And it will also permit maximum utilization of lands which are not subject to flooding and those that are reclaimed in floodable areas.

A multiple use plan for water supplies. For example, treated or recovered water supplies may be utilized for agricultural, industrial and recreation purposes.

A plan to provide for better distribution of available water supplies. Sectors with an abundance of usable water supplies must provide some of these supplies to other sectors where periodic water scarcity seriously impedes potential development.

Reforestation

I have organized an inter-agency effort to carry out a massive reforestation plan for all of Puerto Rico. This plan is aimed not only at providing protection for our watersheds and for the development of our forests and fauna but also at the beautification of our highways, avenues, streets and parks. The agencies participating in this program are the Right to Employment Administration, Natural Resources, Agriculture, Public Works and The Parks and Recreation Administration.

Coastal zone

The coastal zone is a factor of great importance among those resources which contribute to the general welfare of our people and to the development of tourism, industry, recreation and maritime activities. Yet, this sharply limited resource whose utilization is increasing rapidly year after year, is consequently faced with a mounting threat.

To preserve this zone, these measures will be taken:

Protection, where it is possible, of the natural character of the shoreline. This includes the preservation of outstanding natural features such as beaches, reefs, bioluminescent bays and mangroves; prevention of the needless destruction of the shore, and, sensible development which incorporates natural features.

Buttressing, with effective Executive action, those laws which assure public access to the coastal zone and which prevent invasion of the public lands of this zone.

Creating, by regulation, sectors in the coastal zone which are most appropriate for contemplated uses of these lands, such as tourism, industry, electric power plants, port, urban and recreation areas.

INFRASTRUCTURE

To continue our economic progress, it is absolutely necessary to maximize acceleration of our infrastructure development; that is, the creation of basic facilities required for growth.

Highways

Our highway system is outdated. To improve it in a substantive way, we will have

to expend some $237 million during the next year in order to terminate projects already started and to construct new ones. New projects are selected by taking into consideration the economic importance of the roads to the area involved and the condition of disrepair of the existing roads.

Among the many projects which we will complete next year, the most important is the termination of the Cayey-to-Salinas span of the super-highway connecting San Juan and Ponce.

The most important projects which we will begin work on next year are the following:

Construction of new stages of various San Juan Metropolitan Area arterials in order to ease traffic congestion. This includes another bridge over Martin Pena Canal and conversion to an expressway of four kilometers of Baldorioty de Castro Avenue.

Construction of road sections between Sabana Grande and Yauco and widening of the Mayaguez-Anasco stretch, including a new bridge over Rio Grande de Anasco on Highway 2.

Widening of Highway 3 up to Luquillo.

Improvements to the Aguadilla-San Sebastian Highway, the Arecibo-Lares Highway and Ponce's Malecon Avenue, from Highway 2 to Arenas Avenue.

And work on the intersection of Hostos and Llorens Torres Avenues in Mayaguez (at the entrance to the University) and the Ponce East-West Expressway, from Arenas Avenue to the Las Americas Tollroad.

Upon updating the 1970 highway needs study for Puerto Rico, it was estimated that current and future requirements over the next 20 years would amount to $2.6 billion. Financing these needs presents two major difficulties: on the one hand, the limitation in the Highway Authority's borrowing margin, based upon resources which have been assigned to the Authority in order to finance its work; on the other hand, the constantly rising cost of construction. Current sources of funds available to the Authority will permit highway investment of only $104 million during the next fiscal year and $322.5 million during the next four years. These amounts do not include debt servicing, reserves and administrative costs. The resources available are considerably below our necessities.

To provide the resources needed for highway investments, I will submit legislation to increase the gasoline tax by 5 cents at the refinery level. This will also serve to finance the mass transit system.

Parking

One of the urgent needs in the San Juan Metropolitan Area and in the larger cities of Puerto Rico is parking. Absence of parking facilities creates inconvenience for drivers. It also leads to parking on both sides of thoroughfares, thus reducing the capacity of streets to carry vehicular traffic. In order to find a solution to this problem, I have approved a program involving the planning and rapid construction of public parking facilities in the San Juan Metropolitan Area and in the principal cities of the island. These facilities will be financed with funds of the Highway Authority.

Nevertheless, the solution to our transportation problem, I must point out, is not merely a matter of building more roads and providing more parking areas. Nor is it to be found in buying more cars. I consider continuation of our Highway Authority program to be essential for completion of our road system. At the same time, we must develop a mass transit system, both in our urban centers and inter-city. Eventually, highways and mass transit would serve as complimentary systems in moving cargo and passengers throughout the island.

Mass transit

In the first year of my Administration, I have given the highest priority to the development of a mass transit system—or "metro"—in the San Juan Metropolitan Area.

We have already held public hearings dealing with specific routing which the system will have. I am satisfied that results of the hearings indicate whole-hearted endorsement of the project by our citizens. Consequently, we are going ahead with the environmental impact analysis of this project as required by the Environmental Control Board and the U.S. Department of Transportation.

To construct the system, we estimate that we can obtain substantial Federal funds up to 80% of the cost of the project. Still, considering the urgency of the project, we have simultaneously initiated a search for other financial sources. It may well be possible that the project can be advanced more rapidly through private investments. We will make the final decision on the basis of the cost and time factors involved.

While giving the greatest possible thrust to this project, we are aware that the situation in the Metropolitan Area requires more immediate action. Therefore, in order to improve the existing system, we are proposing restructuring the Metropolitan Bus Authority's services so as to include trunk and local routes. These routes will roughly parallel the mass transit system for San Juan.

The Department of Transportation and Public Works is preparing a plan aimed at establishing a mini-bus system. Together with AMA's buses, it will provide efficient public service to the urbanizations and neighborhoods of the San Juan Metropolitan Area. Participation of "publico" driver cooperatives in the system also is contemplated. The system should begin to function at the beginning of next year.

I am convinced this project will provide improved services and will stimulate cooperativism by integrating "publico" drivers in an efficient "mass" transportation system.

Port facilities: Deep water port

Location of the deep water port on Mona Island depends on the decision involving transfer of Navy operations in Culebra to the Islets of Monito and Desecheo. Desecheo is Federal property. Before taking the decision to locate the deep water port on Mona, of course, we had agreed to provide Monito to the Navy for training purposes. Now, it is necessary to resolve the needs of the Navy and those of the Commonwealth in order to finally determine location of this project.

International airport

Urban and economic growth indices for Puerto Rico, the movement of passengers and cargo at our International Airport, current investments and projections for future development point to the fact that we must make maximum use of this resource. Already, $28 million have been invested in this Airport. To expand facilities and to make passenger flows more efficient, we have launched a program of capital improvements calling for investment of an additional $30 million over the next five years.

Ramey and Lajas

We have obtained Federal funds to produce an Island-wide airport facilities study which will take into account current and future needs of our people. Among factors under consideration are the facilities of the proposed Southwest International Airport and Ramey Field.

Prior to the decision of the Air Force to cede Ramey Field to the Commonwealth, previous Administrations had invested some $2.5 million in the acquisition of 1,200 acres of land in the Lajas Valley and in studies involving development of a second international airport for Puerto Rico.

Findings of the on-going Island-wide airport needs study will provide us with the basic guidelines required for efficient and coordinated development of Puerto Rico's airport facilities. Regarding the second international airport, the study will determine where the airport should be located, and, in addition to considering the Ramey facilities, whether or not the airport should be constructed at Lajas.

Our fellow citizens of Vieques and Culebra deserve the best possible ferry boat transportation with the main island of Puerto Rico. Therefore, to improve service between Vieques and Culebra and Puerto Rico and to match Federal funds available for the purchase of new ferry boats, I am recommending the allocation of $1 million to the Ports Authority.

Flood control

In Puerto Rico there are approximately 70 bodies of water which have an impact on population centers and other areas. These sectors require flood control protection in order to enable future tourism, industry and residential development.

Currently, flood control works involving more than $12 million are being constructed. Among these are the second-stage channeling of the Bayamón and Yaguez rivers and the drainage project within the urban limits of Cataño. There are 10 other projects almost ready for construction, involving total costs of about $150 million. Among these projects are the first-stage channeling of the Puerto Nuevo River (from Martin Peña to Roosevelt Avenue), at an estimated cost of $12 million; first-stage channeling of the Humacao River, $6 million; construction of the Hondo River diversionary canal in Bayamón (from Betances Street to the sea, $6 million.

Channeling of the Portugués and Bucaná rivers is of special importance for urban development of the Ponce area. Eventually, the projects will also lead to creation of a much-needed reservoir there. This year, we are starting construction of the Portugués River canal which will permit diversion of the flow of this river into the bed of the Bucaná River. First stage work includes not only construction of the Portugués diversionary canal but also a bridge over the Ponce bypass and the widening of the bed of the Bucaná River to its junction with the sea. This project will provide protection to the lives and property of families residing in the Bélgica sector and the entire area lying between the bypass and the Playa de Ponce sector. Moreover, it facilitates the development of important residential, commercial, educational and industrial projects which will strengthen the economic and social life of Ponce. Financial assistance from the Federal government and from the Army Corps of Engineers is anticipated for this project. Total costs are estimated at approximately $126.3 million.

Aqueducts and sewers

As of June 30th, 1973, the Aqueduct and Sewer Authority was supplying water to about 568,000 families. Also, some 3,678 public faucets gave service to more than 37,000 additional families. Total number of families receiving potable water service, consequently, was 605,000, which represents 85% of our total population as of the aforementioned date.

Sewer services were being supplied to some 334,442 families as of June 30th. This represents service to 74% of all urban housing units and 47% of all rural housing units.

One of the most serious problems facing approximately 15% of our people is the lack of water services, despite our high level of development.

The problem is particularly widespread in many of our rural regions. Heeding the cry of the residents of these sectors for some improvement in this matter, I am proposing that $27 million be earmarked for construction of new rural aqueducts and for the improvement of existing ones during next fiscal year. This sum is substantially greater than the average $5 million which have been al-

located annually for this purpose over the past several years.

To meet the water and sewer needs of our growing population—and to serve commercial, tourism and industrial requirements—the Aqueducts and Sewer Authority has prepared a vast program of capital improvements involving water and sewer facilities for the five-year period, 1974–78.

Electric power system

Lack of reserve generation capacity in our power system last year created difficulties and dislocations for consumers of electrical energy. This was caused by delays in the construction of new generating units.

Eight additional units having a total capacity of 400,000 kW were added to the power system during the past year, increasing reserve generation capability considerably.

Unit No. 6 went into operation on the South Coast last year. Consequently, the system's reserve generating capability will reach full "fail-safe" capability when Units 1 and 2 at Aguirre go into operation. These units will provide an additional 920,000 kW to the power grid. Emergency measures have enabled us to complete work on Unit No. 1 during this month; the second unit should be completed by the end of summer this year. The Puerto Rico Water Resources Authority is programming additional capital investments totaling $534,207,000 over the next four years.

With these steps, it is anticipated that industry, commerce and home-users of electrical energy will be able to count on ample reserve and operational generation capacity adequate to meet the demands of Puerto Rico's development.

Physical facilities for industrial development

The Puerto Rico Industrial Development Company is preparing an industrial location plan for the purposes of identifying and acquiring necessary lands for the creation of special districts for heavy industry. The idea is to identify and acquire lands in advance of their utilization for these districts and for regional industrial districts catering to light- and medium-industry.

In planning these industrial districts, consideration will also be given to reservation of space for the infrastructure required by these industries. Thus, land will be set aside for parking, recreation areas for workers, banking facilities, commercial and medical service areas.

Substantial resources will be provided to the Industrial Development Company in next year's budget in order to intensify developments of industrial parks and construction of standard factory buildings for the location of new manufacturing enterprises.

Communications

To improve telephone service at the lowest possible cost, we have launched negotiations with the Puerto Rico Telephone Company aimed at exploring Government acquisition of the company through outright purchase. A Statement of Purpose was agreed to and the Commonwealth was granted a period of time which expired on December 15 in order to carry out certain audits of accounts, physical plant and equipment of the company. The intent of this was to determine if the Government would proceed with acquisition through establishment of a public corporation with the power to raise capital by issuing revenue bonds.

Owing to the time which has been required to complete examination of physical plant and accounts of the company, this deadline has been extended to January 31. The committee named by me to deal with the business of purchase of the telephone company has recommended that I proceed with the acquisition. I expect to sign a document this week which will spell out in detail the terms and conditions of the transaction as agreed upon. The document will take into consideration the aforementioned audit and evaluation by the Committee.

In considering legislation to create a new governmental instrumentality to carry out acquisition of the telephone company, this Legislature will have every opportunity to conduct an in-depth examination of the data and information compiled during preliminary investigative phases.

MARITIME TRANSPORTATION

Puerto Rico's Ocean Shipping external trade during fiscal year 1973 rose to $5.7 billion, that is, 88.5% of its Gross Product which amounted to $6.4 billion. Statistics for the United States indicate foreign trade reached $121 billion, or 11% of Gross National Product of $1.1 trillion. In percentage terms, external trade is eight times more important to Puerto Rico than to the U.S. Per capita income in the States is $4,693, that is, more than two-and-a-half times greater than Puerto Rico's $1,834. As a consequence, any increase in shipping rates has an impact that is 21 times greater in Puerto Rico than in the U.S.

During the last two years, shipping lines have increased ocean cargo rates by almost 40%. This increase not only is raising the cost of just about everything we consume in Puerto Rico but is also making the competitive position of our industries more difficult. Almost all our raw materials and machinery has to be imported. The bulk of our manufacturing production has to be exported. Thus, ocean shipping rate increases add to our costs and affect the profit margins of our products.

The best way to offset these high costs is to increase productivity. Most of the freighters serving Puerto Rico are old and slow ships of World War II vintage. Our total volume of external trade (exports plus imports) is close to $6 billion. It is of a magnitude which requires and which can indeed support a fleet of large ships. Moreover, these super-carriers could provide rapid and economic transportation. What is required, of course, is investment in new carriers to service Puerto Rico.

There are a number of alternatives facing the Commonwealth. Among these alternatives, not all of which are mutually exclusive, are the following:

(1) To seek exclusion from the U.S. Congress from the terms of the Jones Act (Coastwise Shipping Act).

(2) To seek exclusion from the Congress from the regulations of the Federal Maritime Commission, and, at the same time, to establish ways and means to control or to bring influence to bear upon the nature of maritime service and upon the merchant ships.

(3) To seek Federal subsidies for the construction and operation of ships which would provide service between Puerto Rico and the U.S.

(4) To acquire a maritime operation which would compete with others serving Puerto Rico's needs.

(5) Have the government of Puerto Rico provide all maritime transport services between Puerto Rico and the U.S.

We are studying and exploring the legal, economic, labor and other aspects of each of these alternatives to determine the course we should take. However, in view of what we already know, it is necessary to point out that Puerto Rico must move rapidly in this area if it wants to give adequate protection to its economy and to the needs of Puerto Rican consumers. As soon as we are ready to propose concrete action, I will submit the corresponding recommendations to this Legislative Assembly.

With this, we conclude our examination of land-use, natural resources and infrastructure—creation of basic facilities—necessary for the development of our economy. Now we will proceed to examine housing and urban growth.

HOUSING

Adequate housing is a fundamental necessity of every family and a basic right of each Puerto Rican. Our programs are geared to the rapid implementation of this concept. We utilize different means to help the 193,000 families who have not yet been able to turn this right into a reality.

During the current fiscal year the Housing Department will distribute a total of 16,177 plots of land and 9,522 housing units. This represents an increase of 15,727 plots and 60 percent of the housing units built in the previous fiscal year.

My Administration has designed an integral housing program and is implementing a massive plan to meet the needs of 130,000 families over a period of four years at a cost of $1.6 billion.

Bond issues of the Commonwealth of Puerto Rico, public subsidies financed by the Housing Bank or private banks and federal funds will cover the cost of this integral housing plan.

As we shall see later, this massive program will be made possible by a better use of available land, new construction technology and new means of financing, such as that provided by Law No. 10 of 1973.

Housing for low-income families in urban areas

During the next four fiscal years we will build 20,000 housing units for low-income families, 7,500 of which will be built during the next fiscal year at a cost of $64 million. The program as a whole will cost $192.2 million. It will be financed through bond issues.

In order to continue meeting the needs of other families, 10,500 lots of land will be developed during the coming years, beginning with 1,500 during the next fiscal year. They will be provided with essential services and will be located primarily in towns near the center of the Island. Where feasible, the option of a new type of low-cost prefabricated housing will also be offered. The cost of this program for the next fiscal year will be $3 million.

As an urgent resettlement measure, the Housing Department will continue its program of semi-finished structures and modest dwellings. During the next four years we have set the goal at 8,000 such units. During the next fiscal year, $6.5 million are being assigned for the implementation of this program.

Housing for middle- and moderate-income families in the urban areas

The sector is composed of some 40,200 families with an annual income of $3,000 to $8,000. Their income level is not sufficiently high to attract the private home building and financing industries. It is, thus, necessary to help them by subsidizing the interest payments on their home loans. Housing for these families is subsidized through the ways and means established by Law No. 10 of July 5, 1973. By amendments to this law we intend to make possible the construction of 12,000 additional units during the next four years, at a rate of 3,000 per year.

Rural housing

There are still 61,000 families in the rural areas that lack adequate housing. In order to satisfy the totality of their needs, we will develop a six-year program.

Our experience in the field of rural housing tells us that half of these families need only a ground-plot as government help, since they already have access to means of financing such as the Housing Bank, the Federal Farmers Home Administration, and the private banking sector. Therefore, our program will seek to provide land to this 50%; that is, to 30,500 families.

The other 50%, in addition to the plot of land, will be assisted through the mutual aid and self-help program. Furthermore, in order to accelerate construction and stimulate employment, we will introduce the con-

cept of payment for the labor provided through the Right to a Job Administration.

The estimated total cost of this program is $195 million, of which $150 million will be used on housing construction and the remaining $45 million on land acquisition.

Many of the streets of the existing rural communities are in very poor condition. About 450 kilometers of these streets are in need of repair. I have walked through many of these, and I have personally felt the need of the residents for their streets to be repaired.

To meet the needs of these communities I am proposing that $3.5 million be assigned this year and an additional $3 million for each of the next three years, so as to integrate our efforts with those of the island's municipalities and pave, repair and improve the streets of our rural communities, as their residents rightly deserve.

The housing bank

To develop our policy of massive home building the Housing Bank will have to become the most important factor in financing homes throughout the whole island.

We have already increased the Bank's activities during the first semester of the past fiscal year. Within that six-month period the Bank granted mortgage loans for a total of $9.2 million. This is an increase of 47% compared with the first half of the preceding year.

To continue the increase of services rendered by the Bank we intend to adopt the following measures:

Expand the Bank's activities as a source of mortgage loans using its own resources.

Utilize the full capacity of the Bank as a mortgage guarantor to the private banking sector.

Develop a secondary market for mortgages of the private and public sectors.

As I said before, this massive four year program will have a total cost of one billion 673 million dollars. The Secretary of Housing has informed me that the needed resources will be obtained as follows: allocations from the General funds ($309 million); federal funds (an average of $75 million per year, for a total of $300 million); resources from the private banking sector ($362 million); resources from the private sector to finance projects under Law No. 10 ($200 million); bond issues by the Housing and Urban Renewal Corporation ($497 million); and certain income of CRUV and Social Programs ($5 million).

