at 11:30 a.m. tomorrow proceed to the consideration of S. 1566 be revised to this extent: That at the conclusion of the two orders aforementioned, the two orders for the recognition of Senators on tomorrow, the Senate then proceed to the consideration of S. 1566.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. ROBERT C. BYRD. Mr. President, tomorrow the Senate will convene at 11 a.m. After the two leaders have been recognized, each for not to exceed 5 minutes on tomorrow. Mr. BARTLETT will be recognized for not to exceed 15 minutes.

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**HOUSE OF REPRESENTATIVES—Wednesday, April 19, 1978**

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D. offered the following prayer:

> Let me hear what God the Lord will speak, for He will speak peace to His people * * * and to those who turn to Him in their hearts.—Psalms 85:8.

Eternal Spirit, immortal, invisible, God of whose presence our hearts find peace and by whose power we receive strength for daily tasks. In this quiet moment we wait upon Thee seeking Thy will for us and Thy way with us this day.

We pray that Thou wilt help the Members of this House of Representatives by giving them insight to see what is right, inspiration to want to do what is right and industry to do it with all their might. By their integrity and sincerity may they be led to decisions that enlarge the borders of good will and build bridges of understanding over the gulfs which separate people and nations from one another. May the actions of this body separate people and nations from one another. May the actions of this body hasten the glad day when peace, justice, and to those who turn to God for help and guidance, a day when the actions of this body will be a symbol of peace to the world.

It is clear that we no longer know what shame is if we stand back and allow those insults and threats to be unanswered by our President. This is a threat from a Marxist dictator, immediately after the Senate voted the approval of the treaty. While no firearm was involved, I believe this was the first in a long series of holdups that we can never be made to deal with the consequences of the ratification of this treaty.

While we did not have a vote, the American people well know we do have a vote on ratification because when the votes come up on the appropriations necessary to carry out this infamous treaty, the American people will consider our votes on these appropriations and implementing legislation just as surely a vote on ratification of the treaty as if we had voted on it with the Senate.

**KUDOS TO REPRESENTATIVES ALEXANDER AND BYRON FOR COMPLETING BOSTON MARATHON**

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

Mr. WHALEN. Mr. Speaker, I have accepted the presidency of New Directions, a citizen interest foreign policy lobbying organization, effective July 1. I will devote full time to the organization beginning January 1, 1979, at which time I will begin to receive a salary. I think this information should be provided to my colleagues and to constituents as we begin consideration of H.R. 8494, the Public Disclosure of Lobbying Act of 1978.

I long have believed that our lobbying laws should be strengthened and I readily agreed to cosponsor H.R. 8494. I intend to vote in favor of the bill as well as several amendments which will tighten restrictions on organizations such as New Directions—which, incidently, played a major lobbying role in support of the Panama Canal Treaties. Specifically, I support the amendment by the gentleman from Alabama (Mr. Flowers) requiring registered lobbying organizations and their affiliates to re-
port indirect or "grassroots" lobbying efforts. Business, trade, labor, farm, and environmental groups make substantial use of lobbying constituents to contact their legislators. By requiring reports from organizations involved in these efforts, this amendment provides the public open access to the scope of such organized lobbying efforts. At the same time, no requirement is made for disclosure of the names of those being requested to lobby.

The amendment being offered by Mr. RAILSBACK: First, to require reporting by unpaid chief executive officers of lobbying groups; and second, to require disclosure of an organization's major financial backers. The latter amendment does not require a lobbying organization to disclose its complete membership list, but addresses the public's need to know who is behind major lobbying efforts.

Mr. Speaker, our existing lobbying laws are riddled with loopholes and ambiguities. The legislation before us today will open the lobbying process to public scrutiny without imposing on first amendment rights of individuals and groups to petition the Government.

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the bill (H.R. 11245) the National Intelligence Reorganization and Reform Act of 1978, which has been referred solely to the Permanent Select Committee on Intelligence, be jointly referred to the Committee on the Judiciary.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO MEET DURING 5-MINUTE RULE TODAY

Mr. AKAKA. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be allowed to sit during the 5-minute rule today, April 19.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 11504. AGRICULTURAL CREDIT ACT OF 1978

Mr. MEEDS, from the Committee on Rules, submitted a privileged report (Rep. No. 95–1068) on the resolution (H. Res. 40) providing for consideration of the bill (H.R. 11504) to amend the Consolidated Farm and Rural Development Act, provide an economic emergency loan program to farmers and ranchers in the United States, and extend the Emergency Livestock Credit Act, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 8494, PUBLIC DISCLOSURE OF LOBBYING ACT OF 1978

Mr. MEEDS. Mr. Speaker, by direction of the Committee on Rules, I call up H.R. 8494, the Public Disclosure of Lobbying Act of 1978, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1139

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 3 of rule XIII to the contrary notwithstanding, 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. 8494), to regulate lobbying and related activities. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. Amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Washington (Mr. MEEDS) is recognized for 1 hour.

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

Mr. Speaker. House Resolution 1139 is the rule providing for the consideration of the bill H.R. 8494, the Public Disclosure of Lobbying Act of 1978.

It is a 1-hour, open rule waiving points of order against the consideration of the bill for failure to comply with the provisions of clause 3, rule XIII (the Ramseyer rule). The committee report does contain the information required by the rule; this technical waiver is necessary as far as the rule is concerned. It is a 1-hour, open rule. There is one waiver, and that is of the Ramseyer rule.

Mr. Speaker, let me say that this bill, which we will be debating shortly takes a new approach. Rather than focusing on the lobbyist, it focuses on the organizations or the companies which might be hiring a lobbyist.

Mr. Speaker, I was amazed to learn yesterday in the Committee on Rules that if a person visits a store having nationwide branches and if that company spends more than $2,500 on lobbying activities during the year, that visit by a Member of Congress will have to be reported and the amount of time and expense the visit cost the company will have to be reported.

Mr. Speaker, this is a sort of scary thing, because every member of Congress is invited into the various plants and facilities in his or her district at some time during the year to inspect working conditions, inspect their products, talk with their employees, and to listen to their problems.

The question is whether or not these companies are going to have to report the cost to the company of having various employees meet with the Member to discuss these matters, or not. Certainly, this should be clarified. If they would have to report such visits, I think the bill goes too far in this direction.

I do not think it goes far enough, however, in the area of attempting to bring under control and with a certain degree of effectiveness of the statute these so-called volunteers who are periodically sent various messages from Washington to send to their colleagues as something purporting to have originated with them. I hope that these so-called volunteers will be brought under the provisions of this act when we get into the amending process.

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

Mr. LATTA. I yield to my colleague from Ohio (Mr. DEVINE).

Mr. DEVINE. I thank the gentleman.
for yielding to me. In connection with what the gentleman from Ohio (Mr. LATTA) was just saying, I wonder, in the testimony before the Rules Committee, whether the gentleman's volunteers or those of M. Nader's, and organizations that are promoting this legislation such as John Gardner's Common Cause, whether they are included or exempted under this proposed Lobby Disclosure Act.

Mr. LATTA. Well, as I just mentioned, if the volunteer business is not properly addressed during the amendning process, certain individuals who have first amendment rights, and who are speaking for an organization, and lobbyists communicating with a legislator about legislation? I am not aware of any such evil. This bill ought to be sent back to the Judiciary Committee with a clear message from the House of Representatives that certain identifiable evils. And the evils are gifts, of course. The evils are direct business relationships between business and organizations and Members. Of course that is a proper subject of disclosure and regulation. But the mere fact of a political speech ought not by this House to be submitted to the regulations imposed in this bill.

I strongly urge—and I feel as strongly about this as any bill that has come before the House of Representatives in my experience—I urge Members strongly to defeat the rule on this unfortunate legislation.

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

In conclusion, Mr. Speaker, I would like to mention that the gentleman from Ohio (Mr. KINDNESS) has just informed me he will offer an amendment during the amendning process to clarify and correct the matter that was brought before the Rules Committee yesterday on visitations within one's district, that I mentioned earlier. Hopefully the House will see fit to adopt that amendment.

Mr. Speaker, I have no further request for time.

Mr. MEEDS. Mr. Speaker, whether we agree or disagree with the position of the gentleman from California, the question before the House here is the rule. Whether the gentleman is addressing himself to is the merits of the bill, so I would suggest we pass the rule and get along with the debate where the gentleman can stress his points, and then we can vote the bill up or down.

Mr. Speaker, I have no further requests for time, and 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 ayes appeared to have it.

Mr. SYMMS. 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 the Yeas 379, Nays 15, not voting 40, as follows:

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

Mr. DANIelson. Mr. Chairman, I yield myself such time as I may con­

sider.

Mr. Chairman, the bill we have before us today, H.R. 8494, the Public Disclosure of Lobbying Act of 1978, which is intended to repeal and totally revise the lobbyist law which is presently on our books. It is designed to give us a law which is workable and will enable the American people and the Members of the Congress to know what type of activity is taking place in the field of lobbying here in the Congress.

This bill is entirely limited in its application to lobbying in legislative mat­ters.

I would like to point out that since 1946 we have had on the books a so-called lobbyist regulation law which has for practical purposes been ineffective. There is a rather broad public feeling that we should have an updated, modern, serviceable lobbyist law, and this bill is our offering to meet that need.

The Members will recall that during the 94th Congress a bill was reported by the Subcommittee on the Constitution, by the Subcommittee on Law and Governmental Relations of the Committee on the Judiciary, which was then under the chairmanship of the gentleman from Alabama (Mr. Whitten), and other Members of the Committee. Mr. ROUSSELOT. That bill was passed by this House, but it perished because the session expired before the other body could act upon it.

The bill that we have before us today started with the good work of the subcommittee chaired by the gentleman from Alabama (Mr. DAWSON) and is based upon many days of hearings and markup which followed that work. It is the product of a very considered judgment.

I would like to point out, first of all, that the committee at all times recog­nized that lobbying is a constitutionally protected right. It is protected by the very same first amendment as protects the right of freedom of speech, freedom of religion, freedom of peaceable assem­bly. And bearing that in mind, we have labored carefully to try to bring about an adequate disclosure of lobbying activi­ties without at any time treading upon the constitutionally protected rights of the people to petition their Government for redress of grievances.

I would like to point out that this bill does not regulate lobbying. It does not prohibit lobbying. What it does is re­quire that lobbyists, whom I am going to refer as reference to those who lobby, on a commercial scale, be required to report and to register and to identify themselves as being in the business of lobbying, and to file periodic reports as to their lobbying activities, the funds they spend, and what they are working on, and the like. They are not prohibited from carrying on lobbying activities, as they should not be under any amendment.

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 report of the House for the con­sideration of the bill H.R. 8494, with Mr. Meeks in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. DANIELson) will be recognized for 30 minutes, and the gentleman from California (Mr. MOORE) will be recognized for 30 minutes.

The motion was agreed to.

PERMISSION FOR SUBCOMMITTEE ON CEMETERIES AND BURIAL

This is a continuation of hearings that are being held on an important subject.

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

There was no objection.

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

Mr. DANIelson. 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. 8494) to regulate lobby­ing and related activities.

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

Mr. DANIelson. Mr. Speaker, I yield myself such time as I may con­sider.

The motion was agreed to.

PERMISSION FOR SUBCOMMITTEE ON CRIME OF COMMITTEE ON CEMETERIES AND BURIAL

Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary may be permitted to sit during the proceedings under the 5-minute rule today.

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

Mr. ROUSSELOT. Mr. Speaker, res­erving the right to object, why does
nification directed to a Member of the Congress or a Federal officer or employee, in the context of the bill, that would be a Member or staff of Congress—and certain executive department employees with reference to pending legislative matters. Congress presumably would intended to influence the content or disposition of any bill, resolution, treaty, nomination, hearing report, or investigation. The Comptroller General also has the right to make copies of materials available to the public, to make copying available, to conduct investigations which are engaged in making data in the reports themselves.

Who must register? First of all, the bill will require registration only of organizations which are engaged in making lobbying communications. The organization necessarily will be two or more persons. It encompasses practically any kind of business or other organization association of people. Exempted, basically, by the order of the bill are individuals. No individual acting as a person need register or report. Why? Because under the first amendment he has an absolute right. The Government also has the right of freedom of speech. In our committee review of the bill, we felt that if we brought in individuals we would be infringing upon this constitutionally protected right. There is one category of individual who will have to register and report, but that is because of the unique position which he would fill, namely. the registered agent of a foreign principal. A person who is working as the agent for a foreign principal must register under this act if he engages in lobbying communications, but that is the only individual who would be covered. The bill provides that the registration shall be with a Comptroller General. The terms of registration are spelled out in the bill, but they are really quite simple—the identification of the person, his address, and the like.

The bill also provides that periodically, each registered organization must file with the Comptroller General the statement of his expenditures and activity carried out in conducting a lobbying communication. The Comptroller General also is required to make those records available to the public, to make copying available, if need be, and periodically to compile a report summarizing the data in the report itself.

The Comptroller General also will have the power to promulgate and issue rules and regulations in accordance with the bill and to carry out the purposes of the bill. Such regulations will be promulgated in accordance with the Administrative Procedure Act.

There is a legislative veto provision in the bill. If, for instance, either House of Congress the power to veto a proposed rule or regulation. The Comptroller General, although he would have the duty of collecting the information from the committee, would have no power in the bill, or any other power in the bill, to issue an order of the committee. The bill does not say that the Comptroller General has a power of the committee, but in the event of the committee, the Comptroller General has no power to make a rule or regulation, or to promulgate a rule or regulation, without the consent of the committee.

We decided in this bill to revert to the time-tested American principle of recognizing that the Attorney General is the chief law enforcement officer of the United States. If any individual or organization and if any person who is alleged or purported violations of this law should come to the attention of anyone, the remedy would be to report them to the Attorney General for his attention.

The Attorney General has jurisdiction under the enforcement provisions of the bill to investigate alleged violations of this act by an individual or an organization. He shall also notify the alleged violator of the alleged violation unless he finds that such notification would interfere with the effective enforcement of the law.

He shall then make such investigation as he considers appropriate. It is required that the investigations be conducted expeditiously and with due regard for the rights and privacy of the individual or organization involved.

If the Attorney General determines, after conducting the investigation, that there is reason to believe that a civil violation of the act has taken place, then he shall try to correct that by means of conference or conciliation. If unsuccessful, the attorney general may institute a civil action to enforce the law and has the right to ask for a permanent or temporary injunction or other appropriate relief.

If after the investigation he finds there is reason to believe that the individual or organization has engaged in a criminal violation, then he may institute a criminal proceedings, as provided in title 18 of the United States Code. These actions shall be brought in the U.S. district court.

The sanctions to be applied in the case of a criminal violation would be a fine of not to exceed $10,000 or confinement for a period of not to exceed 2 years.

Mr. Chairman, we have purposely brought into the bill a provision that criminal intent would follow the rule of willfulness. That is an effort to avoid a situation where an individual innocent or through ignorance or carelessness find himself athwart the criminal provisions of the bill. We have modified the intent by incorporating the term "willful."

Mr. Chairman, I would like to point out that the Supreme Court has construed that word very carefully; and I would like to point out that in the committee report, on pages 40 and 41, we have made a record of this. We state as follows:

"By the use of the term "willful" it is the purpose of the committee to require the highest degree of criminal intent as an essential element of any criminal violation of this Act. To satisfy that requirement the acting person must know that his action is in violation of the law, and nevertheless persist in his action for the purpose of violating the law."

In adopting this language the committee evoked the highest standard for criminal intent as stated by the Supreme Court. (In the case of the United States v. Murdock, 290 U.S. 383, 1933.) The phrase "willful", as used in a criminal statute, refers to an act done with a bad purpose, without justifiable excuse, without supervision, contrary to law, and with an evil intent. In short, to constitute a criminal offense the actor must have the specific intent to violate the law.

Now, there are two or three myths floating around about this bill. I hope I can dispel. First, there is no provision in this bill requiring people to report the amount of any contributions which may have been to any lobbying organization, and thereby to identify themselves. This was done for two very good reasons. First, the Supreme Court has declared that this is an unwarranted invasion of privacy, and second, I think the effect on freedom of speech, and I can readily understand that it would.

For example, suppose that someone working for a large oil company has a deep and abiding feeling for the environment and wishes to promote it. He might wish to make a contribution to an organization whose work is concerned with the elimination of smog. Yet, he does not wish to do so and make it public because he is working for a large oil company, which in itself is doing the polluting. To bring in a public disclosure would be prominently displayed in the press.

There are those who advocate certain rights for homosexuals. Suppose someone on such a list is working for a large oil company, and he wishes to disclose his identity as a Homosexual, and thereby to identify themself. For that reason, we have left out nothing, as to disclosure of dues or contributions.

One other thing we have left out is solicited lobbying. Obviously, if an individual has a right to petition government for redress of his grievances, we cannot do anything which would chill or impede the willingness of people so to communicate. For that reason, we have left out solicited lobbying as to disclosure of dues or contributions.

Again, I would like to point out that no individual, no one in America will ever be denied the right to communicate with his Congressman or with public officials. He certainly has a right to disclose it voluntarily if he feels like it, but it might cause difficulties for him. For these reasons, we have left out solicited lobbying as to disclosure of dues or contributions.

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

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

Mr. WIGGINS. Mr. Chairman, I will the gentleman yield?

Mr. DANIELSON. In my opinion, they are not. They are entitled to communicate, but the restrictions imposed by this bill are justifiable restrictions within the scope of the first amendment. Everyone, everyone has a right to communicate, but in the individual we have it absolutely unhampered in this case.

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

Mr. MOORHEAD of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the legislation that we are considering today should be most familiar to the Members of this House.
During the 94th Congress, the issue of full disclosure of lobbying activities was hotly debated both in the Judiciary Committee and on the floor of the House.

When we seek to regulate lobbying activities in any form, we are directly affecting the basic first amendment rights of individuals—the right to petition, the right of free speech, and the right of free association. Consequently, extreme legislative caution is essential.

The bill you see before you, H.R. 8494, is the result of 15 days of markup in the Subcommittee of Administrative Law and Governmental Relations and 3 days of markup in the full Judiciary Committee. The fact is that our subcommittee has labored over this subject—off and on—for the last 4 years.

This year's version contains some important improvements over its predecessors. Most significant, are the improvements made in comparison to the bill (H.R. 15) which this House passed in 1976. H.R. 8494 does not contain the constitutionally questionable contributions reporting feature. Similarly, there is no requirement that an organization track and report upon grassroots lobbying efforts. In both cases, one hopes the senate is up to the task of reporting requirements might violate basic first amendment rights. Finally, H.R. 8494 deals with lobbying in its generally accepted sense—efforts to influence legislation.

But while there have been significant improvements in the content of proposed lobbying disclosure legislation, H.R. 8494 is still far from being a perfect product. Hopefully, these deliberations will result in even further improvements.

Allow me now to quickly cite some of my main areas of remaining concern. A basic problem with this legislation is the definition of lobbying communication. Under its present terms, an organization could be required to register and report solely on the basis of written communications. In fact, 13 letters or telegrams written on different days in a 3-month period would result in the automatic registration of an organization in my view that a lobbying statute should be limited to direct, oral communications. An organization should only be deemed a lobbyist if they conduct lobbying activities through direct contacts and conversations with Members of Congress, their staffs, or committee staff personnel. H.R. 8494 also imposes both civil and criminal penalties for violations of certain provisions of the bill. The imposition of criminal penalties means that the strict standards of due process must apply. And it is my view that a lobbying statute should not be so far preferential to limit penalties in this disclosure statute to civil fines. To impose criminal sanctions on those who are arguably exercising their first amendment rights under the Constitution is both harsh and unfair.

This measure also concerns itself solely with lobbying for pay. But the size of one's salary or retainer is not the only way to measure the seriousness or effectiveness of a lobbying effort. This legislation should not implicitly make a distinction between "good" lobbyists and "bad" lobbyists. That is a subjective judgment. This bill should cover any organizational effort that results in continuous or systematic lobbying. Expenditures are just one means of measuring such an effort.

In H.R. 8494, organizations which rely heavily on volunteer assistance are given an advantage over those organizations which completely rely on employees or outside retained help. The activities of "professional volunteers" such as the renowned Mr. Nader, should be covered. Again, genuine, fair lobby disclosure legislation should cover anyone who carries on continuing, systematic lobbying activity, whether they are salaried or not.

It is my understanding that during the 5-minute rule an amendment will be offered by the gentleman from Illinois (Mr. RAILSBACK) aimed at dealing with this inequity. Specifically, it would require organizations to report upon significant lobbying efforts made on their behalf by an unpaid "practical executive officer." This amendment is a giant step in the direction of fairness and I urge a "yes" vote on this amendment.

In conclusion, I again want to emphasize my view that a lobbying statute should not implicitly make a distinction between "good" lobbyists and "bad" lobbyists. That is a subjective judgment. This bill would not be supportable on constitutional grounds. This part of the bill, solicitation, was eliminated by an overwhelming vote of 36 to 8 in the full Committee on the Judiciary.

I would refer the Members, Mr. Chairman, to a letter dated April 18, 1978, signed by all seven members of the House Committee on the Judiciary which I have the privilege of chairing, pointing out to the membership of the House of Representatives the constitutional difficulties with the solicitation amendments. It is both unfair and, in our view, unconstitutional.

Other amendments which, if accepted by the Committee, would make the entire bill unacceptable in my view and unconstitutional, and other grounds include the contribution requirement mentioned by both gentlemen from California (Mr. MOORHEAD and Mr. DANIELSON)
again we have an unconstitutional and unwise amendment lowering the threshold so that volunteer grassroots groups would be covered.

Mr. MOORHEAD of California. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, the House Committee on the Judiciary has wrestled with the subject of lobbying legislation for over 3 years, and I think it is fair to state that this bill before us today, H.R. 8494, is the most generally acceptable one we could have come up with, and certainly the most acceptable one we have come up with yet. At the outset I think it should be emphasized that H.R. 8494 is considerably different from the bill that we had before the House some 2 years ago and which passed the House as H.R. 15 in the 94th Congress. This legislation has a higher threshold for coverage. Less reporting is required of covered organizations; consequently, the reporting provisions are less onerous and are simplified. In short, this bill is not as constitutionally suspect as its predecessors. It is important to stress that H.R. 8494 is a legislative lobbying bill. As has been pointed out, there is no executive branch coverage except in the case of contact by lobbying communications with designated high level executive branch officials on legislative matters where it is sought to influence the outcome of legislation, or treaties, or what have you.

There is next an important point that has been made here, which bears emphasis, that only organizations, not individuals, can be lobbyists under this legislation. An organization will file the annual registration and quarterly reports on lobbying activities. Individuals either receive a covered organization or employed by the covered organization will be listed on their registrations and reports if they carry on systematic and sustained lobbying.

Certain activities are made exempt from the coverage of this act and should be zeroed in on. I believe, they are not lobbying communications. These include communications made at the request of a Federal officer or employee, or testimony at a public hearing. They include communications made in a speech or in a newspaper, book, magazine, radio, or television program, and communications by an individual for redress of grievances, or to express his personal opinion. Also exempt are communications made by an organization with the two Senators representing the State where the organization has its principal place of business, along with communications on regulations in the county where the organization has its principal place of business. This is known as the “geographic limitation on communications.” Also exempt are communications made by an organization with the member of Congress who represents the area where the individual lives, or where he works. Our constituents should feel free to communicate with us on matters important to personal beliefs, their jobs, or a business.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield just briefly?

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

Mr. WIGGINS. I thank the gentleman for yielding.

I am curious to know why the gentleman feels it necessary to provide any geographic limitation on communications with legislators? It is my understanding that the first amendment applies to petition of the Government, not to one’s own Congressman.

Mr. KINDNESS. The gentleman is mixing up two concepts, I believe. A person can certainly freely communicate with his own Congressman. The Constitution allows for communication with the Government with respect to his own opinions, or redress grievances.

