U.S. interest began building in the early 1960s. One result was the British Indian Ocean territory agreement between the United Kingdom and the U.S. in 1966, under which Washington acquired the basic right to build military facilities on Diego Garcia. Washington's interest quickened in 1968, with the British announcement of plans to withdraw military forces east of Suez and the appearance of the first Soviet warships. Since then, the Soviets have steadily increased their naval forces, and current navy estimates give them a four-to-one advantage over the U.S. in the Indian Ocean.

Soviet ships have also gained increasing access to port facilities. For example, Russian vessels currently use the expanded Iraqi port of Umm Qasr and the former British base at Aden; meanwhile, the Soviets are expanding their naval facilities at the Somali port of Berbera. "The Soviets possess a support system in the (Indian Ocean) area that is substantially more extensive than that of the U.S.," asserts Adm. Elmo Zumwalt, Chief of Naval Operations.

As the Soviet presence increased, the U.S. responded by sending carrier task forces into the Indian Ocean twice in 1971, in April and again in December, during the Indo-Pakistan war. Last October, a few months after the Diego Garcia communications station opened and as the Mideast ceasefire was taking effect, the Defense Department unexpectedly moved a task force headed by the carrier Hancock into the Indian Ocean.

On Nov. 30, Defense Secretary James Schlesinger, disclosing that the Hancock would be replaced by the Oriskany, announced that in the future the Navy would establish a "pattern of regular visits into the Indian Ocean and we expect that our presence there will be more frequent and more regular than in the past." Since then, major U.S. vessels have been in the ocean without letup.

Why? Administration officials offer a variety of explanations—to counterbalance Soviet "influence" on states around the Indian Ocean; to maintain "continued access" to vital Mideast oil supplies; to insure freedom of the seas; simply to demonstrate our "interest" in that area of the world.

The State Department emphasizes the diplomatic value of the Navy. "A military presence can support effective diplomacy without its ever having to be used," says Seymour Weiss, director of State's politico-military affairs bureau. Privately Pentagon officials, not surprisingly, place greater weight on the military value of warships in the Indian Ocean. The increasing U.S. Navy operations, a Navy man says, are needed "to show we are a credible military power in that part of the world."

But critics of the Diego Garcia proposal are troubled by these explanations, which, they believe, raise more questions than they answer.

GUNBOAT DIPLOMACY

Some critics wonder whether the presence of larger numbers of U.S. warships in the Indian Ocean will, as Naval Chief Zumwalt claims, help preserve "regimes that are friendly to the U.S." in the area. "Gunboat diplomacy doesn't really seem to work" in this age, argues a government analyst. Internal problems and economic assistance, he believes, have a much greater bearing on the political course followed by foreign governments. What is clear is that several states in the area—including Australia, New Zealand, India, Madagascar and Sri Lanka (Ceylon)—have publicly opposed the Diego Garcia support base, arguing that the Indian Ocean should be a "zone of peace."

Furthermore, there are some military experts who doubt that Soviet ships in the Indian Ocean pose a serious threat to Western tankers carrying precious Arab oil. In the opinion of Gene La Rocque, a retired rear admiral who often criticizes Pentagon policies, an attack on, or interference with, such shipping "doesn't appear to be a plausible action on the part of the Soviet Union when one takes into account such important factors as relative military power, time and distance and the alternative means of exerting influence and power at the disposal of the Soviet Union."

Other military analysts have argued that it is highly improbable the Soviets would attack Western ships since such a hostile act would likely trigger the outbreak of a major war between the superpowers. Geoffrey Jukes, an Australian analyst has written: "It is difficult to envisage a situation, short of world nuclear war, in which the Soviet government would be prepared to place the bulk of its merchant fleet at risk by engaging to 'interfere' with Western shipping in the Indian or any other ocean."

Much more likely, critics of the Diego Garcia plan stress, is a repetition of the recent Arab oil embargo, a political act designed to achieve political aims. It is argued that the presence of sizable naval forces can, at best, have only a minimal impact in such a situation.

Finally, there is the unsettling prospect that a base at Diego Garcia, coupled with increased naval deployments in the Indian Ocean, will provide the Navy in years to come with new rationales for an "Indian Ocean fleet" and ever-bigger shipbuilding budgets, especially for carriers and escorts. The Navy, a Pentagon insider notes, "has been panting on the edges of the opportunity" represented by enlarged Indian Ocean commitments.

A CALL FOR NEGOTIATIONS

To prevent a costly U.S.-Soviet naval race, which might not enhance either nation's security, Sen. Pell and Sen. Edward Kennedy (D., Mass.) have jointly introduced a resolution calling for negotiations between the superpowers on limiting naval facilities and warships in the Indian Ocean.

As in the past, the U.S. remains reluctant to agree in writing to any restrictions on its use of the high seas. Moreover, U.S. officials say efforts to follow up a Soviet hint in 1971 of interest in naval limitation talks failed to produce a response from the Kremlin.

Still, in view of the potential long-range costs and dangers involved in an expanded naval presence in the Indian Ocean, it would seem worthwhile to pursue the matter further. For, as Sen. Kennedy has said, "It may in time prove necessary and desirable for the U.S. to compete with the Soviet Union in military and naval force in this distant part of the globe. But before that happens we owe it to ourselves, as well as to all the people of the region, to try preventing yet another arms race."

# HOUSE OF REPRESENTATIVES—*Tuesday, April 9, 1974*

The House met at 12 o'clock noon.

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

*Obey my voice, saith the Lord, and I will be your God and you shall be my people; and walk in all the ways that I command you, that it may be well with you.*—Jeremiah 7:23.

Eternal Father of our spirits, we have been elected by the people of our districts and called to lead our Nation in this House of Representatives. May we serve to the best of our abilities. Some of us are beginning to realize that we cannot be the best that we can be nor can we do the best that we can do without Thee. We pray now that Thy spirit may come to new life in us that we may learn to live and to lead our Nation in right paths and along good ways. Help us to work together for peace in our world, for justice among our people, and for good will in the hearts of all.

"We would live ever in the light,
We would work ever for the right,
We would serve Thee with all our might,
Therefore, to Thee we come."

Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

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

H.R. 6574. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve, and for other purposes; and

H.R. 9293. An act to amend certain laws affecting the Coast Guard.

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

S. Con. Res. 72. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1980 winter Olympic games at Lake Placid, N.Y., in the United States, and pledging the cooperation and support of the Congress of the United States.

## APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

The SPEAKER. Pursuant to the provisions of section 804(b), Public Law 90–351, as amended, the Chair appoints as members of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance the following Members on the part of the House: Messrs. KASTENMEIER, EDWARDS of California, RAILSBACK, and STEIGER of Arizona.

## HENRY AARON HOME RUN CHAMPION OF ALL TIME

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

Mr. FLYNT. Mr. Speaker, I take pleasure in officially announcing at this time that the undisputed home run champion of all time in baseball is Henry Aaron of the Atlanta Braves. Last night before a record crowd this great baseball player and sportsman broke the record of 714 home runs previously held by Babe Ruth when he hit his 715th home run at Atlanta Stadium in the game between the Atlanta Braves and the Los Angeles Dodgers.

This ballplayer, Hank Aaron, has made outstanding contributions to organized baseball and to sportsmanship in general. I take great pleasure in congratulating Hank Aaron on his achievement. Hank Aaron is a fine man, a great athlete, and is a credit to baseball.

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

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

Mr. NICHOLS. I thank the gentleman from Georgia for yielding.

Mr. Speaker, I want to echo the remarks of the gentleman from Georgia and remind him that Hank Aaron is a native of Mobile, Ala., and also remind him that about a year ago the Alabama House of Representatives in Montgomery, Ala., passed an official resolution commending Hank Aaron for his great athletic ability, and issued him the State of Alabama license plate HA 715. He is a great athlete, and I join with others in congratulating him.

Mr. FLYNT. I thank my friend, the gentleman from Alabama. I know that he joins me in saying that both the States of Alabama and Georgia are proud of Henry Aaron.

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

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

Mr. BLACKBURN. I thank the gentleman for yielding.

Mr. Speaker, one need not be a baseball fan to find cause for pride in, and appreciation of, Mr. Henry Aaron.

One need not understand the finer points of baseball to appreciate his tremendous achievement, within the past few days, in tying and in beating the career home run record of the late George Herman "Babe" Ruth.

Truly, Henry Aaron has not replaced, nor displaced the Ruth legend. Quite the contrary, Henry Aaron has become the Aaron legend.

There is, however, in the story of both Mr. Ruth and Mr. Aaron a strong reflection of the spirit upon which this Nation was founded; the spirit upon which this Nation grew to greatness, and with it, the spirit upon which many men grew great and respected in their various fields of endeavor.

Neither Mr. Ruth nor Mr. Aaron was born to affluence. Neither had any unusual benefits except the benefits of the faith in themselves and the determination to achieve success in baseball with the great gifts which God gave them.

Like Mr. Ruth before him, Mr. Aaron is an outstanding example of a man who has overcome much to earn the greatness with which, so properly, he is now credited.

Like Mr. Ruth before him, Mr. Aaron is an outstanding example of the use of the three basic components of our American free enterprise system: Incentive, to compete and, in turn, to contribute much of himself, he is now beginning to achieve his just reward.

There is a lesson here for all of us. There is a lesson, particularly, for those young people who, in recent years, have maintained that, though born of affluence and opportunity, there was no incentive left; there were no new fields to conquer; no recognition, no reward.

For any who may remain in that erroneous frame of mind, let them look to Henry Aaron; let them remember Babe Ruth. Mr. Ruth was born an orphan; Mr. Aaron a black. Both proved great Americans.

Mr. Aaron has proved greatness, not just in baseball prowess. In an infinitely less publicized way, he has proved greatness through his involvement with his community; particularly with the young; especially with the youngsters under circumstances which Henry Aaron can remember well.

It is quite understandable, quite proper, that America have pride in Henry Aaron. It is understandable, too, that the people of Metropolitan Atlanta, including those of the Fourth Congressional District which I am privileged to represent, find cause for special pride, special appreciation, special affection, for this very private man. By doing his job, by keeping his faith, by turning back to the community much of his success, he has earned his way as a national, a world, figure of greatness and strength.

I congratulate him. I congratulate his family. What more, really, can one say?

Mr. MIZELL. Mr. Speaker, last night, Henry Aaron took his place in history as he hit the 715th home run of his major league career. This, as all the world knows, surpasses the 714 that the great Babe Ruth hit in his remarkable career.

With some reluctance, it is my duty to admit that I played a small part in his record, for on September 1, 1956, Hank hit his 61st home run off of me with the Cardinals playing the Braves. It perhaps should also be mentioned that on June 25, 1959, and 100 home runs later, Hank again teed off on a pitch from me for his 161st home run.

It should also be noted that Aaron has the record in the major leagues for most long hits, most extra bases on long hits, and most total bases, and for the National League he has the most runs scored and batted in. He is close to breaking Ty Cobb's record of most games played and most times at bat, Stan Musial's record for most hits in the National League, and Babe Ruth's success of most runs batted in in the National League.

Aaron is a man who knows the value of teamwork, and he has the confidence in his ability to get the job done. He thrives on competition, but he also realizes that there is an honest and fair way to compete.

All of us are pleased with the outstanding success of this superb athlete and a gentleman who retains his humility in the midst of this great achievement.

## TRANSFERRING SPECIAL ORDER FROM APRIL 9 TO APRIL 10

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the special order approved yesterday for me for today be vacated and that I be permitted to address the House tomorrow, April 10, for 30 minutes, after other special orders, and to revise and extend my remarks and include extraneous matter.

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

There was no objection.

## SINCERE CONGRATULATIONS TO HANK AARON

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

Mr. MATHIS of Georgia. Mr. Speaker, as every Member of the House must know by now, there was a happening in Atlanta last night. Hammering Hank Aaron stepped up to the plate in the fourth inning of the Atlanta-Los Angeles game and further etched his name in the annals of baseball history. There were those who said that no one would ever come close to the long-time record of the 714 home runs set by the legendary Babe Ruth, but Henry Aaron apparently was not listening. The 715 home runs by Hank Aaron will insure that his name will always appear in the baseball record books, but Aaron's name will appear in numerous other ways.

This remarkable man is much more than a baseball player, however, as people all around the world have learned. He is an outstanding gentleman, a humanitarian, and a true ambassador of good will. The world will not soon see another Henry Aaron, and we in Georgia are proud of him. I speak for all Second District Georgians when I offer my sincere congratulations to this remarkable man.

## JANE FONDA SHOULD RENOUNCE HER CITIZENSHIP IN THIS COUNTRY

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

Mr. HUNT. Mr. Speaker, the Philadelphia Bulletin, a very fine newspaper, on April 2, 1974, carried an article indicating that Jane Fonda, an American actress and activist, has gone to North Vietnam to make a film. She is accompanied by her husband, Tom Hayden, and their infant son.

She was invited by an organization affiliated with the political arm of the

Vietcong and the picture reportedly will be about life in South Vietnam.

If I were on speaking terms with Miss Fonda—which I am not nor do I care to be—I would suggest to her that in her picture she include some of the depictions of atrocities which are currently being conducted by the invading North Vietnamese Army and their contemptuous allies, the Vietcong. Obviously that will not be part of her commentary, and I might suggest further to Miss Fonda that she should renounce her citizenship in this country and go to live in North Vietnam.

## INTRODUCING LEGISLATION TO EXEMPT FIREFIGHTER PENSIONS FROM FEDERAL INCOME TAX

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, one of the most hazardous professions in our Nation today is that of the firefighter.

Despite the personal risk of this profession, thousands of Americans engage in it in a volunteer capacity. According to the report of the National Commission on Fire Prevention and Control, about 1 million men serve as volunteer firefighters—five times the number of paid firefighters in the Nation. By one estimate, based on the cost of what it would require to replace volunteers with paid firefighters, the Nation's volunteers are rendering a public service worth at least $4.5 billion annually.

In addition to their firefighting activities, these dedicated volunteers also participate in other public service programs such as ambulance service and search and rescue work. They provide vital services to the community and receive no compensation for their efforts.

In recognition of the performance rendered by these individuals, many local governments now provide them with a lump-sum pension after 20 years or more of servce. Unfortunately, the current tax treatment of these pensions results in significant reductions in their value.

Legislation has been introduced which will exempt pensions paid to volunteers, their dependents, widows, or other survivors from Federal income tax. This measure, which will cost the Government so little, is a small reward for the dedicated years of service provided by volunteer firemen.

I urge my colleagues to seriously consider the prompt passage of this legislation.

## INQUIRING INTO THE MILITARY ALERT INVOKED ON OCTOBER 24, 1973

Mr. MORGAN. Mr. Speaker, I call up a privileged resolution (H. Res. 1002) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1002

*Resolved*, That the Secretary of State is directed to submit to the House of Representatives within ten days after the adoption of this resolution the following information:

(a) The text of all diplomatic messages in the possession of the Secretary of State or the Department of State received from Leonid Brezhnev, General Secretary of the Presidium of the C.P.S.U. Central Committee of the Union of Soviet Socialist Republics, or from any other official of the Union of Soviet Socialist Republics, to the President of the United States, which were delivered on October 24 or 25, 1973.

(b) The text of diplomatic messages sent by the President of the United States, and in the possession of the Secretary or the Department of State, as replies to any of the diplomatic messages referred to in paragraph (a).

(c) A list of actions, communications, and certain readiness measures taken by the Soviet Union which were referred to in the following statement made by the Secretary of State on October 25, 1974: "And it is the ambiguity of some of the actions and communications and certain readiness measures that were observed that caused the President at a special meeting of the National Security Council last night, at 3 o'clock antemeridian, to order certain precautionary measures to be taken by the United States."

(d) A list of the precautionary measures taken by the United States, including the initiation of a defense condition status numbered 3, which were taken by the United States and referred to by the Secretary of State in the statement of October 25, 1973, referred to in paragraph (c).

(e) A list of all meetings attended by the Secretary of State on October 24 and 25, 1973, at which the conflict in the Middle East, and the actions of the Soviet Union referred to in paragraph (c) were discussed, and the times of all such meetings, the names and positions of all other individuals attending each of such meetings, and the decisions arrived at in the course of each of such meetings.

(f) The date and time of the decision, made in October 1973, to order a defense status numbered 3, and the name of the person or persons making that decision.

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

Mr. Speaker, House Resolution 1002 is a privileged resolution of inquiry.

It calls on the Secretary of State to furnish the House certain information on the U.S. military alert which was ordered on October 24, 1973 during the latest Middle East war.

Specifically, the resolution requests:

First. The texts of diplomatic exchanges between the President and General Secretary Brezhnev or any other Soviet official on October 24 or 25, 1973;

Second. A list of Soviet actions which caused the U.S. alert to be ordered;

Third. A list of measures taken by the United States in relation to the alert;

Fourth. A list of meetings on the Middle East conflict attended by Secretary Kissinger on October 24 and 25, 1973, including the times of the meetings, persons attending, and decisions reached; and

Fifth. The date and time of the decision to order the alert and the name of the person or persons making the decision.

Mr. Speaker, I can report that this information has been made available to the Committee on Foreign Affairs.

The material is partly classified and partly unclassified.

Secretary Kissinger's letter to the committee and the unclassified material are contained in the committee report.

Because the classified data is extremely sensitive, the committee agreed with the executive branch that the public release of it would not be in the national interest.

The committee believes, as shown by a bipartisan vote of 26 to 2, that the resolution should not be approved.

Mr. Speaker, it is my intention to move that this resolution be laid on the table.

In the meantime, I will yield, but only for the purpose of debate.

I yield 5 minutes to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I would like to express my strong support for the position enunciated by Chairman MORGAN.

The committee considered the resolution very carefully and received the full cooperation of the executive branch.

The chairman has reviewed the resolution of inquiry and I agree with him that the information requested has been made available to the committee.

I am sure we all agree that the Congress should be kept advised, in an appropriate manner, of significant developments in the area of foreign affairs and national security. However, if confidential personal correspondence between our President and General Secretary Brezhnev is unilaterally released, it can only discourage the kind of communication that may be urgently needed to resolve a confrontation that could otherwise lead to war. Under the circumstances I believe it would have been unwise to release the exchange between the President and Brezhnev.

I will support the chairman's motion that this resolution be laid upon the table.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. HARRINGTON) for debate only.

Mr. HARRINGTON. Mr. Speaker, I have to confess some puzzlement. I suppose, having had the benefit of a denominational education which placed great reliance on accepting matters strongly premised and on having faith on the part of those that imposed that knowledge, that this education should be a sufficient conditioning process to prepare one for service in the House of Representatives. But to a degree I am inured to the kind of defense that has been made of the effort, somewhat belatedly, on the part of the Secretary of State and the executive branch to inform the Foreign Affairs Committee—whose chief function is to oversee a whole range of foreign policy matters—on the facts relevant to the October 24 military alert.

I might point out to both my chairman and the ranking minority member that we have language that is, I thought, rather unambiguous and that has been attributed to the Secretary of State on Thursday morning, Ocober 25, in which he indicates that, in view of the magnitude of the problems confronting the country and the military alert decision

made the preceding evening, the full facts would be made known to the American public within a relatively short time—"within a week," I believe the Secretary said.

Mr. Speaker, I take particular note, having the majority leader of the House present this afternoon, that he was constrained enough about the events that occurred on October 24, and about the demeanor of the House in interpreting these events as having had some political motivation that he took the floor of the House on Thursday of that week to assure his colleagues in the House as a whole that, after having had consultations with the Secretary, the matter was of sufficient gravity that there should not be any implication or any inference that what was at work in the alert was an effort to distract the American public from domestic crises of various kinds.

I refer also for the sake of the historical record to the perhaps most bizarre of press conferences that I have had occasion to be exposed to in 4 years, in which the President of this country referred to the events of October 24 and 25 as the most significant foreign policy crisis that has affected this country's interests since our involvement with the Russians in Cuba in 1962.

After these events, to have grudgingly served up to us, almost 6 months after these statements were made, and after we put in context the events that have occurred since on the domestic scene, the barest skeleton of what went on during that evening of October 24 in which there was not one elected official physically present, and which led to the calling of a mid-level nuclear alert, I find myself, despite the example I may have had from personal experience, still somewhat puzzled. I am puzzled that we should be willing to find ourselves so satisfied and agreeable, and to give the Executive credit for something about which I think the American public today remains grossly uninformed.

Mr. Speaker, I suppose in the priority of things it is only right that we should consider Hank Aaron's hitting his 715th homerun as more important than the events of October 24 that could very well have precipitated something cataclysmic, insofar as the Nation's ability to survive is concerned.

I come here today only to point out that I am hopeful, in view of some dialog that occurred in closed session last Wednesday, that the expressed interest of the chairman in pursuing this event in committee, will be pursued, whether in formal or somewhat less formal circumstances, whether in open or closed sessions. I hope that we can derive from today's exchange some assurance that we will have, on the part of the Committee on Foreign Affairs, a willingness to go beyond what was given to us by the State Department as a "substantive reply" last Wednesday.

So in making these remarks today, I hope I can ask the Members to look back 6 months and decide whether they are satisfied with the information we have by way of the State Department's transmission surrounding the Resolution of Inquiry. Every reasonable effort was made prior to using this extraordinary remedy—this Resolution of Inquiry—to get on a voluntary basis cooperation from the executive branch in attempting to get information on the October 24 alert, but these efforts were not productive.

Now we find ourselves with a minimum degree of compliance, absent any kind of an ability to have an exchange that is effective or meaningful in the course of what transpired last Wednesday for 2 hours and I do remain somewhat expectant, even without a formal vote of the committee that we can expect the help and agreement of the committee to continue the inquiry into the circumstances surrounding the October 24 alert.

House Resolution 1002 has been, it seems to me, a qualified success. After 6 months of trying, we have finally been able to ca; le some measure of response from the State Department. Still, much if not most of the information remains hidden from the public, and no thorough effort has yet been made to come to grips with what I view to be the more difficult but ultimately more important aspects of this alert. Was the alert justified? Was it a response in excess of provocation? On the basis of the facts publicly available, we cannot answer these questions. Nor have we reached any conclusions as to what the proper role of the Congress should be in future crises like that of October 24. Surely Congress should not be left in the dark for months and months, as has happened in this instance. Our inquiry should not stop here.

Mr. MORGAN. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, for debate only.

Mr. O'NEILL. Mr. Speaker, I would like to refer to the comment the previous speaker, the gentleman from Massachusetts, made about the day of the alert, when I took the floor to inform my colleagues of the seriousness of the situation.

On that particular day we had been briefed at the White House by President Nixon and Mr. Kissinger, and we were aware of the facts as to what had happened and as to why they had called the alert.

Yes, I have been critical of the alert, and I believe that a nuclear alert was the wrong course of action.

You know, I recall a similar situation during the Arab-Israeli 6-day war, of 1967, when Mr. Johnson was President of the United States. President Johnson, according to his own memoirs, was sitting with the Secretary of Defense and the other defense leaders of the country, as well as the generals and the admirals, when he made the comment, "Where at this particular time is our Mediterranean fleet?"

Although they informed the President that the Mediterranean fleet was merely 50 miles off the coast of Syria, Mr. Johnson was just as perturbed then as Mr. Nixon was last October.

Yet, President Johnson gave orders to move the fleet as quickly as possible to Syria. How long, he asked, would it take for the Russians to learn that we were sending our Mediterranean Fleet into the waters off the coast of Syria? Our admirals responded that it would be a matter of seconds; for we were under constant surveillance and the Russians knew we were serious when we moved our fleet. They would get the message immediately.

Mr. Speaker, what I am driving at is that Mr. Johnson was saying to the Russians when he ordered the fleet moved, if you want war, let it be a conventional war. I am deeply concerned, Mr. Speaker that Mr. Nixon called for an overall nuclear alert. I think the judgment of President Nixon was wrong in choosing that course of action. Perhaps he should have followed a strategy similar to the one Mr. Johnson chose. But I still stand behind the remarks I made that day when I pointed out that we were in a crisis situation.

As majority leader, when I sat with the President of the United States and Mr. Kissinger and received from them the information on the Soviet actions which preceded the alert and the subsequent reasons for the alert, I had no opportunity to be a Monday morning quarterback. Rather, it was necessary for me to take their judgment on good faith. At that time and on that day when I made those remarks, I believed that we should support the President of the United States in his decision.

Now in retrospect, I think that the President overreacted in calling for a nuclear alert; and I believe that he should have ordered instead some conventional type of response.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. STARK) for debate only.

Mr. STARK. Mr. Speaker, I would like to address the House today on why this resolution was felt to be necessary.

We had heard on CBS television a review of the events that took place—a review, I might add, that the gentleman from Iowa in his dissenting comments to the committee report indicated may have contained classified information which was previously unavailable to those of us here.

I submit that the Russians know the events that took place. Obviously members of CBS television know what took place. The Washington Post seems to know what took place. Yet the State Department still seems to feel that we as Members of Congress are not worthy of knowing what took place.

Admittedly, the information that the State Department grudgingly sent over could be considered a victory for the legislative branch—a Pyrrhic victory, indeed.

While the press says that Secretary Kissinger privately admitted to overreacting, he still finds it more convenient to cavort in Acapulco than to come here and deal with a situation which could have led this country into an atomic holocaust.

The situation brought most forcefully to my attention in a briefing to Members of Congress by Mr. Sisco, who was made Under Secretary of State that day, when he contended that he had seen the letter from the Russians and the U.S. response, and (this is a quote from Mr.

Sisco) he said our reply "left the Russians an out."

Despite my repeated requests, I have never known what they left the Russian an out from, and that statement to me implies that they may have suggested to the Russians that unilateral moves on their part would force us to move unilaterally with the atomic forces we had at the time of the alert.

I would like to know the answer to this because, as far as I know, we are supposed to have a system of checks and balances that protects this country from accidentally getting into wars. It also prohibits the Secretary of State from signing a peace agreement. That indicates to South Vietnam that it commits us to forever provide military support to that corrupt and bankrupt government. We certainly had never known anything about that in the Congress of the United States.

Do we have a system of checks and balances?

It is my understanding that the National Security Council would review any moves that would necessitate an atomic alert. Only the President of our country can order atomic weapons into action. He is the only one with that power, and that power carries with it the power to blow up the world.

Yet when you have a Secretary of State who, by his own admission, overreacted; when we are still denied access to an understanding of the procedures taking place; when we order our troops and our Air Force into worldwide alert, and we arm the silos that could trigger an atomic alert; when we question the very veracity of the Chief Executive when you find you have 30 members of his personal staff and his Cabinet either in jail or under indictment or under investigation; can we then, indeed, treat lightly the procedure that gives this President the power to call forth the forces of this Nation and attack another nation for reasons unbeknownst to an elected official?

This decision was made that night without the presence of even a single elected official. The Security Council consisted at best of Secretary Kissinger and Secretary Schlesinger—admittedly not a procedure which we had intended when we gave the President the power to issue a nuclear alert.

So I hope that this will not be the last time that this House will demand to know the facts leading up to events as serious as this was. I hope that we will not be denied our demands for information, and not only will we ask that the four members of our Committee on Foreign Affairs be permitted to see these types of documents, but we will demand that the respective officials come down here and talk to us, and answer questions prior to implementation of these procedures.

I urge the Members to vote against the motion to table, to protest the actions of the Secretary of State that fateful evening and the ensuing secrecy surrounding those events.

Mr. MORGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I voted in the Foreign Affairs Committee to table the resolution offered by the gentleman from Massachusetts (Mr. HARRINGTON) because I believe it is not in the best interests of this country to disclose all the information it mandated the executive branch to make available, and because an agreement was reached whereby the Subcommittee on the Near East and South Asia will conduct further hearings on this matter.

However, the Office of the President and the Department of State must be put on notice that henceforth the Members of Congress are entitled to know the contents of communications that are exchanged between the United States and any foreign country or countries—communications which lead to placing on the alert substantial elements of the Armed Forces of the United States.

Never again should Members of Congress permit themselves, for lack of reliable information, to be sucked into a war as they were in Southeast Asia.

Additionally, Members of Congress are entitled to know why information concerning the alert of last October, which was denied to them, was leaked to a Washington newspaper.

Mr. MORGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, as the ranking minority member of the Subcommittee on the Near East and Southeast Asia, I was one of the four members privileged to see the exchange of messages between General Secretary Brezhnev and President Nixon, and both from what I have seen in that exchange and in the classified and unclassified material that was provided to our committee in response to the resolution of inquiry, I am convinced that the State Department has been fully responsive. I am further convinced, for my own part, that the President and the Secretary of State acted in the interests of world peace and appropriately in the crisis itself. For our purposes here I believe that the State Department has been unusually and fully responsive, and I will support the motion to lay this resolution on the table.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. HAMILTON) for debate only.

Mr. HAMILTON. Mr. Speaker, this resolution of inquiry before the House today was reported unfavorably from the Committee on Foreign Affairs last week because the Department of State, in the opinion of members, complied with the provisions of the resolution and supplied the documents and materials requested.

I was privileged to have a chance to review the important exchange of notes between President Nixon and Chairman Brezhnev and several other documents related to events surrounding the October 24, 1973, alert. Without commenting on the contents of these documents and related materials, let me say that I am convinced no useful purpose, no important national interest and no peaceful cause would be served by their release or by extensive debate here over what threats constitute a declaration of a grade 3 alert.

While I voted to report this resolution unfavorably from the committee because of the State Department compliance with the resolution's request, I would like to add three comments:

First, in my view, the executive branch was neither forthcoming nor very candid on this subject until this resolution was introduced. Several letters to the Department of State and other agencies of the Government by myself and other members expressing concern over what happened that night of October 24 and requesting evidence and documentation supporting the grade 3 alert received incomplete replies. The efforts by the sponsors of this resolution to require a fuller account of the events of October 24 have thus served a useful purpose.

Second, whether or not the American people remember or care about the decisions taken that night, the public record on a matter that could have had ramifications for all of us is incomplete and, at places, inconsistent. If this resolution serves no other purpose, I hope it will encourage our Government to make a fuller public explanation of the events of that evening and of the evidence on which a nuclear alert was based.

Third, this discussion today and the consideration by the Committee on Foreign Affairs of the resolution address the rather narrow issue of whether the executive branch furnished documents. The larger, substantive, and subjective issues that still stand over the events of that evening were not considered at all. Was the alert necessary? What indicators did our Government have that the Soviet Union could be on the verge of unilateral intervention in the Middle East to protect the October 22 cease-fire? And what did these indicators mean? These questions and others remain to be debated.

Mr. Speaker, although these three matters continue to concern me, I feel that we can consider resolved the narrow issue regarding the supply of the information this resolution seeks.

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

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. HARRINGTON. I thank the gentleman for yielding.

I would like to, if I could, address a question here to the gentleman, or perhaps to the Chairman. In the discussion that transpired during the course of the committee deliberations last Wednesday, there was an effort made by Congressman WOLFF to attempt to commit the committee to additional hearings dealing with the substance of the resolution and expanding to the questions the gentleman from Indiana posed in his more recent remarks. Is it the gentleman's understanding or intention, as the chairman of the subcommittee concerned with the area most relevant to this inquiry, to conduct such hearings in the immediate future?

Mr. HAMILTON. Yes, it is my understanding that the committee reached that agreement during its discussions. That is certainly my intention, and I assure the gentleman that the subcom-

mittee will proceed with hearings on the substantive question involved here.

Mr. HARRINGTON. One other question, if the gentleman will yield further. In view of the niceties of the relationships between the executive branch and the legislative branch, by which Cabinet officers appear only before the full committee, does this custom, in the gentleman's mind, present any problem of his having access to the kind of witnesses needed to conduct a subsequent inquiry at a substantive level?

Mr. HAMILTON. Obviously, there are only a few men who can testify, because there were only a few involved. It may be an obstacle, but we will do our best to have the pertinent parties present for testimony.

Mr. HARRINGTON. If the gentleman will yield further, could I ask the chairman if he will join in that general expression of interest in having the hearings, whether on a closed or open basis, to the degree that we need the help of the full committee to do what reasonably can be done in assuring the attendance of the relevant Cabinet officers?

Mr. MORGAN. I will assure the gentleman from Massachusetts. The committee's intent is spelled out in the committee report in the next to the last paragraph where it states:

The committee has addressed that issue in earlier meetings with the Secretary of State and other executive branch officials and expects to pursue it further in the future.

Of course, if the witnesses do not come before the subcommittee, I will assure the gentleman from Massachusetts that we will convene the full committee.

Mr. HARRINGTON. I do not know that I have the tolerance factor to wait that long.

I will ask the subcommittee chairman again to yield if his time is still available.

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. HARRINGTON. Could the gentleman give me some idea when he would expect his subcommittee to undertake these hearings?

Mr. HAMILTON. The subcommittee will make the request of the appropriate officials of the executive branch immediately. When they appear will depend upon their schedules.

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

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

Mr. STARK. I thank the gentleman for yielding.

I would just like to comment at this point to applaud the actions of the committee, of the chairman, and the chairman of the subcommittee, and thank them for their prompt and courteous action, and the help of their staff, during consideration of this resolution.

Mr. ZABLOCKI. Mr. Speaker, during the debate on the resolution of inquiry here today I have been approached by several members asking about the relationship of this matter to the War Powers Act which Congress passed late in the last session.

Because of the importance of the War Powers Act and the necessity of its correct interpretation, I am taking this opportunity to clear up any confusion or misunderstandings about relevance of the Act to the matter at hand.

Our discussion today centers around the military alert invoked by the executive branch on October 24, 1973, as a response to certain actions by the Soviet Union related to the conflict situation in the Middle East.

As described in the report of the Committee on Foreign Affairs adversely reporting House Resolution 1002, the resolution of inquiry, U.S. Armed Forces were put on an alert status known as Defense condition No. 3, or Defcon 3.

According to my understanding, Defcon 3 situations are ones which arise from increased world tensions, but fall short of those occasions in which U.S. forces are about to be introduced into hostilities or situations where hostilities are imminent.

Since there was no direct introduction of U.S. Armed Forces into hostilities nor any imminent danger of such introduction as a result of this alert, the executive branch was not required to report to the Congress under section 4(a)(1) of the War Powers Act, and there was no need for congressional action as provided for in section 5.

Sections 4(a)(2) and 4(a)(3) of the War Powers Act also would not appear to apply to the Defcon 3 situation which existed. Those provisions of the War Powers Act deal with instances of peaceful deployment of U.S. Armed Forces, including:

First, their introduction into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training; and

Second, their increase in numbers which substantially enlarges a U.S. military presence already located in a foreign country.

Since neither situation occurred during the Defcon 3 of October 24, according to my information, those reporting provisions were not triggered.

Section 3 of the War Powers Act calls for consultation by the President with Congress in certain crisis situations, but defines those situations as those in which U.S. Armed Forces are to be introduced into hostilities or in which hostilities clearly are imminent. As we have seen, neither condition obtained in the alert situation of October 24, 1973.

Having demonstrated why that alert did not invoke the provisions of the War Powers Act, I believe that an additional word is necessary to prevent possible future misconceptions about the wishes of Congress by the executive branch.

Although the alert of October 24 did not require congressional consultation, the situation would seem to have called for a measure of congressional participation in the decision which was made. To the extent that such participation was missing, the President and his advisers open themselves to criticism.

It is my belief that, if key Members of Congress had been kept abreast of the situation as it developed, much of the suspicion and criticism surrounding the October 24 alert—and this resolution of inquiry—might have been avoided.

It should also be noted that although this particular Defcon 3 alert did not invoke the War Powers Act, future Defcon 3 alerts or other, more critical, defense conditions may well trigger provisions of the War Powers Act and require a response to Congress by the executive branch.

Responsible officials in the executive branch should be fully cognizant of their responsibilities to the Congress under the War Powers Act.

Finally, in closing, I wish to commend the chairman of the Committee on Foreign Affairs for the wise and expeditious way in which he has handled this resolution of inquiry. As all of us know, such privileged resolutions are difficult vehicles of legislative action. Chairman MORGAN has handled this one in a way which casts credit upon himself, the Committee on Foreign Affairs, and the Congress.

I, therefore, urge my colleagues to sustain the committee action by approving a motion to table its adverse report of House Resolution 1002.

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I offer a motion to table House Resolution 1002.

The Clerk read as follows:

Mr. MORGAN moves to table House Resolution 1002.

The SPEAKER. The question is on the motion to table offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion to table was agreed to.

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution (H. Res. 1002) just considered.

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

There was no objection.

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CALL OF THE HOUSE

Mr. HUNT. 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. 152]

| | | |
|---|---|---|
| Ashley | Gray | Preyer |
| Blatnik | Green, Oreg. | Rees |
| Boggs | Guyer | Reid |
| Brown, Calif. | Hansen, Wash. | Rhodes |
| Brown, Ohio | Hébert | Roncallo, N.Y. |
| Carey, N.Y. | Holifield | Rooney, N.Y. |
| Cederberg | Hosmer | Seiberling |
| Chamberlain | Huber | Shipley |
| Chisholm | Ichord | Shoup |
| Clay | Jones, Ala. | Sikes |
| Conyers | Jones, Tenn. | Steele |
| Danielson | Kazen | Stokes |
| Diggs | Litton | Stubblefield |
| Dingell | McEwen | Sullivan |
| Dorn | McFall | Teague |
| Drinan | McKinney | Walsh |
| Esch | Moss | Wilson, |
| Findley | Murphy, N.Y. | Charles H., |
| Ford | Nelsen | Calif. |
| Fountain | Nichols | Wyatt |
| Frelinghuysen | Patman | Young, Alaska |
| Giaimo | Pickle | |
| Goldwater | Powell, Ohio | |

The SPEAKER. On this rollcall, 367 Members have recorded their presence by electronic device, a quorum.

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

## CAMILLO DELUCIA RETIRES

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

Mr. HAYS. Mr. Speaker, on January 1, 1974, the tristate area of southeastern Ohio lost one of its most popular and familiar voices. On that day Mr. Camillo DeLucia retired as the voice of the "Neapolitan Serenade" after more than 33 years.

Mr. DeLucia's career in broadcasting has had few parallels. He came to the United States as an immigrant in 1920 with his wife Gilda and settled in Steubenville, Ohio, in 1923. After many years of radio experience in New York, Philadelphia, and Youngstown he joined WSTV, Steubenville in November 1940 to become host of "Neapolitan Serenade." He was a natural for the job and became instantly popular with the large group of Americans of Italian extraction.

He combined many patriotic and charitable services with his duty as radio host. During World War II the Department of the Treasury presented him with a citation for his efforts in behalf of war bond sales. When major floods struck Europe in 1962 he raised several thousand dollars for flood victims in Italy. For years he has raised money for St. John's Villa in Carrollton, Ohio. These are only a few examples of his efforts.

The honors bestowed on Mr. DeLucia are too numerous to list in detail. They include, among others, special commendations from President Franklin D. Roosevelt, Pope John XXIII, and Alcide D. Gasperi, Prime Minister of Italy. He was awarded the Cross of Solidarity Medal, Grand Cavalier of the Order of Merit by the President of Italy.

Even now that he has retired to spend more time with his children and grandchildren he continues to participate in community affairs and to add to the treasury of memories for his family, his friends, and his neighbors.

## PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

There was no objection.

## HOUSE RESOLUTION 998, CHANGES IN CERTAIN HOUSE PROCEDURES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1018 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1018

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 998) to amend the House rules regarding the making of points of no quorum, consideration of certain Senate amendments in conference agreements or reported in conference disagreement, request for recorded votes and expeditious conduct of quorum calls in Committee of the Whole, and postponement of proceedings on suspension motions, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the resolution shall be considered as having been read for amendment. No amendments shall be in order to said resolution except amendments offered by the direction of the Committee on Rules and germane amendments to section 3 of said resolution, and said amendments shall not be subject to amendment. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution to its adoption or rejection.

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

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

Mr. Speaker, House Resolution 1018 provides for a modified closed rule on House Resolution 998, a resolution to amend the Rules of the House of Representatives regarding the making of points of no quorum, consideration of certain Senate amendments in conference agreements or reported in disagreement, request for recorded votes and expeditious conduct of quorum calls in the Committee on the Whole House on the State of the Union and postponement of proceedings on suspension motions.

House Resolution 1018 provides that after general debate, which shall be confined to the resolution and shall continue not to exceed 2 hours, the resolution shall be considered as having been read for amendment. No amendments shall be in order to the resolution except amendments offered by the direction of the Committee on Rules and germane amendments to section 3 of the resolution, and those amendments shall not be subject to amendment.

House Resolution 998 amends the rules of the House to prohibit the making of a point of order that a quorum is not present in five instances. It also allows the Chairman of the Committee of the Whole to end a quorum call as soon as 100 or more Members appear. Names of Members will not be published when this procedure is invoked. House Resolution 998 also raises the support required for ordering record votes in the Committee of the Whole from 20 to 40 Members when, at the request of any Member, the Chairman determines that more than 200 Members are present.

House Resolution 998 allows the Speaker of the House the discretion to postpone recorded and yea-and-nay votes on motions to suspend the rules and pass bills and resolutions until the completion of debate on all suspension motions offered on that legislative day. House Resolution 998 also extends the present procedure permitting separate debate and votes on nongermane Senate amendments and further extends the procedure to permit separate debate and votes on nongermane matter in Senate amendments reported in disagreement by a conference committee. The present procedure is also extended to nongermane matter that: First, originally appeared in a Senate bill; second, was not included in the House-passed version of the bill; and third, appeared again in the conference report.

Mr. Speaker, I urge the adoption of House Resolution 1018 in order that we may discuss and debate House Resolution 998.

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

Mr. Speaker, this is a most important matter. At the outset I must say I agree with the statements made by my friend and colleague from California (Mr. SISK).

I want to point out that this rule provides for 2 hours of general debate. It is a closed rule with the exception of section 3 which deals with the number of Members required to stand up for a record vote. I want it understood that this is not an open rule but, rather, a closed rule with that one exception.

I point this out for the many Members of this House opposed to closed rules per se.

I think the reasoning brought forth for a closed rule is faulty. I do not believe an open rule would make it impossible for us to complete our deliberations on this piece of legislation. I, for one, do not subscribe to such logic.

Mr. FINDLEY. Will the gentleman yield?

Mr. LATTA. I am pleased to yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Is my interpretation correct that under the bill which this rule would deal with only one quorum call would be possible during general debate of the bill if the Chair saw fit not to recognize Members for the purpose of quorum calls?

Mr. LATTA. That is not exactly correct, but once a quorum is established a further point of order of no quorum may not be made until the transaction of additional business.

Mr. FINDLEY. Is general debate considered to be business of the House?

Mr. LATTA. Under the rules it is.

Mr. FINDLEY. It is considered to be business. So a point of order could be made in a very short period of time. Am I correct in that? What is the purpose of this language if it does not actually restrict points of order?

Mr. LATTA. The purpose of this language is to prevent dilatory tactics from being used in limited instances. It is to prevent having one point of order of no quorum made right after another. There would have to be the transaction of some business between quorum calls under this proposal.

Mr. FINDLEY. In my experience here I have never observed a point of no quorum being made immediately after the establishment of a quorum. Always there has been some intervening debate or discussion.

Mr. LATTA. I would hasten to disagree with the gentleman.

I certainly can recall many times when they have had one quorum call right after another, and when there has not been any intervening business transacted.

Mr. FINDLEY. I do not recall such an occasion, at least, if one considers the utterance of a few words or discussion in debate a transaction of business.

I thank the gentleman.

Mr. LATTA. I would say this is something which would be within the discretion of the Chair and he would decide whether or not there had been any transaction of business.

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

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

Mr. GROSS. Mr. Speaker, I thank my friend, the gentleman from Ohio, for yielding to me.

I would ask the gentleman from Ohio what was the justification of the Committee on Rules for an almost completely closed rule?

Mr. LATTA. To restate what I stated earlier about the reasoning behind it, it would open up all the rules of the House for amendment, and the majority on the Committee on Rules did not think we wanted to do this at this time.

Mr. GROSS. Here we have some changes in the rules, changes that do violence to, in my opinion, perfectly good rules of the House, and yet there is no way that we can offer amendments to them to rectify the violence that they do or would atempt to do.

Mr. LATTA. I might say that the only way one could do that is to vote down this rule, as the way the rule is written right now, only section 3 would be open for amendment.

Mr. GROSS. I am surprised, and I am shocked that they come in with these rules changes. I do not know the justification. What are the justifications for these proposals to change the rules? What is wrong with the present rules of the House? Is it the rules or is it the Members that need amendment?

Mr. LATTA. It might be a little of both as I am sure some of the Members have taken advantage of the present rules.

Mr. GROSS. Does the gentleman from Ohio realy believe this is a tightening of the rules?

Mr. LATTA. It certainly is, in several instances.

Mr. FINDLEY. Mr. Speaker, will the gentleman from Ohio yield so that I can address a parliamentary inquiry to the Chair?

Mr. LATTA. I will be happy to.

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Speaker, I would like to ask the Chair if general debate is considered to be transaction of business of the House?

The SPEAKER. The Chair would respond to the inquiry of the gentleman from Illinois that heretofore, under the present rules of the House, a quorum can be demanded during general debate, or for any other purpose, or for transaction of any other business in the House.

The purpose that this resolution makes in order, as the Chair understands it, is that this is a matter which will be discussed by the gentleman from California and other members of the committee, and the Chair is not prepared to rule on that issue.

Mr. FINDLEY. Mr. Speaker, if I may pursue this with the gentleman from Ohio, that deepens my concern because the character of the rule we are now considering will be and is vitally important, and if we do not really know right now when we are considering the rule what the effect of the resolution will be if it is adopted, then we are certainly going to be disarmed, or at least our ability to talk to the impact of the resolution will be lessened considerably under a closed rule.

So, if we cannot get a more precise ruling from the Chair on this point, I would think it would be highly desirable to reject what is obviously a very closed rule.

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

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

Mr. SISK. I appreciate my colleague's yielding.

I should just like to say to my good friend, the gentleman from Illinois, that I appreciate his interest in this matter. Of course, I would hope that he would permit us to adopt the rule and discuss the very issue which he is talking about. The subcommittee went to considerable length over, frankly, a long period of time, several months, in consideration of these exchanges. Of course, that is the reason we have set aside 2 hours of general debate to discuss it. It may very well be that in the wisdom of the House the Members may feel that we should not make these changes. Then, of course, that will be a matter of voting them down and keeping the situation as it is at the present time.

Certainly we do hope at the time that, if we can get into the Committee of the Whole House, we can discuss specifically the issue which the gentleman has raised.

Mr. FINDLEY. I understand the rule that is before us now. Under that rule a Member will not be permitted to offer an amendment to the resolution to eliminate just this one particular provision regarding points of order of no quorum; am I correct on that?

Mr. SISK. The gentleman is correct. Let me say, very frankly, the matter was discussed. I appreciate the comments of my friend, the gentleman from Iowa. Very frankly, it was our decision, good or bad, that at this particular point in time we question the advisability of opening all of the rules of the House. As the gentleman surely knows, there is a variety of resolutions presently pending before the Committee on Rules to make a change or to modify a whole variety of the rules. Those may all be good, or some of them may be good and some of them may not.

It was our decision that now was not the time and place to bring this up without some kind of committee hearing or some kind of committee action. Those issues that are dealt with in this legislation would tend to expedite procedures to allow more time for Members to do those things that are important and, of course, our only goal is to aid and assist.

Mr. FINDLEY. Is it the opinion of the gentleman from California that if the resolution is adopted, it will have the effect and validity of having no point of order of no quorum during a period of general debate?

Mr. SISK. No, under no circumstances would that be correct.

Mr. FINDLEY. The gentleman would consider, at least in his own opinion, that general debate is a transaction of business by the House?

Mr. SISK. If the gentleman will note, the committee very carefully spelled out those areas which would not be considered business for purposes of making a quorum call. Frankly, we started out with some 10 or 15 specific instances. We reduced those. We changed them to modify until we have reached a point in the legislation where there are only 5 specific instances that, for purposes of making a quorum call, would not be considered to be business, and they are very clearly delineated.

One of them, let me say, has to do with special orders. I realize there may be a difference of opinion, and it is up to the House in their wisdom to determine it. Under this procedure, once the House goes to special orders, and during that period of time that we are on special orders, a point of no quorum would

not lie, and a Member could not be recognized.

Mr. FINDLEY. In response to my parliamentary inquiry, our distinguished Speaker really did not clarify whether under this resolution general debate would be considered a transaction of business by the House, so it is up in the air. We do not really know.

Mr. SISK. If the gentleman will yield further, it is not up in the air. I think it is very clear. There again, I think if my good friend, the gentleman from Illinois, would permit us to go into it and certainly discuss this issue, and explain as best we can, it would be very clear exactly what the intent of the committee was. Then, of course, we can act in accordance with our desires on that.

Mr. FINDLEY. May I just make one further observation? Is there anyone on the committee, the gentleman from California or otherwise, who has any doubt on this point? Do the Members all feel that general debate is a transaction of business of the House and, therefore, points of order may be made periodically repeatedly during a single period of general debate?

Mr. SISK. Exactly. There is no question whatsoever on the part of any member of the Committee on Rules or any of our staff people who work with us but that general debate is considered business and therefore a point of no quorum could be made. The only reservation on that point deals with the fact that at least some business must occur between the calling of quorums so that we do not have a constant repetition.

Mr. FINDLEY. Would the utterance of one sentence of general debate suffice as business of the House?

Mr. SISK. Let me say to my friend, the gentleman from Illinois, that he has been here for a number of years and probably has observed this, that the Speaker or the Chairman of the Committee of the Whole always has at his discretion the possibility of making that determination. I can recall instances where we were dealing with a very controversial issue and my friend, the gentleman from Illinois, may remember some several years ago in debate on civil rights when we were engaged in what amounted in essence to a filibuster, and the Speaker or the Chairman ruled that a further point of no quorum was dilatory and ruled it out of order. There are some precedents for this, in other words, constantly calling a point of no quorum.

Basically that is what we see here. I do not want necessarily to define it, but if in the opinion of the Whole House, the Chairman of the Committee wanted to rule one paragraph was business, it is at his discretion to determine whether in fact business had occurred, and general debate in business as we recognize it in this legislation.

Mr. Speaker, if the gentleman will yield, let me say I personally would probably favor more substantial changes. In fact I think there are other areas of the rules and there are other areas not dealt with here that we could very well consider making changes in.

The committee dealt with areas where there was immediate and important concern. For example, there has been a constant beat of agitation and discussion by various Members from the time of the 1970 Reorganization Act with reference to a variety of issues. Some of these are the recorded vote, for example, and the number standing. That was the original resolution on which the subcommittee started consideration last summer, almost a year ago now, and there were those who felt that the number should be decreased and others who felt it should be be kept at that figure. The subcommittee came out with a compromise figure of 33, and later the full committee came out with the compromise which is encompassed in the legislation. There is also the matter of the quorum procedures, and the matter of votes on suspensions, and these were all matters which would permit Members to do their work in their offices or in committee meetings or other work they consider necessary. In other words the changes are for the purpose not in any way to violate good procedure but hopefully to expedite business. This is the whole goal of the committee.

Mr. GROSS. The one explanation I have heard the gentleman suggest is expedition, to expedite the so-called work of the House. I think he is leaning on an awfully frail reed there, that we must go to these rules changes in order to expedite the work of the House.

I can think of other rules that ought to be changed that would expedite the work of the House, such as more compulsion in bringing on legislation on the part of the House committees and the leadership of the House of Representatives. I just do not understand this limitation nor do I understand protecting it with a closed rule.

Mr. SISK. I appreciate the position of the gentleman.

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

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

Mr. ARENDS. There has been a rumor around here that we might change the requirement of 20 standing up to demand a rollcall vote to the figure of 33. Could the gentleman explain a little more in detail why this change in the general attitude of the Members who were considering this matter?

Mr. SISK. I will be glad to comment on that. We will cover that a little later more thoroughly; but let me explain, there was a resolution introduced in the Committee on Rules last summer calling for a change in the language which would have, in essence, required 44 Members to stand for a recorded vote.

The matter was referred to the subcommittee by our distinguished chairman (Mr. MADDEN). I happened to be selected as the chairman of that subcommittee.

The gentleman from Ohio (Mr. LATTA) was on the committee, along with the gentleman from California (Mr. DEL CLAWSON) the gentleman from Florida (Mr. PEPPER) and my good friend, the gentleman from Louisiana (Mr. LONG). We considered this at considerable length. We had a lot of discussion with Members pro and con. As I am sure my friend, the gentleman from Illinois knows, there was a strong feeling by some Members that 20 was ideal and it should not be changed.

The subcommittee after consideration did come up with a modified version of 33. When the matter was reported to the full Committee on Rules, after further consideration and further discussion with Members of the House who were all concerned about this, we arrived at what we felt, at least, was a reasonable approach, that even at 20, normally when we have say 150 to 170 Members on the floor, that at the same time to provide for those unusual circumstances, such as occurred last December during the debate on the energy bill where we had 300 or 400 Members sitting around waiting at night trying to get out and maybe there was a hard core of 20 people requiring record vote after record vote.

Therefore, if any Member was willing to rise and note the presence of 200 or more, that it would require 20 Members, this is a compromise. Some Members thought 44; others, of course, preferred the 20.

Mr. ARENDS. Mr. Speaker, stating my own opinion, I would say I wish we would have stayed with 33. I think that would be an improvement on the situation.

I hope an amendment will be offered on that number.

Mr. SISK. As my colleague, the gentleman from Illinois, knows, that particular section is open to amendment.

Mr. LATTA. Mr. Speaker, I might say in answer to the gentleman from Illinois, I was one that thought we ought to stay with a firm number. The way it is now, it is 40 if 200 Members are on the floor. This means the Speaker has to count the Members on the floor to make a decision whether it will be 20 or 40.

I might point out that when this matter first came to the attention of the Committee on Rules, that the chairman of the Committee on Rules requested that it be brought up to 44. That was considered by the Committee on Rules and also by the subcommittee.

I was quite surprised by this new formula presently in this bill. It did not come to our attention until after the subcommittee had reported the bill to the full committee, and not before.

Mr. Speaker, I have no further requests for time and reserve the balance of my time.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic de-

vice, and there were—yeas 311, nays 84, not voting 37, as follows:

[Roll No. 153]

YEAS—311

| | | |
|---|---|---|
| Abzug | Foley | Moss |
| Adams | Forsythe | Murphy, Ill. |
| Addabbo | Fountain | Murphy, N.Y. |
| Alexander | Fraser | Murtha |
| Anderson, Ill. | Fulton | Myers |
| Andrews, N.C. | Fuqua | Natcher |
| Andrews, N. Dak. | Gaydos | Nedzi |
| Annunzio | Gettys | Nichols |
| Archer | Giaimo | Nix |
| Ashley | Gibbons | Obey |
| Aspin | Ginn | O'Brien |
| Badillo | Goldwater | O'Hara |
| Baker | Grasso | O'Neill |
| Barrett | Gray | Owens |
| Bell | Griffiths | Parris |
| Bennett | Grover | Passman |
| Bergland | Gubser | Patten |
| Bevill | Gunter | Pepper |
| Biaggi | Hamilton | Perkins |
| Bingham | Hanley | Peyser |
| Boland | Hanna | Pike |
| Bolling | Hansen, Wash. | Poage |
| Bowen | Harrington | Podell |
| Brademas | Harsha | Powell, Ohio |
| Brasco | Hastings | Price, Ill. |
| Bray | Hawkins | Price, Tex. |
| Breaux | Hays | Quie |
| Breckinridge | Hébert | Quillen |
| Brinkley | Hechler, W. Va. | Railsback |
| Brooks | Helstoski | Randall |
| Broomfield | Henderson | Rangel |
| Brotzman | Hicks | Rees |
| Brown, Calif. | Hinshaw | Regula |
| Broyhill, N.C. | Hogan | Reuss |
| Broyhill, Va. | Holifield | Riegle |
| Burke, Calif. | Holtzman | Rinaldo |
| Burke, Fla. | Horton | Roberts |
| Burke, Mass. | Hosmer | Robinson, Va. |
| Burleson, Tex. | Howard | Robison, N.Y. |
| Burlison, Mo. | Hungate | Rodino |
| Burton | Hutchinson | Roe |
| Butler | Jarman | Rogers |
| Byron | Johnson, Calif. | Roncalio, Wyo. |
| Carney, Ohio | Johnson, Colo. | Rooney, Pa. |
| Carter | Johnson, Pa. | Rose |
| Casey, Tex. | Jones, Ala. | Rosenthal |
| Chamberlain | Jones, N.C. | Rostenkowski |
| Chappell | Jones, Okla. | Roush |
| Chisholm | Jordan | Roy |
| Clancy | Karth | Roybal |
| Clark | Kastenmeier | Runnels |
| Clausen, Don H. | Kemp | Ruppe |
| Clawson, Del | Kluczynski | Ruth |
| Cochran | Koch | Ryan |
| Collier | Kuykendall | St Germain |
| Collins, Ill. | Kyros | Sandman |
| Collins, Tex. | Landrum | Sarasin |
| Conyers | Leggett | Sarbanes |
| Corman | Lehman | Satterfield |
| Cotter | Lent | Scherle |
| Daniel, Dan | Long, La. | Schneebeli |
| Daniel, Robert W., Jr. | Long, Md. | Schroeder |
| Daniels, Dominick V. | Lujan | Seiberling |
| Davis, Ga. | Luken | Shriver |
| Davis, Wis. | McClory | Sikes |
| de la Garza | McCollister | Sisk |
| Delaney | McCormack | Skubitz |
| Dellums | McFall | Slack |
| Denholm | McKay | Smith, Iowa |
| Dent | McSpadden | Smith, N.Y. |
| Derwinski | Macdonald | Staggers |
| Devine | Madden | Stanton, J. William |
| Dickinson | Madigan | Stanton, James V. |
| Dingell | Mahon | Stark |
| Donohue | Mallary | Steed |
| Downing | Mann | Stephens |
| Drinan | Mathias, Calif. | Stratton |
| Dulski | Mathis, Ga. | Stuckey |
| Duncan | Matsunaga | Studds |
| du Pont | Mayne | Sullivan |
| Eckhardt | Mazzoli | Symington |
| Edwards, Ala. | Meeds | Taylor, N.C. |
| Edwards, Calif. | Melcher | Thompson, N.J. |
| Eilberg | Metcalfe | Thomson, Wis. |
| Erlenborn | Mezvinsky | Thone |
| Esch | Milford | Thornton |
| Eshleman | Mills | Tiernan |
| Evans, Colo. | Minish | Udall |
| Evins, Tenn. | Mink | Ullman |
| Fascell | Minshall, Ohio | Van Deerlin |
| Fish | Mitchell, Md. | Vander Jagt |
| Fisher | Mitchell, N.Y. | Vander Veen |
| Flood | Moakley | Vanik |
| Flowers | Mollohan | Vigorito |
| | Montgomery | Waggonner |
| | Moorhead, Pa. | Waldie |
| | Morgan | Wampler |
| | Mosher | Ware |
| | | Whalen |
| | | White |
| | | Whitehurst |
| | | Whitten |
| | | Widnall |
| | | Wiggins |
| | | Williams |
| | | Wilson, Bob |
| | | Wilson, Charles H., Calif. |
| | | Wilson, Charles, Tex. |
| | | Wolff |
| | | Wright |
| | | Wyatt |
| | | Wydler |
| | | Yatron |
| | | Young, Alaska |
| | | Young, Ga. |
| | | Young, Ill. |
| | | Young, Tex. |
| | | Zablocki |
| | | Zion |

NAYS—84

| | | |
|---|---|---|
| Abdnor | Frenzel | Martin, N.C. |
| Anderson, Calif. | Frey | Michel |
| Arends | Froehlich | Miller |
| Armstrong | Gilman | Mizell |
| Ashbrook | Gonzalez | Moorhead, Calif. |
| Bafalis | Goodling | Pritchard |
| Bauman | Green, Pa. | Rarick |
| Beard | Gross | Rousselot |
| Biester | Gude | Sebelius |
| Blackburn | Haley | Shuster |
| Brown, Mich. | Hammer-schmidt | Snyder |
| Buchanan | Hanrahan | Spence |
| Burgener | Heckler, Mass. | Steelman |
| Camp | Heinz | Steiger, Ariz. |
| Cleveland | Hillis | Steiger, Wis. |
| Cohen | Holt | Symms |
| Conable | Hudnut | Talcott |
| Conlan | Hunt | Taylor, Mo. |
| Conte | Ketchum | Towell, Nev. |
| Coughlin | King | Treen |
| Crane | Lagomarsino | Veysey |
| Cronin | Landgrebe | Winn |
| Culver | Latta | Wylie |
| Davis, S.C. | Lott | Wyman |
| Dellenback | McCloskey | Yates |
| Dennis | McDade | Young, Fla. |
| Findley | Maraziti | Young, S.C. |
| Flynt | Martin, Nebr. | Zwach |

NOT VOTING—37

| | | |
|---|---|---|
| Blatnik | Hansen, Idaho | Reid |
| Boggs | Huber | Rhodes |
| Brown, Ohio | Ichord | Roncallo, N.Y. |
| Carey, N.Y. | Jones, Tenn. | Rooney, N.Y. |
| Cederberg | Kazen | Shipley |
| Clay | Litton | Shoup |
| Danielson | McEwen | Steele |
| Diggs | McKinney | Stokes |
| Dorn | Nelsen | Stubblefield |
| Ford | Patman | Teague |
| Frelinghuysen | Pettis | Walsh |
| Green, Oreg. | Pickle | |
| Guyer | Preyer | |

So the resolution was agreed to.