URBAN DEVELOPMENT

The physical growth being experienced by Puerto Rico is changing the country's surface and the people's way of life. This growth has brought with it the urban sprawl, which covers at an increasing pace, huge quantities of the available land. It has also brought congestion, pollution and a lack of harmony with the Puerto Rican landscape. To a large extent our urban life has lost its quality.

In response to these problems the Planning Board has revised its policies and land-use regulations, and intends to adopt the following norms:

Delimiting the urban areas, encouraging a balanced and integrated development, and limiting the available areas for further expansion. To implement this policy higher residential density will be allowed in predetermined areas.

Prior construction of infrastructure will be used as an incentive to increase development in those areas where these services would be available and to discourage growth in the areas where they would be lacking.

We will improve the quality of urban design by a combination of better land use and by providing incentive to developers.

Integrated developments that will offer a variety of housing styles and other services will be promoted for families of all income levels.

Adequate uses will be found for air space over public thoroughfares, the remnants of rights of way alongside roads and highways, the pedestrian walks and other esthetic and environmental matters will be taken into account to promote a more pleasant life in our urban centers.

RURAL-URBAN BALANCE

Urban development provides the scope within which all of society's activities must be integrated in a harmonious and functional manner, while at the same time maintaining a balance with those in the rural areas. The allocations for the massive construction of rural aqueducts, for the rural housing program, for the Rural Development Corporation's programs and for strengthening our agriculture, are all significant elements for the betterment of rural life embodied in the programs contained herein. To the extent that we achieve the integration of the rural and urban areas and a balance between them, we shall be creating a better environment for Puerto Rican society. The programs I am presenting to you aim to promote that balance.

No single problem is of greater concern to our people than the rising cost of living. The continous increase has been reflected, most of all, in food prices, in the prices of petroleum derivatives and in medical assistance.

The increases in food prices over recent months have been such that they are undermining the increases in workers' salaries and are having a direct adverse effect on the Puerto Rican standard of living. Our study of the State of the Commonweath requires, therefore, that we analyze in detail this problem in two manifestations: prices and salaries.

PRICES

During the first six months of the current year, prices in Puerto Rico had a sizable increase of 10.9 per cent.

During the next few months inflation will continue unabated. In Puerto Rico its repercussions will be stronger because of two basic reasons. The United States is discontinuing its price freeze, and this will increase the prices of the products we import from the mainland. Secondly, with the Arab oil embargo, oil prices are soaring to levels up to more than 400 per cent. This of course, will affect the costs of electricity and gasoline.

The principal causes of the increases in food prices in Puerto Rico are the following: A high dependency on imports—59.7 per cent of our foodstuffs are imported and their prices have increased outside Puerto Rico. A high degree of economic concentration in the process of importation and distribution. A considerable increase in the importation of agricultural products. The high costs of maritime transportation. And, merchandising and distribution problems.

Facing this reality the first thing we must accept is the fact that we must bear the major portion of inflation—the imported one—because there is nothing we can do to control it as long as we have to bring in from the outside such a high percentage of all the products we consume.

We can, nevertheless, deal with the local factors which contribute to the increase in prices and attain some relief. The Department of Consumers Affairs is implementing a price control program for staples in order to protect the consumer from unwarranted increases in the local market. Applications for price increases of the products under control have been approved only after the market needs and the reasonable costs and profit margins have been clearly ascertained by pertinent studies.

The implementation of this policy has caused some friction with various commercial sectors. And since, despite this measure, the rising cost of the products in their countries or origin has caused their prices to increase locally, the consumer is not satisfied either.

However, it is important to point out that by July 1973 and due to the implementation of this policy, the prices of products controlled or frozen by the Department of Consumer Affairs were consistently lower in San Juan than in the principal cities of the United States. On the other hand, prices of products neither controlled nor frozen have maintained higher levels in Puerto Rico than in the United States.

Of great significance is the fact that this policy we have implemented has allowed the consumer to benefit from the lower prices in the market of origin. If it is true that the price policy has not prevented the increase in prices when the costs have gone up, it is also a fact that, when the costs have decreased, the consumer has been able to receive the benefit of these lower prices.

We must regret that the implementation of this policy has resulted in a scarcity of some products during certain periods of time. This has come about because we have faced certain price increases with determination and decision. These experiences have not been pleasant for the consumer, whom we are trying to protect, or for the merchants or for us.

We have learned much from these experiences. At the same time we have demonstrated our firm determination to protect the Puerto Rican consumer. As a result, the policy implementation is being improved to make it more effective and to reduce frictions to a minimum.

A mechanism of long range price contracts has been established, as in the case of rice and wheat flour. Products experiencing adequate competition in the market have been identified and are no longer controlled. In these cases government supervision is limited to a follow-up. Finally, a new system to modify prices will be put into effect, under which frozen prices can be raised after notifying the Department of Consumer Affairs. However, such increases are subject to a study of reasonableness by the Department of Consumer Affairs within 21 days after petition is filed. If it is determined that the rise is not reasonable, the merchant will have to lower the price back to the frozen level or a level determined by the Department, effective on the date of notification.

For the protection of retailers who are not importers, the profit margin on controlled products will be automatically revised every six months on a percentage and cost-factor basis.

With these changes we are granting maximum flexibility to the price policy and, at the same time, we are protecting the Puerto Rican consumer more effectively.

Monopolies and poor distribution

Our strategy for consumer protection is not limited to price controls. In order to deal with monopolistic and poor distribution factors influential in the internal inflationary situation—that is, the inflation generated within Puerto Rico and the one with which we can deal—we intend to take the following measures:

The Office of Monopolistic Affairs in coordination with the Federal Department of Justice will carry out a vigorous antimonopolistic campaign in those areas where price increases are the result of excessive concentration and poor distribution of foodstuffs.

The Cooperative Development Administration will stimulate the cooperative movement toward the integration and promotion of new distribution and consumer cooperatives. This is an area of great possibilities for the movement.

The Department of Commerce will develop a product distribution program to close the gap between the importer and the retailer and give the latter the opportunity to compete with the large supermarkets in the sale of basic products.

A higher degree of self-sufficiency in food production

Lastly, through the Department of Agriculture we shall develop a vast program to reach a higher degree of self-sufficiency through the production of foodstuffs. We propose to:

Satisfy the total demand for milk, increasing the production by 55 million quarts in a three-year period. This is attainable by granting credit for the establishment of new dairy farms, the expansion of existing ones, and the development of a program to improve production.

Increase local meat production to supply 60 per cent of the local demand, building new abattoirs and establishing an adequate marketing system.

Supply the entire local consumption of tomatoes, peppers, and cabbages by granting credit and other facilities for the establishment of large commercial enterprises with a high degree of specialization and by the application of the latest technology.

Significantly increase the production of poultry, pork, eggs, fruits, vegetables, and seafoods, through incentives and other means.

When this program is fully developed—which will take some time—we shall have considerable protection in the food sector against imported inflation. Moreover, our agriculture will receive a tremendous boost.

The cost of medical services

Health, in its widest sense, is man's supreme material blessing. Good health is an essential ingredient for the enjoyment of a rich, full life, both for the individual and the people, as a collective entity. It is inconceivable and extremely painful that a large portion of our people should lack the necessary means to adequately satisfy such a basic need. Granted that life is a gift of our Creator. But the means to preserve it are a basic right of Man.

Following closely behind the prices of foods and oil derivatives, the third item in the cost of living which has registered considerable increase is that of medical services. We are all aware of the high cost of an illness in terms of hospital costs and related services.

The increase in the prices of these services affects not only the citizens who have to pay them directly or through medical insurance premiums, but also the Government which pays for the services offered to 60 per cent of the total population classified as indigent.

Medical insurance to protect every Puerto Rican is the solution to this difficult problem which affects not only the price, but also the availability and the quality of medical services. Only through such a program shall we achieve equality in terms of the quality of medical services given to every citizen.

A commission has been working intensely during the past year on this program, which is as complicated as it is needed. The problem and its ramifications are so complex that the Commission has not been able to complete its task on time. Since any step we take in this direction must be firm and sure, I submit to this Legislative Assembly that the original term granted the Commission to fulfill its task be extended and additional resources be granted.

WAGES

Private industry employees

During the past special session I proposed, and the Legislative Assembly approved, a budget increase for the Minimum Wage Board to allow it the desirable conditions for a more effective and quick examination and determination of the increase in wages to be paid by private companies in Puerto Rico.

According to my instructions in this respect, the Minimum Wage Board has already examined seven industries in the course of the present fiscal year and has issued decrees benefiting 8,674 workers. This new work pace represents an increase of almost double the number of industries considered during the same period the previous year. In the coming months the Board proposes to examine eleven additional industries or businesses.

Through this mechanism which permits the study of the productivity of each industry and the setting of the highest possible wages according to its economic and competitive position, we are taking care of the wage needs of the industrial employees, especially those who are not protected by collective bargaining.

To deal with the needs of those agricultural workers whose wages are subsidized by the Commonwealth, I shall submit to you legislation allocating the necessary funds to raise the minimum guaranteed wage to $1.35 an hour for the sugar cane laborers and to $1.18 per hour for other agricultural workers.

Public employees

A scientific study has been made of the pay scales of public employees in order to make the necessary changes in the uniform pay plan which are feasible in respect to the economic resources of the Commonwealth. The study includes investigations of pay scales in private industry, in public corporations and in the Federal government. During the next fiscal year the Commonwealth's resources will be seriously curtailed by the negative effect of the worldwide economic situation on the island's economic development.

The increase in the cost of living makes it imperative, however, to seek new resources to provide a pay increase to public employees as a first priority.

To secure the necessary resources for that increase, the total cost of which is estimated at $71 million, I propose the adoption of the following measures:

An increase in the non-exempt property tax. $50 million.

A tax on air and sea fares originating in Puerto Rico. $7 million.

An increase of 5 per cent in taxes on premiums received by foreign companies on insurance granted or covering risks in Puerto Rico. $5 million.

An increase in the motor vehicle license fees which will tax principally those vehicles that consume the most fuel. $5 million.

An excise tax on airplane fuel. $4 million.

Altogether these measures can produce, according to estimates made by the Treasury Department, some $71.0 million.

Based on these new resources, I propose that the amount of $71.0 million be assigned to increase the pay of the Commonwealth's public employees. With those monies new increases will be made at all levels and categories of public employees, including teachers, which in no case shall be less than $50.00 per employee and up to $75.00 for teachers. These resources will also provide for the increase in pay of the judges and agency heads who are also public servants and who also feel, in equal measure, the increase in the cost of living.

Relief in food purchases for low-income families

The problem the increase in the cost of food represents for low income families will be greatly relieved by the extension to Puerto Rico of the Federal Food Stamp Program. A group of executives from various Commonweath agencies is working on the planning and organization of this program which should be in effect in every Puerto Rican town by next July first. Because of the magnitude of this program, it shall be implemented in stages. During the first stage, the program will operate in the towns of Aguada, Aguadilla, Añasco, Moca, and Rincon. After the initial period of two months, the program will go into this second stage covering eighteen more municipalities in the central and northern areas. From then on the program could be extended to the rest of the island before the end of this calendar year.

The program is directed at improving the diet of low-income families in Puerto Rico. The Federal Department of Agricultural has given us all the necessary cooperation to implement the program and ensure its success on the island.

I have been assured that during the next few days we shall receive the final results of the study fixing the food stamp quotas for families of two or more members. The study will also determine the maximum income of the families eligible to participate in the program. As soon as we have the results, we will be in a position to give concrete facts about the number of families which will benefit from the program and the amount of funds Puerto Rico will receive. For the time being we are working on the assumption that nearly 50 per cent of all families in Puerto Rice will benefit from the program as it extends to every municipality.

By increasing the purchasing power of low income families we will also be increasing the food sales of importers, wholesalers and retailers. Hence, commerce must be prepared to stock the foodstuffs which will have greater demand on the island.

I also anticipate that this program will be an incentive for commerce, urging it to continue and, in many cases, to initiate the use of new distribution techniques to reduce, wherever possible, the cost of the products consumed by low income families.

The consumer protection measures or those relating to better wages or to bringing relief to low income families in Puerto Rico I have mentioned, will never be so effective as to satisfy the aspirations of every Puerto Rican. Neither will we achieve the low prices nor the high pay we all wish for. The worldwide economic realities which I mentioned earlier are being felt by all people, diminishing the possibilities of industral societies to maintain their traditional pace of progress.

Hence, it is imperative that we readjust our consumer spending and our patterns of living. It is imperative that we make changes that can be seen either as sacrifices or as possibilities. If we take this opportunity to cast away that which is superfluous and to learn to appreciate profoundly those experiences of life that satisfy the spirit, we will successfully meet the challenge that these times of transition present to the whole world. And by doing that we will have improved the quality of the Puerto Rican civilization.

This requires that Puerto Ricans be, more than ever, conscious of their collective responsibilities and committed to such responsibilities. And informed well enough to make free determinations.

More than ever before, there will be a need to promote good fellowship and the participation of all the people in the decision-making process.

A special effort will be made toward strengthening neighborliness. This means to promote a special concern for the quality of interpersonal relations, possible ways and means to resolve conflicts and a deeper appreciation of the individual and collective meaning of the experiences life has to offer.

The promotion of good fellowship and the strengthening of family ties will be a fundamental task of this Administration in the area of social planning.

PARTICIPATION

Considering the conflicts and tensions inherent to the many problems that have come to be a part of our everyday life and thinking in terms of the participation of all groups in the governmental process, I have developed a totally new approach to participation that is in itself a forward looking social experi-

ment. Should it be successful, as I expect it will, this concept could very well serve as a model of participation in multiple and varied circumstances.

As I pointed out at the beginning, this Administration has been operating on the basis of eight workshops composed of Cabinet secretaries and agency heads and which we have called the Workshops for a New Puerto Rico.

These workshops are in effect an instrument for structuring public policy and for the implementation of this policy in an integrated and cohesive manner. I propose to create similar workshops to establish and maintain a continuous dialogue with the community. These will be called community workshops and will call for the participation of the different sectors of our society in analyzing and discussing the public policy that the government workshops are formulating in each of the eight areas mentioned. The ultimate purpose will be to obtain and incorporate wherever and whenever feasible, the observations and proposals of the community concerning public policy. The community workshops might very well serve as liaison in securing and utilizing the aid of the community in carrying out public policy.

Let us examine an example of how these community workshops would function in the specific case of Employment, Training and Education. The workshop would include labor and management representatives, students and educators. They would discuss, among other things, government policies on such vital questions as labor-management relations, problems of productivity and economic growth, the relationship between training and education and job opportunities in Puerto Rico.

We also expect these workshops to give the various groups the opportunity to fully understand the problems and the needs of each group so as to promote good fellowship and diminish tension and conflicts.

SOCIAL SECURITY

Puerto Rico lacks a social security system comprehensive enough to fill the most important needs of our people. These needs arise from illness, unemployment, accidents, old age, death and such economic fluctuations as affect the individual and familial welfare and the collective stability.

There are various Commonwealth and Federal social programs that compete, without coordination, in insuring the welfare of the Puerto Rican worker. We mention the State Insurance Fund, the ACAA, the Public Welfare Law of Puerto Rico, the Chauffeurs Insurance, the Non-Occupational Disability Insurance, the Employment Insurance Law, as a few examples. But there are many others.

The latest statistics show that the number of persons under the Public Welfare program has increased from 75,000 in 1968 to 91,756 as of June, 1973. This indicates that while our economy has experienced continued periods of growth and prosperity the number of families in need of public assistance keeps going up. Another relevant detail is that, according to the 1970 census 59.6% of the 336,622 Puerto Rican families with four members each earned less than the established poverty level of $4,000 annual income.

A study of the social security laws and systems now in operation in Puerto Rico with a view toward integrating them with some additional mechanisms for a better distribution of the general wealth might give us an integrated, advanced and more equitable social security system. This could also represent a significant step in the island's overall social progress.

To carry out this study, I propose a Commission for the Integral Social Security System, with all the necessary powers and resources to examine the problems of social and economic insecurity and make recommendations to the Legislature as to feasibility and methods of establishing in Puerto Rico such a system.

This Administration's policy on social planning will also be applied through direct action for the improvement of those groups that we call non-participating.

The improvement of those who do not participate adequately in the benefits of progress must be built upon healthy relationships that allow for the security, the independence and the regard that the individual, the family and the group have for their own self respect, their productivity and their dignity.

Prominent among these groups are those who live in extreme poverty, the drug addicts, the alcoholics, the delinquents, those with physical or mental handicaps, the aging, and others.

We call them non-participating groups because they do not benefit in due proportion from the economic development, do not take a reasonable part in their country's decisions and have inadequate access to the basic services of health, education, recreation and social welfare.

As a means to tear down the barriers that stand between these groups, their full integration to their society and their full participation in the general benefits, this Administration has set for itself the following goals:

Render public services to non-participating groups at places accessible to them, preferably in the areas where they are concentrated.

Create inter-agency work groups to render such services.

Decentralize the decision-making process, especially at the local level where direct attention is given the non-participants.

Stimulate a greater participation of parents in the school system.

Reorganize the social services rendered to include a greater participation of the recipients of such services and the utilization of private resources.

Create special occupations for the non-participating according to their aptitudes and skills.

Establish pilot prevention projects in areas of high incidence of alcoholism or addiction.

Channel all aid to the non-participating through and within the context of the family group to which they belong. We have been working on a global revision of the problems of mental health in Puerto Rico to give highest priority to prevention, aid and rehabilitation.

For greater efficiency in this respect we have asked for a plan for integral coordination of the services offered by the government for the development of a healthy human being, physically and mentally, as well as socially.

This plan will be directed at pinpointing priorities, integrating and strengthening joint programs for the development of human resources and setting the groundwork for a new and vigorous public policy in the area of mental health. Special emphasis will be placed on the promotion and protection of health, the development of community Mental Health Centers and the strengthening of rehabilitation programs.

Now let us go on to the steps we propose to take regarding some of the non-participating groups.

Drug addicts

The new Department of Services Against Drug Addiction functions on the basis of the family nucleus and employs a dual approach: the expansion of preventive services and the strengthening and development of new treatment techniques.

The following immediate steps are being taken:

Development of an intensive prevention campaign through individual and mass communication media. This campaign will be aimed at the roots of the problem: family, neighborhood, community, good fellowship and social cohesion.

Establishment of prevention centers at the community level in areas of high incidence.

Strengthening and reorientation of prevention centers at the school level.

Restructuring of the services and relocation of the Methadone treatment centers so that they may respond to the changes observed in the addiction problems.

Development of a new program for the treatment of addicts within our prisons.

Development of alternatives of treatment of an experimental type such as acupuncture.

A night outpatient treatment clinic for youths who work and need treatment during non-working hours.

Residential centers for the treatment of minors using the technique of a resident married couple as directors.

New day treatment centers for minors who are experimenting with pills.

Regional admission units and new induction centers in areas of high incidence.

The alcoholics

There is a serious problem of alcoholism in Puerto Rico which affects 100,000 Puerto Ricans and which is also the responsibility of the recently created Department of Services Against Addiction.

In that respect we propose to;

Develop a continuous island-wide community educational campaign aimed at modifying the cultural patterns regarding beverages associated with the incidence of alcoholism.