Mr. WIGGINS. Organizations, too, I will say to the gentleman.

Mr. KINDNESS. The point that I am addressing here is where an organization which is involved in the lobbying process can communicate with the individual or the group of the bill has someone speaking in its behalf within one’s congressional district, or the state in the case of a Senator. That should be exempt, in my opinion, and I think we should put that to a test of the vote of the House.

Once an organization is a lobbyist under H.R. 8494, it must file an annual registration with the Comptroller General. As has been pointed out, the administration of the act is to be carried out by the Comptroller General, the quarterly reports as well as what is more significant, perhaps, about H.R. 8494 is to note what need not be reported. What need not be reported is particularly important, and to the last time around. There is a need to retain these features of the bill, has already been mentioned: no requirement that an organization disclose contributions or dues, nor any grassroots or indirect lobbying efforts. I want to emphasize those things are important to the integrity of a bill that I believe has reasonable balance and they are important to the support of the bill, which is relatively widespread at this point. I would like to point out to those who are concerned with Federal officials lobbying, there is already a provision in the United States Code, title 18, subtitle 1913, which says that no part of the money appropriated by any enactment of Congress shall be used in the absence of express authorization by the Congress to directly or indirectly pay for any personal or group communications or any incidental and miscellaneous communication to influence legislation before the Congress. The fact: that that part of the criminal Code is not enforced is not directly at issue before us today, but that troublesome problem exists.

Mr. MOORHEAD of California. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I, too, join in saluting the chairman and the minority member of the subcommittee which has prepared an extremely important legislation and I am hopeful that in general it will be enacted as presented to the House, with a few exceptions, which I will make reference to in my statement.

Mr. Chairman, I rise in support of the Public Disclosure of Lobbying Act (H.R. 8494). To my mind, this is the most reasonable, fair proposal that has been put forth on this subject in recent years.

The enactment of this legislation would result in a far more effective lobbying statute than is presently on the books. The notorious “principal purpose” doctrine would be discarded, so that virtually all organizations which carry on significant lobbying activity would have to register and report. For the first time, this bill would assure effective enforcement of a Federal lobbying statute through powers given to the Justice Department. Covered organizations will register annually, and supply detailed quarterly reports to the General Accounting Office. Among other things, these reports would disclose the significant lobbying activities undertaken by the organization, as well as the total expenditures made in support of such efforts.

We all know that the existing Federal Regulation of Lobbying Act (2 U.S.C. 261-270; 60 Stat. 835-849) is unworkable and unenforceable. In a desperate balancing act in the Harriss case, the Supreme Court attempted to salvage the constitutionality of the unfortunate 1946 law. But in doing so it laid to rest forever the possibility that that statute might ever be meaningful.

But while I certainly support this proposed stringent new law, I still believe that we as legislators have a responsibility to closely scrutinize any replacement for the 1946 law. Drafting effective legislation in this area is a difficult and delicate business. We deal here with the basic first amendment rights—the right “to petition the Government for a redress of grievances.” We must be careful to insure that any new statute does not result in an unwarranted “chilling effect” on the rights of individual citizens to express themselves. Beyond that, organized lobbying has consistently been judicially recognized as a right protected by the first amendment. See: supra: Liberty Lobby v. Pearson, 390 F. 2d 489 (1968). What this means is that every aspect and every provision of a law which regulates or infringes upon this right, must be justified by a "compelling state interest.”

This brings me to my first specific area of concern—contributions disclosure. Under the terms of the bill in its current form it would have required some form of disclosure, by organizations which lobby,
with respect to the amount of contributions or dues. These versions also would require the organization to supply the identity of the individuals making contributions above a certain level. The present bill (H.R. 15) would have required the disclosure of any contribution in excess of $2,500 and the identity of each individual contributor. To amend the Judiciary Committee rejected this idea and I supported this decision.

While, on its face, this seems to be a perfectly plausible and reasonable means of determining where large interest groups get their money, there is some serious constitutional “fallout” with such a provision. What, for example, will be the impact of this type of requirement on a church or other large charitable organization? Will we be directly affecting their ability to raise funds for good causes? Most of these provisions contain no notion that such contributions actually be used for lobbying purposes—only that it be given to an organization that sometimes or occasionally lobbies.

Further, if the disclosure threshold is easily reached, we might end up with a complete or partial membership list of an organization. What are the constitutional implications of this? In a number of decisions the Supreme Court has found the refusal to release such lists to violate the first amendment rights of privacy and associational freedom, NAACP v. Alabama, 357 U.S. 449 (1958); Bates v. State Bar of Arizona, 361 U.S. 426 (1960); NAACP v. Button, 371 U.S. 415 (1963); Gibson v. Florida Legislative Committee, 372 U.S. 539 (1963). The test laid down by the Court is: Whether or not there is a substantial relationship between the information sought—for example the list—and a compelling, overriding State interest, so as to justify such an intrusion into, and modification of, the essentially private rights of association.

I would urge this House to reject the effort to put dues and contributions reporting back in H.R. 8494. An unnecessary and unreasonable burden should not be placed on any religious or other charitable organizations by such a reporting requirement—even with a waiver for churches from the Comptroller General because the waiver might not be granted and it would be too late for the contributor. He has been effectively chilled or deterred from exercising his first amendment rights.

My next concern has to do with inclusion of a class of individuals that I would describe as “professional volunteers.” H.R. 8494, as it is presently constituted, is applicable only to organizations which employ or retain individuals to lobby. Congress Watch would register as a lobbyist Ralph Nader, the founder and principal spokesman for the organization, would not be fully reflected in the “total expenditures” figures required in their quarterly report. Why? Because Mr. Nader received no salary for his services to organizations such as Congress Watch or Public Citizen.

Now, none of us want to inhibit genuine volunteer activity of individuals who are experienced but can work without reference to a particular organizational policy or interest. But, if expenditures alone are the criterion for triggering the coverage—i.e., we are oversimplifying and distorting how effective lobbying can be accomplished. A big salary or large expenditures are not always the best way to determine the potential of a lobbying effort. They are only one way of measuring such efforts. We must insure that individual with financial resources independent of the organization or interest groups to lobby.

The failure to cover Ralph Nader, and others who have become the most notorious “loophole” in H.R. 8494. I urge support for an amendment to be offered by my colleague from Illinois (Mr. RAILSBACK) which would remedy this loophole.

My final area of concern has to do with so-called grassroots lobbying. Here again, the arguments for such coverage appear to be most reasonable and valid on their face. However, the Judiciary Committee overwhelmingly voted to delete a grassroots or solicitations reporting feature from the bill based upon genuine constitutional concerns.

I strongly feel that any provision requiring lobbying solicitations should be kept out of H.R. 8494. If such a provision is included, virtually all communications between an organization and its members relating to legislation must be disclosed and reported. The pervasive sweep of this requirement coupled with the threat of substantial penalties for failure to disclose lobbying as well as having to obtain burdensome effect on the legitimate information and educational activities of an organization and its members.

An objective of any bill to regulate lobbying would be to further open up the political process, to encourage more and different points of view, and to facilitate an informed exchange between the public and Congress. The amendment to put grassroots coverage back in H.R. 8494 would have the opposite effect; it would deter organizations from using their newsletters and other channels of communication to inform their members about legislation, and would serve to restrain such organizations and members from engaging in legislative activities. What possible benefits can derive from reporting requirements which: First, tell you what you already know; and second, serve as a barrier or deterrent to the exercise of constitutional rights? I urge a “no” vote on the Flowers amendment.

Again, I emphasize that the Judiciary Committee version is a reasonable piece of legislation which also represents a significant improvement over the existing law. I urge the Members of this House to support the Judiciary Committee version of the bill with the addition of the professional volunteering coverage in H.R. 8494. The Public Disclosure of Lobbying Act, I urge my colleagues to ask themselves what I consider to be the two basic questions concerning this bill will provide us with an effective lobbying law:

First. Will it include a clear and enforceable threshold provision to make sure that large, well-financed organizations must register?

Second. Will it provide us with an accurate record of not only what organizations spend on their lobbying efforts, but also who is financing an organization’s major lobbying activities? In order to provide a meaningful record of how lobbyist or lobbying policy, I believe that a lobbying bill must yield 4 minutes to the gentleman from Virginia (Mr. HARRIS).

Mr. HARRIS. Mr. Chairman, as we consider today H.R. 8494, the Public Disclosure of Lobbying Act, I urge my colleagues to ask themselves what I consider to be the two basic questions concerning this bill will provide us with an effective lobbying law:

First. Will it include a clear and enforceable threshold provision to make sure that large, well-financed organizations must register?

Second. Will it provide us with an accurate record of not only what organizations spend on their lobbying efforts, but also who is financing an organization’s major lobbying activities? In order to provide a meaningful record of how lobbyist or lobbying policy, I believe that a lobbying bill must yield 4 minutes to the gentleman from Virginia (Mr. HARRIS).
munications” for 13 days per quarter, or two or more employees engage in such activities for 7 days per quarter. By so doing, this threshold is not only far more difficult to understand, but it opens a tremendous loophole through which major lobbying organizations can escape registration. Today I plan to offer an amendment which will restore the meaningful and effective threshold originally adopted in subcommittee to H.R. 8494, and I urge my colleagues to support this amendment.

I also believe that H.R. 8494’s effectiveness can be greatly improved through the addition of a contributor disclosure amendment. Without such a provision, this legislation will provide only a partial record of how lobbying influences public policy.

A few large organizations can finance a significant portion of an organization’s lobbying efforts, and can control an organization’s position on a particular issue. For instance, the fact that the Electric Consumers Utility Council is financed by industrial consumers would make a big difference in understanding and evaluating that organization’s lobbying interests. In my view, information on who is financing an organization’s lobbying efforts should be a matter of public record.

An amendment is to be offered today which will require the disclosure of major contributors to an organization. I feel that this amendment will serve to preserve integrity and openness in government, while greatly improving the effectiveness of this legislation in providing an accurate public record of the lobbying process. I urge my colleagues to support this amendment.

In summary, I believe that H.R. 8494 has the potential to become a sound and workable lobbying law. However, it cannot be effective without the restoration of a meaningful threshold provision, and it will not be complete without a provision requiring the disclosure of major contributors to a lobbying organization. I believe that the adoption of these provisions will help H.R. 8494 meet its potential.

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am happy to yield to my colleague from Pennsylvania.

Mr. GARY A. MYERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. HARRIS. I am concerned that maybe the point that is made about the lobbyists not wanting to register is not exactly as accurate as the point relating to the concern that lobbyists have about the weight of reporting and the volume of reports.

A few weeks ago on the House floor we had a bill which was an attempt to relieve some of that concern. We had so much reporting, no doubt because of the fact that reporting is really a burden.

Mr. HARRIS. If my colleague will let me finish, I would have to hit on those points, because I think it is essential that the threshold under which the organization has to register as a lobbyist is very important. It is also very important to have the reporting requirements simple enough so that it is not an undue burden to register as a lobbyist. We should know what lobbyists are doing, how much they are spending, and not also burden them with so much reporting that it would be an undue hardship. I will offer one amendment to have a threshold clear and simple and enforceable. Under the current threshold provision, an organization could make 600 contacts per quarter and not have to register as a lobbying organization. This amendment is going to treat such an act very seriously. I would hope that we can at least put the threshold in that we adopted in subcommittee which says that when an organization spends $2,500 per quarter, when they make 13 days of direct contacts per quarter, then they have to register. It is a simple test. It is a clear test. But, more importantly, it is an enforceable test.

This law will be of no purpose unless the rules can be enforced with regard to organizations which are highly involved in lobbying activities. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Wiggins).

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield?

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

Mr. GARY A. MYERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just wanted to make one point on the previous speaker’s concern.

After the last Congress failed to enact the Lobbying Disclosure Act, I instituted a lobbying system in my own office in which each person who comes to lobby either me or members of my staff or employees is asked to sign so that we have a permanent record of lobbying contacts with our office.

I would like to say for the record that I know of no objection by any lobbyist who comes to my office who will make this statement revealing the fact that he was a lobbyist.

I think it reinforces my attitude that most lobbyists do not object to being identified and that the regulation is concerned with the burdens of reporting.

Mr. WIGGINS. I appreciate the gentleman’s comments.

Mr. Chairman, let us get the facts clearly on the table. There has been discussion here that this bill impacts professional lobbyists, and yet it is acknowledged that term “lobbyist” is not defined in the bill.

Let me tell the Members who are lobbyists in this bill. They are organizations; every business organization in America; every social and charitable association in America, and every church in America; every school, educational institution in America is made a lobbyist under this bill. We should not burden them with the tenuity, mind you, the gall, to communicate with their lobbyist.

That is what we are regulating. And those communications are made through the bill.

Mr. WIGGINS. Mr. Chairman, I would like, rather, to use my time to ask the gentleman from California (Mr. DANIELSON) is this:

Section 9 of the bill defines the term “lobby communication.” The definition restricts the scope of the bill to those communications which are “directed to” Federal officials. Exempted communications are those made through a speech or print media distributed to the general public.

There is an exemption for a communication which is not covered at all, since if made in a print media or distributed to the general public, it would not be “directed to” a Federal official?

Mr. DANIELSON. If the gentleman will yield, Mr. Chairman, we put these exemptions in because we wanted to make it crystal-clear that certain types of communications should not under any circumstances be considered to be lobbying communications.

The exemption may be almost redundant, I think, that it is a direct statement of negation, so there is no reason that anyone would try to include them.

Mr. WIGGINS. If that exemption is removed with respect to paid advertisements which are also not “directed to” a Federal official, what is the effect of that?

Mr. DANIELSON. There might be a situation—and I hope the gentleman will not strain me to give him an example—in which a paid advertisement is directed to Federal officials or employees. In that event, that paid advertisement would, of course, constitute a lobbying communication if made and paid for by a registered organization.

I cannot, as I stand here, provide the gentleman with an example; but it could very well take place.

Mr. WIGGINS. It is clear, then, that all paid advertisements, even if their purpose is to affect the disposition of legislation, are not covered; is that correct?

Mr. DANIELSON. No, all of them are not covered. The only ones that would be covered are those defined in section 2(9) as lobbying communications.

Mr. WIGGINS. If a committee of Congress were to announce that it is going to be held on pending legislation, is any communication directed to the committee on the subject of the hearing, “at the request of the committee,” covered?

Mr. DANIELSON. If the gentleman...
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will yield further, if the committee requests the communication, obviously, it is at the request of the committee. If it does not request it, it would not be at the request of the committee. In any event, we have an exemption in section 2(9)(a) that a communication made at the request of a Federal officer or employee or submittal in connection with a report of a hearing or in the record of a public filing of the hearing is exempt.

The CHAIRMAN. The time of the gentleman from California (Mr. WIGGINS).

Mr. MOOREHEAD of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

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

To continue, Mr. Chairman, the gentleman does agree, as I understand it, that if the author of the communication directs that it be added to the record, it is an exempt communication?

Mr. DANIELSON. That is my understanding.

Mr. WIGGINS. Finally, I would like the gentleman from California to explain the difference between 18 U.S.C. 1001, and section 11 of the bill.

Mr. DANIELSON. That is the intent, and that was the subject of discussion in subcommittee and, I believe, in full committee.

Mr. WIGGINS. Finally, and quickly, would the gentleman discuss the inter-relationship between 18 U.S.C. 1001, and section 11 of the bill.

Mr. DANIELSON. I thank the gentleman for raising that point.

It is my intention, and I am convinced that it was the intention of the subcommittee and the full committee, that the specific criminal sanction provided in this bill shall be the criminal sanction applied to any criminal violations of this bill.

I recognize that title 18, section 1001, does apply a similar type of statement. That is, if falsely made; but it was my intention and it was the tenor of the discussion throughout the work on this bill that the criminal provisions included within this bill, H.R. 8494, mean that those sanctions are the ones to be applied in the event of criminal violation of the law.

Mr. WIGGINS. And in effect, the gentleman is sending the Attorney General a message that he is not to use these sections as cumulative offenses; is that correct?

Mr. DANIELSON. That is correct.

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

Mr. DANIELSON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I rise to support the reading of the record and the issue of nonpersons as lobbyists. It was rife with loopholes, and it really did not do anything to bring any degree of accountability to the whole area.

So, if the bill we are considering today does anything, we are going to make the pronouncements on lobbying activity effectual rather than ineffectual. We are going to close some of the loopholes. We are going to help members of the public, because you perceive that there is an undue influence exercised upon Members of Congress by people designing and writing letters, and Mrs. Public, perceive that we are going to require these organizations to disclose to you exactly what they are doing.

That is what we purport to do in this bill; not regulate but report, disclose. One thing that this bill may do, if we keep it intact, is to let the public know that Members of Congress can at least write letters on cards and letters. Are you so fearful, Members of this House, that if there is an organized effort on the part of some organization to send you cards and letters, that you are going to cave in? Surely, you are stronger than that.

I support the bill, and I urge that we support it as is, without crippling amendments.

Mr. DANIELSON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I am pleased to support the debate on the issue of nonpersons as lobbyists. The Judiciary Subcommittee on Administrative Law and Governmental Relations, under the chairmanship of our distinguished colleague from California, George Danielson, is to be commended for its careful consideration and conscientious, diligent effort in reporting H.R. 8494 to the Judiciary Committee.

For the subcommittee labored to produce a lobbying reform measure which we can support that protects the constitutional rights of citizens to express their opinions to the Government while, at the same time, opens the lobbying process to full public view.

A healthy democracy demands that the business of the people be conducted in an open manner. The distinguished historian, Henry Steele Commager, reminded us that--

"The generation that made the nation thought secrecy in Government one of the instruments of old world tyranny and committed itself to the principal that a democracy cannot function unless the people are permitted to know what their Government is to do."

As we all know, however, this principle of open government, as it relates to lobbying activities, has been and is ignored.

The events of the past several years have made the American people more conscious of the dangers of secrecy in matters relating to the conduct of Government than at any time before. A number of reforms have already taken hold. We have responded to the need to remove concealment in matters affecting the conduct of the people's business, and the reforms which have been enacted are improving the performance of our Government and our political processes. Lobbying reform is another necessary and essential reform which we must address.

Lobbying activities with the Government are sanctioned by the first amendment and the exercise of the "right of the people—to petition the Government for a redress of grievances," and the efforts of organized interest groups and individual influence have always been an inseparable part of the American political process.

Pressure groups traditionally have had considerable impact upon our form of government, going back to the early days of our Republic, and although legislative and policymaking decisions have been extensively influenced by lobbying groups, this does not necessarily make lobbying an unhealthy or objectionable practice. Lobbying does provide a legitimate means for the wide variety of interest groups to present to the Government the opinions of their membership or clients.

As legislators, we all have received and benefitted from the advice and information given to us by lobbyists, and in no way does H.R. 8494 seek to interfere with the right of any citizen or interest groups to communicate or express free speech with Government officials.

There are those lobbying practices, however, which have given lobbying a bad name. Too much of the lobbying that occurs is secretive and there is virtually no accountability for the large sums of money that are expended in the conduct of lobbying activities.

In the public mind, the presumption of corruption is often attached to the term lobbying and the lobbyist personalityizes the influence problem. All too often the public does perceive the influence role of the lobbyist in the legislative process. Instead, the public sees lobbying as a process by which special interests obtain favors, generally at the expense of citizens, from the Government.

Lobbying is considered an undemocratic process, associated with the spending of money by persons or groups seeking to alter the course of legislation. This spending by legislators and Government bureaucrats, the free airline trips, weekend stays at a guest at a corporation-owned lodge, and other ways of conducting influence peddling in Washington. The public cannot be blamed for looking with such disfavor and suspicion upon lobby-
ing. As the lack of accountability in the reporting of money spent on behalf of lobbying activities, lobbying secrecy and occasional flagrant abuses all have contributed to this environment.

The purpose of a lobbying disclosure law is to give citizens an idea of lobbying activities with the Government and to provide them with a yardstick by which they can measure the influence that these lobbying organizations are having upon the formulation of public policy.

Mr. Chairman, let us recall the commitment our Founding Fathers made to the principle of open government. They did not do this just to show we are not a mere banana republic, but to promote openness in the decisions of our political leaders. I urge the House to strengthen H.R. 8494 and improve the lobbying disclosure act.

Mr. MOOREHEAD of California, Mr. Chairman. I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I would like to begin by commending the distinguished chairman of the subcommittee, the gentleman from California (Mr. DANIELSON), the gentleman from Alabama (Mr. FLOWERS), my friend on the minority side of the committee, the gentleman from California (Mr. MOOREHEAD), and the other members of the subcommittee for doing what I think was a splendid job in drafting a reasonable and yet effective lobby bill.

May I just say, Mr. Chairman, that the gentleman from Wisconsin (Mr. KASTENMEIER) and I about 3 or 4 years ago introduced a lobby bill that had something like 155 cosponsors. We were successful in having passed through the House by a vote of 307 to 14 a bill, H.R. 15, in the closing days of the last Congress but we were unable to get an agreement with the other body, so that particular lobby legislation died.

Today we will be voting again on a new lobby bill, H.R. 8494, and I would hope we would be successful in enacting it into law.

I cannot shed crocodile tears for some of the statements that have been made about the onerous requirements that we are seeking to impose on special interest groups or lobbyists. I would like to say at the outset, however, that I think it is perfectly proper for a fair union, an association, a cooperative, or for that matter any other organization to contact Members of Congress to urge a certain course of action. The problem in this case where by reason of its resources and influence is that it can want to influence legislation. There is simply no coverage of lobbying with the executive branch for contracts. There is no requirement for the disclosure of large financial contributors to lobbying organizations. If we are looking for an effective lobbying disclosure law to provide useful information on lobbying activities, then we must strengthen H.R. 8494 by adopting such provisions on the House floor. This measure should be ironic if lobbyists can be successful in their efforts to limit a lobbying disclosure bill so that it cannot have the potential of being an effective law.

The fears expressed by many organizations against a strong law requiring disclosure of lobbying activities are groundless. Lobbying disclosure is not meant to curtail any activities, and to require a record of the activities under- taken by a lobbying organization is not to suggest that such conduct is wrong. The purpose of a lobbying disclosure law is to give citizens an idea of lobbying activities with the Government and to provide them with a yardstick by which they can measure the influence that these lobbying organizations have upon the formulation of public policy.
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lating to lobbying. There were 17 States in the last year that enacted a new lobby law. As far as I know there has never been one that has been successfully challenged on the constitutional merits. That question has been laid to rest. In my opinion we will strengthen the law by requiring disclosure so that people will have some idea of what influence took place, what pressures we were under, and in my judgment we will also serve to make those of us in Government, as well as lobbyists, more accountable.

Since there already is a lobby disclosure law on the books, some may ask why we need the bill we are considering today. Very simply, the current law is a sham and a fraud on the public. This law, as interpreted by the courts, requires a lobbyist to register and make periodic reports only if the lobbyist's "principal purpose" is to make direct communications with a Member of Congress to influence legislation. Let me tell you what that means. That means that many, many Washington lawyers who do not have as their principal purpose being engaged in lobbying, they may handle cases intensively, if lobbying is not their primary purpose they are not legally required to even register, report or to keep records.

Indirect contacts (such as through staff) are not covered. There is virtually no enforcement of the law; there have been only a handful of cases and never a successful prosecution. An indictment of the law came in 1975 when a GAO report found, in reviewing nearly 2,000 quarterly lobbying reports, that 48 percent were incomplete and 61 percent were received late.

In discussing the failures of the current law, it is also of interest to note that the number of those filing fluctuates, often merely reflecting changes in the political atmosphere rather than the true number of lobbyists. For example, Watergate was investigated by Congress from about early spring 1973 through the middle of the summer of 1974. Available lobby registration figures disclose that for the period October 1972 through December 1973, 799 persons registered as lobbyists as compared against 374 persons who registered during the time period December 1971 to October 1972. This was a more than two-fold increase in registrations.