The Clerk anounced the following pairs:

Mr. Teague with Mr. Rhodes.
Mr. Rooney of New York with Mr. Steele.
Mr. Stubblefield with Mr. Shoup.
Mrs. Boggs with Mr. Roncallo of New York.
Mr. Carey of New York with Mr. McKinney.
Mr. Shipley with Mr. Cederberg.
Mr. Reid with Mr. Stokes.
Mr. Kazen with Mr. Nelsen.
Mr. Pickle with Mr. Frelinghuysen.
Mr. Preyer with Mr. McEwen
Mr. Ford with Mr. Brown of Ohio.
Mr. Clay with Mr. Blatnik.
Mr. Jones of Tennessee with Mr. Guyer.
Mrs. Green of Oregon with Mr. Huber.
Mr. Danielson with Mr. Diggs.
Mr. Ichord with Mr. Hansen of Idaho.
Mr. Litton with Mr. Pettis.
Mr. Patman with Mr. Walsh.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 998) to amend the House rules regarding the making of points of no quorum, consideration of certain Senate amendments in conference agreements or reported in conference disagreement, request for recorded votes and expeditious conduct of quorum calls in Committee of the Whole, and postponement of proceedings on suspension motions, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. SISK).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 998), with Mr. MATHIS of Georgia in the chair.

The Clerk read the title of the resolution.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. SISK) will be recognized for 1 hour, and the gentleman from Ohio (Mr. LATTA) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. SISK).

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

Mr. Chairman, I hope the committee will move along as rapidly as possible. It depends, of course, upon the Members as to whether or not in fact we will use the 2 hours. We will use them, certainly, if there is sufficient interest and questions.

I would like briefly to outline what the Committee on Rules has done in connection with the suggested changes in the rules.

Starting with section 1, this prohibits points of no quorum in certain situations, for the most part when the House is not considering procedural or legislative business, and particularly when Members are addressing the House under special orders.

In view of the fact that there have been some equestions raised during consideration of the rule, I would simply request Members to note section 1 of the resolution, where it outlines very clearly and distinctly those matters which, for purposes of a quorum call, will not be considered to be business.

We start on line 7 of the resolution:

It shall not be in order to make or entertain a point of order that a quorum is not present—

(1) before or during the offering of prayer;

Let me state at this point that in many of these areas as a matter of precedent individual Members are not recognized for the purpose of making a point of no quorum, and we have outlined them in the rules—

(2) during the administration of the oath of office to the Speaker or Speaker pro tempore or a Member, Delegate, or Resident Commissioner;

And, for example—

(3) during the reception of any message from the President of the United States or the United States Senate;

It shall not be in order to make or entertain a point of order that a quorum is not present during the offering, consideration, and disposition of any motion incidental to a call of the House—

(b) A quorum shall not be required in Committee of the Whole for agreement to a motion that the Committee rise.

(c) After the presence of a quorum is once ascertained on any day on which the House is meeting, a point of order of no quorum may not be made or entertained—

(1) during the reading of the Journal;

(2) during the period after a Committee of the Whole has risen after completing its consideration of a bill or resolution and before the Chairman of the Committee has reported the bill or resolution back to the House;

(3) during any period of a legislative day when the Speaker is recognizing Members (including a Delegate or Resident Commissioner) to address the House under special orders, with no measure or matter then under consideration for disposition by the House.

When the presence of a quorum is ascertained, a further point of order that a quorum is not present may not thereafter be made or entertained until additional business intervenes—

That, of course, was part of the discussion that occurred earlier in connection with the rule—

For the purpose of this paragraph, the term 'business' does not include any matter, proceeding, or period referred to in paragraphs (a), (b) or (c) of this clause, for which a quorum is not required or a point of order of no quorum may not be made or entertained.

I have read the entire section, and these, of course, will be incorporated into the rules of the House, assuming the House decides to support this particular resolution. I do think it is important to understand that what we have attempted to do is simply outline those times when a point of order of no quorum would not be in order.

If there are some questions, we shall be glad to attempt to answer such questions as best we can.

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

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

Mr. MATSUNAGA. Mr. Chairman, I rise in solid support of House Resolution 998, which would reform a number of House rules to simplify and streamline certain procedures in the House.

House Resolution 998 represents the culmination of more than 9 months of effort on the part of the Rules Committee and an ad hoc Rules Subcommittee, ably chaired by my good friend, the gentleman from California (Mr. SISK), who deserves the highest commendation. A number of Members had suggested ways in which to make the House function more expeditiously while considering legislation, and House Resolution 899 responds in a very real way to the concerns embodied in the various suggestions made to the Rules Committee.

Perhaps the most controversial part of the pending resolution is the proposal to increase from 20 to 40 the number of Members needed to successfully demand a recorded teller vote in the Committee of the Whole House.

The original subcommittee recommendation was to increase the requirement from 20 Members to 33 to prevent inordinate delaying use of the recorded teller device. But a careful examination of the experience under the current requirement indicates that there were relatively few recorded teller votes. Indeed, there were fewer recorded teller votes in the Committee of the Whole House than there were votes demanded under the rules by a single Member in the House—193 recorded votes in the House as compared to 190 recorded teller votes in the Committee of the House. Data compiled for the Sisk subcommittee compared the first 6 months of 1971, when no recorded teller votes was possible, to 1973, after the rules had been changed. While the number of recorded votes in the Committee of the Whole increased 14 percent, from 29 to 72, the number of amendments offered rose by 15 percent.

In light of these facts, there were those of us on the Rules Committee who felt that the requirement that at least 33 Members must demand a recorded teller vote should be made applicable only when there were 200 or more Members on the floor, and that the present requirement of 20 Members should be retained for all other cases. It is a known fact that on many occasions it has been utterly impossible to get the concurrence of 20 Members to demand a recorded teller vote. I myself suffered this frustrating experience twice during the first session of this 93d Congress.

In a true spirit of compromise, the Rules Committee adopted the provision now contained in House Resolution 998, that the existing requirement of 20 Members be retained unless there were 200 or more Members on the floor, in which latter case the requirement would be doubled to 40. I believe, Mr. Chairman, that the compromise proposal deals realistically with the problem of frivolous and dilatory tactics on the floor, without abandoning the right of the American electorate to know how their chosen representatives vote on important amendments in the Committee of the Whole House, where most of the legislative process is conducted.

The other changes in the rules proposed by House Resolution 998 are also directed at expediting the business of the House.

Among these are the following:

Once a quorum of 100 is established in the Committee of the Whole, the quorum call could be discontinued at the discretion of the Chair;

Demands for a quorum during certain nonbusiness periods, such as the offering of the prayer or the swearing in of a new Member, would be prohibited;

Votes on final passage of bills considered under suspension of the rules could be deferred and taken in rapid sequence all at the same time;

Rules for controlling House consideration of nongermane Senate amendments would be tightened.

Mr. Chairman, I believe that these amendments constitute a sensible step toward improving the rules of this body. They also strike a balance between the need for speedy consideration of legislative business and the rights of individual Members to raise important, but perhaps unpopular, issues. I urge the passage of House Resolution 998.

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

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

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this resolution. As the gentleman in the well recalls, I and Chairman MADDEN introduced House Resolution 476 which called for 44 Members standing to obtain a recorded teller vote. Will the gentleman tell the Committee what the changes are in this resolution, and why the 44 figure was not incorporated?

Mr. SISK. I might say to my colleague, the gentleman from Mississippi, that was the next item I wanted to discuss, if he would bear with me for just a moment. I have one further comment on section 1, and then we will proceed immediately to section 3 and outline what occurred.

I do want to make one matter very clear in connection with the business about no quorum calls.

To avoid any misunderstanding, Mr. Chairman, I should like to clarify one point with respect to section 1 of the resolution. On page 2, lines 6 through 8, of the resolution, it is stated that a quorum shall not be required in the Committee of the Whole for agreement to a motion that the Committee rise. The report on the resolution explains that this provision unconditionally prohibits points of no quorum against a vote in which the Committee of the Whole agrees to rise. The report adds, however, that an appropriate point of order of no quorum would be permitted against a vote that defeats a motion to rise.

I think it is important that Members understand the significance of this. All of this, I might add, merely restates what has long been the practice of the House under the precedents.

While these statements in the report are accurate, I understand some question has been raised about the applicability of rule XV, clause 4, to a situation in which the Committee of the Whole defeats a motion to rise. As Members know, rule XV, clause 4, provides for an automatic yea and nay vote whenever a quorum fails to vote on a question, and a quorum is not present and objection is made for that cause.

Mr. Chairman, under the precedents, rule XV, clause 4, does not apply to proceedings in Committee of the Whole, and it is not the intent of this resolution to change that situation. If there are questions in connection with that, I will be glad to elaborate further, but I did want to make that clear for purposes of the RECORD in connection with this debate.

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

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

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding. Let me ask the gentleman a question.

When was the last time the gentleman can recall that a quorum call was made before or during the offering of a prayer?

Mr. SISK. The gentleman from California has no recollection of such a point having been made.

I might say that this is already a precedent, and we are establishing it as a rule.

Mr. GROSS. When was the last time the gentleman can recall a quorum call was made during the administration of the oath of office to the Speaker or

Speaker pro tempore or a Member, Delegate, or Resident Commissioner?

Mr. SISK. That again is in the precedents at the present time although not a part of the rules, and the committee has seen fit to make that a part of the rules.

Mr. GROSS. Can the gentleman recall when a point of no quorum was made during the reception of any message from the President of the United States?

Mr. SISK. I have no particular recollection, although, of course, it could have occurred. Again this is in the precedents.

Mr. GROSS. Can the gentleman recall recently any quorum call during the reading of the Journal?

Mr. SISK. Yes. I might say we have had extensive calls, as my colleague himself remembers. We have recently pretty well corrected that by changes in procedure connected with the reading of the Journal, but, yes, there have been numerous quorum calls during the reading of the Journal. As the gentleman will remember, I believe it happened during the Civil Rights Act of 1964, I think.

Mr. GROSS. I can recall when they were made, but again I cannot recall a single one since the rule was changed with respect to the reading of the Journal.

Mr. SISK. Let me explain to my colleague, under the procedure at the present time an appeal from the ruling of the Chair can be made and is always in order. In fact, we have had recently a reading of the Journal. There are any number of quorum calls which could be made if that occurs. On appeal from the ruling of the Chair, we are required to read the Journal and we could have numerous quorum calls.

Mr. GROSS. I wonder if the gentleman can give us any indication of how many years have elapsed since there was an appeal from the ruling of the Chair?

Mr. SISK. I might say the Journal was read, I believe, within the last few months.

Mr. GROSS. Not the reading of the Journal, an appeal from a ruling of the Chair?

Mr. SISK. My reply to the gentleman is that there have been several occasions of appeal from the ruling of the Chair. My memory is not that good, I will say to my friend, as to whether and at what time one may have succeeded. The point I am making is that under this procedure which the committee is recommending to the House, there cannot be quorum calls during the reading of the Journal.

Mr. GROSS. My point, as the gentleman well knows and I will not belabor it, is that we are changing the rules to cover abuses that do not exist. I do not know why all of this was dreamed up. That is my point.

Mr. SISK. It was not dreamed up. This has been under consideration now for quite a number of months.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding. If I am not mistaken we had a session here that lasted all night and well into the next day and we finally had to have a vote instructing the Sergeant at Arms to close the doors and bring Members in because there was a filibuster which involved quorum calls during the reading of the Journal. Am I not quite correct? And we had twice as many quorum calls as at any time in previous history. Am I confused on that?

Mr. SISK. I think the gentleman is not confused. We have had some unusual circumstances. Those are the reasons why the committee considered these amendments.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

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

Mr. RONCALIO of Wyoming. The vigilant, as ever, Member from Iowa as the conscience of the House has anticipated precisely the questions I had in mind. I am reluctant to codify now the Sisk rule that says we cannot have a quorum call before or during the offering of the prayer.

I would like once in my life before I die to see Members of the House present before the prayer is offered.

I am not able to vote for this resolution with No. 6 subparagraph (1) in it, because I think there should be a quorum call before the prayer. I think we ought to live by the committee rule that says we are to be here by 5 minutes to 12 to conduct the business of the House.

I think, as the gentleman from Iowa said, it is a little bit reaching out for legislation to codify that now.

Mr. SISK. I appreciate the statement of my colleague from Wyoming. I well need praying over.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISK. Mr. Chairman, I yield myself 3 additional minutes.

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

Mr. SISK. Mr. Chairman, I would like to complete summarizing this resolution, then I will yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield now? I have a question on the first section.

Mr. SISK. Yes, I yield to the gentleman.

Mr. BAUMAN. I have read the first section of the resolution which the gentleman just explained and I would like to ask this question: If section 1 becomes a part of rules of the House, taken together with the so-called "short quorum," is it not conceivable that the Chair would have discretion to avoid any recorded quorum call for up to 3 or 4 hours, other than the short quorum call? With only 10 Members present, once a quorum is established for the day, other absent Members could be assured by the Chairman of the Committee of the Whole: "Don't worry, folks, there won't be any more quorum calls for the rest of the afternoon. In my discretion I will take care of you for the rest of the day. You can go down to the country club or out on the golf course for the next 4 hours. There will be no quorum calls. You can go to the gym, if you like, because there won't be any recorded quorums."

Read together, that would be a distinct possibility, would it not?

Mr. SISK. No, not as I read the resolution, no possible way, because when we are in the Committee of the Whole House on the State of the Union, we are conducting business and a point of no quorum would lie at any point during any business discussions, and certainly at the time we are in the Committee of the Whole we are here for purposes of debate, which is business.

Mr. BAUMAN. Mr. Chairman, if the gentleman will yield further, under the rule change just explained, on page 2, line 23, it says:

> When the presence of a quorum is ascertained, a further point of order that a quorum is not present may not thereafter be made or entertained until additional business intervenes.

But that language, read together with the new "short quorum call" where only 100 Members would be needed and the Chair would have discretion to dispense with further proceedings, which now requires unanimous consent; in effect the Chair could insulate a Member from a recorded quorum call for as long as the Chair liked and the House remained in the Committee of the Whole.

Mr. SISK. I would totally disagree with my colleague, the gentleman from Maryland, in that instance. The short quorum call applies only in the Committee of the Whole and not in the House. We are at all times considered to be discussing business when we are in the Committee of the Whole House. Therefore, a point of order of no quorum would lie at any point.

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

Mr. SISK. Yes, I will, briefly.

Mr. WHITE. On page 3, section 2, it states:

> The last two sentences of clause 1 of Rule XX of the Rules of the House of Representatives are repealed.

As I read that portion of the repeal, it would obviate the new procedures that the House has experienced in the last 2 years of being able to vote on nongermane amendments to a bill placed by the Senate.

Mr. SISK. Well, I had hoped to comment briefly on that. That is purely a technical amendment. What we have done is to shift the matters dealing with nongermane amendments in conference reports exclusively to rule XXVIII. We are simply transferring that specific language in rule XX to rule XXVIII, and consolidating all the matters that are of concern in connection with the rules dealing with the handling of nongermane matters.

Mr. Chairman, let me quickly go through section 3, which deals with the matter of raising the number required for a recorded vote. As has been indicated, this is an area in which there is a broad difference of opinion. The present rule sets this at 20. Generally, many Members feel that it has worked quite well. On the other hand, there are many Members who feel that it has

created unnecessary record votes, that it has caused a delay in the proceedings of the House.

A resolution was introduced last summer to change the language, in essence, to require 44 Members to rise in order to get a recorded vote in the Committee of the Whole during consideration of legislation.

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

Mr. SISK. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, before we get off the point, I think so that we can understand what is going on, there might have been a time when a quorum call was a very essential part of the business of this House. It is not any more. I think there should be an automatic quorum call.

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

Mr. SISK. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, we know that many times a Member will say, or two Members will get together and say, "Let us have a quorum call so that we can go have something to eat."

Other times, I see 13 or 14 quorum calls because two Members dislike each other or dislike some issue on the floor. I have seen them come back and say, "I was on official business and they called for quorum calls while I was gone. Now, I am going to get even so that my record goes back up." It is being used to balance a Member's voting record, because at one time how a Member voted was important in Congress, but with the on-coming of the new kind of caretakers of the behavior in Congress, it is not how we vote any more, it is how many times.

So, we come in, on the days we are here, and we call quorum calls. No one knows the difference any more. I never saw any kind of a tablet or table sheet on how I voted in Congress. I was attacked during the last campaign because I was missing so many days. Evidently, what I was missing was a day when I missed a quorum call; yet, that same day I answered four roll calls.

In this situation, let us be honest and meet it head on. The required proper parliamentary procedure is to have a quorum call to establish a quorum in order that the House may be able to do business, and after that, a call of the House for the purpose of a vote itself will show the quorum present. Then, immediately a quorum call is called to establish and give an opportunity for Members to get to the floor. If they are not here, we send out the Sergeant at Arms to bring them in, but to have 18 quorum calls and 2 roll calls is not right.

Mr. Chairman, let me say there is not a Member in this room who can tend to the business of his constituents honestly and do it correctly without having some time during the day to meet people. We are now in every man's business all over the United States. We are in every avenue of business; we are in every kind of business. We are fixing sewers, we are fixing streets and everything else.

We are nothing but a glorified town council; that is all we are now. In that case, how can we devote the hours we do to silly quorum calls because somebody wants to have a drink or have lunch or has an appointment in his office and puts us all to disadvantage by calling a quorum call while he is on the floor so that everybody has to leave the work they are doing?

I think there are more important things to do, so let us start counting the votes on this floor instead of calling quorum calls.

Mr. SISK. Mr. Chairman, I thank my colleague for his comments.

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

Mr. SISK. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, I want to commend the gentleman for yielding to me, and I want to commend the gentleman from Pennsylvania for his speech. However, I do not want him to be misled that this resolution, if it passes, is going to correct the things he has alluded to, because in very few instances spelled out in this bill is he going to be able to do without that quorum call he referred to. By and large, this is not going to correct the situation to which he has alluded.

Mr. DENT. Mr. Chairman, I agree with the gentleman, but this is at least an opening to try to make Members of this Congress recognize that there is something in this world besides our just having a good record of having been here 99 times out of a hundred, and out of the 99 times a Member answered 72 quorum calls. A Member does not have to be elected to answer quorum calls; he can stand out in some backyard someplace and holler, "aye."

Mr. SISK. Mr. Chairman, I shall proceed, because I believe I am running out of time.

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

Mr. SISK. I yield briefly to my colleague, the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I thank the gentleman very much for yielding.

I agree wholeheartedly with my friend, the gentleman from Pennsylvania.

Taking my own committee—and I am sure this is true of many—last year we had some 93 meetings of our committees in the afternoon, and I find that it is very senseless to go chasing from a committee meeting to answer a nonsensical quorum call. One has to come back here, leave witnesses who have come to Washington to testify, or perhaps one is in the process of marking up legislation, and we have to simply come over here, push a card in the rack, and then we have to go back to the committee meeting.

If some Member can tell me the sense of that, I will stand corrected.

Mr. SISK. Mr. Chairman, I appreciate the comments of my colleagues from Illinois.

Mr. Chairman, because of the interest of the Members and the comments of my colleague, the gentleman from Mississippi, I want to reiterate the history of the matter of changing the number of Members to stand for a recorded vote.

The proposal for 44 was introduced, and the subcommittee did consider it. After a good deal of give and take, the committee came out with a recommendation for 33.

There was still a substantial number of Members who were not satisfied with this compromise. In fact, it did not satisfy those who sought the figure of 44; it did not make those happy who wanted to stay with the figure of 20.

After a good deal of give and take, and in order to attempt to meet the serious abuses—if "abuses" we might call them—we decided this is a question which rests with each Member. But let me cite, for example, a situation on the energy bill which was considered last December. We were here in the late evening, with some 300 or 400 Members either present on the floor or in the cloakroom or in the lobby, trying to finish our work. We would, in that situation, under the compromise, require 40 Members to demand a recorded vote. In other words, any Member rising and noting the presence of 200 or more Members then would double the number required to demand a recorded vote.

Mr. Chairman, basically what we are seeking to do here is to meet those unusual occurrences that probably represent less than 5 percent of the number of bills that we consider. This is a compromise. I realize, as I will say to my colleague, the gentleman from Mississippi, that it does not satisfy everyone. I was one of those who supported a higher number standing. However, in checking on abuses, if we want to use that term, concerning the number of quorum calls and the number of rollcalls and the number of record votes, in fact the subcommittee came to the conclusion that really there are many more recorded votes brought about by virtue of one Member rising in the House and making a point of order against a vote on the grounds that a quorum is not present than there are brought about under the procedures in the Committee of the Whole by virtue of 20 Members standing.

In trying to evaluate this, as we did in making a study of what the record showed, we came to the conclusion that this would be a reasonable approach to the problem.

This section will be open for amendment, and certainly will be up to the wisdom of the Members of the House to make a determination. I understand that amendments will be offered to this, and certainly as far as I am concerned, I will bow to the will of the House in that connection.

Mr. Chairman, section 4 permits the Chairman of the Committee of the Whole to end a quorum call as soon as 100 or more Members appear. Names would not be published in the RECORD under this procedure.

Our subcommittee, frankly, took a page from the book of the other body. The Members may or may not agree with this. Very frankly, it again is a method of attempting to expedite the work of the House during proceedings in the Committee of the Whole.

I recognize there are differences of opinion, and this is up to the Members, according to their wisdom, whether they

wish to try this. I think it basically is a trial program. What we do here today we can undo tomorrow.

Essentially, I want to make it clear that this is up to the discretion of the Chairman of the Committee of the Whole House on the State of the Union. Upon the making of a point of order that no quorum is present, if the Chairman of the Committee of the Whole decides it will be what in essence might be called a short quorum or a notice quorum, the proper signal will be sounded. The minute the number reaches 100 on the recording device, he will dispense with further proceedings and vacate the proceedings so that there will not be a list of the Members in the proceeding and there will not be a matter of the Speaker of the House having to come in and take the notification from the Chairman of the Committee of the Whole and then the Chairman coming back in. We will go right back into debate. That is the intent of the committee leaving it up to the discretion of the Chairman.

Mr. BAUMAN. Will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. BAUMAN. As I understand it, in the other body when a quorum call concludes, the motion is made to rescind or dispense with further proceedings. In this body it is the current practice by unanimous consent to dispense with further proceedings, and any Member can object to that and a motion then can be offered. In the situation that the gentleman from California describes and to which I addressed my earlier questions, I have a fear which I wish to mention. There is nothing to prevent a Chairman of the Committee of the Whole being instructed by the leadership to keep from having recorded quorum calls and then Members could leave for the afternoon and for the rest of that time in the Committee of the Whole during general debate and on amendments the Chairman would exercise that discretion without any limit and there would be no recorded quorum calls for a period of up to 1, 2, 3, or 4 hours or whatever the rule allots in the way of time. During that entire period of time 100 Members can conduct the business of the Committee of the Whole and all of the rest of the Members can have the assurance that they can stay away for that entire period of time.

Mr. SISK. Let me say to my friend from Maryland that that is exactly according to the rules today; 100 Members can conduct the business of the House during the time that we are in the Committee of the Whole. That is why it was provided for a Committee of the Whole originally by our Founding Fathers, and there is a very specific reason for it. The reason why they originally set up using a teller where you were never on record was that they did not want to be on record, because it was a carryover from the House of Commons in England where they wanted to keep the king from knowing what they were doing. In this country it was the practice that you could debate and proceed without the necessity of having 218 Members, because 100 Members provided a quorum. So there is no change in that as far as the rules are concerned.

The CHAIRMAN. The time of the gentleman has expired. The gentleman has consumed 28 minutes.

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

I would appreciate it if I could briefly run through the balance of this, and then we will be glad at a later time to answer any questions. I do not desire to cut off anyone, but I would like briefly to finish up the brief summary of what I have here.

Mr. HOLIFIELD. Will the gentleman yield for just one moment?

Mr. SISK. Just briefly. I do not want to use up all of the time.

Mr. HOLIFIELD. This is not a question with relation to the rule, but I want to know if I will have an opportunity to ask the gentleman a question at a later time?

Mr. SISK. Yes.

Mr. HOLIFIELD. I do not want to take away from other members of the committee if they want to speak.

Mr. SISK. I appreciate that. I have now used up about half of the time that I have, and I do not want to cut off anybody because I realize the interest of Members in this matter. I appreciate it.

Let me run through it briefly, and then I will yield myself such additional time as is necessary to answer any questions.

Mr. Chairman, section 6 extends the present procedure permitting separate debate and votes on nongermane Senate amendments to nongermane matter that first, originally appeared in a Senate bill; or second, was not included in the House-passed version of that bill; or third, appeared again in conference report.

This is, of course, a further attempt to make absolutely certain that with regard to any nongermane material placed on legislation by the other body or developed in a conference the Members of the House will have a right, if they desire to make a point of order on it, to debate it and to vote on it.

We have been through this and have been up and down the hill on it for 4 or 5 years. Hopefully, the new language that the committee adopted will make it absolutely clear.

Section 6 further extends the procedure for dealing with nongermane Senate amendments to permit separate debate and votes on nongermane matter on Senate amendments reported in disagreement by a conference committee.

This will cover motions to recede and concur in Senate amendments, and motions to recede and concur with an amendment.

Finally, assuming the House sees fit to pass this resolution, the provisions of it will become effective within 30 days of its enactment.

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

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

Mr. TREEN. Mr. Chairman, on the so-called short quorum calls I understand that when 100 Members appear, then the Chairman in his discretion can announce that a quorum is present, and that he is suspending further procedure under the quorum. I would ask the gentleman from California what is the incentive for a Member to come to the floor? The gentleman indicated that there will be a certain signal to indicate what type of a call it is. If a Member is in his office for some reason, or for reasons that the Member considers to be good and valid reasons, then what is the incentive for that Member to come over here if it is not going to be published, or become a part of his record in responding to such a call?

I am not opposed to the rule, and I am inclined to be for it, but I am wondering what is the incentive to come in here. And then, after 15 minutes has expired, and if you still do not have 100, what is the procedure?

Mr. SISK. There would be a further procedure of bells that would be rung, indicating that there would be a recorded quorum.

In fact, let me say very frankly, as I said earlier, that this is experimental. I am not sure how it is going to work. I cannot be the conscience or read the conscience of any single Member.

But generally we felt that at almost any given time there are within a minute or two of this floor 100 Members during the consideration of general debate. They are either in the Speaker's lobby, in the cloakroom, downstairs in the restaurant, and so on. In other words, during the discussion by the committee—and I might say that we had rather lengthy discussions by the subcommittee on this—it was decided to try again, so as to expedite the work of the House, this suggestion. If in fact it does not work, then, of course, I am sure that we will change it. For instance, if it does not work out the way we hope it will, or in the event we find that it is too much of a problem, then the Committee on Rules can come out with another rule to change it. But, as I say, it is an attempt to proceed as expeditiously as possible. It is up to the Members, of course, and it depends on where the Member is. If he has some of his constituents in his office, and he is dealing with a problem, then many times I think it is more important to remain there than to come to a quorum call. I believe that I would do so. I would stay there and work, just as I am sure my colleague would.

These are areas in which we are trying to create more flexibility. I do not know how this will work out, but I hope it will.

Mr. TREEN. I thank the gentleman.

Mr. SISK. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. HAYS) for the purpose of speaking out of order.

(By unanimous consent, Mr. HAYS was allowed to speak out of order.)

BUNDESTAG'S NOT STAG AT THE TOP

Mr. HAYS. Mr. Chairman, those Members who have had a chance to see the Washington Star-News today would have perhaps noticed an article on the front page of the B section where the headline says, "Bundestag's Not Stag at the Top."

The reason for that is that the President of the German Bundestag, the House of Representatives, if you will, of Germany, is present here in the United States as a guest of the Speaker of this House, and the President of the Bundestag happens to be a woman.

I am sure that when she saw this headline this morning she was a little puzzled, and could not quite figure it out. I think that somebody has since explained it to her.

As I say, she is here on an official visit, the first of its kind in the history of the two nations. She is here, as I said, at the invitation of the Speaker of the House, and a group of us have been meeting with a group of German parliamentarians at intervals in the past 2 days.

While you are all aware of the rules of the House, as I am, which state that it is forbidden to mention anybody being in the Gallery, but, if it were permitted, I would tell the Members that Mrs. Annamarie Renger and her party of Members of the Bundestag are in the Diplomatic Gallery at the moment, but, of course, I cannot tell you that.

But, Mr. Chairman, we are very pleased to have these distinguished Germans here.

They have asked many questions during the meeting about how we conduct our business here, and they know, at the moment, I am sure, from the interpreter telling them, that we are now in the Committee of the Whole House on the State of the Union, and that was explained to them this morning.

We hope that visits of this kind of members of the German Parliament can become more frequent occasions where they can come here and meet with Members of Congress and discuss important problems that face both of our nations.

One of the things that we have talked about in the meetings that we have had the past 2 days is the energy crisis, and how we can better communicate with each other, how we can better let them understand our position and they can let us understand theirs. The discussions have been rewarding, I think, and very frank and very candid. We have not always agreed, but we can understand our disagreements better, I think, and perhaps work toward some solutions.

I should just like to say in conclusion—and I do not mean to interrupt the work of the House very long—that I took some years ago a Member of this body on a mission to the North Atlantic Assembly as a delegate or as an alternate—I forget which. The gentleman had never before been out of the United States. On the plane on the way back he said, "You know something, it was amazing to me that those people have problems just like we do."

Of course, that is an amazing thing. The Bundestag has its problems, and the Members of the Bundestag have problems exactly as we do. The Members of the British Parliament, the Members of the French Chamber of Deputies face problems as we do. As long as we are in alliance with the free world, I think it behooves us to try to understand each other's problems better and to realize that the members of those bodies are people like us who are elected by their constituents to try to do the best that they can for their constituents, and who have an increasingly heavy burden on the international front.

I am sure all of the Members join with me in welcoming Mrs. Renger and her colleagues here.

I might tell the Members finally that in the German scheme of things, the President of the Bundestag is the second ranking political person in the Federal Republic of Germany. So we are, indeed, honored to have her as a guest.

Mr. SISK. Mr. Chairman, I yield myself 5 minutes, and I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. I thank the gentleman for yielding.

I have studied this matter considerably, and it has been a matter that has concerned me as well as other Members of the House. Many of us have had to deal with parliamentary situations in the House, which in our opinion were dilatory and obstructive in many cases, not by motive necessarily but by the effect upon the business of the House which had been caused by the procedures of the House, which were entirely, of course, in order under the rules of the House.

I believe this whole matter is a matter that moves us toward expedition in the handling of the business of the House. I have been here 32 years, and I have often chafed at the procedures of the House which unnecessarily took time—which was unnecessary—from the Members of the House in the pursuit of their duties either in committees that were meeting at the time or in the work of their own offices where they had important people from their districts and from the Nation, as a matter of fact, to confer with.

I just want to commend the committee, on particularly several points here in this resolution brought before us. The expedition of quorum calls I think is very important. Just recently I handled the Federal energy bill in the House, and there were several quorum calls. Those quorum calls were made under the rules of the House in perfect order, but what happened was every Member of the House was called to the floor regardless of what he was doing, and he immediately stuck his card in the slot and registered his presence here and went back to whatever he was doing.

At the conclusion of the rollcall I counted in one instance 38 people on the floor and in another instance 53 people on the floor. That shows the effectiveness of the quorum call to get people here. The people who come and register do it as a matter of duty to keep their record clear but most of them do not stay on the floor.

The important thing is I think to get people on the floor who will stay here. If they will not stay here there is no use in interrupting their duties in the committees, and some committees do meet while the House is in session, or interrupting them if they have other business to take care of. I think that is a very good point.

I want to pass over the other matters which I am in complete agreement with such as the grouping of votes on suspension days at a certain period of time. This is a matter which gives the Members the right to say "yes" or "no" on any matter that is on suspension but it gives them specific time to do it. I think that is very good.

In particular I want to deal with the nongermane problem. Recently I had a bill on the floor which was a simple amendment to a reorganization plan which was to save the integrity and organization of the border patrol people who are working on both the Canadian border and the Mexican border to keep illegal immigrants out. This particular reorganization plan would have damaged that situation. So with the agreement of the administration we had a simple amendment that would have cured the defect which they admitted and our committee admitted was in the plan. The amendment to the Reorganization Plan No. 2 went over to the Senate where they placed on it the so-called anti-no-knock provision, which stemmed from the incidents that occurred in Collinsville, Ill. When that bill came back to the House, the amendment was nongermane.

I was placed as manager of the bill and chairman of the Committee on Government Operations in an embarrassing position. First I had to take the bill from the desk under unanimous consent. I was informed by several Members I could not get that. Then I conferred with members of the Rules Committee and they were loath to give a rule. I was ideologically in tune with the Rules Committee on it because I too deplored this procedure of placing nongermane amendments on legislation which we send to the other body.

So the Rules Committee was loath to give a rule and I would not press it because I was ideologically in tune with them.

This left me with the only recourse to save the civil servants who were members of the border patrol, of taking the floor. This required of course 40 minutes of debate, with 20 minutes on each side, and a two-thirds vote of the House was required on the matter after such short debate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISK. I yield 1 additional minute to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I took that chance because it was the way I could bring that bill back before the body and get action on it. Fortunately the body acquiesced in the position we took that the border patrol was worth saving. We got about a 4-to-1 vote on the bill in our favor. But I took the chance of getting the two-thirds or of losing a very important piece of legislation. It required a two-thirds majority.

So I think this nongermane solution here is certainly worth a trial. I do not know whether it will work or not, as my friend (Mr. SISK), the gentleman from California has said, but certainly I think we should try it.

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

Mr. Chairman, I endorse this resolution even though there are various sections which I do not agree with com-

pletely, but rather than plow the same ground that has already been covered and very adequately so by the gentleman from California (Mr. SISK) I will merely point out a couple of items which I believe have not been sufficiently covered.

I favor this resolution because I believe it will expedite, in some small way the conducting of the business of this House.

I believe that section 1, rather than giving us the changes we all desire, it gives an illusion of change. It has already been alluded to by various Members that we have not had a quorum call during the prayer; but lo and behold, we point this out as one of the changes.

We have not had a quorum call during the administration of any oath.

We have not had a quorum call since I have been here during the reading of a message from the President.

Motions incident to the call of the House, we have not had a quorum call during such motions; so we give an illusion of change and really no change at all.

Also under section 1, a quorum is not required for the Committee of the Whole to rise. Well, that really is not significant. Once a quorum is established, this section would prohibit a quorum call—

(1) during the reading of the Journal.

As we know, under the procedures that we now follow, the Speaker at the beginning of any session just announces that he has read the Journal and finds it in order and with no objections being entered, it is considered approved.

(2) during the period after a Committee of the Whole has risen after completing its consideration of a bill or resolution and before the chairman of the committee has reported the bill or resolution back to the House;

No point of no quorum can be offered.

Special orders—I think this is important, that we will have no quorum calls during special orders. I think of all the things I have alluded to, this is the most important change. I think it is absolutely ridiculous for any Member during special orders to call the membership of this House to answer a quorum call.

Once a quorum is established, a further point of order of no quorum may not be made until additional business intervenes. Well, this really is not too significant, as it has already been pointed out that if one Member says one word or refers to anything at all, this is considered business and we could have another quorum call. So much for section 1.

Section 3 has already been alluded to by various Members. It provides that in order to get a recorded vote in the Committee of the Whole, a request for a recorded vote must be supported by 20 Members; however, if the Chair is requested to count and if there are more than 200 Members present on the floor, the request for a recorded vote must be supported by 40 Members. This would be applicable only in the Committee of the Whole, where we need only 100 to constitute a quorum. Here it is proposed if we have double the number needed to constitute a quorum, then, in his discretion the Chairman can rule we need 40 Members. This gives an illusion of change.

I might say, as I indicated when we were discussing the rule, that the chairman of the Committee on Rules offered a resolution early in the session to make it necessary for 44 to stand for a recorded vote.

Well, this proposal was kicked around inside and outside the Congress for some time and finally it was decided the majority should support 33. If we are going to make a change to attempt to end dilatory tactics sometimes used in this House and alluded to by the gentleman from Pennsylvania, we should do so openly and not give the illusion of change. The proposed rule change in this resolution will not bring an end to these attempts to frustrate the will of the House.

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

Mr. LATTA. I yield to the gentleman from Idaho.

Mr. SYMMS. There has been, of course, reference to the energy legislation debate on the eve before Christmas because of the so-called dilatory tactics of some Members of the House that stood up and demanded recorded votes on numerous amendments.

Would the gentleman consider that was a net good or bad?

Mr. LATTA. Certainly whenever dilatory tactics are used, I think they are bad, per se. The question is, When are they dilatory and when are they not dilatory tactics? I think it is a matter of opinion.

Mr. SYMMS. Mr. Chairman, if the gentleman will yield further, I am just saying that somehow we got through without getting this bill signed into law because of additional amendments that were added on before the votes that were required, and now it is over to the first part of April and everybody realizes that somehow we are going to get through the energy crisis without this magnificent piece of legislation. I think had it not been for the number of 20, those tactics would not have been able to have been used, because in many votes we only had 21 Members standing to force the vote on certain amendments. Therefore, the net gain, will the gentleman from Ohio not agree, is that this will make it easier to ram through legislation in this House?

Mr. LATTA. Mr. Chairman, I do not think the changes proposed will make it any easier. What I am attempting to point out is that they are really not significant changes at all. If we are going to make any changes, we ought to make them and not give the illusion. Let's not make rules changes which will serve no useful purpose.

Mr. SYMMS. Mr. Chairman, would the gentleman say that 40 Members standing is twice as significant as having 20 Members standing?

Mr. LATTA. The resolution provides that the Chairman, if he counts 200 Members in the Committee of the Whole, where we need only 100 to constitute a quorum, he can require 40 rather than 20 to stand for a recorded vote.

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

Mr. LATTA. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, the gentleman from Ohio knows what will happen in the situation if this new rule is adopted. A quorum call will be put on, more than 200 Members will be assembled; the word will be passed around by the leadership, "Stay on the floor." Then if someone wants a recorded vote on an issue such as a congressional pay raise, for example, everybody will stay on the floor. So, by this rules change a determined majority will be able to avoid votes on particular questions, and that is wrong.

The gentleman from Iowa many times has stood up and made the point of order of no quorum and brought on a rollcall vote. Under this proposed rule, Members who stay on the floor will vote one way by voice vote unless a rollcall comes along, and then they reverse themselves when they have to go on the record.

The rule which the gentleman is supporting, in my opinion, hurts the minority in this situation and will prevent a no rollcall when the American people should have a right to know.

Mr. LATTA. Mr. Chairman, I hope I did not hear the gentleman correctly. Did the gentleman say that I did support it? I was trying to point out that I do not support each and every change proposed by the resolution:

Mr. BAUMAN. Mr. Chairman, I heard the gentleman say he was going to vote for the resolution. If he votes for it, and it passes, this change will occur.

Mr. LATTA. Mr. Chairman, section 3 is open for amendment, and I understand an amendment will be offered to it.

Mr. Chairman, section 4 would permit the Chairman of the Committee of the Whole House to end a quorum call as soon as 100 or more Members show up. The names of absentee Members would not be published in the RECORD when this procedure is invoked.

I might say there are many Members—I see one of them standing right now—who have perfect attendance records in this House. I do not believe the gentleman from Ohio (Mr. MILLER) has missed a single rollcall since he has been here. These Members would not be credited, on the record, for their presence when a quorum is washed out for all practical purposes. Those Members failing to show up would not be penalized on the record for their absences.

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

Mr. LATTA. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. MILLER. Mr. Chairman, I understood that during debate on the rule for House Resolution 998, it was stated that under the proposed rules the names of the Members who did not answer a quorum call would not be published in the RECORD.

My question is whether that ruling is in section 1 and we would disregard completely publishing the names of those who did not answer the quorum call.

Mr. LATTA. Mr. Chairman, this would be under the Committee of the Whole House. It would have to be under the Committee of the Whole House.

Mr. MILLER. Part of the time, Members could be absent and still not have their names published in the CONGRESSIONAL RECORD as not answering a quorum call; is that correct?

Mr. LATTA. As long as 100 Members show up. As soon as the Chairman of the Committee of the Whole House would establish that 100 Members have answered to their names he could terminate the call.

Mr. MILLER. So the RECORD would not show who was absent.

Mr. LATTA. Mr. Chairman, the absentees would not be known to their constituents, and a Member, like my colleague, the gentleman from Ohio, would not get credit for being here. I think this is wrong. I think the Members who are here should get credit for being here, and those who are absent should have their names known to their constituents.

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

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

Mr. MILLER. Mr. Chairman, will the gentleman tell us what the thinking was behind this, as to why the names would not be published, or why, after 100 Members answered the rollcall, it would not be necessary to continue so that the names could be published?

Mr. LATTA. There is only one answer to that question, and that is to expedite the proceedings of the House.

Mr. MILLER. Mr. Chairman, at a time when we have many, many people requesting that we do not close committee meetings and that we give the complete record and the details as to what goes on in the House, it appears to me that we are about-facing if we start to work in secrecy.

Mr. LATTA. Mr Chairman, I thank the gentleman for his comments.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

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

Mr. DEL CLAWSON. Mr. Chairman, in direct response to the question as to whether or not the names would be put on the record only on the short quorum, it would be only on the short quorum. In the full quorum, where an entire quorum is established in the House, the names of absent Members would be placed in the RECORD.

Mr. LATTA. The gentleman is correct.

Mr. DEL CLAWSON. So there is no secrecy at all concerning this. It is one way or the other. The names of those Members who attend would not be in the RECORD either. All that is done is to simply establish whether a quorum is present. That is all that would be established. Once we establish a quorum, then we can go on and conduct our business.

Mr. LATTA. Mr. Chairman, I will have to disagree with my friend, the gentleman from California. There is secrecy involved as the people would not know who is here and who is not.

Mr. MILLER. Mr. Chairman, if the gentleman will yield, that is exactly what I have in mind. As of now, the names of those Members who do not answer the quorum call are published in the CONGRESSIONAL RECORD. However, after this bill would be approved, if it is, then I am sure the constituents in the 435 districts will never know whether their Congressman was here working or not.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield further?

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

Mr. DEL CLAWSON. Mr. Chairman, in connection with what the gentleman has just indicated, how many of the Members stay on the floor after they have answered a quorum? Very few. They walk out of the House, and there is no indication that they have left after answering the call. Their names are not revealed on the record.

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

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

Mr. HOLIFIELD. Mr. Chairman, I agree with my friend, the gentleman from California.

I just heard recounted a few minutes ago the fact that in handling a piece of legislation last week two quorum calls were called. I think they were useless, because immediately upon reconvening we had 387 Members who answered the quorum call, and they left immediately before the quorum call was finished. There were only, in one instance, 38 Members on the floor, and in another instance, 57 Members.

So, concerning the remarks of the gentleman from Ohio (Mr. LATTA) about who is here and who is not here, it is a farce. When we have a quorum call and 387 Members answer the quorum call, it conveys the impression that they are here on the floor doing business, and yet they immediately turn around and go to their offices and there are only 38 Members or 57 Members, for example, who stay on the floor and conduct the business.

So it is a phony evidence of participation in the proceedings of the House.

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

Mr. LATTA. Mr. Chairman, before I yield to the gentleman, I would just like to comment on what the gentleman from California said.

I do not think it is a phony matter or a farce. I think it lets the people back home know at least which Members are in Washington, and when that quorum call is made, they are answering to their names on the floor as they should be.

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

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

Mr. GROSS. Mr. Chairman, it seems to me that what we are asked to do here today is write the rules and bylaws for the establishment of some kind of a club. I do not know whether we should call this a "Gymnasium Club" or a "Republican Club" or a "Democratic Club." In other words, apparently Members would be able to stay in a sauna bath, steam bath, or on the handball court or in the gymnasium until they find out whether there are a hundred Members on the House floor.

They can stay over in the Republican or Democratic Club or on a nearby golf course, if it is close enough. I do not get a chance to indulge in the game of golf and I do not know the proximity of the nearest golf course, but it seems to me what we are doing here today, in effect, is writing the rules and bylaws for some kind of a club. Are we trying to emulate another body that is close by, or just what are we trying to do with this kind of foolishness?

Mr. LATTA. Let me say to the gentleman I am sure he was listening to the explanation made by the distinguished gentleman from California (Mr. SISK) when he pointed out that there are some vitally important matters being dealt with, for example, section 6, which permits separate debate on nongermane matters, and so forth. I am sure the gentleman from Iowa is interested in this section, which is a very valuable section.

Mr. BELL. Will the gentleman yield?

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

Mr. BELL. Mr. Chairman, I want to commend the gentleman from California (Mr. SISK) and the gentleman in the well (Mr. LATTA) for supporting this legislation.

I think what we are doing here today is very, very vital, although I appreciate in the long run we are not accomplishing what we want to do. However, we have some things that we are trying to accomplish here today in order to make this Congress look more responsible and responsive.

We have such things as the budget reform coming up which the Senate and the House passed. Can you imagine the time that we will lose in having quorum calls while we are trying to pass such things as that and other matters that are coming up, with the constant quorum calls that may be facing us in those instances?

I agree that what we are trying to do here will not solve all of the problems, but these are important things and I believe we are moving in the right direction. We are taking a step, perhaps a giant step, in the direction of making this House more responsible by this act.

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

Mr. GROSS. If the gentleman will yield further, does the gentleman think for 1 minute, if we adopt the rules changes which are proposed here today, it will raise the low rating in the polls of Members of Congress.

Mr. BELL. Will the gentleman yield?

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

Mr. BELL. Of course, I am not saying that it will raise our rating, but let me point out I think I have read in the news media about the criticism of Congress and the fact that there are some dilatory and delaying tactics which have placed us low on the totem pole of popularity. Part of the reason for that is the delay and the waste of time in getting legislation through. To that extent we will be improving our image.

Mr. LATTA. I want to say I could not agree with the gentleman more that we

want to get away from these dilatory tactics.

Mr. DENNIS. Will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from Indiana.

Mr. DENNIS. I do not know for sure what the amendment that will be offered to section 3 will be, but I have heard that it may be an amendment to increase the number of those who would have to stand in order to get a recorded vote on an amendment in the Committee of the Whole. If that be true, let me say I sincerely hope that any such amendment will be defeated.

I have been up here now for only 5½ years, but I think, as far as I am concerned, the only meaningful reform I have seen take place since I have been here is the reform which made it possible to get a recorded vote on amendments.

The reason for that, of course, is that many, many times the amendment is far more important than the bill. We all know that. I thought—and I still think—that it was a crying shame we were able to adopt those vital amendments without going on record before our constituents. That change we accomplished, and personally I am sorry to see it go back at all. I wish we could keep it at the 20 Members voting for it. I think that would be a more responsible thing to do. But I certainly do not want to increase it any, and I would oppose such an amendment.

Now, while I am on my feet, Mr. Chairman, if the gentleman will pardon me for another moment, there is another item in this resolution I would like to speak to, with regard to this proposed rule, which gives me considerable reservation, and that is the proposal to enable the Chairman to put all votes on suspensions in one batch at the end of the day.

Suspensions ought to be used, in my humble opinion, for more or less noncontroversial measures, but as a matter of fact we have been using them, in my judgment, more and more for important legislation. I think that the consideration given such measures is going to be materially reduced, and that the "pushing it through" syndrome is going to be materially increased by putting what little debate there is on suspensions down at the end of the list, all in one batch, where those few Members who have bothered to be on the floor at all will have forgotten what the debate brought forth concerning these measures. I think that it is a backward step.

Mr. LATTA. Let me say to the gentleman from Indiana that it is the votes that would be put over. I understood the gentleman to say that they were going to put the debate off, but I think the gentleman means taking the votes.

Mr. DENNIS. The votes, that is right. But I believe that the vote should follow the debate while somebody still remembers what, if anything, was developed concerning the legislation during the debate.

My objections to all these changes, and my objection to the whole procedure which we are going back to, mildly, on the matter of amendments, is that we should have the debate, and we should have people on the floor during that debate. I know that office work, and serving one's constituents, is important, but I still think that I take a certain amount of pride in being a U.S. Congressman, and I think we all ought to be more than just glorified errand boys, and we should spend time here on the floor during debate before we vote.

Mr. LATTA. All we would be doing is putting off the vote until the end of the legislative day, then we would have the votes all at once, and then, at that time, the Speaker could reduce the voting time to 5 minutes, so as to expedite the proceedings of the House.

I would hope that the Members are not so absentminded that they would forget the debate which took place earlier in the day and for that reason, would not be in a position to vote later that same day.

Mr. SYMMS. Mr. Chairman, if the gentleman would yield, are we not going to make it easier for the people who are members of the Tuesday-to-Thursday Club to fly in and make it possible for them to vote on the measures?

Mr. DEL CLAWSON. Mr. Chairman, if the gentleman will yield, all we are doing is saving the vote until after the debate has taken its full course during the consideration of the Suspension Calendar. In my opinion this would not decrease or increase the number of people on the floor at all, but I believe it may make them a little more responsible in their voting at the end of the day, because then they will have to be prepared to know what they are going to do within 5 minutes instead of 15 minutes. They will not be able to take a long time running around to see how some people feel on the measure, or find someone and ask what is in the bill. So I think it will probably result in better attendance rather than smaller attendance.

Mr. BAUMAN. Mr. Chairman, if the gentleman will yield, I would say to my good friend, the gentleman from California (Mr. DEL CLAWSON) that the converse is also possibly true; that with only 5 minutes for a rollcall it may very well be that there will be much more running around, trying to find out, "What's this bill do?" I am sure all of the Members have heard that phrase, "What's this bill do?" So that there may well be a lot more minutes.

Mr. DEL CLAWSON. Mr. Chairman, if the gentleman will yield still further, let me say that I do not believe you would have time in 5 minutes to run all over the House, as you now do in 15 minutes.

Mr. LATTA. Mr. Chairman, I reserve the balance of my time.

Mr. SISK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I appreciate the comments and the views of my colleagues in connection with the matters that are here before us. And, quite frankly, I tried to say in the initial discussion that I realize that these are not perfect amendments, and they may not work perfectly. But, again, it is our hope that we can improve the procedures of the House and enable us to do a better job, and in a shorter period of time.

I do not desire, and I doubt seriously if any member of our committee desires, to be the conscience of any Member of this House. Whether or not a Member shows up on the short quorum is going to be on his own conscience. Very frankly, Members of Congress have diversified duties, and I think there is no higher duty than much of the work that we have to perform in our offices.

I am certain that none of us give any more care to any subject than we do to working on problems, for example, for our constituents, from time to time, when we are in meetings with them. It is because of the increased diversification of our duties and our needs in order to serve this country and to serve our constituents that, frankly, we are considering some of these changes. As I said, certainly they are not perfect. I think we are taking only a very small step, but when we deal with the interests of each of us, it is difficult.

As I say, I would hope that we might be able to proceed and at least try these particular procedures. If they do not work, of course, it is in the discretion of the Speaker or the Chairman of the Committee of the Whole, and they certainly will be dispensed with, or the committee will change the rules.

Mr. Chairman, at this time I should like to yield 2 minutes to the gentleman from Florida (Mr. PEPPER).

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

I just wanted to observe that, in view of the incident which happened just a bit ago calling attention to the rule which does not permit recognition in the House of anyone who may be in the gallery. By a clever circumvention of the rule, the distinguished gentleman from Ohio (Mr. HAYS) was able to introduce from the gallery the President of the German Bundestag who was in our gallery. I am sorry that I and the members of the Committee on Rules, and the members of the subcommittee, when we were working on the pending amendments for the rules did not think about it. I hope our Committee on Rules will think in the future about varying that rule to permit recognition of distinguished visitors in the gallery on appropriate occasions.

If we want to condition such introductions upon the approval of the Speaker, of course, that would be all right. We ought not to have the rule that we cannot recognize the presence of distinguished visitors in the gallery.

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

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

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I want to join the gentleman from California and others in regard to some of these rule changes. Some accusations have been made here about the short quorum, that it would foster secrecy or whatever they are talking about in secrecy, not knowing who is here or who is not here.

Once a quorum is established in a day, that should be sufficient for the rest of

the day. I serve on the Committee on Appropriations. I serve on three subcommittees. I should not be here now, but I am interested in this bill. Most of our hearings are held over in the Rayburn Building, and we get these quorum calls because somebody wants to go to the gym. They want to break up a committee meeting so someone calls a quorum, or they want to get somebody over here on the floor to hear somebody speak, and they call a quorum. All of the time we are over there we have very important witnesses, the Secretary of Defense, the Secretary of State, the other Cabinet members, Under Secretaries, all of these supportive witnesses, heads of agencies and we have to leave them there and say, "We have got a quorum call; we will be right back." It is eating up valuable time of Members of Congress who are dedicated and want to do a job and who want to get that massive budget out here on the floor of the House and eats up valuable time. But yet the work is for the witnesses continually interrupted by asinine quorum calls.

I believe the section dealing with quorums has a great deal of merit and I support it.

Mr. SISK. I thank my colleague, the gentleman from Massachusetts.

Mr. LATTA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I appreciate the remarks of the gentleman from Massachusetts very much.

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

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of House Resolution 998 which would make certain changes in the House rules. This legislation had its origin in two identical resolutions introduced back on June 28 of 1973—resolutions which would have changed the seconding requirement for recorded teller votes in the Committee of the Whole from the present one-fifth of a quorum or 20 Members, to one-fifth of a quorum of the House or 44 Members. Our Rules Committee held initial hearings on these resolutions on July 11, 17, and 26 of last year, and, because the proposal involved considerable controversy, we decided to appoint an ad hoc subcommittee, headed by the gentleman from California (Mr. SISK), to further study this and related matters.

I wish to commend the gentleman from California (Mr. SISK) and his subcommittee on the long hours and hard work they put into these difficult and controversial matters, and on their fairness and openness in dealing with various conflicting views which were presented. I think it is a tribute to the work of the subcommittee that the full Rules Committee made only two major changes in the resolution reported by the subcommittee—one to eliminate the ban on cosponsorship of bills, and the other to change the recorded teller vote seconding requirement. I am proud to associate myself with the work of the subcommittee as one of the 12 committee cosponsors of this resolution.

Mr. Chairman, House Resolution 998 essentially makes six changes in the rules of the House, two dealing with nongermane Senate amendments, two dealing with quorum calls, one relating to recorded teller votes, and one relating to deferring votes on suspension bills.

Section 1 of the resolution places limitations on when points of no-quorum can be made. The committee has noted that there has been a 55-percent increase in the number of quorum calls over the last 3 years, some of which have been of a dilatory and frivolous nature. While section 1 does not drastically limit the times when a quorum may be requested, it does help to insure against points of no-quorum at certain times when the House is not considering legislative business. These include: before or during the daily prayer; during administration of the oath of office; during the reception of messages from the President of the Senate; in connection with motions incidental to the House; and against a vote in which a Committee of the Whole agrees to rise. In addition, if a quorum has been established at least once on any day, further points of no-quorum would be prohibited during the reading of the journal, between the time the Committee of the Whole rises and the Chairman reports, and during a special order.

Section 4 of the resolution also deals with quorum calls and would permit the Chairman of the Committee of the Whole to suspend a quorum call once he determines that a bare minimum quorum, or 100 Members, has been established. Under such a short quorum, the Committee would not rise and the names of Members would not be published.

Section 5 of the bill would permit the Speaker the discretion to postpone votes on suspension bills until the end of the day. The deferred votes would be taken after debate is concluded on all suspension motions scheduled for that legislative day, and, after the first vote is taken, the Speaker may reduce to as little as 5 minutes the time to be taken on all subsequent votes.