Provide services of psycho-social and rehabilitation treatment for persons affected by drinking problems and social orientation services for the families of alcoholics.

Develop special research projects in the field of alcoholism.

The Department will offer services to persons with drug or alcohol problems as well as to other persons to rehabilitate them and develop their aptitudes and capacities so that they achieve a happier and more fruitful life. This covers medical, psychological, social and such other services as may be required by individual needs.

The delinquents

Among all non-participating groups the delinquents are the ones to cause the greatest concern to society because they pose a continuous threat to security. There are diverse underlying causes in the make up of a delinquent. A study of any particular delinquent will show that he fits into one or more of the non-participating groups that are the object of our social planning policy. That is, in studying any delinquent we often find that he suffers extreme poverty, is an addict, is an alcoholic or has either psychological or other kinds of problems.

Therefore, the measures we are taking regarding the problem of delinquency will not be limited to those that I will list here and that are aimed at the phenomenon of the delinquent as such. There are others that identify the delinquent more closely as belonging to one or more of the non-participating groups.

The corrective measures we are taking may be classified as preventive measures, law enforcement measures and rehabilitation measures.

In my message to the International Conference organized by the Commission Against Crime and held in San Juan on the 15th of last November I explained extensively the measures that we propose to take to combat crime in the above three aspects.

Following the comprehensive program that I outlined then, the Police have begun the recruitment and training of 2,000 new policemen to offer better surveillance and protection service in all island municipalities. In the budget I am submitting to you I propose the appropriation of $13 million to defray the cost of these 2,000 additional policemen who should be in service by next fiscal year. I will also submit legislation to reorganize

the Police force to modernize it and turn it into a more efficient crime fighting apparatus.

We have already inaugurated stretches of sodium mercury vapor street lamps that soon will be installed in areas of high crime to prevent through intense illumination, crimes that are committed under the cover of darkness.

I am equally pleased to tell you that the New Penal Code, which established new crimes and penalties as well as sentencing procedures according to the degree of danger the criminal represents to society, is already finished and will be submitted to the Legislature within the next few days.

The Legislature will also receive a bill for a new organic act for the Puerto Rico Correction System and a bill reorganizing the Parole Board. These two bills will complement the modern correction institutions now under construction and both—the laws and the new facilities—will represent an advanced step toward the rehabilitation of inmates and their return to society as useful citizens.

On various occasions, I have referred to the administration of criminal justice in Puerto Rico. However, I believe it convenient to touch on it again in this message. We should all be concerned about the slow pace of criminal procedures here.

The Council for the Reform of the Administration of Justice has submitted a comprehensive report identifying the causes that delay criminal cases and recommending legislative and administrative measures to accelerate them. I intend to coordinate the legislative measures with the Judicial branch. But the responsibility for the administrative measures lies with the Judiciary.

I again respectfully call on the Judicial branch to apply all of its energy and will in expediting criminal cases so that the innocent can be promptly discharged and the guilty may be as promptly sentenced and be taken off the streets where they represent a threat to society.

I trust that the Judicial branch will respond to this plea that I make in the name of all the people of Puerto Rico who are clamoring for safety and respect for the law.

Technological advances and the reduction in the working day have given modern man more leisure time to devote to physical or spiritual gratification. Constructive use of leisure time depends not only upon its availability, but upon resources and the ability to use them wisely.

The satisfaction of these needs imposes upon the government the obligation of providing not only physical facilities for active or passive recreation, but also of giving our citizens the necessary education to expand their options in their use of leisure time.

The better society that we seek for Puerto Rico will take measures that will lead to a creative use of leisure time, instead of using it in the excessive consumption of material means of recreation.

We must begin now to stimulate in our children those attitudes that will encourage a creative use of leisure, emphasizing in their education the development of perception and creativity; improving fine arts programs; liberalizing the schools of music, increasing the level of reading, and expanding library facilities.

We will also develop special programs for the young, for adults and the elderly and for those incapacitated, with the purpose of promoting the use of leisure in activities appropriate for each group.

Development of family activities

We intend to initiate the development of activities for the recreation and solace of the Puerto Rican family as a whole. We will develop a new concept of weekend camps for family participation, utilizing the physical facilities of the Department of Social Services in Vieques, the Boy Scouts Camping Facilities, the Grolier Camping Facilities in Arecibo, and the extensive forest and beach areas of the Department of Natural Recources. These camps will implement recreational projects as well as others involving arts and crafts for active or passive participation for the entire family.

The Youth Action Administration will be primarily responsible for this program, but for its implementation I have designated a Committee composed of representatives of the Departments of Education, Social Services, Natural Resources, Housing, and Parks and Recreation.

We hope that this type of activity can be held on a weekly basis for a minimum of 500 families. The program would cover 26,000 families per year with an approximate total of 130,000 people participating.

I intend to stimulate to a maximum the participation of our citizenry in the conception, construction, administration and maintenance of facilities and programs for the use of leisure time.

We shall utilize sports federations in the realization of projects dealing with needs in each field of sports. Through this joint operation the Commonwealth will provide facilities in exchange for free instruction to the public on the part of the federations.

We will develop a program for providing basic recreational facilities to urbanizations and communities. The communities would complete the development of the facilities and the resources of the Commonwealth would then benefit a larger number of areas.

We will make school recreational facilities available to the public during non-school hours.

We will make access easier to beach and park areas, by eliminating, wherever possible the fences and other barriers that now prevent the use of those facilities.

Television

Television is a factor of tremendous impact in the social, cultural and political development of Puerto Rican society. In June of 1973, 96.1% of all occupied dwellings with electricity had television sets. The programs transmitted through this means of communication constitute a principal element of recreation for Puerto Rican families, who devote to it a large part of the leisure time.

Studies carried out indicate that, on the other hand, children make up the largest percentage of television viewers.

It is, therefore, inevitable that television exert a decisive influence on the behavior and attitudes of all Puerto Ricans, particularly of those who, because of age, are most sensitive to the impressions received.

Taking all of this into consideration, plus the fact that violence is the prevailing theme in televised films, it becomes essential for our children to escape the greatly harmful influence of such programming. It must be taken into consideration that almost all of the studies conducted in this field point out that violence in television tends more to incite open violence than to serve as an escape valve for repressed feelings of hostility.

On the other hand, the station with the lowest audience in Puerto Rico is precisely the government station, which because of its official nature has an added responsibility to provide suitable programming, conducive to the strengthening of character in our youth, the development of civic virtues and the enrichment of our cultural assets.

It is necessary to correct this situation, and to convert our official station into a model of what a television station should be. With that in mind, a number of measures are under consideration, and will be implemented in the coming months.

Motion pictures, another important means of audiovisual communication and one closely related to television, should also be properly utilized for the educational and social benefit of our citizens.

The resources available to the government of Puerto Rico in the field of cinematography have been limited and dispersed, and have not been used to full advantage. We propose, therefore, to utilize some of the facilities that have been used by the Department of Education; WIPR; the Division of Community Education and other agencies of the government, and other means to be provided, in order to organize the beginnings of a future Puerto Rican Institute of Cinematic Arts and Television. This entity will have as its principal objective the re-creation, through movies and television, of all aspects of the Puerto Rican reality, within a broad range of subjects and styles. Other important functions of the Institute will be training directors and technicians in those fields, and creating an appropriate climate for commercial movies and television productions at a level of excellence and productivity fitting our people and their cultural wealth.

CULTURE

Cultural creativity or enjoyment is one of the highest forms of using leisure time.

On various occasions I have expressed this Administration's special interest in everything pertaining to the conservation, enrichment and promulgation of Puerto Rican culture.

During the course of last year continuous efforts were taken toward the achievement of those objectives. In the next fiscal year we intend to restructure and reorient the cultural programs to be promoted throughout Puerto Rico by the Institute of Puerto Rican Culture, the Department of Education, the University of Puerto Rico and the Casals Festival, and other agencies and departments of our government. With that purpose I have recently created the Office of Cultural Affairs, which will be in charge of coordinating the efforts of those entities on behalf of Puerto Rico's culture. In that manner we hope to enlarge and spread the knowledge of our history and intellectual and artistic values among our people, particularly among students. Our cultural facilities will be expanded this year with the addition of new museums and libraries. The scope of the program will be broadened to include the development of more parks for passive recreation. This will achieve a better integration of our cultural and natural assets.

We also propose to strengthen the common bonds of friendship, history and culture with the nations of Latin America through exchange of artists, professors, students and intellectuals, as well as technical exchange. Cultural missions to carry our art, music and literature to those countries will also help toward the achievement of this objective.

It is also necessary for all of our cultural institutions to assume a position of guidance and orientation with respect to Puerto Rican communities in the continental United States. Our compatriots, born and raised there, are seeking their cultural roots, and anxious to know more about their island. They are in need of a better understanding of themselves in the difficult task of living amidst the various ethnic groupings that form the intricate pattern of North American society.

We shall offer all possible assistance to our fellow Puerto Ricans, so that they may have adequate knowledge of the true values of our history and culture.

COMPREHENSIVE DEVELOPMENT AND THE NEW PUERTO RICO

As you see, our plans, goals and aspirations seek to create balanced growth for Puerto Rico. This is what I have called comprehensive development, and it means that the course that Government sets for Puerto Rico encompasses all the problems and hopes of all Puerto Ricans. The New Puerto Rico must attain fulfillment in comprehensive development. The New Puerto Rico will be demonstrated not only in the improvement of our economic opportunities, environment, cities

and countryside, but also, and this is what is truly significant, in happier Puerto Ricans as they experience personal, social, cultural and spiritual growth.

The onslaught of urgent problems and crises that Puerto Rico faces in its daily life—strikes, temporary scarcity of certain products, the fuel shortage—must not make us lose sight of our higher aspirations, and of the government efforts and direction that these demand.

Our daily life goes on with its petty problems, limitations, afflictions and lighter moments. The impact of radio, television and the press, traffic jams, social changes and urban unrest shape our environment. We are drowning in a sea of trivialities, anxieties, hostilities and petty satisfactions. We are prisoners of our social environment and of ourselves.

And yet, if we are to reach our Great Goal, if we are to open new paths of civilization, we must lift our eyes from the tasks of daily life and look towards the horizons we wish to attain. We must look forward to the future not back to the past. We must completely revise our traditional modes of thought; the dynamics, rhythm and pulse of modern life demand it. For we cannot construct the future with the patterns of the past.

To analyze the dynamics of the present with the slowly evolving concepts and patterns of yesterday will not permit us to understand the present. It will not enable us to understand the available options for our future growth nor how to channel these options.

There are those, following the patterns of the past, who believe that all important problems can be solved by merely assigning enough technical talent and financial resources. As United States Secretary of State, Henry Kissinger said: "We had supposed that every problem must have a solution and that good intentions should guarantee good results. It was enough to walk down the right path. Our generation is the first to discover that the path has no end, and that when we finish our march, we will not find the Promised Land but only ourselves."

To understand this truth makes us realize that to govern is to search for the common good in a never-ending process of trial and error, and, that one of the principal failures of modern society has been its neglect of the inner life.

There is a gap in the development of the philosophical, artistic, moral and spiritual parameters of man. Spiritual development and transcendental appreciation have lagged behind our material progress. And the vacuum created by this loss of meaning in our lives is filled with drugs, alcoholism, sex, and alienation.

Yet this vacuum can only be filled with human spiritual growth. And this inner development is achieved when we ask—and try to answer—the fundamental questions of life: "Who are we?" "Where do we come from?" "Where are we heading?"

As we seek to lead the people on the road to all-encompassing progress, we hope that each will be able to find answers to these questions.

The coming months are going to put our spiritual reserves to the tests. As a result of the international situation, solutions to the problems confronting us will demand modification of many of our attitudes, habits and customs of the affluent life.

Not only will our capacity for sacrifice be put to a test but our understanding and generosity as well. Tensions and conflicts inherent in coming events will threaten Puerto Rican solidarity and fellowship as never before.

I say this to you, members of the Legislature and fellow Puerto Ricans: If during the coming months we put the interest of individuals, parties, groups, unions or associations ahead of the welfare of all Puerto Ricans, then we will all suffer serious consequences.

Never before has it been so important for Puerto Rico to unite in order to face the problems that lie before us.

I have faith, my fellow citizens, in your capacity to face that test.

I have faith in our capacity to grow and excel.

I have faith in the fortitude, generosity and understanding that spring from the spiritual reserves of this people.

It is because of this faith that I have presented this program to you in order to continue the battle for the New Puerto Rico. The immediate problems, difficult as they may be, might make us slow our pace but cannot force us off our course.

With the help of God and the faith which rests in our people, we are prepared to meet that challenge.

ECONOMIC STABILIZATION COUNTDOWN

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, since the initial enactment of the Economic Stabilization Act of 1970, I have received frequent communications from the Third Congressional District conveying the inequities and hardships which have resulted for numerous segments of our private economy sector. In my judgment, the most superior method of price regulations remains with the supply and demand forces of our Nation's free enterprise system. Rather than reverse the trend of inflation, the advent of controls have seen the creation of critical shortages, and widespread market dislocations.

I am, therefore, pleased to join my distinguished colleague, ALAN STEELMAN, in this "congressional countdown" and to share with the membership of the House my constituent comments. Although I would like to include it all, I will briefly summarize some of the district input I have received in the past month:

A paper plant manager in Fort Smith, Ark., cited:

Many shortages now prevalent in the economy are directly related to the controls program. Export prices are substantially in excess of domestic prices which is further increasing the domestic supply problem as products seek more profitable levels . . . present price levels are not adequate to support investment in new paper production facilities.

A general manager of a steel company stated:

Steel shortage due to price controls has forced us to cancel building expansion and could cause considerable layoff of workers in the near future.

The administrator of our largest Arkansas hospital wrote:

We need to be released from artificial controls which limit our judgment and ability to respond to fiscal problems. The regulations have gotten us into a position whereby we have to pay more but are unable to pass the increase along. No hospital or business can long endure under such conditions.

The president of a drilling firm in my district conveyed:

I urge your office to take whatever steps are necessary to see that equipment such as wire line and tubular goods are released from controls in order that we in the drilling industry are able to continue our efforts to develop our badly needed resources of oil and natural gas.

A physician in Russellville conveyed:

I would like to protest the unjust discrimination against physicians by the Cost of Living Council . . . fees have been held at 2½% increase since December, 1971.

The head of a baby food processing company, after his exemption request had been denied by the Cost of Living Council observed:

According to their (CoLC) letter, we are being refused on the basis of what we might do rather than our past documented performance which definitely established we had not contributed to inflation.

A bank president in Hot Springs conveyed:

I feel that many of our economic problems in the country today, including the energy crisis, are aggravated by a continuation of wage and price control policies.

And, lastly, a furniture manufacturer cited:

Continued control of furniture manufacturers' selling prices in the face of unregulated suppliers and shortages of many raw materials threatens the health of our industry.

These few constituent statements well describe the adverse effect to our national economy from continued controls.

RICHARD L. ROUDEBUSH

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, a few days ago, it was my good fortune to attend the swearing-in ceremony for one of our former colleagues, Richard L. Roudebush, following his appointment to the position of Deputy Administrator of Veterans' Affairs. The high esteem in which this distinguished and likable gentleman is held was evidenced by the cross section of official and unofficial Washington who attended. Members of the House and Senate, members of President Nixon's staff and other agencies of the executive branch, officials of veterans organizations, large and small, and his colleagues in the agency turned out to wish him well as he embarked upon his term of office.

To those of us who are familiar with our former colleague's background, his appointment to this highly responsible office comes as no surprise. Rowdy, as he is affectionately known, was himself a World War II combat veteran. Following his military service, he embarked upon a career dedicated to serving his fellow veterans. He was a Veterans of Foreign Wars service officer for 7 years. He was the first World War II veteran to serve as commander of his VFW post. He became commander of VFW Department of Indiana and was subsequently elected commander in chief of the entire organization. Sometime in between, he managed to find time to serve 6 years as chairman of the Indiana Veterans Commission.

After 10 years' service as a Member

of Congress representing Indiana's Fifth Congressional District he transferred his energies to the executive branch of Government. It is especially fitting that Dick Roudebush, who has devoted his postwar career to helping his fellow veterans, be named to this high office in which he is second in command of the largest independent agency in the Federal Government administering to the needs of our 19.1 million veterans and their dependents. I know my colleagues will join me in congratulating the new Deputy Administrator of Veterans' Affairs, and wishing him every success in his new position.

PERSONAL EXPLANATION

(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, because of congressional business in my district, I was forced to miss several rollcall votes in the House on December 22, 1973. Had I been present, I would have cast my vote as follows: No. 720 "nay"; No. 721 "yea"; No. 722 "nay"; No. 723 "nay"; No. 724 "nay"; and No. 725 "nay." Also, on January 21, 1974, I missed rollcall No. 2. Had I been present and voting, I would have cast my vote "nay."

REBUILDING THE HOUSE

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, the Select Committee on Committees, on which I serve, this week began markup of a proposed program of committee reorganization to make the House more effective.

Under the direction of our colleague and chairman, the gentleman from Missouri (Mr. BOLLING), the committee has listened to extensive testimony from concerned Members, political scientists and interested citizens. A preliminary discussion draft of committee reorganization was presented for comment late last year.

I am today offering for my colleagues' information an editorial from the February 4, 1974, edition of the New York Times that discusses the committee's work:

REBUILDING THE HOUSE

Resentment over the gradual erosion of Congress' role as originator of policy and initiator of legislation has at last led to a hard bipartisan look at the workings of the committee system in the House of Representatives and a plan for its rearrangement and reform.

It is a platitude by now that the work of Congress is done in its committees and that what happens on the floor is mostly for show. What has been less appreciated is the growing paralysis of the House because jurisdiction, workload and power are distributed among its baronies with little regard for balance, coherence or capacity, but with excessive regard for the ambitions of the barons who head them.

A classic case of imbalance is the Ways and Means Committee, which has jurisdiction over taxation, social security and medicare, foreign trade, revenue sharing, pension legislation, the debt ceiling, welfare reform and unemployment insurance, besides making appointments to all the other committees. Without a single subcommittee, it handles an esimated 20 percent of all legislation introduced in the House—every item of which comes under the scrutiny of its toopotent chairman, Representative Wilbur D. Mills of Arkansas.

At the opposite extreme, jurisdiction over a matter as vital as transportation is dissipated among five separate committees: Banking and Currency handles mass transit, Interstate and Foreign Commerce has Amtrak, shipping goes to Merchant Marine and Fisheries, and Ways and Means has a look-in by way of the trust funds that help finance highways and airports. On other fronts, it is preposterous that one committee should have been burdened with 542 bills in the 92nd Congress while another lumbered along with eight.

A select committee under the chairmanship of Representative Richard Bolling of Missouri, a man of ability, experience and determination, has come up with a blueprint for imposing a sensible and efficient pattern on this chaotic product of power-seeking and haphazard growth. A Public Works and Transportation Committee would gather together the bits and pieces of transportation, but it would lose to a new Energy and Environment committee such jurisdictions as water quality, water power and flood control. The Education and Labor Committee would be split along obvious lines; and foreign trade—meaning tariffs—would be treated not as a revenue matter, which it has long ceased to be, but as a logical item for the Foreign Affairs Committee.