Available compilations of current lobby registrations show that registrations jumped dramatically in 1976, when we investigated reform of the Lobby Act.

The American people deserve and want a better lobby law. Louis Harris polls indicate that Americans, by a wide margin, believe that the special interest groups get more from Government than the people not represented by a lobbyist and that Congress is too much under the influence of special interest lobbying. A recent poll shows that over three-quarters of the people surveyed want public disclosure of lobbyists' activities.

In the 3-month period the manager of the Washington office of one of the world's largest oil companies (Standard Oil of Indiana) spent $2,167 on lobbying expenses. I ask Mr. Nader does he not even have to register as a lobbyist? I happen to respect the job that Ralph Nader has done. For the most part, he lobbies on issues, but he lobbies, however, even though not paid for, his organization, his name should be reported.

Our purpose is even more embarrassing when you look and realize that the States are far ahead of us in this area. All 50 States have a lobbyist disclosure law; almost all of them provide more meaningful information than our Federal law. Last year alone, 14 States adopted new laws or amended their current laws.

The bill we are going to vote on is a good bill. It is fair; it is even-handed; and it does not regulate or prohibit anything. It gives us information only about whose profession is lobbying or who is paying for it. We can better serve the citizens' right to petition their Government for redress of grievances.

There are some areas which need to be strengthened, however, and I urge the adoption of amendments to correct the deficiencies of H.R. 8494. There is a very wide loophole in the Lobbying Disclosure Act. It fails to cover the reporting of solicitations—so-called grassroots lobbying activities. It is at the grassroots level where the most effective lobbying takes place. We have all seen the effectiveness of grassroots lobbying. When controversial subjects come before the House, we are deluged with mail which is organizationally generated. It is imperative that disclosure of such efforts is mandated in the Lobby Disclosure Act.

There is a very wide loophole in the Lobbying Disclosure Act. It fails to cover the reporting of solicitations—so-called grassroots lobbying activities. It is at the grassroots level where the most effective lobbying takes place. We have all seen the effectiveness of grassroots lobbying. When controversial subjects come before the House, we are deluged with mail which is organizationally generated. It is imperative that disclosure of such efforts is mandated in the Lobby Disclosure Act.

Second, the bill does not require reporting by lobbying organizations of their major contributions. These most likely have an impact on the decisions of the organization. The Supreme Court has upheld the constitutionality of requiring disclosure of contributions. The current lobbying disclosure law requires disclosure of contributions and our failure to provide for contributor disclosure in H.R. 8494 is a step back from the 1946 act.

Let me just suggest to you what that threshold is. It must be met to require reporting of "in-house" lobbying activities. The "in-house" lobbying threshold which was adopted in our Administrative Law Subcommittee would have covered organizations that spent $2,500, and retained at least one employee who devoted an aggregate of all or part of 13 days on lobbying communications in any quarterly filing period. That threshold was altered in the full Judiciary Committee. The language of H.R. 8494 now covers organizations that spend $2,500 and retain at least one employee who devotes at least 13 days of a given quarter making lobbying communications, or two or more employees who make communications 7 days in a quarter.

Besides being difficult to understand, this two-tier threshold opens a large loophole for lobbying organizations with big staffs. An organization could escape coverage by limiting lobbying communications by one employee to 12 days per quarter and limiting communications by any number of other employees to 6 days per quarter.

I support an amendment to return the "in-house" lobbying threshold to the level adopted by the Administrative Law Subcommittee.

Finally, H.R. 8494 does not require reporting of activities of major, unpaid policy formulators, who are most likely to have the greatest impact on the decisions of the organization.

The Railsback amendment to add another provision to the reporting of issues requirement should be adopted. That amendment would require that lobbying organizations name the employee or retainer who lobbied on each of the issues reportable. In addition, the amendment would require that lobbying organizations name their principal officer, whether paid or unpaid, and the issues on which he or she lobbied.

We must enact legislation to let the public know of the influence of powerful special interests on the Congress, but at the same time protect the right of all citizens to express their views. H.R. 8494—with the amendments I feel must be added to strengthen and improve it—will achieve those very important goals.

Mr. FRENZEL. Mr. Chairman, the Congress has been playing with revisions of lobby disclosure law since I came here in 1971, and probably even longer before that. Our 32-year law is a notorious joke. We can stop playing today if we pass H.R. 8494.

However, we can improve H.R. 8494 by the adoption of important amendments. I believe we should pass amend-
ment: First, to cover reporting of solicitations made by lobbying organizations; second, to specify activities of major contributors to lobbying organizations; and third, to require reporting of activities of individuals who are major formulators of lobbying organizations.

With the addition of these three amendments, I believe the bill will be as effective as possible without unnecessarily restricting lobbying activity. I believe the Constitution does not differentiate between good lobbying and bad lobbying. I have never been concerned by so-called "undue influence." I have been lobbied hard and often, by every sort of interest, expensively and cheaply. I have been lobbied by teachers, union members, senior citizens, community groups, newspapers, housewives, doctors, lawyers, merchants, and chiefs. Some of these efforts occasionally make the Congressman uncomfortable, but all of them are helpful and useful in the representational system.

H.R. 8494 is not intended to make lobbying difficult, nor do I believe it will do so. It is not intended to have a "chilling" effect on lobbying, and I doubt that it will have. It is, purely and simply, intended to disclose the nature and extent of the various lobbying efforts which cost more than the threshold amounts. I believe H.R. 8494 is a reasonable bill which imposes reasonable reporting requirements on lobbying organizations. It should be passed.

Mr. DRINAN. Mr. Chairman, "lobbying" is one of those political words which, through the years, has acquired a number of negative connotations. It conjures up an image of well heeled representatives of well financed special interests using their wealth to influence unduly the behavior of Members of Congress. We have seen public officials receiving gifts, free trips, compensations using resort facilities, and other largesse from the coffers of those seeking to undermine congressional efforts to legislate for the public good.

In some instances, the popular perception of lobbying is accurate. Indeed, the recent revelations of congressional improprieties have reinforced the negative connotations. Frequently overlooked, however, is that many unethical practices associated with lobbying are in fact illegal. Federal statutes impose criminal sanctions for bribery, corruption, and other acts related to official misconduct. Additionally the rules of both Houses prescribe other practices which have the appearance or reality of impairing legislation's objectivity, integrity, and fairness of the decisionmaking process.

In order to analyze the essence of lobbying, we must clearly identify, separate out, and vigorously prosecute unlawful conduct which we associate with it. Once that is done, then we are able to focus on lobbying as the attempt to influence the congressional process through oral and written contacts by lobbying organizations and organizations to advance their interests. Viewed in that light, the propriety of H.R. 8494 to regulate lobbying emerges vividly. When the activities of those seeking to influence federal laws are excluded from consideration as covered by other criminal statutes and rules, then we must confront the very real first amendment considerations involved in the type of lobbying regulated by H.R. 8494.

It must be recalled that the first amendment expressly forbids Congress from enacting any law which abridges the "right of the people * * * to petition the Government for a redress of grievances." A great deal of lobbying includes precisely the protected activity encompassed by this amendment. When Common Cause, the Consumer Federation of America, the Chamber of Commerce, or any other group solicits our vote requiring certain reporting of actions, it seems to me, is at the heart of the first amendment protection.

Thus Congress bears a heavy burden to justify regulations of lobbying in the sense that I have described it. Although the Supreme Court has sustained the constitutionality of the present law, it cautioned against excessive intrusiveness into an area protected by the Constitution.

In my view H.R. 8494 does not exceed the constitutional limits of congressional regulation in this sensitive area. When the Judiciary Committee examined the bill, we carefully considered the constitutional limitations of our power. Indeed the committee adopted several amendments which cut back on the intrusiveness of this measure into the right of the people to petition their Government.

First, we eliminated the provision which would have required organizations covered by the bill to report so-called "grassroots" solicitations. Under this section as it was written to me, as they undoubtedly have in the Judiciary Committee. While this bill is probably not perfect, I think it does reasonably and, more important, constitutionally accommodate the competing interests. Indeed, I hope that the committee has shown its consideration. If the House does not alter this bill adversely to first amendment interests, I intend to support it fully after this body has worked its will.

Mr. WEISS. Mr. Speaker, it is with great reluctance that I must vote against H.R. 8494, the Public Disclosure of Lobbying Act, as amended.

I do so, having fully intended to vote for the bill as it was reported out of Committee, because of the inadequacies of the existing law regarding lobbying. The Legislative Reorganization Act is essentially ineffective because of ambiguities regarding who must register and report and the lack of meaningful enforcement provisions. Although there is a legal requirement to register, we must nonetheless ask whether the proposed bill will on balance be an improvement.

Admittedly, it will correct some of the deficiencies in the existing law. However, I believe that as amended, the bill
poses a serious threat to our civil liberties.

In my view, encouraging people to exercise their right to vote or have their representatives is an inherent, and most important part of the political process. Thus, any bill which attempts to apply regulations to lobbying organizations must be not only strong enough to insure registration and reporting by all major organizations, but must also safeguard first amendment rights. H.R. 4944, as amended, does not meet this standards.

The organization would have to describe how it solicits and on what issue, the number of persons solicited, and the identity of persons solicited. I fear that this type of reporting might well have consequences other than the ones we intend. Instead of providing information on attempts to lobby the Government, this measure might actually deter people from exercising the legitimate right to press their views to their representatives.

The amendment requiring contributors to disclose their activities is equally as threatening to an individual’s free exercise of first amendment rights. As the American Civil Liberties Union has made clear, contributors to political organizations may have their names published in the Federal Register. Surely, this would have a devastating effect on the individual and on the organization’s ability to secure funds. The bill’s amendment will interfere with these individuals’ freedom to participate anonymously in the organizations of their choice.

If we are to believe that the purpose of a lobbying bill is not to regulate the practice, but merely disclose lobbying activities, then this legislation is a failure. H.R. 4944 will be to restrict legitimate lobbying activities by citizen groups. In the final analysis, this is a far greater danger than unreported lobbying, and thus, I urge my colleagues to join me in opposing its passage.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk reads as follows:

Re: 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 “Public Disclosure of Lobbying Act of 1978”.

DEFINITIONS

Sec. 2. As used in this Act—

(1) the term “affiliate means—

(A) an organization which is associated with, or controls by direct or indirect ownership or control of, or has the right of potential control of all or a part of the activities of the other organization;

(B) a unit of a particular denomination of a church or of a convention or association of churches; and

(C) a national membership organization and any of its State or local membership organizations or units, a national trade association and any of its State or local trade associations, a national labor organization and any of its State or local labor organizations, a national federation of labor organizations and any of its State or local labor organizations;

(2) the term “Legislative Branch” means the Comptroller General of the United States;

(3) the term “direct business relationship” means the relationship between an organization and any Federal officer or employee in which—

(A) such Federal officer or employee is a partner in such organization;

(B) such Federal officer or employee is a member of the board of directors or similar governing body of such organization, or is an officer or employee of such organization; or

(C) such Federal officer or employee each hold a legal or beneficial interest in such organization, its activities, or the proceeds of its business or activities;

(4) the term “employ” means the utilization of the services of an individual or organizational consideration of the payment of money or other thing of value, but does not include the utilization of the services of a volunteer;

(5) the term “exempt travel expenses” means any sum expended by any organization in payment or reimbursement of the cost of any transportation for any agent, employee, or other person (but not including a Federal officer or employee) engaging in activities described in section 3(a) plus such amount of any sum received by such agent, employee, or other person as a per diem allowance for each such day as is not in excess of the maximum allowable per diem rate paid under section 5702(a) of title 5, United States Code, to Federal employees subject to such section;

(6) the term “expenditure” means—

(A) a payment, distribution (other than normal dividends and interest), salary, loan (if made on terms or conditions that are normal, or for personal or private use of the recipient), donation, compensation, salary, or the like which are attributable to activities described in section 3(a), and for costs attributable partly to activities described in section 3(a), where such costs, with reasonable preciseness and ease, may be directly allocated to those activities;

(iii) for the retention or employment of an individual or organization which makes lobbying communications on behalf of the organization;

(7) the term “Federal officer or employee” means—

(A) any Member of the Senate or the House of Representatives, any Delegate to the House of Representatives, and the Resident Commissioner in the House of Representatives;

(B) any officer or employee of the Senate or the House of Representatives or any employee of a Member, committee, or officer of the Congress;

(C) any officer of the executive branch of the Government listed in sections 5312 through 5316 of title 5, United States Code; and

(D) the Comptroller General, Deputy Comptroller General, General Counsel of the United States General Accounting Office, and any officer or employee of the United States General Accounting Office whose compensation is fixed by the Comptroller General in accordance with section 203(a) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 520);

(8) the term “identification” means the name, occupation, and business address of the individual and the position held in such business;

(9) the term “lobbying communication” means, with respect to a Federal officer or employee to include, shall mean any oral or written communication directed to such Federal officer or employee to influence the content or disposition of any bill, resolution, treaty, nomination, hearing, report, or investigation, and, with respect to an employee of a Member or employee described in section 2(7)(A) or (B), an oral or written communication directed to such Federal officer or employee to influence the content or disposition of any bill, resolution, or treaty which has been transmitted to the Congress or any report thereon of a committee of Congress, any nomination to be submitted to or considered by the Senate, any hearing or investigation being conducted by the Congress or any committee or subcommittee thereof, but does not include—

(A) a communication made at the request of a Federal officer or employee, or submitted for inclusion in a report of a hearing or in the record or public file of a hearing;

(B) a communication made through a speech or address, through a newspaper, book, periodical, or other publication distributed to the general public, or through a radio or television transmission, by an employee of the Federal Government or an organization published in substantial part for purposes unrelated to engaging in activities described in section 3(a); provided, That this exemption shall not apply to an organization responsible for the purchase of a paid advertisement in a newspaper, magazine, book, periodical, or other publication distributed to the general public, or of a paid radio or television advertisement;

(C) a communication by an individual for a redress of grievances, or to express his personal opinion; or

(D) a communication on any subject directly affecting an organization to (i) a Senator, or to an individual on his personal staff, concerning any organization, or (ii) a Senator, or to an individual on his personal staff, concerning any organization, or (iii) the principal place of business is located in the State represented by such Senator, or (iv) a Member of the House of Representatives, or to an individual on his personal staff, concerning any organization, or (v) the principal place of business is located in a county, city, town, village, town, or the State of Alaska) within which all or part of such Member’s congressional district or State lies.

(10) the term “organization” means—

(A) any corporation (excluding a Government corporation), company, foundation, association, labor organization, partnership, society, joint stock company, organi-
43. Any organization which makes an expenditure in excess of $2,500 in any quarterly filing period, shall file a statement in the form prescribed by the Comptroller General, not later than fifteen days after engaging in activities described in section 3(a) (2). The total expenditures (excluding salaries other than those reported under paragraph (5) of this subsection) which such organization made with respect to such activities shall be included in the total cost of the event exceeding $2,500. Any organization may file such report before the close of such period.

44. A disclosure of those expenditures for any recognition or other similar event which is paid for, in whole or in part, by the reporting organization and which is held for the benefit of any Federal officer or employee, regardless of the number of persons invited or in attendance, where the total cost of the event exceeds $500.

50. (a) An identification of any retainee of the organization filing such report and of any employee who makes lobbying communications on behalf of that organization, and a description of the issues concerning which such retainee or employee has been engaged in activities described in section 3(a); and

56. (a) A cross-indexing system, which discloses for any such registration or report filed under this Act, a description of the issues concerning which such retainee or employee has been engaged in activities described in section 3(a); and

61. Each report required under subsection (a) shall be preserved for a period of not less than five years after the close of the quarterly filing period to which such reports relate.
and any records maintained by the Comptroller General under this Act shall be subject to the provisions of sections 552 and 552a of such chapter.

ENFORCEMENT

SEC. 8. (a) It shall be the duty of the Attorney General to investigate alleged violations of any provision of this Act, or any rule or regulation promulgated in accordance therewith. The Attorney General shall notify the alleged violator of such alleged violation, unless the Attorney General determines that such notice would interfere with the proper enforcement of this Act, and the Attorney General shall make such investigation of such alleged violation as the Attorney General considers appropriate. Any such investigation shall be conducted expeditiously, and with due regard for the rights and privacy of the individual or organization.

(b) If the Attorney General determines, after any investigation under subsection (a), that there is reason to believe that any individual or organization has engaged in any act or practice which constitutes a civil violation of this Act as described in section 11 (a), he shall endeavor to correct such violation by informal methods of conference or conciliation.

(c) If the informal methods described in subsection (b) fail, the Attorney General may institute a civil action, including an action for permanent or temporary injunction, in any court of competent jurisdiction for any other appropriate relief, in the United States district court for the judicial district in which such individual or organization is found, resides, or transacts business.

(d) If the Attorney General determines, after any investigation under subsection (a), that there is reason to believe that any individual or organization has engaged in any act or practice which constitutes a criminal violation of this Act as described in section 11(b) or 11(c), the Attorney General may institute criminal proceedings in a United States district court in accordance with the provisions of chapter 211 of title 18, United States Code.

The United States district courts shall have jurisdiction of actions brought under this Act.

(f) In any civil action brought pursuant to subsection (d), the Attorney General shall have the right to intervene in any action brought by a party, unless the court determines that the action was brought without foundation, vexatiously, frivolously, or for delay.

REPORTS BY THE COMPTROLLER GENERAL

SEC. 9. The Comptroller General shall transmit reports to the President of the United States and to each House of the Congress no later than March 31 of each year. Each such report shall contain a detailed statement with respect to the activities of the Comptroller General in carrying out his duties and functions under this Act, together with recommendations for such legislation as may be appropriate, and the Comptroller General considers appropriate.

CONGRESSIONAL DISAPPROVAL OF RULES OR REGULATIONS

SEC. 10. (a) Upon promulgation of any rule or regulation to carry out the provisions of section 4, 5, or 6 under the authority given him in section 7(a) of this Act, the Comptroller General shall transmit notice of such rule or regulation to the Congress. The Comptroller General may place such rule or regulation in effect as proposed at any time after the expiration of ninety calendar days of continuous session after the date on which such notice is transmitted, unless, before the expiration of such ninety days, either House of the Congress adopts a resolution disapproving such rule or regulation.

(b) For purposes of this section—

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

(2) the days on which either House is not in session because of an adjournment of more than twenty calendar days, or of a continuous session of more than three days to a day certain, shall be excluded in the computation of the ninety calendar days referred to in subsection (a).

SANCTIONS

SEC. 11. (a) Any individual or organization who knowingly violates any records required to be furnished to an employing or retaining organization in violation of section 5(b), shall be fined not more than $5,000, or imprisoned for not more than two years, or both.

(c) Any individual or organization knowingly and willfully failing to provide or falsifying any records required to be furnished to an employing or retaining organization in violation of section 5(b) shall be fined not more than $10,000, or imprisoned for not more than two years, or both.

(d) Any individual or organization selling or utilizing information contained in any registration or report in violation of section 7(a) or (c), the Attorney General may institute criminal proceedings in a United States district court in accordance with the provisions of chapter 211 of title 18, United States Code.

The United States district courts shall have jurisdiction of actions brought under this Act.

(f) In any civil action brought pursuant to subsection (d), the Attorney General shall have the right to intervene in any action brought by a party, unless the court determines that the action was brought without foundation, vexatiously, frivolously, or for delay.

OFFERED BY MR. KINDNESS

Mr. DANIELSON. I ask unanimous consent that the entire committee amendment in the nature of a substitute be deemed as read.

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

There was no objection.

The CHAIRMAN. Are there amendments to the committee amendment in the nature of a substitute?

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

The CHAIRMAN. The gentleman will state it.

Mr. DANIELSON. Mr. Chairman, under the rule, should not amendments be offered by section by section, or to the entire bill?

The CHAIRMAN (Mr. MEES). That is why the Chair asked the question. The gentleman's unanimous consent request was that the entire committee amendment in the nature of a substitute be deemed as read, printed in the Record, and open to amendments at any point. Amendments may now be offered to any section.

Mr. DANIELSON. I thank the Chair.

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

The Clerk read as follows:

Amendment offered by Mr. Kindness: On page 32, strike lines 6-18, and insert the following language in lieu thereof:

"(D) a communication on any subject by an individual on behalf of an organization to (i) a Senator, or to an individual on his personal staff, if the individual making the communication lives or works in the State represented by such Senator, or (ii) a Member of the House of Representatives, or to an individual on his personal staff, if the individual making the communication lives or works in the congressional district represented by such Member, or in a county or standard metropolitan statistical area, all or part of which is included in your congressional district;"

Mr. KINDNESS. Mr. Chairman, the amendment before us is the one referred to during the general debate which would clear up some problems that were brought up by the members of the Committee on Rules yesterday when this matter was before that committee. Members of the Committee on Rules were asking questions about what happens if you are invited to visit a plant or a store in your actual district. They may work there, but they may live across the line that may not be very distant, and it is difficult to differentiate. They are all part of one community more or less in many cases. This amendment would make it clear that anyone who lives or works in your district, or in a county of which you are a member, or in a non-metropolitan statistical area, all or part of which is included in your congressional district, he may communicate with you without that being part of the covered type of lobbying communications, that is, this would be one of the exemptions from lobbying communications.
Mr. KINDNESS. Mr. Chairman, the gentleman will note, of course, that the standard of the county, as well as the standard metropolitan statistical area, is included in this amendment. This includes not just SMSA but also the county.

The gentleman has sought to take care of the county of Los Angeles and that we have a lot of other areas in the country that do not follow the Los Angeles, Calif., pattern.

Mr. DANIELSON. No, but under the bill as it is printed the geographical exemption extends to any county in which all or part of the congressional district is located.

We do have in my county a district in which a portion of the area is in Los Angeles County and a portion of the area is in Orange County, so that organization could make exempt communications from either of those counties. I mentioned the fact that the gentleman from California (Mr. Johnson) has 18 counties; they are all within his district, and they all exempt.

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

Mr. Chairman, the pending amendment deals with that section of the bill which defines a lobby communication, and, more particularly, it relates to the exemptions from a lobbying communication.

A communication by an individual acting on his own behalf may be made to anyone. That is exempt, and I think that is as it should be.

The problem to which this amendment is addressed relates to communications not by individuals but, rather, by individuals who are acting in a representative capacity on behalf of organizations. They are not given a similar freedom, to which they are entitled, of course. Their communication is exempt only if it is: First, with respect to a subject directly affecting the organization, and, second, if it is to their representatives, that is, to their Senator or their Congressman, or any Congressman within the county in which the principal place of business of the organization is situated.

This amendment helps the bill a bit by expanding the geography, but, of course, it does not go anywhere near far enough. I was not aware that there were any geographic limitations to the absolute right of an organization to speak to Members of Congress with respect to any matter.

Mr. HARRIS. Mr. Chairman, will my colleague yield on that point?

Mr. WIGGINS. I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Chairman, my colleague, the gentleman from California, does not mean to indicate that there is anything in this bill that would restrict the right of any organization to correspond with or contact any Member of this Congress or the Senate, does he? He does not mean to indicate that, I am sure.

Mr. WIGGINS. Mr. Chairman, I mean to indicate that the bill imposes a burden which I will characterize as a chilling
Mr. HARRIS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will attempt to be very brief here. I think my colleague has just put his finger on the effect of the amendment. If in fact we adopt an amendment that gives a broad-gage exemption by standing metropolitan statistical areas as we look at them on the map, we would in fact not have this bill apply to the vast majority of lobbying communications in this country, nor in fact to the vast majority of lobbying organizations.