Sections 6 and 7 are simply designed to plug existing loopholes with regards to separate debate and votes on nongermane Senate amendments. Section 6 does so with respect to nongermane Senate amendments which are contained in conference reports, and section 7 does so with respect to nongermane Senate amendments reported in disagreement.

Finally, Mr. Chairman, section 3 of the resolution makes a change in the number of Members who may require a recorded teller vote in the Committee of the Whole. At present the number is 20 or one-fifth of a quorum in the Committee of the Whole. As I mentioned earlier, the original resolutions introduced and referred to our committee would have raised this to 44. The Sisk subcommittee had recommended a compromise of 33. The full committee offered a further compromise which is contained in this resolution, and that is to retain the present requirement of 20 unless someone asks the Chairman to make a determination as to whether more than 200 Members are present on the floor. In such case, the support of 40 Members would be required for a recorded teller vote.

Mr. Chairman, I think this is a most reasonable and fair compromise. I think the original proposal of 44 was much too high since this in effect meant that it would take 44 percent of a quorum in the Committee of the Whole to force a recorded vote on an amendment. Some have argued that there are far too many recorded teller votes, and that these are often forced on frivolous matters or for dilatory reasons. I do not think the facts support this argument.

Comparing the first 6 months of 1971 and 1973, the number of measures considered in the Committee of the Whole has increased 47 percent while the number of recorded teller votes has increased 148 percent. But, it should also be noted that the total number of amendments offered in the Committee of the Whole in that same comparative period has increased 150 percent.

In conclusion, Mr. Chairman, I think the Rules Committee has reported a provision which is both fair to the minority while at the same time protecting the interests of the majority when a large number of Members are present on the floor. I consider the provision for recorded teller votes in the 1970 Legislative Reorganization Act to be probably the most important reform contained in that act since, for the first time, we were making it possible for the public to know how their representatives voted on important amendments. I do not consider section 3 to be a retreat from that reform because we are still saying that only one-fifth of those present are required to force a recorded vote. While the Rules Committee has provided a rule whereby this section is subject to amendment and the numbers may be changed, I would strongly advise against any amendment to make it more difficult to get a recorded vote on an amendment.

Mr. Chairman, I urge adoption of House Resolution 998 as reported from the Rules Committee.

So again, I think this is a reasonable compromise and I hope very much that this Committee and the House will support the Committee on Rules and vote its approval of House Resolution 998.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Idaho.

Mr. SYMMS. I know the gentleman from Illinois has a great reputation as the champion of minority rights and minority groups. Does he think this rules change will make it easier or harder to get legislation through this House?

Mr. ANDERSON of Illinois. I would hope very much it would expedite our proceedings and that it would still save the right of the Members, and I think it should be their right, to demand a recorded vote on important amendments by not requiring that more than one-fifth of those that are present at any one time to stand to indicate they want a record vote.

Mr. SYMMS. It is my concern, since I am in that minority that thinks 9 out of 10 bills that go through here should not be passed, I am wondering if the rights of the minority are being protected by liberalizing the House rules.

Mr. ANDERSON of Illinois. I have no doubt, if the gentleman will yield, that his eloquent voice will be raised in opposition to those pieces of legislation that he feels are ill-advised or foolish or not in the public interest. I feel he will not be under any constraint and will not be prevented in his eloquent and able fashion from espousing and giving opposition to those amendments with which he disagrees.

Mr. LATTA. I yield 5 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I had not really intended to speak on this; but as some of the gentlemen present know, the gentleman from Maryland could be classified as a child of the House. I spent 15 years between the ages of 15 and 30 on the floor of this House in various staff capacities. During that time I was forced to listen to an awful lot of debate and to see the rules used, abused, and misused, in a great many instances that have come back to haunt us.

Today I thought I would just listen to the experts. I want to commend the Committee on Rules and the subcommittee for their work, but not on their end product. The baby was born deformed.

I have looked over the specific sections of this bill. There is a lot to commend the section which deals with germane amendments in conference reports. One of the reasons I suspect we have not heard more discussion on that is that many people do not understand it at all. I am still studying it myself.

There are a few things in this resolution that do commend themselves to understanding. One of them, I think, is going to be addressed by the gentleman from Iowa (Mr. GROSS) with an amendment to section 3. We all love the gentleman from Iowa. It is the custom in the House when a Member plans retirement to eulogize him. I think the essence of our respect for the gentleman from Iowa is that he knows the rules of the House and singlehandedly has been able to accomplish in so many instances the sort of parliamentary miracles that the rest of us ordinary mortals cannot touch. He knows the rules.

The gentleman from Iowa has just fainted from view in response to my solicitous remarks, I notice; but his very presence should underscore something this resolution also entails, and that is the importance of the rules of the House. If we read the first section of Jefferson's Manual, and I address myself to my minority colleagues, who may well be a greater minority after the next election, we find Jefferson describing the rules as the means to protect the minority.

We recently have read about a veto-proof Congress. I went to the trade union label show in my district last week and they gave me a pamphlet on why all Republicans should be defeated. But consider what kind of minority might be in this House in the future, and it might be a very small minority. And consider that these rules should be written to protect any minority of either party, or even a minority within a party.

The requirement of 40 Members that we have now proposed to obtain a rollcall is one thing that disturbs me greatly in this resolution. I hope we will support the gentleman from Iowa when he offers an amendment striking out this change. He is going to try to strike that and leave the requirement at 20 Members to get a vote. I think the 20-Member rule is a valuable right of the minority any minority. When many Members seek to avoid a rollcall vote on a hot issue, such as a congressional pay raise, at least 20 Members can force a rollcall. The gentleman from Iowa has used this weapon with great accuracy in the past, and the taxpayers can be thankful.

Under this new proposal I predict what will happen; a quorum will be established and then the Chair will require 40 Members to get a vote on any given issue, and we will never get a rollcall if it is on a very unpopular matter such as a congressional pay raise.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. Mr. Chairman, of course I yield to the gentleman from California, whom I respect and look to as my leader.

Mr. DEL CLAWSON. Mr. Chairman, I thank the gentleman from Maryland for his kind remarks.

Mr. Chairman, there are a number of us on the committee who prefer to leave it as it is, at 20. I happen to share that opinion. However, we did not have the votes on the Rules Committee to maintain it at 20, as it is now constituted, so this 20–40 was a compromise. I will be happy to support the gentleman from Iowa when he offers that amendment.

Mr. BAUMAN. Mr. Chairman, I am happy to hear that. The combination of the gentleman from California and the gentleman from Iowa assures the passage of the amendment, I am quite sure.

Mr. Chairman, I would like to mention one or two other points. I want to reiterate what I said to the gentleman from California (Mr. SISK) earlier today about the combined effect of section 1, the provision which says that there will be no more quorum calls once one is established on a given day, used together with section 4 of this resolution, the "short quorum call."

Mr. Chairman, I can see the possibility that once a quorum is established, and we go into the Committee of the Whole, the Chairman in his discretion will not permit anything more that afternoon but unrecorded quorum calls, because the proposed change says "his discretion." Under this new rule, for the rest of the afternoon, it is entirely possible that no Member will ever have to reappear again until the final vote. He can take 2 or 3 hours off and avoid his responsibilities to be here and listen to debate simply by the device of having the bells rung as in the other body. The other body has a procedure whereby they use the long bell and short bell. If it is one bell, a Senator does not come in to answer it. If it is the other set of bells, a Senator does appear. We too will have a dual bell system and the staff will listen and tell the Member, "You do not have to answer on this one because you will not be recorded. No need to go there, stay where you are, sir."

The combination of sections 1 and 4 will permit that long stretch of time without any recording of the presence of the Members. The gentleman from Illinois (Mr. COLLIER) asked why should we have quorum calls in the Committee of the Whole. The gentleman from Massachusetts, (Mr. CONTE) talked about asinine quorum calls. Many times a good amendment gets passed because some parliamentary strategist on the floor asked for a quorum call, gets his friends here to vote and the amendment gets into the bill because a quorum is ascertained and a sufficient number then demand recorded tellers. A Member would not have a chance unless she had a quorum call before that to get his amendment adopted. Again, I question how this short quorum will affect that.

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

Mr. LATTA. Mr. Chairman, I yield 1 additional minute to the gentleman from Maryland.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield further?

Mr. BAUMAN. Mr. Chairman, I yield to the gentleman from California.

Mr. DEL CLAWSON. Mr. Chairman, this was one of the changes discussed thoroughly in the subcommittee and also in full committee. I think, as our subcommittee chairman, the very able gentleman from California (Mr. SISK) indicated, this is experimental. It is a pilot program. If we discover it allows such situations as the gentleman described might obtain in the House, then I will join with him to change it back to the way it was, but since it is experimental, why not see if we can live with this.

Mr. BAUMAN. Mr. Chairman, I will say to the gentleman that the gentleman from Illinois (Mr. ANDERSON) said that none of us can qualify as a Hammurabi. That late lawgiver is up here on the wall carved into stone. The authors of these rules changes will not be carved into stone, but my experience in the House is that when anything is written into the rules, it is almost carved into stone and it takes blasting material to change it.

We are departing from that concept. We are frivolously changing things here for the sake of change when there are many other more important things to be changed in the rules.

Mr. Chairman, I hope this entire resolution is voted down. I see no need for it, on balance. Let the Rules Committee bring these proposals out in parts so that we can vote on them separately.

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

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

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

[Roll No. 154]

| | | |
|---|---|---|
| Blatnik | Conyers | Eilberg |
| Boggs | Cronin | Frelinghuysen |
| Broomfield | Danielson | Green, Oreg. |
| Brown, Ohio | Diggs | Gubser |
| Buchanan | Dingell | Hanna |
| Carey, N.Y. | Dorn | Hansen, Wash. |
| Cederberg | Drinan | Henderson |
| Chisholm | Dulski | Holifield |
| Clark | Eckhardt | Horton |

| | | |
|---|---|---|
| Huber | Patman | Sikes |
| Kastenmeier | Pickle | Stanton, |
| Kazen | Reid | James V. |
| Kemp | Rhodes | Stubblefield |
| Litton | Roncallo, N.Y. | Tiernan |
| McEwen | Rooney, N.Y. | Udall |
| McKay | Rosenthal | Wilson, |
| Martin, Nebr. | Shipley | Charles H., |
| Mink | Shoup | Calif. |

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATHIS of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution—House Resolution 998—and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 381 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. BROWN of California. Mr. Chairman, I rise in support of this important legislation, House Resolution 998, which would revise the rules and procedures of the House to make for more efficient use of the time of the Members. There is no resource more important to the Members of Congress than their time, and to waste this resource in unnecessary and repetitive quorum calls, in poorly scheduled votes, and in other dilatory tactics, merely takes valuable time away from other vitally important congressional activity.

I know that I can pledge support for this legislation from one substantial group of our most able Members, who habitually use the early hours of the afternoon for vitally important self-improvement activities. These activities have been badly disrupted by the numerous quorum calls, which have become customary, and the Members problem is further accentuated by the electronic voting procedures which drastically reduce the time available to make the transition from his self-improvement activity to the activities of the House floor.

There may be some Members of the House who might question the desirability of adopting procedures which would facilitate the self-improvement activities of the group to which I have referred. As a long-time member of this group, and one who has been substantially disadvantaged by the current pressure of innumerable and frequently unnecessary rollcalls, I wish to offer my personal testimony to the importance of those self-improvement activities to which I refer. I have found that my own knowledge of significant national issues has been greatly enhanced by the seminars conducted by this group in the informal setting of the Rayburn Building basement. The range and depth of information exchanged in this setting would amaze the uninitiated.

All of us recognize also that our effectiveness as legislators is enhanced by the nature of the interpersonal relationships which we are able to develop with our peers. There are few things more helpful in developing effective interpersonal relationships than the understanding of another's strengths and weaknesses under pressure, which result from the intense and competitive interaction which takes place in this self-improvement group. And, of course, the nature of the relationships developed in this group provides for extensive and helpful counseling sessions between those possessed of greater knowledge and ability and their less fortunate comrades.

Lastly, I must acknowledge the importance of the spiritual growth which occurs as we contemplate our own faults and inadequacies under the helpful tutelage of our fellows who are so unselfishly concerned about the improvement of their brothers. None of us are perfect, and the opportunity to have this pointed out frequently and forcefully by our comrades is undoubtedly a great stimulus to personal growth.

For all these reasons, Mr. Chairman, I and the colleagues for whom I speak enthusastically endorse and welcome this important improvement in the rules and procedures of the House. It may turn out to be the single most significant reform measure undertaken during this year of reform.

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

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

The CHAIRMAN. Under the rule, the resolution shall be considered as having been read for amendment. No amendments shall be in order to said resolution except amendments offered by the direction of the Committee on Rules and germane amendments to section 3 of said resolution, and said amendments shall not be subject to amendment.

The resolution reads as follows:

H. RES. 998

*Resolved,* That the Rules of the House of Representatives are amended in the following respects:

MAKING AND ENTERTAINMENT OF POINTS OF NO QUORUM

SECTION 1. Rule XV of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"6. (a) It shall not be in order to make or entertain a point of order that a quorum is not present—

"(1) before or during the offering of prayer;

"(2) during the administration of the oath of office to the Speaker or Speaker pro tempore or a Member, Delegate, or Resident Commissioner;

"(3) during the reception of any message from the President of the United States or the United States Senate; and

"(4) during the offering, consideration, and disposition of any motion incidental to a call of the House.

"(b) A quorum shall not be required in Committee of the Whole for agreement to a motion that the Committee rise.

"(c) After the presence of a quorum is once ascertained on any day on which the House is meeting, a point of order of no quorum may not be made or entertained—

"(1) during the reading of the Journal;

"(2) during the period after a Committee of the Whole has risen after completing its consideration of a bill or resolution and before the Chairman of the Committee has reported the bill or resolution back to the House; and

"(3) during any period of a legislative day when the Speaker is recognizing Members (including a Delegate or Resident Commissioner) to address the House under special orders, with no measure or matter then under consideration for disposition by the House.

"(d) When the presence of a quorum is ascertained, a further point of order that a quorum is not present may not thereafter be made or entertained until additional business intervenes. For purposes of this paragraph, the term 'business' does not include any matter, proceeding, or period referred to in paragraph (a), (b), or (c) of this clause for which a quorum is not required or a point of order of no quorum may not be made or entertained.".

REPEAL OF LAST TWO SENTENCES OF CLAUSE 1 OF RULE XX

SEC. 2. The last two sentences of clause 1 of Rule XX of the Rules of the House of Representatives are repealed.

REQUEST OF MEMBERS FOR RECORDED VOTE IN COMMITTEE OF THE WHOLE

SEC. 3. Clause 2 of Rule XXIII of the Rules of the House of Representatives is amended—

(1) by inserting "(a)" immediately after "2."; and

(2) by adding at the end of such clause the following new paragraph:

"(b) In the Committee of the Whole, the Chair shall order a recorded vote on request supported by at least twenty Members, except that support of at least forty Members shall be required to obain a recorded vote whenever the Chair, on request of any Member at the time the recorded vote is requested, determines that more than two hundred Members are present."

EXPEDITIOUS CONDUCT OF QUORUM CALLS IN COMMITTEE OF THE WHOLE HOUSE

SEC. 4. Clause 2 of Rule XXIII of the Rules of the House of Representatives is further amended by adding at the end of such clause the following new paragraph:

"(c) If, at any time during the conduct of any quorum call in the Committee of the Whole, the Chairman determines that a quorum is present, he may, in his discretion, declare that a quorum is constituted. Proceedings under the call then shall be considered as vacated and the Committee shall not rise but shall continue its sitting and resume its business."

DEFERRAL OF TIME OF PUTTING THE QUESTION ON MOTIONS TO SUSPEND THE RULES AND PASS BILLS AND RESOLUTIONS

SEC. 5. Clause 3 of Rule XXVII of the Rules of the House of Representatives is amended—

(1) by inserting "(a)" immediately after "3."; and

(2) by adding at the end of such clause the following new paragraph:

"(b)(1) On any legislative day (other than during the last six days of a session) on which the Speaker is authorized to suspend the Rules and pass bills or resolutions, he may announce to the House, in his discretion, before entertaining the first such motion, that he will postpone further proceedings on each of such motions on which a recorded vote or the yeas and nays is ordered or on which the vote is objected to under clause 4 of Rule XV, until all of such motions on that legislative day have been entertained and any debate thereon concluded, with the question having been put and determined on each such motion on which the taking of the vote will not be postponed.

"(2) When the last of all motions on that legislative day to suspend the Rules and pass bills or resolutions has been entertained and any debate thereon concluded, with the question put and determined on each such motion on which further proceeding were not postponed, the Speaker shall put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

"(3) At any time after the vote on the question has been taken on the first motion

on which the Speaker has postponed further proceedings under this paragraph, the Speaker may, in his discretion, reduce to not less than five minutes the period of time within which a recorded vote on the question may be taken on any or all of the additional motions on which the Speaker has postponed further proceedings under this paragraph.

"(4) If the House adjourns before the question is put and determined on all motions on which further proceedings were postponed under this paragraph, then, on the next following legislative day on which the Speaker is authorized to entertain motions to suspend the Rules and pass bills or resolutions, the first order of legislative business after the call of bills and resolutions on the Private Calendar as provided in clause 6 of Rule XXIV shall be the disposition of all such motions, previously undisposed of, in the order in which those motions were entertained."

APPLICATION OF PROVISIONS OF CLAUSE 4 OF RULE XXVIII RELATING TO NONGERMANE MATTER IN CONFERENCE AGREEMENTS TO CERTAIN MATTER IN CONFERENCE AGREEMENTS NOT PROPOSED TO BE PLACED IN THE MEASURE CONCERNED AS PASSED THE HOUSE

SEC. 6. (a) Paragraph (a) of clause 4 of Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end of such paragraph the following: "For the purposes of this clause, matter which—

"(A) is contained in any substitute agreed to by the conference committee;

"(B) is not proposed by the House to be included in the measure concerned as passed by the House; and

"(C) would be in violation of clause 7 of Rule XVI if such matter had been offered in the House as an amendment to the provisions of that measure as so proposed in the form passed by the House;

shall be considered in violation of such clause 7."

(b) Clause 4(d) of Rule XXVIII of the Rules of the House of Representatives is amended to read as follows:

"(d) If any such motion to reject has been adopted, after final disposition of all points of order and motions to reject under the preceding provisions of this clause, the conference report shall be considered as rejected and the question then pending before the House shall be—

"(1) whether to recede and concur in the Senate amendment with an amendment which shall consist of that portion of the conference report not rejected; or

"(2) if the last sentence of paragraph (a) of this clause applies, whether to insist further on the House amendment.

If all such motions to reject are defeated, then, after the allocation of time for debate on the conference report as provided in clause 2(a) of this Rule, it shall be in order to move the previous question on the adoption of the conference report."

CONSIDERATION IN THE HOUSE OF CERTAIN SENATE AMENDMENTS REPORTED IN DISAGREEMENT BY CONFERENCE COMMITTEES OR IN DISAGREEMENT BETWEEN THE TWO HOUSES

SEC. 7. Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"5. (a)(1) With respect to any amendment (including an amendment in the nature of a substitute) which—

"(A) is proposed by the Senate to any measure and thereafter—

"(i) is reported in disagreement between the two Houses by a committee of conference; or

"(ii) is before the House, the stage of disagreement having been reached; and

"(B) contains any matter which would be in violation of the provisions of clause 7 of Rule XVI if such matter had been offered as an amendment in the House;

it shall be in order, immediately after a motion is offered that the House recede from its disagreement to such amendment proposed by the Senate and concur therein and before debate is commenced on such motion, to make a point of order that such nongermane matter, as described above, which shall be specified in the point of order, is contained in such amendment proposed by the Senate.

"(2) If such point of order is sustained, it then shall be in order for the Chair to entertain a motion, which is of high privilege, that the House reject the nongermane matter covered by the point of order. It shall be in order to debate such motion for forty minutes, one-half of such time to be given to debate in favor of, and one-half in opposition to, the motion.

"(3) Notwithstanding the final disposition of any point of order made under subparagraph (1), or of any motion to reject made pursuant to a point of order under subparagraph (2), of this paragraph, it shall be in order to make further points of order on the ground stated in such subparagraph (1), and motions to reject pursuant thereto under such subparagraph (2), with respect to other nongermane matter in the amendment proposed by the Senate not covered by any previous point of order which has been sustained.

"(4) If any such motion to reject has been adopted, after final disposition of all points of order and motions to reject under the preceding provisions of this clause, the motion to recede and concur shall be considered as rejected, and further motions—

"(A) to recede and concur in the Senate amendment with an amendment, where appropriate (but the offering of which is not in order unless copies of the language of the Senate amendment, as proposed to be amended by such motion, are then available on the floor when such motion is offered and is under consideration);

"(B) to insist upon disagreement to the Senate amendment and request a further conference with the Senate; and

"(C) to insist upon disagreement to the Senate amendment;

shall remain of high privilege for consideration by the House. If all such motions to reject are defeated, then, after the allocation of time for debate on the motion to recede and concur as provided in clause 2(b) of this Rule, it shall be in order to move the previous question on such motion.

"(b)(1) With respect to any such amendment proposed by the Senate as described in paragraph (a) of this clause, it shall not be in order to offer any motion that the House recede from its disagreement to such Senate amendment and concur therein with an amendment, unless copies of the language of the Senate amendment, as proposed to be amended by such motion, are then available on the floor when such motion is offered and is under consideration.

"(2) Immediately after any such motion is offered and is in order and before debate is commenced on such motion, it shall be in order to make a point of order that nongermane matter, as described in subparagraph (1) of paragraph (a) of this clause, which shall be specified in the point of order, is contained in the language of the Senate amendment, as proposed to be amended by such motion, copies of which are then available on the floor.

"(3) If such point of order is sustained, it then shall be in order for the Chair to entertain a motion, which is of high privilege, that the House reject the nongermane matter covered by the point of order. It shall be in order to debate such motion by forty minutes, one-half of such time to be given to debate in favor of, and one-half in opposition to, the motion.

"(4) Notwithstanding the final disposition of any point of order under subparagraph (2), or of any motion to reject made pursuant to a point of order under subparagraph (3), of this paragraph, it shall be in order to make further points of order on the ground stated in subparagraph (1) of paragraph (a) of this clause, and motions to reject pursuant thereto under subparagraph (3) of this paragraph, with respect to other nongermane matter in the language of the Senate amendment, as proposed to be amended by the motion described in subparagraph (1) of this paragraph, not covered by any previous point of order which has been sustained.

"(5) If any such motion to reject has been adopted, after final disposition of all points of order and motions to reject under the preceding provisions of this paragraph, the motion to recede and concur in the Senate amendment with an amendment shall be considered as rejected, and further motions—

"(A) to recede and concur in the Senate amendment with an amendment, where appropriate (but the offering of which is not in order unless copies of the language of the Senate amendment, as proposed to be amended by such motion, are then available on the floor when such motion is offered and is under consideration);

"(B) to insist upon disagreement to the Senate amendment and request a further conference with the Senate; and

"(C) to insist upon disagreement to the Senate amendment;

shall remain of high privilege for consideration by the House. If all such motions to reject are defeated, then, after the allocation of time for debate on the motion to recede and concur in the Senate amendment with an amendment as provided in clause 2(b) of this Rule, it shall be in order to move the previous question on such motion.

"(c) If, on a division of a motion that the House recede and concur, with or without amendment, from its disagreement to any such Senate amendment as described in paragraph (a) (1) of this clause, the House agrees to recede, then, before debate is commenced on concurring in such Senate amendment, or on concurring therein with an amendment, it shall be in order to make and dispose of points of order and motions to reject with respect to such Senate amendment in accordance with applicable provisions of this clause and to effect final determination of these matters in accordance with such provisions."

EFFECTIVE DATE

SEC. 8. The amendments made by this resolution to the Rules of the House of Representatives shall become effective at the beginning of the thirtieth day after the date of adoption of this resolution.

The CHAIRMAN. Are there any committee amendments?

COMMITTEE AMENDMENTS OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. SISK: On page 4, line 23, immediately before the words "to suspend the rules" insert the words "to entertain motions".

Mr. SISK. Mr. Chairman, this is simply a technical amendment due to the fact that in the printing of the original resolution there were certain words left out which are needed for purposes of clarification. It makes no substantive change whatsoever.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Can an amendment to an amendment be offered to section 3?

The CHAIRMAN (Mr. MATHIS of Georgia). No.

Mr. GROSS. It is subject to a substitute amendment?

The CHAIRMAN. The Chair will reply it is not.

Mr. GROSS. Is an amendment in order at this time?

The CHAIRMAN. We have an amendment pending before the Committee at this time.

The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MONTGOMERY

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

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: On page 3, line 19, strike out the word "twenty" and all that follows down through the word "present" in line 24 and insert in lieu thereof "thirty-three".

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this resolution. I think my amendment is a compromise amendment that will make this resolution a better bill.

Mr. Chairman, I should like briefly to explain what this amendment does. I might say that this amendment that I have offered was voted out by the subcommittee of the Committee on Rules. The amendment was not adopted in the full Committee on Rules, as I understand it, and they came in with a compromise. What my amendment does is it strikes out the word "twenty" and inserts "33" members. It also takes out that part of the resolution which says that 40 persons will have to stand when there are more than 200 Members on the floor to obtain a recorded vote.

Mr. Chairman, I offer this change in the rules because really this is the meat of the whole thing.

We are really getting too many rollcalls, especially unnecessary recorded teller votes. I am really sold on the electronic device but because of the large number of recorded votes ordered through the first 6 months of 1973 in comparison to the first 6 months of 1971—and we have to use those months of comparison—the electronic device is not saving the Members any time. Members of the House do not gain any time by this electronic device unless we adopt this resolution before us plus the amendment I am offering.

Through June 30, 1973, we have had 323 rollcalls and 84 of these have been recorded teller votes. In the 1st session of the 92d Congress, through June 30, 1971, we had 174 rollcalls and only 29 recorded teller votes. This was before we had the electronic device. Through June 1971 we actually had passed 112 House bills as compared to 108 House bills in 1973. So really the workload has not increased from 1971 to 1973, and the electronic device has not increased the number of bills we have passed on this floor. So I offer this amendment in an effort to save time. I think the amendment has a great deal of merit to it. If Members want to update the rules of the House to meet the electronic device, I certainly hope the Members will support this amendment.

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

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

Mr. GROSS. Mr. Chairman, I thank the gentleman from Mississippi for yielding.

Could this be considered as the amendment of the paddle ball club members?

Mr. MONTGOMERY. No, sir. I am not very familiar with that. The gentleman will have to ask someone else.

Mr. MATSUNAGA. Mr. Chairman, I rise in opposition to the pending amendment and urge that the House reject it in favor of the compromise solution to the recorded teller vote question proposed by the Rules Committee in House Resolution 998 as reported.

The ad hoc subcommittee headed by the distinguished gentleman from California (Mr. SISK) recommended that the requirement for demanding a recorded teller vote be increased from 20 to 33 Members. Many Members argued forcefully for no change at all in present requirements.

What the Rules Committee approved was a retention of the present rule, except when there are more than 200 Members on the floor, when 40, rather than 20, Members would be required.

That is a reasonable compromise, Mr. Chairman, and one that ought to be upheld by the House.

Certainly, the desire by the proponents of the amendment to cut down on excessive House time spent on quorum calls and recorded teller votes is understandable and commendable. But the loss the people would suffer in terms of knowing less about the voting record of their Representatives in Congress would far outweigh, in my judgment, whatever incremental time the amendment would save.

It should be noted that this amendment would affect only about a third of all recorded votes—in 1973, there were only 190 recorded teller votes out of 541 total recorded votes.

The amendment is unnecessary to cover a situation when a great many Members are on the floor since the committee bill itself requires 40 supporters when 200 or more are present.

The abuse of recorded teller vote is not nearly as great as the problem which arises from demands for recorded votes on final passage of bills in the House, when not 20 Members, but a single Member may demand such a vote. An analysis of the first 6 months of 1973 showed that, of the 531 record votes which carried by more than 100 votes, only 29 of them, or about 19 percent, came from recorded teller votes. The rest were all on final passage in the House.

And for this incremental improvement, Mr. Chairman, we would pay a heavy price. On many vital issues, the people we work for, the citizens of the United States, would be deprived of valuable information on which to judge our performance. The major reform accomplished in the Legislative Reorganization Act of 1970 would be partially vitiated.

Because the Rules Committee itself came forth with a reasonable compromise, I urge the House to reject the pending amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEL CLAWSON. Mr. Chairman, I ask unanimous consent that the gentleman from Hawaii be allowed to proceed for 1 additional minute.

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

Mr. LATTA. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman from Ohio reserves the right to object.

Mr. LATTA. Mr. Chairman, I shall object to the next request for time because it is in violation of the rule as passed for 5 minutes on each side.

I withdraw my reservation of objection to this request.

Mr. MATSUNAGA. Mr. Chairman, I yield to the gentleman from California.

Mr. DEL CLAWSON. Is it not a fact that what the gentleman has indicated has happened in the House because of dilatory tactics. If this method increasing the required number is adopted we would be moving backward. The condition of secrecy that was talked about during discussion on the rule would improve the conditions of those who wanted to conduct their business in secret, rather than having their votes recorded. Under this amendment does it not seem that it is the purpose of some to continue the secrecy?

Mr. MATSUNAGA. The gentleman has put it very well. The acceptance of the amendment of the gentleman from Mississippi will be a regressive movement.

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

The CHAIRMAN. Under the rule, there is no further debate permitted on the amendment.

The question is on the amendment offered by the gentleman from Mississippi (Mr. MONTGOMERY).

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

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

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 3, strike out line 10 through line 24; and renumber the following sections accordingly.

Mr. GROSS. Mr. Chairman, my amendment is a simple one. It simply strikes out all of the language in section 3 of the resolution. It is brief, and I shall read it:

(b) In the Committee of the Whole, the Chair shall order a recorded vote on request supported by at least twenty Members, except that support of at least forty Members shall be required to obtain a recorded vote whenever the Chair, on request of any Member at the time the recorded vote is requested, determines that more than two hundred Members are present.

I hope Members of the majority understand that there may come a day, however distant, when they may be in the minority, and might well regret having adopted this provision rules change.

With respect to the determination of 200 Members, there is a little-known provision in Cannon's Procedures which I believe the Members ought to be interested in, and which reads as follows:

It is the duty of the Chair to ascertain the presence of a quorum when the point is raised and to announce the absence of a quorum without unnecessary delay.

Then, this—

In determining the presence of a quorum, the Chair counts Members not voting, including all Members visible, whether in the lobbies or cloakrooms or within the bar.

I do not know where the bar is supposed to be located, but there may be some 40 or 50 Members occupying the "workbenches" at the rear of the House Chamber. They are usually pretty well occupied. Or, they may be out in the so-called Speaker's Lounge. The Chair can count them, whether a wall intervenes or a door or anything else. Under Cannon's Procedures, they may be counted, so do not think that with those already on the floor it is impossible to count 200 Members.

Let us cure this situation here and now and retain the rule which we have. It is a fair rule and it is adequate. I hope the Members support my amendment to strike this section of the bill.

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

Mr. GROSS. Mr. Chairman, I am glad to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, let me say that I intend to support the gentleman's amendment, but for another reason.

Mr. Chairman, let me say that I intend to support the gentleman's amendment for one reason. I think it would be very difficult to find 200 Members at any time, and I think this is merely window dressing.

I do not agree with the gentleman, but I will support his amendment for that reason. I do not think we ought to put window dressing in this.

Mr. GROSS. For whatever the reason I am glad to have the gentleman's support.

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

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

Mr. DENNIS. Mr. Chairman, I would like to say that as far as I am concerned, the rule we now have which assures a record vote on important amendments when 20 Members want it is the only significant reform I have seen in my time here, and, therefore, I certainly support the gentleman's amendment.

Mr. GROSS. Mr. Chairman, I suggest to the gentleman that we have invested an awful lot of money in an electronic voting device which was installed for the very purpose of recording record votes on amendments in Committee of the Whole. The provision which I seek to strike would eliminate some of those record votes.

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

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

Mr. BAUMAN. Mr. Chairman, I will just say that this amendment is of great importance to any minority group that may some day find itself seeking a vote on an issue, whether they be black or white, whether they be southern conservative or northern liberal. Whoever might be pushed into a corner by the majority needs the amendment offered by the gentleman in order to protect his rights.

Mr. Chairman, I wish to commend the gentleman for offering it.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

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

Mr. DEL CLAWSON. Mr. Chairman, I am happy to support the gentleman on his amendment for the very reasons which the gentleman has given.

Mr. GROSS. I appreciate very much the support of the gentleman from California, for he is one of the authors of this legislation, although he does not approve the provision which I am trying to eliminate.

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

Mr. Chairman, I think we have made it very clear as to exactly what is involved in this compromise. Now, some of us, of course, desired higher numbers, some of us desired lower numbers, and what actually the committee finally determined to do was to try to take care of those rare instances where there have, in fact, been what could be considered dilatory tactics.

I am not accusing anyone, because I am not attempting to be the conscience of the House or the conscience of any other Member. However, we all remember last December, in connection with the handling of the energy legislation, when we had some 300 or 400 Members here on the floor and were waiting, of course, rather impatiently sometimes to try to finish up.

Of course, we have had a few instances of that kind over the years.

These instances will, I am sure, develop no more than probably 5 percent of the time in connection with the handling of legislation. Those are the instances where the 40 Members would come into play. In cases where it is obvious that there are 200 Members or more, and during late hours—for example, in this case—the Members will recall that we could not even debate the amendments. The amendments were simply read, and then we went automatically to votes, and we were being forced, of course, to go through a long series of recorded votes by virtue of having sometimes only 20, 21, or 22 Members standing.

Now, in most cases, of course, I believe 20 is all that will be required to rise, because that is all that would be necessary. For example, here today during this discussion, that would be true, because we do not have 200 Members or more present.

Mr. Chairman, the committee gave a great deal of consideration to this point. There was strong support by a number of Members to go to the figure of 44, which was in a resolution on which the subcommittee started its work last July. Because of concern and the efforts by various Members to compromise, some to go up, some to go down, we finally arrived at this compromise which seems to me to be fair. It maintains the number at 20 for all practical purposes except, as I say, on that rare occasion when we find ourselves here in the late waning hours of a session attempting to finish and with a large number of Members on the floor, and it seems to me only reasonable then that we should expect at least to have 40 Members standing if in fact they desire to get a recorded vote.

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

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

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

It seems to me there is just one flaw in what we are trying to do here. Let us say the Presiding Officer decides that we have 195 Members and 20 Members can get a recorded vote, but then if 5 more Members come in and that gives us a total of 200, then 20 Members are required to get a recorded vote, and that, I believe, is an absurdity. If we had 200 Members and 1 of them walked off the floor, then we could not get the recorded vote.

Mr. SISK. Mr. Chairman, there was some discussion about putting it on a percentage basis as against making it a flat number, but because of the difficulties in the actual procedure and in carrying it out and with the problems, of course, of the committee chairman in the chair arriving at a reasonable approach to the subject, it was decided that this was a fair and equitable provision which would require, in essence, that 20 percent would be required to rise—in this case 40, and that would be the maximum.

That would be the maximum. As I said, I recognize this is a compromise; we have made no bones about it. There are strong feelings here that we should have 44 who would be required to stand, in line with the recent resolution. There are some who feel, as I say, we should have to go back to the 20 for all occasions. Frankly, again I think the compromise worked out by the committee is a reasonable and an equitable one and it will take care of those rare instances where we do have a situation where Members desire to leave and get caught in a situation like we were on the energy bill in December.

Mr. KETCHUM. Will the gentleman yield?

Mr. SISK. I am glad to yield to my colleague.

Mr. KETCHUM. I thank my friend from California for yielding to me.

On the point the gentleman in the well made concerning the energy bill at Christmastime, had it not been for the perseverance of 20 individuals who went against the whole House at that particular time because we were tired and impatient of discussing that bill, had it not been for those 20 Members standing and

demanding a record vote, no one in this House would have known what we were voting on in those amendments.

For that reason I strongly support the amendment offered by the gentleman from Iowa, and I hope his amendment prevails.

Mr. SISK. For exactly the reasoning the gentleman uses I think he is on the wrong side of the issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. SISK) there were—ayes 72, noes 45.

RECORDED VOTE

Mr. SISK. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 147, not voting 33, as follows:

[Roll No. 155]

AYES—252

| | | |
|---|---|---|
| Abdnor | du Pont | McCollister |
| Abzug | Erlenborn | McCormack |
| Anderson, Calif. | Esch | McDade |
| Andrews, N.C. | Findley | McKinney |
| Archer | Flowers | Macdonald |
| Arends | Flynt | Madigan |
| Armstrong | Forsythe | Mann |
| Ashbrook | Fountain | Maraziti |
| Ashley | Frenzel | Martin, N.C. |
| Badillo | Frey | Mathias, Calif. |
| Bafalis | Froehlich | Mathis, Ga. |
| Baker | Gettys | Mayne |
| Bauman | Giaimo | Mazzoli |
| Beard | Gilman | Meeds |
| Bennett | Ginn | Melcher |
| Bevill | Goldwater | Metcalfe |
| Biester | Gonzalez | Mezvinsky |
| Blackburn | Goodling | Miller |
| Bray | Grasso | Mink |
| Breaux | Green, Pa. | Minshall, Ohio |
| Brinkley | Gross | Mitchell, Md. |
| Brotzman | Grover | Mitchell, N.Y. |
| Brown, Mich. | Gubser | Mizell |
| Brown, Ohio | Gude | Moorhead, Calif. |
| Broyhill, Va. | Gunter | Mosher |
| Burgener | Guyer | Myers |
| Burke, Calif. | Haley | Nelsen |
| Burke, Fla. | Hamilton | Nichols |
| Burton | Hammer-schmidt | O'Brien |
| Butler | Hanrahan | O'Neill |
| Byron | Hansen, Idaho | Parris |
| Camp | Harrington | Passman |
| Carter | Harsha | Pettis |
| Chamberlain | Hastings | Peyser |
| Chappell | Hawkins | Pike |
| Clancy | Hébert | Powell, Ohio |
| Clausen, Don H. | Hechler, W. Va. | Price, Tex. |
| Clawson, Del | Heckler, Mass. | Pritchard |
| Clay | Heinz | Quie |
| Cleveland | Hillis | Quillen |
| Cochran | Hinshaw | Railsback |
| Cohen | Hogan | Randall |
| Collier | Holifield | Rangel |
| Collins, Ill. | Holt | Rarick |
| Collins, Tex. | Holtzman | Rees |
| Conable | Horton | Regula |
| Conlan | Hudnut | Reuss |
| Conte | Hunt | Riegle |
| Conyers | Hutchinson | Rinaldo |
| Cotter | Jarman | Roberts |
| Coughlin | Johnson, Calif. | Robinson, Va. |
| Crane | Johnson, Colo. | Robison, N.Y. |
| Cronin | Johnson, Pa. | Roe |
| Culver | Jordan | Rogers |
| Daniel, Dan | Kastenmeier | Roncalio, Wyo. |
| Daniel, Robert W., Jr. | Kemp | Rosenthal |
| Davis, S.C. | Ketchum | Roush |
| de la Garza | King | Rousselot |
| Dellenback | Koch | Roy |
| Dellums | Kuykendall | Roybal |
| Denholm | Lagomarsino | Runnels |
| Dennis | Landgrebe | Sandman |
| Derwinski | Latta | Sarasin |
| Devine | Leggett | Satterfield |
| Dickinson | Long, Md. | Scherle |
| Donohue | Lott | Schneebeli |
| Drinan | Lujan | Sebelius |
| Duncan | Luken | Shriver |
| | McClory | Shuster |
| | McCloskey | Skubitz |
| Snyder | Taylor, Mo. | Wiggins |
| Spence | Thomson, Wis. | Williams |
| Stanton, James V. | Thone | Wilson, Charles, Tex. |
| Stark | Towell, Nev. | Winn |
| Steele | Vander Jagt | Wolff |
| Steelman | Vander Veen | Wylie |
| Steiger, Ariz. | Vanik | Wyman |
| Steiger, Wis. | Veysey | Yates |
| Stephens | Waggonner | Yatron |
| Stokes | Waldie | Young, Alaska |
| Stratton | Walsh | Young, Fla. |
| Studds | Wampler | Zion |
| Symington | Ware | Zwach |
| Symms | Whalen | |
| Talcott | Whitehurst | |
| | Widnall | |

NOES—147

| | | |
|---|---|---|
| Adams | Foley | Natcher |
| Addabbo | Ford | Nedzi |
| Alexander | Fraser | Nix |
| Anderson, Ill. | Fulton | Obey |
| Andrews, N. Dak. | Fuqua | O'Hara |
| Annunzio | Gaydos | Patten |
| Aspin | Gibbons | Pepper |
| Barrett | Gray | Perkins |
| Bell | Griffiths | Poage |
| Bergland | Hanley | Podell |
| Biaggi | Hanna | Preyer |
| Bingham | Hansen, Wash. | Price, Ill. |
| Blatnik | Hays | Rodino |
| Boland | Helstoski | Rooney, Pa. |
| Bolling | Hicks | Rose |
| Bowen | Hosmer | Rostenkowski |
| Brademas | Howard | Ruth |
| Brasco | Hungate | Ryan |
| Breckinridge | Ichord | St Germain |
| Brown, Calif. | Jones, Ala. | Sarbanes |
| Broyhill, N.C. | Jones, N.C. | Schroeder |
| Burke, Mass. | Jones, Okla. | Seiberling |
| Burleson, Tex. | Jones, Tenn. | Sisk |
| Burlison, Mo. | Karth | Slack |
| Carney, Ohio | Kluczynski | Smith, Iowa |
| Casey, Tex. | Kyros | Smith, N.Y. |
| Chisholm | Landrum | Staggers |
| Clark | Lehman | Stanton, J. William |
| Corman | Lent | Steed |
| Daniels, Dominick V. | Long, La. | Stuckey |
| Davis, Ga. | McKay | Sullivan |
| Davis, Wis. | McSpadden | Taylor, N.C. |
| Delaney | Madden | Teague |
| Dent | Mahon | Thompson, N.J. |
| Diggs | Mallary | Thornton |
| Dingell | Martin, Nebr. | Tiernan |
| Downing | Matsunaga | Treen |
| Dulski | Michel | Ullman |
| Eckhardt | Milford | Van Deerlin |
| Edwards, Ala. | Mills | Vigorito |
| Edwards, Calif. | Minish | White |
| Eshleman | Moakley | Whitten |
| Evans, Colo. | Mollohan | Wilson, Bob |
| Evins, Tenn. | Montgomery | Wright |
| Fascell | Moorhead, Pa. | Wyatt |
| Fish | Morgan | Wydler |
| Fisher | Moss | Young, Ga. |
| Flood | Murphy, Ill. | Young, Tex. |
| | Murphy, N.Y. | Zablocki |
| | Murtha | |

NOT VOTING—33

| | | |
|---|---|---|
| Boggs | Huber | Ruppe |
| Brooks | Kazen | Shipley |
| Broomfield | Litton | Shoup |
| Buchanan | McEwen | Sikes |
| Carey, N.Y. | McFall | Stubblefield |
| Cederberg | Owens | Udall |
| Danielson | Patman | Wilson, Charles H., Calif. |
| Dorn | Pickle | |
| Eilberg | Reid | |
| Frelinghuysen | Rhodes | Young, Ill. |
| Green, Oreg. | Roncallo, N.Y. | Young, S.C. |
| Henderson | Rooney, N.Y. | |

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATHIS of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the resolution (H. Res. 998) to amend the House rules regarding the making of points of no quorum, consideration of certain Senate amendments in conference agreements or reported in conference disagreement, request for recorded votes and expeditious conduct of quorum calls in Committee of the Whole, and postponement of proceedings on suspension motions, and for other purposes, pursuant to House Resolution 1018, he reported the resolution back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the resolution.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 27, not voting 31, as follows:

[Roll No. 156]

YEAS—374

| | | |
|---|---|---|
| Abdnor | Conyers | Hammer-schmidt |
| Abzug | Corman | Hanley |
| Adams | Cotter | Hanna |
| Addabbo | Coughlin | Hanrahan |
| Alexander | Cronin | Hansen, Idaho |
| Anderson, Calif. | Culver | Hansen, Wash. |
| Anderson, Ill. | Daniel, Dan | Harrington |
| Andrews, N.C. | Daniel, Robert W., Jr. | Harsha |
| Andrews, N. Dak. | Daniels, Dominick V. | Hastings |
| Archer | Davis, Ga. | Hawkins |
| Arends | Davis, Wis. | Hays |
| Ashley | de la Garza | Hébert |
| Aspin | Delaney | Hechler, W. Va. |
| Badillo | Dellums | Heckler, Mass. |
| Bafalis | Denholm | Heinz |
| Baker | Dent | Helstoski |
| Barrett | Derwinski | Hicks |
| Beard | Devine | Hillis |
| Bell | Dickinson | Hinshaw |
| Bergland | Diggs | Hogan |
| Bevill | Dingell | Holifield |
| Biaggi | Donohue | Holtzman |
| Biester | Downing | Horton |
| Bingham | Drinan | Hosmer |
| Blackburn | Dulski | Howard |
| Blatnik | Duncan | Hudnut |
| Boland | du Pont | Hungate |
| Bolling | Eckhardt | Hunt |
| Bowen | Edwards, Ala. | Hutchinson |
| Brademas | Edwards, Calif. | Ichord |
| Brasco | Erlenborn | Jarman |
| Bray | Esch | Johnson, Calif. |
| Breaux | Eshleman | Johnson, Colo. |
| Breckinridge | Evans, Colo. | Johnson, Pa. |
| Brinkley | Evins, Tenn. | Jones, Ala. |
| Brooks | Fascell | Jones, N.C. |
| Brotzman | Findley | Jones, Okla. |
| Brown, Calif. | Fish | Jones, Tenn. |
| Brown, Mich. | Fisher | Jordan |
| Broyhill, N.C. | Flood | Karth |
| Broyhill, Va. | Flowers | Kastenmeier |
| Burgener | Foley | Kemp |
| Burke, Calif. | Ford | King |
| Burke, Fla. | Forsythe | Kluczynski |
| Burke, Mass. | Fountain | Koch |
| Burleson, Tex. | Fraser | Kuykendall |
| Burlison, Mo. | Frenzel | Kyros |
| Burton | Frey | Landrum |
| Butler | Froehlich | Latta |
| Byron | Fulton | Leggett |
| Camp | Fuqua | Lehman |
| Carney, Ohio | Gaydos | Lent |
| Carter | Gettys | Long, La. |
| Casey, Tex. | Giaimo | Long, Md. |
| Chamberlain | Gibbons | Lott |
| Chappell | Gilman | Lujan |
| Chisholm | Ginn | Luken |
| Clancy | Goldwater | McClory |
| Clark | Gonzalez | McCloskey |
| Clausen, Don H. | Goodling | McCollister |
| Clawson, Del | Grasso | McCormack |
| Clay | Gray | McDade |
| Cleveland | Green, Pa. | McFall |
| Cochran | Griffiths | McKay |
| Cohen | Grover | McKinney |
| Collier | Gubser | McSpadden |
| Collins, Ill. | Gude | Macdonald |
| Collins, Tex. | Gunter | Madden |
| Conable | Guyer | Madigan |
| Conte | Haley | Mahon |
| | Hamilton | Mallary |
| | | Mann |

| | | |
|---|---|---|
| Martin, Nebr. | Quie | Stokes |
| Martin, N.C. | Quillen | Stratton |
| Mathias, Calif. | Railsback | Stuckey |
| Mathis, Ga. | Rangel | Studds |
| Matsunaga | Rees | Sullivan |
| Mayne | Regula | Symington |
| Mazzoli | Reuss | Talcott |
| Meeds | Riegle | Taylor, N.C. |
| Melcher | Rinaldo | Teague |
| Metcalfe | Roberts | Thompson, N.J. |
| Mezvinsky | Robinson, Va. | Thomson, Wis. |
| Michel | Robison, N.Y. | Thone |
| Milford | Rodino | Thornton |
| Mills | Roe | Tiernan |
| Minish | Rogers | Towell, Nev. |
| Mink | Rooney, Pa. | Treen |
| Minshall, Ohio | Rose | Ullman |
| Mitchell, Md. | Rosenthal | Van Deerlin |
| Mitchell, N.Y. | Rostenkowski | Vander Jagt |
| Mizell | Roush | Vander Veen |
| Moakley | Roy | Vanik |
| Mollohan | Roybal | Veysey |
| Montgomery | Runnels | Vigorito |
| Moorhead, Calif. | Ruppe | Waggonner |
| | Ruth | Waldie |
| Moorhead, Pa. | Ryan | Walsh |
| Morgan | St Germain | Wampler |
| Mosher | Sandman | Ware |
| Moss | Sarasin | Whalen |
| Murphy, Ill. | Sarbanes | White |
| Murphy, N.Y. | Satterfield | Whitehurst |
| Murtha | Scherle | Whitten |
| Myers | Schneebeli | Widnall |
| Natcher | Schroeder | Wiggins |
| Nedzi | Sebelius | Williams |
| Nelsen | Seiberling | Wilson, Bob |
| Nix | Shriver | Wilson, Charles H., Calif. |
| Obey | Shuster | |
| O'Brien | Sikes | |
| O'Hara | Sisk | Wilson, Charles, Tex. |
| O'Neill | Skubitz | |
| Owens | Slack | Winn |
| Parris | Smith, Iowa | Wolff |
| Passman | Smith, N.Y. | Wright |
| Patten | Snyder | Wyatt |
| Pepper | Staggers | Wydler |
| Perkins | Stanton, J. William | Wyman |
| Pettis | | Yates |
| Peyser | Stanton, James V. | Yatron |
| Pike | | Young, Alaska |
| Podell | Stark | Young, Ga. |
| Powell, Ohio | Steed | Young, Tex. |
| Preyer | Steele | Zablocki |
| Price, Ill. | Steiger, Ariz. | Zion |
| Price, Tex. | Steiger, Wis. | Zwach |
| Pritchard | Stephens | |

NAYS—27

| | | |
|---|---|---|
| Annunzio | Flynt | Rarick |
| Ashbrook | Gross | Roncalio, Wyo. |
| Bauman | Holt | Rousselot |
| Bennett | Ketchum | Spence |
| Brown, Ohio | Lagomarsino | Steelman |
| Conlan | Landgrebe | Symms |
| Crane | Maraziti | Taylor, Mo. |
| Davis, S.C. | Miller | Wylie |
| Dennis | Randall | Young, Fla. |

NOT VOTING—31

| | | |
|---|---|---|
| Armstrong | Green, Oreg. | Rhodes |
| Boggs | Henderson | Roncallo, N.Y. |
| Broomfield | Huber | Rooney, N.Y. |
| Buchanan | Kazen | Shipley |
| Carey, N.Y. | Litton | Shoup |
| Cederberg | McEwen | Stubblefield |
| Danielson | Nichols | Udall |
| Dellenback | Patman | Young, Ill. |
| Dorn | Pickle | Young, S.C. |
| Eilberg | Poage | |
| Frelinghuysen | Reid | |

So the resolution was agreed to.

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Rhodes.

Mr. Rooney of New York with Mrs. Green of Oregon.

Mr. Eilberg with Mr. Patman.

Mr. Carey of New York with Mr. Frelinghuysen.

Mr. Stubblefield with Mr. Buchanan.

Mr. Shipley with Mr. Shoup.

Mr. Henderson with Mr. Huber.

Mr. Kazen with Mr. Broomfield.

Mr. Danielson with Mr. McEwen.

Mr. Litton with Mr. Roncallo of New York.

Mr. Udall with Mr. Young of Illinois.

Mr. Pickle with Mr. Cederberg.

Mr. Reid with Mr. Dellenback.

Mr. Nichols with Mr. Young of South Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just passed.

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

There was no objection.

## PERSONAL EXPLANATION

Mr. HOLIFIELD. Mr. Speaker, on the previous rollcall I inadvertently made a mistake. I thought it was on the passage of the resolution and voted "aye." I should have voted "nay" and I would have if I had understood the vote.

## PERSONAL EXPLANATION

Mr. YOUNG of Illinois. Mr. Speaker, I was unavoidably detained at a meeting where we did not have a buzzer and, therefore, I missed the last vote. I would like the RECORD to show that I would have voted in favor, "aye," with respect to the resolution on changing the rules.

## LEGISLATIVE BRANCH APPROPRIATION BILL, 1975

Mr. CASEY of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14012) making appropriations for the legislative branch for the fiscal year ending June 30, 1975, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 1 hour, one-half of the time to be controlled by the gentleman from New Hampshire (Mr. WYMAN), and one-half of the time to be controlled by myself.

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

There was no objection.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14012, with Mr. MURPHY of New York in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. CASEY) will be recognized for 30 minutes, and the gentleman from New Hampshire (Mr. WYMAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, I yield myself such time as I may consume.

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

The CHAIRMAN. The Chair will count.

Mr. ROUSSELOT. Mr. Chairman, I ask unanimous consent that I may be permitted to withdraw my point of order that a quorum is not present.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, we again bring you the annual appropriation bill for the operation of the legislative branch of Government for the next fiscal year. It includes money for the ongoing functions of the House of Representatives, the various joint committees and activities of the House and Senate, the Office of Technology Assessment, the Architect of the Capitol, the Botanic Garden, the Library of Congress, the Government Printing Office, the General Accounting Office and the Cost Accounting Standards Board.

Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

The report accompanying the bill sets out the various items in the bill as recommended by the committee. The details of the requests are in the printed hearings. I will outline briefly the appropriations recommended and try to explain the basis on which we acted.

However, before providing those explanations I want to express my thanks to the members of the subcommittee who have assisted me so ably during the hearings—Mr. EVANS of Colorado, Mr. GIAIMO of Connecticut, and Mrs. GREEN of Oregon. I regret to say this is the last year that this gracious lady is going to be with us, though we wish her well in her retirement. I also want to express my appreciation to the other members of the subcommittee, Mr. FLYNT of Georgia, Mr. ROYBAL of California, Mr. STOKES of Ohio, Mr. WYMAN of New Hampshire, Mr. CEDERBERG of Michigan, Mr. RUTH of North Carolina, and our newest member, Mr. COUGHLIN of Pennsylvania who is ably filling the spot held for so many years by our good friend, JOHN RHODES of Arizona, who resigned from the committee upon his election as minority leader of the House.

SUMMARY OF THE BILL

The appropriations recommended in the bill total $603,221,280. The requests considered by the committee totaled $609,099,265. There is, as I am sure all Members will recognize, very little that the committee can do other than recommend appropriations to cover the costs of the pay increases and allowances that are authorized by the Congress. This bill covers the housekeeping expenses of our own branch of Government.

REDUCTIONS

The recommendations of the committee result in a net reduction of $5,877,985 in the total budget requests. This reduction reflects a slower growth rate than proposed for the new Office of Technology Assessment, a reduction in the number of new employees requested for the Library of Congress, and provision for 9 months' funding rather than 12 months' funding for most of the new positions allowed throughout the bill.

INCREASES

The total amount recommended is $66,210,055 above 1974 appropriations, including amounts recommended in the pending second supplemental appropriations bill for 1974. Over 38 percent of this increase, $25,452,805, is to cover the cost of Government-wide pay increases and related costs. And 33 percent of the increase—$21,934,805—is to cover increased workload requirements. The third largest category of increase—17.7 percent—which totals $11,756,800, is to meet the requirement of recent legislation that the General Services Administration be reimbursed for space occupied and services rendered in Federal buildings. The other increases allowed are to cover the cost of equipment and to meet the constant increases in costs of materials and supplies necessary for the day-to-day operations of the Congress and its related agencies as well as the care of its various buildings and grounds.

HOUSE OF REPRESENTATIVES

A total of $173,799,140 is recommended for the operation of the House during the next fiscal year. This is an increase of $11,287,745 over 1974, and is attributable in the main to the cost of the recent pay increases and the space rental charges payable to the General Services Administration for Members' district offices in Federal buildings throughout the country.

JOINT ITEMS

The recommended appropriations for the joint committees and other joint activities funded under this heading total $44,889,840, which is an increase of $8,547,960 over 1974 appropriations. This increase is primarily due to the recommended allowance for reimbursement to the U.S. Postal Service for official mail costs of the Congress. The committee has allowed the requested amount of $38,756,015 which is based on the "equivalent" postage concept. A recent ruling by the Comptroller General concurs that there is authorization for the payment of bills on this basis.

OFFICE OF TECHNOLOGY ASSESSMENT

The sum of $3,500,000 is recommended for the first full-year operation of the new Office of Technology Assessment. An appropriation of $2,000,000 was provided in last year's bill for the 8 remaining months in fiscal year 1974. The request for 1975 was $5,000,000. It was the feeling of the committee that this new agency should not grow at the rapid rate anticipated by the Technology Assessment Board.

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

Mr. CASEY of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Since the gentleman is on the subject of the Office of Technology Assessment, I did have the opportunity to read in part the hearings on this subject, and I was struck by the fact that up to this point and after 8 months of operation of this committee, it shows no particular results of any kind. I was amazed that this new Office could not come up with some demonstration of accomplishment in the 8 months that it has been in existence. It would be my purpose at the proper time to offer an amendment to cut still more off the allowance of the appropriation of $3½ million by the committee, in the absence of any showing that this Office has accomplished anything.

Mr. CASEY of Texas. As to what they have accomplished, I would say to the gentleman that they have been in existence for only 8 months; that is true. But they have not employed all of their personnel. They plan to contract out much of their work rather than putting on permanent employees, which I think is a wise decision. They only recently had office space, other than a room, assigned to them.

Frankly, we are going to watch them very closely to see if they are showing results. They tell us, as the gentleman knows from reading the hearings that they have had a considerable number of requests from various congressional committees. They have not spent all of their money. They asked for and we have language in this bill permitting the carryover of any balance remaining at the end of the fiscal year from appropriations that they received for fiscal year 1974.

Mr. GROSS. I was impressed with the fact that they got all they asked for because they made it quite plain to the gentleman and his subcommittee that they expect to have the money committed before the end of the fiscal year.

Mr. CASEY of Texas. That is true and most of it will be on a contract basis and the obligations incurred. Of course the work will not be completed this fiscal year. I am sure we must watch them carefully because they will be like all new agencies we create: they will want to grow and spread and make their influence felt.

Mr. GROSS. Of course there is no question about the permanency of this.

Mr. CASEY of Texas. No, I would not think there would be.

Mr. GROSS. I thank the gentleman.

Mr. CASEY of Texas. The gentleman is welcome.