It may be taken for granted that present committee and subcommittee chairmen will fight the Bolling plan with all their considerable power. It will have exceedingly rough going unless there is public pressure, not necessarily for the plan in all its details—inevitably there will be disagreement on particulars—but certainly for imposing rationality on an institution that has lost too much of its effectiveness for lack of it.

TRUCKS AND THE ECONOMY

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, the economy of the south Texas district I represent rests largely on the production of agricultural commodities, especially including perishable products.

Most of these products—which obviously must go to market when ready—are transported out of the area by truck. As all of us know, the trucking industry is currently experiencing great difficulty in obtaining necessary fuel and when truckers can obtain adequate supplies of fuel, they are faced with rapidly rising prices.

Normal transportation by trucks must be restored and maintained. That is essential in the Nation as a whole. The necessity is so imperative in my region as to constitute a real emergency.

I have, therefore, introduced legislation authorizing the Federal Energy Office to act to assure the maintenance of operations involving the transportation by truck of food products including fruits, vegetables, meats, and all seafood products.

I now propose this action to insure that truckers hauling such perishable products will receive 100 percent of their fuel requirements. The bill directs the Federal Energy Administrator to develop and put into effect an allocation program designed to make certain that the necessary quantities of fuel will be made available.

Earlier this week I asked the Interstate Commerce Commission to expedite the movement of empty freight cars into south Texas to meet the needs of the area's farm producers. This is important and necessary but the fact remains that most of the area's outward shipments go by truck. Action to keep the trucks running must be taken without delay and that is the purpose of my bill.

STATE HOMES FOR VETERANS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, every State in the Nation should give serious consideration to establishing a State home for veterans under the Veterans Administration proposal recently made public.

Certainly I shall encourage my own State of Florida to closely investigate this most worthwhile program and hopefully to participate. The State home concept provides the type of environment and care for veterans disabled by age or disease who are incapable of earning a living. Very often, these homes provide hospital and nursing home care in addition to the real home like atmosphere so necessary for a life of dignity and comfort.

While the States themselves are looked to for the domiciliary aspect of the home, the VA can and will assist in the establishment of the nursing home and hospital functions and will provide per diem payments for each veteran in the facility, be he under medical care or otherwise.

As a matter of fact, the VA will provide up to 65 percent of the cost of constructing facilities in State homes to furnish nursing home and hospital care, provided VA standards are met.

Existing State facilities can be used to establish the State home, and in some cases, the VA can provide financial assistance for remodeling and alteration costs.

There is no doubt that this program, if fully implemented by the States, can provide the kind of facilities and surroundings for war veterans so badly needed at this time. This can be cited as one of those rare Government programs which is low in cost and high in value.

It is a program which has long been needed. It is a program which should be fully supported by veteran's organizations, State and local governments, and this Congress.

SAR ENDORSES THE BLACK POWDER BILL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Senate has passed S. 1083, the so-called black powder bill, which eases the restrictions

on purchase of black powder. It is well known that black powder is used primarily in antique firearms. The Organized Crime Control Act of 1970 provides severe restrictions on purchase, possession, transportation and storage of black powder in quantities over 5 pounds. The sponsors of the legislation were seeking the deterrence and punishment of terrorist bombers, not excessive restrictions on those who use antique firearms for legitimate purposes. The present restrictions on ammunition components for antique firearms impose excessive restrictions on honest citizens without placing restrictions on potential bombers.

S. 1083 corrects this problem, and it received overwhelming approval in the Senate. Action in the House of Representatives has been delayed. It is sincerely to be hoped that speedy action will be taken by the House to complete the enactment of this sensible legislation. The National Society of the Sons of the American Revolution has shown its interest in this matter by approving a resolution on the laws regulating the use of black powder. In this resolution they endorsed S. 1083 and urged action on it by the House.

I am glad to provide for printing in the CONGRESSIONAL RECORD a copy of the Resolution approved by this outstanding American patriotic organization.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms; and

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection; and

Whereas, the muzzle-loading shooting activities of the National Rifle Association, the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant form a wholesome sport steeped in American heritage; and

Whereas, the problems faced by the legitimate users of blackpowder shooting propellant will have a serious impact on historical reenactments, pageants, and shooting matches to be held in conjunction with the forthcoming celebration of the Bicentennial of the American Revolution; and

Whereas, commercially manufactured blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it; and

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970; and

Whereas, the present restrictions on ammunition components for antique firearms impose excessive restrictions on honest citizens without placing any real coresponding burdens on potential bombers; and

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder; and

Whereas, the United States Senate has already acted to provide an exemption for commercially manufactured blackpowder propellant through the overwhelming passage (78–8) of S. 1083;

Therefore, be it hereby resolved that the Trustees of the National Society of the Sons of the American Revolution assembled in Washington, D.C. the second day of February, 1974, do approve and endorse Senate Bill No. 1083 as being essential to one of the objects of said Society, namely "to celebrate the anniversaries of the prominent events of the war and of the Revolutionary period".

STRANGE JUSTICE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is very difficult to understand the workings of justice in our country. Three cases come to mind which simply defy explanation.

There is the case of the bank robbers who stole $547,000 in Maryland. All five were identified, but they turned in $400,000 of the money so all is forgiven. They committed a crime, got away scot-free with $147,000, and are in a position to laugh at the processes of justice because the Government decided not to prosecute.

I shudder to think at the reaction of people—particularly relatives—who know of cases where men have spent years in prison for very minor infractions of the law.

In the Daniel Ellsberg case, it was clearly evident that he stole Government secrets and sold them to the press. There was no question of his guilt, but he was able to get a hung jury and a mistrial. This flaunting of laws which deal with the Nation's security made him the hero of the far left. The newspapers which published the stolen secrets received the Pulitzer Prize for doing so. This, also, is difficult to comprehend.

The third case is that of Egil Krogh, who received a 6-month sentence for attempting to burglarize the office of Ellsberg's psychiatrist. He was searching for information on Ellsberg's guilt. Had he been legally commissioned or deputized to do this, no questions could have been raised. He was not authorized by law to commit the act, so he received a sentence. Under the circumstances, the sentence is understandable, but it could well have been suspended.

For years the American people have been increasingly disturbed about the workings of justice in this country. The rulings of the U.S. Supreme Court under Chief Justice Warren made it exceedingly difficult to obtain convictions, and this has complicated the problem. This situation is largely beyond the reach of Congress, but the administration can insist on stricter policies toward criminals. However, it is in the courts that the real work of punishing criminals must be accomplished. Too many of them do not seem to have the stomach for this.

VOTING RECORD

(Mr. PARRIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PARRIS. Mr. Speaker, I believe the most important function any Congressman performs in the House of Representatives is the representation of his constituents with his voice and his vote.

During my first year in Congress, I have tried to keep my constituents informed through newsletters and news releases of the statements I have made as their representative in Washington.

Now, so that they can accurately judge the quality of my representation, I would like to insert into the RECORD the votes I cast in the 1st session of the 93d Congress.

I realize that all of my constituents will not agree with all of the votes I have cast since I have been in Congress, but I sincerely hope the majority of my constituents will agree with the majority of the votes I have cast. One of the things that I am proud of is that the voting record indicates that I was present for almost 95 percent of the recorded votes cast last year.

It is my intention to reprint this insert and make it available to the news media of my district as well as to any constituent who might request it. With that in mind, let me point out that in the compilation which I am inserting (d) means defeated and (p) means passed, as follows:

For Gerald Ford to be Speaker of the House of Representatives (D).

Against a previous question to prevent presentation of amendments to H. Res. 6, a resolution to adopt the rules of the House for the 93rd Congress (P).

Against a previous question on H. Res. 176, the rule for consideration of a House Committee study (H. Res. 132) (P).

Against a rule to consider H. Res. 132, a House committee study (P).

Against resolution to create a select committee to study jurisdiction of standing committees of the House (H. Res. 132) (P).

For extension of the life of Highway Beautification Commission, and increased authorization to $450,000 (H.J. Res. 123 (P).

Against previous question which was to force the President to spend $210,000,000 on rural environmental assistance programs (H. Res. 188) (P).

For amendment providing $140 million for REAP programs (H.R. 2107) (D).

For restricting REAP payments to provide only those farmers with annual net income over $10,000 with benefits (H.R. 2107) (D).

Against bill to require the President to spend $210 million previously appropriated for REAP (H.R. 2107) (P).

For the establishment of the American Revolution Bicentennial Commission (H.R. 3694) (P).

For providing funds for the balance of Fiscal 1973 for the Labor-HEW Departments and for foreign aid (H.J. Res. 345) (P).

Against amendment to provide a short period in which farmers could apply for emergency disaster loans at 1 percent interest (H.R. 1975) (P).

Against legislation authorizing emergency farm loan programs (H.R. 1975) (P).

For extension until June 30, 1974, the interest equalization tax (H.R. 3577) (P).

For temporary reconstitution until June 30, 1973, of the Select Committee on Crime with a future transfer of functions to the House Judiciary Committee (H. Res. 256) (P).

Against resolution authorizing Committee on Banking and Currency to conduct studies and investigations (H. Res. 18) (P).

Against authorizing funds for the House D.C. Committee to conduct studies and investigations abroad (H. Res. 257) (D).

For amending the School Lunch Act to assure that federal financial assistance to child nutrition programs is maintained at the level budgeted for Fiscal 1973 (H.R. 4278) (P).

For extending authorization of National Commission on the Financing of Postsecondary Education and the period within which it must make its final report (H.J. Res. 393) (P).

Against previous question on rule considering H. Res. 259 for further opening of House Committee meetings (H. Res. 272) (P).

For authorization of presence of departmental representatives at closed House committee meetings (H. Res. 259) (P).

For opening of committee meetings to public, unless otherwise voted when national security or personal privacy is involved (H. Res. 259) (P).

For amendment substitute bill providing for a three-year extension of existing vocational rehabilitation programs with authorization of $600 million (H.R. 17) (D).

Against extending and revising the authorization of grants to states for vocational rehabilitation programs (H.R. 17) (P).

For amendment to Older Americans Act to provide a 3 year limitation on certain programs and change authorization levels to those recommended in the budget (H.R. 71) (D).

Against the Older Americans Act with a three-year price tag of $1.4 billion (H.R. 71) (P).

For provision for additional time for congressional consideration of proposed new rules of evidence for the federal courts (S. 583) (P).

Against one-year extension of the Public Works and Economic Development Act with authorization of $1.2 billion for Fiscal 1974 (H.R. 2246) (P).

For resolution providing funds for studies and investigations by the Committee on Public Works (H. Res. 285) (P).

For one-year extension of Solid Waste Disposal Act with $233.5 million authorization for Fiscal 1974 (H.R. 5446) (P).

For Clean Air Act extension of one year with Fiscal 1974 authorization of $475 million (H.R. 5445) (P).

Against recommittal motion to Peace Corps continuing authorization proposing that authorizations be limited to one-year and reduced by $17 million (H.R. 5923) (D).

For authorizations of $157 million for Peace Corps for Fiscal 1974 and 1975 (H.R. 5923) (P).

For endorsing the President's ocean policy which would guide the U.S. delegation to an International Law of the Sea conference (H. Res. 330) (P).

For conference report on H.R. 3577 which extended the interest equalization tax until June 30, 1974 (P).

Against previous question for consideration of H.R. 5683 (H. Res. 337) (P).

Against amendment substituting the text of H.R. 5536 in place of H.R. 5683 (D).

For establishment of Rural Electrification and Telephone Revolving Fund allowing low-interest insured and guaranteed loans (H.R. 5683) (P).

For resolution authorizing additional investigative authority to the Committee on Interior and Insular Affairs (H. Res. 340) (P).

For sustaining veto of H.R. 3298, requiring Agriculture Secretary to spend all of the funds appropriated by Congress for the rural water and sewer grant program under the Consolidated Farm and Rural Development Act (Sustained).

Against vote on rule to consider H.J. Res. 205, which proposed creation of Atlantic Union Delegation for a convention of delegates from NATO treaty nations. (H. Res. 348) (D).

For rule to consider H.R. 3180, to clarify the proper use of the franking privilege by Members of Congress (H. Res. 349) (P).

For clarifying the proper use of the franking privilege by Members of Congress (H.R. 3180) (P).

For appropriating $1,369 million for college student aid programs, the Veterans' Administration, the CAB and GSA (H.J. Res. 496) (P).

Against previous question to consider H.R. 6168 to extend the Economic Stabilization Act (H. Res. 357) (D).

Against amendment to impose a ceiling on prices at levels no higher than those on April 16, 1973, except for agriculture prices (H.R. 6168) (D).

Against amendment providing opportunity for hearings in cases of proposed wage reduction orders, plus written explanations to involved parties (H.R. 6168) (P).

Against amendment to extend the Economic Stabilization Act for 60 days and to direct the President to develop stabilizing program of interest rates, rents, prices, and wages (H.R. 6168) (D).

For amendment authorizing the directing of the President to stabilize rents at levels prevailing on January 10, 1973 (H.R. 6168) (D).

For amendment authorizing the President to stabilize rents, but allowing for a 2½ percent annual increase (H.R. 6188) (D).

Against amendment proposing a ceiling on food prices at levels no higher than those prevailing on March 16, 1973, plus a stabilization of rents at January 10, 1973 levels (H.R. 6168) (D).

For motion to recommit H.R. 6168 to the House Banking and Currency Committee (H.R. 6168) (D).

For providing a one-year extension of Presidential authority to control wages and prices (H.R. 6168) (P).

For amendment to strike $58 million proposed for extension of the west front of the Capitol (H.R. 6169) (D).

For motion to recommit bill with instructions striking the $58 million appropriation for extension of the West Front of the Capitol (H.R. 6691) (D).

Against previous question on rule to consider H.R. 4204 to extend funding for the Emergency Employment Act of 1971 (H. Res. 360) (D).

Against previous question on amendment to the rule providing for the substitution of a substitute bill (H. Res. 360) (D).

For motion to table reconsideration motion on H. Res. 360, the rule for the consideration of the Emergency Employment Act extension bill (H. Res. 360) (P).

For agreement to Senate amendment extending and expanding the Older Americans Act of 1965, clearing legislation for the White House (S. 50) (P).

Against amendment to allow urban areas to use federal aid highway program trust funds for mass transit projects (S. 502) (D).

For amendment deleting a provision in the bill earmarking federal aid highway funds to urban areas with population of 400,000 or more rather than have state allocation of funds (S. 502) (P).

For conference report on S. 398 which provided for one-year extension of Presidential power to impose wage and price controls (S. 398) (P).

For rule to consider H.R. 3932, requiring Senate confirmation of present and future OMB Directors and Deputy Directors (H. Res. 351) (P).

For amendment proposing Senate confirmation of OMB directors and deputy directors appointed after enactment of the bill, with previous incumbents being excluded (H.R. 3932) (D).

Against abolition and reestablishment of Office of Management and Budget, with its director and deputy director subject to Senate confirmation (H.R. 3932) (P).

For vote on rule to consider H.R. 6388, to amend the Airport and Airway Development Act (H. Res. 370) (P).

For amending Airport and Airway Development Act to continue authorizations for airport development grants for Fiscal 1974 and 1975 at the present $280 million per year level (H.R. 6388) (P).

Against amendment attempting to cut a proposed three-step civil and criminal penalty procedure imposing sanctions against employers who knowingly employ illegal aliens in the U.S. (H.R. 982) (D).

For amending the Immigration and Nationality Act to make it unlawful for American employers to employ illegal aliens and to make such employers subject to criminal and civil penalties (H.R. 982) (P).

For authorization of $1.2 million for Indian Claims Commission for fiscal 1974 (H.R. 4967) (P).

For encouraging persons to join and remain in the Reserves and National Guard by providing full time coverage under Servicemen's Group Life Insurance (H.R. 6574) (P).

For establishment of a National Cemetery System within the Veterans Administration (H.R. 2828) (P).

For providing payments by the Postal Service to the Civil Service Retirement fund for increases in the unfunded liability of that fund (H.R. 29) (P).

For providing a three-year authorization of $120 million for and extending the National Sea Grant College and Program Act (H.R. 5452) (P).

For amending the Oil Pollution Control Act to implement amendments to an international convention on oil pollution control (H.R. 5451) (P).

For providing a two-year extension of the Renegotiation Act which enables the government to recapture excessive profits on certain government controls (H.R. 7445) (P).

Against amendment allowing negotiable orders of withdrawal to be written against certain interest-bearing savings accounts (H.R. 6370) (D).

For extension of certain laws relating to the payment of interest on time and savings deposits (H.R. 6370) (P).

For revising the Rural Electrification System lending program so that the bulk of loans will be financed at 5% interest, and a smaller part financed at 2% interest (S. 394) (P).

Against previous question on rule to order the consideration of H.R. 7447, a supplemental appropriations bill (H. Res. 389) (D).

Against amendment to strike language authorizing the transfer of $430 million to the Defense Department's general operational fund form specific fund accounts (H.R. 7447) (P).

For amendment postponing the effective date of a proposed amendment prohibiting funds appropriated in this bill from being expended to support U.S. combat activities in Cambodia (H.R. 7447) (D).

Against amendment prohibiting funds to be expended to support combat activities in, over or off the shores of Cambodia by U.S. forces (H.R. 7447) (P).

For amendment increasing funds for category B federally impacted area school assistance aid from 54% to 68% (H.R. 7447) (P).

Against amendment to strike language authorizing the transfer of $430 million to the Defense Department operational fund (H.R. 7447) (P).

For $2.86 billion supplemental appropriation for Fiscal 1973 (H.R. 7447) (P).

Against amendment to reduce a proposed multi-year authorization of $40 million for U.S. contributions to the U.N. Environmental Program to a one-year, $2.5 million authorization (H.R. 6768) (D).

For amendment to reduce the proposed $40 million authorization to a one-year $5 million authorization (H.R. 6768) (P).

For amendment demanding reversal of $40 million authorization to a one-year authorization of $5 million (H.R. 6768) (D).

For authorizing $40 million in U.S. contributions to the U.N. Environmental Program (H.R. 6768) (P).

For requiring the word "copy" to be marked on any imitation numismatic material manufactured in, or imported into the U.S. (H.R. 5777) (P).

For extending various housing and urban development programs, including FHA insurance, urban renewal, model cities (H. Res. 512) (P).

For permitting the D.C. Armory Board to borrow up to $1.5 million to enlarge the seating capacity of the R. F. Kennedy Stadium in Washington, D.C. (H.R. 6330) (P).

For prohibiting charging user fees at certain public recreation areas under U.S. Engineers' jurisdiction (H.R. 6717) (P).

Against recommittal motion on H.R. 7200 (D) and for the bill on final passage to extend previously granted temporary increases in retirement benefits and providing for the liberalization of the requirements for railroad retirement benefits (H.R. 7200) (P).

For final passage on H.R. 7200, amending the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act (H.R. 7200) (P).

For sustaining veto on S. 518, providing for Senate confirmation of present and future directors and deputy directors of the Office of Management and Budget (sustained).

Against amendment prohibiting funds authorized by H.R. 7528 from being used for a space tracking station in South Africa (H.R. 7528) (D).

For authorizing $3.1 billion for NASA space programs, etc., for Fiscal 1974 (H.R. 7528) (P).