When my colleague indicates that he would like to have an unlimited exemption, my colleague indicates that we should not have a bill at all. What it exempts is even the standards of this act and even the reporting requirements of this act, with all of the safeguards, do not apply with respect to any communication made by a constituent to his Congressman or to his Senator, and, more importantly, even if it is made to a Congressman who may represent the city, the county that that constituent lives in, but is part of that Congressman's district, it still does not apply. This language was carefully worked out in subcommittee to give the broadest possible scope to any requirements with respect to reporting, at the same time retaining some element of registration with respect to nationwide lobbying efforts.

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

Mr. HARRIS. I yield to my colleague, the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, surely the gentleman would not want to mislead the members of this committee into thinking that this bill as it presently stands allows free communication, that is, allows a constituent to freely communicate on behalf of any organization, to talk to his or her Congressman without any restriction. Mr. KINDNESS. Not unless the principal place of business is in the district; is that right?

Mr. HARRIS. In the district or county or city of which the district is a part. Mr. KINDNESS. But only the principal place of business. If he happens to work for a company with a distant headquarters, he cannot talk to you?

Mr. HARRIS. He can talk to you, but he cannot talk to you on behalf of that organization unless he goes ahead and has that included as a part of the total lobbying operation of that organization.

Mr. KINDNESS. Would the gentleman concede that is a chilling effect on communication between Members of Congress and their constituents?

Mr. HARRIS. I really cannot see how it could be a chilling effect to have a reporting requirement like this if you do it on behalf of an organization. I would like to know, when my constituent is talking to me, whether he is talking on his own behalf or whether he is talking on behalf of the Ford Motor Co.

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

Mr. HARRIS. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

If I understand the debate correctly, the gentleman from Ohio is correct and the gentleman from Virginia is correct.

An individual, who happens to work for the XYZ Corp., and lives in our congressional district, not because of an entreaty on the part of his company, correspond with his Congressman and say, "Please oppose bill 1442." That would, in my judgment, be an exempted lobbying communication, because that individual undoubtedly believes in what he says, and under the terms of item (C) on page 32, he is expressing a personal point of view.

If I understand correctly, in our committee we did not expect that a personal point of view would necessarily be spontaneous, that is, which comes by divine insight. It may well be a conditioned personal viewpoint, conditioned upon the success or failure of his company, and the existence or nonexistence of his plant. So I would think, under the circumstances, the point of the gentleman from Ohio would be covered by section (C).

Mr. HARRIS. I thank my colleague for his comments.

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

Mr. Chairman and my colleagues, I am going to support this amendment; but that is not the purpose of my discussion.

This whole bill scares me to death for the very simple reason that if we take the Veterans of Foreign Wars, the American Legion, the DAV, or any other service organization that has a headquarters here, it could be covered by the local posts, because they spend a lot of money in Washington. When we speak to the VFW or the DAV, or the American Legion, we speak to them in our district, and they say, "We want to talk about bill number so-and-so," regardless of what the sponsors say, those veterans are covered and you are covered. The only way to stop this thing is to kill it.

Mr. Chairman, I am going to help to do that, and I will yield to my friend, the gentleman from California, who is on the Committee on Veterans' Affairs.

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

Mr. ROBERTS. I am happy to yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, I am glad that the gentleman from Texas (Mr. Roberts) has asked the question, because the problem which the gentleman presents is not a real one.

The local VFW, American Legion, or whatever it may be, we talk to; the gentleman and I will go to the post and talk with them in our districts. They have every right to communicate with us concerning their grievances or whatever it may be that they want to talk to us about, and these are not lobbying communications.

Mr. ROBERTS. They want to talk to me about a message that I just sent out, a message that the Veterans Administration is cutting 3,130 beds out of the budget. We want to stop it, and that is lobbying.

Mr. DANIELSON. No. They are permitted to talk to you about that, and it is not a lobbying communication.

Mr. ROBERTS. Will the gentleman accept an amendment exempting those service organizations?

Mr. DANIELSON. No. There is no point in having amendments in this bill that exempt organization A and include organization B or C, because the general terms of the bill already provide for what is required to register.

Mr. ROBERTS. Will the gentleman give me any statement as to how they would be exempt? They meet every qualification. They are spending more than $2,500 a month here in town. They are acting at the behest of the national headquarters.

How would they be exempt?

Mr. DANIELSON. In the first place, the kind of situation the gentleman refers to is with respect to the local chapter. Let us just say the VFW is the local chapter. In that event, it probably is an affiliate of the Washington office.
Mr. ROBERTS. The gentleman makes one erroneous assumption.

One, we charter the national organization. These are State departments. They would not qualify as affiliates, although in the gentleman's and in my own terms they certainly are, because the gentleman and I deal with them every day. Nevertheless, they would be covered, in my opinion, in this bill.

The only way around it is to knock it in the head.

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

Mr. ROBERTS. I am happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I would have two points, one, that the gentleman from Texas might read page 26 starting at line 24 of the bill.

It talks in terms defining "affiliate" as being a national organization and any of its State or local membership organizations or units that might be covered under the definition of "affiliate," in which case the Texas VFW would not have to report.

Furthermore, I would say to the gentleman that the $2,500 is not $2,500 spent on maintaining a post by providing salaries for the bartenders or for the club manager, but it is $2,500 on lobbying communications.

In essence, that means that the gentleman from Texas (Mr. ROBERTS), the chairman, might discuss cutbacks on hospital space in VA hospitals with his veteran constituents and, unless the cost to the affiliate would be $2,500 or more, the affiliate would not be covered, and it would not have to report.

Mr. ROBERTS. The gentleman is saying that if it states $2,500, they would be covered. In my State that certainly would. If it is so clear that we do not do it, let us figure out some way to exempt these service organizations.

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

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

Mr. WIGGINS. Mr. Chairman, I think the gentleman has received at least some misleading information.

Clearly, the veterans' organizations to which the gentleman refers are covered organizations. They are not exempt. It is possible that local chapters of a veterans' organization would constitute an affiliate and I think probably it would.

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

Mr. ROBERTS. If the gentleman will yield, further, to characterize a local chapter as an affiliate is the worst of all worlds, because the parent organization must accumulate the expenditures of all of its affiliates of meeting the $2,500 threshold. That would require the local chapters of the VFW to make a notation of their communication with us, and any minimal expenditures related to that, report it—and it would be a criminal burden is imposed upon them if they fail to report—to the parent organization so that it can add them up from all around the country and reach a $2,500 threshold. That is outrageous regulation, and I think the gentleman's comments are totally inappropriate.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield further?

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

Mr. DANIELSON. What I previously said does, in my opinion, exempt these organizations. But if I want to add this: The gentleman's organization is not even going to cross the threshold to become an organization which is required to register. In order to cross the threshold, as provided in section 3, the organization must make an expenditure in excess of $2,500 in any quarterly filing period assuming a retention of an individual or organization to make lobbying communications or preparing or drafting them or, in the alternative, it must employ one individual who works all of 13 days in that quarter making lobbying communications; or two or more, working 7 days apace, plus exceeding $2,500.

The gentleman's organization is not retaining anybody to make lobbying communications. They are giving you and me a bad trip for not giving more hospital beds. That is what they are doing. They are not retaining anybody to make lobbying communications. They are doing it themselves, and they do not cross the threshold. Therefore, I do not have to report.

I commend the gentleman for being sensitive to the needs of these organizations, but I want to assure him that in this case his fears are groundless.

Mr. ROBERTS. I would like to think the gentleman is correct, but I am afraid he is not.

Mr. MOORHEAD of California. I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. I think that actually the debate has been far afield from this particular amendment. It is put in specifically to alleviate the kind of confusion that comes about in metropolitan areas where the counties and cities run together where people who work in one community and live in the next-door community, which may be across a county line, really do not realize that they are in somebody else's congressional district; where there are employees who work in one establishment and live in a number of communities surrounding it.

I think that this amendment would alleviate a lot of difficulty that we will have under this act if it is enacted, and it will strictly be used to cut out the confusion that we will otherwise have. It is a good amendment, and I urge an aye vote.

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

Mr. MOORHEAD of California. I am happy to yield to my colleague.

Mr. DANIELSON. I thank the gentleman. The gentleman has described a situation that is apparent, but is not real. Under the geographical exemption, the gentleman must remember that we are only referring to retained people, or employed people of registered organizations who are making those communications. An individual citizen, an individual resident of the United States, whether he is in Bangor, Maine, or Phoenix, Ariz., can communicate with us absolutely impunity. That is never forbidden under this bill.

The only restriction is where we have the retainee or employee of a registered organization actively making or attempting to make a lobbying organization to make lobbying communications. Even they are exempted within the area of the geographical exemption. The situation described does not pertain to this bill.

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

Mr. MOORHEAD of California. I yield to the gentleman from Ohio.

Mr. KINDNESS. The gentleman from California, the chairman of the subcommittee, continually and continually and continually misunderstands about where people live and where they work. They do not all work at the principal place of business of their employer. The way the bill is set up at the present time, it provides free communication between people who are constituents and speaking in behalf of the organization for which they work, and their Congressmen.

There is no reason to put a damper on that kind of communication.

I certainly would urge that the gentleman carefully consider the fact that the bill currently precludes that kind of communication without gathering all that information in and reporting it to wherever that principal place of business is so that some report can be filed. We think that is the point you have here. We ought to be able to talk to our neighbors and they ought to be able to talk to us, whether they just happen to work in our district and live across some imaginary line or live in our district and they want to talk about the place where they are employed.

Let us remember there are people who write letters to us on the letterhead of their employer and there are going to be close factual questions about whether they are speaking about their problems or the problems of their employers. If they are concerned about their jobs and they may write to us on the employer's letterhead and the employer may not know about it, that is one problem. We talked about all this in the subcommit-
I think what the gentleman from Kentucky has said is true, whether they arise spontaneously or were the result of an intent. And this communication with Congress they are free to do and that is clear, because that is an individual and he can communicate with his Member of Congress because he is an individual and that is his constitutional prerogative.

Mr. KINDNESS. Mr. Chairman, if the gentleman will yield still further, the gentleman from Kentucky (Mr. Massoni) stopped reading too soon because the paragraph following, and the one he was quoting from, and the other paragraph, says that (e) does not cover it.

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

The question was taken; and on a division (demanded by Mr. KINDNESS) there were—ayes 20, noes 9.

Mr. DANIELSON. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The CHAIRMAN announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device. The question was taken; and on a division (demanded by Mr. KINDNESS) there were—ayes 195, noes 212, not voting 27, as follows:

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. Danielson) for a recorded vote.

A recorded vote was ordered.

VOTE-TAKEN BY ELECTRONIC DEVICE AND THERE WERE—AYES 195, NOES 212, NOT VOTING 27, AS FOLLOWS:

[Roll No. 236]

[ATES-195]

[Raw text not fully transcribed]
The Clerk announced the following pairs:  

On this vote:  
Mr. Broun for, with Mr. Delulio against.  
Mr. Breaux for, with Mrs. Burke of California against.  
Mr. Whitley for, with Mr. Krueger against.  
Mr. Brown of Ohio for, with Mr. Walgren against.  
Mr. Cederberg for, with Mr. Couyres against.  
Mr. Don H. Clausen for, with Mr. Pepper against.  
Mr. Robert W. Daniels, Jr., for, with Mr. Rodino against.

The vote was then taken.  

**NOT VOTING—27**

Mr. Bonker  
Mr. Broun  
Mr. Brown, Ohio  
Mr. Burdick  
Mr. Burton, John  
Mr. Cederberg  
Mr. Clausen  
Mr. Don H. Clausen  
Mr. Couyres  
Mr. Couyres

The result of the vote was announced as above recorded.  

**PERSONAL EXPLANATION**

Mr. Peiffer. Mr. Speaker, on account of being at another appointment at the White House this afternoon, I missed the vote on rolcall No. 236. Had I been present, I would have voted “aye.” I ask unanimous consent that my statement appear immediately following rolcall 236 in the **Record**.

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

There was no objection.  

The **CHAIRMAN**. Are there further amendments?  

**AMENDMENT OFFERED BY MR. HARRIS**  

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

The Clerk read as follows:  

Amendment offered by Mr. Harris: Page 33, line 25, strike out “at least” and all that follows through “and only” on page 34, line 6, and insert in lieu thereof the following: “one or more individuals who, on all or part of each of three days or more, in the aggregate, in any quarterly filing period, make lobbying communications on behalf of that organization.”

Mr. HARRIS. Mr. Chairman, the amendment that I have offered today will change the threshold provision, which determines those organizations that must register under the bill. I urge you to vote for this amendment.

Specifically, under my amendment organizations would have to register if:  
First, one or more individuals employed by an organization engaged in lobbying communications for 13 days in the aggregate, in any quarter; and,  
Second, expenditures for lobbying communications exceeded $2,500 in a given quarter.

This threshold is preferable to the bill’s threshold for the following reasons:  
It has a simpler test for determining who is covered by the bill, so an organization can readily see whether or not it must register;  
It would completely cover large, well-financed lobbying organizations; and,  
It would simplify recordkeeping for all who register.

The threshold in H.R. 8494 has a tremendous loophole through which many large organizations could avoid registration. In addition to the $2,500 expenditure requirement, it includes requirements that are complicated and impractical two-tiered days test for triggering coverage. Under the bill, an organization is covered if one of its employees in any quarter makes lobbying communications on 7 days per quarter, or if two or more employees make such communications on 7 days per quarter.

To illustrate how easy it would be for an organization to escape registration under the bill:  
An organization with 15 lobbyists could spend $100,000 on lobbying in a quarter and make lobbying communications on every day of that quarter and still not have to register. Such an organization would only need to make sure that one employee lobbied no more than 12 days per quarter, while the other 14 lobbyists limited their lobbying activities to 6 days per quarter. Discounting weekends as lobbying days, an organization would only need 10 employees to escape registration.

The provision in my amendment was in the bill reported by the subcommittee, but was changed in the full Judiciary Committee at the behest of several large lobbying organizations.

It is argued that eliminating the two-tiered test from the bill would force small, local organizations to register as lobbyists. This argument is unfounded for two reasons. First, H.R. 8494 already has a “home district exemption,” that is, a provision whereby contacts with “local” Congressmen and Senators are not counted. Second, a small organization does not spend $2,500 on lobbying efforts in a quarter, nor does it have paid employees who lobby 13 days per quarter.

As a member of the subcommittee that drafted the bill, I feel that it is more than coincidental that the threshold individual threshold used in H.R. 8494 was not only written—but actively promoted—by some of the largest lobbying organizations across the country. The threshold in H.R. 8494 was aimed at arguing against the threshold because they say it will restrain the activities of smaller organizations. Ironically, relatively few of the “small” organizations have voiced objections to the subcommittee threshold provision.

If we have now is a bill whose threshold has been designed by several large, well-financed organizations. Having an effective threshold provision is the only way the bill can make the difference between a meaningful lobbying law. It answers the question, “Who must register?” The answer should be clear and enforceable. Otherwise, we have accomplished nothing more than a voluntary program requiring government paperwork. I hope you will support my amendment to restore an effective and meaningful threshold to H.R. 8494.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?  
Mr. HARRIS. I yield to the gentleman from Illinois.  
Mr. RAILSBACK. I thank the gentleman for yielding.

May I ask the gentleman to see if we cannot clear up what I think is a problem that is bothering several of us, whether it is the gentleman’s intention as part of his amendment, or even whether he believes that under the committee bill employees of an affiliate or a subsidiary may somehow be aggregated to require parent organization reporting?

Mr. HARRIS. My amendment would not deal with that problem. My amendment would not deal with that problem.

Mr. RAILSBACK. Mr. Chairman, if the gentleman will yield further, it is the gentleman’s understanding that what we are talking about really is an organization’s employees and under the bill one of them would have to work for 13 days, or parts thereof, and two or more would have to work at least 7 days or more each; is the gentleman changing that?

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

[By unanimous consent, Mr. Harris was allowed to proceed for 2 additional minutes.]  

Mr. RAILSBACK. Within the quarter?  
Mr. HARRIS. Within the quarter.

No. 2, if within a quarter an organization spends $2,500 on lobbying and, in addition, has paid employees that make 13 days a quarter of contact, they must register, if they had two employees that made more than 7 days in any quarter.

Mr. RAILSBACK. Seven days each?

Mr. HARRIS. Seven days each; that is, they say the bill is now. The two-tier provision which the committee put in really is going to make unclear the threshold and, as I see it, serve no purpose.

What my amendment says is that if they make more than 13 days and if they have a paid employee or more than one employee which makes 13 days in the aggregate, of lobbying contacts, then they have to register. That is the only change.

Mr. RAILSBACK. The gentleman is not suggesting that employees of af-
Mr. FISH. Mr. Chairman, I just wish to associate myself with the remarks of the gentleman from California (Mr. Moorhead) and the gentleman from California (Mr. Edwards). This should not be accomplished by lowering the threshold, and I urge a "no" vote on the amendment.

Mr. FLOWERS. Mr. Chairman, I thank the gentleman for his contribution.

At the appropriate time I contemplate offering an amendment to strike the words beginning with "and" on line 6 of page 34 through the rest of that paragraph. In other words, the 2 lines, beginning on line 6, and 4, on page 34, which would make the $2,500 conjunctive with the other threshold.

I think that this would bring the legislation more in line not requiring a two-tier internal accounting on the part of organizations. It would probably not make any difference in the long run in terms of who is covered, but it would say to the organization that "you have to look at one thing, and one thing alone."

I thank the gentleman for his participation in this. I oppose the amendment.

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

Mr. Chairman, I will not take my 5 minutes, but I do rise in support of the gentleman's amendment. I think it would be well to note to the House, because of the steady drumfire of opposition to this amendment which has been announced today, that this amendment that the gentleman from Virginia offers is the position that the subcommittee itself took.

The full committee took a contrary position. But the subcommittee on which the gentleman from Virginia serves, as does the gentleman from Kentucky, did take the position that the 13-day figure should be our figure and not this rather complex and difficult two-tier system.

Mr. Chairman, I will yield to the gentleman from Virginia because maybe some Members have just joined us in this debate this afternoon, and I think it would be very instructive for the gentleman to remind some of the newly arrived Members here as to just exactly what would occur in the event the House adopted the amendment and sticks with the committee with regard to this two-tier threshold arrangement.
Mr. HARRIS. Yes. As you get into this, it becomes very clear, with the little addition we have added in the full committee. We would go back to the 13-day accumulation are because of examples that are quite clear. If for example owners of large oil companies, should get together on an ad hoc organization and decide to fund that ad hoc organization with $500,000 for some "noncontroversial" thing such as deregulation of natural gas, if in fact they spend $5,000 a quarter and still that activity, they are still not covered. If in fact they have 20 employees working a total of 5 contacts a day for 6 days a quarter, which is in fact a very common way of lobbying—we are not talking about working with other groups, we are not talking about research, and what have you, that goes into letters and cases, we are talking about direct contact—lobbyists can make 5 contacts a day, or more if we have 20 employees we can make 600 contacts per quarter, spend 500 dollars per quarter.

Mr. MAZZOLI. The gentleman says that if his amendment is not adopted there could be as much as one-half million dollars spent and as many as 600 contacts made in a quarter and still that activity would not be covered and not have to be reported.

Mr. HARRIS. That is correct.

Mr. MAZZOLI. I think the gentleman has said all that needs to be said. I think his amendment is entirely welcome and needs the support of this House.

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

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

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has been emphasizing that this is the subcommittee's position. I do not think we should lose sight of the fact that the full Committee on the Judiciary reversed that position. The full committee, the threshold, which is the version the gentleman from Alabama and I presented parts of, was actually written by the ACLU, Congress Watch, and Common Cause. Why should they have an interest in the committee's position, although it was re-versed by the full committee?

Mr. MAZZOLI. Mr. Chairman, I would say the reason in bringing up the fact was that this was the subcommittee's position and to assure the House that the gentleman's amendment was not a precipicious move. That rather was well thought out and was indeed the subcommittee's position, although it was reversed by the full committee.

Second, the gentleman suggests certain organizations whose views I do not always subscribe to, and I would therefore not be particularly persuaded if they are for that amendment that I have to be for that amendment.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLOWERS

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

The Clerk read as follows:

Amendment offered by Mr. Flowers:

On page 93, after line 2, add a new paragraph (7), and renumber the following paragraph accordingly:

"(7) in the case of written solicitations, and solicitations made through paid advertisements, where such solicitations reached or could be reasonably expected to reach, in identical or similar form, five hundred or more persons, one hundred or more employees, twenty-five or more officers or directors, or twelve or more affiliates of such organization,

(a) a description of the issue with which the solicitation was concerned; Provided, That the reporting organization may, in its own discretion solely, satisfy this requirement by filing a copy of the solicitation;

(b) a description of the means employed to make the solicitation, and an indication of whether the recipients were in turn asked to solicit others;

(c) a description of any person retained to make the solicitation;

(d) if the solicitation is conducted through the mails or by telegram, the approximate number of persons directly solicited; and

(e) if the solicitation is conducted through a paid advertisement and the total amount expended exceeds $5,000, an identification of the publication, or radio or television station where the solicitation appeared and the total amount expended on any solicitation conducted through one or more such advertisements.

For purposes of this paragraph, the term "solicitation" means any communication directly urging, requesting, or requiring another person to advocate a specific position on a particular issue and to seek to influence a Member of Congress with respect to such issue, but does not prohibit communication by one organization registered under this Act to another organization registered under this Act."

Mr. FLOWERS. Mr. Chairman, this amendment is offered in behalf and in behalf of the distinguished gentleman from Illinois (Mr. RAILSBACK) and others. It has bipartisan support, I am happy to say; and I think it has wide support.

Mr. Chairman, what the amendment goes to is clearly and simply the reporting requirements under the bill. It is absolutely nothing to do—and I want to underline that statement—not anything to do with the coverage of the bill. In other words, this does not constitute a threshold test. No organization that simply engages in negotiation for lobbying and nothing else, is going to be covered by virtue of that; but if an organization otherwise meets the threshold test under the bill, which I submit, then in the reporting there will be required this simple accounting of the lobbying solicitations that it engages in.

Mr. Chairman, I think it makes eminent good sense. I think that it is information that certainly should be included in reports required under this bill.

If we do not cover solicitations, we are leaving out one of the most glaring examples of current lobbying activity. The Common Cause organization, which supports this amendment reports that 70 percent of their activity in lobbying is covered or would be covered only under this reporting requirement. If we leave this out, I think that there is a loophole in reporting that would be detrimental to the overall effect of the bill.

This would require Common Cause to report more. It would require the Chamber of Commerce to report more. It cuts evenly for everybody. Yet, if there is anything that is going to be worthwhile in what is reported, I think we ought to have this.

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

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

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

Mr. Chairman, the gentleman has been emphasizing that this is the subcommittee's position. I do not think we should lose sight of the fact that the full Committee on the Judiciary reversed that position. The full committee, the threshold, which is the version the gentleman from Alabama and I presented parts of, was actually written by the ACLU, Congress Watch, and Common Cause. Why should they have an interest in the committee's position, although it was reversed by the full committee?

Mr. MAZZOLI. The gentleman says that if his amendment is not adopted there could be as much as one-half million dollars spent and as many as 600 contacts made in a quarter and still that activity would not be covered and not have to be reported.

Mr. HARRIS. That is correct.

Mr. MAZZOLI. I think the gentleman has said all that needs to be said. I think his amendment is entirely welcome and needs the support of this House.

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

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

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has been emphasizing that this is the subcommittee's position. I do not think we should lose sight of the fact that the full Committee on the Judiciary reversed that position. The full committee, the threshold, which is the version the gentleman from Alabama and I presented parts of, was actually written by the ACLU, Congress Watch, and Common Cause. Why should they have an interest in the higher threshold unless it was for the reasons given earlier by the gentleman from California that lowering the threshold, opens up the coverage to much—too broad a spectrum of entities which would never even realize that they were considered lobbying organizations.

I think the conversation should get back on track.