ARCHITECT OF THE CAPITOL

Mr. Chairman, a total appropriation of $23,938,900, including reappropriations of $1,136,700 is recommended for the care and operation of the various Capitol buildings and grounds on the Hill under the jurisdiction of the Architect. As I noted earlier, the House traditionally omits those items directly related to Senate operations, such as the Senate Office Buildings and Garage. The recommendation results in a net reduction of $202,900 below 1974 appropriations due to nonrecurring items in the 1974 act not appearing in the 1975 bill. The net increase over the budget requests for 1975 is due to the reappropriation of funds for projects on which obligations cannot be made before the end of the fiscal year, primarily due to the late passage of the 1974 act which was approved on November 1, 1973.

WEST FRONT PROJECT

There are no major construction funds in the bill. There is no money in the bill for the west front project. Mr. Chairman, as the Members of the House will recall, at the time we were considering the conference report on the 1974 bill last year the $58,000,000 for extension, the $18,000,000 for restoration, and the $15,000,000 for an underground building providing additional House facilities were all struck from the bill. No further action with respect to the project has since been directed by the Commission for Extension of the United States Capitol, which by law is in charge of the project, and accordingly no further action has been taken by the Architect of the Capitol who is required by law to perform his duties in connection with this project under the direction of the Commission.

LIBRARY OF CONGRESS

The Committee recommends a total of $96,478,800 for the Library in fiscal year 1975. This allowance is $9,168,350 above 1974 appropriations and $2,912,300 less than requested. The Librarian proposed 244 new positions. The Committee has allowed 131, of which 72 are for the Congressional Research Service. Fiscal year 1975 is the 4th year of the 5-year program to build up the resources of the Research Service to meet the expanded responsibilities given it by the Legislative Reorganization Act of 1970.

GOVERNMENT PRINTING OFFICE

A total appropriation of $136,214,000, as requested, is recommended for the next fiscal year. This allowance provides $88,136,000 for congressional printing and binding, which is an increase of $24,136,000 over 1974 appropriations and covers both anticipated increases for 1975 and deficiencies in 1974 and 1973 which could not be accurately forecast at the time estimates were prepared for those years. The Public Printer estimated $66,294,000 will be required in 1975 for the CONGRESSIONAL RECORD, hearings, bills, resolutions, the Federal Register, and other congressional printing. This is an increase of $10,152,000 over the present estimate of comparable cost for 1974 and is primarily the result of greater labor costs, as well as paper costs and volume increases. The committee in its report has urged the Joint Committee on Printing and other appropriate agencies and officers of the Congress to review the statutes and programs of distribution of documents with the suggestion that distribution be made on specific request rather than on an automatic basis.

GENERAL ACCOUNTING OFFICE

The Committee has substantially approved the requests of the General Accounting Office in making a total of $121,834,000 available for the continuation and expansion of programs in fiscal

year 1975. Additional resources are provided to meet known and projected congressional requests for assistance, to meet workload increases in the area of claims settlement, debt collection, bid protests, and other required legal services as well as Federal election activities assigned to the General Accounting Office. The recommended allowance will also provide for a continuation of the responsibilities in the review of financial systems, transactions, accounts, and reports. A slight increase will be available for reviews of new and expanded Federal programs.

CONCLUSION

I have outlined the highlights of the bill and as I stated at the beginning of these remarks, the various items are explained in more detail in the report as well as in the printed hearings.

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

Mr. CASEY of Texas. Surely.

Mr. GROSS. On this sound, light and fury, whatever it is——

Mr. CASEY of Texas. On what?

Mr. GROSS. The sound, light and fury; does sound and light come under this thing?

Mr. CASEY of Texas. Yes.

Mr GROSS. Are they employing French consultants?

Mr. CASEY of Texas. Yes, they are.

Mr. GROSS. For what reason are they employing French consultants?

Mr. CASEY of Texas. Well, I asked that question and the Architect said these consultants have a particular expertise that we do not have in this country.

Mr. GROSS. We do not have experts on sound and light in this country?

Mr. CASEY of Texas. Not in the sense proposed. I am sure the gentleman is familiar with what we are talking about, or is he? The sound and light programs, as I have seen them in Europe and England, are historical portrayals in which there is only sound and a spotlight on the particular sections of the building used to portray a certain point in history. It calls for the use of the imagination. It is quite effective.

Mr. GROSS. And the French are better at portraying imagination than the Americans, or is that possible?

Mr. CASEY of Texas. Well, I will tell the gentleman that I am inclined to follow the recommendations of the Capitol Historical Society in that regard, rather than go out and seek someone myself.

Mr. GROSS. Is there anything in this bill about the improvement of the Capitol?

Mr. CASEY of Texas. No, sir; as the gentleman will recall from my opening statement, we have nothing for the west front in the bill. The only money in the bill is for maintenance and care of the building.

Incidentally, we have the restoration of the old Supreme Court Chamber and the old Senate Chamber underway, which is being done with funds heretofore appropriated. There is carryover language on those projects, because they cannot complete the work during this fiscal year. The old Supreme Court Chamber is almost completed, except for the lighting and the floor covering. I think it is going to be quite a beautiful Chamber that will be seen by visitors during the Bicentennial celebration.

The restoration of the old Senate Chamber is now underway. It cannot be used at the present time, but when it is completed it can be used by joint conference committees as needed; as will also be true of the Supreme Court Chamber. Both Chambers are primarily a restoration to the condition they were in when used by the Supreme Court and Senate in the 1850's, and will be open to the public.

Mr. GROSS. How about the proposal for installing recorded message devices, slide projectors at various positions in the Capitol Building?

Mr. CASEY of Texas. I do not know whose proposal that was, but I told the Architect that as long as I was in Congress, I was going to oppose any efforts trying to make a penny arcade out of the U.S. Capitol. We can have all the films and slides we need or want in the Visitor's Center and there is no money in this bill for that purpose.

Mr. GROSS. I want to commend the gentleman for his position on that.

Mr. CASEY of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. WYMAN. Mr. Chairman, I do not intend to take much time, except to say that the facts are outlined in the report of the committee now before us. There is not very much in this legislative branch program this time that is controversial.

We had some question about the purpose of the Office of Technology Assessment in terms of whether or not it really needed the $5 million requested or whether its overall mission would be capable of assimilation by staff with a reasonable general contract approach which is contemplated.

However, it is worth taking a chance on, and no better example perhaps can be made than to point out that in the field of energy, the Office of Technology Assessment is going to first take a good, hard look at the potential of making oil and gas from coal. We have coal in long supply in America, and if we could develop a commercially feasible process of making oil from coal, it would go a long way toward attaining that degree of self-sufficiency that has been declared to be a national objective by so many people.

Indeed, somewhere along the line in undertaking the functions and responsibility of the Legislative Appropriations Subcommittee, I believe if it worked a little more closely with the Committee on House Administration in an effort to develop some control over the use of the franking privilege by Members of the House where some Members send not very much out under the frank, but others abide by the admonition of, "Use the frank, use the frank," and send out a very great deal. Where each piece now involves 10 cents for first class mailing reimbursement to the Post Office, anyone who sends out two or three hundred thousand pieces of mail under frank each month, multiplied by 12 months or by 24 months over the period of the two sessions of Congress, it can get to be a very expensive burden on the taxpayer.

Mr. Chairman, I would personally feel that somewhere along the line Congress should come up with an allocation system which would allow $x$ number of thousands of franking units to each Member, to be used as and when he or she wishes, but not the unrestricted use of the frank as at the present time which is frequently abused, and I think in some respects is being used contrary to the public interest.

In addition, there are numerous avenues for saving some funding in the field of joint committees, some of which, both staffwise and functionally, could be eliminated. Also the Government Printing Office has enormous printing costs as the cost of paper in America accelerates. Some of that printing is unnecessary.

No better example, perhaps, can be found than the limitation of the House for 25 cosponsors on a bill which, of necessity, involves tremendous duplication in printing and paper costs. Today there are thousands and tens of thousands of bills, some of which go to several pages—which are printed and laid around on some dusty shelf and eventually are thrown away.

Mr. Chairman, I certainly appreciate the cooperation of the members of the subcommittee, particularly the chairman, the gentleman from Texas. We have had an interesting time and for once, an appropriations bill is on this floor well in advance of the beginning of the fiscal year. I think that if the hearings in other fields could be held as expeditiously as the gentleman from Texas has directed that they be held in this instance, we would be way ahead of the game.

Of interest also in connection with the legislative branch appropriation is the fact that although quite a substantial segment of millions are appropriated for the House for Members' clerk hire, yet a great many Members in this body do not use their allowable clerk hire to the full, and others do not use anywhere near the number of positions that are allowed to them. Thus in the long haul, I do not think it can be said that all of the Members of Congress are simply sitting in the House and feeding at the public trough and passing it on, on a patronage basis, to their friends and staff employees. Most Members are conscientious and prudent in their conduct of so-called staff allowances.

One of the things in the field of clerk hire which needs to be improved upon, is the establishment of some kind of mimimum qualification standard for the legislative assistant. The legislative assistant to a Member of Congress should have to have had some experience in drafting legislation. He should have to have had a degree and some educational and experience qualifications before the money that is made available by this House to a Member for his employment should become available to that Member. Too many legislative assistants, who are assistants for that function which represents the most important responsibility that we have as legislators, are on the

staffs of Members without any genuine qualification to be a legislative assistant.

Many have never written a bill, have never drafted a bill. Consequently they send it downstairs to be done by the legislative reference service or the office of legislative counsel. It would be most helpful to say to Members, "All right; you may have $25,000 for a legislative assistant" or whatever the figure might be for the salary, "but, by golly, you have to have a legislative assistant who is a trained and qualified person or you are not entitled to have that salary available to you."

Mr. Chairman, I think this would be a great improvement and would improve the legislative product of the House.

Mr. Chairman, I do not have any further requests for time from any Member.

Mr. GROSS. Will the gentleman yield?

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

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding. I understand that this total bill is $66,210,000 above the bill covering the 1974 fiscal year. For the House of Representatives it is $11,287,000 more than was appropriated for the House of Representatives in the 1974 fiscal year.

That does not seem to me to be practicing very much austerity, either as to the total bill or as to the House of Representatives.

I am delighted that the bill is here. I commend the gentleman from Texas and the gentleman from New Hampshire for getting the bill in early for the consideration of the House. However, we are not going to whip inflation by continuing to increase appropriations for this purpose in the amounts that are here stated, which are above the spending for the same general purposes last year.

I note that for the Joint Committee on Reduction of Federal Expenditures there is included some $80,000 to continue that committee. I wonder what the Joint Committee on Federal Expenditures is doing about the situation in which we find ourselves today, that of ever-growing Federal debt. Are they supposed to just report on our very sad financial situation in this country or are they supposed to do something about it? Why should we continue this committee at the rate we are going?

Mr. WYMAN. If the gentleman will remember, I said in my remarks earlier that I felt there was opportunity for substantial savings, by doing a little pruning and a little organizing, to prevent overlap in the field of joint committees.

It so happens that the chairman of our Committee on Appropriations is a member of that Joint Committee on the Reduction of Federal Expenditures. I note he is here. He might care to tell you what that joint committee is doing.

Mr. GROSS. Mr. Chairman, I would like to at some time have a little information on what the joint committee is accomplishing in view of what is going on in the country today.

I note, too, that the leadership is well taken care of, apparently, in the matter of automobiles. In fact, there are two provisions in this bill dealing with automobiles.

I do not know that they have reduced the Hondas or anything of that kind, have they?

Mr. WYMAN. Mr. Chairman, the gentleman knows that the House is expanding; the House is growing. We have passed pay increases. There have been increases in mail costs, which are subject to reimbursement to the Postal Service. There have been some staff increases. If Members request, they can have a research assistant at an addition of $20,000 to their base by making a request to the clerk for this. These things have been funded in this bill, and together with pay raises they account for the overage.

Mr. MAHON. Will the gentleman yield?

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

Mr. MAHON. Mr. Chairman, I thank the gentleman for yielding. I took note of the reference of the able gentleman from Iowa to the Joint Committee on the Reduction of Federal Expenditures.

This committee was adopted, of course, years ago for the purpose of trying to get an overview of Federal expenditures. It was never possible for this joint committee to make any major stride toward reducing Federal expenditures. Of course, the joint committee does not have any legislative authority.

Everybody knows that Federal expenditures have been skyrocketing, and at the end of the fiscal year for which the latest budget was submitted the debt will have increased by one-third during that 5-year period.

This joint committee, though, I think is well worth the money. There is not really a great deal of money involved, because it has a very able though small staff which provides the only authoritative information available to Members and the press and the public generally as to just what the status of congressional actions on the budget may be.

Until about 6 years ago, it was almost impossible to get agreement as to just what the actual facts were. The House might take one position and the other body another position and the executive branch another position. However, since this committee developed a scorekeeping report it has brought some considerable order out of chaos with respect to just what the facts are.

In my judgment, a valuable contribution is being made by this Committee. I think the merits of their undertakings have been especially visible to those Members of the House and Senate who have been trying to hammer out a viable budget control bill. The scorekeeping report, issued on a regular basis by the joint committee, represents the only comprehensive accounting of congressional actions and inactions affecting the Federal budget. This is a complicated task which requires the monitoring of numerous legislative and appropriations measures. The report is completely objective and has gained widespread acceptance in Congress and in and out of Government generally. It is essential that we have some official yardstick with which to measure the many unrelated actions of Congress which impact on the budget.

So I believe this committee is certainly worthwhile; indeed essential. When the new budget control machinery is set up it may be that this group could be merged into another organization but I believe that the essential nature of its work is well recognized.

Mr. WYMAN. I wonder, could the gentleman inform us did the joint committee on the elimination of nonessential expenditures ever undertake to list any expenditures that are nonessential?

Mr. MAHON. There is no effort made to do this. Long ago it was established that the members of this joint committee were to be members of the Committee on Ways and Means and the Committee on Appropriations. Those committees to which the members of the joint committee belong are the committees which have the responsibility because, as I stated earlier, the joint committee has no legislative authority. The very limited staff of the joint committee has largely confined its acivities to providing factual information to the Congress and to the public with respect to action on the budget.

Mr. GROSS. Will the gentleman from New Hampshire yield that I might ask the distinguished gentleman from Texas a question?

Mr. WYMAN. I yield.

Mr. GROSS. The gentleman says that this joint committee provides much valuable information. What happens to that information?

Mr. MAHON. The information is circulated to Members and is used by their staffs and is frequently quoted in business publications and by the press.

Mr. GROSS. But does anyone every pay any attention to it?

Mr. MAHON. I think the work of the joint committee is well received insofar as its information services are concerned. As I indicated there is no effort made to actually cut spending. This is beyond the scope of this organization.

As the gentleman from Iowa well knows, there is the constant tendency on the part of the Federal Government to project itself into the life of the citizen every hour of every day. As long as we have that kind of an atmosphere in this country there seems to be no way to reduce expenditures.

Mr. GROSS. Will the gentleman yield further?

Mr. WYMAN. I yield.

Mr. GROSS. That is one of the reasons why I have to look with something of a jaundiced eye on the creation of a new Office of Technology Assessment, whatever that means. Here we go adding another one to the list, and altogether it seems to me we have too many committees of one kind or another that are not doing us very much good. Either we are not capitalizing on their services or else they are not in the business of doing much for us one way or the other. I think it is about time somebody shook out these various commissions and com-

mittees that we have created that seem to be doing us no good, get rid of them, and get rid of that bill of expense.

I thank my friend from New Hampshire for yielding.

Mr. WYMAN. With respect to what the gentleman just said, there are two things I should say at this time.

As the report shows at page 12:

The Congressional Office of Technology Assessment was created by Public Law 92-484 to equip the Congress with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of technological applications; * * *

For example, if we are going to try to make oil out of coal, what will this do to the country in those sections that produce coal? What about strip mines? How will this affect the country?

Then it continues:

* * * and to serve as an aid in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

What is being done here is very obvious, which is that a legislative branch adjunct has been set up here so the legislative branch can have a look at these things, and to have a report to it from a group that the legislative branch believes in and trusts as it feels that the executive branch has been less than candid, or has given them less than a full disclosure when it comes to giving us information.

This particular office, the Office of Technology Assessment, is going to be a help in a very complicated and substantially important field. We on the subcommittee feel that this is worth trying to see if it will produce meaningful assistance to the Congress and consequently to the national effort.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, but, this is so broadgage, it goes into everything, even into the social aspects of the environment, economic, social, and political effects of, I should say, technology. We are creating something of a pretty good-sized monster, it seems to me, that is going to go into all of these fields, and they will develop expertise in all of these fields.

Mr. WYMAN. If the gentleman from Iowa would turn to page 863 of the committee hearings there appears some of many Congressional requests for technology assessments from members and committees, by subject.

They are set forth in detail on that and succeeding pages. Again, if the gentleman from Iowa will remember, a few years back the Senator from Delaware asked that a study be made to find out how many existing agencies, boards, commissions and what-not are duplicative, and have overlapping functions. I think they came up with something like 1250, but they were not sure that that list of 1250 represented all of them.

The fact of the matter is that apparently no one person in this great Government of ours has knowledge of the exact number and variety of agencies and boards and commissions that exist today. This is regrettable.

I think the gentleman's question was well put when the gentleman asked what the Joint Committee, on reducing the number of nonessential expenditures, and other committees were doing to try to get rid of or to reorganize the Government of this country so as to eliminate certain unneeded bureaucratic establishments. I hope that some day we will have another reorganization of the Government similar to that the Congress enacted in 1946, during the 80th Congress.

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

Ms. ABZUG. Mr. Chairman, as the House today considers passage of H.R. 14012, legislative branch appropriations for the fiscal year 1975, there are some disturbing facts my colleagues should know regarding the discriminatory hiring and promotion practices of those agencies we are funding.

This bill asks our approval of appropriations totalling $603,221,280. Discounting funds appropriated for the House of Representatives, a majority of this money will be used to operate the General Accounting Office, the Government Printing Office, and the Library of Congress. However, each of these agencies have been charged with sex or racial discrimination and lawsuits have been filed which, if successful, could cost the taxpayers millions of dollars.

Ten years after this Congress has committed itself to Equal Employment Opportunity, some Federal agencies in our own branch of the Government still have not fully realized that commitment.

Mr. Chairman, some facts are in order. As of November 21, 1973, 38.7 percent of all the fulltime employees at the Library of Congress are black. However, 72 percent of them are at the low civil service GS 1-4 level. Only 7.2 percent are at the high GS 16-18 level.

For grades GS-11 and above:

Blacks comprise 8.9 percent of the total employees at the Library of Congress. This overall figure breaks down as follows—

Seven and one-half percent of the Office of the Librarian positions; 6.8 percent of the Law Library positions; 12.2 percent of the administrative positions; 6.5 percent of the reference positions; 9 percent of the Copyright Office positions; 4.5 percent of the Congressional Research Service positions.

Overall, therefore, only 124 of the 1,392 employees at GS-11 and above are black. And the Spanish surnamed comprise only 1 percent of these employees; Orientals, 5.7 percent; and American Indians, 0.1 percent.

In a statement before the House Committee on Education and Labor, Howard Cook, Executive Director of the Black Employees of the Library of Congress cited individual cases of sex and racial discrimination.

One black woman who had worked at the Library for 27 years started receiving verbal reprimands and vague memos about her performance. A month later she was told she would not be getting her within-grade increase. While her appeal on that matter was still pending she was informed she was being demoted from GS-9 to GS-6 and transferred to a different division. Her appeal was successful but the story is an example of the harassment and intimidation employees suffer.

Then there was Mrs. Chandler who was given a 60-day warning and then separation action was taken the very next day. Mrs. Chandler is an outspoken advocate of employee rights. She was fired but a hearing was ordered and the examiner suggested reinstating Mrs. Chandler but the Library refused to do so.

Ms. Barbara Ringer, Assistant Registrar of the Copyright Office, lost a promotion to an obviously less qualified man. Ms. Ringer was a star witness at American Library Association hearings on discrimination at the Library of Congress. And, she had declared that if she had gotten her new job she would have set forth an enhanced policy of minority hiring.

Mr. Chairman, there have been four separate in-house hearings and four separate examiners on the Library's hiring practices, all have come to the same conclusion: discrimination exists.

Finally, a court suit was initiated on behalf of some 1,500 black employees at the Library of Congress. The suit asks for $15 million. That is $15 million, Mr. Speaker, the taxpayers of this country may have to pay because of foolish and irresponsible actions by an agency which depends on this House for the funds to continue in operation. We cannot and should not allow these agencies to amass a liability of that magnitude because of a lack of commitment or lack of effort.

As for the Government Accounting Office, my colleagues may find it interesting to note that, as of February 1974:

Of all GAO employees, 72.1 percent were in grades GS-9 or above; 82 percent of all whites were in these grades; 12.5 percent blacks were in these grades; 21.3 percent of women were in them.

There are 16 divisions in the Washington office of GAO.

Sixty-six percent of the blacks working there are assigned to only two divisions: Those are Transportation and Claims and Office of Administrative Planning; 50.3 percent of women were in these two divisions.

There are four suits pending in Federal courts against the GAO on racial and sex discrimination.

By the end of May 1974, a class action suit will be filed in Washington District Court against the Government Printing Office.

Five women in the book binding division are alleging sex discrimination in pay scales. Calling men in this division "book binders," and the women "bindery workers," although they often do the same job, the GPO has seen fit to pay the women much less. What if when this suit runs its course these women are awarded the wages they were denied under a discriminatory pay structure? The result will be that Congress will suffer the embarrassment of having appropriated money to carry out such injustices.

Mr. Chairman, may I conclude by saying that, even though the GAO, GPO, and the Library of Congress serve very necessary functions in the legislative branch and deserve appropriations from this

House, we should all recognize that they have a long way to go in fulfilling their commitment to end race and sex discrimination.

Mr. CASEY of Texas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

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

The CHAIRMAN. Is there objection to the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. YATES

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

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

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $4,000 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS–18; hire of one passenger motor vehicle; advance payments in foreign countries notwithstanding section 3648, Revised Statutes as amended (31 U.S.C. 529); benefits comparable to those payable under section 911(9), 911(11), and 942(a) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136 (11), and 1157(a), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87–195, 22 U.S.C. 2396(b)), $121,834,000: *Provided*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Secretary and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 27, line 17, after the colon and before the word "*Provided*", insert the following:

*Provided*, That this appropriation shall be available for a study by the General Accounting Office of the means for establishing within the various Federal agencies dealing with energy matters a system of procedures for investigating, collecting and evaluating timely data relating to the location, quantity, quality, probable cost and difficulty of extraction and such other information as will enable such agencies to exercise an independent judgment in connection with the sale, leasing or other disposal of Federally owned petroleum resources.

Mr. GROSS. Mr. Chairman, I reserve a point of order on the amendment.

Mr. YATES. Mr. Chairman, everybody knows that the Government energy agencies depend upon the oil companies for their information about the oil industry respecting critical data that is necessary in connection with the leasing of Government tracts. Everybody says, "Isn't it too bad that the Government has to depend upon the oil industry for its information about oil reserves and the resources of the United States?"

Up to the present time, Mr. Chairman, nothing has been done about it. My amendment proposes that something should be done about it. It says, let the GAO, which is the General Accounting Office, the arm of Congress, an independent agency, do something about it. Let the General Accounting Office make a study, a study of what ought to be done to provide the Government and the American people with information about all the conditions pertaining to the oil reserves in this country.

We have said that we do not want to depend upon foreign sources for our energy. We propose to make ourselves independent. Why should not our agencies also be independent? Why should they have to depend upon the oil companies and the American Petroleum Institute for their information respecting the essential data on Government-owned land underneath the ocean?

My amendment proposes to declare this kind of independence. We are now engaged upon a tremendous leasing program of the people's oil resources on land, under the ocean, and in oil shale. Does it not make sense for the Government of the United States to have available all the information that is necessary to permit its officials to know about the value of those resources so that they can demand proper remuneration in connection with its leasing programs?

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

Mr. YATES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I thank the gentleman for yielding.

I should like to ask two things. Did we not pass legislation in this House quite recently which required that the oil companies disclose information in a mandatory disclosure package?

Mr. YATES. May I say to the gentleman we passed it, and the President vetoed it.

Mr. WYMAN. If the gentleman will yield further, the gentleman is seeking to accomplish this by this amendment to this appropriation bill?

Mr. YATES. What I am seeking to do is to provide ways and means for the agencies of Government to obtain the information that they need in order to properly carry out the leasing program. What I am seeking to do is have the General Accounting Office establish a system of procedures which will enable the agencies of Government to do that.

Mr. WYMAN. If the gentleman will yield further, is the gentleman's amendment irrelevant to the statement, for example, that Mr. Simon has made that on a voluntary basis at the present time adequate information necessary for him to conduct his role as Energy Czar is coming in to him from the oil companies?

Mr. YATES. It is coming in to him from the oil companies? If Mr. Simon has said that—and I assume he has if the gentleman says so—I still think that is insufficient. I would just as soon that the Government of the United States rely not upon the oil companies for its information but upon its own independent sources.

Mr. WYMAN. Information concerning reserves and estimates of what is in the ground comes from seismic studies, geological surveys, and numerous technical applications that often exceedingly reflect confidential information in a competitive field.

Mr. YATES. The gentleman is right. That is not provided by the oil companies. They provide the information they wish to provide, and the Government does not have the information that it needs, for example, to know whether the bids that the oil companies are making in connection with the leasing program are adequate.

Mr. WYMAN. Would the gentleman's amendment require the oil companies to disclose to the Government what they think is under designated parts of the ocean up for bid?

Mr. YATES. No. My amendment does no such thing. My amendment would require the General Accounting Office to initiate or to establish a system of procedures for energy agencies to follow in order to obtain the information that they need in order to undertake the leasing program. It does not make the requirement on the oil companies at all.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I understand that the Interstate and Foreign Commerce Committee is now working rather long hours to bring out another energy bill Would not the gentleman's amendment be properly offered to that bill, which I am told will be on the floor of the House after the Easter recess?

Mr. YATES. I will tell the gentleman it is quite possible it might be offered to that bill, but if we get into the same situation of trying to pass this energy bill as we did on the last energy bill, there may not be an energy bill. I do not consider this to be legislation because I understand it to be the function of the General Accounting Office to provide procedures which will make operation of Government agencies more economical, and I consider my amendment is doing that.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. CASEY of Texas. Mr. Chairman, the gentleman serves on the Interior Committee and I understand it is work-

ing on a procedure to have the General Accounting Office do just this.

Mr. YATES. If it is, I am not aware of it.

Mr. CASEY of Texas. I am advised that is just exactly what they are doing. They are calling on private industry themselves to work out the regulations and private industry in turn has been getting most of their information from the Interior Department as far as federally owned resources are concerned.

Mr. YATES. There are two types of information. The private companies obtain broad general information from the Department. The best example of the fact that the agencies do not know what lies in the Government-owned resources is the great discrepancy in the bids that have taken place. The Department's expectation of what the bids were going to provide was something like 300 percent less than was actually provided.

Mr. CASEY of Texas. Yes.

Mr. YATES. So the point of my amendment is to make sure the Government knows enough to act sensibly with adequate information.

Mr. CASEY of Texas. That is exactly why I am told the Interior Committee is working these procedures up right now that they are going to put into effect on what they consider open leasing, so that they can get the information. All the drilling information and so forth will be public information.

Mr. YATES. Assuming the gentleman is correct, I would just as soon have those agencies work with the General Accounting Office in perfecting such procedures. That is why my amendment is particularly appropriate.

Mr. CASEY of Texas. But is is with respect to Federal lands and Federal resources.

Mr. YATES. It proposes only a system of procedures to provide for the Government agency having a more economic and efficient system for carrying out those leasing programs.

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

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

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

Mr. YATES. I yield to the distinguished chairman of the Appropriations Committee.

Mr. MAHON. Mr. Chairman, is it not true that the gentleman is objecting to getting information from the oil companies which he feels might not be adequate? Well, the Department of Commerce and the Department of the Interior have adequate facilities to get the information that is desired.

It seems to me to be most unfortunate for the gentleman to submit this amendment—which is apparently subject to a point of order—to an appropriations bill when other committees of the Congress are working on matters involving the proper assessment of the energy situation.

Mr. YATES. How are we taking over the jurisdiction of any other committee? This amendment seeks to have the General Accounting Office establish a system of procedures for Federal agencies to follow. That is not taking over the jurisdiction of any other committee.

The Appropriations Committee frequently calls upon the General Accounting Office to make studies of appropriations of the departments. This is not an invasion of the jurisdiction of any legislative committee. The gentleman from Texas does it himself. He asks help from the General Accounting Office to see what the activities of the executive agencies are. And all this amendment seeks to do is establish a system of procedures for the executive agencies before they get into trouble.

Mr. MAHON. Well, it provides for evaluating data relating to location, quality and quantity, and public cost and difficulty of extraction, and such other information as will enable agencies to exercise proper judgment. This seems to me to be completely outside the scope of appropriations for the legislative branch.

Mr. YATES. On the contrary, this is an appropriation bill from the General Accounting Office.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Iowa press the point of order?

Mr. GROSS. Yes. I make a point of order against the amendment on the ground it is legislation on an appropriation bill and places additional obligations on the Office of Comptroller General.

The CHAIRMAN. Does the gentleman from Illinois wish to reply to the point of order?

Mr. YATES. Mr. Chairman, I do not think the point of order is supported under title XXXI, section 53-a of the statutes. It is specifically set out in there that the General Accounting Office has the power to make any investigations it may wish to make concerning the expenditure of public funds. It seems to me that my amendment relates specifically to the question of investigations of preparing a system of procedures which will provide for a more economic and efficient operation of the energy agencies and is, therefore, fully within the jurisdiction of the General Accounting Office.

Mr. Chairman, I also call attention of the Chair to section B that says that such investigations may be ordered by the Congress and such an investigation can be ordered by this House of Representatives under that section if the committee votes for it. Therefore, it is within the jurisdiction of this committee to vote for such an action by the General Accounting Office.

The CHAIRMAN. The Chair has examined section 53 of title 31, United States Code, which the gentleman quoted in his argument. Section 53 does state a very broad investigatory authority for the Comptroller General.

The gentleman's argument goes to a specific mandate and under section 1442, volume VII, of the precedents the proposition to establish affirmative directions for an executive officer constitutes legislation and is not in order on a general appropriations bill.

With respect to the second argument of the gentleman, the Chair would state it might be appropriate for Congress to direct this type of study, but not in an appropriation bill.

Therefore, the Chair must sustain the point of order.

Mr. YATES. Before the Chair rules, may I call attention of the Chair to the inapplicability of the section that relates to the General Accounting Office.

The CHAIRMAN. The principle laid down by the precedent relates to any agency where the head is acting in an executive capacity.

Mr. YATES. I respectfully suggest to the Chair before it makes the ruling, it is not that kind of agency. It is not engaged in that kind of executive action.

The CHAIRMAN. The Chair did take into account the gentleman's argument. Therefore, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. GROSS

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

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

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), $3,500,000, to remain available until expended: *Provided*, That funds remaining unobligated as of June 30, 1974, shall be merged with and also be available for the general purposes of this appropriation.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 14, line 5, strike out "$3,500,000" and insert "$2,000,000".

Mr. GROSS. Mr. Chairman, I will be very brief. This simply is an amendment that attempts to cut another million and a half dollars off the committee appropriation for the Office of Technology Assessment.

What business this new Office of Technology Assessment has up to date is apparently something they have gone out and solicited to try to justify the $2,000,000 it got from this committee for this fiscal year.

For instance, the hearings show that they apparently solicited the Senate Committee on Agriculture and Forestry and the House Committee on Foreign Affairs for business. On the subject of food, one item is agricultural information system. I do not know why in the world the Agriculture Department cannot provide all the agricultural information anyone can possibly use.

Another item is food technology, whatever that means. I should think that we already have agencies of the Government that can provide anyone interested with all the information they could possibly need on that subject.

Then the energy situation, solar energy, photothermal collector cells, relating power satellites and so forth and so on. We authorized a brandnew office and several million dollars only recently for an investigation of the solar energy business, energy conservation, and there is also nuclear safety. Surely the Committee on Science and Astronautics and Atomic Energy can provide all kinds of information on nuclear safety.

The Senate Committee on Appropria-

tions and the Subcommittee on Transportation were apparently solicited for business. One of the subjects is automation in federally supported urban transit projects—why go to the Office of Technology Assessment which has no record of accomplishment to find out about automation in a federally supported urban transit project. They can go over to Morgantown, W. Va., where they have spent millions of dollars on just such a project. I am sure the House Committee on Interstate and Foreign Commerce can give them all kinds of information on that subject.

This same Senate committee wants information on the upgrading of railroad tracks. The Office of Technology Assessment, is totally incompetent at this time to provide anyone with information on the upgrading of railroad tracks?

My friend, the chairman of the House Committee on Foreign Affairs, Dr. MORGAN, apparently was solicited, and it appears he asked for the Technology of Fertility Regulation. The good doctor could take care of that subject for the benefit of the House Foreign Affairs Committee, without any help from the Office of Technology Assessment, which has been in business only a few months.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Mr. Chairman, I am delighted to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, I just want to confine my comments to a matter over which I have personal knowledge, and that is with respect to the solar energy situation. I do know from my committee work that NASA and the National Science Foundation and the Atomic Energy Commission are all spending millions of dollars in this particular area. I doubt whether any office that we might set up here would be able to contribute much to that amount.

Mr. GROSS. Mr. Chairman, I thank the gentleman very much.

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

Mr. GROSS. Mr. Chairman, I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, perhaps the gentleman's understanding of the realities of the existence of this agency will be clearer if he realizes the principal witness who supported it was the junior Senator from Massachusetts.

Mr. GROSS. Mr. Chairman, I thank the gentleman but I am not interested in who is supporting it, who heads it, the board of directors or advisers or anything else. I am interested in putting a stop to the millions upon millions of dollars that are being spent in this Government today by way of duplication of information.

Mr. WYMAN. Mr. Chairman, I could not agree with the gentleman more.

Mr. CASEY of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must say for the benefit of the Members of the House that if it were not for our beloved colleague, the gentleman from Iowa (Mr. GROSS), this country would be in much worse shape today than it is. I will say to the gentleman that I and many of us—in fact, all of us—will sorely miss him next year, because, as we can tell from the number of Members here on the floor of the House, this bill very seldom attracts any attention. Everyone says, "It is just a legislative appropriation bill. Let it go."

However, the gentleman from Iowa always puts his finger on tender spots, shall we say, in the appropriation bill, and not only in this bill but in all appropriation bills, in an attempt to try to bring fiscal sanity to this country.

Mr. Chairman, I will say for the benefit of the gentleman from Iowa that the items he listed were requested by congressional committees and those requests have been received by the Office of Technology Assessment. That does not mean they are going to make all those studies, so they told us, and I assure the gentleman we are not going to give them enough money to take all those requests on, because I do not think there is that much money around to cover all the items the gentleman listed.

Also I will say for the benefit of the gentleman from Iowa that the Congress, both this House and the Senate, created the Office of Technology Assessment, and there was debate concerning it. I know the gentleman was opposed to the creation of the agency when it was considered on the floor of the House, and the gentleman very ably opposed it. Nevertheless, the House and the Congress, in its wisdom or in its lack of wisdom, whichever one wishes to choose, did create the agency. It is up to this committee to bring forth food for the "baby" that the House and the Congress created.

The gentleman thinks we are offering them too much this year. However, I think, by cutting their request down by a million and a half, we have put it in perspective. I do not say that some of the money will not be wasted. In fact, we cannot say that about any money that is in this bill for any of these various functions. This would be true of any appropriation bill we bring to the floor of the House.

Mr. Chairman, my colleague on the other side recites that the additional money for 1975 was supported by the senior Senator from Massachusetts. I do not have anything to do with the various Senators.

Our very distinguished Member of the House from the State of Ohio will probably be Chairman of the Technology Assessment Board next year, and he was right there in the subcommittee room with the Senator, urging that we appropriate this money.

I think they were acting in all sincerity.

So, Mr. Chairman, I do not think the gentleman should let personalities enter into this at all.

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

Mr. CASEY of Texas. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I offered the comment, not in the spirit of getting into personalities at all. The senior Senator from Massachusetts has long been a champion of this particular organization. There was considerable debate and considerable background material in the RECORD that tends to show that many people have taken kindly to it, because this appeals to them.

In addition to that, he has solicited most of the Members of the House and many of the committees for recommendations as to how the capabilities of OTA could be put to good use for the House. This is simply a fact, and has stimulated interest in and support for OTA.

Mr. CASEY of Texas. Mr. Chairman, I am glad the gentleman agrees with me that the Chairman of the Board is sincere in trying to make the Office of Technology Assessment work and be responsive to the Congress and perform the functions for which it was created.

Mr. WYMAN. Mr. Chairman, I did not intend to imply that he was not. I simply assigned that as a reason for some of the support for this bill that would not have existed without it.

Mr. CASEY of Texas. It has good support. I think it has good support from both the House and the Senate.

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

Mr. CASEY of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I want to thank the gentleman from Texas for his kind personal remarks. I will say to the gentleman that it was upon reading the record of the hearings, and from his close questioning, as well as that of others, including the gentlewoman from Oregon (Mrs. GREEN), and the close questioning of other members of the subcommittee, and the apparent doubts that they had concerning the accomplishments of this Office of Technology Assessment, that led me to offer the amendment to cut them back to the same amount of money that they had last year. It was because of that that I offered the amendment, I will say to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Chairman, I will say to the gentleman that when he offers this amendment to the bill, of course, I do not want to accept it or want it to be approved. But I will say to the gentleman that he does place this particular agency on notice that they are not free to do what they please nor should they expect all the money they might request.

I can assure the gentleman that this committee is going to watch them closely, and if they do not show some progress next year, our subcommittee is going to be pretty critical and will consider their next year's appropriation requests very carefully.

Mr. BOLAND. Will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. BOLAND. As I read the report on page 12 with respect to the Office of Technology Assessment, it was set up in the 92d Congress—

> to equip the Congress with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of technological applications;

In my judgment, I think this is very important information for the Congress to have.

I may say to the gentleman from New Hampshire and to my distinguished friend from Iowa that today the subcommittee I chair considered the energy-related projects and research efforts of the National Science Foundation and the National Aeronautics and Space Administration and in that interrelated package there are a great number of programs that Members of Congress find terribly difficult to understand. The NASA request in the energy-related appropriation bill, which we will get perhaps a week after we come back from the recess, runs about $4.5 million.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. CASEY of Texas. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, the request of the National Science Foundation is for $101 million, with all of it spread over new technology, which is difficult for Members to understand. There is an absolute responsibility on the part of those of us in this body to understand what we are appropriating for and what we are authorizing at the very start. I think we can get a better handle on the problems and projects and that we will have a better knowledge of the direction in which we ought to go. This is not to say we are not spending too much money in this area; we probably are in many areas. The money being spent on the Office of Technology Assessment is spread throughout this Government and not alone in NASA or the National Science Foundation but in very many areas. From the point of view of a number of Members of this body, it is a terribly important office, and I hope we will keep the money for it in this budget.

Mr. CASEY of Texas. I appreciate the gentleman's statement.

Mr. Chairman, I hope the House will vote this amendment down and approve the committee's recommendation. We have already cut $1.5 million out of the request, and I assure the House we will keep a very close watch on this agency and if they do not produce, they will not get the money another year.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment and make this observation to the gentleman from Iowa: $2 million is not enough here. When OTA was funded at $2 million last time it was quite late in the year. They requested $5 million this time, and we funded them at $3.5 million. In the course of the discussion on that $3.5 million we took note of the fact that it is likely when it gets over in the other body it will be increased and we will end up in conference with somewhere between $3.5 million and $4 million, perhaps $4 million; but to do the job of which the gentleman from Massachusetts just spoke, namely, to make the contractual obligations and to undertake the assessments in any kind of a meaningful way for the legislative branch, if it is going to have this body in existence—and we have voted to create it—we must give it a chance to live and to do the job. $3.5 million is the bare minimum if it is to be given that chance in this fiscal year, so those who are here next year can look at it again at that time. The figure, though, should not be reduced at this time, with all due respect to the gentleman from Iowa.

Mr. GROSS. Will the gentleman yield?

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

Mr. GROSS. I have the members of this subcommittee in mind. I admire all of them, and I am trying to provide a service in their behalf when they go to conference and give them a low figure to go to conference with. Then perhaps they will compromise a little; they usually do. So I was trying to do you and your colleagues on the committee a favor.

Mr. WYMAN. I appreciate that.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not intended to speak on this matter, but I note that I think I am the only one here who was on the Committee on Science and Astronautics at the time this bill was developed.

I thought I should say a word on its behalf, if I may.

It has been noted that the current chairman of the Office of Technology Assessment, or board, is the Senator from Massachusetts. It has also been pointed out that next year that chairman will be our distinguished colleague, the gentleman from Texas (Mr. TEAGUE) and any fear we might have with regard to the pernicious influence the Senator from Massachusetts might have would be allayed by contemplating the chairman for the next year.

Without regard to the chairmanship of the board, or office, or commission, I think all of us should be aware of the fact that this is one of the few bodies in Congress that is absolutely bipartisan in its makeup. It is composed of six Members from the majority party and six Members from the minority party, all distinguished Members, and they are, I think, well capable of policing the expenditures made by this office or board.

The thing I am particularly concerned about is that what seems to me to be a lack of awareness of the importance of the task that we have entrusted to this body. Those Members who have been here for a considerable period of time, much longer than I, will remember and will recall that this body has always had difficulty in anticipating the consequences of some of the things that we do, and some of the developments that take place in our society.

Back in the late 1930's is one example, and one that has been since frequently cited, which was an agency called the National Planning Board, and one of its functions was to anticipate the course of events in this country, and try to develop plans to correct that which they had anticipated.

The word "planning" then, and to some extent still today, is considered a nasty word, not fit in a free society. And as a consequence we have reaped most of the ill effects from our failure to do an adequate job on anticipating things that plague this society.

The particular reference I want to make was to the study that was made, and this was a technology assessment study made 40 years ago which studied the industrialization of agriculture and predicted that with the mechanical cotton reaper and various other things being developed, that we would have a massive displacement of poor farmworkers who would come to the northern cities and might create some problems for us.

Just a year or so ago we finally recognized possibly the only way to have prevented that problem was to have concentrated on the development of our rural communities, and we passed the Rural Development Act. That Rural Development Act should have been passed 40 years ago, which would have made it possible to develop means to provide facilities which would have kept the poor farmworkers in the rural areas instead of bringing them to New York, Los Angeles, and Chicago, where they have created many of the social problems which exist at the present time, and which have existed over the past generation.

Another example which I might cite is the fact that we have allowed our systems of mass transit over the last couple of generations to deteriorate in favor of the automobile. A technology assessment study would have told us that in southern California we should not have gotten rid of the red cars, the mass transit system that we had almost from the turn of the century on. We have ruined southern California with freeways and automobiles over the last 70, 60, or 50 years, whatever period of time one would like to take. A technology assessment study that did a little bit of forward looking would have anticipated some of these problems.

These are merely minor examples of the kind of things which I know the members of the Committee on Science and Astronautics had in mind when they originated this Office of Technology Assessment.

We want to look into the future to see the kind of problems we create by what we do today, by what is happening in this society today. We want every committee of this Congress to be able to call upon this office for this kind of forward looking which may help us to avoid some of these problems in the future.

When one talks of $3.5 million for this sort of assistance, that is a picayune figure when we can save $3.5 billion per year by using the proper kind of insight into what is going to happen.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. YATES

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

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 27, line 17, after the colon and before the word "*Provided*", insert the following:

*Provided*, That part of this appropriation may be available for an investigation by the General Accounting Office of the accounts of the various Federal agencies dealing with energy matters for the purpose of establish-

ing a system for procedures for investigating, collecting and evaluating timely data relating to the location, quantity, quality, probable cost of and difficulty of extraction and such other information as will enable such agencies to exercise an independent judgment in correction with the sale, leaving as other disposal of Federally owned petroleum resources.

Mr. GROSS. Mr. Chairman, I reserve a point of order on the amendment.

Mr. YATES. Mr. Chairman, I will not make my argument until we have disposed of the point of order. I should like to hear the gentleman's point of order.

The CHAIRMAN. Does the gentleman from Iowa wish to press his point of order?

Mr. GROSS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make the same point of order against the amendment: that it is legislation on an appropriation bill and imposes new duties upon the General Accounting Office and the Comptroller General not contemplated by law and not authorized by law.

Mr. YATES. Mr. Chairman, if I may respond, this amendment is totally different in form from the amendment I offered previously. This amendment provides that a part of the appropriation may be available to the General Accounting Office for the purpose that is specified there. It does not require any affirmative action on the part of any member of the executive branch or of any executive agency, and is, therefore, totally different from the amendment that was offered previously. Therefore, I suggest, Mr. Chairman, that on that basis the point of order does not apply to this amendment.

The CHAIRMAN (Mr. MURPHY of New York). The Chair will state to the gentleman from Iowa that this is a revised amendment from that offered by the gentleman from Illinois (Mr. YATES) earlier. The amendment in its present form does not contain an affirmative direction and does not interfere with executive discretion or confer new authority. It describes the purpose for which a part of the appropriation in the paragraph may be used, and it is to be implemented at the discretion of the General Accounting Office. Therefore, it is not legislation on an appropriation bill.

The Chair overrules the point of order.

Mr. YATES. Mr. Chairman, I will not take the 5 minutes. As I indicated in my statement earlier this afternoon, I believe that everybody in this House knows how ill-equipped the energy agencies of Government are for participating in the mammoth task that has fallen upon them by direction of the President, and under the requirements of the energy shortage. They have the job of developing a huge leasing program of the Government's petroleum resources, and they just are not equipped at the present time for doing it. They must rely upon information that is furnished to them by the oil companies and by the American Petroleum Institute. I suggest to the House that it would be much better for these agencies to be given the opportunity of making an independent judgment when the time comes for carrying out their duties, rather than having to rely upon information furnished to them by companies that stand to benefit by the leases that the agencies have to make.

My amendment will permit the General Accounting Office to establish a system of procedures under which the energy agencies will be in a position to obtain independent information and, therefore, in a position to bargain more completely and efficiently and adequately on behalf of the people of the United States in making deals for disposing of the people's resources.

Mr. Chairman, I urge that the amendment be agreed to.

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

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

Mr. MALLARY. I thank the gentleman for yielding.

The gentleman presumably is aware of the legislation and the provisions of the Federal Energy Administration Act. I understand in conference it has been agreed upon to provide very substantial procedures and powers to the Federal Energy Administration for the obtaining of information from the private energy companies.

Mr. YATES. I am well aware that that bill is still in conference. It has been in conference for many months. I am aware of the fact that it may not emerge from the conference for many months if, indeed, it does emerge from the conference.

Finally, even if it does emerge from the conference with the provisions that the gentleman cites in part, the amendment I have suggested will merely provide for the General Accounting Office cooperating with the energy agencies in carrying out those requirements, those provisions, and therefore it should be advantageous in supplementing those provisions.

Mr. MALLARY. The gentleman does feel that those provisions in that act as passed by the House, and I understand they have been compromised, are adequate for the purpose?

Mr. YATES. As I indicated in my remarks to the gentleman, we may never have that conference report enacted into law.

Second, again repeating myself and I do not see why I should be repeating myself, the General Accounting Office cooperation as called for under this amendment will in no way compromise that legislation, and I suggest it carries out the functions of those provisions to a much more advantageous extent, so, Mr. Chairman, I call for a vote in favor of the amendment.

Mr. CASEY of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment as offered by the gentleman from Illinois will actually clutter up the appropriation bill, for this language would indicate that maybe this is an instruction. Frankly, I do not think this language belongs in an appropriation bill, even as a permissive measure, because we have the Federal Energy bill that the gentleman just referred to, and we have the Interior Committee which I believe is holding hearings right now—and the chairman of the committee is here and nodding his head that they are—on the very same thing, establishing proper procedures for the development of Federal natural resources and particularly petroleum. So I see no reason why this should be in a legislative branch appropriation bill. It has no force and effect other than to muddy up the waters, so to speak, and I think it is the prerogative of the legislative committees to set forth what the various agencies such as the Interior Department or Federal Energy Office should do.

The function of the General Accounting Office is then to police the agencies and see that they are handling the matters under the proper procedures, and not to go in and try to take the ball away from the agencies. The General Accounting Office is our arm to police the agencies. We want to keep our policemen going in there. If we start setting up the procedures, we cannot be even critical of them. We should not adopt this amendment which would muddy up the waters.

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

Mr. CASEY of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, would the gentleman not agree that this subject matter properly belongs before the Committee on the Interior or the Committee on Interstate and Foreign Commerce?

Mr. CASEY of Texas. Yes; and I have been advised by the chairman of the Committee on the Interior, where the matter is being considered right now, that they are holding hearings. I do not see why we should take that prerogative over.

Mr. GROSS. On this short notice I do not know the ramifications of this and I do not think anyone in the House knows the ramifications of this, so we should let it come through the regular legislative committee.

Mr. CASEY of Texas. The gentleman is absolutely right, and I urge the defeat of the amendment.

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

Mr. Chairman, a great deal of complaint has been leveled at the Congress and at the administration because there are so many agencies trying to deal with the energy problem. Now the gentleman from Illinois is trying to project the General Accounting Office into this picture, and I think it makes no sense whatever to try to legislate on energy matters in this bill for the legislative branch.

To further fragment the attack on the energy problem by injecting another agency of the Government into the subject in this way it seems to me is very unwise. I just feel that this is no place for the Congress in an appropriation bill to undertake to solve the energy problem and deal with the oil companies.

The facts about the energy problem ought to be made available and they will. I hope they will be made available under the normal procedures of the Govern-

ment and through the actions of Congress.

Of course, we cannot say we refuse to consider any of the information which is provided by the petroleum companies. When the Department of Agriculture assembles statistics for the public in regard to agricultural production, it gets some of this information from the farmers and the people who work with the farmers. When the Department of Commerce seeks to get information with regard to business, it gets the information from the various business enterprises of the Nation.

So, when we seek information in regard to the energy problem, in regard to petroleum, we necessarily have to get some of that information from the people that work in this field. Certainly that is part of the procedure.

I just regret to see the House adopt an amendment such as this—which I regard as legislative in nature—on an appropriation bill. I think the amendment is not proper.

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

Mr. MAHON. I yield to the gentleman.

Mr. YATES. The gentleman totally distorts my amendment. My amendment provides for an appropriation in this appropriation bill which deals with the General Accounting Office for certain duties by the General Accounting Office. The General Accounting Office is not going out and looking at the oil reserves. It is not going out to look at oil fields. The General Accounting Office is dealing with provisions and acts of agencies, the setting of procedures. There is no provision for nationalizing the oil industry. There is no provision for not dealing with oil industries, but what this proposes is for the Government to be in a position where it knows what it is doing.

Mr. MAHON. The amendment says in effect they will be investigating, collecting and evaluating timely data relating to the location of oil and gas, the quantity and quality and the probable cost and the difficulty of extraction.

It is highly improper to have this kind of legislation on an appropriation bill and I quote "and such other information as will enable such agencies to exercise an independent judgment."

Mr. YATES. Right, right; the gentleman is right.

Mr. MAHON. In connection with the sale, leasing or other disposal of federally owned petroleum resources."

It just seems to me this bill is the wrong vehicle for undertaking this and I ask for a vote against it.

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

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 5, noes 44.

So the amendment was rejected.

Mr. CASEY of Texas. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURPHY of New York, 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. 14012) making appropriations for the legislative branch for the fiscal year ending June 30, 1975, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

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

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

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

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

Mr. DELLENBACK. 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 373, nays 17, not voting 42, as follows:

[Roll No. 157]

YEAS—373

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

NAYS—17

| | | |
|---|---|---|
| Bauman | Devine | Martin, N.C. |
| Bennett | Frenzel | Miller |
| Collins, Tex. | Goodling | Shuster |
| Conlan | Gross | Symms |
| Crane | Landgrebe | Wylie |
| Dellenback | Lott | |

NOT VOTING—42

| | | |
|---|---|---|
| Ashbrook | Frelinghuysen | Meeds |
| Boggs | Green, Oreg. | Mizell |
| Brademas | Griffiths | Patman |
| Broomfield | Hansen, Wash. | Pickle |
| Brotzman | Hawkins | Rangel |
| Buchanan | Hébert | Reid |
| Carey, N.Y. | Henderson | Rhodes |
| Cederberg | Hinshaw | Rooney, N.Y. |
| Clancy | Holifield | Shipley |
| Danielson | Huber | Shoup |
| Diggs | Kazen | Udall |
| Dorn | Kuykendall | Williams |
| Eilberg | McEwen | Young, S.C. |
| Findley | Macdonald | Zwach |

So the bill was passed.

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Rhodes.

Mr. Rooney of New York with Mr. Danielson.

Mr. Reid with Mr. Patman.
Mr. Carey of New York with Mr. Young of South Carolina.
Mr. Shipley with Mr. Frelinghuysen.
Mr. Kazen with Mr. Huber.
Mr. Pickle with Mr. Shoup.
Mr. Brademas with Mr. McEwen.
Mr. Rangel with Mrs. Griffiths.
Mr. Udall with Mr. Diggs.
Mr. Holifield with Mr. Ashbrook.
Mr. Hébert with Mr. Cederberg.
Mr. Hawkins with Mrs. Green of Oregon.
Mr. Eilberg with Mr. Broomfield.
Mrs. Hansen of Washington with Mr. Buchanan.
Mr. Macdonald with Mr. Clancy.
Mr. Meeds with Mr. Brotzman.
Mr. Dorn with Mr. Findley.
Mr. Henderson with Mr. Hinshaw.
Mr. Kuykendall with Mr. Williams.
Mr. Mizell with Mr. Zwach.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

## SURVIVORSHIP BENEFIT PLAN

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

Mr. BRINKLEY. Mr. Speaker, it is very important that Congress provide survivorship protection for the families of our deceased veterans and for the families of other totally and permanently disabled veterans. As a result of their disabilities, these veterans are unable to build up an estate. Additionally, they are largely dependent on their compensation for support, thus allowing little or nothing for savings, and they have little or no opportunity to build up social security benefits. Life insurance is difficult or impossible for them to obtain and they must generally pay extra premiums if they can obtain it.

The Congress partially recognized the problem by the enactment of Public Law 92–425 which set up a contributory system for survivor benefits for the families of retired military personnel. Since enlisted personnel were not entitled to retire for disability until 1949, there is a glaring gap in this status. It fails to cover thousands of enlisted men disabled by service connected causes in World War II. Therefore, I am today introducing legislation which is designed to provide survivorship benefits for the families of certain severely disabled veterans.

EXPLANATORY STATEMENT

This Bill is designed to remedy a glaring deficiency in recently enacted law which discriminates against thousands of former military enlisted personnel who were permanently and totally disabled due to service-connected causes, primarily during World War II.

By a Public Law 92–425 the Congress enacted the Survivor Benefit Plan which set up a greatly liberalized system of benefits for the survivors of retired military personnel. Under this Act survivors of military retirees are eligible to receive up to 55 percent of the retired pay of their sponsor at the time of his death; these new benefits are essentially the same as, and are patterned after, those provided for survivors of retired civil service personnel.

However, since only the survivors of retired military personnel are eligible for benefits under P.L. 92–425 and since enlisted personnel were not eligible to retire for disability prior to October 1, 1949, the effective date of the Career Compensation Act, all enlisted personnel disabled before and during World War II and up to 1949 are barred from participating in the Survivor Benefit Plan, thereby precluding them from providing adequate survivor benefits available to all other dependents of retired Government personnel, military and civilian alike.

By Public Law 93–82 the Congress recently recognized the inequity which their technical lack of retired status places on pre-1949 enlisted personnel who suffered permanent and total disability from service-connected causes. This Act made such personnel and their dependents eligible to participate in a program similar to the CHAMPUS program, the on-going program which, among other things, pays most of the civilian medical costs incurred by military retirees and their dependents.

The present Bill would conform exactly to the rationale of P.L. 93–82 by permitting former enlisted personnel who are permanently and totally disabled to participate in the Survivor Benefit Plan on the same basis as if they held a retired status: they would make the same monthly contributions to help defray the cost of participation and their survivors would receive the same benefits. Certainly the need to provide such survivorship protection is equal to, and is perhaps even greater than the need to defray medical costs. Almost by definition, permanently and totally disabled personnel are, in the majority of cases, limited to the income they receive from the Veterans Administration disability compensation which ceases on their death, they usually do not hold jobs which enable them to build up an estate or accrue social security benefits and generally are ineligible for insurance or can obtain it only at a prohibitive cost.

## DIRTY TRICKS

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

Mr. WAGGONNER. Mr. Speaker, perhaps it is not the case or maybe I have misread some of what I have seen in the Post—although I do not think so—but I would have sworn that the Post had advocated on several occasions the need for a strong campaign reform law that would disallow or discourage questionable campaign activities. It was the Post, as you recall, that brought to light the dirty tricks performed by CREEP.

Yet, in yesterday's paper, there was an editorial appropriately titled "Dirty Tricks" in which the Post came out in opposition to a criminal libel amendment to the campaign reform bill designed to put an end to the publishing of "false and defamatory" statements about candidates for Federal office. Let me read the text of the amendment:

No person shall cause to be published a false and defamatory statement about the character or professional ability of a candidate for Federal office with respect to the qualifications of that candidate for that office if such person knows that such statement is false.

Now maybe I do not quite understand their opposition, but it seems to me that such an amendment is in keeping with the Post's overall goal.

Could it be that the Post is again engaging in the old double standard, that it is perfectly all right for them and others in the newsprint media to publish falsehoods under the guise of freedom of the press, that it is in the public's best interest for them to play dirty tricks, but it is wrong for anyone else to do so?

If the Post is anxious to clean up campaigning for Federal office, then let us clean it up. A good start would be the adoption of the Talmadge amendment. After all, it should be a crime to knowingly publish a false statement.

DIRTY TRICKS

Toward the close of the Senate debate on the campaign reform bill on Thursday, Sen. Herman E. Talmadge (D-Ga.) dropped in an amendment which the Senate ought to weigh very carefully. Sen. Talmadge's intent is to discourage "dirty tricks" such as the circulation of false and malicious statements about candidates for federal office. That is a worthy objective, and legislation toward that end might seem, at first, about as unobjectionable as apple pie. But on closer inspection the idea turns out to be full of worms.

The Talmadge amendment would add a new subsection to the federal criminal code, as follows:

"No person shall cause to be published a false and defamatory statement about the character or professional ability of a candidate for Federal office with respect to the qualifications of that candidate for that office if such person knows that such statement is false."

A violation would be a misdemeanor punishable by a fine of up to $10,000, imprisonment for up to six months, or both.