For vote on rule to consider H.R. 6912, to provide for devaluation of the dollar (H.Res. 408) (P).

For amendment to permit private ownership of gold after December 31, 1973 (H.R. 6912) (D).

For amendment to end restrictions on the private ownership of gold, immediately upon enactment of the bill (H.R. 6912) (D).

For devaluation of the dollar by 10%, by reducing its par value, and by raising the official price of gold in terms of dollars from $38 to $42.22 per ounce (H.R. 6912) (P).

For providing an additional authorization of $8.68 million for converting Washington Union Station into a National Visitor Center (H.R. 5857) (P).

For authorizing an additional $7.5 million for the John F. Kennedy Center for the Performing Arts in Washington, D.C. (H.R. 5858) (P).

For extending numerous health programs and a fiscal 1974 authorization of $1.27 billion for the same (H.R. 7806) (P).

For providing promotions on the U.S. Capitol Police Force (H.Res. 398) (P).

For authorizing grants for vocational rehabilitation services (H.R. 8070) (P).

Against amendment to bring minimum wage for farm workers up to the base level of that of industrial workers (H.R. 7935) (D).

For amendment increasing minimum wage to $2.10 by 1975 for workers covered prior to 1966, and providing for a youth differential (H.R. 7935) (D).

For amendment setting the minimum wage for employees covered prior to 1966 at $1.90 per hour the first year, $2.10 the second, and $2.20 thereafter (H.R. 7935) (D).

For amendment setting the minimum wage for employees covered prior to 1966 in two steps to $2.10 and then $2.20 per hour. (H.R. 7935) (D).

For amendment to set the minimum wage for agricultural workers at $1.60 per hour for 1974, $1.70 for 1975, and $1.85 for 1976 and thereafter (H.R. 7935) (D).

Against amendment raising agricultural workers' minimum wage to $2.20 by 1975 (H.R. 7935) (D).

Against amendment to strike extended coverage for federal employees (H.R. 7935) (D).

For amendment to strike extended coverage for local and state government employees (H.R. 7935) (D).

For amendment to delete the section on seasonal industry employees (H.R. 7935) (P).

For amendment proposing a minimum wage for workers under 18 or full-time students at 80% of the applicable minimum wage or $1.60 per hour (H.R. 7935) (D).

For amendment which would freeze the Canal Zone minimum wage rate at its present level (H.R. 7935) (P).

Against increasing minimum wage, eventually to $2.20 per hour, extended coverage of the minimum wage laws, etc. (H.R. 7935) (P).

Against disapproval of the President's Reorganization Plan No. 2 which proposed combining the drug control activities into a single Drug Enforcement Administration (H. Res. 382) (D).

For authorization of $687.4 million for the State Department, with prohibition against authorized funds to be used for reconstruction aid to North Vietnam (H.R. 7645) (P).

For motion to dispense with calendar Wednesday business (D).

For amending the District of Columbia Election Act by regulating the primary election for the D.C. Delegate.

For authorization for a wide variety of D.C. programs (H.R. 8250) (P).

Against giving the D.C. City Council the power to impose rent controls (H.R. 4771) (P).

For conference report on H.R. 5293 authorizing $77 million for the Peace Corps for Fiscal 1974 (H.R. 5293) (P).

Against vote on rule to consider H.R. 77 to permit employee contributions to jointly administered trust funds established by labor organizations to defray the costs of legal services (H. Res. 423) (P).

For amendment to allow employees benefiting from the legal services fund to select any attorney of their choice rather than an attorney selected from the union (H.R. 77) (P).

For amendment striking out language specifying as an unfair labor practice the unilateral modification or termination of a legal services fund agreement (H.R. 77) (D).

For amendment proposing that the establishment of legal services trust funds be a "permissive" subject for collective bargaining (H.R. 77) (D).

Against permitting employee contributions to jointly administered trust funds established by labor organizations to defray the costs of legal services for employees and their families (H.R. 77) (P).

Against previous question on rule to order consideration of H.R. 8410, to extend the temporary $465 billion ceiling on the national debt (H. Res. 437) (D).

For previous question on amendment to rule on the substitute amendment on (H. Res. 437) (P).

For amendment to rule to strike language to make it in order to consider an amendment to the bill making the director and deputy director of the Office of Management and Budget subject to Senate confirmation (H. Res. 437) (P).

For vote on rule for the consideration of the lebt limit extension bill (H. Res. 437) (P).

Against continuing the existing temporary increase in the national debt limit at $465 billion through November 30, 1973 (H.R. 8410) (P).

For amendment to delete the authorization for funding in fiscal 1975 and 1976 to provide for a one-year authorization instead of a three-year for the arts and humanities Act (H.R. 3926) (D).

For amendment providing a three-year authorization for the arts and humanities (H.R. 3926) (P).

For extending National Foundation on the Arts and Humanities Act (H.R. 3926) (P).

For amendment prohibiting payment of salaries for personnel of "Cotton, Inc.," which receives government funds for cotton promotion and research (H.R. 8619) (P).

For amendment prohibiting payment of salaries to personnel who formulate or carry out programs on which the total price support payments on wheat, feed grains and cotton exceed $20,000 per person (H.R. 8619) (P).

For providing $964.2 million Appropriation to the District of Columbia government for Fiscal 1974 (H.R. 8658) (P).

For amendment making it optional rather than mandatory that state planning agencies and regional planning units include representatives of citizen, professional and community organizations (H.R. 8152) (P).

For amendment adding language that nothing in the bill shall be construed to require the adoption by a grantee of a quota type system to achieve racial balance or to deny or end a grant because of refusal to adopt such a quota system (H.R. 8152) (P).

For authorizing $1 billion for each of fiscal 1974 and 1975 for the Law Enforcement Assistance Administration (H.R. 8152) (P).

For prohibiting private persons attempting to collect their own debts from misusing names to convey the false impression that any government agency is involved in such collections (H.R. 689) (P).

For authorizing $60 million per year for Fiscal 1974, 1975, and 1976 for the Trust Territories (H.R. 6129) (P).

For authorizing $60.3 million over a three-year period for national Historical Preservation Act programs (H.R. 7127) (P).

For vote on rule to consider H.R. 5464, the Saline Water Conversion Authorization (H. Res. 434) (P).

Against amendment providing a $6.6 million increase in the proposed authorization (H.R. 5464) (P).

For providing $15.8 million authorization for the saline water conversion program for Fiscal 1974 (H.R. 5464) (P).

For providing pay raises for Deputy U.S. Marshals (H.R. 5094) (P).

For amendment cutting out $1.6 million for new moorings for the Coast Guard Cutter Mackinaw at Cheboygan, Michigan (D). (H.R. 8760).

Against amendment seeking to add $3 million for research and development for alleviating the transportation problems of handicapped persons (H.R. 8760) (D).

Against an amendment seeking to add $9.7 million for research and demonstration for a personal rapid transit system (H.R. 8760) (D).

Against an amendment cutting $29.6 million for research, development and demonstration for the urban mass transportation program (H.R. 8760) (D).

For a bill appropriating $2.753 billion for the Transportation Department and related agencies for Fiscal 1974 (H.R. 8760) (P).

For a rule for consideration of H.R. 7824, to establish a Legal Services Corporation (P). (H. Res. 435).

For amendment to prohibit the Legal Services Corporation from financing backup legal research centers by grants or contracts (H.R. 7824) (P).

For amendment proposing that persons be allowed to bring suit against the corporation and reimbursing costs and fees to plaintiffs who win such court cases (H.R. 7824) (D).

For amendment prohibiting most lobbying by Legal Services Corporation lawyers (H.R. 7824) (P).

For amendment prohibiting full time attorneys of the Legal Services Corporation from engaging in partisan and nonpartisan political activities (H.R. 7824) (P).

For amendment prohibiting the Legal Services Corporation from providing legal assistance with respect to any proceeding or litigation relating to the desegregation of any school or school system (H.R. 7824) (P).

For amendment prohibiting the corporation from making contracts with or granting funds to legal backup centers (H.R. 7824) (P).

For a motion to strike the enacting clause of the bill (H.R. 7824) (D).

For a substitute amendment to an amendment prohibiting the Corporation from providing legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion contrary to their religious beliefs (H.R. 7824) (P).

For amendment containing the substitute amendment adopted on the previous vote (H.R. 7824) (P).

Against a bill proposing the establishment of a Legal Services Corporation to replace the legal services program of the Office of Economic Opportunity (H.R. 7824) (P).

Against amendment reestablishing the budget transfer authority under which the National Science Foundation had operated in previous years (H.R. 8510) (D).

For amendment prohibiting the use of funds authorized to the National Science Foundation from being used for research on human living fetuses (H.R. 8510) (P).

For authorizing appropriations for the fiscal 1974 activities of the National Science Foundation (H.R. 8510) (P).

Against amendment seeking a $75 million increase in the appropriation for community comprehensive planning (H.R. 8825) (D).

Against an amendment seeking a $400 million increase in the appropriation for urban renewal programs (H.R. 8825) (D).

For bill appropriating $19.1 billion for HUD, space, science, veterans and various independent agencies (H.R. 8825) (P).

For a Senate amendment blocking funds from any source for combat action in the Cambodia-Laos area (H.R. 7447) (D).

For postponing until September 1, 1973 the proposed ban against using funds for combat activity in the Cambodia-Laos area (H.R. 7447) (D).

Against a resolution authorizing the Speaker to entertain motions to suspend the rules during the week of June 25, 1973 (H. Res. 454) (P).

Against amendment permitting states to set standards for radiation emissions stricter than those set by the AEC (H.R. 8662) (D).

For a bill authorizing $2.4 billion for Fiscal 1974 for the Atomic Energy Commission (H.R. 8662) (P).

For a motion limiting debate on a pending amendment to the resolution (H.J. Res. 636) (P).

Against amendment extending limitations on expenditure of funds in Southeast Asia to previously appropriated but unexpended funds (H.J. Res. 636) (P).

For amendment prohibiting any funds under this resolution from being expended to support combat activities in the Cambodia-Laos area after September 1, 1973 (H.J. Res. 636) (P).

For amendment prohibiting any funds under this resolution from being expended to support combat activities in Indochina without the express consent of Congress (H.J. Res. 636) (P).

For a resolution providing for continuing appropriations for Fiscal 1974 (H.J. Res. 636) (P).

For the rule for consideration of H.R. 8877, the Labor-HEW Appropriations bill (H. Res. 455) (P).

For amendment seeking to reduce funds for OEO by $100 million (H.R. 8877) (D).

For amendment seeking to cut $632 million from the appropriations for HEW and OEO (H.R. 8877) (D).

Against amendment proposing an increase in the appropriations for bilingual education by $15 million, in addition to the $10 million increase over the budget already in the bill (H.R. 8877) (D).

Against amendment proposing that grants for state use to aid to educationally disadvantaged students be not less than 90% of the amounts made available in Fiscal 1972 (H.R. 8877) (D).

For a recommittal motion to instruct that the bill be reported back with an amendment cutting the appropriation by $600 million (H.R. 8877) (D).

For appropriation of $32.8 billion for Labor-HEW, OEO, and related agencies for Fiscal 1974 (H.R. 8877) (P).

For a bill providing appropriations of $2.8 billion for the Interior Department and related agencies for Fiscal 1974, plus contract liquidation authority (H.R. 8917) (P).

Against motion to instruct the conferees to insist on House position prohibiting flight pay for senior officers (H.R. 8537) (P).

Against amendment cutting out $3.8 million for Project Plowshare, a proposal for underground nuclear explosions to generate natural gas (H.R. 8947) (D).

For amendment proposing an additional $4.7 million for geothermal energy research (H.R. 8947) (P).

For bill appropriating $4,767 million for public works, the Atomic Energy Commission, flood control power projects, etc., for Fiscal 1974 (H.R. 8947) (P).

Against a bill changing the membership of the Council on International Economic Policy (H.R. 8548) (P).

For amendment seeking to extend the proposed ban on U.S. combat activities in or over Cambodia and Laos to cover hostilities in any sovereign state (H.R. 9055) (D).

Against amendment providing for an immediate and complete cut off of funds for combat activities in or over Cambodia and Laos (H.R. 9055) (d).

For H.R. 9055, making supplemental appropriations for Fiscal 1974, containing an immediate ban against use of funds provided in the bill for combat activities in or over Cambodia, Laos or Vietnam (H.R. 9055) (P).

Against amendment adding $2.1 million for additional probation officers and an increase of $709,000 for funds for Judiciary travel (H.R. 8916) (P).

For Fiscal 1974 appropriations of $4.4 billion for the State Department, Judiciary and related agencies (H.R. 8916) (P).

Against a motion to concur with a Senate amendment providing for a 5.6% Social Security increase in April 1974 (H.R. 8410) (D).

Against a Senate amendment to put the Presidential campaign income tax checkoff on a nonpartisan basis and to liberalize the continuation of extended unemployment benefits (H.R. 8410) (P).

For the conference report on the continuing appropriations bill providing funding through September 30 for agencies for which regular appropriations bills had not been passed (H.J. Res. 636) (P).

For the Senate amendment to provide for an increase in Social Security benefits, modifications in welfare and medicaid amendments, and an extension of certain social services programs. (H.R. 7445) (P).

For an amendment reducing the subsidy to farmers from a proposed $37,500 to $20,000 per crop on wheat, feed grains, and cotton (H.R. 8860) (P).

Against amendment to reduce the subsidy limitation on wheat, feed grains and cotton to $20,000 per farmer and prohibiting planters from selling or leasing part of their cotton allotments (H.R. 8860) (P).

For an amendment prohibiting the use of Commodity Credit Corporation funds to finance any future wheat sales to Russia or China (H.R. 8860) (D).

For amendment terminating the $10 million annual authorization for cotton promotion and research by Cotton, Inc. (H.R. 8860) (P).

For amendment seeking to remove the controversial escalator clause providing for annual adjustment of target prices for wheat, cotton, and feed grains on the basis of production cost changes (H.R. 8860) (D).

Against amendment adding language to extend price support loan provisions under the wheat, cotton and feed grains programs to farmers not participating in the programs (H.R. 8860) (D).

For amendment restoring the farm program to a market-oriented system by proposing a three-year phaseout of income supplemental payments to farmers (H.R. 8860) (D).

Against a motion for the committee of the Whole House to rise, which postponed further action on the farm bill (H.R. 8860) (P).

Against amendment deleting provisions for disaster loans at one percent interest or at three percent interest with $2,500 of the loan forgiven (H.R. 8606) (D).

For bill providing for annual authorizations of appropriations for the U.S. Postal Service (H.R. 2990) (P).

For amendment striking the cotton program provisions from the farm bill (H.R. 8860) (P).

Against amendment striking provisions transferring the Occupational Safety and Health Administration from the department of Labor to the Department of Agriculture. (H.R. 8860) (P).

Against the conference report on the emergency medical services bill (S. 504) (P).

For bill providing more favorable retirement privileges for inspectors of the Immigration and Naturalization Service or the Bureau of Customs (H.R. 6078) (P).

For bill revising provisions of the loan guarantee program for veterans to provide for setting interest rates for new loans to veterans for homes at realistic interest rates (H.R. 8949) (P).

For a bill providing for expanded VA medical programs with a first year cost of $64.9 million and authorized contracting out of medical care for certain survivors and dependents of veterans (H.R. 9048) (P).

For carrying out provisions of the Railroad Safety and Hazardous Materials Transportation Acts. This bill authorized $20.6 million (S. 2120) (P).

Against bill providing a $5 million authorization for the Commission on Productivity and Work Quality (S. 1752) (D).

For a substitute amendment including provisions requiring Congress to specifically approve or disapprove the commitment of forces by the President in absence of a declaration of war within 90 days of such executive action (H.J. Res. 542) (D).

Against a substitute amendment seeking to prohibit the President from committing U.S. troops to hostilities or increasing the number of U.S. combat troops abroad (H.J. Res. 542) (D).

For amendment requiring Congress to specifically approve or disapprove the commitment or enlargement in number of U.S. combat troops abroad within 120 days following a Presidential report of such action (H.J. Res. 542) (D).

Against the resolution concerning the war powers of Congress and the President (H.J. Res. 542) (P).

For amendment deleting language making recipients of supplemental security income payments eligible for food stamps (H.R. 8860) (P).

For amendment prohibiting strikers and their families from receiving food stamps unless previously eligible (H.R. 8860) (P).

For amendment liberalizing eligibility for food stamps (H.R. 8860) (P).

Against amendment prohibiting payment of farm subsidies to a farmer on any crop planted or harvested during a labor dispute

involving the producer or his employees (H.R. 8860) (D).

For amendment prohibiting strikers and their families from receiving food stamps (2nd vote) (H.R. 8860) (P).

Against amendment reinserting the cotton program into the bill with the elimination of funds for Cotton, Inc. (H.R. 8860) (P).

Against motion to strike the enacting clause from the bill (H.R. 8860) (D).

For amendment to recommit with instructions to the committee to strike out the target price escalator provisions for cotton (H.R. 8860) (P).

For motion striking all of the "escalator clause" provisions (H.R. 8860) (D).

Against the Farm Bill continuing for four years price support programs for wheat, cotton and feed grains, with price escalator provisions, and continuing present food stamp and food for peace programs (H.R. 8860) (P).

Against amendment to withhold grants for construction of public broadcasting facilities unless the recipient was found to be in compliance with all laws prohibiting discrimination in employment practices (H.R. 8538) (D).

For bill extending authorizations for the Corporation for Public Broadcasting and for construction grants for noncommercial educational television and radio broadcasting facilities (H.R. 8538) (P).

For the rule for consideration of H.R. 5356, the toxic substances bill (H. Res. 493) (P).

Against amendment directing the EPA Administrator to use provisions of the Water Pollution Control Act, the Clean Air Act where appropriate to regulate chemical substances (H.R. 8386) (P).

For amendment proposing that no rule deriving from the bill should be put into effect until after a hearing with full opportunity for cross-examination (H.R. 5356) (D).

Against amendment directing EPA Administrator (same as above) (H.R. 5356) (D).

For a bill to protect health and the environment from toxic chemical substances (H.R. 5356) (P).

Against rule for consideration of H.R. 8929, concerning the financing of the cost of mailing certain matter free of postage or at reduced postage rates (H. Res. 495) (D).

For previous question to instruct conferees on the farm bill to assist on House amendment prohibiting bargain sales or gifts of farm products to North Vietnam under the food for peace program (S. 1888) (P).

For motion to instruct the conferees to insist on amendment to the farm bill prohibiting bargain sales . . . (same as above) (S. 1888) (P).

For amendment empowering the Comptroller General to allow Presidential impoundments of funds which he determines to be in accordance with the Anti-Deficiency Act (H.R. 8480) (D).

For amendment requiring both Houses of Congress to disapprove impoundments by concurrent resolution (H.R. 8480) (D).

Against conference report on bill allowing employer contributions to jointly administered trust funds established by labor organizations to defray the cost of legal services (S. 1432) (P).

Against amendment proposing that impounded funds be released after 60 days unless ratified by both Houses of Congress (H.R. 8480) (D)

For amendment reducing spending ceiling to $260 billion to balance the budget (H.R. 8480) (D).

For amendment reducing spending ceiling by $3.8 billion (H.R. 8480) (D).