Mr. MAZZOLI. Mr. Chairman, I would say the reason in bringing up the fact was that this was the subcommittee's position and to assure the House that the gentleman's amendment was not a precipicious move. That rather was well thought out and was indeed the subcommittee's position, although it was reversed by the full committee.

Second, the gentleman suggests certain organizations whose views I do not always subscribe to, and I would therefore not be particularly persuaded if they
ple, make regular broadcasts, and who will from time to time make appeals for what they believe to be patriotic matters, but nevertheless would be appeals to their listeners or viewers to write their Congressmen on the particular view of the commentator?

Mr. FLOWERS. If an organization made such a direct appeal for people to contact their Congressmen, and it was done over radio or television, it would be treated as a written solicitation and it would have to be reported. But, that in and of itself would not require them to report. They would have to otherwise, as the gentleman from Virginia says, be covered under the bill.

Mr. MILFORD. Here again I am not even sure whether this bill might mandate it. Let me give the gentleman an example. It is not our party, but we hear a gentleman on the radio quite often who is the Governor of California, and who makes speeches and makes appeals for various issues, and asks his listeners or viewers to write to Congress. Someone is paying for that broadcast time. Does the gentleman think that?

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

(On request of Mr. MILFORD and by unanimous consent Mr. Flowers was allowed to proceed for 2 additional minutes.)

Mr. MILFORD. The question I was trying to resolve here is, does the sponsor of this program have to register because he is sponsoring this particular broadcast, or would the commentator have to register, or would it be either?

Mr. FLOWERS. Not because he was sponsoring a particular broadcast, but if the sponsor of the program were otherwise covered under the bill—it would have to be an organization—if it had one employee who spent all or part of 13 days in the calendar quarter: lobbying, or two employees who spent all or part of 7 days lobbying, or retains—outside people who spent all or part of their time for lobbying activities, then it would have to register and report. Along with other things, they would have to report solicitations.

Mr. MILFORD. If there is a particular portion of the act, then in forming this bill, would the gentleman say that the bill itself requires registration of that type of program?

Mr. FLOWERS. Not just for the program itself, but it would go to the other activities. I think we have to look at each individual situation on the basis of what is contained in it. No individual person is covered under this bill.

Mr. MILFORD. I thank the gentleman.

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

Mr. FLOWERS. I yield to the gentleman.

Mr. RAILSBACK. Is it correct to say that we are not talking about a case where the solicitation would trigger any kind of a threshold? We are talking about a case where a registered organization only that sends out a mailing to more than— I believe it is 500, and a different figure with respect to officers and directors? But, the idea is also that we have simplified the procedure so that all they must do is actually attach a copy of that solicitation letter.

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

(By unanimous consent Mr. Flowers was allowed to proceed for 1 additional minutes.)

Mr. FLOWERS. Mr. Chairman, to further comment on the remarks of my friend the gentleman from Texas (Mr. MILFORD) permit me to say that there is another level, you could call it, requiring an expenditure of $5,000 that it would have to cost the registered organization before they would have to report it. In other words, it would have to be a significant solicitation campaign before there would be any reporting required.

Mr. MILFORD. Mr. Chairman, if the gentleman will yield, that just gets to the very heart of what I am talking about because $5,000 used in today's radio or television advertising does not mean much money, when you consider that much time required for 5 days a week in the program referred to, that can eat it up in a hurry.

Mr. FLOWERS. If it is something having to do with their lobbying activities, I would say if they report on anything they ought to have to report on that also.

Mr. MILFORD. I am not arguing with the gentleman, I am merely asking.

Mr. FLOWERS. If they are otherwise covered they would have to report this, too, along with their other reporting.

Mr. MOORHEAD of California. Mr. Chairman, I move to strike the last word, and I rise in opposition to this amendment.

Mr. Chairman, I urge the defeat of this amendment which is an unprecedented and unnecessary intrusion by Congress into the rights of individuals and organizations to lobby persons outside the Government. On two separate occasions, in United States against Rumley and United States against Harris, the Supreme Court has narrowly defined lobbying only to include direct lobbying of Members of Congress in recognition that coverage of grassroots activity is of dubious constitutional validity.

We must encourage participation in the political process and the requirement that organizations report their efforts in this area will merely inhibit that participation. Furthermore, there is no sufficient and compelling reason to justify this intrusion into the area protected by the First Amendment. There are no abuses—letter writing campaigns and citizen participation are the essence of democracy. The mere fact that organizations engage in grassroots lobbying is not a sufficient reason to justify this infringement upon First Amendment rights.

The House should reject this amendment.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by the gentleman from Alabama (Mr. FLOWERS).

Mr. Chairman, I think this is an extraordinarily important, essential and very, very useful amendment.

My Subcommittee on Government Operations has, for the last several months, been looking into the enormously mushrooming efforts of grassroots lobbying and we have turned up many examples of major grassroots lobbying campaigns which have sought to influence decisions in the 94th and 95th Congresses which have escaped reporting under the existing lobbying disclosure bill and would have escaped reporting under this bill if the amendment offered by the gentleman from Alabama (Mr. FLOWERS) is not adopted.

In fact two examples.

In 1977, the automobile companies spent more than $1 million on a massive grassroots campaign against strengthening amendments to the Clean Air Act. As far as I have been able to determine these expenditures were not reported in any present lobbying reports and would not be disclosed under the committee-reported bill.

In April 1978, the National Maritime Council, a trade association to promote Merchant Marine activities, spent approximately a half million dollars on grass­roots advertising to influence the Congress on "cargo preference" legislation. But this activity and these expenditures escaped detection under the existing disclosure bill and would have escaped detection under the committee-reported bill, unless the FLOWERS amendment is agreed to.

Grassroots lobbying activities, Mr. Chairman, already comprise and account for nearly half of all expenditures for lobbying activities nationwide. I am overwhelmingly convinced that in the future they will assume a majority share of lobbying expenditures. To exclude major grassroots lobbying campaigns from coverage under this bill is, in reality, to nullify the purposes for which this bill is intended.

All of us, the sponsors of the bill and supporters of this amendment, are obviously sensitive to first amendment privileges and rights. In my judgment, the committee has misread what the law is. The committee in its report brands disclosure of solicitations to lobby as disclosure of indirect lobbying, a form of regulation criticized by the Supreme Court on several occasions. In the language of the relevant court opinions, information regarding direct lobbying may be required to be disclosed, while information regarding indirect lobbying may not be, such as grassroots lobbying. Thus, the characterization of grassroots lobbying as indirect leads the committee to the mistaken conclusion that disclosure of information regarding such lobbying would be unconstitutional. The characterization of grassroots lobbying as "indirect" is, however, flatly contradicted by the relevant Supreme Court de-
concerned about legislation. It is true that many of the organizations may have special interests, pecuniary interest. Others may have merely political or philosophical types of interests that are involved.

But to put a damper on these expressions, this free expression to write, to petition the Government, it seems to me hits at the very roots of our constitutional right to petition the Government.

Mr. Chairman, I am hopeful that the amendment will be resoundingly defeated.

Mr. Edwards of California. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I have been authorized by the gentleman from New Jersey, Mr. Rosenzweig, whose wife is unfortunately ill and who cannot be present here today, to advise the Committee that the gentleman from New Jersey (Mr. Rosenzweig) is against the amendment and supports the position that I am going to take now on amendment.

Mr. Chairman, this is the big amendment. This is the key amendment, probably the most important one that will be considered today. I refer to the statement made by our colleague, the gentleman from Alabama (Mr. Flowers) that we have a fragile coalition here. This amendment could blow the fragile coalition out of the water if it were approved. I assure you.

I might also say that it would result in mountains of paperwork in all the 50 States, if this amendment were agreed to and become a part of the law.

This is a key amendment. As a matter of fact, I offered it in the full committee. It was adopted by the full committee by a vote of 26 to 8. If adopted and made a part of this bill, it would make this bill not only not acceptable to many of us, but we think also unconstitutional.

As a matter of fact, the members of the Subcommittee on Civil Constitutional Rights of the Committee on the Judiciary, I shall send a letter to all the Members pointing out what in their judgment were the unconstitutional aspects of this amendment.

Let us see how it would work. Let us suppose it became a part of the law. We know that a Sears store qualifies on a nationwide basis as a lobbyist. They spend over $2,500 a quarter and certainly individuals there do more than 15 days in a single quarter of lobbying. Let us say a Sears store in my hometown of San Jose, Calif., wanted to put something on their bulletin board to encourage their employees to write to their Member of Congress to encourage a vote on a tax matter that might be beneficial to Sears and to their employees, perhaps on their pension plan or something like that. Well, this would be triggered and all of the provisions in the amendment of the gentleman from Alabama (Mr. Flowers) would go into effect. Certainly, it would hit more than 100 employees, but they have to keep records all over the country to see if it were going to pass the threshold of 100 employees. Untold people walking by the bulletin boards across the country, and all this would have to be reported, a description of the issue, a description of the need, identification of the writer, association of the writer, and so forth. That is something that would take the mountains of paperwork that would result in just the Sears stores alone around the 50 States.

Do you think a local church, a Catholic church in California with an active priest who is devoted to a certain issue, say the Hyde amendment. We will assume that the church has spent $2,500 in a quarter and that the priest has lobbied for the requisite 13 days, so he asks the church volunteers to go out and ask their neighbors to write to Members of Congress to vote for the Hyde amendment. Under this amendment records would have to be kept by these volunteers, certainly an identification of any person retaining the description of the lobby solicitation, a description of the need, and all that would have to be reported.

Do the Members not think this is quite a burden to put on a little local church interested in Government and in good Government, in the view of the church?

Then we talk about these quarterly reports as though somehow nobody is going to give us a lot of information. These quarterly reports are going to come in long after the vote. But when these lobbying solicitations go out—and this is something we want to encourage in this country, lobbying solicitations to Members of Congress—they are going to go out a couple of weeks before the vote is going to take place in the House or in the Senate, and then at the end of the quarter the all the information is gathered. Nobody is going to read that information. The vote is finished; the Panama Canal Treaty consideration yesterday was yesterday.

What good would it do at the end of the quarter to have reams and reams of paper about who wrote to Members of the Senate to vote "yes" or "nay" on the Panama Canal Treaty?

The Chairman, the time of the gentleman from California (Mr. Edwards) has expired.

On the request of Mr. Waxman and by unanimous consent, Mr. Edwards of California was allowed to proceed for 2 additional minutes.

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

Mr. Edwards of California. I yield to the gentleman from California.

Mr. Waxman. Mr. Chairman, is it not true that this amendment is an effort on the part of the leadership in the House and in the Senate to use the influence legislation that is before us in the Congress.

If an organization is spending money to lobby it could be inferred that organizations that want to influence legislation that is before us in the Congress.

Mr. Edwards of California. The expenditure of the money must be disclosed pursuant to the provisions of the bill. All
the information about the solicitation need not be disclosed unless this amendment is agreed to. I forget on what page of the bill it is provided in the bill that all expenses of mailing, postage, and items of that kind must be reported.

So the answer is, yes.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield further?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, if the gentleman used Sears as an example. If a Sears employee decides to put up a notice for all other employees to take note of encouraging fellow employees to write to Congress, not on behalf of legislation that benefits Sears but, let us say, for a tax credit bill that benefits employees who send their children to private schools, would that trigger the reporting mechanism under the Flowers amendment?

Mr. EDWARDS of California. Sears is a lobbying organization, and the company would have to register under this bill. Sears would be a lobbyist, and the answer is, yes.

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

Mr. EDWARDS of California. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Chairman, I know the gentleman did not intend except through inadvertence to misstate himself, but I do not think that any kind of solicitation expenses would be covered in this bill. Without this amendment anything that is done in the line of soliciting lobbying communications, is not covered and no reporting would be required.

Mr. EDWARDS of California. Mr. Chairman, I disagree with the gentleman, and I refer to the chairman of the subcommittee and will ask him to read that portion of the bill that states that lobbying expenses must be reported.

The CHAIRMAN. The time of the gentleman from California (Mr. EDWARDS) has expired.

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

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

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, I believe we are talking about two different things.

The hypothetical question put by the gentleman from California (Mr. WAXMAN) concerning a Sears employee who posts a notice on the board asking people to write to Congress about a tax credit bill of some kind. Unless that Sears employee himself is himself a registered organization and he cannot be one if he is acting alone—obviously we do not have solicitation of lobbying communications. So the example just would not work. If no individual is covered under this bill.

No individual is covered. In fact, that is a point that seems to be hard to get across. Under this bill no individual in the United States ever has to register or ever has to report for making lobbying communications.

As to the second half of the question, there is a provision that a registered organization must report quarterly, and in reporting it must include expenditures. "Expenditures" is a word of art under the bill. The bill defined under section 2(a), and that includes expenditures for mailing, printing, advertising, telephone, consultant fees, and the like.

Mr. FLOWERS. Or lobbying activities.

Mr. DANIELSON. Well, to costs attributable partly under the activities described in section 3(a).

Mr. EDWARDS of California. Mr. Chairman, if I may reclaim my time, I see no exception there. There is no exception for expenses that might be connected with solicitation.

Mr. DANIELSON. Mr. Chairman, if the gentleman will yield further, I can only say that is how the bill reads at the top of page 29.

Mr. FLOWERS. Mr. Chairman, if the gentleman will yield further, these last gratuitous comments on the grassroots solicitation communications as they relate to lobbying are not otherwise covered under this bill.

Mr. DANIELSON. That is correct, they are not.

Mr. FLOWERS. So they are not reportable by the other group not covered. There is no report required.

Mr. EDWARDS of California. Mr. Chairman, I assure the gentleman that what the chairman of the subcommittee, the gentleman from California (Mr. DANIELSON), just read requires that expenses be included in the report.

Mr. FLOWERS. Expenses that are attributable to lobbying activities.

Mr. EDWARDS of California. Yes.

The CHAIRMAN. The time of the gentleman from California (Mr. EDWARDS) has again expired.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, the problem we are having here, it seems to me, is that we are not looking at who is being lobbied.

Grassroots lobbying, basically, is directed against the public at large, not public officials much. And to the extent that you engage in spending postage in grassroots lobbying, it would not be reported, and should not be reported, I think.

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

Mr. Chairman, I really get the feeling that the amendment is making very clear exactly what the amendment does.

No. 1, using a church as an example, the fact that a church sends out a letter, under the Flowers amendment unless that church is a registered organization that activity in itself is not going to trigger the formula threshold that would bring the specific legislative terms of what we hope will become a law. We are talking about a lobbyist organization that sends out a solicitation letter or buys a paid advertisement. As I understand the Flowers amendment it is rather easy to comply with, not hard to conform to. Where you are sending out a mailing to more than 500 people, you are even permitted under the Flowers amendment to simply attach a copy of that solicitation letter.

Second, you are not, under the Flowers amendment, required to disclose any membership list. You are not required to identify any of the people that are being solicited.

Third, we are talking about solicitations on behalf of a lobbyist organization to a membership, urging that they contact a Federal officer or a Member of Congress, and so forth.

May I further just point out that a solicitation provision was contained in the law that this House passed in the last session. As a matter of fact, there was one bill that would have made soliciting a triggering device to actually cover an organization that was engaged only in soliciting. That is no longer true.

The gentleman from Alabama made the point that right now there is a glaring omission, a glaring loophole. I agree with him. Common Cause has admitted that 70 percent of its lobbying effort is conducted through soliciting members of its membership to write and lobby Members of Congress.

The National Rifle Association has engaged for years in what has been really unmatched lobbying soliciting without ever sending any lobbyists into our office, but they have inundated us with letters from back home.

Now we have the labor movement very much involved in it. We have the National Chamber of Commerce. We have diverse groups. We have the oil companies that are doing it.

Mr. Chairman, I think that if we omit from this lobbying bill that major part of the lobby function, we are doing a disservice to the American people. We are being very, very blind to the facts of life, which are that this is now about the single most effective way to lobby.

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

Mr. RAILSBACK. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, I am sure the gentleman from Illinois (Mr. RAISLEY) heard the gentleman from California (Mr. EDWARDS) in which he suggested that the employees' posting of a statement on the bulletin board at a Sears store, for example, would trigger this particular amendment and would require reporting of that particular posting. That is not the purpose of the amendment.
that in the case of written solicitations and solicitations made through paid advertisements, where such solicitations reach or could reasonably be expected to reach the addressee, in the form of a lobby communication, but for what earthly reason do we require reports with respect to a solicitation itself?

I will tell the Members who the effective solicitors are, Mr. Chairman. We are, I think Members of Congress solicit more lobby communications than probably anybody else. We are not covered, of course.

The Administration goes on the tube and solicits the public to take a position with respect to legislation. It is not covered, and it should not be.

Why, then, should not a private organization have the right to talk to the people and urge them to take a position on legislation which is being compelled to make a public disclosure of such activities? I do not know of any reason to submit them to that burden. It is just another burden imposed on speech by this bill.

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

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

Mr. ROSENTHAL. Mr. Chairman, I would be curious to know how the gentleman feels about a slightly peripheral issue. These expenditures that commercial organizations make to solicit support or opposition to legislation, does the gentleman think that should be tax deductible?

Mr. WIGGINS. Well, I do not know that the issue is at all relevant to this bill.

Mr. ROSENTHAL. It is not.

Mr. WIGGINS. I have not made a legislative judgment on that issue, and I am loath to give the gentleman an opinion off the top of my head with respect to something obviously under this amendment, have to report it.

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

Mr. Chairman, this is an amendment only to the reporting section. That has been emphasized; and, of course, the amendment does not affect the trigger or the organizations covered. However, if an organization is covered, this will affect what it must report.

Frankly, Mr. Chairman, the reporting of solicitations tells us far more than we need to know. It compels the disclosure of information, forces it out against the wishes of its possessor, for no ascertainable public purpose known to me.

Mr. Chairman, the bill has heretofore dealt with lobby communications to Congress affecting legislation. This requires reports on solicitations to other people; that is, from one private organization to its employees or to the public, lobbying them, as distinguished from lobbying Congress.

I realize that some Members recognize that this is pretty effective lobbying. It is a good, loud, healthy, and robust speech. That is what it is. Of course, it is effective.

However, Mr. Chairman, what public purpose is served by compelling the disclosure of this effective speech? We require in the bill a report on the effect of the solicitation as it comes back to us in the form of a lobby communication, but for what earthly reason do we require reports with respect to a solicitation itself?

I will tell the Members who the effective solicitors are, Mr. Chairman. We are, I think Members of Congress solicit more lobby communications than probably anybody else. We are not covered, of course.

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Mr. WIGGINS. Well, I do not know that the issue is at all relevant to this bill.

Mr. ROSENTHAL. It is not.

Mr. WIGGINS. I have not made a legislative judgment on that issue, and I am loath to give the gentleman an opinion off the top of my head with respect to something obviously under this amendment, have to report it.

Mr. WIGGINS. Let us hope so.

Mr. ROSENTHAL. It has, and it is being used by many American corporations, and they have not been paying taxes because of it, or any business expense.

The lobbying activity is being supported in a way that I do not think anyone ever intended that it should be.

Mr. WIGGINS. I urge the gentleman to take it up with the Ways and Means Committee. I do not know that it is at all relevant to this bill.

Mr. EDWARDS of California, Mr. Chairman, the gentleman yield?

Mr. WIGGINS. I yield to my colleague from California.

Mr. EDWARDS of California. I think we ought to point out that the purpose of this bill is not to discourage grassroots lobbying or to discourage political action groups. The purpose of this bill is registration and public knowledge of who are larger lobbying organizations are doing.

Mr. WIGGINS. Would the gentleman not agree that this adds at least some burden to the regulations which engage in grassroots lobbying, and to some extent may inhibit that type of activity?

Mr. EDWARDS of California. That is correct. Yes.

Mr. KINDNESS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I will be brief because a lot has been said that needs to be said on this, but I just suggest that the supporters of this amendment do not give the average American credit for having as much commonsense as he certainly has. We are talking about solicitations of the American people to make a decision. No. 2, whether they are going to be influenced by this solicitation. Or, perhaps No. 1 should be whether they are going to listen to it or read it at all.

No. 2, whether they are going to be influenced by it, and No. 3 whether they are going to take any action pursuant to that request.

All those are independent decisions made by individuals throughout our nation, and they constitute a dividing line between what action is taken by a reporting organization and what results in terms of communications that may be made to Members of the Congress. There is independent judgment exercised. That is the dividing line we ought to recognize here, and that dividing line belongs to the American people. It does not belong to us, and we have no business legislating with respect to it.

What is lobbying anyway? It is obvious that it is a matter of communicating with those people who are going to be making the decisions about policy or legislative matters, and the people who make the communications to their elected representatives in the Congress have every right to do it under the first amendment.

The exercise of that right ought not to be chilled or dampened by the imposing of some reporting requirements that somehow relate to this. It is every bit as important for organizations that may be lobbying organizations to be heard on these matters as it is for us to preserve the right of freedom of the press and the transference of that to the electronic media, because it is one other way for someone to speak up about a matter of public interest. If we cannot influence members of the public to act in response to their entreaties, OK, so be it, but if people do act it is their act, and it is their exercise of their first amendment rights.

I certainly hope we will defeat this amendment and retain a reasonably good bill and not kill the bill, in effect, by incorporating this amendment in it.

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

Mr. KINDNESS. I yield to the gentleman from New York.
Mr. ROSENTHAL. Mr. Chairman, in essence I agree with almost everything the gentleman has said other than the gentleman's objection to this amendment. I believe that there has been an opening in the last 2 years is that those with unusual resources have taken the opportunity to exercise the right of petition. One could say, of course, that there is nothing wrong with it, and so be it, but we live in a country that is not only saturated with advertisements but also because of the uniqueness of the fifth amendment and we are now reaching what I consider to be an improper balance in the opportunity to exercise this right, especially in grassroots lobbying. Therefore I believe we ought to know what is happening in that area.

As I say, I agree almost 99 percent with what the gentleman from Ohio (Mr. Kindness) says but I do not think the gentleman should be opposed to having the people telling us what they are doing. Mr. KINDNESS. I would suggest to the gentleman from New York (Mr. ROSENTHAL) that he and his party have been attempting to reallocate the resources of some of the people for quite some time and I think that is the issue about it. So, therefore, let us leave what the American people have in their package of freedoms as it is, let us leave that with them, and not be concerned about whose resources are being used, who has resources and who has not. We want to have a resourceful nation in order to be able to communicate with them and they will listen.

Mr. ROSENTHAL. Is there something predominantly wrong about the Flowers amendment in that respect?

Mr. KINDNESS. I hope that the gentleman does not just want to have done with grassroots lobbying. A great deal of effort and time can be spent in gathering the information that is used in effecting indirect lobbying communications. If the gentleman wants to kill it I do not agree with him on that. I do not believe one can readily collect the necessary and reliable information on that subject because it is too diverse, too widely spread.

Mr. ROSENTHAL. May I say that in some of these major grassroots campaigns that the people communicated with may not agree with what they are asked to do.

Mr. KINDNESS. The gentleman may have forgotten what we are talking about. We are talking about communications that go out to a broad range of people who are probably practical people in many instances, maybe it only goes to members of Congress, but you cannot hide this light under a bushel basket, it is out in the open.

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

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield further?

Mr. KINDNESS. I yield further to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I thank the gentleman for yielding. What we are talking about, just to cite an example, is the A.T. & T. Co. sends out a communication to their stockholders and gives them an example, 'If you don't return the postcard, then we will withhold 1 percent from every share you own on each dividend for the privilege of being used as we see fit.' I think that that kind of a communication is useful for us to know about.

Mr. KINDNESS. I think the gentleman has a misconception if the gentleman believes that this amendment would bring that out in the reporting.

Mr. ROSENTHAL. There would be no further requirement for any further additional information.

Mr. KINDNESS. Then that is not a communication that would be affected by this amendment.