If by some chance this were enacted, it would be the first federal criminal libel statute since the infamous Sedition Act of 1798. That fact alone suggests that any such proposal should be subjected to extensive hearings and long debate—rather than the 30 minutes of floor consideration which the amendment is now scheduled to receive.

Beyond the general—and perhaps insurmountable—difficulty of drafting any language on this subject which might pass constitutional tests, the specific terms of the Talmadge amendment bring several questions to mind. To start with, it is lopsided. It would cover false and defamatory statements about candidates, but would provide no similar protection against equally malicious and baseless attacks by candidates on private citizens, or for that matter on officials who are not running for office at the time. Thus a candidate would still be able to engage in "dirty tricks" as long as the target was his opponent's family or chief contributors.

Second, the amendment has far-reaching implications for the press. It might mean that a newspaper or magazine—but not, apparently, a radio or TV station—would be liable to prosecution for accepting an ad or reporting a candidate's statement which contained false and damaging allegations. Would a news organization have to check out and vouch for every campaign statement before transmitting it? What if a newspaper reported a charge which was aptently false, and in the next paragraph reported the opponent's denial? Or would the press be better off simply not reporting wild accusations at all, and thus not informing the public that

a candidate was seeking votes by slinging mud?

Third, making some kind of "dirty tricks" into federal crimes would put the burden—and the option—of prosecution, in the heat of a campaign, on the Justice Department. Given the present concern about partisan influences on law enforcement, this alone should make some senators think twice. All in all, rather than cleaning up political debate, this particular approach would only muddy it much more. To whoop through any such proposal would be, by itself, a "dirty trick" which many senators could come to regret.

## MR. JANUSZ KOCHANSKI, MAN WITHOUT A COUNTRY

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

Mr. MILFORD. Mr. Speaker, time after time I have seen Members step into the well and praise our American system while denouncing communism. All of us have heard reports of defections, by individuals, who chose freedom and were fortunate enough to escape the bonds of that restrictive society.

I would now like to make all Members aware of the shocking story and unusual circumstances involving Mr. Janusz Kochanski—formerly a citizen of a Communist nation, a member of the Communist Party, and a high-level intelligence officer in that Communist nation.

In his former world, he was considered one of the fair-haired boys. He would be able to advance into the upper ranks of the Communist Party and enjoy the special privileges that are granted only to the elite few.

Before continuing further, I would like for each of my colleagues to know that I have personally investigated the facts and circumstances that I am about to relate. I have, personally, visited with representatives of the Central Intelligence Agency and the State Department to obtain verification.

Mr. Speaker, the story of Janusz Kochanski began in 1966 while he was an active intelligence officer for his native Communist country. At that time, he was outside his country on assignment in Oslo, Norway, with the assigned mission of recruiting spies.

Like many residents of Communist nations, travel to other countries often brings about unexpected revelations. In Mr. Kochanski's case, he became disenchanted with communism and made contact with U.S. sources.

His initial contact with American officials led to contacts with our Central Intelligence Agency. Mr. Kochanski was able to initially provide valuable intelligence information to the CIA and subsequently began to work actively for our intelligence people. He was promised asylum in the United States.

A tragic personal loss occurred late in 1966. Mr. Kochanski risked his own life by surreptiously reentering his native country to extract his wife and young son. To his horror, he learned his wife did not want to leave her family and friends to go to a strange country. His very young son had to also remain behind. His defection would not, now, allow him to remain in his original country.

With neither family nor country, Mr. Kochanski escaped from his native land. With the protection of the CIA, he was sent to the United States for asylum.

In June of 1967, Janusz Kochanski was tried in absentia and sentenced to death as a traitor, by his native country.

Even after gaining asylum and safety in the United States, Mr. Kochanski voluntarily continued to work for the CIA. This work involved personal danger in that he had to return to Europe for a period of time, in connection with his CIA work.

During the course of his association with the CIA, there is considerable circumstantial evidence that an implied promise of citizenship was made by members of our Government agencies.

Certainly Mr. Kochanski could reasonably expect to receive an American citizenship as a minimal award for risking his life to work with the CIA. It must be remembered that he voluntarily gave up the safety and security of his asylum in the United States to return to Europe on a mission for the CIA. Such a mission exposed him to international espionage agents that were under strict orders to destroy him in any way possible.

In my investigation of the Kochanski story, we even uncovered circumstantial evidence of an assassination attempt on his life in the heart of the United States.

Mr. Speaker, this man's background and active efforts for this Nation demand special attention by this body. He has clearly risked his life, lost his family, and suffered other punishment for a cause that is dear to every Member of this House. These deeds alone should qualify him for citizenship status in this country.

However, there is even more evidence that makes this man a desirable candidate for citizenship. During the past several months, he has been a resident of Dallas, Tex.—a city that I proudly represent.

My investigation revealed that Mr. Kochanski has been a model neighbor, community participant, and active civic worker. As a matter of fact, he makes some of our native-born citizens look like fugitives from nowheresville—as opposed to his being a fugitive from a Communist nation.

Therefore, Mr. Speaker, I plead with you and my colleagues in the House to give immediate consideration to passing a private bill that will make Janusz Kochanski a citizen of the United States of America.

I have today introduced such a bill. I ask that the Committee on the Judiciary give immediate consideration to this bill in order for it to come before the full House.

Surely we cannot allow a man with a proven dedication to our system of government to remain in a status of a "man without a country."

Our country needs men with the dedication of Janusz Kochanski—Janusz Kochanski needs our country. Let us mutually enjoy the blessings of each.

## ANTI-INFLATION ACT OF 1974

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

Mr. J. WILLIAM STANTON. Mr. Speaker, last Friday our House Banking and Currency Committee decided, by a 21 to 10 vote, to kill all activities of the Cost of Living Council.

As a person who has been long a strong opponent of any type of controls, after April 30, and who is totally opposed to any standby controls on prices and wages, I found myself as being numbered among one of the 10 who voted not to kill this legislation. I would like to express my reasons why.

Under consideration before the committee was a bill that I had personally introduced, H.R. 13922. I thought I had appropriately titled the bill the "Anti-Inflation Act of 1974."

Mr. Speaker, this bill did not contain any provisions for continuing price and wage controls after April 30. It did not contain any provisions for standby controls.

Basically, in this time of extremely high inflation, I thought that H.R. 13922 could be used by the Congress as a vehicle to curb inflation. My bill would allow the Cost of Living Council to exist for two main purposes: First, to monitor the industries in our country that have been decontrolled over the last 9 months; and second, and to me far more important, to provide the mechanism by which Congress could be kept informed on economic matters involving the welfare of our country.

On page 11 of my bill, I stated that the President must report to Congress every quarter. In carrying out this act the President would "study and evaluate the relationship between excess profits, the stabilization of the economy and the creation of new jobs." In addition to this, the Council would report to Congress any adverse affect on supply and demand that would tend to cause increases in prices. By taking away the Cost of Living Council, the Congress has lost a valuable tool in fulfilling its obligations to fight inflation.

Mr. Speaker, after introduction of the bill, I received almost total opposition to it from big business and many hospital personnel and doctors in my district. I do not think they clearly understood the bill.

I had personally envisioned H.R. 13922 as a vehicle with which we could have avoided such issues as the oil crisis. Proper reporting to Congress in the past few years would have forewarned us of the impending crisis. For years I have heard from people in the steel industry complaining about the problems involved with the importing of steel products. I have heard from other sources that the electric utilities will be having problems meeting their demands in the very near future. I know of many facets of our economy where environmental restrictions have prevented them from fulfilling their basic obligations to their customers. H.R. 13922 I envisioned as a vehicle that could have channeled all of this information to the proper committeee in Congress involved in economic matters.

In the very near future I know that Congress will be asked, once again, to

vote money for the Council on Productivity. This is an issue on which labor and big business and the administration agree. I had envisioned H.R. 13922 as the ideal vehicle with which to encourage the objectives of the Council on Productivity.

Mr. Speaker, it is hard to believe that the Congress actually turned down the Anti-Inflation Act of 1974. We shall certainly be hearing from the administration in the weeks and months ahead that Congress has abandoned the ship. I, personally, do not believe that the majority of members of our committee wished to turn down the potential objectives of H.R. 13922. We were caught in a tight time schedule in which H.R. 13922 was too closely connected with price and wage controls.

There was sentiment expressed in our committee during the hearings that some of the objectives that I had mentioned above would be taken up again later this year. I would certainly hope that this could be done. Perhaps at a later time the very interests that were against this legislation today will be for it. Without such a vehicle, I can see us once again, in the future, allowing the pressures to build to such a point that totalitarian control of all prices and wages will be legislated into law. With adequate reporting and thorough knowledge of our problems in advance, Congress can go a long way in keeping this dark day from becoming a reality.

Mr. Speaker, in introducing H.R. 13922, I prepared the following statement:

STATEMENT TO ACCOMPANY THE PRESENTATION OF H.R. 13922 TO THE HOUSE COMMITTEE ON BANKING AND CURRENCY

Mr. Chairman: I thank you for the opportunity of presenting the legislation. A couple of weeks ago the chairman of the Cost of Living Council and several of his key people visited my office to inquire into my views concerning the extension of the Economic Stabilization Act and the administration's bill to accomplish this.

I told them at that time that my views were that the extension of the act in its present form was futile. The entire premise of this type legislation depends on the voluntary cooperation of all concerned. Big labor and big business have made it clear to all the members that this voluntary cooperation will not be forthcoming. I further told them that I was against stand-by controls. I personally believe that stand-by controls are inflationary by their very existence. At the same meeting, I told them that I was opposed to the Senate Finance Committee's 11 to 4 vote which completely killed all legislation. This action to me seemed totally irresponsible in light of the high inflationary period that now exists. I do not want to go home to the housewives of my district and meekly admit that Congress has abandoned the entire ship.

I then explained to the chairman what I was for.

1. The Cost of Living Council has received many voluntary concessions from businesses in order to be relieved from Phase 4 over the past months. Many of these commitments remain in effect for many months to come. I felt strongly that the Cost of Living Council should monitor these commitments and, further than that, should have some authority to move against anyone who has violated these commitments.

2. I felt strongly that the Congress, especially in the inflationary period in which we are now existing, cannot totally abandon the mechanisms at its disposal for fighting inflation. Congress needs an organization that will monitor the economy as a whole, which will review industrial capacity, demand and supply in various sectors, and to work with the industrial groups concerned to encourage price restraint. Congress needs someone to keep it fully informed on programs within the Federal and private sectors which may have adverse effects on supply and demand and cause increases in prices.

Mr. Chairman, I don't think that many Members of the House fully realize the number of voluntary decontrol commitments that were obtained from various industries by the Cost of Living Council in order to gain exemption from this act. For example, in seventeen sectors of our economy, the council has obtained voluntary commitments from the leading firms in these industries to take serious and constructive measures to alleviate various problems existing in their industry.

In all but two, fertilizer and zinc, the major firms in each industry committed themselves voluntarily to some degree of price and/or profit restraints.

Commitments to increase production and to expand capacity were agreed upon by the firms producing fertilizer, cement, zinc, semiconductors, petrochemicals, tires and tubes, canned fruits and vegetables, and coal.

Firms in the following industries, fertilizer, petrochemicals, paper and aluminum, made various commitments designed to limit exports or to maintain historic patterns of domestic sales.

Improved price reporting to the Bureau of Labor statistics was agreed upon by firms producing cement, semiconductors, and tires.

Firms in the petrochemical sector committed themselves to preparing customer allocation plans, and to submit these plans to the council.

Mr. Chairman, for Congress to totally abandon these goals by not providing the government machinery to monitor these commitments is to abandon the fight against inflation.

Earlier this week the Cost of Living Council called me to say they had drafted a bill that approached the ideas that I had expressed. In presenting this bill to the committee, it is presenting my personal ideas. It is not my bill. I hope our committee can work its will and it will become a true committee bill. In fact, I personally do not approve of three sections in this bill. I hope that if the committee votes to take this bill up for consideration, we could consider at least three major improvements to it.

1. Section 4 goes far beyond the power that any Federal agency needs. It's almost totalitarian in its approach and I will move to strike it if no one else does.

2. Section 6 could well be deleted. I understand that they have this power now but have only used it once in four years.

3. Section 12 contains open-end authorization. We should put a price tag on this bill.

Mr. Chairman, further close study of this bill will show that the Cost of Living Council is required to report quarterly to Congress on their activities and findings. They will be reviewing for Congress industrial capacity, demand, and supply in various sectors of the economy. They will be working with industrial groups and appropriate governmental agencies to encourage price restraint. They will be conducting public hearings when appropriate to provide for public scrutiny of inflationary problems in various sectors of the economy. They will be reviewing the programs of the Federal Government and the price sector which may have adverse effect on supply and cause increases in prices and make recommendations for changes in such programs and activities to increase supply and restrain prices.

Mr. Chairman, many years ago my father used to say that knowledge is knowing that fire will burn; wisdom is remembering the blisters it will bring.

I think Congress would show great wisdom in at least considering H.R. 13922. I believe this bill to be in the best interest of the American housewife and the taxpayer.

## RESTORATION OF DISASTER AID FOR RECENT TORNADO VICTIMS

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

Mr. LUKEN. Mr. Speaker, I returned yesterday from observing first hand the wide destruction and personal hardship caused by last Wednesday's tornadoes in Cincinnati and Hamilton County, Ohio.

I spent all of Thursday, Friday, and the weekend touring my district, inspecting the aftermath of the storms and talking with the residents, with small businessmen, and local officials. Throughout the district I heard stories of terror, of courage, and of neighbors helping each other. There was shock and numbness on the part of those who were digging out.

The American people have a tradition of standing on their own two feet, of not accepting charity. You would not normally give a meal or offer clothes to a neighbor for he would not accept and would resent the offer.

But, Mr. Speaker, the American people have another tradition of helping each other at certain times when help is needed. Occurrences of death in the family or the loss of a home are times when help is freely offered and gladly accepted.

I can tell my colleagues that the selfless help-giving that I observed in Ohio was an ennobling experience. The Red Cross volunteers seemed to be in all places of need at all times—setting up temporary shelter; administering first aid; providing emergency food rations.

But the most impressive thing I saw was the spontaneous rush of citizens to the aid of their stricken fellows. Neighbors helping neighbors and people from untouched areas giving generously of their labors and goods to those who were hit. They contributed food and clothes and shelter and physical help to a degree, in some cases, greater than was needed. Most of all, Mr. Speaker, they contributed themselves; they shared the anxiety of those whose lives have been permanently altered.

Catastrophes do not fall evenly with fairness to all. There is no progressive schedule which dictates that the rich will lose the most and the poor the least. Nature chooses her victims without reason and tragedy falls irrationally. Some can afford a reasonable recovery; many are covered by insurance. But some are not capable of coping with the enormity of what has befallen them.

In times such as this, society should do no less than those individuals, willing, helpful people of Hamilton County. Government should emulate these generous citizens and share the anxiety; help shoulder the burden. It is necessary that Government should extend a helping hand to those who may be frugal and the most industrious in normal times, but who are dashed down by the random choice of nature.

Last year the Congress enacted and the President signed into law a bill which reduced Federal aid to disaster area victims by raising the interest rate on disaster loans from 1 percent to 5 percent and by eliminating forgiveness of up to $5,000 in loans.

The law was changed because of alleged abuses following the aftermath of Hurricane Agnes in 1972. I do not believe the people of the First District of Ohio or any other of the many areas in the States hit by these storms should suffer because of previous abuses. SBA should monitor the laws effectively to see that funds are available to those who are truly in need. Changing the law instead of improving its administration is an absurd, backwards response, similar to throwing the baby out with the bath water.

I am today introducing a bill to reinstate SBA loans at 1 percent with a *forgiveness* clause that exempts the borrower from repaying up to $5,000 if he can demonstrate that he is unable to do so. Furthermore, my bill would be retroactive to April 20, 1973, when the new regulations took effect.

Passing this bill quickly, Mr. Speaker, is one of the ways we can insure that Government does its part as a neighbor; that society shares the anxiety and helps lift the awful burden from its neighbors who have experienced misfortune. We must respond in this special time of need.

## INTRODUCTION OF LEGISLATION AUTHORIZING RECOMPUTATION OF RETIRED MILITARY PAY

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

Mr. BOB WILSON. Mr. Speaker, I am pleased to introduce today, with 55 cosponsors, legislation authorizing the recomputation of military retired pay. This legislation provides for a one-time recomputation of military retired pay, based on the active duty pay rates in effect on January 1, 1972, and is the House counterpart of the Hartke amendment adopted twice by the Senate.

Eligibility for this "one-shot" recomputation would be as follows:

First. Immediate recomputation for disability retirees with a rating of 30 percent or more.

Second. Immediate recomputation for military retirees who are 60 years of age or older.

Third. Recomputation upon reaching age 60 for present retirees, based on the January 1, 1972, pay scales with any subsequent cost-of-living raises.

Fourth. Pre-1949 disability retirees would have the option to remain under the current retirement laws or to come under the new recomputation legislation, at their actual degree of disability.

Very frankly, this legislation is a compromise forged in the light of the economic realities of the military budget. The Nixon administration requested $360 million for first-year costs for its own "one-shot" recomputation legislation in the fiscal year 1974 budget. The Defense Department's estimate for the Hartke amendment, which I am introducing today, was $343 million for the same period.

The opponents of recomputation have mustered stacks of computer printouts with cost estimates to the year 2000 predicting dire consequences for the Defense budget if recomputation is enacted. However, I feel we must keep any such cost estimates within proper perspective. The cost of any Federal program—regardless of whether it is social security, housing supplements, food stamps, or assistance to the arts—projected to the year 2000 is staggering. I submit that it is unfair to use this type of yardstick to measure recomputation, while we inch along in consideration of the costs of other Federal programs. All such costs must also be weighed against the greatly increased personal income and national productivity which we anticipate in the decades ahead.

Now, let's talk about what is right with recomputation. First and foremost, I believe very strongly that the Government breached faith with military retirees when the method of computing retired pay was changed in 1958 and 1963—not only for future retirees, but retroactively for those already retired. At least since the early years of the 20th century, recomputation was an accepted fact of life. While military pay raises were few and far between, the active duty soldier knew that he had a partial hedge against inflation in his retirement years. Each time active duty pay was increased, his retired pay would go up by the same percentage.

In the prevolunteer Army days, pay was certainly not the drawing card for a military career. Low pay and frequent family separations were a way of life.

Patriotism and dedication to a job well done were the incentives. Yet, in moments of discouragement while miles away from loved ones and certainly at reenlistment time, the promise of recomputation after retirement helped bolster a lagging spirit.

Some will ask: Why this particular compromise? In the past, I have introduced more extensive recomputation bills, but I think it is time for down-to-earth realities. Politics is the art of the possible. What we want is legislation that can possibly pass. Those most directly affected by the Government's retroactive breach of faith in 1958 and 1963 were the men already retired. Most of these pre-1958 retirees are 60 or older and would immediately benefit from this legislation. In addition, many of those who had considerable service in 1958 and were too far along in their military careers to contemplate any change in occupation are now 60 or close to that age. Retirees not yet 60 will receive the benefit of recomputation at the time they will need it most—at the point when they are retiring from any second, civilian career they may have undertaken.

The various military retiree organizations worked for many months to reach a compromise solution acceptable to all. At the time that the House-Senate conference committee was considering the Hartke amendment, leaders of the 16 major military organizations, representing three-quarters of a million military men—active duty and retired, pledged their support for the Hartke amendment. In addition, the proposal received the full endorsement of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and National Association of Retired Persons/National Retired Teachers Association, comprising a joint membership of more than 10,000,000 people. I am confident that all of these organizations continue to stand four-square behind the legislation I am introducing today.

Recomputation has come of age, and it is time for Congress to enact this legislation this year. When the House Armed Services Committee begins hearings on the present military retirement system later this year, I plan to raise the issue of recomputation again. I would like to sincerely thank my 55 esteemed colleagues who have joined me in cosponsoring this legislation today. Several of these Members had previously introduced their own individual bills, and I am deeply honored that they have joined my bill as well. In addition to those cosponsoring, 40 other recomputation bills have been introduced in the House. All totaled, nearly one-fourth of the House of Representatives has gone on record by introduction or cosponsorship of recomputation legislation. Other Members have indicated their support to me and I am confident that, in the next few months, additional Members will wish to cosponsor. This is not a partisan issue and I urge my House colleagues' acknowledged support for correction of the inequity against retired military personnel this year.

## DEBATE ON KEY STRIP MINE AMENDMENTS, GAGGED

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

Mr. MELCHER. Mr. Speaker, the National Coal Association publication of April 5 has a lead item "Debate on Key Strip Mine Amendments Gagged."

Coal News, as the association publication is called, notes that the House Interior Committee approved 21 to 16 a motion I made to limit committee debate on title II of the bill. The action was taken to bring to a head the portion of the bill which has been pondered and pelleted with amendments recommended by the National Coal Association, various electric utility companies, environmental groups and others. It is not a gag but a move to end paralysis of the committee deluged by last minute amendments.

The joint Environment and Mines and Mining Subcommittees met 16 days in consideration of this title, and 133 amendments were considered and debated.

In addition, the full House Interior Committee has used 10 days for consideration of title II to adopt 38 amendments of sections in title II, and scores of other amendments were debated, considered and found unnecessary.

It is apparent that adequate time has been allowed for consideration of this portion of the bill and that sufficient de-

bate within the committee was allowed for the National Coal Association's viewpoints to be presented and considered. Now final votes are in order for amendments to this part of the bill. Further delay on this title would jeopardize passage of the bill this session.

The National Coal Association and any allied electric power companies that share their position should have consolidated their amendments in both subcommittee and full committee and I trust they have.

There have been 12 months of hearings and public markup sessions of the joint subcommittees and the full committee.

Efforts by members of the National Coal Association or anyone else to encourage delay of the bill by asking committee members not to be present at the meeting to prevent a quorum or by deluging the committee with belated amendments is plain obstruction and thereby makes it mandatory that the committee act responsibly to bring about final consideration of title II of the bill.

To the National Coal Association's charge of "gag," I say, "Deliberate delay be damned—let us get on with the job."

My State and the Nation needs a national coal strip mine reclamation bill this year and so do the companies which are members of the National Coal Association. Without this bill it is doubtful that there will be coal strip mine operations developed on any new Western coal fields involving Federal lands. In addition, without this bill, Western Indian tribes would probably ignore any new developments for coal strip mining on their reservation lands. Federal coal leases should be held in abeyance until the bill is passed to prevent degradation to Federal lands.

Indian tribes have requested prompt passage of their specific title in the bill which has been adopted by the committee and gives the tribe the authority to protect its reservation lands.

The National Coal Association's membership recognizes that reclamation must be completely assured in any area where new permits are issued for strip mining. The time has come to pass a bill that gives the minimum Federal reclamation standards to apply in all the States and the public interest requires that the bill pass in this Congress.

Consideration must also be given to the remaining titles of the bill and so further delay on title II would oppose the best interests of all of us.

The lead item in the April 5 Coal News follows:

DEBATE ON KEY STRIP AMENDMENTS GAGGED

The House Interior Committee voted this week to cut off debate on the most crucial part of the surface mining bill (HR 11500) and push 58 pending amendments to a vote at its next meeting, April 10.

The committee imposed a gag rule by approving, 21 to 16, a motion by Rep. John Melcher (D-Mont.) to end all debate and action on Title II of the bill. The chairman then announced that all 58 pending amendments to Title II will be read and voted upon April 10 with no debate, ending consideration of that part of the bill. Title II, which takes up 80 of the bill's 139 pages, covers interim and permanent reclamation standards, permits, bond posting and release, special provisions for federal and Indian lands, and the designation of lands unsuitable for mining. It also includes almost every other key provision governing how land shall be mined and reclaimed.

NCA President Carl E. Bagge in a telegram to Chairman James A. Haley (D-Fla.) urged that the committee reconsider its gag-rule vote or recommit the bill to subcommittees. He said the committee has not yet considered such vital matters in Title II as areas unsuitable for mining, underground mining, hydrology, original contour requirements in the permanent standards, federal enforcement, or the term of mining permits.

"The amendments considered to date are peripheral," Mr. Bagge said, "We have not sought, nor do we want, to delay consideration of HR 11500, but many significant issues have not been taken up. We believe the committee must revise these prohibitive provisions before reporting the bill."

The only amendment adopted this week would provide that the topsoil need not be segregated in the mining process, as the bill originally required, if the mix is equally suitable for agriculture and approved by the state agriculture department.

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## ELDERLY AND THE HANDICAPPED

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

Mr. WIDNALL. Mr. Speaker, today I have introduced the 1974 Housing Act for the Elderly and the Handicapped. (H.R. 14080) It is my great hope that this legislative proposal will open new initiatives and marshal resources so that housing, planned in conjunction with essentially related service facilities, can be provided in keeping with the needs of low-income persons in these very special groups.

Over the past few years we have seen a growing awareness of the special circumstances surrounding the low-income elderly and handicapped persons in our society. Indeed, there have been numerous conferences, studies and special census publications directed to the problems of our older Americans. National statistics reveal large numbers of elderly persons, mostly of low-income, to be in need of more acceptable and compatible living arrangements—in the over age 60 group, there are: 440,000 families overcrowded—1.6 million families living in substandard housing, lacking plumbing —and 14 million families overhoused. In contrast to our past custom, many elderly persons do not choose or do not have the choice to live in the same household with their children. There are 6.2 million persons over age 60 who live alone, 75 percent of these are women. Obviously, few of them have the means to improve their living arrangements. Fully, 40 percent of the low-income families in need of housing assistance are elderly families.

Moreover, we find that over the next 16 years the population of those age 65 and over will increase by an additional 7.2 million—yielding a total of 27.5 million Americans over age 65 by the year 1990. Understandably, there will be similar growth in the over-75 and over-85 population. These are the ages typified by greatly increased needs for services and care.

Thus, we have a pressing situation in which increased longevity, social change, population characteristics and economic circumstance are combining to demand new concepts of service facilities, and increased support overall for our older Americans. This is a developing situation which is peculiar to this century and unique to our lifestyle. Consequently it must be dealt with now, and with all of the innovative resourcefulness at our command.

In similar regard, there is a very serious urgency before us in the need for housing assistance for the severely handicapped members of our society. Low income is a common consequence of a severely handicapped condition. Not purely because of a reduced capacity on the part of the handicapped individual, but largely because of a society which is unaware of the limited opportunity being extended to handicapped persons. We are slowly awakening to this tragic situation and many good things are being done to enhance life within society for such people. Among the critical needs not properly served is housing; housing made compatible to and supportive of an individual's functional limitations, made accessible to employment opportunity and made available at acceptable cost. With this background and with due regard to extensive support and service needs of the elderly and the handicapped, I have tried, in this bill, to bring the various housing and service resources together into a common channel of planning and delivery.

This is not an expensive new program initiative. Rather, it is an effort to reserve a rightful portion of Federal housing assistance for such persons and to require that it be used in mutual support of other Federal, State, and local programs intended to serve such persons.

Let me illustrate that point.

Recently, Congress has taken action to streamline the delivery processes in social, nutrition, rehabilitation and other programs for the aged and the handicapped by calling upon States and localities to plan and manage all such programs in a comprehensive manner. I refer specifically to the State and area planning requirements established for social services and nutrition for the aged under the 1973 Older Americans Comprehensive Services Act and similarly for the developmentally disabled, under the 1970 amendments to the Developmental Disabilities Services and Facilities Act. In both cases, Federal grants are now being provided to States and localities to assist in their development of continuing plans for the aged and the developmentally disabled. Both acts provide encouragement for identification of existing needs, the full use of available State and local resources, and the coinvolvement of locally identified consumer-oriented nonprofit sponsors and public agencies in support of these special needs. I commend these concepts but I note with regret that housing has not been included as an element of primary planning concern.

Housing is commonly acknowledged to be one of the major elements of concern to these special groups. In most cases, it must be more than a safe and

sanitary dwelling. In order to be compatible with need, it must be supportive of many special considerations in accessibility and utility for occupants with reduced physical or sensory capacity. And, in most cases, there simply must be accompanying services to support housing projects designed specifically for the elderly and the handicapped if they are indeed to be considered acceptable living environments. Thus, Federal housing programs must be placed in harness with service programs.

This has not been fully considered in the past where we were authorizing funds on a categorical basis. Thus, when we gave an authorization for subsidized housing, we were properly reluctant to authorize use of that money for social services. This was a reasonable approach. After all, there were other sources of funds for the other categories of need, such as social services, medical care and education.

However, in planning comprehensive service programs for these special groups, a community must consider housing, transportation, social services, medical services, and all other needs across the full spectrum of a so-called living environment.

There is an essential requirement to consider all needs and all resources simultaneously. I hope to facilitate this basic consideration by incorporating federally supported housing projects as an integral part of State and area plans for the aged and the handicapped.

On the one hand, we have the section 23 leased housing program, which is supported by the administration and stands ready, through minor amendments, to provide local housing needs and to serve with State and area plans for the aged and the handicapped.

Finally, as a companion to this federally subsidized housing program, I am proposing an unsubsidized program which can serve in similar fashion. It will invite the participation of nonprofit sponsors and cooperatives in the development of specially designed and exclusively operated housing projects for the elderly and the handicapped—at no added cost to the Federal taxpayer.

Consumer-oriented, voluntary, and nonprofit organizations have long provided the heart and the muscle for helping those in need in this great Nation. Without such mutual assistance among men, this Nation would never have made it through the difficult periods of our past. I have doubts that we could ever meet this present need by dollars alone.

I believe this bill can facilitate and encourage the involvement of such groups in greater service to the elderly and the handicapped, by making available a source of mortgage loan funds for use by nonprofit sponsors in developing housing projects for the elderly and the handicapped.

In brief, my proposal for an unsubsidized housing program is to give Treasury rate borrowing authority, with full repayment of administrative costs, to qualifying nonprofit sponsors so that they can work with communities to develop and operate housing projects for the elderly and the handicapped. I would expect such projects to be made a part of the State and local plan for the aged or the handicapped.

The summary of the bill, which is to follow, will explain my proposal. The objective, of course, is to encourage and assist in the provision of safe and sanitary housing, with comprehensive provisions for essential services, for older Americans and those individuals with enduring handicaps.

The material follows:

THE 1974 HOUSING ACT FOR THE ELDERLY AND THE HANDICAPPED

WHAT THE BILL WOULD DO

1. An estimated *175,000 additional dwelling units* would be authorized in projects specifically designed for the elderly and the handicapped through fiscal year 1975. This includes an estimated 100,000 units under a revised Section 23 Leased Housing program and at least 75,000 units to be provided through a revised Section 202 direct loan program offering below market interest rates.

2. *For the first time,* housing projects for the elderly and the handicapped would be planned and operated in mutual support with the community's comprehensive service plans for such persons. This should encourage and facilitate the efficient provision of the full range of services; preventive, supportive, rehabilitative and shelter care, which are essential to these special groups.

3. *Under the Section 23 Leasing program,* the Secretary of Housing and Urban Development would be required to use at least 25% of the authorizations for projects especially designed for the elderly or the handicapped. For the period ending July 1, 1975, a grand total of 418,000 units have been requested, 25% of these, 104,000 units, would be reserved for projects designed for the elderly or the handicapped.

The program would provide subsidy of rents for low-income elderly and handicapped persons in a wide variety of settings, compatible to specific needs.

Rent scales would continue to be based upon a maximum of twenty five percent of *adjusted income,* and would serve the lowest income level. The Secretary of Housing and Urban Development would be authorized to approve tenant rental charges in excess of 25% of adjusted income, where such excess is directed to the cost of food and central food service delivered on-site. This will facilitate the planning and operation of congregate and central dining facilities which necessarily require advance assurances of economic feasibility in order to be found acceptable.

Specific provision would be made for leasing of units to be occupied as "community residences" or so-called group homes for the developmentally disabled. This is an urgently needed provision which will speed the national effort to deinstitutionalize the developmentally disabled, and return them to useful participation with society.

Existing provisions for the leasing of units in Section 202 projects for the elderly or the handicapped would be continued so that the lower income families could also be accommodated in such projects.

4. Under the revised Section 202 Direct Loan program, consumer-oriented cooperatives and nonprofit sponsors would be assured of a source of loan funds for development of housing projects for the elderly and the handicapped.

To do this, a National Housing Loan Fund for Projects for the Elderly and the Handicapped would be established with Treasury borrowing authority vested in the Secretary of Housing and Urban Development. Initially a $1.5 billion borrowing limit would be authorized, yielding approximately 75,000 dwelling units.

Using such funds, the Secretary of Housing and Urban Development would be authorized to make mortgage loans up to 100% of development costs to eligible cooperative & nonprofit sponsors at interest rates assessed at the Treasury borrowing rate, plus a small fee to cover administrative handling and risks. The shallow subsidy of the previous 3% direct loan would be discontinued. Rents at $40–$50 per month below market rents should be possible.

No costs would be borne by the Federal taxpayer in the new direct loan concept; however, the Section 23 rent subsidy could be applied to selected dwelling units. Such subsidy will be necessary in many cases in order to serve the needs of the very low-incomo person.

Local approval would be required and projects developed under this revised program would be made a part of and mutually supportive with the community's comprehensive planning for the aged or the handicapped.

5. By amendment to Section 232, Nursing Home Mortgage Insurance program, nonprofit sponsors of nursing homes would be permitted to obtain mortgage insurance on such homes at up to 100% of estimated value, plus cost of certain equipment. This action is urgently needed in support of growing demands and to provide means of replacing many nursing homes which are expected to be unable to meet rigid new standards of the recently instituted Life Safety Code for nursing homes.

6. Finally, the bill would express the sense of the Congress that the elderly and handicapped should be encouraged to participate in governmental affairs of the community so as to enhance understanding and acceptance of their special concerns and appreciation for their potential contributions.

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## THE ECONOMIC STABILIZATION ACT SHOULD BE EXTENDED

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

Mr. KOCH. Mr. Speaker, last Friday, April 5, the Banking and Currency Committee, of which I am a member, met to discuss the extension of the Economic Stabilization Act of 1970 which expires on April 30 of this year. Prior to that meeting hearings were held by my committee, and the representatives of labor and management opposed not only the existing controls but also any standby controls or even the continued monitoring of the economy by the Cost of Living Council. In the discussion which took place on April 5 many of those who said that they would vote against the extension of the Economic Stabilization Act in any form, said they were doing it with regret and because they had no confidence in President Nixon's carrying out that legislation. They pointed out the failures of the Nixon administration in carrying out the law to date. They said quite correctly that while the administration had severely regulated salary increases, they had failed miserably to hold down price increases.

We are in the midst of a difficult inflationary period. The administration's original proposal was simply to regulate the health care industry, including wages, and the construction industry and nothing else. To be selective in that fashion would have been grossly unfair because, particularly in the case of hospital work-

er wages, we are dealing primarily with minority workers, blacks and Puerto Ricans, who believe and correctly so, that they are being singled out by an administration which has little sympathy for their needs. I would vote against any legislation which would single out these workers for such discriminatory action. The legislation which was contemplated by a number of us would have provided for standby controls without singling out the health and construction industries and permitting the President to exercise discretion subject to a 30-day congressional override. Mr. Speaker, I agree with my colleagues that the Nixon administration has done a poor job in administering the legislation to date but I also believe that the Congress will be doing a still poorer job if it throws up its hands and says that it will provide no legislation at all. I have no intention of abdicating my responsibility to protect the public at large which will be further squeezed by price increases at the expiration of the Economic Stabilization Act on April 30 as has already happened in those areas where controls were lifted by the administration.

The final vote in the Banking and Currency Committee, Mr. Speaker, on a motion to table all legislation, thereby permitting the Economic Stabilization Act to die, was 21 to 10. I voted against the tabling motion, Mr. Speaker, and I believe that many of those who voted for it will rue the day.

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## PHASES, FREEZES, PRICES, AND THE NEED TO RESTORE ECONOMIC EQUILIBRIUM IN 1974

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

Mr. BINGHAM. Mr. Speaker, the Nixon administration has thrown in the towel on the American economy, abandoning the workingman, the poor, and the elderly to the ravages of inflation and now the Congress appears to be on the brink of doing the same thing.

When Richard Nixon became President of the United States, the Consumer Price Index (CPI) was only rising by an average 4.2 percent a year and unemployment averaged 3.6 percent, or 2.8 million workers. By the end of Richard Nixon's second year in office the CPI was rising at an average rate of 5.9 percent and 5 million workers or 6 percent of the work force was unemployed. After 4 years in office Richard Nixon's economic policies produced an unemployment population of 4.5 million workers, 2 million more than when he was elected.

For the 12 months ended December 21, 1973, the CPI rose by 8.8 percent, the highest 1-year increase in inflation since 1947—despite the President's assertion that his goal for the year was 2.5 percent. In a nutshell, 1973 tells the story of Richard Nixon's handling of the American economy—abysmal.

The trip to the neighborhood grocery or supermarket has turned into a daytime nightmare for all Americans. In urban areas, where in normal times food costs are invariably higher than in rural areas, price rises have been utterly devastating. Food was 11 percent more expensive in January 1974 than in January of 1973, for March it was 12 percent more expensive. A comparative shopping list that appeared in the March 5 edition of the New York Times revealed:

A COMPARATIVE SHOPPING LIST

Following are the prices charged last week at an A & P supermarket in Whippany, N.J., compared with the prices at the same store one year ago and on Sept. 13, 1971, during Phase 1 of the price freeze. Except as indicated, the current price is for the A & P store brand. In most cases, national brands were higher, and where direct comparison with New York City's market basket was possible, the A & P brands were below the city average, sometimes sharply.

| | Sept. 13, 1971 | Mar. 1, 1973 | Mar. 1, 1974 |
|---|---|---|---|
| Dairy: | | | |
| Homogenized milk, 1 qt | $0.29 | $0.33 | $0.42 |
| Cheese (American sliced) 8 oz | .34 | .38 | .63 |
| Eggs (Grade A-large, white), 1 doz | $0.45 | $0.89 | $0.93 |
| Bread (white), 22 oz | .25 | .33 | .39 |
| Cottage cheese (package), 1 lb | .35 | .39 | .55 |
| Butter (quartered), 1 lb | .71 | .83 | .91 |
| Canned groceries: | | | |
| Beans with pork (Campbell's), 1 lb | .14 | .16 | .27 |
| Tomato Juice (Sacramento), 46 oz | .33 | .39 | .45 |
| Tomato Soup (Campbell's), 10 oz | .10 | .12 | .15 |
| Tuna (white chunk), 7 oz | .37 | .57 | [1] .59 |
| Beets (sliced), 16-17 oz | .14 | .19 | .23 |
| Peas (medium), 15-17 oz | .19 | .23 | [2] .23 |
| Chicken Noodle Soup (Campbell's), 10½ oz | .15 | .16 | .1 |
| Corned beef, 12 oz | .89 | .89 | [3] 1.2 |
| Spam, 12 oz | .55 | .61 | .96 |
| Salmon (pink) 1 lb | .91 | 1.09 | 1.79 |
| Dry groceries: | | | |
| Rice (Carolina), 1 lb | .22 | .23 | .43 |
| Oatmeal (Quaker), 18 oz | .31 | .37 | .45 |
| Cornflakes (Kellogg's), 8 oz | .21 | .20 | .25 |
| Flour, white (Pillsbury), 5 lb | .52 | .83 | [4] .99 |
| Sugar (granulated), 5 lb | .61 | .67 | .89 |
| Raisins (box), 15 oz | .45 | .47 | .63 |
| Beans (kidney, red), 1 lb | .35 | .39 | .59 |
| Peas (green, split), 1 lb | .13 | .15 | .57 |
| Macaroni (plant) 1 lb | .13 | .20 | .38 |
| Cornmeal (Quaker) 24 oz | .27 | .29 | .39 |
| Meats: | | | |
| Franks (all meat), 1 lb | .65 | .89 | 1.09 |
| Chicken, 2 lb | .50 | 1.10 | 1.18 |
| Bacon (sliced, package), 1 lb | .59 | .79 | 1.19 |
| Pork (shoulder chops), 1 lb | .75 | .89 | 1.09 |
| Butt (shoulder, smoked), 1 lb | .95 | 1.39 | 1.49 |
| Miscellaneous: | | | |
| Shortening (vegetable), 1 lb | .37 | .33 | .52 |
| Coffee (canned), 1 lb | .79 | .99 | 1.03 |
| Tea bags, 48 | .37 | .48 | .49 |
| Oil (salad), 1 pt | .47 | .39 | .57 |
| Milk (evaporated), 12 oz | .16 | .19 | [5] .24 |
| Coca-Cola, six 12 oz cans | .99 | 1.05 | 1.05 |
| Total | 13.31 | 19.79 | 25.47 |

[1] 6½ oz.
[2] Mixed sizes.
[3] Libby.
[4] Gold Medal.
[5] 13 oz.

Source: The New York Times, Mar. 5, 1974.

When Richard Nixon first took office, we in Congress recognized that a serious economic problem was in the making, and moved to pass legislation enabling the executive branch to deal with it effectively. The President, however, was steadfastly opposed to having or using such powers, and consequently did not take decisive action to help the American consumer for some 16 months thereafter.

Finally, in August 1971 he changed his mind and proceeded to subject America to series of freezes, phases, and other controls with disastrous results. Why? Because they were unevenly applied and were too little, too late. Instead of controlling rampaging prices so that they would not outrun negotiated wage hikes, the administration succeeded in holding a firm lid on consumer income while allowing big business to reap inflated profits. For example, in the food sector, the administration's freeze phase timing was bad because they failed to account for the domestic consequences of the Russian wheat deal and increased worldwide demand for American crops.

The following record of Richard Nixon's freezes, phases, and inflation was compiled by the Morgan Guarantee Survey as of October 1973:

PHASES, FREEZES, AND PRICES

[Percentage changes during periods specified]

| | Year before phase I (August 1970 to August 1971) | Phase I, freeze I (August to November 1971) | Phase II, November 1971 to January 1973) | Phase III (January to June 1973) | Phase IV, freeze II (June to October 1973) |
|---|---|---|---|---|---|
| Consumer Price Index | 4.4 | 1.6 | 3.6 | 9.1 | 9.8 |
| Food | 3.5 | −3.3 | 6.9 | 22.2 | 19.6 |
| Cereals and bakeries | 4.3 | −1.4 | 1.7 | 14.4 | 44.3 |
| Meats, poultry, fish | .8 | −2.0 | 12.9 | 39.8 | 29.8 |
| Dairy products | 3.5 | −.3 | 2.4 | 10.4 | 35.4 |
| Fruits and vegetables | 7.6 | −17.5 | 9.2 | 43.5 | −23.4 |
| Housing | 4.3 | 4.2 | 3.4 | 4.4 | 9.7 |
| Rent | 4.8 | 2.8 | 3.8 | 4.4 | 4.7 |
| Homeownership | 3.4 | 7.0 | 3.7 | 4.1 | 14.1 |
| Fuel and utilities | 7.5 | 1.4 | 4.6 | 5.6 | 7.3 |
| Apparel and upkeep | 3.1 | 10.1 | .8 | 7.6 | 6.8 |
| Men's and boys' | 2.7 | 7.6 | 1.2 | 7.1 | 2.9 |
| Women's and girls' | 3.4 | 18.8 | .8 | 10.0 | 10.5 |
| Transportation | 5.9 | −1.7 | 1.6 | 7.3 | 1.0 |
| Automobiles | 5.7 | −2.4 | 1.4 | 8.1 | 1.2 |
| Gas and oil (automobile use only) | 3.3 | −1.1 | 2.8 | 17.8 | 4.3 |
| Health and recreation | 5.0 | 2.0 | 2.8 | 4.2 | 4.9 |
| Medical care | 6.6 | −.9 | 3.4 | 3.8 | 8.1 |
| Personal care | 3.3 | 1.4 | 2.8 | 6 2 | 5.9 |

Each successive phase with erratic controls resulted in higher rates of inflation. In April of 1973, when the Economic Stabilization Act was up for renewal, I proposed along with others an immediate freeze on the price of all goods and services—including rents—and a gradual rollback of prices equitably administered. The President and the Republicans argued that this was too restrictive and less controls would solve the problem, not more. Our proposal was defeated and instead the President was given one more chance to slow down the inflation by Nixonomics. Since then, the arbitrariness and fluctuation of his control policies have so hurt producers, retailers, and consumers that production has been cut, shortages and rationing has occurred, and cries throughout the country have been raised to end all controls abruptly, immediately, and without recourse. Everyone—including especially organized labor—is fed up, and understandably so.

Some of those who are advocating the abolition of all controls by not renewing the act before April 30 contend that controls have been the primary source of the shortages experienced to date. However, the weight of responsible economic opinion does not support that contention, Dr. John Dunlop, head of the Cost of Living Council, in testimony before the Senate's Banking, Housing and Urban Affairs Committee reported that a survey of purchasing managers and business economists revealed that the primary cause of domestic price increases was domestic and foreign demand for American products and resources. Certainly the Soviet wheat deal was a major factor in food price increases; more recently, the astronomical increases in the cost of imported oil have gravely aggravated the situation.

CONGRESS MUST NOT IGNORE INFLATION

It is discouraging to me that the Congress now appears to be in a mood to let all controls—except over petroleum products—lapse at the end of this month.

For the time being, the Banking and Currency Committee of the House and its counterpart committee of the Senate appear to have killed any prospect for passage of the Nixon administration's proposals for extension of controls beyond the April 30 expiration date.

But for the Congress to take no action now and let inflation run rampant would be to punish the American people for the past misdeeds of the Nixon administration.

What is needed is a new approach.

What I propose—and I will introduce a bill to this effect tomorrow with such cosponsors as may care to join me— is legislation that would do the following:

First. Set targets of not more than 5 percent inflation in 1974 and 4 percent in 1975, and of not more than 4.5 percent unemployment in 1974 and not more than 3.5 percent in 1975;

Second. Create an Economic Stabilization Administration, eliminating the Cost of Living Council and any role for the Internal Revenue Service in administering controls;

Third. Require the President—acting through the ESA—to impose price controls where needed to achieve the targets;

Fourth. Terminate the President's power to impose wage controls except as a last resort when voluntary restraints and the pressure of price controls are insufficient to keep wage increases within reasonable bounds;

Fifth. Give to the Congress the power by concurrent resolution to veto any control regulation issued by the President through ESA—as in the Ashley, Moorhead, Reuss proposals; and

Sixth. Also give to the Congress the power by concurrent resolution to impose controls when the President fails to act to achieve the targets.

The last item is, I fully realize, novel and will no doubt be extremely controversial. Normally, such a procedure would not be necessary. However, where, as in the present situation, the executive branch has proven incapable of administering controls in an equitable manner, the Congress should provide for a backup system of controls of its own.

The Congress can, of course, regulate prices by law, as is now being proposed for the oil industry. But the Congress can also delegate its powers; normally it delegates its powers to the President or an agency of the executive branch. What I am proposing is that, in this instance, the Congress by law delegate the same power on a standby basis to itself; that is, the House and Senate acting by concurrent resolution.

In proposing that the President's power to impose price controls be extended but that his power to impose wage controls be sharply limited, I am not suggesting anything radical or unprecedented. I refer to the early days of the World War II Office of Price Administration—when, as it happens, I was a lawyer in that agency. The OPA ran into difficulties after the victory in Europe, but prior to that time it was remarkably successful in preventing inflation in a time of exceptional stress. From its creation in 1941 and for over a year, neither the OPA nor any other executive agency had the power to impose wage controls; and inflationary increases were very modest: the effect of price controls was to strengthen the hand of management in wage negotiations, so that wage levels did not rise disproportionately. That is what I believe could and should be done now.

As I have said, I believe it would be a disaster for the Congress to allow all anti-inflation controls to expire on April 30. The matter is of such urgency that I believe the Congress should give up its planned Easter recess and stay in town long enough to pass a control measure that would be free of the shortcomings and injustices of the existing legislation. If that is not feasible, then the Congress should extend the existing law for 30 days, so as to allow time for the development of an effective new program.

The tentative text of my bill follows:

H.R. ——

A bill to amend the Economic Stabilization Act, to establish objectives and standards governing imposition of controls after April 30, 1974, to create an Economic Stabilization Administration, to establish a mechanism for Congressional action when the President fails to act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Economic Stabilization Amendments of 1974".

FINDINGS

SEC. 2. Section 202 of the Economic Stabilization Act of 1970 is amended by deleting the existing language and substituting the following language:

"It is hereby determined that inflation has caused severe hardships, especially on people of fixed incomes, and has been accompanied by widespread unemployment; that these hardships fall inequitably and most heavily on those who are economically least able to bear them; that the economic stabilization program to date has been inequitable and has caused disruptive influences in the marketplace; that the government has the power to control such inflation through equitable stabilization of prices, rents, wages, salaries, dividends and interest and that actual and/or stand-by controls to accomplish such objectives are needed."

SEC. 3. Section 204 of the Economic Stabilization Act of 1970, as amended, is repealed.

SEC. 4. The Economic Stabilization Act of 1970, as amended, is amended by inserting the following new sections after section 202 and by renumbering sections 203 and 205–220 accordingly:

"OBJECTIVES

"SEC. 203. The objectives of this Act are to:

"(A) reduce inflation—

"(1) to an annual rate not to exceed 5 per centum by December 31, 1974;

"(2) to an annual rate not to exceed 4 per centum by December 31, 1975; and

"(B) reduce unemployment—

"(1) to an annual rate not to exceed 4.5 per centum of the eligible work force by December 31, 1974;

"(2) to an annual rate not to exceed 3.5 per centum of the eligible work force by December 31, 1975.

"STANDARDS GOVERNING IMPOSITION OF CONTROLS AFTER APRIL 30, 1974

"SEC. 204 (a). After April 30, 1974, the President shall impose controls if he finds that the absence of controls would result in inflation and unemployment at levels in excess of the objectives stated in section 203.

"(b) In making his determination as to the time frame, scope and level of price controls to be imposed under this section in each sector, the President shall take into account:

"(1) the hardship caused by inflation in such sector;

"(2) the extent to which inflation in each such sector can be moderated successfully through voluntary measures and cooperation in the absence of controls over that sector and related sectors;

"(3) the degree to which such control will inhibit the growth of supply in such sector—

"(a) by causing curtailment of production or productivity or,

"(b) by causing impairment of capital formation, of expansion of productive capacity, or of resource availability or,

"(c) by so stimulating exports as to create or exacerbate any domestic supply shortage;

"(4) the degree to which wages in such sector have been unduly depressed relative to other sectors.

"(c) The President shall impose wage controls in any sector only if he finds that the required degree of wage stabilization cannot be achieved either through voluntary measures or through the imposition of price controls in that sector resulting in a strengthening of the position of management in collective bargaining negotiations.

"(d) In the event the President finds that the imposition of controls is creating market disruptions or distorting distribution pat-

terns, including but not limited to the stimulation of excessive exports, the President shall take such measures as may be authorized under this or any other law to offset such disruptions or distortions by allocation of available supplies or by export controls or both. If the President finds he lacks adequate authority to take such measures, he shall promptly propose appropriate legislation to the Congress.

"(e) For the purposes of this Act, the term "sector" means any firm or industry or class of firms or industries that possess distinct economic characteristics."

"ECONOMIC STABILIZATION ADMINISTRATION

"SEC. 205. (a) There is hereby established the Economic Stabilization Administration (hereinafter "the Administration") within the Executive Office of the President.

"(b) The President shall delegate such powers as he may deem appropriate under this or any other Act to the Administration. The President shall not delegate powers under this Act to any other agency and shall take steps promptly to transfer to the Administration the functions heretofore exercised by the Internal Revenue Service under the Economic Stabilization Act.

"(c) (reserved for standard provisions appropriate to the creation of a new agency.)

"(d) In addition to its other duties under this Act, the Economic Stabilization Administration shall—

"(1) develop and recommend to the President and the Congress policies, mechanisms and procedures to achieve and maintain the goals established by this Act;

"(2) monitor compliance with commitments made by firms in connection with sector-by-sector decontrol actions;

"(3) review the programs and activities of Federal departments and agencies and the private sector which may have adverse effects on supply and cause increases in prices and make recommendations for changes to increase supply and restrain prices;

"(4) review industrial capacity, demand, and supply in various sectors of the economy, working with the industrial groups concerned and appropriate governmental agencies to encourage price restraint;

"(5) work with labor and management in the various sectors of the economy having special economic proolems, as well as with appropriate Government agencies, to improve the structure of collective bargaining and the performance of those sectors in restraining prices;

"(6) improve wage and price data bases for the various sectors of the economy to improve collective bargaining and encourage price restraint;

"(7) conduct public hearings when appropriate to provide for public scrutiny of inflationary problems in various sectors of the economy;

"(8) focus attention on the need to increase productivity in both the public and private sectors of the economy;

"(9) monitor the economy as a whole by requiring, as appropriate, reports on wages, productivity, prices, sales, profits, imports, and exports; and

"(10) conduct a study, along with the Federal Trade Commission and such other agencies or departments of the Government as may be appropriate, on the inflationary effect of economic concentration and anticompetitive practices, including—

"(i) the effect of Government subsidies, price supports and tax policies;

"(ii) the effect of joint ventures and mergers of all kinds, including conglomerate mergers, horizontal and vertical integration and geographic concentration, exclusive franchises, fair trade laws, interlocking directorates, stifling of technological innovation, and barriers to the entry of new competitors such as high advertising expenditures and other startup costs; and

"(iii) the effect of controls on exports and imports and resulting shortages, if any."

"SEC. 206. Whenever the President takes any action under this Title to impose controls he shall, on the date of such action, submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report in writing setting forth controls imposed, referring specifically to the factors set forth in section 204. The President shall provide such other information as the Congress may request in the fullfillment of its Constitutional responsibility to regulate interstate and foreign commerce.

"CONGRESSIONAL ACTION

"SEC. 207. (a) Within 60 legislative days after a report required by this Title is submitted, the Congress, by Concurrent Resolution, may disapprove the controls imposed.

"(b) If the President fails to act to achieve the goals set forth in Section 203, the Congress may direct the President to act by Concurrent Resolution. Such Concurrent Resolution shall have the force of law as if included *in extenso* in this Act. To this extent the powers of the Congress acting with the approval of the President are hereby delegated to the Congress acting by Concurrent Resolution.

"(c) (i) Any Concurrent Resolution introduced pursuant to paragraph (a) shall be referred to the Committee on Interstate and Foreign Commerce of the House of Representatives or the Committee on Banking, Housing and Urban Affairs of the Senate, as the case may be, and one such Concurrent Resolution shall be reported out by such committee together with its recommendations within ten calendar days, unless such House shall otherwise determine by the yeas and nays.

"(ii) Any Concurrent Resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter unless such House shall otherwise determine by yeas and nays.

"(iii) Such a Concurrent Resolution passed by one House shall be referred to the committee of the other House named in subsection (c) (i) and shall be reported out by such committee together with its recommendations within 10 calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days unless such House shall otherwise determine by yeas and nays.

"(iv) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours they shall report back to their respective Houses in disagreement.

SEC. 5. Section 218 of the Economic Stabilization Act of 1970 is amended by striking out the words "April 30, 1974" and "May 1, 1974" and inserting in lieu thereof the words "December 31, 1975" and "January 1, 1976", respectively.

SEC. 6. Section 4(f) of the Economic Stabilization Act Amendments of 1971, Public Law 92-210, as amended by Public Law 93-34, is amended by striking out the figure $10,000,000" and inserting in lieu thereof the figure "_____" and by striking out the words "June 30, 1973" and inserting in lieu thereof the words "December 31, 1975".

SEC. 7. This Act shall become effective May 1, 1974.

SEC. 8. For purposes of administering and enforcing the Emergency Petroleum Allocation Act of 1973, nothing in this Act alters the Economic Stabilization Act of 1970 as incorporated by reference in the Emergency Petroleum Allocation Act of 1973.

## BLACKBURN INTRODUCES THE "ELDERLY HOUSING ACT OF 1974"

The SPEAKER per tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, in cosponsorship with my distinguished colleague and fellow Georgian, Representative ROBERT G. STEPHENS, JR., I am today introducing the Elderly Housing Act of 1974.

This bipartisan effort by Mr. STEPHENS and me is made in recognition that the problems of our elderly citizens transcend partisan political lines.

For the past 5 years, Mr. STEPHENS and I have recognized that existing elderly housing programs have failed to provide the flexibility of design required for effective housing of this character, as well as for the specialized needs of our senior citizens. Consequently, BOB STEPHENS and I have been engaged in a search for remedy for these shortcomings.

We have felt, too, that generally speaking, our senior citizens have not been receiving the attention from the Federal Government which they so justly deserve.

They have worked hard during their productive years. They have kept faith in America and in its system. They have served in our wars; and they have sent their sons to others. They have paid their taxes. Yet, all too often, too many of our senior Americans have found themselves largely ignored by the Government in which they have kept faith, and to which they have contributed so much.

The Elderly Housing Act of 1974 is a compromise between proposals offered previously by Mr. STEPHENS and me, and those offered in behalf of the administration by HUD Secretary James T. Lynn.

With introduction of this legislation, Mr. STEPHENS and I, together with experts whom we have consulted, believe the housing needs of the elderly may, at last, receive the impetus and response they deserve.

## SALUTE TO HANK AARON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I take pride in joining my colleagues in a salute to the great Hank Aaron. This baseball giant is a native of Mobile, Ala., one of many outstanding athletes who have come from the largest city in my district.

Hank Aaron's greatness was not given the acclaim it deserved for a long time, largely, I think, because of the consistency with which he exercised his excellence. His accomplishments and successes have followed each other as surely as summer follows spring, and the sheer

reliability of his performance has made us almost accustomed to his amazing deeds. His authoritative bat has been accompanied throughout his career by strong fielding and intelligent base running. He is an all-around ball player, a heavy hitter on and off the field.

I was struck during the testimonials given Aaron at the pregame ceremony by the repeated reference to the fact that Henry Aaron is as strong a citizen as he is a baseball player. Certainly he has accorded himself with poise and self-control during the pressurized months when all eyes focused on him and his bat as he pursued Babe Ruth's most famous record.

Henry Aaron hit his first big league home run on April 23, 1954. In the 20 years that followed, he has served as an example and an inspiration for people in Alabama and throughout our country.

Mr. Speaker, I am proud to join in this salute, and I want to express the pride which the people of the First District of Alabama feel today for one of its native sons, Henry Aaron. I am hopeful that this baseball legend will stay in the game for a long time, and I wish him continued success in his assaults on baseball's record book. Hank Aaron deserves the accolades he is receiving as baseball's greatest player.

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## COMMITTEE ON SCIENCE AND ASTRONAUTICS RECEIVES PUBLICITY IN SCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 5 minutes.