For recommittal motion with instructions that the bill be reported back with an amendment requiring concurrent action by both Houses of Congress to overrule a Presidential impoundment action (H.R. 8480) (D).

For bill requiring the President to notify Congress whenever he impounds funds, providing a procedure by which Congress may disapprove the President's actions, and to establish for Fiscal 1974 a ceiling on federal expenditures (H.R. 8480) (P).

For amendment proposing reducing funds in the Foreign Assistance bill for population planning and health by $75 million for Fiscal 1974 (H.R. 9360) (D).

For amendment striking the section authorizing $93 million for certain economic and social development programs (H.R. 9360) (D).

For amendment striking the authorization of $60 million for assistance to selected countries and organizations (H.R. 9360) (D).

For amendment prohibiting foreign aid to any nation which seizes U.S. citizen property (H.R. 9360) (P).

For amendment to strike the section establishing a U.S. Development Credit Fund to lend money to undeveloped nations to buy U.S. exports (H.R. 9360) (P).

For recommittal motion with instructions that the proposed authorization be reduced by $68 million (H.R. 9360) (P).

Against authorizing $2.8 billion for foreign aid (H.R. 9360) (P).

For appropriating $4,749 million for the Atomic Energy Commission, public works, power and flood control projects, etc. (conference report) (H.R. 8947) (P).

Against rule for consideration of S. 1989, to amend the Federal Salary Act to increase certain executive, legislative and judicial salaries (H. Res. 512) (D).

For conditional adjournment from August 3 until September 5, 1973 (S. Con. Res. 42) (P).

For increasing disability rates and death pensions and dependency and indemnity compensation for benefiting veterans and their dependents (H.R. 9474) (P).

Against amendment proposing to cut the authorization for the CVN-70 nuclear aircraft carrier by $657 million (H.R. 9286) (D).

Against amendment deleting $473.5 million for research and development for the B-1 bomber (H.R. 9286) (D).

Against amendment to pull back U.S. troops from any nation paying a smaller portion of its gross national product for defense than does the U.S. with June 30, 1974 as the deadline for pull-back (H.R. 9286) (D).

Against amendment reducing the total U.S. troop levels in NATO and in the Western Pacific by 322,000 (H.R. 9286) (D).

For substitute amendment calling for an Armed Services Committee report concerning U.S. troop levels in Europe (H.R. 9286) (P).

Against amendment reducing the funds authorized in the bill by $950 million, by setting a ceiling equal to that for fiscal 1973 plus a 4½ percent inflation factor increase (H.R. 9286) (P).

For authorization of $20.45 billion for defense procurement, research and development and for military strength of the Armed Forces (H.R. 9286) (P).

For conference report on the HUD, Space, Science and Veterans Appropriation bill for Fiscal 1974 (H.R. 8825) (P).

For disagreement to Senate amendment which severely restricts government auto service for top officials of the agencies covered by the bill (H.R. 8825) (P).

Against amendment cutting funding for the Office of Management and budget by 5 percent (H.R. 9590) (D).

For amendment proposing a reduction in funds for the Office of Telecommunications Policy by 25 percent (H.R. 9590) (D).

For rule to consider H.R. 9130, the Alaska Oil Pipeline bill (H. Res. 515) (P).

Against amendment prohibiting the granting of a right-of-way for the pipeline across National Parks, Wildlife Refuges or Wilderness lands unless the right-of-way meets environmental protections (H.R. 9130) (D).

Against amendment deleting language removing from judicial review under NEPA the grant authorizations necesary for construction of the Pipeline, and removing language expediting federal court proceedings with respect to pipeline right of way and permits, etc. (H.R. 9130) (D).

Against amendment requiring the President to develop a plan to assure all regions of the U.S. equitable allocations of crude oil and gas (H.R. 9130) (D).

For amendment requiring that all articles, materials, and supplies used for pipeline construction be mined, produced or manufactured in the U.S. (H.R. 9130) (P).

Against amendment requiring permits issued by civil authorities in addition to those isued by Interior Secretary (H.R. 9130) (D).

For authorizing the Interior Secretary to grant a right-of-way for the Alaska Pipeline, and authorizing steps to bar further judicial review of its environmental considerations (H.R. 9130) (P).

For the conference report on S. 1636 extending the White House Council on International Economic Policy until 1977, with a $1.4 million one year authorization (S. 1636) (P).

For rule for consideration of S. 1264 directing the Eisenhower College to allocate $1 from the sale of each silver Dollar coin bearing the likeness of Eisenhower (H. Res. 518) (D).

For conference report on the Federal Aid Highway Act, with authorizations for bus and rail transportation (S. 502) (P).

Against conference report on minimum wage legislation (H.R. 7935) (P).

For previous question on accept Senate amendments to farm bill (S. 1888) (P).

Against motion to agree to Senate amendments to farm bill including an amendment eliminating a House proposed ban on food stamps for strikers (S. 1888) (P).

For conference report on D.C. Appropriations bill for Fiscal 1974 (H.R. 8658) (P).

For conference report on the $2.9 billion Fiscal 1974 appropriations for the Transportation Department and related agencies (H.R. 8760) (P).

For motion to recommit the conference report which extends the authority of the HUD Secretary relating to mortgage and loan insurance, and end Administration moratorium on new federal housing (H.J. Res. 512) (P).

For authorizing $105 million over 2 years for the lead based paint poisoning program, including detection and treatment of lead-based paint poisoning of children. (H.R. 8920) (P).

For increasing coverage of federal flood insurance (H.R. 8449) (P).

For authorizing $107.3 million AMTRAK for Fiscal 1974 (H.R. 8351) (P).

Against rule to consider H.R. 8547, amending the Export Administration Act of 1969 (H. Res. 484) (P).

Against amendment requiring Commerce Secretary to report to Congress any decision he makes on prohibition of commodities exported and to permit either House of Congress to disapprove such decisions (H.R. 8547) (D).

Against amending the Export Administration Act to require the Commerce Secretary to select items to be subject to export controls (H.R. 8547) (P).

For citing G. Gordon Liddy for contempt and turning the case over to the U.S. Attorney for the District of Columbia (H. Res. 536) (P).

Against amending the Federal Cigarette Labeling and Advertising Act to extend its advertising restriction provisions to include little cigars (H.R. 7482) (P).

For deleting language halting funds for foreign affairs agencies which do not comply within 35 days with any request for infor-

mation by the House and Senate Foreign Relations Committees (H.R. 7645) (P).

Against prohibiting the imposition by the states of discriminatory burdens on interstate commerce in wine (H.R. 2096) (P).

Against rule to consider a resolution to provide predisaster assistance for California eucalyptus forests (H. Res. 511) (D).

For sustaining President's veto of the Emergency Medical Services bill (sustained) (S. 504).

For providing a $240 million five-year authorization for the establishment and expansion of health maintenance organizations (H.R. 7974) (P).

For new coin designs for quarters, half-dollars and dollars emblematic of the American Revolution bicentennial (H.R. 8789) (P).

For motion to instruct conferees to insist on House language in the Agriculture Appropriations bill limiting the federal farm subsidy to $20,000 per farm in most cases (H.R. 8619) (P).

Against authorizing the Interior Secretary to engage in feasibility investigation of certain potential water resource projects (H.R. 6576) (P).

For amendment deleting section which raised the reimbursement by the government for school lunches from 8 cents to 10 cents per lunch (H.R. 9639) (D).

For amending the National School Lunch and Child Nutrition Act to provide additional federal assistance to the school lunch and breakfast programs (H.R. 9639) (P).

For banning T.V. blackouts of sports events in cases where the games are sold out 72 hours before the event (H.R. 9553) (P).

For authorizing $88 million for ACTION domestic volunteer program (H.R. 7265) (P).

For conference report on vocational rehabilitation bill (H.R. 8070) (P).

For authorizing the Interior Secretary to purchase property located in the San Carlos Mineral Strip (H.R. 7730) (D) (failed on 2/3 rule).

For Endangered Species Act (H.R. 37) (P).

For establishing a Lyndon B. Johnson special intern program as part of the congressional intern program (H. Res. 420) (P).

For sustaining the President's veto of the minimum wage increase bill (H.R. 7935) (sustained).

Against amendment providing for a withholding of funds from USIA if it fails to furnish information requested by certain congressional committees (H.R. 9715) (P).

For bill to authorize appropriations for U.S.I.A. (H.R. 9715) (P).

For rule to consider H.R. 9256 to increase government contributions to federal employees health benefits (H.Res. 546) (P).

For conference report on the Interior Appropriations bill for Fiscal 1974 (H.R. 8917) (P).

For receding from disagreement with a Senate amendment and agreeing to an amendment appropriating $46 million for the National Endowment for the Arts (H.R. 8917) (P).

Against motion to recommit H.R. 9281 to committee with instructions to substitute a guaranteed annuity for the retirement formula proposed in the bill (H.R. 9281) (D).

For increasing retirement benefits for federal police and firemen and to establish a mandatory retirement age (H.R. 9281) (P).

For increasing federal contribution to federal workers' health insurance cost from 40% to 75% by 1977 (H.R. 9256) (P).

For conference report on Agricultural-Environmental-Consumer Protection appropriations for Fiscal 1974 (H.R. 8619) (P).

Against amendment requiring that local school agencies receive fiscal 1974 educational aid for disadvantaged chidren at a per pupil basis rate no lower than in fiscal 1973 (H.J. Res. 727) (D).

For amendment providing that each local school agency receive in Fiscal 1974 at least 85% of what it received in Fiscal 1973 for aid to disadvantaged children (H.J. Res. 727) (P).

For amendment prohibiting funds for the Cost of Living Council for any program discriminating among petroleum product marketers in the method of establishing their prices (H.J. Res. 727) (P).

For continuing appropriations for agencies where final action had not yet taken place on their regular appropriations bills (H.J. Res. 727) (P).

Against amendment raising from 20,000 to 35,000 each the maximum number of immigration visas per year from Canada and Mexico (H.R. 981) (D).

Against amendment proposing a five year aggregate limit on the number of one-year visas for certain migrant workers (H.R. 981) (D).

For setting immigration limits at not more than 20,000 visas per year for any one country (H.R. 981) (P).

For providing for the distribution of funds appropriated to satisfy certain judgments awarded to Indians by the Court of Claims and the Indian Claims Commission (H.R. 8029) (P).

For correcting typographical and clerical errors in the farm bill, Public Law 93-86 (S. 2419) (P).

For extending the authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People (H.R. 10397) (failed to pass, ⅔ vote required by rules).

For conference report on the arts and humanities authorization bill with a three-year authorization of $597 million (S. 795) (P).

For establishing a Board of International Broadcasting and authorizing continued assistance to Radio Free Europe and Radio Liberty for Fiscal 1974 (S. 1914) (P).

For vote on rule to consider H.R. 6452, the mass transit authorization bill (H. Res. 372) (P).

Against amendment cutting out $800 million authorized in the bill for urban mass transit operating subsidies (H.R. 6452) (P).

Against motion to strike the enacting clause in order to kill the urban mass transit bill (H.R. 6452) (D).

Against amendment striking federal Operating subsidies for mass transit (H.R. 6452) (D).

For increasing the federal share on aid to mass transit capital grant programs, which bill contains the $800 million authorization for mass transit operating subsidies (H.R. 6452) (P).

For establishing the Big Cypress National Preserve in southern Florida (H.R. 10088) (P).

Against reducing from $2.2 billion to $477 million the appropriations for special payments to international financial institutions to maintain the value of U.S. financial commitments (H.J. Res. 748) (D).

For appropriation of $2.2 billion for special payments to international financial institutions to maintain the value of U.S. financial commitments (H.J. Res. 748) (P).

Against vote on rule to consider H.R. 9682, the D.C. Home Rule bill (H. Res. 581) (P).

For amendment providing for the retention of Presidential appointments to the D.C. Court of Appeals and the D.C. Superior Court rather than having these judges appointed by the D.C. Mayor (H.R. 9682) (P).

For amendment proposing that the President or the House, or Senate, could veto any legislation passed by the D.C. City Council (H.R. 9682) (D).

For amendment providing for a federal enclave within D.C., including principal federal buildings, etc., to be supervised by a Presidentially appointed national service director (H.R. 9682) (P).

For amendment proposing that the D.C. Chief of Police be appointed by the President, rather than by the Mayor (H.R. 9682) (D).

For amendment excluding nearby parts of Virginia and Maryland from the National Capital Planning Commission's planning area (H.R. 9682) (D).

For amendment providing that the D.C. Mayor continue to be appointed by the President rather than be elected (H.R. 9682) (D).

Against providing for an elected D.C. mayor and City Council and a reorganization of the D.C. government (H.R. 9682 (P).

Against motion to recommit the conference report on the continuing appropriations resolution (H.J. Res. 727) (D).

For conference report on resolution to provide continuing appropriations for agencies where final action had not yet taken place on their regular appropriations bills (H.J. Res. 727) (P).

For authorizing $2,651 million for construction at military installations (H.R. 10614) (P).

For conference report on resolution limiting the war powers of the President, outlining circumstances under which the President could commit U.S. troops into hostile situations overseas (H.J. Res. 542) (P).

For authorizing $1,258 million for construction, repair and preservation of public works on rivers and harbors for navigation, flood control, etc. (H.R. 10203) (P).

For authorizing a $150,000 federal contribution to the Artic Winter Games to be held in Alaska in 1974 (S. 907) (P).

Against setting up a National Institute of Building Standards (H.R. 8346) failed to pass ⅔ rule).

For conference report on the Treasury-Postal Service appropriations bill (H.R. 9590) (P).

For amendment permitting per diem compensation rates of individuals to be set by the President regardless of Civil Service requirements (H.R. 9590) (P).

For amendment providing for funding of the President's official entertaining (H.R. 9590) (P).

For conference report on the $605 million Fiscal 1974 Legislative Branch Appropriations bill (H.R. 6691) (P).

For repealing the Act which had terminated federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin (H.R. 10717) (P).

Against rule for consideration of conference report on H.R. 9286, the military procurement authorization bill (H. Res. 601) (D).

Against amendment to transfer the monitoring of allocation programs from the Federal Trade Commission to the General Accounting Office (H.R. 9681) (D).

For requiring the President to allocate crude oil and refined petroleum products to deal with existing or imminent shortages (H.R. 9681) (P).

For conference report to provide financial assistance to the National Railroad Passenger Corporation (S. 2016) (P).

For authorization of $1.5 million for the Cabinet Committee on Opportunities for Spanish-Speaking People (H.R. 10397) (P).

Against motion to agree with a Senate amendment to the School Lunch Act (H.R. 9639) (D).

Against authorizing the use of health maintenance organizations in providing health care for military service dependents (H.R. 10586) (P).

For vote on rule to consider H.R. 3927, the Environmental Education Act (H. Res. 600) (P).

For amendment to provide a one-year rather than a three-year authorization for environmental education (H.R. 3927) (D).

For extending the Environmental Education Act for three years with accelerating authorizations totaling $45 million for 3 years. (H.R. 3927) (P).

For vote on rule to consider H.R. 10956, the Emergency Medical Services Act (H. Res. 655) (P).

For providing a three-year authorization of $135 million for Federal aid to area-wide emergency medical care systems (H.R. 10956) (P).

For adopting a rule for consideration of H.R. 9456, the Drug Abuse Education Act (H. Res. 656) (P).

For extending the Drug Abuse Education Act for 3 years, with a 3-year authorization of $90 million for educational programs on drug and alcohol abuse (H.R. 9456) (P).

Against motion to delete section 817 from the conference report on the military procurement legislation (H.R. 9286) (D).

For authorization to place at the U.S. Naval Academy two citizens of Iran (H.J. Res. 735) (P).

For establishing a Federal Financing Bank for the purpose of coordinating federal borrowing (H.R. 5874) (P).

For extending the life of the Watergate Grand Jury (H.R. 10937) (P).

For authorizing the President to extend certain privileges and immunities to the Organization of African Unity (H.R. 8219) (P).

For previous question on rule for the consideration of H.R. 11004, the national debt ceiling bill, thus preventing non-germane amendments to the bill (H. Res. 687) (P).

Against overriding the President's veto of the War Powers Act (H.J. Res. 542) (Overridden).

For amendment reducing by $2.3 billion the proposed increase in the temporary national debt (H.R. 11004) (P).

Against increasing the temporary national debt limit to $475.7 billion from $465 billion and extending the temporary limit to June 30, 1974 (H.R. 11004) (P).

For vote on rule to consider H.R. 9142, to finance reorganization of bankrupt Northeast railroads (H. Res. 688) (P).

For amendment proposing a six-year limit on continued salary payments to employees who lose jobs because of the railroad merger (H.R. 9142) (D).

For amendment proposing a six-year limit on displacement allowances to employees transferred to another northeastern railroad (H.R. 9142) (D).

For authorization of $421.5 million and $1 billion in federal loan guarantees to finance the reorganization of bankrupt Northeastern railroads into one corporation (H.R. 9142) (P).

For motion to recommit the Alaska Pipeline conference report with instructions to insist on House position on disagreement to title III and sections 601 and 602 (S. 1081) (D).

For conference report on S. 1081, to authorize the Trans-Alaska pipeline (S. 1081) (P).

For conference report on H.R. 8619, making appropriations for the Department of State, Justice, Commerce, the Judiciary and related agencies for Fiscal 1974 (H.R. 8619) (P).

Against resolution to adjourn from November 15-November 26, Thanksgiving Vacation (H. Con. Res. 378) (P).

For motion to recommit the conference report on H.R. 8877, making appropriations for the Departments of Labor, Health, Education, and Welfare and related agencies for Fiscal 1974 (P).

For conference report on S. 1570, the Emergency Petroleum Allocation Act of 1973 (P).

For House agreement to H. Res. 128, expressing the sense of the House with respect to actions which should be taken by Members convicted of certain crimes (P).

For making appropriations for military construction for the Department of Defense for Fiscal 1974 (H.R. 11459) (P).

Against previous question on the committee amendment (H. Res. 702) (P).

Against previous question on the resolution to provide funds for the Committee on the Judiciary (H. Res. 702) (P).

For motion to recommit resolution to the Committee on House Administration with instructions to report the resolution back with an amendment to earmark one-third of the funds for the impeachment inquiry to the minority (H. Res. 702) (D).

For providing funds for the Committee on the Judiciary for the impeachment investigation purposes. (H. Res. 702) (D).

For amendment that sought to allow states to raise supplemental security income benefits by amounts provided in the bill to qualify for their "hold harmless" protection (H.R. 11333) (P).

For 7% increase in Social Security benefits beginning March, 1974, and an additional 4% increase beginning June, 1974 (H.R. 11333) (P).

For providing an improved system of adoption of children in the District of Columbia (H.R. 11238) (P).

For conference report on H.R. 7446, a bill to establish the American Revolution Bicentennial Administration (P).

For rule providing for the consideration of the Year-Round Daylight Savings time bill for a two-year trial period (H. Res. 718) (p).

For bill providing daylight savings time on a year-round basis for a two-year trial period (H.R. 11324) (P).

For adopting rule under which the Comprehensive Manpower Act was considered (H. Res. 719) (P).

Against amendment that reduced the population requirement for receiving assistance from manpower programs from 100,000 to 50,000 (H.R. 11010) (P).