Mr. ROSENTHAL. If the gentleman from New York indicated, the Commerce, Consumer and Monetary Affairs Subcommittee, on which I am the ranking minority member, has been studying the adequacy of IRS enforcement of the provisions of the Tax Code which apply to grassroots communications on public issues, including grassroots lobbying. However, I must inform the Members of this body that the preliminary findings of that investigation do not support the conclusion that we should regulate such activities; nor do those findings suggest an over-ride of the constitutional prohibition against Government infringement on the right of free speech, and the right of people to petition the Government.

The subcommittee investigation has directed primarily at IRS enforcement of section 162(c) of the Tax Code which permits all businesses, union members, and others to deduct expenses or organization dues for direct lobbying of Congress, but which provision denies deductions for expenses incurred in influence the public on legislative matters, referred or elections or elections. That distinction between direct and indirect lobbying may be illogical but it is existing law.

The subcommittee investigation has been conducted in large part by means of questionnaires addressed to business, trade associations and a few unions—with a high degree of voluntary compliance by the private sector.

There are three preliminary findings of the investigation. Grassroots communications are a significant and growing area of grassroots advertising. Grassroots communications include: First, informative and educational public messages on current issues being considered by or emergency branches of the Federal Government; second, communications on legislative issues between trade or union organizations and their members throughout the country; and third, the advocacy advertisements and mass mailings aimed at influencing the general public on political matters. Only the last of these three types of communications is subject to the limitation on deductions in the Tax Code.

The second preliminary finding is that some taxpayers are taking improper deductions for expenses which are not deductible under existing law. In response to the subcommittee questionnaires, the IRS furnished the records with a clearer understanding of the issue and if improper deductions were found they had admitted the existence of the problem. Other corporations denied doing any grassroots lobbying in spite of evidence to the contrary, suggesting that they have not adequately reviewed their practices and segregated out the nondeductible expenses. However, such improper deductions are not limited to corporate entities. I plan to raise questions at our subcommittee hearings about a Federal Election Commission suit against the AFL-CIO for using $332,000 of general funds from union dues for the improper purpose of financing election activities. If the case is sustained in court, it could result in a determination of improper tax deductions for many of the union's dues paying members.

The third preliminary finding is that the IRS has failed to effectively enforce the existing law in this area. It is clear that IRS has not heretofore given this area of law attention, and that both taxpayers and IRS agents have not had sufficient guidance through regulations or rulings to distinguish deductible expenses from nondeductible. IRS has taken some steps recently to improve this situation by issuing four rulings, revising the auditors manual, and initiating an audit survey to determine the level of noncompliance. However, I believe that IRS will find it impossible to make any significant improvements to correct the present chaos of interpretation of the law. Professor Sethi, author of a major study on this topic entitled "Advocacy Advertising and Large Corporations" and whose work has been cited with approbation by none other than the gentleman from New York, Mr. ROSENTHAL, agrees with my assessment. In reviewing some proposals by IRS critics for clarifying the existing interpretation of section 162(c) (2), Professor Sethi wrote:

The good intentions of the critics notwithstanding the proposals outlined earlier are rife with problems of operational effectiveness and achievement of objectives. The proposals would impose a cumbersome burden on the IRS in setting precise rules for determining deductibility that would be general enough to cover broad areas of advertisement content and yet specific enough to be operational. The IRS has had considerable difficulty in determining when to disallow deductions for business expenses, and the evidence is apparent, such as payment of fines. To think that rules could be developed to cover an activity with a high degree of subjective compliance is to show a lack of understanding of the complexity of the problem and the nature of advertising.
mony of Lester Fant, a tax attorney, before Senate Hart's subcommittee. In elaborating on the three tests referred to earlier, he stated that a particular ad should be classified as either deductible or nondeductible depending on the specific circumstances of the case, with particular attention paid to the overall communication context within which the ad was presented. Furthermore, he conceded that the same set of rules two experts could classify the same ad differently. (p. 246)

There is a more serious problem which arises if IRS adopts subjective tests for determining the deductibility of contributions and expenditures. Goodwills from nondeductible grassroots lobbying ads. Two examples of the proposed tests are:

First. Whether the ad discusses both the pros and cons of the public policy issue addressed.

Second. Whether the subject of the ad is treated in a polemical or controversial manner.

In my opinion, the adoption of any subjective criteria such as these will raise a serious first amendment problem. These tests would only be appli­ed in an arbitrary and inconsistent manner—and thus have a chilling effect on public comment on important issues. The Supreme Court has been very sen­sitive to the right of individuals of all political persuasions to advocate their positions to the Government. This constitutional issue traced through the Supreme Court rulings in U.S. v. Harris, U.S. v. Rumely and the Court of Appeals ruling in Buckley v. Valeo has been the subject of much discussion in the Judiciary Committee report. I believe that this amendment should be re­jected as an infringement on first amendment rights with no counter­balancing public purpose for the amendment.

After this body rejects the amendment, it should in the near future take up the question of whether the existing provisions of the tax code are similarly defective. Indeed, the public interest tax group, tax analysts and ad­vocates referred in our hearings and characterized the current problems of the existing tax law on grassroots lobbying this way:

The ultimate blame for the Service's dilemma and the resulting inequities lies with Congress. An unenforceable and toothless-tiger lobbying bill, circa 1946, that is on the books today.

Let me propose my gentlemen. Was there not a provision in the subcommittee version of this bill somewhat similar to what the gentleman offered to us today?

Mr. FLOWERS. Mr. Chairman, if the gentle­man will yield, the subcommittee had such a version in almost identical language.

Mr. MAZZOLI. Mr. Chairman, let me ask this question also. In the subcommitee version of the bill, which was later changed in the full committee, but which was on the books the other day, was there a provision like the gentleman's in that this provision, if carried, would not affect the threshold, but would, indeed, only affect the reporting after the threshold is crossed.

Mr. FLOWERS. The gentleman is absolutely correct.

Mr. MAZZOLI. Would the gentleman perhaps give us a few words for some of the people who may have just come on the floor on the vital distinction between having his proposed amendment as part of the threshold which would trigger the coverage of the bill and having it as a part of the reporting requirements?

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

Mr. MAZZOLI. I am happy to yield to the gentleman from Alabama.

Mr. FLOWERS. What the gentleman is getting at, this would only enter into the reporting requirements. The organ­ization would have to otherwise be covered before this would have any appli­cation whatever.

Let me add just one further note. This was with a part of the bill that passed this House 2 years ago and which, because of the end of the session, we were unable to get to conference with the Senate, but it has generally been thought of as a part of the lobbying bill that would come out of Congress. I hope it will be. The adminis­tration supports the inclusion of it.

As I said earlier, it has very wide and bipartisan support.

Mr. MAZZOLI. Mr. Chairman, if the gentle­man from Alabama will continue, if I understand what the gentleman said correctly, there could be any amount of indirect lobbying, it could go on from now to doomsday; an organization could spend millions of dollars in generating responses from the grass­roots to flutter down on Capitol Hill. If I understand the gentleman correctly, that was what the gentleman's application of this bill; is that correct?

Mr. FLOWERS. It would not trigger it, that is correct.

Mr. MAZZOLI. So if the gentleman would proceed further, it would seem we are not really preventing, as have been the declarations on the floor today, a small group of persons from getting involved in Government and we have not any chilling effect in the grassroots lobbying because any individual could lobby on Capitol Hill and never have to worry about filing a single paper with the Congress. Is that correct?

Mr. FLOWERS. Absolutely.

Mr. MAZZOLI. And the only reason they would have to ever file a paper would be if they trigger, that is, spend millions and millions of dollars in grassroots communications which means direct communication, direct oral or direct written communication with the Congress.

Mr. FLOWERS. If they were otherwise required to register under the bill.

Mr. MAZZOLI. Mr. Chairman, may I ask the gentleman one further question?

Under the gentleman's amendment, if it carries, is any individual human being, any U.S. citizen, required to file any paper or any report whatsoever with the Congress of the United States because of a lobbying communication?

Mr. FLOWERS. No.

Mr. MAZZOLI. Mr. Chairman, I thank the gentle­man for his answer. I would like to add one thing to my comments, Mr. Chairman. In the New York Times of April 17, 1978, 2 days ago, an article by Mr. Charles Mohr appeared. I would like to read the two lead paragraphs which I think must succinctly state the case for the amendment offered by the gentle­man from Alabama (Mr. Flowers).

Paragraph 1 is as follows:

"Congressmen first learn how to count and then to think," said Thomas J. Donohue, executive vice president of Citizen's Choice, a recently formed conservative political action organization.

Paragraph 2 is as follows:

Although some might not state it with such blunt cynicism, a widespread belief in that theory across the entire spectrum of special interest groups in America has led to significant changes in the methods used to influence Congress.

Whether the group is a liberal or a conservative group is totally incidental. The important point is that there is a whole new method in the country as to how to affect and influence the Con­gress. It seems to me, at the very least, that, when the new method—grassroots lobbying—becomes sizable enough, it ought to be covered and ought to be reported.

Mrs. FENWICK. Mr. Chairman, will the gentle­man yield?

Mr. MAZZOLI. I yield to the gentle­woman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I rise in strong support of the amendment. I think a chilling effect is absolutely essential.

There is no question here of regulating anybody or denying anybody the right to communicate. All lobbyists have to do is to attach a copy to the report that they have already made.

Mr. DANIELSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto terminate at 4:40 p.m.
CONGRESSIONAL RECORD — HOUSE

April 19, 1978

The CHAIRMAN. Is there objection to the request of the gentleman from California? There is no objection.
The CHAIRMAN. Members standing at the time the unanimous request was agreed to will be recognized for 6½ minutes.
The Chair recognizes the gentleman from South Dakota (Mr. ABN Non).

Mr. ABN Don. Mr. Chairman, I intend to be brief. I will only take a couple of minutes.

I rise in strong opposition to this amendment or any other amendment containing the same principle that would discourage grass roots participation in our democratic process of government.

Far from being abuses, such grassroots lobbying campaigns are a means of giving voice to the “silent majority.” I have been waiting for a long time for our people back home to become concerned and to be interested in the issues of the day, and something has transpired over the years that has shown there is a great deal of serious chilling of our democratic process of government.

Because of the extra workload this is costing over $5,000 the amount spent and when the ad appeared.

Now, I yield to the gentleman from South Dakota.

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

Sometimes I wonder if our concern is because of the extra workload this is making for us here in Congress. Maybe, some of us today will agree with me on whether having to write some extra letters. When we think about how good we have been to ourselves, making sure that we now have sophisticated office equipment to assist in answering our mail, I think we have the time to write our citizens and our constituents in order to state our views on how we feel and where we stand on issues.

Mr. Chairman, this is a bad amendment. Let us encourage people and organizations to involve our citizens in the discussion of the issues of the day. Mr. Chairman, I yield back the balance of my time.

Mr. Edwards of California. Mr. Chairman, the gentleman from Alabama has made his point to the lobby disclosure bill which I fear will have a serious chilling effect on the right of organizations to communicate with their members on the public or political issues. If included in this bill on final passage, the Flowers amendment will require groups covered by the bill’s threshold to report almost every written contact they have with members, or employees, where political action is urged.

The amendment provides that whenever such a group makes a grassroots communication urging others to contact Congress, they must report a description of the issue with which the solicitation is concerned, a description of the means employed in solicitation and what action was urged upon the recipient, the identification of any person retained to make the solicitation, the cost of any solicitation, the message if sent by mail or telegram, and if made through a paid advertisement costing over $5,000 the amount spent and where the ad appeared.

Now, I yield to the gentleman from South Dakota.

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

I rise in strong opposition to this amendment or any other amendment containing the same principle that would discourage grass roots participation in our democratic process of government.

Amendment rights without even establishing a legislative record of lobbying abuses by which to demonstrate a compelling governmental interest to regulate this type of speech.

The constitutional issues raised by the requirements of the Flowers amendment are so important that I hope my colleagues will very carefully consider the arguments put forth in the following memorandum on the amendment prepared by the American Civil Liberties Union.

MEMORANDUM: H.R. 8494—CONSTITUTIONALITY OF THE FLOWERS AMENDMENT ON LOBBYING SOLICITATIONS

This memorandum concerns the constitutionality of the Flowers Amendment to require that lobbying organizations under H.R. 8494 disclose their solicitation efforts. It is our conclusion that this amendment is unconstitutional.

“Lobbying solicitations” typically include the efforts by organizations to require, encourage or solicit their members and others to make their views known to members of Congress or their staffs. The Supreme Court has never permitted government regulation of such incidental efforts to influence the legislative or elective process. Decisions of the present Court as well as earlier cases make clear that speech is entitled to the fullest protection of the Constitution and would strike down Congressional efforts to regulate lobbying solicitations.

In Rumely v. United States, 345 U.S. 41 (1954), the Court considered the scope of the authority of the House Select Committee on Lobbying to inquire into the adequacy of the lobbying Regulation Act. One group under investigation refused to comply with a Committee subpoena which purported to require disclosure of bulk purchasers of their books. The group’s main purpose, in its submission of the Constitution of the United States, was “distributing material to influence legislation indirectly.” To avoid raising serious First Amendment questions, the Supreme Court drastically narrowed the scope of the House resolution authorizing the investigation of “all organizations engaged in influencing legislation.” The Court upheld the congressional power to require that lobbying organizations under H.R. 8494 disclose their solicitation efforts. It is our conclusion that this amendment is unconstitutional.

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to combat "juvenile delinquency" or a "Golden Age Club" promoting "senior citizens rights" would fall under the Act. The dampening effect on First Amendment rights and the potential for arbitrary administrative actions that would cast a situation would be intolerable," 469 F.2d 1142.

Similarly, in ACLU v. Jennings, 396 F. Supp. 941 (D.D.C. 1976), vacated as moot sub nom., States v. ACLU, 422 U.S. 1037 (1978), the judge district court was faced with a challenge to the 1971 FECA. The court perceived the same constitutional obstacles, but adopted the same interpretation propounded in National Committee for Impeachment.

Applying the principles in these decisions to the solicitation disclosure requirement of the Flowers Amendment, we submit that Congress has not met the burden of justifying these provisions.

First, there is no demonstrated compelling governmental interest in the requirements because there is no factual record of abuse in lobbying solicitations. On the contrary, such efforts are beneficial. A lobbying solicitation begins with the effort to inform and educate the public on vital public policy issues. The response to the solicitation to trust its judgment therefore falls to utilize the least drastic means to effectuate the purpose of the Constitution was spurred by anonymous objections and adopted the same narrow interpretation propounded in National Committee for Impeachment.

The question was taken; and on a division, Prosecuted by Mr. Edward, O.K., there were—ayes 35, noes 28.

The Clerk announced the following pairs:

On this vote:
Mr. Howard for, with Mr. Krueger against.
Mr. Runcorn for, with Mr. Rodino against.
Mr. Whitley for, with Mr. Dellums against.
Mr. Howard for, with Mr. Krueger against.
Mr. Carney for, with Mr. Burton against.
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Mr. Howard for, with Mr. Krueger against.
Mr. SANTINI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANTINI: Page 33, line 5, strike out the word "thirteen" and insert the word "thirty".

Mr. WIGGINS. Mr. Chairman, this is a simple amendment which is technical in nature, and it is one on which there ought to be no dispute.

The bill presently requires an organization to register to 15 days after it engages in the activities which are covered. My amendment merely gives the organization 30 days within which to do that rather than 15.

Fifteen days is hardly adequate for any person to compute whether the organization has been covered, and it is hardly adequate to get the legal advice necessary to determine if it should register and file the forms. Given the broad scope of coverage in the bill to all organizations, the lack of sophistication on the part of many people, I think this amendment is needed.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?
Miss JORDAN. I thank the gentleman for yielding.

Mr. Chairman, is it not also correct that the gentleman stated that these entities are not included in the list of local government do not report their expenditures of funds and the reasons for which the funds were spent?

Mr. SANTINI. The gentlewoman summarizes it very well.

Miss JORDAN. Is it not also the case that the gentleman from Nevada sees some degree of unfairness in the exemption which is allowed various Federal agencies and entities which are financed, to a large extent, and who lobby on the Hill every day, and that they certainly are exempt, and does it seem to be a bit unfair to the gentleman for these Federal entities and agencies to be exempt and State and local governments to be covered?

Mr. SANTINI. The gentlewoman has expressed it so well I wish I would have included it in my remarks.

Miss JORDAN. Mr. Chairman, I support the gentleman's amendment.

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

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

Mr. WIGGINS. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage in a little discussion with the gentleman as to the scope of appointed officials.

The CHAIRMAN. The time of the gentleman from Nevada (Mr. SANTINI) has expired.

Mr. WIGGINS. Mr. Chairman, if the gentleman will yield further, does the term "appointed officials" include an association of the chiefs, for example?

Mr. SANTINI. It would not.

Mr. WIGGINS. Even if they be appointed?

Mr. SANTINI. Even if they be appointed.

Mr. WIGGINS. Would it include an association of chiefs of police?

Mr. SANTINI. It would not.

Mr. WIGGINS. Would it include an association of city administrators?

Mr. SANTINI. It would not.

Mr. WIGGINS. Or planners?

Mr. SANTINI. No.

Mr. WIGGINS. Engineers?

Mr. SANTINI. No.

Mr. WIGGINS. And it would clearly not include any employee organization; is that correct?

Mr. SANTINI. That is correct.

Mr. WIGGINS. It would not include, for example, teachers; is that correct?

Mr. SANTINI. That is correct.

Mr. WIGGINS. Or municipal employees?

Mr. SANTINI. Correct.

Mr. WIGGINS. I think that is the important addition to the legislative history because, like the gentleman in the west, I do not wish the appointive position to be too broad; but now I am curious as to who is included.

Mr. SANTINI. Included within it are all of the elected or appointed officials, as stated in the amendment, to and including city officials, elected or appointed officials. Under that designation, if we had a mayor appointed to replace another mayor because of a vacancy, he would qualify, but a city planner would not qualify. It would include a commissioner, elected or appointed to fill a vacancy.

Mr. WIGGINS. As I understand it, the word "appointed" and the "elected official" language; is that correct?

Mr. SANTINI. Correct.

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

Mr. SANTINI. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to congratulate the gentleman from Nevada (Mr. SANTINI) for an outstanding amendment.

What about a situation in which there was a city manager? Would a city manager be able to be covered under the gentleman's amendment?

Mr. SANTINI. The city manager would not be covered under the language of my amendment.

Mr. DICKS. Would not be?

Mr. SANTINI. Would not be, but the city representatives, councilmen, commissioners, whatever their title might be, would be.

Mr. DICKS. Mr. Chairman, I want to congratulate the gentleman on his amendment.

The CHAIRMAN. The time of the gentleman from Nevada (Mr. SANTINI) has expired.

(On request of Mr. WIGGINS and by unanimous consent, Mr. SANTINI was allowed to proceed for 2 additional minutes.)

Mr. WIGGINS. Mr. Chairman, if the gentleman will yield further, does the term "appointed officials" include an association of the chiefs, for example?

Mr. SANTINI. It would not.

Mr. WIGGINS. Even if they be appointed?

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Mr. WIGGINS. Or planners?

Mr. SANTINI. No.

Mr. WIGGINS. Engineers?

Mr. SANTINI. No.

Mr. WIGGINS. And it would clearly not include any employee organization; is that correct?

Mr. SANTINI. That is correct.

Mr. WIGGINS. It would not include, for example, teachers; is that correct?

Mr. SANTINI. That is correct.

Mr. WIGGINS. Or municipal employees?

Mr. SANTINI. Correct.

Mr. WIGGINS. I think that is the important addition to the legislative history because, like the gentleman in the west, I do not wish the appointive position to be too broad; but now I am curious as to who is included.

Mr. SANTINI. Included within it are all of the elected or appointed officials, as object and to pass the time pleasantly as the gentleman from Virginia (Mr. HARRIS) perfects his amendment in writing.

Mr. Chairman, let me say this about the idea of including all local elected officials. If a bill is bad—and I regard this bill to be bad—a virtue in that is that it is universally bad and uniformly bad. If, however, it is selective bad, there is another reason to oppose it, because it seeks then to intrude on fifth amendment values as well as on first amendment values.

Mr. SANTINI. That is correct.

Mr. WIGGINS. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. SANTINI. Mr. Chairman, I would like to reclaim my time, if I might.

Mr. WIGGINS. Mr. Chairman, I withdraw my reservation of objection.

POINT OF ORDER

Mr. MCCORMACK. Mr. Chairman, I have a point of order.

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

Mr. MCCORMACK. Mr. Chairman, we are a unanimous amendment request. I was reserving the right to object.

The CHAIRMAN. The Chair is going to insist, however, that the modification be made in writing because of the confusion that exists, and was going along with the gentleman from California until the time was provided to do that.

Does the gentleman from Nevada have a modification to his amendment?

Mr. SANTINI. Mr. Chairman, it appears to me that we are creating more of an impediment than a resolution at this point. I would resist the attempt at this point to modify by the gentleman's amendment. I feel that we have made a sufficient contribution in terms of both legislative history and intent at this point to source.

I do not feel the language will contribute anything to the clarification, or to the extent that it would, we would find ourselves impeding the gentleman who will consume a great deal more time than I intended to devote to this.

The CHAIRMAN. The Chair will—
terpret the remarks of the gentleman from Nevada as an objection to the unanimous-consent request of the gentleman from Virginia (Mr. Harris).

Objection is heard.

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

Mr. CHAFFMAN. The gentleman yields.

Mr. BROOKS. I believe that the proposal that is under consideration is to broaden the area of lobbying. It is not just to include the lobbyist of the organization or the lobbyist of the group that is being registered, but to cover all of the officers of that organization.

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

Mr. FISH. Mr. Chairman, I yield to the gentleman from New York.

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

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

Mr. CHAFFMAN. The gentleman yields.

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

Mr. BROOKS. I yield to the gentleman from New York.
rights—which I happen to think the bill infringes upon a little too much. It also involves a question of comity between the Federal and State governments and between elected officials in these gov-
ernments, who are accountable to their constituents and who are audited for their official activities. It is a matter of comity between the Federal Govern-
ment and those governments and offici-
cials, which also involves a constitu-
tional principle in a federal system such as ours.

I do not think that the gentleman from Texas (Mr. Brooks) is really hitting the mark when he implies that there is something nefarious about these people coming down and lobbying Con-
gress. Of course, we ought to know what they are doing and who they are. We do know, and the people who are going to know about it most are the people who elected them and who pay their State and local taxes. So I see nothing wrong with exempting them, and I would hope that the gentleman's amendment would pass.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words from the opposition amendment. I think the gentleman from Texas (Mr. Brooks) very well stated the heart of the issue. In the subcommittee and committee stages of consideration of this bill, we made to straighten out the inequity, or the apparent inequity, that exists whereby a large city can send its peace down to Washington and lobby full time—in half the city of New York, for example, as compared to a smaller city. That does not seem quite fair. I attempted to get an amendment in the subcommittee that would bring those Washington offices of States or cities under the coverage of the bill.

I think instead of creating more ex-
ceptions, we should try to cover everyone in equitable fashion. I am not offer-
ing that amendment at this time because I do not think there is enough support for it. Frankly, I doubt that we would not go further and exempt the National Association of County Officials, the Na-
tional League of Cities, the Conference of Mayors, and so on, from the coverage of this legislation for the reasons that have been well stated here. They are very effective lobbying organizations.

The difference is that this bill is di-
rected toward organizations, and if we equate a municipality or a county with an individual, for the moment for pur-
pposes of argument, it is only when they get together and form an organization for the purpose of making lobbying com-
munications that this bill is intended to take effect. Let us leave them covered, those of them together in organiza-
tions. They are not acting as government of State and local stature. They are acting as organizations representing people who are serving in office.

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

Mr. KINDNESS. I yield to the gentle-
man from New York.

Mr. FISH. Mr. Chairman, will the gentle-
man yield for purposes of yielding?