Mr. GOLDWATER. Mr. Speaker, the March 1974 issue of Science carried an excellent article on the expanding role and function of the House Committee on Science and Astronautics. This committee, on which it is my privilege to serve, has developed an outstanding record in the field of astronautics, particularly as it relates to space and space exploration. Clearly, it has been these activities that have received the greatest amount of public attention and the greatest amount of attention from the committee. However, as the committee name indicates, astronautics is only one-half of the assigned responsibility of the committee. With clear need and justification the committee is moving to balance its attention to astronautics with increased legislative attention to governmental scientific research and development activities. Detailed congressional attention to these areas of governmental activity is an important aspect of the committee's function and it can be of great benefit to both the scientific community and the general public.

For the convenience of the Members of the House I insert the Science article, written by Constance Holden, in its entirety:

[From Science Magazine, Mar. 29, 1974]

### HOUSE SCIENCE COMMITTEE: STAKING OUT A BROADER CLAIM

The House Committee on Science and Astronautics is industriously seeking to consolidate (or, as some say, groping toward) a new, powerful, and expanded role as overviewer of all government scientific research and development activities.

The image of the committee as "the space committee" has been hard to shake, despite the fact that most of the important legislation originated there in recent years has not been space-related. In fact, the committee has recently been the font of four major bills: a 5-year, $50-million solar energy demonstration bill that swept the House on 13 February; a 6-year, $80-million geothermal demonstration bill due to be reported out of committee soon; a measure to establish a national fire program within the Department of Commerce; and the metric conversion bill.

The fire bill would set up a new research program and data collection system as well as a training academy, all of which would eventually require an annual budget of about $20.5 million (*Science*, 24 August 1973). This is a relatively noncontroversial and, many say, long overdue measure, which is scheduled for House vote this month and is expected to pass with little difficulty.

Passage of the metric conversion bill, which may hit the House floor this month, is more uncertain. Modeled after recommendations of a National Bureau of Standards report completed in 1971, it calls for a 10-year, voluntary effort to go metric nationwide. (The Senate passed a metric bill in the last Congress; a new one is now awaiting action by the Senate Commerce Committee.) The House bill adopts the report's approach, which is to let the costs of conversion fall where they may. A small board set up in the Commerce Department would coordinate public and private efforts. Passage of the bill in this Congress is not at all certain, because some craft unions, representing people who own their tools, will oppose it unless it is amended to reimburse them for the costs of metric instruments.

The committee is by no means abandoning space, as chairman Olin E. ("Tiger") Teague (D-Tex.) would be the first to affirm. But it is according other fields, particularly energy, the kind of scrutiny that was once reserved for space.

The character of leadership in the committee has changed markedly in the past few years. The mild-mannered and elder statesmanly George P. Miller (D-Calif.) was replaced in 1973 by Teague, a shrewd politician with close ties to the Texas power structure and an ardent devotee of the National Aeronautics and Space Administration (NASA). Emilio Q. Daddario, a Connecticut lawyer who moved with ease among the upper echelons of the scientific community, was replaced in 1971 as chairman of the science research and development subcommittee by John W. Davis (D-Ga.), a country judge who is known more for horse sense than an intimidating intellect.

Among the newer members of the committee, Mike McCormack (D-Wash.), a former Battelle Corporation chemist, appears to be carrying out a distinctive role for himself as chairman of the subcommittee on energy, where the solar and geothermal energy demonstration bills originated.

The committee's major preoccupation, as always this time of year, has been authorization hearings on the budgets of the National Science Foundation (NSF) and NASA. It's going to be a tougher job than usual, says one staff member, because of dramatic increases in money requested for energy research. The Administration has asked for a huge hike in the fiscal 1975 budget for NSF's RANN (Research Applied to National Needs) program, from $70 million to $150 million. Some $102 million of this is for energy-related research. Since much of the $102 million is for applied research and pilot projects, the committee may try to transfer some of the requested RANN budget to NASA, which, unlike NSF, is geared to conducting demonstration programs.

The NSF can be counted on to oppose this shift. Its position is that large-scale demonstration projects in solar energy, such as those called for in the solar bill, will not prove economically attractive enough to draw private industry into the field. The RANN solar budget would be devoted to studying all the aspects—economic, marketing, and distributional, as well as technical—of solar energy, the idea being that it will be several years before demonstration projects are feasible.

The NSF also opposes the terms of the geothermal bill, which is designed to explore the feasibility of drawing power from dry hot rocks and geothermal brines. The bill would put NASA in charge of this project: NSF believes that NASA is ill-equipped to deal with geothermal energy, and that the proper agencies are RANN, the Atomic Energy Commission, and the Department of the Interior.

All this would seem to call for a clarification of the respective roles of NSF and NASA in exploration of new energy sources. The Davis subcommittee is attempting to come to grips with the question of NSF's role in the national research and development scene with two staff studies: one is an evaluation of the RANN program as gauged by the responses of users of its research; the other is an evaluation of NSF's basic research program (which still takes up most of the agency's budget), with astronomy selected as a case study for overall trends.

The committee is also trying to engage in the kind of long-term thinking that other committees do not have time for. A study is planned, for example, on materials research and development, a subject that has not received much public attention yet but that promises to be a hot issue in a couple of years. This will cover the development of new materials, new sources for and recycling of old materials, and the problems surrounding the importation of increasingly scarce raw materials.

#### THE BIG PICTURE

The committee is struggling manfully to get a greater historical, social, and economic perspective on national ills that are susceptible to treatment by science and technology. Davis' committee recently held three mornings of hearings on "science, technology, and the economy," to which such notables as Edward Teller and Margaret Mead were invited.

One morning was largely devoted to historical analogs of the current energy crisis. Davis had read in *Natural History* magazine an article about the 16th-century wood shortage in Europe, so he got his staff to find a man who would talk about that, as well as someone to talk about the whale oil shortage in the 19th century. In both instances, it came out in the hearings, necessity proved the mother of invention. The wood shortage stimulated exploitation of coal and the development of coal extraction technology—all of which hastened the advent of the industrial revolution. In the case of the whale oil shortage, said W. Philip Gramm, economist from Texas A&M University, high prices for whale oil made exploitation of petroleum and gas distilled from coal economically feasible. Gramm extrapolated to the present day, saying that rationing or price controls would only suffocate private enterprise and that all we needed to do to get out of the woods is develop oil shale, natural gas resources, and the abundance in the outer continental shelf. Gramm's prepared testimony dealt wtih fossil fuel alternatives in one sentence: "The breeder reactor will come on and make nuclear energy economically viable, and solar and thermal energy can be developed when they are needed."

With advice such as this, and testimony from Mead, who pointed out that national policies must tread a path between despotism and chaos, it is doubtful the committee came

away with much to generate policy alternatives, but it was an imaginative try.

Another set of broad-gauge hearings, on federal science policy and its advisory apparatus, is scheduled for May. Daddario's subcommittee held similar hearings in 1970; the current ones are expected to carry more weight because they are being held by the full committee. Last July, the committee invited Administration representatives to outline their objectives following the abolishment of the Office of Science and Technology and the President's Science Advisory Committee. This time, outsiders will give their assessments of Administration policy (or lack of it) and make their own suggestions.

Another sign of the committee's spreading interests was the creation of a subcommittee on international cooperation in 1971. This committee is planning some hearings on issues such as patent reciprocity and credit terms involved in exchanges of advanced technology with the U.S.S.R.

The committee's prestige cannot help but be enhanced by the existence of the new Office of Technology Assessment headed by its original mastermind, Dadarrio. Three of the 12 members of the office's congressional board are on the committee: Davis, Teague, and Charles A. Mosher (R-Ohio), the ranking minority member.

The committee has not expanded its staff, but it does have science interns for the first time: one from the executive branch (National Bureau of Standards) and one donated by the Institute of Electrical and Electronics Engineers.

If the Bolling committee proposals (*Science*, 22 February) pass the House, the committee, whose new name will be the Committee on Science and Technology, can look forward to becoming one of the major committees of the House, with expanded oversight duties including jurisdiction (if it is created) over the proposed Energy Resources and Development Administration.

Whatever happens to the Bolling proposals, the Science and Astronautics Committee seems clearly intent on becoming the Committee on Science and Technology in spirit if not in name.

## EXPROPRIATION OF TEA AND RUBBER PLANTATIONS BY SUKARNO IN 1964

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYATT) is recognized for 5 minutes.

Mr. WYATT. Mr. Speaker, I rise today in the well of this House to document a case of expropriation of American property, the settlement of which is at once highly important and eminently fair.

This case involves a U.S. corporation whose extensive rubber and tea plantations were taken over by the Sukarno regime in 1964. Forgetting, as the corporation is willing to do, the value of the inventory of produced tea and rubber at the takeover and not accounting for bank deposits for which records were destroyed, the 1953 value plus 10-year modest 6-percent interest comes to $20 million in round numbers.

The settlement of this case of expropriation is highly important because it stands as a blot on the escutcheon of relations between the United States and Indonesia. These relationships, here since the rejection of Sukarno and the advent of the Suharto government, have been wholesome, constructive, and generally supportive of the national interest of both our nations. The unfortunate failure of the technocrats and bureaucrats of Indonesia to bring fair and prompt settlement to this long outstanding claim brings a discordant note in an otherwise harmonious effort for development in Indonesia with mutual advantage to our two countries. It casts a pall of doubt on large programs of financial support flowing from our country to this important island nation, Indonesia.

Our national policy relative to expropriation has been clearly stated by our President as late as 1972 When speaking of Economic Assistance and Investment Security in developing nations, the White House stated:

A policy of assistance is prompted by a mutuality of interest . . . (and) . . . it is my intention to seek adequate and regular fiscal year appropriations . . . to reform our foreign assistance programs to meet the challenges of the 70's.

The President added:

I also wish to make it clear the approach of this Administration to the role of private investment in developing countries and in particular to one of the major problems affecting such private investment up-holding accepted principles of international law in the face of expropriation without adequate compensation.

Unfortunately . . . U.S. enterprises, and those of many other nations, operating under valid contracts negotiated in good faith, and within the established legal codes of certain foreign countries, have found contracts revoked and their assets seized with inadequate compensation or no compensation. . . .

Such actions are wasteful from a resource standpoint considering their adverse effects upon the flow of private investment from all sources, and unfair to the legitimate of foreign investors. . . . It seems to me imperative to state the policy of our government in future situations involving expropriation acts . . .

When a country expropriates significant U.S. interests without making reasonable provisions for compensation to all U.S. citizens we will presume that the U.S. will not extend new bilateral economic benefits to that country. We will presume that the U.S. government will withhold its support from loans under consideration in multinational development banks.

The above excerpts are highlighted because the executive expression of policy has the strong and often enunicated support of Congress. Law and machinery of law have been created to implement both executive and legislative will. The importance of this to Indonesia at this time is realized from the following recitation.

U.S. AID TO INDONESIA—GRANT AID AND LOANS

[In millions of dollars]

| Fiscal year | Grant aid | | | Loans |
|---|---|---|---|---|
| | Military | Economic | Total | |
| Marshall plan, 1949-52 | 3.9 | 90.3 | 94.2 | 117.0 |
| Military Security Act, 1953-61 | 25.6 | 144.9 | 170.2 | 137.2 |
| Foreign Assistance Act, 1962-65 | 35.9 | 66.5 | 102.4 | 22.5 |
| Fiscal year: | | | | |
| 1966 | | 2.7 | 2.7 | 21.1 |
| 1967 | 2.5 | 2.5 | 5.0 | 54.9 |
| 1968 | 4.7 | 6.1 | 10.8 | 96.4 |
| 1969 | 5.2 | 8.6 | 13.8 | 228.8 |
| 1970 | 6.3 | 29.4 | 35.7 | 76.0 |
| 1971 | 33.8 | 17.6 | 51.4 | 162.3 |
| 1972 | 22.9 | 16.4 | 39.3 | 229.2 |
| 1973 | 18.0 | 10.0 | 28.0 | [1] 200.0 |
| 1974 | | | | |

[1] Approximate

OTHER COMMITMENTS

[In millions of dollars]

| | World Bank | Asia Development Bank | Export-Import | Other |
|---|---|---|---|---|
| 1967-73 | 470 | 140 | 300 | 2,700 |

Source: U.S. State Department.

In addition, it should be noted that:

First. In the last 5 years military aid from the United States to Indonesia in direct assistance has risen from $5 million to $18 million with an average of over $12 million a year for 5 years;

Second. Nonmilitary aid has advanced from $25.7 million, 5 years ago, to $253.2 million with a yearly average for the period near $200 million;

Third. Asian Development Bank loans have increased from $3.39 million in 1969 to $41.22 million in 1973 with a yearly average in the period of roughly $25 million;

Fourth. IDA credits which started at $51 million in 1969 rose to $171.4 million for 1973 for an average of over $100 million per year; and

Fifth. The United States provides about one-third of the dollar credits extended by a consortium called IGGI—International Government Group for Indonesia—formed in 1968 to assist the new Suharto regime with Indonesia debts and for 1973 this consortium made $723.6 million in credit available to Indonesia.

The above recitations are made simply to define the dimensions of dollars Indonesia has involved in the U.S. policy relative to expropriation previously described.

Over the 5-year period there has been almost $1 billion in bilateral economic benefits that could have been questioned in the absence of a reasonable settlement of a just claim. Further, approximately $620 million from multinational development banks under conditions where the expressed policy of our Government suggests we could have withheld our support. Finally, Indonesia has been extended considerable credit concessions of which the United States has provided near $500 million.

All this suggests a serious review of an unsettled and outstanding claim by a U.S. citizen from the Indonesian Government. The importance is clear. What of the fairness and justness of the basis and dimensions of the claim.

BASIS OF THE SEA OIL AND GENERAL CLAIM OF SETTLEMENT

In 1956, Sea Oil & Development Corp., formerly the American Indonesian Corp., a U.S. corporation, incorporated under the laws of New York, acquired the rights and ownership of properties real and personal of an old Dutch plantation firm in Indonesia. The relevant deeds and papers are all of record and authenticated by Indonesian officials and agencies. The properties were in three areas of Java and were principally devoted to rubber and tea production, although some palm oil and quinine had been produced. Total acreage now being asked is:

Tea plantation of 5,839 acres of which

2,713 acres was cultivated and in production;

Rubber plantation No. 1 of 3,375 acres of which 1,555 acres was cultivated and in production; and

Rubber plantation No. 2 of 19,150 acres with 3,995 acres producing. This property is located only 45 miles from Djakarta, the largest city and capitol of the country.

The title on these properties included some held "in fee," a unique and very valuable holding for a foreign entity.

The fairness of this settlement lies in the willingness of the U.S. entity to take the values set by the Indonesians themselves, as early as 1953. It lies in the expressed acceptance of the burden of settlement stated by President Suharto in the meeting in Europe in which the United States and others agreed to extend to all most forgiveness the vast indebtedness of Indonesia contributed mainly by Sukarno and his excesses. This agreement was underscored later by an urging letter from Foreign Minister Malik for a speedy and fair settlement in which he wrote to Minister of State, Dr. Ekuin, in part as follows:

Considering our good relationship with the United States, it is best that the claims . . . be settled as soon as possible.

Mr. Speaker, in light of all the facts and circumstances we can only heartily echo the sentiments of Minister Malik. This U.S. corporation deserves a settlement now and its efforts should be supported by our Government.

## EQUAL HOUSING OPPORTUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, with the rising demand for housing in our country it is of paramount importance that we provide equal housing opportunities and improve housing conditions for all minorities.

I have for years been saying to realtors and their associations that they have a responsibility to make housing available on a nondiscriminatory basis. I have said that if our neighborhoods were integrated we would not have a problem with busing for racial balance.

I am pleased to report that the Prince Georges County Board of Realtors has recently been cited by James H. Harvey, executive director of the Housing Opportunities Council of Metropolitan Washington, for its efforts in implementing an equal housing opportunities code of practice and an affirmative action plan.

The directors of the Prince Georges County Board of Realtors agreed in the voluntary plan to call upon member realtors to encourage minority real estate brokers and salesmen to become board members, to make available to all members the texts or summaries of Federal, State, and local fair housing laws and regulations, the Joint National Association of Realtors—HUD poster and code practices, and the establishment of a housing opportunities committee that includes persons who are representative of minority and nonindustry alined groups.

In addition, the voluntary affirmative action plan includes a strong new code of equal housing opportunities practices requiring members to refrain from discriminating in real estate activity. Members are requested to conspicuously post the code in all places of business. All members are subject to an investigation by the board's housing opportunities committee. The housing opportunities committee will receive complaints alleging discrimination in housing from the public and will refer violations of the code to the professional standards committee for action.

The Prince Georges County Board of Realtors is the first board of realtors in the country to adopt a voluntary affirmative action plan. This type of initiative in establishing a prototype program is deserving of special commendation and I would like to express my personal appreciation to President John H. Hughes, Vice President Charles Grammer, and Executive Vice President Paul L. Fowler. This type of responsiveness to public need is necessary if we are to fully eliminate the duplicity and remnants of discrimination still existing, particularly in housing.

## INTRODUCTION OF BILL TO INCREASE OPPORTUNITIES FOR GOVERNMENT INTERNSHIPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I am today introducing legislation to alleviate existing civil service regulations that, although unintended, severely restrict programs that provide unsalaried educational internships in Federal agencies for high school, college, and graduate students. This bill, H.R. 14093, will allow Federal agencies to invite and accept student involvement in challenging apprenticeship roles which can greatly enhance the participants' knowledge about and interest in government. Such student activity is primarily for the educational and intellectual benefit of the intern and there is no reason at all to prohibit this unsalaried service which could create thousands of additional opportunities for young people.

Youth involvement in government is essential, particularly in these troubled times, and programs such as this would allow students to bridge the gap between textbook knowledge of government and practical, firsthand experience. In addition, some young people may be encouraged to embark upon public service careers.

I want to call your attention to one such program, the Executive High School Internships of America, and the role of its national director, Dr. Sharlene Hirsch, who brought this dilemma to my attention. Along with my distinguished colleague, Mr. BRADEMAS, I am privileged to serve as a member of this organization's national advisory board. This program, which annually involves 1,300 high school juniors and seniors across the country, enables young people to serve as special assistants in training to executives in government and related fields. The internship carries a full semester of credit but no pay. Sponsoring executives are required to provide a broadly stimulating educational experience and are specifically prohibited from using students as clerks, messengers, or for other functions for which people would be compensated.

I include as part of my remarks the text of H.R. 14093:

H.R. 14093

A bill to authorize any officer or employee of the United States to accept the voluntary services of certain students for the United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, notwithstanding the provisions of section 3679 of the Revised Statutes of the United States (31 U.S.C. 665(b)) or any other provision of law, any officer or employee of the United States may accept voluntary service for the United States if such service is performed by a person who is enrolled as a student, not less than halftime, in an institution of higher education or a secondary school at the time the person makes application to perform such voluntary services.

SEC. 2. As used in this Act, the terms "institution of higher education" and "secondary school" have the same meaning as prescribed for such terms in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

## CONGRESSIONAL COMMITMENT TO PRIVACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. GUYER) is recognized for 5 minutes.

Mr. GUYER. Mr. Speaker, this Congress would be remiss if the important issues of rights to personal privacy were not given thorough attention and legislation adopted to restore these badly eroded liberties.

The leadership of my colleague from California (Mr. GOLDWATER) is to be commended. He is following the footsteps of my distinguished predecessor Jackson E. Betts who made census reform a national issue. We are building on the concerns of a decade of congressional investigation into invasion of privacy. Regrettably, the record of accomplishment is far behind the rapidly growing advances in information technology. Thus, today's congressional commitment to privacy is a most propitious event.

My concern, Mr. Speaker, goes to the very essence of privacy—the right to be left alone. The right to keep to oneself—the honorable right to participate or withdraw, to speak or elect to be silent. The right to supply personal information to a business or government with the assurance it will be properly maintained. The right to inspect that information, get a copy of it, to give permission before it is disseminated, to require its correction or distribution when errors occur or it is no longer needed. I am the sponsor of legislation to establish a Code of Fair Information Practices to accomplish these information rights for Americans.

Let me speak in *support of* a number of other bills sponsored by many of the 200 Congressmen already committed to

restoring privacy. Measures to allow parents to see their children's school records, limit mailing list distribution by Government agencies, reduce the scope of the census, stop requiring the social security number for every purpose, and strictly limit the use of personal income tax reports have my support.

Mr. Speaker, these are trying times for America. Times when public confidence in our institutions, including the Congress, is at a low level. One of the maladies causing such public attitudes is a hostility to the excesses of information collectors. Our American way of life is based on a balance of interest. Justice Samuel H. Hofstadter of the Supreme Court of New York stated this philosophy in a very impressive manner:

In a democracy, we are concerned primarily with the relation of the individual to his government. And the maintenance of this overall relationship has greater importance than the isolated search for fact—or even justice—in any specific case.

These are my sentiments today.

## EULOGY TO ADM. JOEL T. BOONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, on April 2, an American of great achievement and character passed away. Adm. Joel T. Boone had a distinguished record as an officer in the Medical Corps, and many of you have long been aware of his humanitarianism. The following biography details the highlights of his productive life, and I commend it to your attention:

BIOGRAPHY OF ADM. JOEL T. BOONE

Joel Thompson Boone was born in St. Clair, Pennsylvania, on August 29, 1899, the son of the late William A. and Annie Thompson Boone. He was graduated from the Mercersburg (Pennsylvania) Academy in 1909 and entered Hahnemann Medical College in Philadelphia, Pennsylvania, where he was graduated in June 1913. Appointed Lieutenant, (junior grade) in the Medical Corps of the U.S. Naval Reserve in April 1914, he was transferred to the Regular Navy in that rank in May 1915. He advanced through all the grades, including Commodore, to Rear Admiral, which rank dated from May 20, 1942, and upon retirement was advanced to the rank of Vice Admiral. He served on continuous active duty from July 1, 1914, until his retirement on December 1, 1950.

Following his appointment in the Medical Corps of the U.S. Naval Reserve in April 1914, he was attached to the Naval Hospital, Portsmouth, New Hampshire, between July and September 1914, after which he received instruction at the Naval Medical School, Washington, D.C., until April 1915. Transferring to the U.S. Navy in May 1915, he served at the Naval Training Station, Norfolk, Virginia, until August of that year, when he was ordered to duty with the Artillery Battalion, U.S. Marine Corps Expeditionary Force. During that assignment, which extended to June 1916, he had combat service ashore in Haiti in 1915 with the Marines.

In September he joined the U.S.S. *Wyoming*, flagship of the United States Fleet, and was serving on that battleship when the United States entered World War I in April 1917. Detached from the *Wyoming* in August of that year, he reported for duty with the Sixth Regiment of Marines, Quantico, Virginia, departing with that organization for overseas duty in September. Arriving in France in early October 1917, he participated in the following major battles and campaigns, as Battalion and Regimental Surgeon. Sixth Marine Regiment, and later as Assistant Division Surgeon of the Second Army Division, American Expeditionary Forces: Defense Sector south of Verdun, Aisne, Aisne-Marne, St. Mihiel, Champagne, and Meuse-Argonne. After the Armistice on November 11, 1918, he participated in the march into Germany with the Army of Occupation for duty on the Rhine bridgeheads.

Following his return from duty in Europe to the United States in February 1919, he served in the Bureau of Medicine and Surgery, Navy Department, Washington, D.C., and as the Director of the Bureau of Naval Affairs, American Red Cross, from March 1919 until May 1922, when he reported for duty as the Medical Officer aboard the presidential yacht, U.S.S. *Mayflower*. During the period of that assignment, which extended to April 1929, he was a physician to the late Presidents Warren G. Harding and Calvin Coolidge. Betwen March 1929 and April 1933 he was the Physician to the White House during the administration of President Herbert Hoover. During his assignment as Physician to the White House, he served in the temporary rank of Captain with the enactment of a Congressional statute pertaining to the legal establishment of that office.

After completing a general postgraduate course at the Naval Medical School, Washington, D.C., in May 1933, he joined the hospital ship, U.S.S. *Relief*, in June of that year, serving as Chief of Medicine of that vessel until June 1935. He then had duty at the Naval Hospital, San Diego, California, until August 1936, when he was transferred to California, where he served until May 1938. In November of that year, he joined the U.S.S. *Saratoga* and served on that aircraft carrier as Senior Medical Officer until July 1939.

He had duty as Executive and Commanding Officer of the Naval Dispensary, Long Beach, California, before reporting in January 1940 for duty as Force Medical Officer on the Staff of Commander, Base Force, U.S. Fleet, on the flagship U.S.S. *Argonne*, and served until August 1940. He had duty as Senior Medical Officer at the Naval Air Station, San Diego, California, from December 1940 until April 1943, and from May of that year until March 1945, he served as Medical Officer-in-Command of the Naval Hospital, Seattle, Washington.

In April 1945, he was promoted to Commodore and ordered to report for duty as Fleet Medical Officer on the staff of Commander, Third Fleet, Admiral William F. Halsey. He was selected by the latter to be one of three officers to liberate Allied Prisoners of War in Japan prior to the military occupation of that country. He was the Naval Medical Corps representative at the surrender ceremonies of the Japanese aboard the U.S.S. *Missouri* in Tokyo Bay on September 2, 1945.

In November 1945, he was ordered to the Bureau of Medicine and Surgery, Navy Department, Washington, D.C., for temporary duty pending further assignment. In January 1946, he was designated District Medical officer, Eleventh Naval District, San Diego, California, and in April of the same year, he became Inspector of Medical Department Activities, Pacific Coast, with additional duty as Medical Officer, Western Sea Frontier. From May 1946 until June 1947 he served also as Medical Advisor to the Federal Coal Mines Administrator and as Director of the Medical Survey of the Coal Industry. Early in 1948, he was assigned and reported to the Secretary of Defense for duty as the Executive Secretary of the Secretary of Defense's Committee on Medical and Hospital Services of the Armed Forces. Simultaneously he served as Secretary of the Committee on Federal Medical Services of the First Commission on Organization of the Executive Branch of the Government, generally known as the Hoover Commission.

He was detached as General Inspector, Medical, on September 1, 1949, having been appointed Chief of Joint Plans and Action Division, Office of Medical Services, Department of Defense. In March 1950, he was ordered detached and reassigned as General Inspector, Medical Department Activities. While on the latter duty assignment, he was ordered on a special mission to Japan and Korea during the Korean War by the Chief of Naval Operations, Admiral Forrest P. Sherman. The Secretary of the Navy on November 30, 1950, determined him unfit to perform the duties of his rank by reason of physical disability and therefore placed his name upon the permanent physical disability retired list on December 1, 1950.

Having been appointed Chief Medical Director of the Veterans Administration, he assumed that office March 1, 1951, serving in that position for a statutory term of four years.

Foremost among the many awards and high honors Admiral Boone has received is the Congressional Medal of Honor; others include the Distinguished Service Cross (Army), the Silver Star Medal with five Oak Leaf Clusters (Army), and the Purple Heart Medal with two Oak Leaf Clusters (two for wounds in action, one a special award made by General John J. Pershing, U.S. Army). In addition to the foregoing during World War I, he received special citations from Major General John A. Lejeune, U.S.M.C., Major General Harry Lee, U.S.M.C., Major General Omar Bundy, U.S. Army, and Major General James G. Harboard, U.S. Amy, under whose commands Admiral Boone served in the American Expeditionary Force, France. Prior to World War I, while serving with the Marines in Haiti, he received a Special Letter of Commendation for his conduct under fire from the Secretary of the Navy, Josephus Daniels. Admiral Boone was awarded the following campaign medals for service prior to and during World War I: Haitian Campaign Medal, the Marine Corps Expeditionary Medal, the Victory Medal with six battle stars, and the Army of Occupation in Germany Medal. For services in World War II, Admiral Boone received a Letter of Commendation from the then Secretary of the Navy, James Forrestal, and was awarded the Secretary of the Navy's Commendation Medal. For meritorious service as Fleet Medical Officer on the staff of Command 3d Fleet, he was awarded the Bronze Star Medal with Combat "V." Other awards he received for services in World War II and later are: the American Defense Service Medal with Fleet Clasp, the Asiatic-Pacific Campaign Medal with two bronze stars, the American Campaign Medal, the World War II Victory Medal, the Navy Occupation Medal (Japan), the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal, and the Korean Presidential Unit Citation Badge. The following awards were bestowed upon him by the French Government: Officer of the Legion of Honor, Croix de Guerre with two palms, Order of the Fourragere (three awards), and the Gold Medal of Honor. The War Cross with Diploma of Italy was bestowed by that Government on Admiral Boone.

The honorary degree of Master of Arts, Doctor of Laws and Doctor of Science were conferred on Admiral Boone by his college Alma Mater. Among various other non-military awards of distinction, he has received the Distinguished Service Medal of the American Legion and the Veterans Administration's Exceptional Service Award (that Agency's highest award). One of the highest civilian honors received by Vice Admiral Boone was that of "Ambassador", conferred on him by the Pennsylvania State Chamber of Commerce in 1949.

Joel T. Boone Hall at Mercersburg Academy, Mercersburg, Pennsylvania, was named in his honor. The building was dedicated on October 13, 1962. On March 15, 1972, the Joel T. Boone Clinic at the Naval Amphibious Base, Little Creek, Virginia, was dedicated.

Admiral Boone was a Fellow of the American Medical Association; Fellow of the American College of Surgeons; Fellow, American College of Physicians; Fellow, International College of Surgeons; Fellow, American College of Chest Physicians; Alpha Omega Alpha (honorary); former member of the National Board of Medical Examiners; and a former Member of the House of Delegates, American Medical Association (representing the Navy). He served as President of the Mercersburg Academy Alumni Association for fourteen years and was the Alumni Association's Honorary President. Since 1929, he had served on the Board of Regents of Mercersburg Academy and was its President for 4½ years; former Vice President and Acting President of the Congressional Medal of Honor Society (1957); former President of the Association of Military Surgeons of the United States (1949); a member of the Sons of the Revolution, American Legion, Disabled American Veterans, Veterans of Foreign Wars, Military Order of the Purple Heart, Legion of Valor of the United States, Second Division Association, Navy League, and a Trustee of the Naval Foundation.

Admiral Boone is survived by his wife, the former Helen Elizabeth Koch of Pottsville, Pennsylvania, a daughter, Mrs. Milton F. Heller, Jr. of New Canaan, Connecticut, a son-in-law, five grandchildren, and six great-grandchildren. Mrs. Morgan and I extend our sympathies to the family and friends of this noble and humanitarian man.

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## THE GAS BUBBLE REVISITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, last year the Coastal States Gas Co. confessed to its Texas customers that it did not have anything like the gas it needed in order to meet its contracts. Coastal had created a corporate empire based on the sale of energy that never existed.

There have been other corporate dreams built on a glamorous concept. But in the usual course of things, the crash of a paper empire is no great disaster. Innocent stockholders suffer losses, sometimes even ruinous losses; customers are hurt in one degree or another; and occasionally a freebooter is imprisoned or driven off to exile, as Robert Vesco was. But when a utility empire collapses, that is a real tragedy. And unfortunately for the people of Texas, and especially the people of south Texas in general and San Antonio in particular, Coastal's dead hand owns the utility contracts that are the lifeblood of a whole region.

So in this case, Coastal's stockholders have indeed lost untold millions of dollars in paper profits; others have been wiped out by losses created by having bought Coastal stock when its board chairman, Oscar Wyatt, was one of the more believable sellers of snake oil to be found. But far worse, and of far greater consequence, the communities served by Coastal's worthless contracts are laid open to faltering utility service, fantastic increases in their light and fuel bills, and an unknown future.

Every public agency that was intended to protect the rights of the cities and industries served by Coastal, or the rights of investors in the company, has failed.

Coastal was able to file almost simultaneously documents at the Securities and Exchange Commission claiming that the company was in excellent shape, as far as its gas reserves went, and at the Federal Power Commission documents pleading that Coastal was short on gas. Neither regulatory agency seemed to be aware of the conflict, and although nearly a year has passed since I requested the General Accounting Office to look into this failure of communication, no answer has been forthcoming.

The Securities and Exchange Commission was sufficiently concerned about Coastal's behavior that it suspended trading in the company's stock until a consent decree was obtained, making a few changes in the company that theoretically dilute the ability of Mr. Wyatt to manipulate the company as he did in the past.

But the SEC cannot make natural gas materialize that never existed.

The Federal Power Commission has never taken any action that I know of to discipline Coastal, restore some of the losses that it has visited on its customers, or in any way bring the company to account for its many fraudulent practices. In the midst of a great energy crisis, it seems that the Power Commission is much more concerned about finding new gas than it is in getting crocks out of the business, or protecting the public from their rapacious greed.

In Texas, the Railroad Commission is supposed to regulate the oil and gas industry. Historically, this has been done by regulation that is favorable to the industry. For example, the Railroad Commission for decades followed practices designed to hold down oil production, so as to keep oil prices up, in much the same way that the Federal Government limited farm marketing in order to obtain favorable prices for farmers. Faced with the problem of what to do about Coastal's enormous default, the Railroad Commission has elected, first and foremost to protect the company. Nothing good would come of Coastal's outright failure, the Commission chairman says. He thinks that those who have been victimized by Coastal should not sue to find out their contractual rights, or enforce those rights on the company. The upshot is that the Railroad Commission, in order to keep Coastal alive, has allowed the company to charge its customers the full price of finding the gas that it should have had, and was obliged by contract to have had all along. So cities like San Antonio have ended up paying more than twice their contracted price for gas, in the name of keeping Coastal afloat. Still, despite this extraordinary treatment, neither San Antonio nor any other of Coastal's unfortunate customers have had any detectable improvement in service from the company. Indeed, the Railroad Commission now says that things are not going too well in the company, and maybe it should get an even better deal. But what about the contracts and the rights of the company's customers, one asks? The Commission has nothing to say about that.

The Railroad Commission staff has come forward with a plan that would eventually reimburse Coastal's customers for their losses. But the Commission has yet to adopt that plan, and Coastal has said that it would fight any such plan to the utmost limits of its legal resources.

In San Antonio itself, the city council is supposed to regulate utility rates. But even though homeowners have probably had their utility bills increased by 50 percent or more since last year, the council has never set a new, higher rate. The utility simply sends out higher bills and the customers pay, or lose their service. The city council has said, and done nothing about the rate structure, despite their clear obligation to do so, and to assure that the public is not being overcharged any more than the Railroad Commission allows. The possibility of such an overcharge is very great indeed, because recent documents indicate that Coastal tends to play cat-and-mouse games with its fuel cost analyses.

The city council now says that San Antonio should sue, to find out what its rights are under its contract with Coastal. This, after months of begging and pleading, and millions of dollars in losses by the people of the city. Even at that, the Railroad Commission is trying to talk the city council out of acting on its intended lawsuit.

At every level, Coastal has evaded responsibility for its misdeeds. Oh, its stock is down, but its sales remain strong and growing. And Coastal is still in business, joining in ventures of all kinds, even to trying to get Alaskan gas through a new, multibillion dollar pipeline consortium. Investors in the company are probably a little unhappy about the recent slippage in company earnings, but they never got any dividends anyhow; Coastal is strictly a speculators' stock. Those who are really paying the price of governmental failure are the customers who had the bad luck and misjudgment to ever sign a contract with the company in the first place.

What I want to know is, who will protect these people; who will restore their losses? I believe that the Federal Government has some responsibility here.

The courts may never be able to repair the losses suffered by Coastal's victims; many of their losses are irreparable anyway. The city council of San Antonio is not going to be able to act effectively, because the whole net worth of the city itself could be bought up by the value of a Coastal subsidiary or two. The Texas legislature is not likely to act; the Railroad Commission is wholly interested in protecting the perpetrator of the crime instead of bringing relief and justice to the victims; and the Federal Government has failed in its responsibilities as well. It is not enough to lament these failures and shortcomings. Something affirmative has to be done, and I will

survey the possibilities as the Coastal gas bubble is revisited.

## NEED FOR INDEPENDENT INTERNAL REVENUE COMMISSION

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, on January 29, 1974, I introduced H.R. 12372, a bill to establish an independent commission to administer the internal revenue laws. The purpose of this legislation is to assure that political interference will not jeopardize the integrity with which these laws are enforced.

In an article in today's Washington Post, several abuses in the enforcement of our tax laws uncovered by Senator LOWELL WEICKER are discussed. I would like to submit this article for the RECORD to show the important need for an independent Internal Revenue Commission:

WEICKER DISCLOSES DATA ON IRS "MISUSE"

White House aides discussed in 1971 an investigation by C. G. (Bebe) Rebozo that a Newsday profile of Rebozo had been financed by the Kennedy Foundation, documents released in the Senate yesterday disclose.

Memoranda from former White House investigator John Caulfield to then presidential counsel John W. Dean III showed that tax and antitrust investigations were proposed in retaliation against what was considered an unflattering article about Rebozo, President Nixon's close friend.

Sen. Lowell P. Weicker (R-Conn.) dropped these documents and a bundle of others with three Senate subcommittees as reminders of Watergate-related abuses by the Nixon administration. He said most of the documents had come from Dean and were released with the permission of the Senate Watergate committee.

The documents admitted into the record without challenge, supplied new details in numerous areas already covered by Watergate investigators. They included:

Records of a special Internal Revenue Service team, disbanded last year, that Weicker said managed to collect tax data on 10,000 Americans in its pursuit of "ideological" opponents of the administration.

Correspondence showing IRS, FBI and White House investigators preparing to release information damaging the reputation of the producers of the 1971 film, "Millhouse," a satire of President Nixon.

A recommendation by former White House aide Charles Colson that Dean intercede with the U.S. Parole Board to hasten the release of Calvin Kovens of Miami, who was convicted in 1973 in connection with alleged kickbacks from the Teamsters union pension fund. The recommendation had come at the request of Former Florida Democratic Sen. George Smathers.

The U.S. Army's 66th Intelligence Group in West Berlin conducted a long-term surveillance of a group of local American civilians known first as "Democrats for McGovern" and later "Concerned Americans in Berlin." Weicker produced documents he said showed the Army penetrated the group's meetings with its agents and opened all mail addressed to it.

Weicker read the subcommittee a sheaf of memos, some of them on White House stationery and bearing dates of the summer and of 1971.

Memos between Caulfield and Dean on the "Millhouse" movie advised tax audits if the production became publicly identified with Lawrence F. O'Brien, then chairman of the Democratic National Committee.

In another example of the use of the IRS, Weicker produced another set of Dean-Caulfield memos which indicated that the administration was interested in helping evangelist Billy Graham and movie actor John Wayne, both supporters of the President, with their tax problems.

Weicker produced four pages of confidential tax information relating to a long list of other entertainers including Frank Sinatra, Sammy Davis Jr., Lucille Ball, Jerry Lewis, Richard Boone and others.

"Clearly this is not material that should be in the hands of anyone but the taxpayer and the IRS," Weicker said and added:

"As we can see from all the tax returns that are flooding over this desk, the IRS was acting like a public lending library for the White House."

Weicker's testimony today was at a hearing convened by three Senate subcommittees investigating the extent of political spying by the federal government.

Weicker said the IRS memo on the formation of the special intelligence task force discussed various means by which the tax laws could be used to attack what it described variously as activist, ideological, radical, militant, or subversive groups.

The memo, signed by D. O. Virdin, added: "We do not want the news media to be alerted to what we are attempting to do or how we are operating because disclosure of such information might embarrass the administration. . ."

Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Senate Watergate committee, said the surveillance on the Berlin group was conducted many months after the Secretary of the Army promised Congress it had ended all surveillance activities on American civilians and would not renew it without telling Congress first.

"I just don't care to spend one cent of my own taxes to have spies for military intelligence determining if some American citizens has an autographed picture of Sen. George McGovern," Weicker said.

Weicker noted the Army's own analysis of the situation was that the group in Berlin was non-subversive and had modeled its constitution after the U.S. Bill of Rights.

He also said the Commerce Department was used by the White House as a source of material thought to be potentially embarrassing to the political career of Sen. Edmund Muskie (D-Maine)

He said the material concerned Muskie's relationship with executives of the beet sugar industry in Maine.

## WHAT ARE WE DOING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, on April 30 of this year the authorization of the Cost of Living Council will expire, and with, any semblance of controls on the economy.

We all are aware than during the past year in which phase IV has been in operation, the controls on the economy were honored more in the breach than in the observance. Inflation during 1973 rose at the brisk rate of 10 percent a year; this was, in fact, greater than the rate of inflation in 1971, when controls were imposed and rigidly observed.

Many people blame the existence of controls per se for the galloping rate of inflation. It seems that controls, these people say, cause disruptions in the market, which lead to higher prices due to scarcity. Further, they argue, once controls are removed from a certain sector of the economy, prices will go up in a catch-up spurt. Opponents of controls take both of these events to demonstrate their belief that there should be no controls whatsoever.

However, I do not think that is the wisest thing to abandon controls in disgust. I do not feel that controls on certain sectors of the economy are unworkable per se. Rather, I feel that if properly applied, without favoritism and political wheeling and dealing, controls will slow down the rise in the cost of living.

Last year, the cost of food for a family of four living on a low-income budget, $4,000 to $8,000 a year rose by 23 percent. It cost the poorest people in this country $43.10 a week to feed their families, whereas the year before the same task could have been accomplished for $35.

Food is only one small part of the total picture. Some cost increases cannot be controlled adequately, such as the rise in energy prices due to the quadrupling of oil prices in the world market. And yet, I seriously question how much the American multinational corporations dealing in energy had to do with this devastating price rise, and whether they did all that they could possibly have done either to forestall it, or to minimize it. For these companies last year recorded the highest profits they had ever experienced, in a year in which there were shortages which came close to paralyzing the Nation.

In the next few weeks, the Congress will begin considering a national health insurance program. With the broad-ranging support for such a proposal, I have no doubt that this country will see some sort of national insurance plan before the year's end. However, have the proponents of this legislation ever considered what it will do to health care costs. The lessons of the medicare and medicaid programs ought not to be lost on the Congress. After these two programs were instituted, there was a surge in the prices we had to pay for our health care, and at that, the quality of our health care declined. Will the same thing happen if there is a national health insurance program? I fear it will, for I see no way to prevent it unless there is some means of controlling the costs we pay for our health services and hospitalization.

I feel that it is most unreasonable for this Congress, in the face of the worst inflation this Nation has ever experienced, to simply wash its hands of the problem. There have been inequities, true; particularly in the whole area of wage controls. Prices have been permitted to rise almost unchecked, while most workers have been held to a 5.5 percent limit on their wage increases. I would be the first to say that this is most unfair, particularly when inflation is rising at a rate twice that of wages. The American worker has lost the purchasing power in the dollar he takes home from work. But I am not convinced that ending all wage and price controls would make things any better for him.

We are laboring under a dangerous delusion; namely, that the market in this country is really free. Name any major industry, and it will almost invariably be controlled by a handful of major corporations who dictate pricing and marketing policies. To abandon controls, even in the limited form advocated by the bill that was just defeated in the House Banking and Currency Committee, would be folly. We are facing disaster in this country if something is not done about controlling rising prices.

I am sure that in a year, when the rate of inflation has reached 15 percent, we will look back and say, "What have we done?" And then, we will try to reimpose price controls, but it will be too late, for the damage will already have been done. I ask you now, Mr. Speaker, "What are we doing?" We are running from the whole question of inflation instead of seeking constructive, workable ways of bringing it under control. I believe it can be done, and I am sure that I am not alone in this belief. The Congress will have only itself to blame when the voters demand an end to the ceaseless spiral of prices.

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## U.S. CANAL ZONE SOVEREIGNTY AND JURISDICTION: STRONGLY SUPPORTED IN BOTH SENATE AND HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, as stated in my address to the House of Representatives in the CONGRESSIONAL RECORD of April 3, 1974, page H2574, U.S. Secretary of State Henry A. Kissinger, without the advance authorization of the Congress, signed an 8-point "agreement of principles" with Panama's Minister of Foreign Affairs, Juan A. Tack, to commit the United States to negotiations for a new canal treaty that would surrender to Panama U.S. control over the Canal Zone and Panama Canal. See "Senator BYRD of Virginia Questions Secretary Kissinger" in CONGRESSIONAL RECORD, March 20, 1974, pages 7468–9.

Such reckless action on the part of responsible U.S. officials, bound by oath to support the Constitution of the United States, was indeed incredible and merits the careful attention of the Congress.

In anticipation of such agreement, on February 4, I introduced House Resolution 804 to express the sense of the House of Representatives in support of sovereignty and jurisdiction over the U.S. owned zone territory and canal. Some 17 additional identical House resolutions have now been introduced, with all referred to the Committee on Foreign Affairs, which has not yet acted.

The public response to the Kissinger-Tack imbroglio has been splendid. Other Members of the Congress and I have received hundreds of letters. Mine have come from 48 States, with all except one strongly opposing the projected surrender. The most heartening consequence, however, was the introduction on March 29 in the Senate under the statesmanlike leadership of Senators STROM THURMOND and JOHN L. MCCLELLAN of Senate Resolution 301, with a total of 34 sponsors. Identical with House Resolution 804, the Senate resolution adds great strength to the stand taken by so many House Members that there should be no surrender of U.S. sovereignty at Panama.

As has been stated many times in the Congress there are only two issues in the Panama Canal problem: Continued U.S. sovereignty over the U.S. owned Canal Zone and the major modernization of the existing canal. Of these, the first in importance is sovereignty for without it the United States could not maintain, operate, sanitate, and protect the canal in accordance with its solemn treaty obligations and the people of our country would not stand for expending vast sums in an area not under U.S. control.

The question of sovereignty was admirably discussed in an editorial in a recent issue of the Strategic Review, the professional quarterly publication of the United States Strategic Institute, of which Adm. John S. McCain, Jr., former Commander in Chief, Pacific, is president and Maj. Gen. Thomas A. Lane is editor-in-chief. Both of these officers are experienced strategists with vast backgrounds of experience in important positions.

The editorial condemns the projected surrender of U.S. sovereignty as a "serious abandonment of U.S. authority and responsibility." It also warns that it might place the United States in the position of being "compelled to use force against the Republic of Panama" or to "withdraw and allow the canal to be operated and defended by another lessee."

As to the latter possibility, I know how the people of the United States feel. They are overwhelmingly insisting that our Government retain its undiluted sovereign contract over the Canal Zone and Canal.

In order that all of my colleagues in the House may know what has transpired in the Senate and what responsible professional thinking among our country's leading strategists in the premises is, I quote Senate Resolution 301, 93d Congress with the names of its 35 sponsors and the indicated editorial as part of my remarks:

S. Res. 301

Resolution in support of continued undiluted United States sovereignty and jurisdiction over the United States-owned Canal Zone on the Isthmus of Panama

Whereas United States diplomatic representatives are presently engaged in negotiations with representatives of the de facto Revolutionary Government of Panama, under a declared purpose to surrender to Panama, now or on some future date, United States sovereign rights and treaty obligations, as defined below, to maintain, operate, protect, and otherwise govern the United States-owned canal and its protective frame of the Canal Zone, herein designated as the "canal" and the "zone", respectively, situated within the Isthmus of Panama; and

Whereas title to and ownership of the Canal Zone, under the right "in perpetuity" to exercise sovereign control thereof, were vested absolutely in the United States and recognized to have been so vested in certain solemnly ratified treaties by the United States with Great Britain, Panama, and Colombia, to wit—

(1) The Hay-Pauncefote Treaty of 1901 between the United States and Great Britain, under which the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for operation, regulation, and management of the canal; and

(2) The Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, by the terms of which the Republic of Panama granted full sovereign rights, power, and authority in perpetuity to the United States over the zone for the construction, maintenance, operation, sanitation, and protection of the canal to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority; and

(3) The Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922, between the Republic of Colombia and the United States, under which the Republic of Colombia recognized that the title to the canal and the Panama Railroad is vested "entirely and absolutely" in the United States which treaty granted important rights in the use of the canal and railroad to Colombia; and

Whereas the United States, in addition to having so acquired title to and ownership of the Canal Zone, purchased all privately owned land property in the zone, from individual owners, making the zone the most costly United States territorial possession; and

Whereas the United States since 1903 has continuously occupied and exercised sovereign control over the zone, constructed the canal, and, since 1914, for a period of sixty years, operated the canal in a highly efficient manner without interruption, under the terms of the above mentioned treaties thereby honoring their obligations, at reasonable toll rates to the ships of all nations without discrimination; and

Whereas from 1904 through June 30, 1971, the United States made a total investment in the canal, including defense, at a cost to the taxpayers of the United States of over $5,695,745,000; and

Whereas Panama has, under the terms of the 1903 treaty and the 1936 and 1955 revisions thereof, been adequately compensated for the rights it granted to the United States, in such significantly beneficial manner that said compensation and correlated benefits has constituted the major portion of the economy of Panama giving it the highest per capita income in all of Central America; and

Whereas the canal is of vital and imperative importance to hemispheric defense and to the security of the United States and Panama; and

Whereas approximately seventy per centum of canal traffic either originates or terminates in United States ports, making the continued operation of the canal by the United States vital to its economy; and

Whereas the present negotiations, and a recently disclosed statement of "principles of agreement" by our treaty negotiator, Ambassador Ellsworth Bunker, and Panamanian Foreign Minister Juan Tack, Panama treaty negotiator, constitute a clear and present danger to hemispheric security and the successful operation of the canal by the United States under its treaty obligations and

Whereas the United States House of Representatives, on February 2, 1960, adopted H. Con. Res. 459, Eighty-sixth Congress, reaffirming the sovereignty of the United States over the zone territory by the overwhelming vote of three hundred and eighty-two to twelve, thus demonstrating the firm determination of our people that the United States maintain its indispensable sovereignty and jurisdiction over the canal and the zone; and

Whereas under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress, which includes the House of Representatives; Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Government of the United States should maintain and protect its sovereign rights and jurisdiction over the canal and zone, and should in no way cede, dilute, forfeit, negotiate, or transfer any of these sovereign rights, power, authority, jurisdiction, territory, or property that are indispensably necessary for the protection and security of the United States and the entire Western Hemisphere; and

(2) That there be no relinquishment or surrender of any presently vested United States sovereign right, power, or authority or property, tangible or intangible, except by treaty authorized by the Congress and duly ratified by the United States; and

(3) That there be no recession to Panama, or other divestiture of any United States owned property, tangible or intangible, without prior authorization by the Congress (House and Senate), as provided in article IV, section 3, clause 2 of the United States Constitution.

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[From the Strategic Review, Winter 1974]

THE PROBLEM IN PANAMA

Ellsworth Bunker, so-recently our esteemed Ambassador to the Republic of Vietnam, and presently in charge of negotiating an adjustment of treaty arrangements with the Republic of Panama, has announced the conclusion of a broad negotiating agreement committing the United States to surrender its sovereign rights in the Canal Zone. The change would be made through the negotiation of new treaties for operation and defense of the Canal.

The announcement was accompanied by sympathetic propaganda in the press, affecting to reassure our people that Canal Zone sovereignty is a relic of the colonial era which affronts our neighbor, Panama, and must be relinquished to restore good relations. We think such treatment is a serious disservice to an important question of policy.

When the United States became interested in building a canal at Panama, the isthmus was a disease-ridden jungle area in which a French company, in twenty years of effort and at a cost of 20,000 lives, had failed utterly to overcome the problems of sanitation and engineering. In a decade of great investment of money, energy and both medical and engineering skills, the United States transformed the country of Panama, as well as the Zone, and in 1914 opened the waterway.

To protect this investment, which was to be for the ages, the United States, under the terms of the Hay-Bunau-Varilla Treaty of 1903 with Panama, had taken full rights of sovereignty in perpetuity to a zone ten miles wide embracing the Canal route. It had also undertaken, in the Hay-Pauncefote Treaty of 1901 with Great Britain, to operate the Canal for world commerce with no special privileges for U.S. shippers.

It is estimated that the net cost of the Canal to the United States to date, including defense and not including interest on investment, has been about $6 billion.

Until the riots in Panama in January, 1964, the United States had made concessions to Panama on various aspects of the 1903 Treaty but had firmly resisted claims for relinquishment of sovereignty. It is this apparent change of position on the perpetuity of U.S. sovereignty which raises important new questions of policy.

Under the 1903 Treaty, the authority and jurisdiction of the United States in the Canal Zone are legally unchallengable. The Canal, the U.S. investment in it, and the interests of world commerce are secure.

Under the proposed retrocession of sovereign powers to Panama, that Republic would acquire sovereign rights and authority over the operation and defense of the Canal; and the United States would then hold any such rights only by virtue of its treaty with Panama. Against eviction by a hostile government in Panama, the United States would have no more legal standing than Britain had against Egypt in its base at Suez in 1951.

The population of Panama is about the same as that of Detroit, about 1.5 million. The proposition before us is that Panama holds some inherent right of sovereignty which entitles it to take over this high American investment and operate it for its own benefit. It is perfectly clear that Panama has no such right today, and that it will not have such authority over this critical waterway unless the United States now cedes this authority to Panama.

We suggest that to enter such negotiations today is a serious abandonment of U.S. authority and responsibility. To confide this crucial waterway to the nominal control of a small country which is ill-qualified to administer or defend it is an act of Great Power irresponsibility. If Great Britain had, in 1951, asserted the world interest in Suez and committed military forces to defend that interest, the Canal would not have been closed but would today be a lively artery of commerce bringing great tributory benefit to the people of Egypt.

The belief of some officials that U.S. operation and defense of the Canal under treaty provisions, instead of under sovereign authority, would eliminate the friction of recent years is a calamitous misjudgment of the present scene. Marxist-Leninist subversion would be intensified by such a retreat. Friction would mount and the U.S. position would become intolerable. The United States would be compelled to use force against the Republic of Panama, or to withdraw and allow the Canal to be operated and defended by another lessee. That is a prospect which no President should impose on his successors.

If U.S. sovereignty is to be surrendered in two decades or five decades, that decision should be made by Americans who will be in charge of national policy at that time. The only proper consideration for our leaders today is whether the United States should surrender sovereignty here and now. If they will not act affirmatively now, they should not prejudice the right of another generation to act in its time.

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## REMARKS OF HON. JOHN J. McFALL, OF CALIFORNIA, UPON INTRODUCTION OF BILL TO PROVIDE FOR REPEAL OF PUBLIC LAW 74–796

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, Mono County in California is unique in that another public agency, the city of Los Angeles, has broad authority to acquire whatever Federal lands it needs in the county for municipal purposes for $1.25 per acre, as provided under Public Law 74–769 enacted June 23, 1936.

I am, today, Mr. Speaker, introducing a bill that would repeal that 1936 act and also protect the city of Los Angeles rights to continue its existing water resource operations in Mono County.

My colleague, Representative ROBERT MATHIAS, has joined me in introducing this bill.

I am also glad to announce that California Senator ALAN CRANSTON today is introducing an identical bill in the Senate.

The governments of both Mono County and the city of Los Angeles support the legislative effort. This bill would end a long-time conflict between the two jurisdictions, and in the end, be mutually beneficial to both.

In repealing the 1936 act, the legislation also specifically provides that it will in no way affect property rights or laws of the State of California.

The act would also provide for certain exchanges of lands between the Federal Government and the city of Los Angeles for the mutual benefit of both.

At this point, Mr. Speaker, a section-by-section analysis of the bill follows:

Section I: Repeals P.L. 74–769 of June 23, 1936.

Discussion: P.L. 74–769 grants the City of Los Angeles, subject to certain restrictions of use, the right to purchase Federally owned lands in Mono County for $1.25 per acre. The City has made application for approximately 24,000 acres under provisions of this Act and has deposited $30,000 with the United States.

Section II (a): Grants the City of Los Angeles easements and rights-of-way to opeate, maintain, and reconstruct existing facilities located on Federal lands in Mono County, and provides that within a five-year period, the City of Los Angeles shall submit to appropriate officials maps accurately setting forth the location of such works, structure, or facilities and which are on file with the Secretary of Agriculture and the Secretary of the Interior on the date of enactment of this Act.

Discussion: The City of Los Angeles has numerous facilities relating to its water and power operations located of Federal land in Mono County. Most of these facilities are under use permits or easements granted by the Federal government. There are some, however, that were granted under blanket authority and others of many years standing for which there are no maps on file. This Act would grant rights to the City of Los Angeles for existing facilities provided maps accurately showing the location are filed within five years.

Section II (b): The City is granted the right to affect Federal lands including the level of surface and subsurface waters by its existing water gathering activities.

Discussion: In giving up its right to purchase Federal lands under P.L. 74–769, the City is granted the right to conduct its existing water gathering activities which affect Federal land.

Section II (c): Federal land is transferred to the City.

Discussion: The City of Los Angeles acquires all rights and interest in approximately 165 acres of Federal land.

Section II (d): City Land in Mono County is transferred to the Federal Government.

Discussion: The Federal Government acquires all rights and interest in approximately 440 acres of land in Mono County, with all water and water rights reserved to the City, since the Charter of the City of Los Angeles precludes their disposal.

Section III: Act does not affect laws of the State of California relating to property or water rights nor does it affect the rights of the State of California.

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## POLITICAL PRISONERS IN SOUTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from New York (Ms. ABZUG) is recognized for 60 minutes.

Ms. ABZUG. Mr. Speaker, it is not only by the White House scandals that the honor and good name of the United States are being shamed. It is long past time that we all became fully aware of what our country is helping to do to hundreds of thousands of political prisoners in South Vietnam. There is a coverup going on now of atrocious tortures of people whose only crime is that they want true peace for their country. We cannot pretend that we are not deeply implicated in crimes against humanity, crimes against civilization, crimes against common decency.

The regime of President Thieu may be the instrument of repression for its own citizens, but it is our money, our technical aid, our penal know-how, our connivance, which makes it possible for the Thieu administration to use the most savage means imaginable to repress political prisoners of all walks of life in South Vietnam—farmers, physicians, government officials, students, lawyers, businessmen. We must share responsibility equally with the Thieu regime for the crimes against humanity that we are paying for surreptitiously, and have been participating in actively for years.

It is time we acted, swiftly and decisively, to terminate these acts of barbarism which have as their only purpose the preservation in power of the dictatorial and repressive regime of President Thieu.

ARE WE THE GOOD GERMANS OF TODAY?

Mr. Speaker, it was more than 25 years ago that the Nazi leaders stood in the dock at the Nuremberg trials and heard our own Associate Justice Robert H. Jackson excoriate them in his eloquent closing address as prosecutor. With shattering, remorseless detailing of facts, Justice Jackson enumerated their crimes against humanity.