Against amendment that adds language that permits areas where the units of local government have an aggregate population of 100,000 or more to qualify for public employment programs under Title II (H.R. 11010) (D).

Against H.R. 11010, the Comprehensive Manpower Act (P).

Against amendment that sought to raise from $500 million to $1 billion the funds appropriated for 1975 to be reserved for public employment programs under Title II (H.R. 11010) (D).

For disagreement to the Senate amendments to the public debt limit increase bill, H.R. 11014, providing for a $10.7 billion increase in the public debt limit (H. Res. 721) (P).

Against amendment that sought to restore $1.25 million for race relations training in the Army, Navy, and Air Force (H.R. 11575) (D).

For amendment that sought to strike language providing that not more than $851.6 million be available for repair, alterations, and overhauls of vessels in Navy shipyards (H.R. 11575) (D).

For amendment that sought to require funding of the $3.5 billion of the total appropriations from backlog "pipeline" funds left over from prior years (H.R. 11575) (D).

For amendment that sought to reduce the end strength troop level by 22,000 (H.R. 11575) (D).

For making appropriations for the Department of Defense for Fiscal 1974 (H.R. 11575) (P).

Against amendment that sought to raise by $35 million the funds appropriated for grant programs for state rehabilitation services (H.R. 11576) (D).

For making supplemental appropriations for the Fiscal Year ending June 30, 1974 (H.R. 11576) (P).

For providing financial assistance for a demonstration program for the prevention, identification and treatment of child abuse and neglect, and to establish a National Center on Child Abuse (S. 1191). (P).

Against measure to insure that the compensation and other emoluments attached to the Office of the Attorney General are those which were in effect on January 1, 1969; to amend title 39, USC, and to clarify proper use of the franking privilege of Members of Congress (H.R. 11710) (P).

For a rule waiving points of order against the conference report on Foreign Aid Authorizations (S. 1443) (P).

Against the conference report on S. 1443, authorizing the furnishing of defense articles and services to foreign countries and international organizations (S. 1443) (P).

For suspending the rules to pass H. Con. Res. 173, relating to the United States fishing industry (P).

For the Labor-HEW appropriations conference report (H.R. 8877) (P).

For receding and concurring in Senate amendment to Labor-HEW appropriations conference report (H.R. 8877) (P).

Against amendment that sought to prohibit consideration of authorizing legislation after July 1 in lieu of March 31 of each year (H.R. 7130) (D).

For an amendment that sought to require the pilot testing of all federal programs prior to the implementation unless the committee report on the legislation indicates why this is unnecessary (H.R. 7130) (D).

For an amendment that sought to provide for a maximum limitation on authorizations for appropriations to 3 years except those funded through user taxes (H.R. 7130) (D).

Against an amendment that sought to require all appropriations bills to be sent to the President at the same time with no exceptions (H.R. 7130) (D).

For an amendment that sought to require both Houses of Congress to take action before a Presidential impoundment is disapproved, and to allow selective disapproval of impoundments by Congress (H.R. 7130) (D).

For an amendment that sought to make Title II (impoundment control) effective on October 1, 1975 (H.R. 7130) (D).

For the impoundment and budget control bill (H.R. 7130) (P).

For the rule under which the Vice-Presidential nomination could be considered (H. Res. 738) (P).

For confirming the nomination of Gerald R. Ford of Michigan to be Vice President of the United States (H. Res. 735) (P).

For the conference report on H.R. 11459, making appropriations for military construction for the Department of Defense for Fiscal 1974 (P).

For the rule under which H.R. 9107 could be considered, dealing with federal retirement annuities (H. Res. 673) (P).

For H.R. 9107, to provide increases in certain annuities payable under Chapter 83 of title 5, U.S.C. (P).

For rule providing for the consideration of the Trade Reform Act (H. Res. 657) (P).

For amendment denying loans, credits, and guarantees to communist countries which deny freedom of emigration (H.R. 10710) (P).

Against an amendment that sought to strike Title IV from the bill (H.R. 10710) (D).

For the Trade Reform Act (H.R. 10710), to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States (P).

For an amendment that sought to permit use of funds under the Israel Emergency Assistance bill to support U.N. Security Council resolutions calling for Israeli withdrawal from occupied territories and Arab recognition of Israeli sovereignty and territorial integrity (H.R. 11088) (D).

For the Israel Emergency Assistance bill to provide emergency security assistance authorizations for Israel (H.R. 11088) (P).

Against an amendment that sought to strike $1 million for Chile from the Foreign Assistance bill, H.R. 11771 (D).

Against an amendment that sought to reduce funds for emergency military assistance to Cambodia by $100 million (H.R. 11771) (D).

For an amendment that sought to prohibit the use of any Export-Import funds for any communist country (H.R. 11771) (D).

Against the Foreign Assistance bill, H.R. 11771, making appropriations for foreign assistance and related programs for fiscal 1974, (P).

Against the rule under which the Emergency Energy bill could be considered (H. Res. 744) (P).

For an amendment that sought to restore language in the original bill giving Congress 15 days to disapprove any Presidential energy plan (H.R. 11450) (D).

Against an amendment to the antitrust section providing for participation by the Justice Department and the Federal Trade Commission in the initial phasess of any allocation plans that are made (H.R. 11450) (P).

For an amendment that eliminates coal as one of the items on which windfall profits will be restricted (H.R. 11450) (P).

For an amendment that bans the allocation of petroleum for busing students to a school farther than the school nearest to their homes (H.R. 11450) (P).

Against a motion that all debate on the committee amendment in the nature of a substitute and all amendments thereto end at 10 p.m. (H.R. 11450) (D).

For an amendment that sought to insert a new section on the restriction of windfall profits requiring the President to exercise his authority under the Economic Stabilization Act to restrict unconscionable profits and to submit to Congress within 30 days legislation providing additional incentives for the use of such profits for exploration and research to increase the nation's energy supplies (H.R. 11450) (D).

Present on amendment that retains the vehicle emissions standards for 1975 but extends the date for those standards to become effective until 1977 (H.R. 11450) (P).

Against an amendment that sought to strike the section on voluntary conservation agreements among retail and service establishments (H.R. 11450) (D).

Present on amendment that sought to rescind the requirement for emission control devices on vehicles throughout the nation until January 1, 1977, except for certain areas which have significantly high pollution levels (H.R. 11450) (D).

Against an amendment that sought to allow for the allocation of petroleum for school busing where a busing plan has been ordered by the appropriate school board (H.R. 11450) (D).

Against a motion that sought to limit debate on the substitute amendment (H.R. 11382) and all amendments thereto (H.R. 11450) (P).

For a motion that the Committee rise and report the bill back to the House with the enacting clause stricken (H.R. 11450) (D).

For an amendment that adds language to a section amending the National Petroleum Allocation Act that strikes the word "Agricultural operation" as it is defined in subsection (B) of section 4 of the Act (H.R. 11450) (P).

For an amendment that provides that the Administrator may restrict exports of coal and petrochemical feedstocks if such exports will result in unemployment in the United States (H.R. 11450) (P).

Against an amendment that sought to exempt the Navy's petroleum reserves from the provisions of the bill (H.R. 11450) (D).

For an amendment that sought to exclude producers of less than 15,000 barrels of oil per day from the restrictions on windfall profits (H.R. 11450) (D).

Against a preferential motion that the Committee rise (H.R. 11450) (D).

For an amendment that sought to prohibit the exportation of crude oil, residual oil, and refined petroleum products unless the President orders the approval of the export (H.R. 11450) (D).

For an amendment that eliminates discrimination against shipment of recycled materials (H.R. 11450) (P).

Present on amendment that sought to rescind the requirement for emission control devices on vehicles throughout the nation until January 1, 1976, except for certain areas which have significantly high pollution levels (H.R. 11450) (D).

For an amendment prohibiting the export of petroleum products for military use in Indochina (H.R. 11450) (P).

Against an amendment that sought to ban the export of petroleum products for military use in Israel (H.R. 11450) (D).

For a motion to recommit the bill to the Committee on Interstate and Foreign Commerce (H.R. 11450) (D).

Against the National Emergency Energy Act (H.R. 11450) (P).

For motion to recommit the conference report on the D.C. Home Rule bill (S. 1435) (D).

Against the conference report on the D.C. Home Rule bill, providing for an elected mayor and city council and reorganization of the D.C. government (S. 1435) (P).

Against S. J. Res. 180, relative to the convening of the second session of the 93rd Congress (P).

For an amendment to the Small Business Ceiling Authority, S. 2482, to amend the Small Business Act (P).

For the conference report on H.R. 9256, Government Employees Health Benefits Act, increasing the contribution of the government to the cost of health benefits for federal employees (P).

Against a motion to suspend the rules on Wednesday, December 19th, for the balance of the week (H. Res. 746) (P).

For authorizing the disposal of opium from the national stockpile (S. 2166) (P).

For authorizing the release of copper from the national stockpile and the supplemental stockpile (S. 2316) (P).

For H.R. 11714, to provide for the development of improved design, lighting, insulation, and architectural standards to promote efficient energy use in residential, commercial, and industrial buildings (P).

For H.R. 11763, to facilitate the construction of an intercity bus terminal (P).

For motion to recommit conference report on H.P. 11576, making supplemental appropriations for the Fiscal year ending June 30, 1974 (P).

Against an amendment to the Energy Research and Development Administration Act that would provide for the addition of another assistant administrator to work in the area of energy conservation (D).

For the Energy and Development Administration Act of 1973, which calls for an administrator, six assistant administrators who shall be responsible for fossil energy, nuclear energy, environment, safety and conservation, national security, and advanced energy systems (H.R. 11510) (P).

Against the motion to recommit the conference report on S. 1559, the Comprehensive Employment and Training Act of 1973 (D).

For the conference report on S. 1559, the Comprehensive Employment and Training Act of 1973 (P).

Against the motion to recommit the conference report on H.R. 11575, the Department of Defense Appropriation for Fiscal 1974 (D).

For the conference report on H.R. 11575, the Department of Defense Appropriation for Fiscal 1974 (P).

Against the conference report on H.R. 11771, the Foreign Assistance Appropriation for Fiscal 1974 (P).

For the conference report on S. 1983, the Endangered Species Act of 1973 (P).

For the conference report on H.R. to restore, maintain, and support efficient rail service in the Northeastern United States (P).

For the conference report on H.R. 11576, making supplemental appropriations for Fiscal 1974 (P).

For concurring with the Senate amendment to H.R. 11333, the Social Security benefits increase of 7 percent beginning March, 1974, and an additional 4 percent increase in June 1974 (P).

Against ordering a second on H. Res. 759, wnich would take from the Speaker's table S. 921, the Wild and Scenic Rivers Act, amended to incorporate the provisions of S. 2589, the Senate Emergency Energy bill, with windfall profits provisions included (P).

Against H. Res. 759, to take from the Speaker's table S. 921, the Wild and Scenic Rivers Act, amended to incorporate the provisions of S. 2589, the Senate Emergency Energy bill with windfall profits provisions included (D) (failed to pass ⅔ rule).

Against H. Res. 760, to take from the Speaker's table S. 921, the Wild and Scenic Rivers Act, amended to incorporate the provisions of S. 2589, the Senate Emergency Energy bill, with windfall profits provisions deleted (D) (failed to pass ⅔ rule).

Against H. Res. 761, to take from the Speaker's table S. 921, the Wild and Scenic Rivers Act, with a Senate amendment (S. 2589), and agree to the Senate amendment (D) (failed to pass ⅔ rule).

Against H. Con. Res. 411, providing for the adjournment sine die of the first session of the 93rd Congress (D).

Against motion to adjourn. (D)

LEAVE OF ABSENCE

By unanimous consent (at the request of Mr. O'NEILL), leave of absence was granted to:

Mr. MCSPADDEN, for today, on account of critical illness of his mother.

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. BAUMAN) to revise and extend their remarks and include extraneous matter:)

Mr. WYMAN, for 15 minutes, today.

Mr. RAILSBACK, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. HOSMER, for 30 minutes, today.

Mr. BAUMAN, for 60 minutes, tomorrow, February 7.

Mr. SCHNEEBELI, for 10 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous matter:)

Mr. YATRON, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. HOLTZMAN, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 30 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. DANIELSON, for 15 minutes, today.

Mr. STOKES, for 10 minutes, today.

Mr. DRINAN, for 20 minutes, today.

Mr. TIERNAN. for 5 minutes, today.

Mr. DENT, for 10 minutes, on February 7.

Mr. HAWKINS, for 10 minutes, on February 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENITEZ, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,351.25.

(The following Members (at the request of Mr. BAUMAN) and to include extraneous material:)

Mr. WYATT.
Mr. ASHBROOK in two instances.
Mr. BELL.
Mr. LANDGREBE in 10 instances.
Mr. HOSMER in two instances.
Mr. HILLIS.
Mr. SHRIVER in two instances.
Mr. WYMAN in two instances.
Mr. SNYDER in three instances.
Mr. SCHERLE.
Mr. TAYLOR of Missouri.
Mr. BROTZMAN.
Mr. ARENDS.
Mr. BURGENER.
Mr. BAKER.
Mr. GILMAN.
Mr. KEMP in two instances.
Mr. KETCHUM.
Mr. MINSHALL of Ohio.
Mr. NELSEN in two instances.
Mr. BUCHANAN in two instances.
Mr. BOB WILSON.
Mr. ROBISON of New York.
Mr. STEIGER of Wisconsin in three instances.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mrs. BURKE of California in 10 instances.
Mr. HARRINGTON in five instances.
Mr. WALDIE in four instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. YATRON.
Mr. WOLFF in two instances.
Mr. MILFORD in two instances.
Mr. CHAPPELL.
Mr. CAREY of New York.
Mr. RIEGLE in two instances.
Mrs. CHISHOLM.
Mr. SLACK.
Mr. RONCALIO of Wyoming.
Mr. EDWARDS of California.
Mr. DENHOLM.
Mr. VAN DEERLIN.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 185. Joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in Docket No. MC 43 (Sub. No. 2); to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Thursday, February 7, 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:

1845. A letter from the Secretary of the Air Force, transmitting a report covering calendar year 1973 on the progress of the Air Force Reserve Officer Training Corps flight training program, pursuant to 10 U.S.C. 2110 (b); to the Committee on Armed Services.

1846. A letter from the Attorney General, transmitting a report covering fiscal year 1973 on the enforcement of title II (Extortionate Credit Transactions) of the Consumer Credit Protection Act of 1968, pursuant to 18 U.S.C. 891 note; to the Committee on Banking and Currency.

1847. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the President's consent to a request by a foreign government to sell to a second foreign government certain aircraft manufactured with U.S. Government financing, pursuant to section 3(a) of the Foreign Military Sales Act, as amended [22 U.S.C. 2753(a)]; to the Committee on Foreign Affairs.

1848. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report of the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ended December 31, 1973, pursuant to section 203(f) of the act [8 U.S.C. 1153(f)]; to the Committee on the Judiciary.

1849. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254 (c)(1)]; to the Committee on the Judiciary.

1850. A letter from the Executive Director, Board for Fundamental Education, transmitting the financial statements of the Board for calendar years 1970 and 1971, pursuant to Public Law 88-504; to the Committee on the Judiciary.

1851. A letter from the Administrator, Environmental Protection Agency, transmitting a report evaluating techniques for cost-benefit analysis of water pollution control programs and policies, pursuant to section 104 (a)(6) of Public Law 92-500; to the Committee on Public Works.

1852. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation for fiscal year 1975; to the Committee on Science and Astronautics.

1853. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to provide adequate financing of health care benefits for all Americans; to the Committee on Ways and Means.

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. HALEY: Committee on Interior and Insular Affairs. H.R. 377. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Florida; with amendment (Rept. No. 93-780). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior an Insular Affairs. H.R. 1494. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands; with amendment (Rept. No. 93-781). Referred to the Committee of the Whole House on the State of Union.

Mr. HALEY: Committee on Interior and Insular Affairs: H.R. 5236. A bill to provide for the conveyance of certain mineral interests of the United States in property in Utah to the record owners of the surface of that property; with amendment (Rept. No. 93-782). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6541. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States to the owner or owners of record of certain lands in the State of South Carolina; with amendment (Rept. No. 93-783). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6542. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States to the owner or owners of record of certain lands in the State of South Carolina; with amendment (Rept. No. 93-784). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10284. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Florida; with amendment (Rept. No. 93-785). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 893. Joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket No. MC 43 (Sub-No. 2). (Rept. No. 93-786). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 835. Resolution providing for the consideration of S.J. Res. 185. Joint Resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket No. MC 43 (Sub-No. 2). (Rept. No. 93-787). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DORN (for himself, Mr. TEAGUE, Mr. HALEY, Mr. DULSKI, Mr. ROBERTS, Mr. SATTERFIELD, Mr. HELSTOSKI, Mr. EDWARDS of California, Mr. MONTGOMERY, Mr. CARNEY of Ohio, Mr. DANIELSON, Mrs. GRASSO, Mr. WOLFF, Mr. BRINKLEY, Mr. CHARLES WILSON of Texas, Mr. HAMMERSCHMIDT, Mrs. HECKLER of Massachusetts, Mr. ZWACH, Mr. WYLIE, Mr. HILLIS, Mr. MARAZITI, Mr. ABDNOR, Mr. HUBER, Mr. WALSH, and Mr. PATTEN):

H.R. 12628. A bill to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS of Illinois (for herself, Ms. BURKE of California, Ms. CHISHOLM, and Ms. JORDAN):

H.R. 12629. A bill to prohibit certain sterilizations which are financed by Federal funds;

to the Committee on Interstate and Foreign Commerce.

By Ms. COLLINS of Illinois (for herself, Mr. MILLS, Ms. BURKE of California, Ms. CHISHOLM, Ms. GRASSO, Ms. ABZUG, Ms. HOLT, Ms. HOLTZMAN, Ms. MINK, Ms. SCHROEDER, Mrs. SULLIVAN, Mr. CAREY of New York, and Mr. FULTON):

H.R. 12630. A bill to amend title XVIII of the Social Security Act to include breast prosthesis among the items and services for which payment may be made under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 12631. A bill to authorize the Administrator of the Federal Energy Office to take certain action so as to assure the maintenance of operations involving the transporting, by truck or trucks, of perishable food, including fruit, vegetables, meats, and all seafood items; to the Committee on Interstate and Foreign Commerce.

By Mr. DIGGS:

H.R. 12632. A bill to amend section 7 of the District of Columbia Election Act for the purpose of administering a voter registration program; to the Committee on the District of Columbia.

H.R. 12633. A bill to prohibit the practice of forging or scalping tickets in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DORN:

H.R. 12634. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 12635. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. DU PONT:

H.R. 12636. A bill to require personal financial disclosure by certain officials and employees in the legislative, executive, and judicial branches of the Government of the United States; to the Committee on the Judiciary.

H.R. 12637. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 12638. A bill to regulate certain political campaign practices in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FREY:

H.R. 12639. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

H.R. 12640. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

H.R. 12641. A bill to amend the Internal Revenue Code of 1954 to allow any individual employed on a part-time basis to deduct under section 214 expenses for household and dependent care services necessary for gainful employment, and for other purposes; to the Committee on Ways and Means.