Mr. KINDNESS. I yield to the gentle-
man from New York.

I would just like to address one point, be-
cause an effort has been made here in the last few minutes. And if you think the exemp-
tion for State and local officials as individuals to the proposal that we also exempt organizations of State and local officials.

Mr. Chairman, it seems to me that the two are quite distinct, that in the case of Federal or local elected officials we are talking about in most cases, if not all our constituents, our partners in gov-
ernment in the State for which we are all officials of the same area. I think that is far more in keeping with the present exemption to the extension of the personality of our mayor or Gov-
ernor in the District of Columbia. But when we are talking about a tremendous national organization with an influence, we are caring for clearly a lobby effort that is unre-
lated to any partner in government.

On top of that, we are more than likely talking about a representative for an organiza-
tion, such as the National League of Cities. No matter how qualified he is, such a representative is not on the same basis as the mayor of a city that you or I represent or the Governor of our State who might have an office in Wash-
ington; so I think these cases are clearly distinguishable.

Mr. Chairman, I join with my col-
leagues in opposing for a “no” vote on this amendment.

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

Mr. Chairman, I was very happy to hear the gentleman from New York recognize that we are talking about our partners in government, because that is what State and local officials are. They are our partners in government. We are helping each other in the job of serving our constituents. I feel that we should very strongly support the amendment of the gentleman from Nevada (Mr. San-
tini) to the Lobby Disclosure Act. This amendment rightly recognizes the im-
portant role of the States and the local communities and the cities as our partners in governing our large and diverse Nation. We learned long ago that Congress can-
ot and should never for one moment be the center of government. The concept of federalism requires that elected officials and their staffs at every level of government work closely and in a harmonious spirit. We exempt Federal lobbyists from the bill and we do not exempt the organizations of the other levels of government.

I think it is very important that these national organizations, which are ex-
tensions or instrumentalities of the States and the localities, be involved in this Government. They complement the work done by many individual State, State, county, or city offices in Wash-
ington. This bill exempts individual State or local government representa-
tives and yet it includes the organiza-
tions that serve such purposes. It is unfair in Washington for those smaller jurisdic-
tions who cannot afford special representatives.

The Santini amendment will preserve the public-private differentiation by ex-
cluding all associations financed by pub-
lic funds. I can attest that one organi-
zation—the National Association of Counties—fully discloses all its finances and activities. As the former president of NACO, I became very familiar with the association's activities, and of the actions of the other associations of public officials. These groups are ac-
countable to their elected officers and hide nothing from public scrutiny.

Mr. Speaker, I believe it is significant that the Advisory Committee on Federal- 
governmental Relations has undertaken a study of lobbying by public bodies at all levels of government. This study will include recommendations for appropri-
ate changes in the current statute. The ACIR has asked the Con-
gress to exempt national organizations.
of State and local government officials until they have completed their study.

Mr. Chairman, I believe the Santini amendment is extremely important, and because he stated it so articularly, I would like to quote a statement of Judge Gesell, in a case involving the current lobbying act.

The involvement of cities, counties and municipalities in the day-to-day work of the Congress is of increasing and continu­ning importance. The court must recognize that the voice of the cities, counties, and municipalities in Federal legislation will not always be heard unless through coop­erative mechanisms such as plaintiff or­ganizations they pool their limited finances for the purpose of bringing to the attention of Congress their proper official concerns of matters of public policy.

For goodness sake, let us not turn our backs on the people who are serving the very same people who elected us to this Congress. We here do not have all the answers. They do not have all the answers. We need to be working together.

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

Mrs. SPELLMAN. I am delighted to yield to the gentleman from Nevada.

Mr. SANTINI. First of all, Mr. Chair­man, I wish to commend the gentle­woman for presenting an excellent state­ment. I think she is right on target.

Mr. FASCELL. I do not find that to be the case.

Mr. SANTINI. Yes.

Mr. FASCELL. The persons who would be exempt are not elected officials or government employees, in the sense that we understand it.

Mr. SANTINI. Correct.

Mr. FASCELL. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada.

The question was taken; and on a di­vision (demanded by Mr. SANTINI) there were—ayes 28, noes 33.

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

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I offer an amendment. The Clerk read as follows: Amendment offered by Mr. RAILSBACK: On page 39, after line 7, add a new paragraph:

(c) The report covering the fourth quarter of each calendar year shall also include a separate schedule listing the name and add­dress of each organization or individual from which the registered organization received an aggregate of $3,000 or more in dues or contributions during that calendar year and listing the amount given, where (i) the dues or contributions were expended in whole or in part by the registering organization for lobby­ing communications and solicitations and (ii) the total expenditures reported by the organization for lobbying during that quarter of the year preceding the year in which the registration is filed exceed 1 percent of the total annual income of the organization;

Provided that the registered organiza­tion may, if it so chooses, instead of listing the specific amount given, state the amount, in the following categories: (A) amounts equal to or exceeding $5,000, but less than $10,000; (B) amounts equal to or exceeding $10,000, but less than $25,000; (C) amounts equal to or exceeding $25,000, but less than $50,000; (D) amounts equal to or exceeding $50,000. Provided fur­ther, that any organization registered under this Act or any organization or individual whose contribution to a registered organiza­tion is otherwise be disclosed under this paragraph may apply for, and the Comptroller General may grant, a waiver of the reporting requirements contained in this paragraph upon a showing that disclosure of such in­formation would violate the privacy of the contributor's religious beliefs or would be reasonably likely to cause harassment, eco­nomic harm, or other undue hardship to the contributor.

Mr. RAILSBACK. Mr. Chairman, H.R. 8494 does not require reporting by lobby­ing organizations of their major con­
groups, civil rights organizations, and others—to raise needed funds.

Today as public faith and trust in the legislative process by all groups in our society. Yet this amendment will have the opposite effect—it will discourage participation.

In NAACP against Button and numerous other cases, the Supreme Court has recognized the importance of theanni.

The only justification that has been advanced in the past is that the person has a right to know who are the major backers of the organization. But standing alone this right to know is not sufficient to overcome the basic first amendment rights. In Talley against California the Supreme Court upheld the right of anonymous speech and pointed out that the Federalists Papers, supporting the adoption of our Constitution, were written anonymously.

The decision in Buckley against Valeo, and the disclosure provisions in the campaign laws, does not provide support for this amendment. Indeed, Buckley recognizes that compulsory disclosure is permissible only when there is an overriding and compelling need to be served by such disclosure. There have been no findings of corruption and illegal activities such as those which justified the disclosure provisions of the campaign laws. We merely have people who organize to petition the government. This is a right protected by the first amendment—one that should be encouraged, not prohibited or restricted.

Mr. Chairman, this is a very, very bad amendment. The maliciousness of it is indicated in the last part where it says that if a person feels that he would be subject to harassment or some kind of retribution because of the disclosure which is required, that there might be a waiver accorded to such a person. In other words, the implication is that disclosure could very well threaten harassment of a person; it could embarrass, perhaps, his religious beliefs, or could cause economic harm or undue hardship to the individual.

Someone suggested to me that the possibility that if a person was employed by a large lumber company, for instance, and decided he wanted to contribute $5,000 or $3,000 to preserve the redwoods, he would have his name disclosed in the public record, unless he was able to get a waiver and thereby be subject to harassment in his employment—along with a good possibility of losing his job. All this simply because he was responding to his conscience.

But, there is no reason, just because of the amendment, that we should encourage participation in the legislative process by all groups in our society. Yet this amendment will have the opposite effect—it will discourage participation.

Mr. PANETTA. Mr. Chairman, I have a question. I support many of the arguments that have been made by the gentleman. The question that bothers me is the fact that the argument has been made about looking backwards to the 1946 law, which requires disclosure of contributions in excess of $500. I am wondering if the gentleman could explain whether, in fact, we are wiping out that requirement, or what exact change has been made with regard to this bill and that requirement.

Mr. McCLODY. I think that, in effect, what we are doing in this legislation is substituting this legislation for the existing legislation. But, this would be a violation of the decision made in the NAACP case, where an attempt was made to force the NAACP to disclose its membership list. I think the Supreme Court sustained their right to retain the privacy of it.

Mr. PANETTA. Do I understand that a court decision has in fact invalidated the 1946 law?

Mr. McCLODY. Yes, effectively this is true. Only if the principal business of an organization is lobbying would it have to disclose a contribution. Otherwise, with regard to a religious or charitable organization that might incidentally do some lobbying, it would not be required to disclose under this legislation unless this amendment is adopted.

Mr. PANETTA. My point would be this: Are organizations or contributors under the 1946 law being required to disclose those contributions?

Mr. McCLODY. Only if they are just strictly lobbying organizations. That is my understanding.

Mr. DANIELSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.
Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Illinois. In my opinion, the constitutional issue here is very clear. If the Supreme Court has stated, in A. C. P. G. against Alabama, that "compelled disclosure of affiliation with groups engaged in advocacy may constitute an effective restraint on freedom of association." During the course of the Commerce, Consumer and Monetary Affairs Subcommittee investigation which I mentioned earlier today, the issue of disclosure of membership and contributor list came up. The questionnaires which were sent out to the business community to further this oversight investigation of the IRS asked for voluntary responses concerning trade association membership as it may affect the tax deductions of the corporation. This question was designed to focus on the possible nondeductible portion of dues paid to trade associations which are active in grassroots lobbying. However the subcommittee had no authority to compel disclosure of these memberships, in light of the Supreme Court decisions. Indeed a better method for obtaining this information, which was subsequently adopted by the subcommittee, was to send a request to the trade associations directly, asking whether a substantial part of their activities is devoted to grassroots lobbying and if so, what percentage did it constitute and what was the total amount of dues received. This enabled the subcommittee to determine the total nondeductible portion of dues paid by corporations and accomplish the result without any improper inquiry into membership lists.

It is clear that such memberships are disclosed by the dues payer to the Internal Revenue Service in support of a tax deduction for the membership dues. However disclosure to the IRS, with all the attendant protections for taxpayer information, is a very different matter from disclosure to the public as is proposed in this amendment. Just as our subcommittee had no authority to compel answers to the question concerning trade association membership, this body cannot compel disclosure of member and contributor lists in this bill.

Mr. DANIELSON. Mr. Chairman, I rise to speak on this amendment reluctantly because my good friend the gentleman from Illinois, Mr. RAILSBACK, and I have worked very long and hard on this legislation. Generally, we agree that the number of the three things that are at least two or three things that are wrong with the amendment.

First of all, Mr. Chairman, I seriously question the constitutionality of the amendment, because it would, in effect, be a tax on the organization. Simply because the requiring of the disclosure of the name and address of the organizations and individuals from whom the registered organization receives an aggregate of $3,000 or more. Of course, that would exclude the small donors but, at the same time, it would cut off, it would effectively dampen the enthusiasm of the donor of the small, individual contributions, or the willingnesses of someone who would like to make a more substantial contribution to the organization, particularly if it were believed that the same equal to or more than the dollar one. Let me face it, when a cause is popular you do not need much lobbying to bring in all the necessary funds. It is the unpopular causes that need to have some public support and that therefore need lobbying.

Further, as the legislation is drafted the amendment is truly ineffective because you will note there is a proviso in the last portion of the amendment that states: Provided further, that any organization registered under this act or any organization or individual whose contribution to a registered organization would otherwise be disclosed under this paragraph may apply for, and the Comptroller General may grant, a waiver of the reporting requirements contained in this paragraph if he finds that disclosure of such information would violate the privacy of the contributor's religious belief or would be reasonably likely to cause harassment, economic harm, or other undue hardship to the contributor.

Who is going to determine precisely what a contributor's religious beliefs are? Who is going to be able to explore what somebody means in order to find out whether he has a valid religious belief that should be honored by the Comptroller General, or who has a religious belief that the Comptroller General can ignore?

Further, I respectfully submit who is responsible for a person's claim that this would be reasonably likely to cause harassment, economic harm, or other undue hardship to the contributor?

I respectfully submit that anybody could draw up a petition pointing out the false of the person's name and address and the amount of his contribution is reasonably likely to cause harassment, economic harm, or other undue hardship. That is, if they are likely to cause any one or more of these various contingencies.

Clearly, inasmuch as we do have a provision, first of all, of a threshold of $3,000, and secondly the specific exception above that what we really have is simply a gesture rather than an amendment because what it amounts to is it is voluntary. If anybody wants their name and address to be disclosed, or their contribution to be disclosed, they can do so but, if it does not want this disclosed then he cannot seek privacy through the Comptroller General, or that individual less than $3,000, or the fourth contingency in the amendment.

I, therefore, respectfully submit that the amendment should be turned down.

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield?

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

Mr. GARY A. MYERS. Mr. Chairman, I thank the gentleman for yielding. Would the gentleman care to speculate on how the situation would be handled where a corporation who chose to make a decision not to handle their activities in a certain way they do today but decides to set up a funding organization and bankroll this in order to have its special interests presented to Members of the House and the Senate. Would they escape the whole impact of real disclosure if we do not pass this amendment?

Mr. DANIELSON. They probably would but, at the same time, if they are going to be devious enough to work out such an arrangement, as you mention, what is to keep them from seeing to it that a number of people contribute an amount less than $3,000 each, or that any or all of them rely upon the privacy of the individual contributors beliefs, et cetera?

Mr. GARY A. MYERS. Does the gentleman then say that they probably would be able to escape?

Mr. DANIELSON. Yes, it is my cynicism, Mr. Chairman, that a person can work his way around almost any law or regulation if he works hard enough at it. I do not think that it is possible that any provision that is referred to in the hypothetical situation posed by the gentleman from Pennsylvania (Mr. GARY A. MYERS).

The CHAIRMAN. The time of the gentleman has expired.

On request of Mr. GARY A. MYERS and by unanimous consent, Mr. DANIELSON was allowed to proceed for 1 additional minute.

Mr. GARY A. MYERS. If the gentleman would yield further, the concern I have is that everyone has been speaking in terms of individuals, and I can agree there is some concern that should be expressed that way, but it would appear that if we recognize there is a large loophole for corporate evasion of this whole act, absent some sort of provision like this, then we cannot argue the merits of this amendment solely on the basis of individual rights to privacy, and so forth. We might also recognize that potential loophole as well.

Mr. DANIELSON. It has been very difficult to put this bill together, because we are treading close to the zone of the first amendment. But I think the way we now have it structured, it meets those requirements. It is perfectly valid. I am most reluctant to see us put in amendments that push us into the first amendment protected area, and I submit that this could be one of those.

Mr. GARY A. MYERS. I thank the gentleman.

Mr. MORHEAD of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe this amendment to be one of the worst that we will face during the time that we consider this legislation, because it would have a severe chilling effect on groups that support unpopular causes, that is, civil rights groups, environmentalists, business groups, colleges and universities, and
Mr. WIGGINS. I thank the gentleman for yielding.

I fully endorse the gentleman’s remarks and associate myself with them. This is as bad a amendment that has been proposed to the bill.

Miss JORDAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amend­ment.

We have heard summarized many of the deficiencies which are apparent in this amendment, one or two of them. The Members heard some mention of how this applies in the teeth of the standard that was set in NAACP against Alabama. What was that standard, in plain English?

The court said that if the State has an interest in the activity being considered legislatively that that State interest must be subject to such exacting scrutiny that hardly anything gets through the door.

In other words, there must be a relevant correlation between the interest of the State and the information which must be disclosed.

The Railback amendment says that we require disclosure of a list of contrib­utors. Where is the State’s interest in this procedure? Is it ought to remain private? It is not there.

There was no testimony whatsoever before the subcommittee in consideration of this bill that contributors to organiza­tions had somehow indirectly influenced the policies of those organizations and ought to be subject to some regulation on the part of the State.

Shelton against Tucker is another case we ought to keep in mind. What did the Supreme Court say in that case? Even though the governmental purpose be legitimate, let us say that it is legitimate for us to require disclosure of lobbying activities, the Court said that even if what the Government is doing is legitimate, the purpose cannot be pursued by means that stifle fundamental personal liberties. The Court said that we had to be so exacting, so careful that the per­sonal liberties of not one individual in this country would be subjected to some in­vasion that could occur if this amendment were to come about or to be attached to this bill.

What are some of the other deficiencies? Out of the air we have the figure of contributions of $3,000 or more to be revealed. There is nothing that requires that that contributor of the $3,000 or more have any influence on the policy of the organization. The 1-percent figure, $3,000 contribution, provided the con­tributor contributed at least 1 percent of the total annual budget of the organiza­tion, how in the world is the Comptroller General going to be able to determine which constitutes 1 percent of total bud­get immediately upon the time of filing being required under this amendment?

It would be well nigh impossible until the organization had been in existence some 2 or 3 years before you could ever decide this figure constituted 1 percent of the total budget, because that would not be known at the time of the first registra­tion.

Also, 1 percent of a budget of say $25,000 would be one figure. One percent of a budget of $10,000 would be another figure. We are requiring disclosure of all of these contributors, whether they im­pact one way or the other on the policy of the organization.

Then the final part of this argument turns the Constitution on its head.

The CHAIRMAN. The time of the gen­tlewoman from Texas (Miss JORDAN) has expired.

(By unanimous consent, Miss JORDAN was allowed to proceed for 3 additional minutes.)

Miss JORDAN. Mr. Chairman, we have listened to what the Supreme Court had to say to us. We have said that we are going to be exacting in what we re­quire when we begin to abrogate certain freedoms people have, and then we come to a part of the language in this amend­ment that says even though we have been exacting, we Members of Congress, representatives of the people, say to the Comptroller General, “If you feel in your discretion that this is not a good idea for the contributor to reveal himself,” we may waive that require­ment under this amendment.”

Whoever heard of the Comptroller General sitting as the decider, the final arbiter, of whether our personal freedoms are going to be violated by some law that was passed by the Congress of the United States?

Mr. Chairman, I would like at this time to yield to the gentleman from California (Mr. EDWARDS), a member of the Com­mittee on the Judiciary, for some remarks on this amend­ment.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentlewoman for yielding.

I wish to compliment the gentlewoman from Texas (Miss JORDAN) on her re­marks, and I would like to be associated with them.

I wish to say a word with regard to what the gentleman from Illinois (Mr. RARICK) said in question­ering in U.S. against Harriss. I most re­spectively suggest that Chief Justice Warren cannot be quoted in support of this provision.

The Chief Justice in U.S. against Har­riss was talking about paying those people who directly lobby Congress and about how much they are paid, rather than about contributing to a group which, among other things, lobbies Congress.

For example, under the Harriss lan­guage, there certainly is an interest in Congress knowing whether the National Rifle Association hires or retains a lobby­ist to lobby for it and in knowing how much he is paid. Likewise it is within the opinion’s scope to require an organiza­tion covered by the lobby bill to report which of its lobbies lobbies for it and how much it is paid. These matters are covered by the requirements of the com­mittee bill.

The language of the Chief Justice in the Harriss case does not mean that
Congress has a right to require whoever contributes to the organization must fall within the requirements of the lobby bill, and the Chief Justice should not be quoted as an authority on this amendment.

Mr. Chairman, I thank the gentlewoman for yielding, and I urge a no vote on the amendment.

Mr. RAILSBACK. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I thank the gentlewoman for yielding.

I listened to the gentlewoman's rather serious and scathing indictment of the amendment.

The CHAIRMAN. The time of the gentlewoman from Texas (Miss Jordan) has expired.

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

Mr. RAILSBACK. Mr. Chairman, will the gentlewoman yield?

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

Mr. RAILSBACK. Mr. Chairman, may I say that in reference to the scathing indictment that was just given by the gentlewoman from Texas (Miss Jordan) concerning the amendment and her reference to the Harriss case, I wonder if the gentlewoman knows exactly what is on the books.

This gets back also to the question asked by my friend, the gentleman from California (Mr. Palerra): Does it change the existing law?

The answer to that question is that under the 1946 law which is now in effect, the following must be reported each quarter: The name and address of each person who has made a contribution of $500 or more, the name and address of each person to whom an expenditure has been made in excess of $10, and the total number of all expenditures and contributions.

I am sorry that I did not get a chance to reply to the gentleman from California (Mr. Edwards), but I know he did not have sufficient time. However, I would say to the gentleman from California that all the Members have to do is pick up the Harriss case which I cited, and they will find it says this:

Present day legislative complexities are such that individual Members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too much.

And they will find it says this: cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too much.

But it bothers me that so much is being made out of this amendment with the exemptions that are contained therein, where the existing law actually requires contributors of more than $500 to report right now.

Mr. EDWARDS of California. Mr. Chairman, will the gentlewoman yield?

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

Mr. EDWARDS of California. Mr. Chairman, the Chief Justice was talking about people who pay a lobbyist. The gentleman from Illinois (Mr. RAILSBACK) is talking about contributions to an entire organization, not just to pay a lobbyist. It is entirely different, and I quote from Chief Justice Rehnquist: "I would not be used in support of the amendment."

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his contribution. I understand whether or not I support or do not support the amendment offered by the gentleman from Illinois. However, I think in some situations it has some merit. As an example, there are organizations that are formed with a fine title that indicates that they represent the interests of the elderly. It turns out that it really is a group of labor organizations which has a front organization that rates Members of Congress and then sends out to the voters in the district of the Members so-called ratings based on their voting record supposedly as to whether they favor the elderly or people in favor of conservation issues, and so forth. There have been even rumors that some political parties have tried this device of having front organizations rate Members of Congress on what appear to be very important issues, like the elderly and conservation, when really the idea is a political exercise to try to discredit incumbent Members.

For that reason, maybe this is a good idea.

Mr. WIGGINS. Mr. Chairman, I move to strike the requisite number of words, and I would be glad to yield to the gentleman from Iowa (Mr. Block) not more than 2 minutes.

Mr. BLOUIN. I thank the gentleman for yielding.

Mr. Chairman, I would like to put a question to my friend, the gentleman from Illinois (Mr. RAILSBACK), in regard to the comment that the gentleman from California (Mr. Edwards) just made, if the gentleman will yield for a question only.

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

Mr. BLOUIN. Mr. Chairman, does the gentleman's amendment speak to, as has been stated, all contributions to the organization across the board, or is it just addressed to those funds that go into lobbying? I think that is a very important point, and I would like to be able to give the gentleman the time to clarify that.

Mr. RAILSBACK. Mr. Chairman, if the gentleman will yield for a question, I would like to inform the Committee that the organization under § 6(b) (2) during the year preceding the year in which the registration is filed exceed 1 percent of the total gross income of the particular organization. So at least some of the money has to be spent for lobbying.

Mr. BLOUIN. Just to make sure that I understand and then I will be finished. If 1 percent of the total budget of whatever the organization is, is spent on lobbying, then any person who contributes $3,000 or more to the organization per se, shall be subject to this disclosure, and only that: is that correct?

Mr. RAILSBACK. If the gentleman would yield further, the work is that it would relate to more than 1 percent of the gross income, not the budget, but the gross income of the particular organization. In addition, there were some objections by Ralph Nader, frankly, the public citizen, and some of the other organizations that are against the concept, we decided to permit a waiver where there could be a disclosure of a religious preference.

Mr. WIGGINS. Mr. Chairman, I reclaim my time. I refuse to yield any further.

The gentleman's question has been answered. The answer is "Yes."

Mr. BLOUIN. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. Wiggins) be given whatever time we have used up.

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

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. Wiggins) is recognized for 3 additional minutes.

Mr. WIGGINS. Mr. Chairman, I hope not to use all of that time.

I did want to make the very point that was just made. We are requiring a disclosure of major contributions if only 1 percent of the activities are lobbying in nature, which distinguishes it clearly from the 1946 act.

I just want to make it clear what we, the Congress, said it was; but it was interpreted by the Supreme Court. The Court strained to the utmost to save that act from a declaration of unconstitutionality. The Court defined the term to the individuals who engage primarily in lobby activity. Accordingly, under the 1946 act, 100 percent of the amount contributed and reported was directed to lobby activities.