The infamous tiger cages and prisons of the Thieu regime in South Vietnam raise similar moral questions about our responsibility for what is happening there. We must not be the good Germans who pretended that they did not know the obscene things done to other Germans and other human beings in the concentration camps. We must not look the other way. We too must examine with honesty what horrors are being committed daily with the connivance of our own military and civilian officials.

We cannot plead unavailability of the facts. They are readily available. No one can honestly plead ignorance. What is needed now is that we face up to these facts and at long last insist that something be done to terminate once and for all the imprisonments, tortures, and barbarisms inflicted upon South Vietnamese civilians with the full knowledge of our own Government.

Let me, Mr. Speaker, advise my colleagues in the House where they can readily find the facts.

On November 28, 1973, the distinguished Senator from South Dakota (JAMES ABOUREZK) dealt forcefully with the issue of the political prisoners in South Vietnam in an address to the Senate. He detailed the shocking instances of torture and inserted into the RECORD an open letter dated August 8, 1973, from students and intellectuals now being held as political prisoners in South Vietnam. I hope all Members of the House will read his remarks.

A second source for learning details is a report called "Political Prisoners in South Vietnam." It is published by Amnesty International Publications, 53 Theobald's Road London WCIX 8 SP England. This illustrated report, based on painstaking research into the problem and including an appendix with some typical cases, explains who the 100,000 or more political prisoners are, why many who support neither of the warring sides are still detained, the conditions of their imprisonment, and the suffering of many of them under torture. Amnesty International states:

> The aim of this report is to publicize the plight of South Vietnamese civilian prisoners, and to stress the fact that no progress is being made towards their release. Amnesty International wishes to draw this state of affairs to the urgent attention of the International Commission for Control and Supervision of the Ceasefire in South Vietnam; to the participants of the Paris Conference on Vietnam last February; and to all interested Governments and parties, in the hope that they will prevail on the GRVN and the PRG to take concerted action and set free South Vietnamese civilian prisoners.

A third readily available source for learning the truth is an excellent book, "Hostages of War," by Don Luce and Holmes Brown, published in 1972 by the Indochina Mobile Education Project, Box 39013, Washington, D.C. 20016, USA. I recommend that each of my colleagues obtain this valuable survey and read it carefully.

The international community is well aware of the crimes being perpetrated against political prisoners in South Vietnam. On May 9, 1973, I inserted into the CONGRESSIONAL RECORD a summary of an appeal from leading lawyers and clergy in Japan which had appeared in the Reporter, the monthly publication of the Passaic County Bar Association. The summary, written by Daniel Crystal, Associate Editor of the Reporter, called attention to the fact that leading lawyers and clergy in Japan had sent out an urgent appeal advising the international community concerned about human freedom and dignity that there is need for immediate action. Mr. Crystal summarized as follows:

> This country has dirtied its hands with enough blood in South Vietnam, North Vietnam, Laos and Cambodia. We cannot evade responsibility for what is going on in the prisons of South Vietnam. We have supported the Thieu Administration in every possible way. Unless we are to be regarded worldwide as hypocrites, we must make the Ceasefire Agreement work. All prisoners must be released. Our national honor demands no less.
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> The appeal by those distinguished Japanese lawyers, judges, clergy and scholars should shock the conscience of us all.
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> They request that an international investigation team, including distinguished personalities of the U.S.A. be sent without delay to Saigon to carry out on-the-spot and thorough-going inquiries to clarify all these matters of such grave and common concern.
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> A similar appeal fell on deaf ears in the '30s when the slaughter was in Europe.
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> Where is our conscience these days—some 40 years later?

Mr. Speaker, we can no longer evade an answer to that fundamental question. Where is our conscience today? Are we the good Germans of today? Will we look and see what is there to be seen? Do we have the courage to recognize our national shame and to do what must be done to restore our national honor?

THE RECORD OF TORTURE IN SOUTH VIETNAM

For anyone to maintain that there is no widespread or systematic mistreatment of inmates is contrary to the reports of released prisoners and of U.S. news sources. In March 1973, after 104 prisoners were released from Con Son, the island prison where the presence of the infamous tiger cages were first revealed by two American Congressmen, their condition was described as follows by Time magazine (March 19, 1973):

> It is not really proper to call them men anymore. "Shapes" is a better word—grotesque sculptures of scarred flesh and gnarled limbs. They eat rice, fried pork and bananas, and as their chopsticks dart from bowl to mouth, they seem almost normal—but they are not. When lunch is over, they do not stand up. Years of being shackled in the tiger cages have forced them into a permanent pretzel-like crouch. They move like crabs, skittering across the floor on buttocks and palms.
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> They are all ages and backgrounds. One arrested in 1966 during Buddhist riots. Another was caught in the 1968 Tet offensive. Now all are united by deformity. "I was arrested one day in the park with my wife and children," one man says as he rubs the shackle sores on his legs. "The police attached electrodes to my genitals, broke my fingers, and hung me from the ceiling by my feet. They did these things to my wife, too, and forced my children to watch. But I never did give in.'
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> Those who refused to denounce the Communists were carted off to the French-built Con Son . . . Due to a steady diet of beatings as well as sand and pebbles in the rice, dysentery, tuberculosis and chronic stomach disorders were common. Water was limited to three swallows a day, forcing prisoners to drink urine. Those who pleaded for more food were splashed with lye or poked with long bamboo poles.
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> Things have been especially bad since the ceasefire. When told of the Paris settlement, the prisoners cheered, only to be stopped by doses of lime and bamboo . . . So far the government response to these accounts has been one of complete denial . . .

Mr. Speaker, this sickening account is confirmed by Amnesty International's report, at pages 21 and 22:

> Only a comparatively small proportion of those held on Con Son are *living* in cages. But a number of different reports have suggested that ill-treatment of prisoners in Con Son is almost universal. Amnesty International has received numerous allegations that when prisoners arrive on the island they have to run the gauntlet between "trustee" prisoners (that is, common criminal prisoners) armed with clubs; that beatings and the use of blinding lime are common; and that prisoners protesting against inadequate food or poor conditions are ferociously put down.
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> Several of those recently released from Con Son, for example, still sustained scars from tear-gas cannisters exploding at very close range.
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> Generally speaking, the physical condition of prisoners released by the GRVN has been very poor. Prisoners are frequently paralyzed or crippled as a result of tortue during interrogation or shackling during confinement.

Contagious diseases such as tuberculosis are widespread and exacerbated by the crowded and unhygenic conditions in which prisoners are kept. It is common for prisoners to urinate their blood; liver and kidney diseases resulting from inadequate water supplies (and, as Con Son prisoners have alleged, drinking urine), are widespread.

The Amnesty International report contains the commentary of a film made by a British television team from the Granada company which visited South Vietnam in March 1973, and managed to interview 9 of the 124 prisoners released in February 1973 from Con Son. With shame and anger I remind my colleagues that this is a recitation of what is going on now, not in the thirties in a Nazi concentration camp, but this year in a prison financed in part by the United States and operated by a government which is funded to a unprecedented degree by the United States.

We tracked down another group of nine prisoners in a police compound, who had been released from Con Son prison island. They were now in a village 70 miles from Saigon. Unfortunately, for the nine released prisoners, they had promptly been imprisoned again by a local police chief, who did not want them talking to his villagers. We told the police chief he was acting contrary to the peace agreement and he reluctantly released the nine prisoners into our custody on condition they were taken to a local Buddhist pagoda away from the villagers. Of the nine prisoners, seven were paralyzed and all alleged they had been tortured on Con Son island. They also complained of a variety of diseases including TB, heart conditions, and malaria that they had contracted in the tiger cages.

We asked the nine prisoners about their personal histories. Lam Hung, farmer, alleged torture with electricity, water forced into his lungs, hung by his arms. In the tiger cages since 1967, legs now paralyzed. He did not say what his politics were.

Huynh Van Chinh, declared communist cadre, alleged that pins were forced under his toe nails, and electrical wires were attached to his penis. In the cages since 1969, legs now paralyzed.

Nguyen Tai, farmer arrested by Phoenix. Never accused of being a communist; has no idea why he was jailed. Alleges beatings. He was not put into the tiger cages. His legs function normally.

Phan Van Co, community cadre. Alleges torture with electricity, hung by his arms for 2 hours. Not put in a tiger cage, so his legs function normally.

Pham Van Mau, non-communist student arrested at a protest demonstration. Alleges torture with electricity, ribs broken. In the tiger cage since 1969. Legs now paralyzed.

Ny Van Than, community cadre. Alleges torture with electricity, hung up by his arms, tied behind his back. In the tiger cages since 1969. Legs now paralyzed.

Son Ut, Cambodian studying in Vietnam. Alleges water forced into his lungs, hung by the arms. Arrested in 1962, held in the tiger cages since 1969. Legs now paralyzed.

My Van Minh, non-communist student-activist, alleges being placed in a barrel of water which was beaten on the outside until he urinated blood. In the cages since 1968. Legs now paralyzed.

Mr. Speaker, these reports of torture and atrocities are not isolated or unique. Senator ABOUREZK in his November 28, 1973, address told the Senate that scores of reports which he had received in the last year described vividly the terrible living conditions in these prisons and the treatment received by an estimated 100,000 or more political prisoners in South Vietnam. He said:

Crowded cells and daily harassment and torture is not only prevalent—it is now a matter of course.

I, too, have received similar reports. For example, I have received a report by Ho Ngoc Nhuan, which details the tortures and indignities to which political prisoners are subjected. I quote in part:

*Acupuncture:* The fingertips of the prisoner are pinned with nails or needles. The interrogator uses a ruler to hammer the nails deep into the fingers or lightly taps over the nails to create a painful sensation for the prisoner. Some interrogators use pliers to pull out the prisoner's nail.

*Testicle torture:* The interrogator squeezes the prisoner's testicles and hits it while interrogating.

*Electric shocks:* electrical shocks are put into the ear lobes, the fingers, the nipples, the thighs, testicles, groins of the prisoners, after which they have serious mental breakdowns.

*Sexual torture for women:* the woman is stripped out of her clothes and becomes a subject of odious looks and jokes from the interrogator before she is tortured. In the c.s. where she is arrested with her husband, she is stripped naked in front of him or vice versa, so that the other one is driven by shame to admit all calumnies.

As a result of the inhumane tortures and brutal repression in the prison, many innocent prisoners have become disabled for the rest of their lives if they have not yet died. Many women had to commit suicide to insure their virginity and dignity. Other prisoners, unable to endure such torture, admit everything of which they are accused, and as a consequence lead to the arrest of their relatives and friends.

One could go on detailing these savage tortures of those guilty of the crime of opposing President Thieu. The reports I have received coincide in all respects with those of Amnesty International and with those reported by Senator ABOUREZK.

Mr. Speaker, even these prisoners not beaten and tortured lack the minimum of healthy living conditions. There is not enough space and air. There is insufficient food and drink; insufficient water for washing; insufficient medical care.

In a doctorate thesis "Pathology in a Prison," submitted to the faculty of medicine at Hue on January 29, 1973, Dr. Nguyen Ninh Triet, who was himself jailed by the Saigon government for 40 months at Con Son Island, describes these unbearable living conditions. His thesis makes clear that the food given the political prisoners consists mainly of: rice crumbs, mixed with gravel and worms; rotten dried fish, called "quinine fish" because of its bitter taste; shrimp sauce mixed with sand; spoiled canned fish—a can is given to 10 people at each meal; very seldom fresh fish or meat; vegetables at these isolation prisons are forbidden; it is common for the prisoners to eat grass or tree leaves.

According to Dr. Nguyen Ninh Triet's thesis, each camp has only one well, its water used for drinking and washing, including the dishes and clothing. Consequently, it is putrefied and polluted with bacteria. When it is drunk unboiled, it causes serious cholera epidemics.

U.S. officials have condoned these inhumane conditions for years. The story of the notorious Tiger cages is typical. On October 1, 1963—over 10 years ago—Frank Walton, then Chief of the U.S. Public Safety Division in Saigon, issued a signed report which described the Tiger cages:

In Con Son II, some of the hard core communists keep preaching the "party" line, so these "Reds" are sent to the Tiger cages in Con Son I where they are isolated from all others for months at a time. This confinement may also include rice without salt and water—the United States prisons' equivalent of bread and water. It may include immobilization—the prisoner is bolted to the floor, handcuffed to a bar or rod, or leg irons with the chain through the eyebolt, or around a bar or rod. (*The Rehabilitation System of Viet Nam*, Public Safety Division, United States Operations Mission to Viet Nam, October, 1963).

Yet, in July 1970, when the existence of the Tiger cages was disclosed, Mr. Walton denied any knowledge of them to two U.S. Congressmen, AUGUSTUS HAWKINS and William Anderson.

In 1971, an employee of the U.S. construction consortium of Raymond, Morrison, Knudsen-Brown, Root & Jones made available the letter of agreement between this firm and the U.S. Department of the Navy to build new isolation cells to replace the Tiger cages. The new cells are two square feet smaller than the former Tiger cages.

On February 22, 1971, Robert McCloskey, State Department briefing officer, said that the $400,000 for the construction of the new, smaller cells came from Government of Vietnam funds. In March 1973, however, Mr. Ray Meyer, Secondary Secretary of the U.S. Embassy in Saigon, made available to the U.S. Senate Subcommittee on Refugees a report entitled "Enquiry on USAID/CORDS Support of GVN Civilian Prison System" which shows that the money for the construction of the new "isolation cells" was indeed part of U.S. economic assistance to Vietnam, in a category called "Assistance-in-Kind." We cannot evade responsibility. We must do something about it now.

WHO ARE THE POLITICAL PRISONERS OF SOUTH VIETNAM?

Mr. Speaker, the apologists for the Thieu regime would have us believe that there are no more than about 25,000 to 30,000 civilian prisoners in South Vietnam, most of them common criminals or Communists. This is an example of the deception that is going on.

Marshall Wright, Acting Assistant Secretary for Congressional Relations, Department of State, wrote in a letter dated March 2, 1973, to Senator ROBERT GRIFFIN.

It has been alleged that there are hundreds of thousands of political prisoners; however, we have seen no evidence to substantiate any such number. According to our latest information, the civilian prison population is about 25,000 to 30,000.

Compare that figure with what is reported by many other organizations whose figures are readily available to the Department of State:

Amnesty International reports that the minimum number of GRVN civilian detainees is certainly not less than 70,000 to 75,000, while it may well be more than

100,000. They quote other estimates of 200,000 or even more, citing a statement of Father Nguyen Dinh Thi, Vietnamese Catholic leader in Paris, International Herald Tribune, April 13, 1973.

Don Luce has reported these estimates by other groups:

South Vietnamese Committee To Reform the Prison System, June 1973: 181,000.

Anglican News Service—Canadian—December 14, 1972: More than 240,000.

Ngo Cong Duc—who got his figures by adding up the number of prisoners in each prison. As a former Vietnamese National Assemblyman, he had access to this type of information. Reported in the New York Times, September 7, 1972: 200,000.

Buddhist Peace Delegation to Paris of the United Buddhist Church of Vietnam, March 30, 1973: Hundreds of thousands of civilian political prisoners who are not affiliated with a military side.

Amnesty International concludes in its report that—

We hear nothing about the detention centers administered by the police and army. Only the tip of the iceberg is visible.

Part of the deception being practiced upon the American public and world opinion is the attempt by the Thieu regime and the Nixon administration to allege that the comparatively few civilian prisoners are either common criminals or members of the National Liberation Front.

Who are the people whom President Thieu has had imprisoned? Senator ABOUREZK described them in his address to the Senate on November 28, 1973, putting into the RECORD the open letter from a group of South Vietnamese political prisoners now being held at Chi Hoa Prison:

They represent almost every walk of life—lawyers, farmers, government officials, businessmen, and students. Aside from their professional diversity, they all have one thing in common—they are all Vietnamese citizens who are now being imprisoned and tortured in the most barbaric and inhumane ways. The repressive regime of President Thieu continues to be bent on the only means it knows to stay in power—the continuous harassment, torture and internment of any Vietnamese citizens who even gives the impression of being an opponent of the government.

By conservative estimates there are over 100,000 political prisoners in the South, where the number of jails exceeds the combined total of schools, churches and pagodas.

They are, Mr. Speaker, the third force in Vietnam who represent a solid threat to President Thieu because they speak for the people who want peace and reconciliation in a troubled, devastated land.

One of the civilian prisoners who was imprisoned in President Thieu's prisons is Mrs. Ngo Ba Thanh, chairman of the Presidium of the Vietnamese Womens Movement for the Right to Live. Mrs. Thanh has been imprisoned four times in 8 years for daring to speak up for peace. I take great pride in the fact that on a trip to Saigon I was of some service in securing her release. She is truly one of the great persons of this world.

Upon her release after 2 years in prison, Mrs. Thanh gave an eloquent speech on October 6, 1973 at a reception to celebrate her return to freedom. I quote from one paragraph of her quietly impassioned words:

In the intimate atmosphere of our meeting today, we can only put out the appearance of being happy. How can we really celebrate the return to freedom of one individual while the whole population still lacks rice and cloth, still imprisoned by hatred and war, by tyranny and exploitation, injustice and corruption; while the Nation's beloved patriots, the Peace Combatants and Apostles of National Reconciliation, are still being imprisoned and ill treated in the dreadful prisons which are full of 'criminal patriots' of the GVN; while the Forces of Peace and genuine national reconciliation and concord are still being condemned as a 'traitorous Force!'

Let me, Mr. Speaker, quote too from the equally moving open letter from students and intellectuals now being held as political prisoners in South Vietnam which Senator ABOUREZK inserted into the CONGRESSIONAL RECORD on November 28 (S21251):

AUGUST 8, 1973.—From inside the dark cells of the prisons of South Vietnam—Con Son, Chi Hoa, Thu Duc, Tan Hiep—we high ceells of the prisons of South Vietnam—Con San, Chi Hoa, Thu Duc, Tan Hiep—we high school and university students and university graduates have searched for a way to send you this letter as a protest against injustice.

We prisoners represent a variety of people: there are northerners, people from central Vietnam and those from the Mekong Delta in the south. There are a wide variety of ages among us: Professor Phan Dinh Ly is 72, Lawyer Nguyen Long is 66; Huynh Kim Dung, a medical student is only 20. We come from a number of different social environments and social strata: those whose families are farmers, laborers, civil servants, government officials, businessmen. We have studied in many different schools, and in different countries; there are those who have studied in the U.S., such as Dr. Ngo ba Thanh; in France, such as Ho thi Nhan (Camp 4, Con Son); in the universities of South Vietnam, such as medical student Huynh tan Nam (Chi Hoa Prison), and teacher Cao thi Que Huong (Thu Duc Prison), and in universities in socialist countries, such as Dr. Tan ngoc Ann (Camp 7, Con Son) and economist Tran ngoc Hien (Chi Hoa Prison), etc. In prison there are also writers such as Ton That Binh Minh (Chi Hoa) and Le si Qui (Tan Hiep), and artists such as Bu Chi, and law students. We prisoners are of different faiths; Catholics, such as Nguyen xuan Ham (Camp 8, Con Son) and Doan khac Xuan (Chi Hoa); Buddhists, such as Tran thi Bich Huyen (Thu Duc) and Van Day (Chi Hoa); followers of the Cao Dai faith, such as Professor Nguyen van Me (Tan Niep).

Although we are from different backgrounds we have one characteristic in common: before everything and above all we are Vietnamese; we hail from every corner of Vietnam. . . .

How long, Mr. Speaker, can we continue to avert our eyes from what is plainly visible, and pretend that our part in the tragedy of Vietnam and of all Indochina has ended; that we can forget the tortures and travail of that troubled land because we have received back our own prisoners of war; that what happens to the civilian prisoners in South Vietnam is none of our concern?

It is very much our concern. We cannot escape our responsibility for what is being done with our money, our foreign aid, our knowledge, our connivance and our participation.

THE EXTENT OF U.S. INVOLVEMENT IN THE PRISONS OF SOUTH VIETNAM

Funding for Thieu's prisons comes from both the Department of Defense and the Agency for International Development (AID). Senator ABOUREZK has inserted into the CONGRESSIONAL RECORD the following chart of American funding for South Vietnam prisons provided by U.S. Ambassador William Colby, now Director of the CIA:

| Fiscal year: | |
|---|---|
| 1967 | $78,000 |
| 1968 | 1,199,700 |
| 1969 | 951,500 |
| 1970 | 315,300 |
| 1971 | 267,000 |
| 1972 | 627,400 |

In response to congressional inquiry, the then U.S. Ambassador, William Colby, gave a brief history of the American contribution in maintaining the Thieu regime's penal system:

In 1963, a U.S. program of advice and assistance to the GVN prison system was initiated which was taken over by CORDS (Civil Operations and Revolutionary Development Support) in 1967. . . .In 1967, the problems of overcrowding because of the war and loss of prisoners to VC attacks became serious. Thus a substantial program of fortification and expansion of prison facilities was undertaken. . . . Advisory attention to these centers has been increased over the years, using both civilian and military personnel, including six members of the United States Federal Bureau of Prisons now in Vietnam.

Senator ABOUREZK advised the Senate on November 28, 1973:

While the program has been 'taken over by CORDS', AID continues to be responsible for providing "technical supervisors to help supervise relocations and to train new recruits." AID also furnishes "supplies for prison security."

After Congressmen William Anderson and AUGUSTUS HAWKINS discovered the existence of the Tiger cages, the Saigon Government began to build new tiger cases—or isolation cells as they are euphemistically called—using prison labor. The prisoners, however, refused to participate in this "self-help project." AID then awarded the $400,000 contract to RMK-BRJ, an American company, to build these tiger cages.

Millions of dollars have been budgeted for police activties in South Vietnam for fiscal year 1974. Senator EDWARD KENNEDY said:

We found that public safety is now called technical support, public administration and public works. . . They total some $15,217,000 for public safety purposes in South Vietnam—presumably there is more buried elsewhere—including the American piaster support of Saigon's national budget. On February 21, for example, the U.S. Embassy in Saigon obligated piasters valued at more than $100,000 for prisoner support. (CONGRESSIONAL RECORD, June 4, 1973).

Matthew J. Harvey, Director of the Office of Legislative Affairs of AID, wrote to one U.S. Congressman of June 12, 1973 that $9.3 million of this is Department of Defense money for the national police to replace worn out equipment I

think all my colleagues will agree that is a great deal of replacement—particularly considering that another $6 million is spent on public safety from other U.S. sources.

Concealing U.S. involvement in public safety in South Vietnam is often a matter of omission. The public is advised that the Public Safety Directorate of CORDS—Civil Operations and Revolutionary Support—has been dissolved and has no further role in South Vietnam. The administration conveniently does not mention that many of the activities were just transferred to AID in Saigon.

The deceptions are numerous and deliberate.

They can be uncovered, however, with diligent searching through official documents.

For example, AID's Indochina reconstruction booklet categorically declares:

AID had terminated its assistance to the National Police and to the Vietnamese Corrections System.

But study of that same booklet discloses some of the places where elements of the old public safety program have been tucked away under new headings:

Public Administration General Support: $256,000 for training 64 members of the national police. This itself, incidentally, is a substantial increase over the 43 Vietnamese policemen trained in the United States in 1973.

Public Works General Support: $520,000 for replacement parts and $350,000 for American advisers to the police telecommunications system.

Technical Support: $869,000 for computer training of 200 personnel of the national police.

Public Works General Support: $520,000 for replacement parts and $350,000 for American advisers to the police telecommunications system.

And this is not all.

In addition to these specific funds, the AID booklet sets out that $3.8 million in "unobligated obligations" is still available for public safety in South Vietnam. Nothing is said as to how these funds are to be used.

It appears further that more money for public safety in South Vietnam is concealed in the seemingly innocuous item, "commodity import program." This program makes it possible for imported commodities paid for by the United States with American dollars to be sold in Vietnam to private businessment for Vietnam piasters. The first priority use for these piasters is general support of the Saigon civil and military budgets. Senator ABOUREZK, testifying on June 27, 1973, before the Senate Foreign Relations Committee, pointed out that in calendar year 1973, over 1.3 billion of the U.S. supported piasters—costing the American taxpayer approximately $3.3 million—would be spent by the Saigon Government for "public safety programs." He added that in view of a 1972 GAO report which points out how little control U.S. AID really exercises over the spending of such American donated piasters, we have little assurance that the amount that Saigon actually spends on police and prisons will not be even higher.

Senator ABOUREZK advised the Senate Foreign Relations Committee that, combining his figures and recognizing that there might well be public safety support funds hidden elsewhere in the budget the Nixon administration intends to spend at least $19.7 million for Saigon's police and prisons in 1974.

I quote from another important section of Senator ABOUREZK's testimony on June 27, 1973, before the Senate Foreign Relations Committee:

Other confusion and coverup regarding our public safety efforts involve the construction of prison facilities in South Vietnam. I have here a copy of a 1971 "Notice to Proceed" from the Department of Navy directing an American construction firm to spend $400,000 worth of piasters on the building of isolation cells—called by the Vietnamese "the new tiger cages"—on Con Son Island. In response to a recent Congressional inquiry, however, an AID official flatly stated that Department of Defense funds had never been used for the construction of GVN prison or detention facilities. This puzzling and certainly does not explain the whole truth. As it turns out, the funds authorized by the Navy came out of an American-supported "Assistance in kind" piaster fund generated through the "Food for Peace" program and apparently did not come directly from the DOD. Another question is raised by former CORDS Director William Colby's statement in 1971 to the House Government Operations Committee that U.S. funds were used to build Province Interrogation Centers. According to official statements, neither AID nor DOD funded the construction of these centers, so the implication is that some other agency, presumably the CIA, has been pouring additional unknown amounts of money into the secret police system—funds over which Congress has no control.

It is hypocrisy in the extreme for this administration to pretend that the fate of the hundreds of thousands of political prisoners in South Vietnam is not its responsibility.

Congress has the sworn testimony of one American doctor who has examined dozens of people immediately after their release from President Thieu's prisons. Dr. John Champlin testified to the House Foreign Affairs Committee on June 11, 1973 that:

The prisoners I examined were all partially or completely paralyzed at the knee joint and completely paralyzed below the knees. The patellar reflexes are decreased or absent and Achilles tendon (ankle) reflexes are absent in all cases. Considerable atrophy in muscle contracture was present in the legs of all prisoners, often to the extent that I could encircle the prisoner's leg above the ankle with my thumb and index finger. These facts present an objective medical evidence that the prisoner's paralysis was organic and real.

* * *

Two-thirds of the prisoners I examined had clinical signs of symptoms of tuberculosis. All had symptoms of vitamin deficiency and other serious internal diseases. . . . These prisoners told of being in tiger cages for periods of two and one-half to seven years. During that time they spent months and years without interruption in leg irons while subsisting on a diet of only three handfuls of rice and three swallows of water daily. . . .

*The prisoners with whom I talked said they had all been examined more than once by American military physicians* while in prison but they denied having received so much as an aspirin during their confinement. (Emphasis supplied).

Again, we must remember that our own Government is responsible for these crimes against humanity, as the good Germans were responsible for similar crimes.

Consider the relevance in this regard, Mr. Speaker, of what Associate Justice Robert H. Jackson said in concluding his closing address at the Nuremberg Trial:

It is against such a background that these defendants now ask this Tribunal to say that they are not guilty of planning, executing or conspiring to commit this long list of crimes and wrongs. They stand before the record of this trial as bloodstained Gloucester stood by the body of his slain King. He begged of the widow, as they beg of you: "Say I slew them not." And the Queen replied, "Then say they were not slain. But dead they are . . ." If you were to say of these men that they are not guilty, it would be as true to say there has been no war, there are no slain, there has been no crime.

RECOMMENDATIONS FOR LEGISLATIVE ACTION

Mr. Speaker, the American Government is fully as guilty of the tortures and the atrocities that are going on today in South Vietnam and have been going on for years as is the Government of South Vietnam. It is our funding that continues to finance his dictatorial regime.

We cannot evade our own responsibility as the legislative body to put an end forthwith to this national shame.

Accordingly, I propose the following legislative action.

First, I ask this House to appoint a special committee to go to South Vietnam and investigate on the spot what is happening. It should carry out thoroughgoing inquiries to clarify all these matters, both in South Vietnam and in this country. It should subpena persons having relevant knowledge. It should summon Government officials to ascertain the extent of this country's involvement. And it should make the truth available to the public. I believe that when the American people become fully aware of what has been done with American funds and American participation, they simply will not tolerate this blot on our national honor. It is up to this Congress to call the administration to account.

Second, this Congress must make it clear both to the Nixon administration and to the Thieu regime which we fund and finance that the civilian prisoners detained in the jails and prison camps of South Vietnam must be released at once; that the Thieu administration must abolish all disguised concentration camps called by such euphemistic names as Strategic Hamlets, Refugee Camps, or the like, and all repressive organizations; that it must abolish all laws used for such repressive measures.

The January 1973 cease-fire and peace agreement stipulated that the two South Vietnamese parties should discuss the issue of civilian detainees and try to come to an agreement by April 27, 1973, 90 days after the cease-fire. This deadline has now long since passed. Next to nothing has happened.

If this country has learned anything from Watergate, it is that Congress must reassert itself firmly and decisively, and that it cannot rely upon this administration for anything except coverup, chicanery, and deception. Congress has a duty to use all its fiscal and legislative powers to force compliance with the let-

ter and the spirit of the cease-fire and peace agreements.

## AN OPEN LETTER TO JOHN GARDNER

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, in the event you did not know it, Common Cause is out trying to raise money again. This time they attempt to capitalize on the guilt which they try to create by blaming the average American citizen for Watergate. Yep, that is right. Common Cause says that the average American citizen is guilty for Watergate; and as punishment, they must cough up money to Common Cause, the self-professed judge.

The fact is, Common cause still does not understand that their candidate in the last election was rejected overwhelmingly by the American people. Now they are trying to assure that it will not happen again. Unless I miss my guess, the American people are wise to Common Cause and like organizations.

An excellent reply by Alice Widener to the Common Cause letter appeared in Human Events for April 6. I am inserting it in the RECORD at this point:

AN OPEN LETTER TO JOHN GARDNER

(By Alice Widener)

Mr. JOHN GARDNER,
*Chairman, Common Cause,*
*Washington, D.C.*

DEAR MR. GARDNER: It certainly was a shock this morning to receive your unsolicited direct mail letter with its ugly accusation against me and every other American accompanied by your request for money from me.

You say: "Dear Fellow American: The identity of one person responsible for Watergate has never been disclosed. That person is you. Yes, you and every other American citizen are to blame."

Going from bad to worse, you refer to the corruption and undercurrent of political treachery that have "become part of our very system itself." You say it takes "clout" and "organized strength" to correct what's wrong in our American system.

You want me to give you money so you can gain clout and organized strength enough for "professional lobbying" of Congress "through lawmakers and the media and through legal battles in the courts." You say you want my money to hire "first-rate legal minds" so you can get more and more clout and organized strength.

As the late Sam Goldwyn used to say, *"Include me out!"*

Your overweaning ambition and that of other political quick-change zealots is too much for me, a democratic, independent American, to swallow. Your readiness to use the cheap trick of trying to make me feel guilty so I'll cough up some money to help finance your own professional lobbying in a subsidized power-grab for influence over the elected representatives of the American people and their judicial system is—to use Cecil Beaton's famous phrase—"too, too vomitous."

You have a colossal nerve to write to me and say I am guilty of Watergate, corruption and political treachery. I don't pretend to be a saint, but I do declare I never have indulged in any financial skulduggery or political treachery.

Your letter is an insult to me, my children and grandchildren, my friends and associates, and to the vast majority of my fellow citizens upon whom you are rendering a verdict of guilty. Talk about corruption and influence peddling! How do you describe your deliberate effort at cultivating a guilt complex in thousands upon thousands of Americans so they'll fork over money to the political outfit you run?

Obviously, you are a guilt-by-association type, like Arthur M. Schlesinger who says Dallas killed President Kennedy because he happened to be assassinated in that city.

Frankly, in my opinion, your method of money extortion through guilt attribution is dangerously un-American and a monumentally hypocritical rip-off. Your idea of helping our country is to vilify it in a sweeping generality, make the innocent responsible, and then exact conscience-money from them so they can give you clout enough to put over your own ideas through professional lobbying.

Mr. Gardner, I believe our system, with all its faults and need for improvement, is a lot better than any system that could be devised by ambitious men such as you and your little cohort of highly paid lawyers.

I don't like "clout" and I don't like "professional lobbying" and I won't give you a cent of my hard-earned money so you can get "clout" to clout me and all Americans with a sense of guilt for Watergate or Patricia Hearst's kidnapping or any other illegal operation by a few people.

I believe that you, the chairman of Common Cause, and all its directors owe me and every decent American a profound apology for your outrageous letter designed to extract money for your very questionable political operation.

Very truly yours,

ALICE WIDENER.

P.S. Your insulting, self-serving letter, in my judgment, merits congressional investigation.

## TORNADO TRAGEDY

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the current FBI Law Enforcement Bulletin, Gerald W. Garner of the Department of Public Safety, Lakewood, Colo., offered an outstanding article entitled "The Police Role in the Severe Weather Alert Plan."

Ohio was devastated in certain areas last week, and this article is most timely:

THE POLICE ROLE IN THE SEVERE WEATHER ALERT PLAN

(By Gerald W. Garner)

Regardless of geographic locale, there is probably no inhabited place in the United States which could accurately be considered immune to the danger of a tornado or severe thunderstorm onslaught. These storms of destruction may occur any time of the year, but are most likely to result during the spring periods featuring the clashing of moisture-laden warm air from the Gulf of Mexico area and cool air masses from the north. And when these storms do occur, some of the first public service agencies to become involved are the law enforcement organizations at State, county, and local government levels.

Many cities situated in regions of the country frequented by tornadoes or other severe storm conditions have given their police departments a key role in weather alert planning. This is particularly true of the "Tornado Alley" States such as Kansas, Oklahoma, and Texas. While these States have a high incidence of tornadoes, this violent storm condition can and has occurred in every State in the Nation. It is, therefore, wise for any police department to have at least a contingency plan for extreme weather conditions which pose a hazard to life and property in the community.

For demonstration purposes, a procedural plan for a typical police department serving a city of approximately 25,000 persons in the Nation's "Tornado Alley" will be used as an example.

TYPES OF INFORMATION

Perhaps the single most vital understanding that must be realized when dealing with a severe weather situation is the considerable difference between the National Weather Service's tornado or thunderstorm *watch* and its toranado or thunderstorm *warning*.

The National Weather Service puts out two types of severe weather information that all public safety personnel must be familiar with.

A severe thunderstorm or tornado watch means that conditions within a large geographic area are such as to favor the development of violent storms.[1] Storms or threatening conditions are not necessarily in sight at the time the watch is announced. Indeed, as the Weather Service's methods of detecting and predicting the conditions favoring the development of these storms improve, it becomes increasingly likely that a specific locale may have very good weather at the time the watch is first announced. These watches usually cover a 6-hour timespan, and just because no storms are noted in the early part of the watch, there is no valid reason to assume that threatening *cumulonimbus* clouds may not form later in the day.

In addition, one hearing a weather watch put out for his locale during apparently peaceful weather should carefully note the position of his town or city within the watch region. It is quite possible that his locale may lie on the eastern edge of the watch area with the thunderclouds still beyond his line of sight over the western horizon. This is not to stay that all severe weather would move in a west-to-east direction, but it should be noted that the majority of severe weather activity within the borders of the continental United States does follow a general west-to-east storm track. Also, the tornado-bearing storm moves most frequently from the southwest to the northeast, but may move from and toward any direction on the compass.

*A severe thunderstorm or tornado warning* is an even more serious matter and demands the immediate attention of public safety officer and civilian alike. The severe thunderstorm or tornado warning is issued by the National Weather Service when danger is imminent.[2] That is, a threatening storm has been indicated by radar or reported by the public and is bearing down on those inside the limits of the warned area. These persons must seek shelter by the most immediate means possible.

While the severe weather *watch* will normally cover a very large geographic area often containing thousands of square miles, the severe *warning* is much smaller in scope and area. It may be limited to one or two counties, a town or city, or some other relatively small area. If the storm appears to be continuing its wrathful course further, additional warnings can be put out for areas still in its path and the old warnings canceled as it passes through.

ALERTING THE PUBLIC

At this point, it would appear worthwhile to discuss the means by which the severe weather watch, warning, and eventual all-clear is to be communicated to the public. It is vital that civil defense warning sirens and related audible signals should not be activated except for the warning of imminent danger. The existence of a tornado or severe thunderstorm watch should be announced via a more conventional means by utilizing the mass *media. The* extremely

Footnotes at end of article.

high value of commercial radio and television should be taken advantage of here. The benefits offered by community television antenna services and cable television services should not be overlooked.

It should also be noted that the Department of Defense's Defense Civil Preparedness Agency (DCPA) places some restriction on the use of civil defense warning devices. The warning setup exists for three primary purposes: attack warning, fallout warning, and peacetime disaster warning. The use of these horns, sirens, and the like for severe weather warnings would obviously be covered in the latter category. This Federal agency's procedural guidelines for the use of civil defense warning equipment include the following reminder:

"DCPA has authorized the use of the attention or alert signal (a three- to five-minute steady tone on civil defense procured sirens, horns or other devices) in times of peacetime disasters. Such use is at the option of local government officials. The meaning of the attention or alert signal to all persons in the United States is: . . . "Listen for essential emergency information. Local government officials may add additional action meanings at their own discretion."[2]

Appropriate city officials appoint a staff officer of the police department as civil defense coordinator for severe weather emergencies. A second staff officer of the department serves as an alternate. In the rare absence of both coordinator and alternate, the uniformed patrol shift supervisor on duty at the police station would assume the role of acting civil defense coordinator for the duration of the weather emergency.

The first indication of a severe thunderstorm or tornado watch is received at the police department via the National Weather Service weather teletype, which is the same teletype hookup tied into radio stations, TV stations, and newspaper offices around the country. In Kansas, for example, the Weather Service messages are received from a number of offices located throughout the State. This same weather wire is also installed in a local commercial AM–FM radio station, and the police department and station are thus able to doublecheck with one another concerning the reception of the severe weather watch. This is valuable to the police department in that if the police dispatcher missed the clang of the "alert" bell on the weather teletype due to be being preoccupied with other duties, he can be advised by phone to check the machine for the text of the weather-related message.

Meanwhile, the radio station's interests are served. If the weather situation appears to be ominous at the time the initial watch is received and the station is off the air due to the late hour, the police department can advise the station's designated weatherwatch head of the situation so he can have the station put on the air if the situation merits it.

Following the reception of the weather warning, the police dispatcher or communications officer on duty will contact the department's civil defense coordinator and advise him of the text of the message. This is done whether the coordinator is on or off a tour of duty. It is then his job to see to it that the following persons or organizations are contacted and briefed:

1. The patrol shift supervisor then on duty.
2. The county sheriff's office.
3. The local REACT Citizens' Band radio club.

While the necessity of contacting the first two persons or agencies is self-evident, the third one requires some further amplification. The REACT organization is made up of citizens having CB radios in their cars and a common interest in both radio and service to the community. Any law enforcement agency setting up a similar weather alert plan should be aware of the immense benefits offered by linking up with such volunteers to serve as storm-watch lookouts.

STORM-WATCH LOOKOUTS

Upon contact by the police department relative to a severe weather watch, members of REACT take predesignated stations on all sides of the city to view approaching storms. Seven positions are used, each one selected for its good vantage point above surrounding terrain. It should be noted that the heaviest concentration of these lookout stations is to the west and southwest of the city. In the event that lookouts must be sent out during the workday when many of these volunteers are at their jobs, members of the local police reserves or regular officers may be used to man the lookout positions. Inasmuch as the severe storms are normally moving in a direction which can be clearly discerned, if necessary the lookout plan can be quite effective with as few as three or four lookout positions staffed, just so care is taken to post the spotters between the approaching storm and the city area.

Communications liaison between the police department and these civilian observers is maintained by having a CB unit operating as a base station at the police building.

It should be noted that no use of the civil defense sirens has been made in the watch dissemination process. All communication with the public has been via the mass media. Upon switching from a watch to a warning situation, however, the operation changes somewhat. In the case of an approaching severe thunderstorm with hail, strong winds, and/or heavy rain, the news media will still be used to communicate this warning to the public. But in the event of an approaching tornado on the ground, indicated by either weather radar or confirmed observer sightings, the use of the steady *alert* tone of the city's strategically placed civil defense sirens must be employed.

CIVIL DEFENSE SIRENS

Ideally, the civil defense sirens should be activated from a central locale, and access to the controls of these sirens must be tightly restricted. Much confusion, fright, and resultant ill will toward local government can develop in a city that has used its disaster warning equipment without just cause. For this reason, it is important that a mature, rational, cool-thinking individual be entrusted with the decision to sound the warning devices upon the receipt of "hard" evidence that real danger does exist.

At the same time the audible warning devices of an endangered city or town are activated, certain individuals and organizations must be apprised as quickly as possible of the existing danger and the reasons for the warning. Many departments have established a priority list of persons and organizations to be contacted by telephone as the official warning is put out. Again, it is the job of a department's civil defense coordinator and those he has enlisted to assist him to complete these quick notifications. Although different cities will have varying lists dependent upon their particular locale or situation, the average "contacts" lists should probably include at least the following:

1. All news media.
2. Local law enforcement agencies.
3. Fire department.
4. Ambulance service.
5. Public works department.
6. Volunteer emergency agencies.
7. All hospitals.
8. Schools, if in session.
9. National Weather Service.

It should not be assumed that the National Weather Service is listed last due to any low priority. In reality, the law enforcement agency must keep in close touch with the nearest National Weather Service office for the duration of the dangerous weather. Here, trained personnel can make use of weather radar and other instruments to confirm questionable public-reported sightings of severe weather, and can also brief law enforcement on existing or expected developments.

At the same time, the role of the public at large cannot be overemphasized in the severe weather operating plan for a law enforcement agency. Through extensive and successful public education programs, the law enforcement agency can inform the populace through the mass media of what to look for and how to respond in a violent weather situation. Panic and confusion at the time of an actual storm can thus be reduced, and the effectiveness of the whole warning procedure upgraded.

An additional note might be made on the use of a supplemental warning capability possessed by many law enforcement agencies. In cities with large numbers of mobile home parks, some problem arises in residents of these rather densely populated areas being unable to hear the mounted warning sirens. For this reason, a police department should have plans to send patrol cars into these areas to alert the residents of an approaching tornado by means of the car's public address facilities. The siren tone of the electronic siren-PA is used to attract the attention of persons in the area, and the officer can then use his voice microphone to broadcast the warning message that he has just been relayed by the dispatcher. The extremely high mortality rate of persons caught inside unsecured mobile homes in the path of a rampaging tornado would appear to justify the expenditure of police manpower and equipment in the mobile home park warning detail.

Obviously, no proposed readiness outline can cover all eventualities that might be encountered by a given police agency in planning its own severe weather alert plan. Each jurisdiction will have problems and conditions attendant to its own area that cannot be included in any general, overall plan. Nonetheless, a reliance upon planning before-the-fact and a strong assist from volunteer citizen groups should insure the success and reliability of any community's severe weather alert planning.

SEVERE LOCAL STORM DDEFINITIONS

*Tornado or Severe Thunderstorm Watch*—Issued as an alert when conditions are favorable for development of tornadoes or severe thunderstorms in the specified area.

*Tornado or Severe Thunderstorm Warning*—Announcement that a tornado or severe thunderstorm has been sighted visually or detected by radar. The location and direction of movement of the storm, if known, are given, and residents of the WARNED area should take immediate safety precautions.

*Statement*—A Weather Service release concerning actual or potential severe storm developments. Storm progress and followup reports during a *watch* will be termed *statements.*

*All-Clear*—A release announcing that a threat covered by a previously issued *watch* or *warning* has ended.

*Tornado*—A violent local storm of short duration with very high-speed winds rotating about a vortex and a funnel extending from the base of the clouds to the ground.

*Funnel Aloft*—A funnel extending downward from the clouds but not touching the ground.

*Severe Thunderstorm*—Wind gusts of 50 knots (58 mi/h) or greater and hail three-fourths of an inch in diameter or larger.

*Damaging Wind*—Sustained or gusty surface winds of 60 mi/h or greater.

*A Few*—Up to 15-percent storm coverage in an area or along a line.

*Scattered*—16- to 45-percent coverage in an area or along a line.

*Numerous*—More than 45-percent coverage in an area or along a line.

Footnotes at end of article.

FOOTNOTES

[1] "Tornado," U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, 1973.

[2] Ibid.

[3] "Region Six Information Bulletin, No. 2120.1," Department of Defense, Defense Civil Preparedness Agency, May 15, 1973, p. 2.

## FUEL OIL MARKER-DYE ACT OF 1974

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, I am introducing today a bill that is designed to provide for the marking of certain fuel oils to prevent the sale or use of such fuel oils as a means of avoiding the payments of the Federal excise tax on the sale of diesel fuel.

Mr. Speaker, this legislation is necessary because the United States is estimated to be losing hundreds of millions of dollars every year in excise taxes through the illegal use of home heating oil in diesel type internal-combustion engines for vehicle propulsion. The problem in terms of tax collection is that home heating and diesel fuel are both the same oil. The main difference is that there is an excise tax on diesel fuel and there is no tax on home heating oil. For this reason, there is evidence both in this country and abroad of widespread use of home heating oil in diesel motors, to avoid paying the excise tax.

Mr. Speaker, in some States and foreign countries action has been or is being taken to establish a marker-dye program. In Illinois, a report issued earlier this year to the Illinois General Assembly, revealed that if a heating oil marker-dye were used in that State as much as $50 to $100 million in additional fuel tax revenues each year could be collected. As a result of this information, the Illinois House of Representatives adopted a resolution directing the Illinois Department of Revenue to investigate and study the feasibility of establishing a marker-dye program in Illinois. I understand that hearings on such legislation will be held on April 19, 1974, in Chicago.

The information from abroad is very close to our estimates of excise tax losses in this country. A marker-dye program has been established in Quebec, Canada. The Assistant Deputy Minister of Revenue of Quebec, Canada, Mr. Paul Moreau, recently reported that prior to July of 1973, the Province of Quebec was losing about $25 million per year in diesel fuel tax. According to him, since the institution of the marker-dye program in July 1973, much of the lost tax has been recovered. For example, he stated that the increase of excise tax revenue collected in October 1973, over October 1972, was 42.7 percent.

Mr. Speaker, the establishment of a marker-dye program for heating oil is certainly possible from a technical point of view. For example, the American Oil Co.'s Premier diesel fuel is currently *dyed* with a color additive as a marketing maneuver to keep the "character" of the fuel consistent with its name. Many oil companies voluntarily marker-dye leaded gasoline and certain kinds of jet fuel. The military requires certain dyes in fuels it purchases. The technology needed to add marker-dye to heating oil is similar to that now in use throughout the oil industry. Furthermore, tests have shown that color additives do not detrimentally affect the performance of diesel and jet engines and can be expected to have no adverse consequences when used in heating oil.

Mr. Speaker, an official of the Federal Energy Office—FEO—has indicated to me that he would support such a marker-dye program. He said that although tax evasion and theft are the main problems associated with illegal sales of home heating oil, he thought that the FEO should encourage implementation because: it helps conserve diesel fuel directly and indirectly by preventing underpricing, and it increases the accuracy of fuel flows, statistics which may be helpful for allocation and energy use planning and analysis.

Mr. Speaker, the enforcement of the provisions of this bill should neither be difficult nor require the Internal Revenue Service to enlarge its staff. For example, presently most diesel-powered highway vehicles are required to stop at highway weighing stations. As a part of the weighing procedure, the tanks could be checked very quickly and easily.

Mr. Speaker, I firmly believe that the benefits to be accrued from such a marker-dye program far outweigh any disadvantages. If the increases in revenue in Quebec are any indication, we should expect more than a 40-percent increase in revenue, which will benefit both State and Federal Governments. The enforcement costs would be minimal. While the development of new facilities by the oil companies, in order to accommodate such a program will entail some capital expenditure, this should not present much of a problem since most oil companies have extensive marker-dye experience and existing facilities to accommodate their own marking programs and those required by the laws of several States and foreign countries which the companies supply.

## ENERGY CONSERVATION PLANS UNDER SECTION 104 OF H.R. 13834

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, section 104 of H.R. 13834, the Standby Energy Emergency Authorities Act, provides that the Administrator of the Federal Energy Administration may promulgate by regulation any energy conservation plan designed to result in a reduction of energy consumption. "Energy conservation plan" means a plan for transportation controls, such as highway speed limits or any other reasonable restrictions on the public or private use of energy which is necessary to reduce energy consumption. Such may include limitations on energy consumption of business.

In the hearing on the bill, in answer to Mr. DINGELL's questions, Energy Administrator Simon was not helpful in affording examples of what such plans should be. Under the language of the section such could include denial of the use of energy to keep grocery stores open after 8 p.m. or to permit the operation of night-time entertainment. Such plans could deny the use of energy for display advertisement or even to street lighting, so as virtually to require a night-time curfew. They could regulate the heating or cooling level of department stores and other places of business or even prohibit such establishments for remaining open on certain days of the week or certain times of the day if such resulted in what was deemed an excessive use of energy. A plan could even be promulgated to require radio and television stations to go off the air by 10 p.m. and not resume before daylight in order to discourage the use of home lighting at night and in the early morning hours. In short, there is hardly any phase of human activity that does not have a relation to the use of energy and, therefore, plans so broadly defined could include almost every commercial endeavor and many domestic activities. As will appear from the language of the bill, the only limitations are that the plan be "designed . . . to result in a reduction of energy consumption," that it relates "to transportation controls . . . or such other reasonable restrictions on the public or private use of energy," and that it be deemed "necessary to reduce energy consumption."

Therefore, the scope of permissible rulemaking in the nature of an executive proclamation is extremely broad. Would there be any difference in kind if Congress delegated to the President authority to promulgate, by regulation, plans designed to establish justice, insure domestic tranquility, provide for the common defense, and promote the general welfare, provided that such plans were reasonable and, in the opinion of the Administrator, necessary to accomplish these ends?

It will be seen then that section 104 of the act constitutes near complete abdication by the Congress to the executive department of the authority to fashion rules which have the effect of law, if not legislatively vetoed. Thus, the bill would effectually reverse the legislative and executive roles, *making* the executive department the legislative authority and the Houses of Congress the repository of those executive functions related to the veto. In brief, the Executive can legislate; the Congress can veto.

Before enacting such provision, Congress should carefully view it as a constitutional proposition. It is not necessary to reach the question as to whether or not there would be judicial machinery for the courts to overturn a voluntary abdication by Congress of its essential function to the Executive. In matters related to the division of powers between Congress and the Executive, Congress should, at least initially, decide the constitutional question for itself. This is not like a question where Congress is arguably limited in the exercise of its powers by the Constitution and in which Congress desires to exercise its authority to the full extent *constitutionally* permissible. In such a case, it is sometimes argued that Congress should act

and then let the courts determine the constitutional question. Though I think such a course is not the proper one in even such a case—since we are sworn to uphold the Constitution—such an argument is not apposite here.

When the question relates to a relinquishment of congressional authority to the Executive, the constitutional question is at the threshold. The question is this:

May Congress so reverse its role vis-a-vis the Presidency as to assign to the executive department power to make law upon a general subject matter by proclamation?

Since there is the qualification of the legislative veto, there must be added the question:

Can the bounds of such delegation be deferred to a time and a procedure by which a single House of Congress reviews the propriety of the action by the President and, if it decides that the action is inappropriate, vetoes it?

I think that the answer to both questions must be "No." I shall deal first with the first question.

It is true, of course, that Congress has in the past delegated much authority to administrative agencies. Section 104, however, raises the question of separation of powers in a much more fundamental way than does, for instance, an act purporting to give the FTC substantive rulemaking authority. In the first place, the ordinary delegation to an agency of such rulemaking authority is within a comparatively narrow field, the field covered by that agency. The agency nearly always acts to flesh-out the provisions of the statute or of several statutes. For instance, in the case of the FTC, the Commission's function is: First, to enforce section 5 of the Federal Trade Commission Act with respect to the prevention of unfair or deceptive practices; or second, to enforce the antitrust laws. Similarly, the Product Safety Commission is called upon to deal with largely technical questions relating to the safety aspects of various manufactured products. We could go on listing agencies and the relationship of each to a specific area of expertise.

The authority granted in section 104 is far broader. That section does not purport to define a use of energy deemed wasteful and then grant to the Administrator authority to frame rules prohibiting such waste. It purports to give the Administrator authority to regulate all industry and commerce in any way he sees fit, if such regulation is deemed reasonable and necessary to accomplish the very broadly stated purpose of reducing energy consumption.

So far as I have been able to discover, no such broadly ranging authority has ever been bestowed by a parliamentary body in America, and the last precedent I find for it is the Statute of Proclamations passed by Parliament in 1539 at the behest of Henry VIII.[1]

The immediate occasion for the act was the refusal of the judges to give effect to certain proclamations by which, as an emergency measure, the government had attempted to control dealings in corn in a moment of scarcity.[2]

It should be recalled that at that time there was not a very distinct line between legislative and executive action in England. The concept had been in the time of the two Edwards that the King made laws with the "consent of the peers and the commune," and in 1322 very much the same concept as that here advanced in section 104 was put forward in the Statute of York:

> Matters which are to be determined with regard to the estate of our lord the king and his heirs, or with regard to the estate of his kingdom and the people, shall be considered, granted and established in parliament by our lord the king and with the consent of the prelates, earls and barons and of the community of the kingdom, as has been accustomed in time past.—Statute of York, Edward II, 1322.

Using this language as a model one could paraphrase section 104 to read:

> Matters which are to be determined with respect to energy conservation shall be considered, granted, and established by the President (Administrator), and have the effect of law, with the consent of Congress.

The reason I have gone to some pains to cite the ancient English models of the reversal of roles of the parliamentary body and the monarch is that they illustrate quite clearly what the framers of the American Constitution were rejecting in establishing a separation of powers.

Such was the very first issue that the Constitutional Convention dealt with. On May 30, 1787, on the question, as moved by Mr. Butler, it was resolved in the Committee of the Whole as follows:

> Resolved that it is the opinion of this Committee that a national government ought to be established consisting of a supreme Legislative, Judiciary, and Executive.[3]

On the next day the Convention resolved that the "National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation; and moreover to legislate in all cases in which the separate States are incompetent."

On the next day the Convention dealt with the powers of the Presidency, and it is at this point that the discussion made it clear that a sharp division was intended to be made between executive and legislative powers. Mr. Wilson—with Madison, perhaps the principal framer of the Constitution—was quoted by Madison as follows:

> Mr. Wilson preferred a single magistrate, as giving most energy dispatch and responsibility to the office. He did not consider the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a Legislative nature. Among others that of war & peace &c. The only powers he conceived strictly Executive were those of executing the laws, and appointing officers, not (appertaining to and) appointed by the Legislature.[4]

The action taken that day concerning the national Executive was substantially as appears in the report of the Committee of Detail as follows:

> Resolved That a national Executive be instituted to consist of a single Person—to be chosen for the Term of six Years—with Power to carry into Execution the national Laws—to appoint to Offices in Cases not otherwise provided for—to be removeable on Impeachment and Conviction of mal Practice or Neglect of Duty—to receive a fixed Compensation for the Devotion of his Time to public Service—to be paid out of the public Treasury.[5]

To further emphasize that the proposed Constitution intended to strictly separate the three departments of Government, the Committee of Detail in its instructions on the form of drafting the proposed Constitution included the following statement:

> 2. First resolution—This resolution involves three particulars
>
> 1. the style of the United States, which may continue as it now is.
>
> 2. a declaration that [a] supreme legislative executive and judiciary shall be established; and
>
> 3. *a declaration, that these departments shall be distinct, and independent of each other, except in specified cases.*[6] [Italics added.]

Thus, the framers of the Constitution clearly did not intend to admix executive and legislative functions in the way that these had been admixed in England. Certainly they did not intend to authorize Congress to use the models of medieval English law that preceded the long struggle for parliamentary supremacy.

Thus, Congress may not reverse its role vis-a-vis the Presidency so as to assign to the executive department power to make law upon a general subject made by proclamation.

Yet, as has been pointed out above, if we should adopt section 104, such is precisely what we would do.

Now we come to the second question:

> Can the bounds of such delegation be deferred to a time and a procedure by which a single House of Congress reviews the propriety of the action by the President and, if it decides that the action is inappropriate, vetoes it?

The fact that H.R. 13834 envisages the necessity of each House of Congress viewing the whole policy matter underlying an administrative energy proclamation ex post facto indicates that the original delegation itself did not take into account—or was not sufficiently precise to address itself to—the policy questions underlying the specific energy conservation proclamation. Therefore, in the entire course of legislation and legislative review under section 104, there would never be a time when Congress, as a body, addressed the specific policy questions involved. It would only address these questions in the same way that the President would address them in contemplation of a veto.

Thus, should Congress pass H.R. 13834 containing section 104, it would defer to a later time a review of the type of policy question that is usually considered when

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[1] 31 Henry VIII, CAP, VIII.

[2] Theodore F. T. Plucknett, "A Concise History of the Common Law," pp. 45–46.

[3] Farrand, The Records of the Federal Convention of 1787, Volume 1, p. 30.

[4] Ibid, pp. 65–66.

[5] Farrand, The Records of the Federal Convention of 1787, Volume 2, p. 132.

[6] Ibid, p. 138. Words appearing in parentheses in Farrand have been omitted.

legislation is first enacted. Such later review would not be done by Congress as a whole, would not be performed in such a way as to afford an opportunity for persons affected by the legislation to appear before committees and correspond with or petition Members of Congress, and would be governed by a truncated procedure more appropriate to the executive function of veto than to the legislative function of enactment.

I cannot convince myself that this is constitutionally acceptable. Does it afford due process—under the fifth amendment—to a person affected by the executive proclamation so reviewed to affect his rights without ever having afforded him an opportunity to present his views and to petition government in the ways ordinarily available in the usual processes of legislation?

I am well aware that the process of legislative veto is not a novel one in this bill, but it has never before been presented in such a bad constitutional light.

The most recent examples in enacted legislation touching on this question have been in the Reorganization Act of 1949 and in the War Powers Act of 1973.

But in the first case the major policy decision was decided in the legislation itself: That the President should be permitted to put his administrative house in order, and that he should be given authority within a typically administrative area to perform a kind of executive husbandry. The results of such reorganization has to be detailed and technical within an area of executive expertise.

But since there are overlapping concerns between Congress and the Executive in Government reorganization, Congress wanted a second look at the details. The constitutionality of such a procedure has not been determined, but the factors involved here argue much more strongly for use of the legislative veto than in the case of section 104.