By Mr. GUYER:

H.R. 12642. A bill to amend the Emergency Petroleum Allocation Act of 1973 to stabilize the price of propane; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ:

H.R. 12643. A bill to require filing of domestic food price impact statement in connection with exports of U.S. commodities; to the Committee on Banking and Currency.

By Mr. HUNT:

H.R. 12644. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, New Jersey; to the Committee on Veterans' Affairs.

By Ms. JORDAN (for herself and Mrs. GRIFFITHS):

H.R. 12645. A bill to amend title II of the Social Security Act to provide benefits for homemakers; to the Committee on Ways and Means.

By Ms. JORDAN:

H.R. 12646. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for low-income employed and self-employed individuals; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 12647. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; to the Committee on Education and Labor.

H.R. 12648. A bill to amend the Emergency Petroleum Allocation Act of 1973 to stabilize the price of propane; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland (for himself, Mr. BRASCO, Mr. BREAUX, Mr. BROWN of California, Mr. DAN DANIEL, Mr. DE LUGO, Mr. DENT, Mr. DRINAN, Mr. EILBERG, Mr. GAYDOS, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HUNGATE, Mr. KETCHUM, Mr. MOAKLEY, Mr. PODELL, Mr. RIEGLE, Mr. ROYBAL, Mr. SYMINGTON, Mr. WON PAT, Mr. WRIGHT, Mr. YATRON, and Mr. YOUNG of Alaska):

H.R. 12649. A bill to amend title 38, United States Code, to increase the vocational rehabilitation subsistence allowance, educational assistance allowances, and the special training allowances paid to eligible veterans and persons under chapters 31, 34, and 35 of such title; to improve and expand the special programs for educationally disadvantaged veterans and servicemen under chapter 34 of such title, to improve and expand the veteran-student services program, to establish a veterans education loan program for veterans eligible for benefits under chapter 34 of such title; to promote the employment of veterans and the wives and widows of certain veterans by improving and expanding the provisions governing the operation of the Veterans Employment Service and by providing for an action plan for the employment of disabled and Vietnam era veterans, to make improvements in the educational assistance program, to recodify and expand veterans' reemployment rights, to make improvements in the administration of educational benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MATHIS of Georgia:

H.R. 12650. A bill to temporarily suspend required emissions controls on automobiles registered in certain parts of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORHEAD of California (for himself, Mr. RONCALLO of New York, Mr. BROWN of California, Mr. YATRON, Mr. ADDABBO, Mr. OWENS, Mrs. CHISHOLM, Mr. MOAKLEY, Mr. STOKES, and Mr. FASCELL):

H.R. 12651. A bill to amend the Internal Revenue Code of 1954 to allow an individual an income tax deduction for the expenses of traveling to and from work by means of mass transportation facilities; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 12652. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. NELSEN:

H.R. 12653. A bill to provide that, after January 1, 1974, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

By Mr. O'BRIEN:

H.R. 12654. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

H.R. 12655. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods; to the Committee on Interstate and Foreign Commerce.

H.R. 12656. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

H.R. 12657. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12658. A bill to provide that, after January 1, 1974, Veterans Day will be observed on the 11th of November of each year; to the Committee on the Judiciary.

H.R. 12659. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in Cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

H.R. 12660. A bill to amend chapter 37 of title 38, United States Code, to improve the basic provisions of the veterans home loan programs and to eliminate those provisions pertaining to the dormant farm and business loans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12661. A bill to amend title 38 of the United States Code in order to increase the rates of educational assistance and to otherwise improve the educational assistance program; to the Committee on Veterans' Affairs.

H.R. 12662. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed, and restore on behalf of certain veterans educational assistance benefits which had previously terminated; to the Committee on Veterans' Affairs.

H.R. 12663. A bill to amend chapter 31, section 1502(a) of title 38, United States Code, to provide that Vietnam era veterans shall have the same basic entitlement to vocational rehabilitation as that available to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. O'BRIEN:

H.R. 12664. A bill to make available to veterans of the Vietnam war all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 12665. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. PRITCHARD (for himself and Mr. HEINZ):

H.R. 12666. A bill to establish a national homestead program, in cooperation with

local housing agencies, under which single-family dwelling owned by the Secretary of Housing and Urban Develoment may be conveyed at nominal costs to individuals and families who will occupy and rehabilitate them; to the Committee on Banking and Currency.

By Mr. QUILLEN:

H.R. 12667. A bill to authorize the lease and transfer of burley tobacco from marketing quotas to farms within the same State; to the Committee on Agriculture.

By Mr. RAILSBACK:

H.R. 12668. A bill to amend the Elementary and Secondary Education Act, and for other purposes; to the Committee on Education and Labor.

By Mr. REID (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BOLAND, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. DE LUGO, Mr. DRINAN, Mr. EDWARDS of California, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. McDADE, Mr. METCALFE, Mr. O'HARA, Mr. PODELL, Mr. PRITCHARD, Mr. RINALDO, Mr. ST GERMAIN, Mr. WOLFF, and Mr. YATRON):

H.R. 12669. A bill to establish a national energy information system, to authorize the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON (for himself and Mr. HUNT):

H.R. 12670. A bill to amend section 301 of title 37, United States Code, relating to incentive pay, to attract and retain volunteers for aviation crew member duties and for other purposes; to the Committee on Armed Services.

By Mr. VEYSEY:

H.R. 12671. A bill to amend the Postal Revenue and Federal Salary Act of 1967 to require congressional action to effectuate increases in the rate of pay for Members of Congress and certain officers and employees in the legislative branch of the Government; to the Committee on Post Office and Civil Service.

By Mr. WYMAN (for himself, Mr. BRAY, Mr. WHITEHURST, Mr. ROSE, Mr. CLEVELAND, Mr. MYERS, Mr. MONTGOMERY, Mr. KETCHUM, Mr. GOODLING, Mr. HUDNUT, Mr. COCHRAN, Mr. WAGGONNER, Mr. TOWELL of Nevada, Mr. BEARD, Mr. CASEY of Texas, Mr. COLLIER, Mr. GINN, Mr. ROBERTS, Mr. SCHERLE, Mr. RANDALL, Mr. SEBELIUS, Mr. SHIPLEY, Mr. GUYER, Mr. STEED, and Mr. CAMP):

H.R. 12672. A bill to temporarily suspend required emissions controls on automobiles registered in certain parts of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN (for himself, Mr. HANRAHAN, Mr. HICKS, Mr. HENDERSON, Mr. ARENDS, Mr. SHUSTER, Mr. JONES of North Carolina, Mr. WAMPLER, Mr. STRATTON, Mr. BOWEN, Mr. ALEXANDER, Mr. DENNIS, Mr. CHARLES WILSON of Texas, Mr. PRICE of Texas, Mr. O'HARA, Mr. RUTH, Mr. GROSS, Mr. BURLESON of Texas, Mr. KUYKENDALL, Mr. LATTA, Mr. MILFORD, Mr. JOHNSON of Pennsylvania, Mr. McCOLLISTER, Mr. LANDGREBE, and Mr. WHITE):

H.R. 12673. A bill to temporarily suspend required emissions controls on automobiles registered in certain parts of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN (for himself, Mr. CLARK, Mr. SYMMS, Mr. ZION, Mr. SPENCE, Mr. FROEHLICH, Mr. DEVINE, Mr. DICKINSON, Mr. STEIGER of Arizona, Mr. FLYNT, Mr. DAN DANIEL, Mr. RARICK, Mr. HAMMERSCHMIDT, Mr. COLLINS of Texas, Mr. ARCHER, Mr. ABDNOR, Mr. MINSHALL of Ohio, Mr. BEVILL, Mr. ROBINSON of Virginia, Mr. YOUNG of South Carolina, Mr. ESHLEMAN, Mr. MILLER, Mr. ROBERT W. DANIEL, JR., Mr. ICHORD, and Mr. O'BRIEN):

H.R. 12674. A bill to temporarily suspend required emissions controls on automobiles registered in certain parts of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 12675. A bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENHOLM:

H.R. 12676. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for motor transport carriers; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. KEMP):

H.R. 12677. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. ECKHARDT (for himself and Mr. ADAMS):

H.R. 12678. A bill to amend the Emergency Petroleum Allocation Act of 1973, to establish the Federal Energy Emergency Administration, to require the President to roll back prices for crude oil and petroleum products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FROEHLICH:

H.R. 12679. A bill to amend title II of the Social Security Act to provide for the payment at age 62 (rather than only at age 65) of widow's or widower's insurance benefits equal to 100 percent of the deceased worker's primary insurance amount; to the Committee on Ways and Means.

By Ms. HOLTZMAN:

H.R. 12680. A bill to make it clear that the bonus value of food stamps is to be included in the "hold harmless" amount guaranteed to recipients of supplemental security income benefits under the Social Security Amendments of 1972, so as to assure that recipients in cash-out States do not suffer reductions in the benefits they actually receive; to the Committee on Ways and Means.

By Mr. LEHMAN:

H.R. 12681. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for State and local utility taxes; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 12682. A bill to amend the Federal Reserve Act and the Federal Deposit Insurance Act to provide a minimum rate of interest which banks must pay on Christmas club accounts; to the Committee on Banking and Currency.

By Mr. McDADE:

H.R. 12683. A bill to amend the Consumer Credit Protection Act to prohibit discrimination on the basis of sex or marital status in the granting of credit, and to make certain changes with respect to the civil liability provisions of such act; to the Committee on Banking and Currency.

By Mr. MILLS (by request) (for himself and Mr. SCHNEEBELI):

H.R. 12684. A bill to amend the Social Security Act to provide adequate financing of health care benefits for all Americans; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 12685. A bill to amend section 3375 of title 5, United States Code, to provide for payment by the Federal Government of certain travel and relocation expenses incurred by persons assigned to positions of employment in accordance with the Intergovernmental Personnel Act of 1970; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 12686. A bill to amend title 38, United States Code, to increase the vocational rehabilitation subsistence allowance, educational assistance allowances, and the special training allowances paid to eligible veterans and persons under chapters 31, 34 and 35 of such title, to improve and expand the special programs for educationally disadvantaged veterans and servicemen under chapter 34 of such title, to improve and expand the veteran-student services program, to establish a veterans education loan program for veterans eligible for benefits under chapter 34 of such title, to promote the employment of veterans and the wives and widows of certain veterans by improving and expanding the provisions governing the operation of the Veterans Employment Service and by providing for an action plan for the employment of disabled and Vietnam era veterans, to make improvements in the educational assistance program, to recodify and expand veterans' reemployment rights, to make improvements in the administration of educational benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RIEGLE:

H.R. 12687. A bill to amend the Internal Revenue Code by increasing the personal exemption from $750 to $850 and for other purposes; to the Committee on Ways and Means.

By Mr. TAYLOR of Missouri (for himself and Mr. HAMMERSCHMIDT):

H.R. 12688. A bill to amend the Emergency Petroleum Allocation Act of 1973 to rollback the price of propane gas; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE (for himself and Mr. MOSHER):

H.R. 12689. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. THOMSON of Wisconsin (for himself, Mr. QUIE, and Mr. BLATNIK):

H.R. 12690. A bill to amend the Lower St. Croix Act of 1972 by increasing the authorization; to the Committee on Interior and Insular Affairs.

By Mr. WYMAN (for himself, Mr. ANDREWS of North Dakota, Mr. SANDMAN, Mr. ASHBROOK, Mr. McSPADDEN, Mr. YOUNG of Alaska, Mr. CEDERBERG, Mr. PASSMAN, Mr. CRANE, Mr. MADDEN, Mr. QUILLEN, Mr. HUNT, Mr. McCORMACK, Mr. MICHEL, Mrs. HOLT, Mr. McEWEN, and Mr. LOTT):

H.R. 12691. A bill to temporarily suspend required emissions controls on automobiles registered in certain parts of the United States and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of South Carolina:

H.R. 12692. A bill to repeal the Social Security Amendments of 1972 relating to professional standards review organizations; to the Committee on Ways and Means.

By Mr. McDADE:

H.J. Res. 894. Joint resolution to provide for advancing the effective date of the final order of the Interstate Commerce Commission in docket No. MC 43 (Sub- No. 2); to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN:

H.J. Res. 895. Joint resolution authorizing and requesting the President to proclaim the week of May 13, 1974, as "Bilingual Education Week"; to the Committee on the Judiciary.

By Mr. FISHER:

H. Res. 828. Resolution disapproving the recommendations of the President with respect to the rates of pay of Members of Congress transmitted to the Congress in the appendix to the budget for the fiscal year 1975, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FROEHLICH (for himself, Mr. MITCHELL of New York, Mr. O'HARA, and Mr. CONTE):

H. Res. 829. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. GAYDOS:

H. Res. 830. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. NELSEN:

H. Res. 831. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. YATES (for himself, Mr. HANRAHAN, Mr. MCCORMACK, Mr. ROSENTHAL, Mr. WON PAT, Mr. BADILLO, Mr. GIAIMO, Mr. LEHMAN, Mr. KOCH, Mr. LEGGETT, Mr. EILBERG, Mr. BOLAND, Mr. GIBBONS, Mr. HARRINGTON, Mr. STUDDS, Ms. ABZUG, Mrs. GRASSO, Mr. VAN DEERLIN, Mr. O'HARA, Mr. CHARLES WILSON of Texas, and Mr. CRONIN):

H. Res. 832. Resolution providing for television and radio coverage of proceedings in the Chamber of the House of Representatives on any resolution to impeach the President of the United States; to the Committee on Rules.

By Mr. ZWACH:

H. Res. 833. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

By Mr. SATTERFIELD:

H. Res. 834. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1975; to the Committee on Post Office and Civil Service.

PETITIONS, ETC.

Under clause 1 of rule XXII,

390. The SPEAKER presented a petition of the Young Democratic Clubs of Missouri, Jefferson City, Mo., relative to the impeachment of the President of the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SERVICE TO MANKIND AWARD

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1974

Mr. COCHRAN. Mr. Speaker, on January 17, 1974, the Sertoma Club of Jackson, Miss., gave its annual "Service to Mankind Award" to Mrs. Barbara Boswell Stauss. It is a privilege for me to acknowledge this greatly deserved award for Mrs. Stauss. This lady has long been known in the Jackson area for her dedication to the public good, especially in the area of our public schools. She is deserving of the very highest commendation for her past services and I am pleased to recognize her in this way. Such unselfish and public spirited service to a community merits being brought to the attention of the Congress.

As a part of my remarks, I include a speech delivered at the awards ceremony by Mr. Kirby P. Walker, superintendent emeritus of the public schools of Jackson, Miss.:

SPEECH BY KIRBY P. WALKER

This is a moment in the annals of the Sertoma Club of Jackson that had to come. Not that it was predestined, rather as a civic organization founded upon the concept of service to mankind the membership of this club could not long fail to discover the subject to be honored this evening.

Of course I allude to the prime cause of this meeting, that is for your club to accord deserved recognition to Barbara Boswell Stauss whose traits since early childhood have marked her as one of God's especially endowed people with a marvelous spirit of altruism that has permeated everything she has done and been a part of, as will be described briefly.

The "Service Award to Mankind" by this club provides an excellent medium for focusing attention of the people of this city and state upon the constructive work and concerns of citizens of our community whose motives and deeds can be heralded far and near, and thus inspire others to be more active and concerned about the welfare of others.

Daily, through graphic and electronic media, our attention is forced toward the sordid, avaricious, self-seeking, venal, maniacal behavior of too large a part of our population. So it is truly refreshing, and we embrace this opportunity, to have an occasion such as this to examine and commend a life of exemplary Christian love and service to his fellowman.

Because Mrs. Strauss and I possess some common childhood background, it falls my good fortune to sketch a bit of her family history and to tell you of her work as a patron of the Jackson Public Schools where she found new avenues for effective service to youth and community institutions through her brilliant leadership in state and national PTA work.

Barbara Boswell's birth certificate names D'Lo, Mississippi as her birthplace, although her parents resided at Sanatorium, Mississippi just a few miles distant.

Her delightful mother is Iola Saunders Boswell, originally of Oxford, Mississippi, who now resides in Jackson. Barbara's renown father was the late Dr. Henry Boswell, a native of Quitman, Mississippi, whose illustrious career as superintendent of the Mississippi State Sanatorium is in itself an engaging and exciting story of public service to his state.

Many of you know Barbara's sisters: Helen, the wife of Howard Dear; Georgia Neal, the spouse of W. L. Tyson, Jr.; and Peggy, the helpmate of Dr. Samuel Johnson—all of Jackson. Each of these sisters has a brother, Colonel Henry Boswell, Jr., a resident of Virginia.

Some of the Walker and Boswell families were lifelong friends. My father, his brother, my grandfather, and my great grandfather were Simpson Countians. Their homeplace was just a few miles northwest of Sanatorium, near Rials Creek. My uncle and my father, in time, moved from Rials Creek to the 'teeming metropolis' of Magee which really claims Sanatorium as a part of its community.

Barbara Boswell and I learned our ABCs in the first grade at the Magee Elementary School—but several years apart. My Magee relatives were devoted friends of the Boswells. In fact, following the deaths of my uncle and aunt, their youngest son, Binford, was taken into the Boswell home until he entered military service after being graduated from Millsaps College. When my young cousin comes to Jackson he goes first to the home of the Boswell's and then from there makes contact with Cousin Kirby, et al.

Shortly after completing her work at Millsaps College, Barbara was wedded to Dr. Karl Stauss, a distinguished thoracic Surgeon of Jackson who also is a member of the teaching staff of the University of Medical School in Jackson.

Progeny of the Stauss' are: Karl Boswell Stauss, an architect in Dallas; Marie Stauss Feallock, a commercial artist of San Diego, California; Barbara Stauss Plunkitt, an elementary school teacher in Mobile, Alabama; Hilda Stauss Owen, a senior in the Rhode Island School of Design; and Mark Stauss, a junior in the William B. Murrah High School of this city.

If you could know these children as I have known them through the years, you would know they are living testimony to the nurture and upbringing by their beloved mother. These "gems" of the Stauss home are ample evidence, alone, that this Club has selected the ideal person for the honor to be awarded.

Take a barrel of apples, jostle it about for awhile, and when you open it you will find that the choicest fruit is on top. The select specimens rise above others just as cream rises on milk, and just as great persons stand head and shoulders above those around them.

It was in the H. V. Watkins Elementary School community in Jackson where the Stauss' lived that parents and teachers discovered the valued qualities of Mrs. Stauss. They drafted her to head their Parent-Teacher Association.

Soon thereafter, as a patron of the Edward L. Bailey Junior High School her leadership was sought again as president of the PTA.

Although she had an infant son, the Council of Parents and Teachers of the entire school district called upon her to head the Jackson Council for a two-year period during an era of school district enlargement, enrollment explosion, and crowded school buildings. Most of us would have shrinked from from the task of such leadership and diplomacy demands, pointing to many family responsibilities, and particularly to the fact that an infant son had to be cared for. Not Mrs. Stauss. She accepted the call and she brought young Mark to meetings of the Council and to many committees in a blanket-lined basket, armed with a few pieces of Zwieback Toast and a bottle of his formula, should the innerman cry for nourishment.

Completely relaxed, attentive to the needs and interests of others, this great lady commanded and won respect and admiration of literally thousands of teachers and parents in this school community in her role as PTA Council president.

Later when this school system, as well as most school districts in Mississippi experienced similar shocks of overnight transi-