The War Powers Act does not really involve the legislative veto question at all. The provisions of the act specifically denies that there is any additional extension of warmaking authority by virtue of the reporting requirements and the various provisions defining Presidential authority when hostilities, or the imminent threat of hostilities, exist.

Thus, the concurrent resolution procedure calling for disengagement, or for the President to desist from activities deemed outside his authority, is not really a legislative veto of power previously extended. It is merely a declaration that Congress has not exercised the warmaking power and an insistence that the President recognize that fact and desist from trenching upon a congressional prerogative.

I return now to the example I gave earlier: Suppose Congress simply delegated to the President authority to make proclamations for the purpose of establishing justice, insuring domestic tranquillity and promoting the general welfare, reserving the right of legislative veto. Certainly such would go far beyond the legislative veto provisions in the Reorganization Act or the declarations by concurrent resolution in the War Powers Act.

In summary, then, second 104, to a far greater extent than any previous legislation, defers the whole policy question concerning the desirability or the undesirability of the proclamation to a subsequent time, and therefore Congress, by passing the section, would deprive itself of any real legislative address to the question involved.

Therefore, both questions that I have posed must be answered in the negative. The legislation violates principles deeply rooted in the Constitution and should be rejected.

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## STUDY REVEALING "REVENUE SHARING" IS NEGLECTING OLDER AMERICANS, SHOCKS FEDERAL LAWMAKERS AND OTHER ADVOCATES FOR JUSTICE FOR OVER 20 MILLION SENIOR CITIZENS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, several months ago, I requested the Comptroller General of the United States to prepare a report for me on the extent to which general revenue-sharing funds are being allocated to programs specifically and exclusively designed to benefit the elderly. I was determined that the nutrition program for the elderly, title VII, Older American Act, which I originally introduced, would not again be delayed by any attempt on the part of the administration to extol the effectiveness of the "New Federalism" for America; and I knew the report would be relevant to the House and Senate committees' consideration of the 3-year extension and expansion of this program.

I believe the Congress should, from time to time, consider new and innovative programs to provide for the social and welfare needs of our Nation and for this reason I supported the revenue-sharing legislation. However, since that time I have been very disappointed in the use made of the revenue-sharing funds by the States and other levels of governments.

My disappointment is shared by the Honorable William R. Hutton, executive director of the National Council of Senior Citizens, Inc., who has provided a commendable analysis of the Comptroller General's report, alongside a report on the House extension of the nutrition program for the elderly.

I commend Mr. Hutton and his organization on their continuing strong and effective advocacy for Federal programs for the elderly, and I agree with their views that the Congress must resume the full responsibility for Federal programs aimed at the poor and the elderly as the only rational national policy.

For my colleagues consideration, I would like at this time to include the text of the front page articles published in the Senior Citizens News for April 1974:

ANALYSIS OF COMPTROLLER GENERAL'S REPORT

(By William R. Hutton)

There is mounting evidence that the Nixon Administration's general revenue sharing policies are doing little or nothing to benefit older Americans.

Some Governors and Mayors are said to be increasingly skeptical about the federal shell game of funding promises but many are also doing little or nothing to utilize their new federal money on the problems of social disorganization among elderly people.

The politicians of the States and the cities have been quick to recognize the visible political benefits of a new fire station, new city hall or a fleet of helicopters. The White House is pushing the political advantage of spreading the benefits to the State Houses where political power is manifest. Programs directed toward the poor reap no such political harvest.

Some of the shocking details of neglect of the elderly in the first year of the Nixon Administration have been revealed in a study undertaken by the office of the Comptroller General of the United States at the request of Congressman Claude Pepper of Dade County, Florida.

About $1.688 billion was available for use 250 governments in the revenue sharing analysis selected by the Comptroller General on the basis of dollar significance and geographical dispersion. Even though the elderly represent over ten per cent of the population and 28 per cent of the poor, authorized expenditures on their behalf amounted only to two-tenths of one per cent of total funds. That is only 20 cents out of every $100 of revenue sharing funds.

The Revenue Sharing Act (Public Law 92-512) provided for the distribution of approximately $30.2 billion to State and local governments for a five-year program period. The office of Revenue Sharing, Department of the Treasury, made initial payments under the Revenue Sharing program in December 1972 and had distributed about $6.6 billion through June 30, 1973 to the 50 States, the District of Columbia and about 38,000 units of local government. Approximately one-third of the funds were distributed to the States and the remaining two-thirds to local governments.

One of the objectives of revenue sharing is to provide State and local governments with flexibility in using the funds. Accordingly, the act provides only general guidance as to how local governments can use the funds by requiring them to be spent within a specified, but quite extensive, list of priority areas. The priority areas are: maintenance and operating expenses for public safety, environmental protection, public transportation, health, recreation, libraries, social services for the poor or aged, and financial administration. In addition, a local government may use the funds for any ordinary and necessary capital expenditure.

The selection of States and local governments included in the analysis made by the U.S. Comptroller General included the 50 cities and 50 counties that received the largest amounts of revenue sharing funds for calendar year 1972.

Including interest earnings on the revenue sharing funds through June 30, 1973, about $1.688 billion was available for use by the 250 governments. The necessary legal and procedural steps were taken by 218 of the governments to authorize the expenditure of $1.374 billion of these funds. The remaining 32 governments did not authorize the expenditure of any of the funds.

Of the 218 governments, 28 authorized the expenditure of part of their revenue sharing funds in programs or activities specifically and exclusively for the benefit of the elderly. These authorizations totaled about $2.9 million, or about two-tenths of one per cent of the total funds authorized for expenditure by the 218 governments.

Expenditures designated to benefit the elderly ranged from a low of $1,000 appropriated by Brighton, Vermont, for operating

and maintaining a senior citizens center to a high of $785,716 appropriated by Pima County, Arizona, for purchasing a nursing home used primarily for care of the indigent elderly.

The other 26 governments were financing a variety of programs for the elderly. The more significant programs included:

Jersey City appropriated $400,000 to finance a public transportation discount program for senior citizens.

Sacramento County appropriated $104,254 to finance a project being undertaken by the Sacramento County Legal Aid Society to provide legal services to the elderly.

Jefferson County, Alabama authorized use of $450,000 in revenue sharing funds to add an 83-bed wing to the county nursing home for the indigent aged. An additional $150,000 was to be used to acquire equipment for the new wing.

Kansas City earmarked $100,000 for a nutrition program for the elderly that was expected to provide food for 600 persons a day.

Clark County, Nevada appropriated $125,000 to acquire a building for use as a senior citizens center. The center will be jointly operated with the city of Las Vegas which was participating in the initial capital costs.

Federal lawmakers who have seen the Comptroller General's analysis are shocked at the results. They are concerned because if State and local discretion results in the aged getting such a low priority for these early revenue sharing funds, it will be well nigh impossible for the elderly to get anything like a fair shake in the special revenue sharing for manpower training programs, urban and rural development and education which are now being relentlessly pursued by the beleaguered White House.

Some Washington lawmakers—and some of the more responsible politicians in the States and local governments are beginning to believe they may have been taken in by the Nixon Administration's second term planning for a conservative program of redistribution of income, wealth and public services.

The easy rhetoric of controlling inflation by restraining the "runaway" federal budget; of returning "power to the people' and the pleas "not to raise taxes on hard-working middle Americans in order to pay the salaries of inefficient and interfering Washington Bureaucrats" are being exposed as catchword slogans as the first result of the Nixon Administration programs are closely studied.

The special revenue sharing bills allow, but crucially do not compel local governments to continue existing federal programs. Nelson H. Cruikshank, President of the National Council of Senior Citizens, has warned State and Area Council leaders to fight for senior citizen representation on local Manpower Commissions, housing advisory councils, etc. if they hope to win any improvement in the current abysmally low priorities for the elderly.

"The White House is pushing ahead with plans to substitute local goals and program definitions for the painfully evolved universal standards of federal statutes," said Cruikshank.

"Since State and local government political leaders are even more responsive to business and conservative pressures than Congressmen and regulatory agencies, the outlook is desperate for the survival of federal programs aimed at the poor and the elderly."

President Nixon announced early in his first term that he would seek "New Federalism" for America. He contended that federal grant-in-aid programs had proliferated to the point where they had lost their effectiveness.

Instead, he proposed general revenue sharing which would give States and local governments "no-strings attached" money. This would be followed by a series of special revenue sharing packages, each combining all the categorical programs in a given area into a block grant.

The National Council of Senior Citizens and other representatives of the poor opposed revenue sharing and the block grant concept. NCSC argued, for example, that categorical programs were drawn narrowly by design so as to ensure benefit to particular constituencies, groups not strong enough to get their needs met through the powerful hurdles of special interests in State and local politics.

NCSC studies had shown that in youth-oriented America, programs for the elderly were sadly neglected in every area of government. Moreover, this built-in bias against the elderly is so strong it can only be overcome by the government undertaking special corrective measures—such as Congressional earmarking of special funds for elderly programs and appointment of Special Assistant Secretaries to promote these programs from the federal government directly to local groups or by using national contractors to reach them.

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HOUSE EXTENDS NUTRITION PROGRAM

WASHINGTON, D.C.—The House has passed and sent to the Senate a three-year extension of funding for the Nutrition for the Elderly Program, which is operated under Title VII of the Older Americans Act.

This program, which started providing hot meals for elderly Americans age 60 and over in July 1973 with a funding of nearly $200 million for fiscal years 1973–1974, was given high marks for effectiveness by Congressman John Brademas (D., Ind.), Chairman of the Select Subcommittee on Education of the House Committee on Education and Labor during debate on the bill.

Brademas told his colleagues that "despite numerous stumbling blocks, the nutrition program for the elderly is now serving more than 199,000 hot meals a day to seniors who might otherwise have no balanced diet and we expect to be serving about 212,000 daily meals by June 30."

Brademas also gave high praise to Congressman Claude Pepper (D., Fla.) who had originally sponsored the nutrition bill in the House and was once again working for increased funding for the measure.

The authorization finally passed by the House—by a lopsided 380–6 vote—contains provisions providing a total of $600 million over the next three years for the nutrition for the elderly program.

Of that total, $150 million allotted for 1975 will provide up to 319,277 meals daily. In fiscal year 1976 the dollar figure increases to $200 million for 425,702 hot meals daily. And in fiscal year 1977 the amount rises to $250 million used to provide 532,128 hot meals daily.

Brademas told House members that the increased amounts for the nutrition program were justified in light of the overwhelming support the program has had, both among officials administering the meals program and among recipients.

"This hot meals program," Brademas declared, "has not only provided an invaluable source of nutrition for the elderly, it has also provided a valuable source of contact with other people for many elderly who would otherwise continue to exist in an isolated and lonely world."

Once the nutrition authorization bill passed the House it was sent to the Senate where it now carries the number S–2488.

Senator Edward M. Kennedy (D., Mass.) who, along with Senator Charles Percy (R., Ill.), is sponsoring the Senate bill, sent a note of appreciation to the House of extending the funding for the nutrition program.

The Senate Subcommittee on Aging of the Committee on Labor and Public Welfare is scheduled to hold hearings on the legislation within the next few weeks. A final version of the nutrition for the aged bill must be passed before current authorization runs out this June 30.

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## THE STATUS OF BILINGUAL EDUCATION

Mrs. CHISHOLM. Mr. Speaker, for the last few weeks the Subcommittee on General Education has been conducting oversight hearings on the functioning of existing bilingual education programs and the need for expanded initiatives in view of the Lau against Nichols decision handed down by the Supreme Court on January 21, 1974. One of the groups which has been in the forefront of the effort to improve our bilingual education programs is RASSA, the Raza Association of Spanish Surnamed Americans. I submit here for insertion into the RECORD the testimony of Manuel Fierro, president/executive director of RASSA, which was presented to the committee on March 27. The testimony summarizes the status of current legislation, the unmet needs that still remain to be fulfilled, and suggests that action which this Congress should take to fulfill the mandate of the Lau decision.

STATEMENT OF MANUEL FIERRO, PRESIDENT/EXECUTIVE DIRECTOR, RAZA ASSOCIATION OF SPANISH SURNAMED AMERICANS

SUMMARY OF STATEMENT

Mr. Chairman and members of the committee, my name is Manuel D. Fierro, I am the executive director of Raza Association of Spanish surnamed Americans (RASSA), a national non-partisan citizens lobby for and of the Spanish speaking. With me today are Dr. Jose Cardenas, executive director of Texans for Educational Excellence and a former school superintendent in San Antonio, Texas and Sr. Josue Gonzales from the University of Massachusetts, two of the most renowned Mexican-American bilingual educators in the United States.

On behalf of our board of trustees who represent a cross-section of the Spanish speaking people throughout this Nation, I wish to express their appreciation as well as my own for the opportunity to appear before you today and to commend you for your initiative and foresight in addressing yourselves to one of our Nation's most serious inequalities in education—the education of over five million limited and non-English speaking American children who have been the victims of neglect and misunderstanding.

Since 1967 when Congress first passed title VII of the Elementary and Secondary Education Act—the Bilingual Education Act, there has been a continual effort by our community to create educational programs which would provide these children with a new way to learn in two languages at once and give them the opportunity to read, speak and write in two languages, which is the language of the majority and in their native language, the language of their heritage, their home and community.

I don't believe these efforts were entirely altruistic. There was a need to keep these children in school and teach them enough so that they could become productive and participating members of our society, instead of becoming drop-outs and welfare recipients of the future. The money that was provided for that extra educational effort was not only to provide educational equality for these children, it was also to be an investment in the future well-being of this nation.

Unfortunately, Congress has never provided the money which would accomplish a real breakthrough for these children. Bilingual education in the United States today is

still a series of undernourished and limited programs. After more than six years, Title VII is only reaching less than 3% of those children who are suffering educational deprivation and cultural assault. The history of bilingual education in this country is a history of a need not met and commitments not kept.

Additionally the Bilingual Education Act has "unfavored legislation status" with this administration. We have had to fight for every dollar funded to Title VII. Even now after an increase of $15 million last year, the President's budget request for next fiscal year is back to $35 million.

For fiscal year 1973 the Office of Education is funding 217 programs. They have refused 118 others because there was no increase in spending allowed. More than 122 programs were not even considered for funding. Thus only a tiny fraction—147,000—of the millions of children in need were served this year. If the administration's suggested budget cut were to be accepted only 141,000 children could be served next year. Only 211 programs would be funded in fiscal year 1974 under that proposal.

How can the Members of Congress allow that to happen? These children are caught in a budget war they cannot understand or fight for themselves. How can the Members of Congress go on, year after year, allowing a systematic denial of equal educational opportunity to more than five million American children?

Because we face again the real limitations of the budget and a real lack of effort on the part of the administration to either understand or improve the current Federal support program, the Senate has proposed amendments to the bilingual education legislation in order to improve and expand on the original legislation. These amendments provide for a single national comprehensive program in bilingual education.

Specifically the amendments to title VII of the ESEA in the Senate (S. 1539) provide for the following:

It redefines the definition of bilingual education and the term limited English speaking to encompass a broader concept.

Emphasizes training of bilingual teachers, teacher aides, other personnel rather than solely subsidizing bilingual education programs at local schools (although it expands those programs as well).

Upgrades administrative position of bilingual education within OE/HEW hierarchy by making it a Bureau of Bilingual Education, headed by a director at a GS–18 level.

Authorizations: Increases $135 million to $145 million next year and then $10 million increases for each of the next three years.

Amends the vocational education programs by requiring consideration of bilingual needs at every level of vocational education and authorizes $40 million for this purpose.

Provides for carrying out a program of bilingual education for children on reservations.

Establishes a national fund for bilingual education which provides fellowships up to 500 persons for: preparation in bilingual education.

Provides for grants to local school districts for undertaking training programs for bilingual education.

Provides for grants to universities, junior and community colleges in conjunction with local school districts in setting up training centers.

Provides for set aside monies in National Institute of Education of 10% but less than $7.5 million for bilingual education research and development.

Places more specific descriptions on the makeup of actual bilingual education program to insure that it is not merely teaching English as a second language but is actually a comprehensive bilingual education program.

Provides for a National Advisory Council on Bilingual Education.

Mr. Chairman and members of this committee we are urging each and every one of you to assert yourselves and support these amendments that are contained in S. 1539 when H.R. 69 reaches the conference committee.

If these oversight hearings can achieve one thing only, and that being, your understanding of the desperate situation in which millions of American children have been and are being placed in, then you must address yourselves to the commitment that you must make in order to truly provide equality of educational opportunity for them.

HISTORICAL OVERVIEW OF BILINGUAL EDUCATION

*A. Federal*

The Federal role in bilingual education was initiated late in the 1960's when former Senator Ralph Yarborough (D. Tx.), Senator Joseph M. Montoya (D. N.M.), Congressman Edward Roybal (D. Cal.), Congressman Henry Gonzalez (D. Tx.) and others amended the Elementary and Secondary Education Act of 1965. In 1968, former President of the United States Lyndon B. Johnson signed the legislation providing for the Bilingual Education Act—Title VII of ESEA. This was the culmination of long and hard work sparked by concerned educators and organizations, such as the National Education Association and affiliates. The results of the NEA Conference in Tucson which led to the Federal role in bilingual education centered around the following facts:

The large push out rates of Mexican American children in the schools of the southwest.

The cultural conflict between the school curriculum and the culture of Mexican American students.

The cultural deficiency of educators and their inability to teach culturally and linguistically distinct children.

The initial thrust of the Bilingual Education Act was to establish "demonstration projects" through Federal grants in an effort to deal with the issue of providing a better opportunity for children whose dominate language is Spanish. In FY–69 only $7.5 million were authorized for bilingual education which provided for 70 programs throughout the country. The Federal Government currently funds 217 projects with only $35 million from Title VII.

The Spanish-speaking student population presently in the United States constitutes the largest non-English-speaking population. The United States 1970 census count of school age persons by mother tongue reported a total of 3,110,000 Spanish Americans; 74,000 native Americans; 221,000 Asian Americans and 1,537,000 others, totalling approximately 5 million students in need of bilingual education. Unfortunately, Title VII funding has reached less than 3% of the population in need.

*B. State participation*

The recent Jimenez Report on State participation on bilingual education updated by the National Education Association and the National Task Force de la Raza for the National Bilingual Bicultural Institute at Albuquerque, New Mexico identified fourteen States with legislation permitting the use of a language other than English for instructional purposes in the schools. Few States have appropriated and authorized State funds for bilingual instruction. A list of States is included for the record.

*C. Magnitude of the need for bilingual education*

Recently, at the National Bilingual Bicultural Institute at Albuquerque, New Mexico, a statement was delivered by a renowned educator emphasizing the following facts:

The United States is the fifth largest Spanish speaking country in the Western Hemisphere—of the eighteen Spanish American countries, only Mexico, Argentina, Colombia and Peru have populations that exceed the number of Spanish speakers in the United States.

The median age for Chicanos in the U.S. is 18.6 years. For Puerto Ricans, it is 18; and for the white population it is 28.6. In other words, whites are ten years older on the average than the Spanish speaking population.

The birthrate of Spanish speaking groups in the U.S. is nearly *twice as high* as that of English speakers in the U.S.

From 1968 to 1970 the total number of children attending public schools in this country increased by about 3.5 percent. During the same period the number of Spanish speaking children in school increased at a rate almost *four times greater* than the national average.

What these statistics indicate is that *the United States is now one of the major Spanish-American countries in the world.*

The 1972 Office of Civil Rights survey of the elementary and secondary public school enrollment and the 1970 census report clearly point out that the Spanish speaking population *in the United States* tends to be concentrated in several states. Approximately two-thirds of the school age children from Spanish American, Asian American, or native American language speaking families are located in California, New York, Texas, Arizona, Colorado, Florida, Illinois, New Jersey and New Mexico. These states account for 81% of these children. Other states like Connecticut, Louisiana, Massachusetts, Michigan, Ohio, Hawaii, Alaska, Rhode Island, Indiana and Wisconsin also contain large "non-English speaking."

*D. Teacher training and availability*

Perhaps one of the fundamental problems of bilingual education has been the lack of trained personnel. When the Bilingual Education Act was enacted and projects were funded, the traditional classroom teacher was ill-equipped to teach in a bilingual environment. School administrators, in their efforts to deal with the program, placed teachers of Spanish to teach bilingually or employed a Peace Corps volunteer as the director of the project. Soon they found out that these were mistakes.

Unfortunately, title VII did not provide for teacher training; therefore, it was necessary to look for other sources which at times proved frustrating and futile. The client at the end was the victim.

According to the U.S. Office of Education, approximately $18.0 million from title VII funds have been expanded to train a total of 9,292 teachers and 6,800 aides and approximately $6.6 million from EPDA funds to train a total of 1,822 teachers. Unfortunately, virtually all of the training has been in-service rather than pre-service. Very little if any training has been funded by the States or other Federal programs for teacher training.

In a survey conducted by the NEA and the National Education Task Force De La Raza in preparation for the National Bilingual Bicultural Institute, over 80% of the title VII project directors indicated a shortage of bilingual teachers and regarded this shortage as a *major* obstacle in setting up projects and continuing them when Federal funds were withdrawn.

A top official and educator of the National Education Association recently cited some figures based on the 1972 Office of Civil Rights survey of elementary and secondary school enrollment, stating that there was a need to employ 211,000 minority educators. According to that study there is one white teacher for every 22.5 white children. Using that teacher-student ratio, and applying the statistics based on *the 1970 census* reported by mother tongue, we contend there is a need to have 138,222 Spanish speaking bilingual

teachers, 3,290 native American bilingual teachers, and 9,822 Asian American bilingual teachers.

The 1972 Office of Civil Rights report states that there are 22,780 Spanish speaking, 7,333 Asian American, and 2,945 native American full-time classroom teachers nationwide. It is estimated that at most 50% of these individuals are fluent in the language associated with the ethnic group. All of these teachers are potential candidates for a strong inservice training bilingual education program and if they were willing to become bilingual teachers and willing to transfer, there would still be a teacher shortage because these teachers constitute only —% of those needed.

MAJOR ISSUES IN BILINGUAL EDUCATION

The following items have been identified as issues in bilingual education that warrant immediate attention.

1. Bilingual education is regarded as a remedial or compensatory program in nature. The opening sentence of title VII, ESEA legislation states "in recognition of the special educational needs of the large number of limited English speaking children . . ." Perhaps it should read "in recognition of the limited ability of educators who have failed to educate large numbers of culturally and linguistically distinct children . . ." The deficiency is not that of the child, but that of the "culturally deficient" educator, and it should be recognized as such.

2. The inability of the Office of Education, Department of Health, Education and Welfare to develop a sound educational philosophy based on a well-articulated statement of goals and purpose for bilingual/bicultural education.

Recently, the Office of Education developed what was intended to be the Federal role in bilingual education. A copy is hereby submitted for the record. Fortunately, this philosophy was never adopted officially due to the Lau vs. Nichols Supreme Court decision. It was regarded as a landmark decision which was perceived by Office of Education officials to affect the Federal role in bilingual education.

In addition, the Office of Civil Rights has never adopted a formal position on what specific special services are required by title VI, even though they have successfully brought suits against several school districts which were found in non-compliance.

RASSA believes that a philosophy on bilingual education must be developed? Based on a well articulated statement of goals and purposes for bilingual bicultural education. It must be developed by the National Advisory Council on Bilingual Education in cooperation with appropriate educators, communities, agencies and external organizations. In addition, a formal position on the specific special services required by title VI of the Civil Rights Act of 1965 for school districts must be developed, based on input from the Office of Civil Rights in conjunction with the Office of Education and the National Advisory Committee on Bilingual Education.

3. Currently, curriculum development and adaptation is generally carried out by individual title VII grantees and usually dissemination is a problem. Two national centers are presently involved in disseminating and publishing materials developed by these title VII projects: The Dissemination Center for Bilingual/Bicultural Education in Austin, Texas and the Materials Acquisition Center in San Diego, California.

It is extremely important that the existing national centers aforementioned be strengthened financially. In addition, a national clearing house for bilingual education materials and information must be established, in an effort to provide teachers, educators and concerned individuals with pertinent resources for classroom use.

4. The NIL coordination of title legislation related to bilingual bicultural education has adversely affected the progress of bilingual education. There are several other programs besides title VII that provide funds for bilingual education, i.e. title I–ESEA, title I Migrant, Head Start, Followthrough, title III of the Higher Education Act, EPDA, the Indian Education Act, and ESAA. Unfortunately, one project director does not know what the other is doing.

We believe that a bureau for bilingual education if organized properly could coordinate the various Federal sources and lead the way for effective and efficient utilization of available Federal resources and would enhance the Federal role in bilingual education.

RECOMMENDATIONS

A philosophy of bilingual bicultural education must be developed, articulating sound objectives and purposes for the office of education. The philosophy must be developed with input from the National Advisory Committee on bilingual education in cooperation with OE, as well as external and internal input from educators, teachers, communities, etc.

The Office of Civil Rights must establish a formal position regarding school districts found in non-compliance with title VI of the Civil Rights Act of 1965. This must be developed in cooperation with the National Advisory Committee for Bilingual Education, the Office of Education, and appropriate input from teachers, educators, and community groups.

It is also recommended that the memorandum identified as the May 25th memorandum, issued by the Office for Civil Rights regarding the "identification of discrimination of services on the basis of national origin," be incorporated into the legislation. A copy of the May 25 memorandum is submitted for the record. This would certainly strengthen the Office of Civil Rights in the enforcement process.

Curriculum development and dissemination must be strengthened by requiring the establishment of a national center for bilingual education. This would require all grantees to submit all curriculum development materials and information into this depository. In addition, all grantees and other interested individuals would have access to pertinent resource information for classroom use. The present national centers (Austin, Texas and San Diego, California), would continue their operation as satellites on a regional basis to the national center.

Teachers training institutions must be eligible for funding in the legislation, in order to generate the resources necessary for bilingual education. School districts must be required to establish strong inservice teacher training programs, in order to adequately prepare teachers for bilingual education. The use of teacher aides in classroom instruction must be encouraged, and a program that would allow teacher aides to receive an education while working (such as the career opportunities program) must be established.

The establishment of a bureau for bilingual education in the Office of Education, if properly organized, would certainly enhance the coordination of the bilingual education Federal resources.

Section 421(c) of the General Education Provisions Act, which states that there shall be no limitation on the use of funds appropriated to carry out any program other than limitations imposed by the authorizing statute, must be continued and strengthened. Presently, the Office of Education, title VII office is planning to discontinue funding of about 70 local and national bilingual education projects based on section 123.13(c) of the Federal regulations published in the Federal Register of October 1, 1973. RASSA contends that the present operation of the title VII office based on the proposed regulations is capricious, since they are in violation of section 421(c) of the General Education Provisions Act (Cranston amendment) and the fact that the proposed regulations published in the Federal Register of October 1, 1973 were printed without consultation with the National Bilingual Advisory Committee, authorized by section 708 of the act. In order to facilitate the process RASSA encourages the committee to guarantee the eligibility of those projects in their fifth year of Federal funding and strike the constraints of the fifth year funding eligibility set forth in the Federal Register of October 1, 1973.

RASSA recognizes the U.S. Supreme Court decision in Lau v. Nichols as a landmark decision for bilingual bicultural education that can be equated to the Brown v. Topeka of 1954. It is further recognized that this decision will have an impact on the Federal role in bilingual education. We believe that since the decisions was based primarily on title VI of the Civil Rights Act, funding for such activities should come from ESAA and not from title VII of ESEA. However, strenuous coordination is suggested.

Bilingual education research is of utmost importance and extremely necessary since few studies have identified successful exemplary educational strategies, methodologies, techniques and assessment instruments for adaptation and/or duplication purposes. This information would certainly comply with congressional intent of maximizing Federal resources in an effort to directly provide for the teachers' professional growth and development as well as the students' opportunity for a better education. Therefore, RASSA strongly urges the committee to earmark Federal funds under this act specifically for bilingual education research.

ASSESSMENT OF NEED FOR BILINGUAL/BICULTURAL PERSONNEL AND TRAINING

NOTE.—The entire value of the data you provide rests on the accuracy of the figures. However, we prefer *reasonably* accurate figures to no answer whatever. Please do *not* answer using percentages unless indicated. We can always convert raw numbers into percentages. Some questions may seem repetitious, but please answer them.

Questions concerning your *district as a whole.*

1. How many teachers are there in your district? 217,209.

2. Of the total, how many teachers should be bilingual/bicultural in order to serve all the students needing such teachers? 35,117.

3. How many teachers do you currently have that are bilingual? 9,448.

4. What is the number of bilingual teachers being annually prepared in *pre-service* programs by local colleges and universities? 2,153 (46 said Don't know).

5. What is the number of students in your district? 4,471,860.

6. What percentage of the students is bilingual, i.e., has need for bilingual teachers? 44.39%.

7. What languages other than English are represented by the bilingual students in your district. Check all that apply.

99 Spanish.
23 Indian.
16 Portuguese.
13 French.
26 Chinese.
18 Japanese.
7 Russian.
24 Other.

8. In the blanks please place the numbers of students representing each language.

845,548 Spanish.
8,811 Indian.
2,172 Portguese.
17,433 French.
36,229 Chinese.
10,202 Japanese.
596 Russian.
100,317 Other.

Questions concerning your program, the school or schools in which the bilingual program is located.

1. How many teachers are there in the school(s) where the bilingual program is located? 9,728.

2. Of the number of teachers in the above answer, how many are bilinqual?[1] 2,414.

3. How many teachers are in the bilingual program? 2,772.

4. Of the number of teachers in your bilingual program, how many are bilingual? 1,951.

5. Of the number of teachers in your bilingual/bicultural program, how many need in-service bilingual/bicultural training? 2,354.

6. Of the number of teachers in the school(s), how many need in-service bilingual/bicultural training? 9,071.

7. What languages other than English are represented by the students in the school(s) where your bilingual program is located.

96 Spanish.
16 Indian.
10 Portuguese.
10 French.
17 Chinese.
14 Japanese.
3 Russian.
20 Other.

8. In the blanks please place the numbers of students representing each language.

119,715 Spanish.
1,982 Indian.
1,133 Portuguese.
3,778 French.
3,230 Chinese.
1,396 Japanese.
261 Russian.
12,088 Other.

Questions concerning types of need for bilingual/bicultural training.

1. What areas of in-service training should be emphasized to prepare bilingual/bicultural teachers? Please rank them, #1 is highest priority.

1.75 Language development.[2]
2.39 Ethnic cultural heritage.
2.73 Methods of teaching English as a second language.
3.21 Methods of teaching[1] as a second language.
3.43 Other areas courses (specify).

2. What types of pre-service courses should be given to prepare bilingual/bicultural teachers. Please rank them, #1 is highest priority.

1.89 Language development.[2]
2.34 Ethnic cultural heritage.
2.76 Methods of teaching English as a second language.
3.10 Methods of teaching[1] as a second language.
3.15 Other areas courses (specify).

3. What do you feel is the greatest need in the area of training teachers for bilingual/bicultural programs? Please rank them, #1 is highest priority. You may want to use #1 more than once.

2.23 Recruitment of bilingual/bicultural teacher trainees.
2.73 Financial aid for teacher trainees.
1.62 More appropriate college course work and trainee programs which relate more directly to the needs of bilingual children.
2.04 More practical experience in a bilingual setting for teacher trainees.
2.83 Other: Describe.

ADDENDUM

States with State Bilingual/Bicultural legislation or other provisions allowing Bilingual/Bicultural education

1. *Alaska*—Bilingual/bicultural legislation includes $200,000 which was appropriated for the school year 1972–73.

2. *California*—The Bilingual Education Act of 1972 was enacted and $5 million was appropriated for its program. Since then, the legislature had passed the Bilingual Teachers Act and appropriated $20,000 for teacher training.

3. *Connecticut*—Although the state has no specific bilingual education, Connecticut has two laws giving sanction which are permissive for bilingual/bicultural education. The State Act for Disadvantaged Children earmarked $7 million.

4. *Illinois*—Provisions for bilingual/bicultural education have been enacted. Money is allocated for this type of program and appears as an in-line, cost item in the budget. ($4.5 million is being proposed for supporting bilingual/bicultural programs with state monies.)

5. *Louisiana*—Extensive legislation for bilingual/bicultural education (predominately French) has been enacted. They established Council on the Development of French in Louisiana, (CODOFIL) with a budget of $1 million, all of which are state monies.

6. *Maine*—Maine's six-year-old statute is in line with the concept of bilingual/bicultural education. The statute is permissive and allows for bilingual education programs "to use BE techniques in preschool through second grade." (They have removed the second grade limitation for teaching in the mother tongue.) Maine is a member of Council on the Development of French in New England (CODFINE). Funds for supporting these programs come out of the general education budget.

7. *Massachusetts*—The state has bilingual/bicultural legislation (Transitional Bilingual Education Act, 1971) which funds over and above per capita cost with a floor of $250 and a ceiling of $500. Funds come out of the general aid to education.

1st year—$1.5 million allocated.
2nd year—$2.5 million allocated.
3rd year—$2.5 million allocated.
4th year—$4 million allocated.

8. *Michigan*—The state appropriated $88,000 for bilingual/bicultural programs. Funds come out of state education budget. There is no specific bill—just authorization to use the money for this purpose.

9. *New Mexico*—The state now has two laws which are permissive of bilingual/bicultural education (House Bill 270, 1971; Senate Bill 155). House Bill 270 allocates no money for bilingual/bicultural education programs. However, it permits the school districts to use part of their appropriation for BE programs if they see a need to do so. * * *

10. *New York*—The state has now passed legislation on bilingual/bicultural education and appropriated $1.5 million. The program is designed to be transitional, but actually the grants are for programs K–12 in automechanics, business skills, cosmetology, math, and reading, and science.

11. *Oregon*—Legislation allows English to be taught as a second language in any Oregon school. However, there are no State appropriations.

12. *Pennsylvania*—The state has no specific legislation on bilingual/bicultural education. However, Pennsylvania has some directives applicable to bilingual programs, which were sent to all school districts within the State. They received the School Administrators Memorandum 515, Guidelines for Educational Programs for Children Whose Dominant Language Is Not English. These guidelines make it mandatory to offer bilingual programs using State and local funds.

13. *Texas*—There is now bilingual/bicultural legislation. Earlier this year, $1.2 million was appropriated for bilingual programs.

14. *Washington*—The state has specific bilingual/bicultural legislation and guidelines, and $700,000 was appropriated.

States with pending legislation:

1. Colorado.
2. New Jersey.

States Without Bilingual/Bicultural Legislation:

Alabama, Arizona, Arkansas, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky.

Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma.

Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

NOTE.—Hawaii was not included in survey.

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To: Addressees
From: Assistant Commissioner, Officer of Planning, Budgeting, and Evaluation
Subject: Basic Policy on Bilingual Education

All of us have been aware for some time now that we have not had a coherent and consistent policy for our Bilingual Education program. The legislative language is general and leaves room for the program to take different directions and employ different strategies. The issues at stake have been debated vigorously over the past two years within the Office of Education but without resolution. Attached is a brief paper which tries to set forth what the basic federal policy for a Bilingual Education program should be. All of you have at one time or another expressed interest or concern about the Bilingual Education program, so before we take the next step to make the principles expressed in this paper official policy, I would like to receive any comments or suggestions you may have.

In addition to just being clear, consistent, and reasonable about what we are trying to do in our Bilingual Education program, there is an additional urgent matter. The basic position taken in this paper is generally at variance with that expressed in the proposed amendment to the Bilingual Education Act (Title VII, ESEA). I am anxious that the Department (through L) begin some discussions with appropriate people on the Hill to try to persuade them of the wisdom of our view and to apprise them of the manifold and largely undesirable consequences which are likely to flow from changing the legislation in the direction that is now proposed.

Accordingly, I would like to have any comments or suggestions you may have on the attached paper. I would very much appreciate receiving them by COB Tuesday, January 22.

JOHN W. EVANS.

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JANUARY 9, 1974.

DEAR REPRESENTATIVE: The primary rationale given for termination of the Education Professions Development Act (EPDA) funding is the national surplus of educational personnel. Although this surplus may be reality for the general population, it is not applicable to the Mexican-American and Native-American populations. There continues to be a critical need for Mexican-American and Native-American educators to eliminate the tragic educational conditions encountered by Mexican-American and Indian children.

We wish to take this opportunity to express our concern to you in reference to the lack of refunding for the University of New Mexico and University of South Dakota EPDA–PPS Center projects for the 1974–75 academic year. The EPDA–PPS projects are bilingual counselor training programs focusing on the Pupil Personnel Services (PPS) needs of the Mexican-American and Indian populations. The projects are centered in Albuquerque, New Mexico which has seven satellites in Lubbock and El Paso, Texas; Albuquerque, New Mexico; Denver, Colorado; Fresno, California; San Diego, California; Phoenix, Arizona. The Center for the Native-American Satellite Program is located at the University of South Dakota, Vermillion, South Dakota. There are five Satellites connected with the South Dakota Center and

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[1] That is, capable of teaching with equal facility in both languages.

[2] Please fill in with the name of the language group your project serves.

are located at the University of Wyoming, Laramie, Wyoming; University of Montana at Missoula, Montana; Eastern Washington State, at Cheney Washington; North Dakota University, at Grand Forks, and South Dakota University located at Vermillion, South Dakota.

Enclosed you will find a brief *"outline of the Southwest EPDA–PPS Project"* which contains pertinent information on the needs, objectives and evaluation of this project and support documents. Similar documentation will be forthcoming from the Center for the *Native-American* Satellite Program.

The tremendous need for such projects is evident in light of the fact that of approximately 700 applicants of Mexican-American descent requesting training there have been resources for training only 70 interns. Similarly, there have been over 300 Indian applicants but only resources for 80 interns.

The Education level of the Spanish-speaking is the lowest of any group. 19.5% of the Spanish-speaking over 25 years of age have had less than five years of school while only 4.1% of the non-Spanish white and 13.5% of the black have less than five years of school. Recent figures show that only 32.6% of the Spanish-speaking complete High School. This is compared to 58.6% for non-spanish whites and 34.7% for blacks.

The educational level of the Native American population is similar to the Spanish-speaking population. The average achievement level of Native Americans is at the fifth grade with many Native American children still entering school without a knowledge of the English language. The drop-out rate among Native American students ranges as high as 90% with an escape to poverty, drugs, alcohol and suicide. It has been documented that only one out of a hundred Native American students enters and completes a graduate level program. It is a tragic fact that the Native American Center Satellite Program has graduated more Native American students with a Masters Degree in Guidance in the past three years than in the history of High Education in the United States.

Despite the short duration of the two EPDA projects (three years) there are numerous successes that may be identified and documented. It is our professional observation that the above projects have demonstrated their effectiveness in relieving some of the educational problems of the Mexican-American and Indian student by providing alternative ways of coping with the educational system. The effectiveness of these alternatives is demonstrated by:

(1) the institutionalization of assessment procedures for identifying high school student needs;

(2) the development of inservice staff training;

(3) the successful placement of EPDA-PPS trained staff in schools and school-related projects;

(4) curriculum and staff development;

(5) the improvement of pupil personnel delivery systems;

(6) the attitude of increased acceptance of the EPDA-PPS training models by the scool administration, staff and students.

Based on the above, we respectfully request that:

1. A letter be sent by your office requesting summary information on: (1) the EPDA programs, funding and number of participants by ethnic category (including Indian and Mexican-American) during the past five years and (2) current and future plans for development of Native-American and Mexican-American educational personnel.

2. Your office provide the authors of this letter with information on pending legislation related to the education of the Mexican-American and Native-American populations.

3. Your office initiate a request for public hearings to be held during the Spring of 1974 on the status of EPDA training programs.

4. Legislation be drafted that will provide for continuation of EPDA programs that focus on Mexican-American and Native-American populations.

Sincerely yours,

SOUTH DAKOTA CENTER SATELLITE PROGRAM

Rick La Pointe, Center Director, Vermillion, S.D.

Maurice Twiss, Center Asst. Director, Vermillion, S.D.

Leonard Bear King, Satellite Director, Grand Forks, N.D.

Donald Forrest, Satellite Director, Laramie, Wyoming.

Robert Gorman, Satellite Director, Missoula, Montana.

Robert Price, Satellite Director, Cheney, Washington.

NEW MEXICO CENTER SATELLITE PROGRAM

John Rinaldi, Program Co-Director, New Mexico.

Guy Trujillo, Program Co-Director, New Mexico.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of Ohio (at the request of Mr. ARENDS), until 4 o'clock today, in order that he might accompany the President of the United States on an inspection of the storm devastation in his congressional district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BINGHAM, of 60 minutes, on April 10; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. CONLAN) and to revise and extend their remarks and include extraneous matter:)

Mr. BLACKBURN, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. GOLDWATER, for 5 minutes, today.

Mr. WYATT, for 5 minutes, today.

Mr. HOGAN, for 10 minutes, today.

Mr. WHALEN, for 15 minutes, on April 10.

Mr. LENT, for 5 minutes, today.

Mr. HANSEN of Idaho, for 5 minutes, today.

Mr. GUYER, for 5 minutes, today.

(The following Members (at the request of Mr. MCSPADDEN) and to revise and extend their remarks and include extraneous matter:)

Mr. MORGAN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. TIERNAN, for 5 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Ms. ABZUG, for 60 minutes, today.

Ms. ABZUG, for 60 minutes, on April 11.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BRINKLEY, and to include extraneous matter, in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $783.75.

Mrs. CHISHOLM, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $470.25.

(The following Members (at the request of Mr. CONLAN) and to include extraneous material:)

Mr. KEMP in three instances.

Mr. BLACKBURN in three instances.

Mr. ESCH.

Mr. EDWARDS of Alabama.

Mr. WYMAN in two instances.

Mr. LENT.

Mr. BROTZMAN.

Mr. TREEN.

Mr. HOGAN.

Mr. COHEN.

Mr. MALLARY in three instances.

Mr. HOSMER in two instances.

Mr. ASHBROOK in four instances.

Mr. TAYLOR of Missouri.

Mr. FRENZEL.

Mr. DON H. CLAUSEN.

Mr. ZION.

Mr. BROYHILL of Virginia.

(The following Members (at the request of Mr. MCSPADDEN) and to include extraneous matter:)

Mr. HARRINGTON in three instances.

Mr. BRADEMAS in six instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. BREAUX.

Mr. BRINKLEY.

Mr. HUNGATE.

Mr. RUNNELS.

Mr. RANGEL in 15 instances.

Mr. MAZZOLI.

Mr. CAREY of New York.

Mr. CORMAN in five instances.

Mr. MAHON.

Mr. MCSPADDEN.

Mr. VANIK in two instances.

Mr. YOUNG of Georgia.

## SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 72. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1980 winter Olympic games at Lake Placid, N.Y., in the United States, and pledging the cooperation and support of the Congress of the United States; to the Committee on Foreign Affairs.

## BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did April 8, 1974, present to the President, for his approval, bills of the House of the following title:

H.R. 12253. An act to make certain appropriations available for obligation and expenditure until June 30, 1975, and for other purposes; and

H.R. 12627. An act to authorize and direct the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Miss Keku*, owned by Clarence Jackson of Juneau, Alaska, to be documented as a vessel of the United States so as to be entitled to engage in the American fisheries.

## ADJOURNMENT

Mr. McSPADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 10, 1974, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

2163. Under clause 2 of rule XXIV, a letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Highway Beautification Act of 1965, as amended, referred to the Committee on Public Works.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. Report on U.S. military commitments to Europe (Rept. No. 93-978). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 1029. Resolution providing for the consideration of H.R. 13113. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes (Rept. No. 93-979). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 1030. Resolution providing for the consideration of H.R. 13919. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 93-980). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1031. Waiving certain points of order against H.R. 14013. A bill making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-981). 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. ASHBROOK:

H.R. 14045. A bill to prohibit Soviet energy investments; to the Committee on Banking and Currency.

By Mr. BLATNIK (by request):

H.R. 14046. A bill to conserve energy by providing temporary relief from restrictions on sizes and weights of motor vehicles using the Interstate System; to the Committee on Public Works.

H.R. 14047. A bill to amend the Highway Beautification Act of 1965, as amended; to the Committee on Public Works.

By Mr. BRINKLEY:

H.R. 14048. A bill to amend Public Law 92-425, an act to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; to the Committee on Armed Services.

H.R. 14049. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

H.R. 14050. A bill to provide survivorship benefits for the families of certain severely disabled veterans; to the Committee on Veterans' Affairs.

H.R. 14051. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. BROTZMAN (for himself, Mr. PETTIS, Mr. DUNCAN, and Mr. CLANCY):

H.R. 14052. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking and Currency.

H.R. 14053. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 14054. A bill to provide that future increases in social security benefits shall be disregarded in determining eligibility for benefits or assistance under the supplemental security income program, the program of aid to families with dependent children, the medicaid program, and certain other Federal programs; to the Committee on Ways and Means.

By Mr. CRONIN:

H.R. 14055. A bill to amend title II of the Social Security Act to provide that increases in monthly insurance benefits thereunder (whether occurring by reason of increases in the cost of living or enacted by law) shall not be considered as annual income for purposes of certain other benefit programs; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. RINALDO, Mr. BAFALIS, Mr. BAUMAN, Mr. BLACKBURN, Mr. BURKE of Massachusetts, Mr. COLLIER, Mr. COTTER, Mr. DAVIS of South Carolina, Mr. DERWINSKI, Mr. EILBERG, Mr. FORD, Mrs. GRASSO, Mr. HENDERSON, Mr. HUBER, Mr. HUDNUT, Mr. KEMP, Mr. KETCHUM, Mr. KOCH, Mr. LONG of Maryland, Mr. MAZZOLI, Mr. MINISH, Mr. O'BRIEN, Mr. PODELL, and Mr. RARICK):

H.R. 14056. A bill to prohibit Soviet energy investments; to the Committee on Banking and Currency.

By Mr. DENT (for himself, Mr. RINALDO, Mr. ROE, Mrs. SCHROEDER, Mr. SHUSTER, Mr. SIKES, Mr. STEELMAN, Mr. TIERNAN, Mr. VEYSEY, Mr. WALSH, and Mr. YATRON):

H.R. 14057. A bill to prohibit Soviet energy investments; to the Committee on Banking and Currency.

By Mr. HANSEN of Idaho:

H.R. 14058. A bill to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 14059. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services; to the Committee on Interstate and Foreign Commerce.

H.R. 14060. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which posthospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof; to the Committee on Ways and Means.

By Mr. HICKS:

H.R. 14061. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 14062. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Huntington's disease; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H.R. 14063. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Interstate and Foreign Commerce.

H.R. 14064. A bill to amend title 38, United States Code, to provide an annual clothing allowance to certain veterans who, because of service-connected disability wear a prosthetic appliance or appliances which tend to wear out or tear their clothing; to the Committee on Veterans' Affairs.

H.R. 14065. A bill to expand the authority of the Veterans' Administration to make direct loans to veterans where private capital is unavailable at the statutory interest rate; to the Committee on Veterans' Affairs.

H.R. 14066. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to contract with private facilities near the homes of veterans for the medical care and treatment of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LUKEN:

H.R. 14067. A bill to amend the Small Business Act to authorize additional loan assistance for disaster victims and for other purposes; to the Committee on Banking and Currency.

By Mr. McCLORY:

H.R. 14068. A bill to provide for the marking of certain fuel oils to prevent the sale or use of such fuel oils as a means of avoiding the payment of the Federal excise tax on the sale or use of diesel fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL (for himself, and Mr. MATHIAS of California):

H.R. 14069. A bill to repeal the act of June 23, 1936, to authorize the Secretary of the Interior to exchange certain lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINSHALL of Ohio:

H.R. 14070. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN:

H.R. 14071. A bill to amend the Consumer Credit Protection Act to prohibit discrimination by creditors on the basis of sex or marital status in connection with any extension of credit; to the Committee on Banking and Currency.

By Mr. PATMAN:

H.R. 14072. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 14073. A bill to amend section 620, title 38, United States Code, to authorize direct admission to community nursing homes at the expense of the U.S. Government; to the Committee on Veterans' Affairs.

By Mr. PEYSER (for himself and Mrs. HECKLER of Massachusetts):

H.R. 14074. A bill to provide educational

and business equity for women; to the Committee on Education and Labor.

By Mr. ROSE:

H.R. 14075. A bill to direct the Interstate Commerce Commission to issue regulations prohibiting the use by any private organization transporting certain animals in interstate commerce of arrangement and procedures providing for collection of animal transportation costs on delivery of the animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 14076. A bill to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 to authorize additional appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 14077. A bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS (for himself and Mr. BLACKBURN):

H.R. 14078. A bill to amend Federal programs so as to encourage and assist in the provision of safe and sanitary housing, with comprehensive provisions for essential services, for older Americans and those individuals with enduring handicaps; to the Committee on Banking and Currency.

By Mr. WAGGONNER:

H.R. 14079. A bill to amend the Social Security Act by adding a new title thereto which will provide insurance against the costs of catastrophic illness, by replacing the medicaid program with a Federal medical assistance plan for low-income people, and by adding a new title XV thereto which will encourage and facilitate the availability, through private insurance carriers, of basic health insurance at reasonable premium charges, and for other purposes; to the Committee on Ways and Means.

By Mr. WIDNALL (for himself, Mr. RHODES, Mr. CONABLE, Mr. FREY, Mr. STEELE, Mr. PEYSER, and Mrs. HECKLER of Massachusetts):

H.R. 14080. A bill to establish Federal programs to encourage and assist in the provision of safe and sanitary housing, with comprehensive provisions for essential services for older Americans and those individuals with enduring handicaps; to the Committee on Banking and Currency.

By Mr. BOB WILSON (for himself, Mr. GUBSER, Mr. WHITEHURST, Mr. BAUMAN, Mr. MATHIAS of California, Mr. CLEVELAND, Mr. MYERS, Mr. WILLIAMS, Mr. BURGENER, Mr. BROYHILL of Virginia, Mr. ROY, Mr. EILBERG, Mr. GINN, Mr. TALCOTT, Mr. FROEHLICH, Mr. SARASIN, Mr. SIKES, Mr. CHAPPELL, Mr. DORN, Mr. MELCHER, Mr. CRONIN, Mr. ANDERSON of California, Mr. O'BRIEN, Mr. FULTON, and Mr. WAMPLER):

H.R. 14081. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. BOB WILSON (for himself, Mr. HOWARD, Mr. BRINKLEY, Mr. JOHNSON of California, Mr. MCCLOSKEY, Mr. HINSHAW, Mr. VAN DEERLIN, Mr. HANSEN of Idaho, Mr. DICKINSON, Mr. BELL, Mr. FUQUA, Mr. BROWN of California, Mr. YOUNG of Florida, Mr. STEED, Mr. ROBINSON of Virginia, Mr. HOSMER, Mr. MATHIS of Georgia, Mr. STUBBLEFIELD, Mr. WHITE, Mr. PARRIS, Mr. WINN, Mr. HAMMERSCHMIDT, Mr. THONE, Mr. KETCHUM, and Mrs. HOLT):

H.R. 14082. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By BOB WILSON (for himself, Mr. STEIGER of Arizona, Mr. MONTGOMERY, Mr. VEYSEY, Mr. KING, Mr. GUDE, Mr. DAVIS of South Carolina, and Mr. KAZEN):

H.R. 14083. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. WOLFF (for himself, and Ms. HOLTZMAN):

H.R. 14084. A bill to direct the Attorney General to prepare a pamphlet explaining the drug abuse laws of certain foreign countries and to require the distribution of such pamphlet to passengers traveling on an air or water carrier to foreign countries; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. WALSH, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. CARNEY of Ohio, Mr. LUKEN, and Mr. PRITCHARD):

H.R. 14085. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

By Mr. ANNUNZIO:

H.R. 14086. A bill to establish the Federal Savings and Loan Insurance Corporation as an independent corporate instrumentality of the United States; to the Committee on Banking and Currency.

By Mr. CLANCY:

H.R. 14087. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

H.R. 14088. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. DOWNING (for himself, Mr. CHARLES H. WILSON of California, Mr. ASPIN, and Mr. WHITEHURST):

H.R. 14089. A bill to amend title 10, United States Code, to provide severance pay for regular enlisted members of the U.S. Armed Forces; to the Committee on Armed Services.

By Mr. DUNCAN:

H.R. 14090. A bill to amend section 4a, the commodity distribution program of the Agriculture and Consumer Protection Act of 1973; to the Committee on Agriculture.

By Mr. FRENZEL:

H.R. 14091. A bill to reform the conduct and financing of Federal election campaigns, and for other purposes; to the Committee on House Administration.

By Mr. GUDE (by request):

H.R. 14092. A bill to provide for a study and investigation with respect to the adoption by the United States of a reformed calendar; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H.R. 14093. A bill to authorize any officer or employee of the United States to accept the voluntary services of certain students for the United States; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS (for himself, Mr. STEIGER of Wisconsin, and Mr. BELL):

H.R. 14094. A bill to provide for the mobilization of community development assistance and volunteer services and to create an agency to administer such programs; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 14095. A bill to establish a National Hospital Administration to provide publicly financed hospital care to all individuals in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 14096. A bill to amend the Social Security Act to establish a national health insurance program for all Americans within the social security system, to improve the benefits in the medicare program including a new program of long-term care, to improve Federal programs to create the health resources needed to supply health care, to provide for the administration of the national health insurance program and the existing social security programs by a newly established independent Social Security Administration, to provide for the administration of health resource development by a semi-independent board in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 14097. A bill to amend the Social Security Act to establish a national health insurance program for all Americans within the social security system, to improve the benefits in the medicare program including a new program of long-term care, to improve Federal programs to create the health resources needed to supply health care, to provide for the administration of the national health insurance program and the existing social security programs by a newly established independent Social Security Administration, to provide for the administration of health resource development by a semi-independent board in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 14098. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 14099. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14100. A bill to amend title 39, United States Code, to apply to the U.S. Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14101. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform and relief for small business; to the Committee on Ways and Means.

By Mr. ASHBROOK (for himself, Mr. ZION, Mr. BURKE of Florida, and Mr. GUYER):

H.R. 14102. A bill to amend the Internal Security Act of 1950 to control and penalize terrorists, and for other purposes; to the Committee on Internal Security.

By Mr. KYROS (for himself and Mr. GOLDWATER):

H.R. 14103. A bill to direct the President to take action to assure the availability of adequate supplies of gasoline, diesel fuel and related products for persons engaged in essential and purposeful household moves; to the Committee on Interstate and Foreign Commerce.

By Mr. MURTHA:

H.R. 14104. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. SYMINGTON:

H.R. 14105. A bill to provide a penalty for the robbery or burglary or attempted robbery or burglary of any narcotic drug from any pharmacy, doctor's office, or warehouse; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.J. Res. 971. Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations; to the Committee on Armed Services.

By Mr. DERWINSKI:

H.J. Res. 972. Joint resolution to authorize the President to issue a proclamation designating the month of May 1974, as National Arthritis Month; to the Committee on the Judiciary.

By Mr. DULSKI (for himself and Mr. SMITH of New York):

H.J. Res. 973. Joint resolution requesting the President to issue a proclamation designating the last schoolday in April as National Pledge Allegiance to Our Flag Day; to the Committee on the Judiciary.

By Mr. MITCHELL of New York:

H.J. Res. 974. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO of Wyoming:

H.J. Res. 975. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H. Con. Res. 473. Concurrent resolution expressing the sense of the Congress with respect to the imprisonment in the Soviet Union of a Lithuanian seaman who unsuccessfully sought asylum aboard a U.S. Coast Guard ship; to the Committee on Foreign Affairs.

By Mr. FRASER:

H. Con. Res. 474. Concurrent resolution authorizing the printing of additional copies of a report issued by the Committee on Foreign Affairs; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

419. By Mr. HANSEN of Idaho: Memorial of the Legislature of the State of Idaho, relative to classification of the St. Joe River under the Wild and Scenic Rivers Act; to the Committee on Interior and Insular Affairs.

420. Also, Memorial of the Legislature of the State of Idaho, relative to retention of the Desert Land Act provisions i . the National Resources Lands Management Act; to the Committee on Interior and Insular Affairs.

421. Also, memorial of the Legislature of the State of Idaho, relative to public use of existing airfields within the proposed Salmon River and Idaho wilderness areas; to the Committee on Interior and Insular Affairs.

422. Also, memorial of the Legislature of the State of Idaho, relative to revising the boundary between the Mountain and Pacific Time Zones in Idaho; to the Committee on Interstate and Foreign Commerce.

423. Also, memorial of the Legislature of the State of Idaho, requesting Congress to propose an amendment to the Constitution of the United States providing for the direct election of the President; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ECKHARDT:

H.R. 14106. A bill for the relief of Jose Lozano-Mendez; to the Committee on the Judiciary.

By Mr. MILFORD:

H.R. 14107. A bill for the relief of Janusz Kochanski; to the Committee on the Judiciary.

By Mr. REES:

H.R. 14108. A bill for the relief of Juan and Margarita Pinto; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 14109. A bill for the relief of Vassilios Kanellakis; to the Committe on the Judiciary.

# SENATE—*Tuesday, April 9, 1974*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

### PRAYER

The Reverend Dom Bernard Theall, O.S.B., associate professor of library science, Catholic University of America, Washington, D.C., offered the following prayer:

God of nations and of mankind, look with favor on our country and on our people who put their trust in You. Do You, who gave the law to Moses on Mount Sinai, bless our lawmakers in this Chamber, and fill them with the gifts of Your Spirit: wisdom, understanding, knowledge, and counsel? That our country may continue to be great and pleasing to You, grant also to our legislators and the American people whom they serve, gifts in full measure of fortitude, piety, and fear of the Lord. Give us the grace so to use these gifts as to merit the blessings of peace and prosperity with humility for ourselves and for generations yet to come. And give to us all, faith in our country at this time, hope for the future and the will to reach out in love to all peoples of the world.

We ask this through Christ, our Lord. Amen.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on April 8, 1974, the President had approved and signed the following act:

S. 2747. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11830. An act to suspend the duty on synthetic rutile until the close of June 30, 1977; and

H.R. 13631. An act to suspend for a temporary period the import duty on certain horses.

## HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H.R. 11830. An act to suspend the duty on synthetic rutile until the close of June 30, 1977; and

H.R. 13631. An act to suspend for a temporary period the import duty on certain horses.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 8, 1974, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, *it is so ordered.*

## FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an amendment to be offered by the distinguished Senator from Illinois (Mr. STEVENSON) be called up at the conclusion of the vote on the Allen amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) is now recognized for not to exceed 15 minutes.

## WHAT'S RIGHT WITH THE FEDERAL GOVERNMENT: "IMPROVEMENTS IN SOCIAL SECURITY"

Mr. PROXMIRE. Mr. President, this is the fifth in a series of speeches I am giv-