Under the Rallsback amendment, only 1 percent must go to such activities.
Mr. Chairman, my friend from Texas, Congresswoman Jordan, quoted several opinions that I wish I had quoted because their arguments were directly applicable to this bill as a whole, not just to the Railsback amendment. This entire bill is required to be subjected to the most exacting scrutiny to identify a compelling public interest, as the gentleman from Texas has said. More over the bill must be carefully drafted to serve that identified interest.

The bill fails, just as the Railsback amendment fails, a test of usual scrutiny, let alone exacting scrutiny. I hope the Railsback amendment is defeated as well as the bill.

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

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

FURTHER LEGISLATIVE BUSINESS FOR TODAY AND TOMORROW

Mr. Wright. Mr. Chairman, I take this time merely to announce my understanding that it is the intention of the managers of the dispositions of the amendments, to move that the Committee shall rise. That would conclude the legislative business for today.

It would be the purpose of the leadership of tomorrow, coming in at 11 o'clock a.m., to complete consideration of this bill and to complete action on the farm credit bill.

Having done those two things tomorrow, the business of the week would have been concluded.

Mr. Danielson. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto conclude at 6:40 p.m. today.

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

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was made will be recognized for approximately 1 minute and 15 seconds each.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Railsback).

Mr. Railsback. Mr. Chairman, I mentioned that there had been a recent State court case, and at the time I mentioned it I did not have the name of that case. Now, I would like to cite it.

It is in Fritz v. Gorton (83 Washington 2d, 270), in which there was an appeal to the Supreme Court, which was dismissed in 1974.

The Supreme Court confirmed that decision in sustaining the State court decision upholding the disclosure of major contributors to lobbying organizations. This involved a lobby disclosure act of the State of Washington, which required the disclosure of contributors of more than $500 annually to a lobbying organization. It held that that requirement was constitutional, and it seems to me that, in addition to the language of the constitution, really should lay to rest—or I hope lay to rest—the constitutional question.

(Further, there is no rational relationship between disclosure of a contribution and the position taken by the organization to organize on any particular issue. Our constituents join groups for a variety of reasons—many of which are totally unrelated to the lobbying activities of the organization. Churches, environmental groups, and public interest groups are all multipurpose organizations. They will register and report under this bill. But are all the contributions they receive not specifically intended to support their lobbying efforts? Of course not—the contribution in most instances is in the nature of general support for an organization's general purposes.

Finally, Mr. Chairman, I wish to state that this amendment is not prompted by any evidence of corruption or illegality, such as that which justified the campaign financing disclosure laws. So, there is no reason to go at the beginning of a bill that would permit such an intrusion into an area protected by the first amendment.

I urge a "no" vote on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Miss Jordan).

Miss Jordan. Mr. Chairman, I just urge a no vote on the Railsback amendment. Commonsense, good sense, judgment, requires that we vote no on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Kindness).

Mr. Kindness. Mr. Chairman, I wish to associate myself and agree with the remarks of the gentleman from California (Mr. Edwards) in earlier debate on this amendment. We have already done this bill bodily harm by including grassroots lobbying in the coverage of the bill. If this amendment were to be added to it, the bill would be worthless, and would go nowhere because it could not ever become law and be upheld by the courts.

I would certainly say that when we are trying to balance constitutional considerations, as we are in this matter, that if we are going to be in error, let us be in error in the direction of preserving the individual liberties and constitutional rights of individual Americans. By defeating this amendment, we can assure ourselves of being on the right side.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. Harris).

Mr. Harris. Mr. Chairman, I regret very much the conflict that has been set up between elements that, frankly, I am sympathetic with. I agree with the gentleman from Texas (Miss Jordan) and the gentleman from California (Mr. Edwards) that this bill will not work.

I do not think that an effective lobbying disclosure bill can be written that will require an organization to report exactly the way I offered the amendment in the subcommittee, but it is drawn carefully enough that it deserves support. I think that an effective lobbying and registration act requires that we know who is financing the lobbying.

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. Danielson).

Mr. Danielson. Mr. Chairman and members of the committee, I urge a no
vote on this amendment, and I yield back the balance of my time.

Mr. GARY A. MYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not wish to take the full 5 minutes, but there was a concern that I thought ought to be expressed. It is the concern that an organization that is engaged in a mixture of lobbying activities and other activities that it would seem to me that even if this amendment were to pass, that that organization would have the right to form itself in such a way that it could identify itself specifically to handling its lobbying activities through a subsidiary organization, keep those lobbying activities in that subsidiary and have all of their other activities carried out in another organization and then that subsidiary organization would lobby and contribute toward certain aims and that could be preserved and protected.

I hope that that will be taken into consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

The question was taken; and on a division (demanded by Mr. RAILSBACK) the ayes were 26, noes 41.

So the amendment was rejected.

Mr. DANIELSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. NATCHER, having assumed the chair, Mr. MEERS, 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. 8494) to regulate lobbying and related activities, had come to no resolution thereon.

VA HOSPITAL SYSTEM AT CROSSROADS

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

Mrs. SPELLMAN. Mr. Speaker, today, the VA hospital system is at a crossroads. The budget proposal for fiscal year 1979 forces us to consider the future role of the VA in providing medical care. Are our veterans, who have served the Nation faithfully, to be rewarded with inferior institutions, which will eventually turn into medical slums? The question is not rhetorical, but I sincerely hope it conveys a sense of the severity of the cutbacks contained in the proposed VA budget.

Certainly, I am concerned about the beds which will be lost in the state of Maryland, and I am alarmed about the consequences of 3,132 fewer beds and the equivalent of 1,500 lost employees throughout the VA system. But the problems with the budget run much deeper. I believe a review of past funding and a consideration of present and expected future demand make it clear that this budget cut will have a serious impact on the quality and availability of medical care at VA centers.

Since 1975 the percent of the total Federal budget for the VA has declined from 5 to 3.8 percent, the lowest in a decade. Yet there has been a great increase in the number of veteran patients treated at VA hospitals, especially at those located at Veterans Administration hospitals located throughout the nation. But the problems with the budget run much deeper.

The picture that emerges is bleak. The unmistakable institutional stress signs have appeared. Exacerbated by an austere budget, the VA health care system could no longer be expected to continue to provide the exceptional service for which it has become known.

Another example is telling. There have been over 500 cases in which VA domiciliaries. Yet a recent GAO report demonstrated the need for these facilities. In this light, it is hard, if not impossible, to justify abandoning 35 condominiums at the VA nursing home and outpatient complex in Camden, N.J.

There are two other features of the fiscal year 1979 budget about which I have great reservations. The first concerns the elimination of all medical research activities in 64 hospitals, that is, in one-third of all VA hospitals. In medical circles, the connection between research programs and first-rate medical attention is an undisputed truth. The VA, which administers the Nation's largest medical research program has long taken pride in its scientific endeavors which have brought comfort and hope to millions. As you know, just last year this program produced 100 new ideas for VA domiciliaries. Yet a recent GAO report demonstrated the need for these facilities. In this light, it is hard, if not impossible, to justify abandoning 35 condominiums at the VA nursing home and outpatient complex in Camden, N.J.

The research budget has declined steadily over the past 7 years. Further reductions in our research budgets can only hinder the progress of medical science in the Nation, and reduce the level of care at VA institutions.

Finally, I find especially troublesome the proposal to eliminate 667 personnel spaces from the Department of Veterans Benefits. This group handles veterans' claims and processes paperwork to approve schooling and loan programs. A major challenge for us is to lower the very high unemployment rate for Vietnam-era veterans. Undoubtedly, this cutback would be devastating to these men. How can we properly help our young veterans, if we deprive them of a responsive Department to administer the programs established for their benefit?

There is an irony about the fiscal year 1979 budget. The cutbacks were chiefly mandated by the Office of Management and Budget. I share the concern of many of you regarding expenditures, and I welcome the administration's efforts in this area. However, I seriously doubt that the VA budget is the proper place to wield the budgetary axe. Their programs are well run, and are free of scandals. They provide excellent medical attention at a fraction of the cost of medical care at private hospitals. I, therefore, urge you to restore the budget to adequate levels, so that some of our most deserving citizens can continue to receive the quality medical care for which the VA is known throughout the world.

TIME FOR A TAX CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Oklahoma. Mr. Speaker, we are going to hear a lot about tax policy in the weeks and months to come, and through it all there's one question to keep in mind: What has happened to that uniquely American idea of creating economic progress by rewarding those who are willing to work, save and invest-an idea so powerful that it drove our Nation to create more wealth, more evenly divided, than any other in the history of the world?

Most Americans still believe in human progress through individual opportunity, but the runaway growth of Government has just about destroyed the American dream for many small businessmen.

Take a look at the hundreds of Government programs created in the last 15 years—all under the guise of helping the so-called little man. When President Kennedy first took office only about 5 percent of all tax returns were subject to the marginal tax rate of more than 30 percent. Today, Government at all levels takes away in taxes nearly 45 cents of every dollar earned by the American worker. Every increase of 1 percent in the Consumer Price Index raises the rate of taxation by 1.5 percent, and at the rate inflation is pushing people into higher tax brackets, by the early 1980's taxpayers who are now earning $12,000 a year will be paying taxes at a 50-percent rate.

As Government continues to multiply the number of suffocating regulations, siphoning away more wealth every year for its own nonproductive spending, individuals and businesses have that much less to spend on goods and services and to invest in new and more efficient plants and equipment. Government borrowing now soak us up over 70 percent of all the available funds in the Nation's money markets. Is it any wonder that we have a weakened stock market, that we have an inflation problem, that we are losing our savings, that the rate of capital investment is twice our own? Should anyone be surprised that with some U.S. plants nearly a century old, Japanese steelworkers produce an average, 60 percent more per year than American steelworkers? In America today we are taxing work, growth, consumption, welfare and debt.

The way to stimulate the economy is not through Government spending, but through private spending and invest-
ment, and through putting money into savings accounts to increase funds available for private borrowing.

We need a tax relief program of across-the-board tax reductions. I'm supporting a bill that would provide tax cuts averaging 33 percent over the next 3 years in personal income taxes, a 3-percent reduction in capital gains taxes, and an increase in the surtax exemption for small businesses from $50,000 to $100,000.

There is a valid argument that we ought not cut taxes until we reduce the national debt, but big government continues to drag the economy down and we've simply got to break the chain. We've got to get the private economy back on its feet. I am convinced that a tax cut is needed now to stop the effects of inflation pushing individuals and businesses into higher tax brackets, and to breathe some new life into our free enterprise system. And I believe these reductions would succeed. In fact, in stimulating even greater Federal revenues instead of increasing the debt—just as they did under President Kennedy—if combined with a concentrated effort to slow down government spending.

I was delighted to hear the President finally endorse the idea of tax cuts to strengthen the economy. And I was surprised when he said that he and the Congressional leadership are "committed" to tax cuts. That same leadership has rejected six separate opportunities during the 95th Congress to pass a tax cut. In fact, just a few months ago the President went on national television to announce that he would veto any effort to pass permanent tax relief. (But of course this isn't the first time he's changed his mind.)

Obviously what is important is what kind of tax cut the administration endorses. Right now, it appears that the President's idea of a tax cut is one that will be granted somewhat selectively to partially offset the projected increases in social security and energy taxes, which of course would destroy the whole idea of using a tax cut to stimulate the economy.

And the administration must avoid "tax reform" measures that harm productive sectors of our economy. For example, the tax deduction of home mortgage interest is one of the most shortsighted "tax reform" ideas of all. The housing and real estate sector is growing and "tax reform" at its expense will only fuel inflation while crippling the housing and real estate market.

What it really boils down to is this. Which do we want more, a bigger and more powerful Government, or more individual opportunity in a healthy, expanding private economy? That's what the tax debate is all about.

SENSELESS SLAUGHTERING OF SEALS MUST STOP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I join my colleagues today in expressing my deep concern over the senseless slaughter of the harp seal pups in Canadian waters.

Last week the President went to the Canadian Government a strong message of opposition to the Canadian Government's continued policies permitting this annual seal hunt. Yet this past year the total allowable catch has increased by 10,000—to 180,000. Even the Canadian Government admits that approximately 80 percent of this quota will be filled by "whitecoats"—that is, pups under 10 days old who still have the transparent, pure white fur that will be sold for trinkets and boot trim.

I have introduced new legislation, House Concurrent Resolution 532, which again expresses the U.S. Congress serious reservations over Canada's harp seal policies. This bill has 67 cosponsors, and specifically draws attention to the increased quota.

The arguments against the harp seal hunt are many, and frankly, stem from a sense of the inhumaneness associated with killing defenseless pups less than 10 days old. Even regulated sport hunting does not allow the mass killing of wild animals' young. The obvious counter to this, and the argument that the Canadian Government makes in return, is that the inhabitants of the Canadian Arctic and Greenland and the landmen of Newfoundland need the revenue from the seal pelts to live during the winter months. What the Canadian Government fails to point out is that less than half of the seal pelts taken in 1977 went to these people. More than one-half were harvested by large Canadian and Norwegian commercial ships.

This year the Norwegian quota alone was 35,000 pelts: None of these pelts, or the revenue from them, returns to Canada.

These pelts return to Norway, where they are prepared for the European market. Yet there is strong evidence that the market for seal pelts is severely decreasing due to environmental group protests, even though the Canadian quota for 1978 was increased. In fact, there are numerous reports of 1976 pelts still in storage for lack of buyers, and white-coat pelts being dyed before they go to auction.

Because of the lack of complete data on the seal population, there are differences of opinion as to the total size of the herd. One thing, however, is known—that the total harp seal population has dropped by approximately two-thirds within the last 20 years. Here again, the evidence of the diminishing of the harp seal is due to environmental damage. At the beginning of the century the total harp seal population was about 1.3 million. Yet there is no guarantee that this harvest plan will keep the herd at a healthy size. Observers at the 1977 and 1978 hunts have witnessed seal dams aborting their pups on the ice before their time. It is theorized that these dams, who bear new pups each spring, may be responding to the repeated slaughter of their pups by sealers in previous years. If this situation becomes prevalent, the outlook for the harp seal population is indeed bleak.

Dr. David M. Lavigne, the noted scientist widely quoted by the Canadian Government for his work on the infrared tracking of harp seal pup survival and population, stated in the January 1976, National Geographic:

Although it is still too early to give a definitive answer (about the total harp seal population), it seems clear that the harp seal is in trouble.... As our census continues, we see increasing evidence that the western Atlantic harp seal population cannot survive continued harvesting by big factory ships. Perhaps the landmen, under strict regulations, may still go out on the seasonal hunts. But we must work fast to provide reliable figures to hunters and conservationists alike. The survival of the harp seal hangs in the balance.

I strongly urge the Canadian Government to take another look at their policies of encouraging this annual harp seal slaughter. To slaughter a vulnerable species for trinkets and toys is a cruelty beyond belief.

"DIRTY DOZEN": A DISCREDITED RATING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 10 minutes.

Mr. CLEVELAND. Mr. Speaker, on Saturday, April 8, 1978, the Washington Post was kind enough to publish on its opposite-editorial page a signed column by me dealing with press treatment of campaign activities of Environmental Action's Dirty Dozen Campaign Committee.

And last Monday, April 17, the Post carried a response by Environmental Action's legislative director which represented a nolo contendere plea concerning most of the charges I had raised, and added to our body of conclusions. Of these remarks, I shall introduce both items for the record to enable Members to draw their own conclusions from a point-by-point comparison.

However, the report contained two allegations which further call into question the credibility of the Dirty Dozen Campaign Committee.

First, we find this assertion:

The votes we use to assess a Congressman's record are selected only after consultation with the national environmental organizations that are the most active and knowledgeable on the subject legislation.

I find this hard to swallow. If we look back a few years—as Environmental Action does in attacking those Members on its list—we find that in 1972, the list of votes included.

Five dealing with military spending and the Vietnam war, and 11 votes on miscellaneous "social" issues such as Rhodesian chrome, a consumer protection agency, education appropriations, an OEO extension bill (including child care and legal services), the Equal Rights Amendment, food stamps for...
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Strikers, farm subsidies, House reorganization, health program financing, equal employment opportunity, family planning and contraception research, and campaign practices legislation.


Then we find an assertion that in some instances, being named to the Dirty Dozen list prompts a Member to clean up both environmental, energy, and economic issues — and indeed was probably unaware of — despite its claim to close scrutiny of Members’ activities.

(One of its “good-guy” votes on its 1974 list was for a bill which I personally and my colleagues had supported and hoped would be added to another sponsor when it was reintroduced after amendment in subcommittee.)

But more to the point, since my designation I have continued with a number of interests Environmental Action ignored — and indeed was probably unaware of — despite its claim to close scrutiny of Members’ activities.

Since my designation, I continued to pursue the same balanced concern for both environmental, energy, and economic issues that have characterized my legislative career.

The course of so doing, I merely continued with a number of interests Environmental Action ignored — and indeed was probably unaware of — despite its claim to close scrutiny of Members’ activities.

I observed both varieties of coverage as a member of the Dirty Dozen in 1976, which leads me to suggest that, next time around, the press stiffen its skepticism in handling political material from Environmental Action.

After the last election, National Journal’s Michael J. Malbin examined charges by House Minority Leader John J. Rhodes (R-Ariz.), also on the 1976 list, that rating procedures of most groups were unfair and Environmental Action was the worst offender.

Reviewing materials assembled by the Fair Campaign Practices Committee for symposium on political rating groups, he concluded that “they tend to support Rhodes’ charges.”

As to the press, Malbin observed, “the problem with all this is that it is easy in the heat of a campaign — or an opponent — or the news media — to latch onto a label and assume that there is something solid behind it.” And Chris Black, Washington correspondent of the Lowell (Mass.) Sun:

“The Dirty Dozen campaign plays upon institutional weaknesses in the press. The gimmicky charge receives page-one play but the denial is buried on the obituary page. Yet the group uses the widespread assumption that environmental groups are somehow above politics and reproach, although Dirty Dozen proponents do not seem to be so different from this perception.”

Unintended distortion came with initial coverage strongly suggesting that the 12 on the list were selected on the basis of their environmental voting records. That impression was conveyed by AP, UPI, The Washington Star and particularly The Post, which plugged that line in its headline and lead paragraph. Yet those vote rankings were absolutely inconsistent with Environmental Action’s own selection process. I made the list although more than 100 others voted equally poorly. Environmental Action conceived that other factors are considered, a fact scarcely alluded to in Washington coverage.

A key factor was vulnerability. Environmental Action argued that it didn’t waste time going after occupants of safe seats. But had reporters examined that factor, they would have learned that eight members of the 1978 list won elections in 1974 with a scant 53 percent of the vote or less; one won his 1974 primary with only 55 percent of the vote and the general election with 53 percent, and two had primaries in 1976. Those members aren’t just unsafe; they’re the walking wounded.

Rhodes blasted the ratings, requesting the Fair Campaign Practices Committee to monitor and expose the unfairness involved. That received prominent, fair and balanced coverage in Washington. But it was not widely echoed elsewhere.

Later, the press here and across the country gave good exposure to a study entitled “Members of Congress and Environmental Issues,” by the House Republican Research Committee, which for all its overblown partisan origin was an excellent critique of media treatment of general and Environmental Action in particular.

Meanwhile, one of the most perceptive pieces I saw on an individual member was done by Paul Houston of the Los Angeles Times in the case of Burt Talcott (R-Calif.). He found “considerable evidence that, in defending Talcott on environmental action, Environmental Action has accused Talcott wrongly on several points.” Houston added that “there is no evidence to date that Talcott or the group worked for my opponent to be in a McGovern campaign. They had discussed the list, but it was issued with the general understanding that I would be included only if I were likely to run. Environmental Action claimed it was misquoted.”

My opponent made no issue of the Dirty Dozen in my environmental record in the campaign; he walked away from the issue, saying the Dirty Dozen Campaign Committee was doing its own thing. (I later won with 61 percent of the vote.)

In New Hampshire, Environmental Action’s remaining credibility died. The group claimed to have enlisted a number of environmental organizations against me. That made headlines, as did subsequent disclosure that the claim was phony. Environmental Action again claimed it was misquoted.

Environmental Action seeks to be a continuing and credible presence on the scene, though it consists mainly of a magazine staff of roughly a dozen, lobbies sporadically and ineffectively, and has no membership. Its political operation is a floating media event. It thus deserves scrutiny in its role in the interests of a cleaner political environment.

**DEFENDING THE “DIRTY DOZEN” AWARDS**

Rep. James Cleveland (R-N.H.), in his annual “Wrongly-ranked Representative” discredited Rating System,” claims that the Dirty Dozen designation unfairly portrays an incumbent’s stand on environmental issues because 100 other congressmen have similar or worse voting records. The fact that a third of the House of Representatives votes against the protection of environmental values, often blocking needed legislation, distresses us, but in no way exempts the incumbents named to the Dirty Dozen. If we desired to name the 12 incumbents with the worst voting records, we would have named them the ‘Congressmen’s Point’ Dozen. Dozens use to assess a congressman’s record are selected only after consultation with the national environmental organizations that are active and knowledgeable on the subject legislation. Since 1970, no national environmental organization would consider the campaign for naming an incumbent to the Dirty Dozen because he did not have a misrepresentation through voting record on environmental issues.

Mr. Cleveland criticizes us because we choose candidates who are “vulnerable,” which states that the most defeatable, so long as their voting record mean its such an effort. Even the National
Republican Congressional Committee on which Mr. Cleveland serves, targets its efforts against industry. Of those industries with whom it disagrees (primarily Democrats). Indeed, conservative campaign committees have used that technique to target thousands of dollars in campaign funds for opponents of weak Democratic incumbents. Vulnerable incumbents can only survive the electoral process if they can rely on a coalition of supporters with varying viewpoints. If an incumbent repeatedly fails to vote to the sentimental values that have a fundamental right to advise environmentalists to withdraw their support from such a coalition. Our effort sometimes has a favorable effect on those Dirty Dozeners who do survive the campaign. For example, Mr. Cleveland, who was chosen for the Dirty Dozen in April 1976, three months later attempted (unsuccessfully) to defeat legislation that would remove protection from the nation's diminishing marshes and wetlands. We truly wish more of his colleagues had voted with Mr. Cleveland on that vote. Moreover, the League of Conservation Voters, an independent environmental organization, that also rates congressman's environmental voting records, rated Mr. Cleveland at only 25 out of 100 in 1975, while in 1976 he climbed to 82.

We note that Mr. Cleveland's concern for accuracy in media did not extend to the last paragraph of his article, which erroneously reported that Environmental Action had no membership (there are 22,000 EA members at present), and noted that our entire staff consists of 12 magazine editors. The frequently overworked magazine staff would like you to know that EA employs only four editors, five lobbyists, and three administrative personnel.

The Dirty Dozen Campaign promotes operation of the finest traditions of American politics. It stimulates voters to query the candidates, and stimulates the challenges to persuade the voters they can do better. Since 1970, the voters in 55 percent of Dirty Dozen districts appear to have decided that the challenger would present their environmental interests better.

A. BLAKEMAN EARLY, Legislative Director, Environmental Action.

LIBERAL LINE: COMMUNISTS CAN IGNORE "SO-CALLED HUMAN RIGHTS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 10 minutes.

Mr. ASHbrook. Mr. Speaker, in the first sentence of his April 2 New York Times column on human rights in China, Robert W. Barnett put the liberal view on human rights in Communist countries perfectly. Barnett says that the question is:

"Should we make Peking's record in handling what Americans call the "human rights problem" stand in the way of normalizing our relations with that country? (The Italics are mine.)"

Liberals simply are not concerned about human rights in a Communist country that is not Marxist, nor about the psychological effect that the economic, not political rights are the test. Conservatives believe that human rights are universal, and that the hammer and sickle does not change the nature of murder, oppression, and robbery one whit. On this moral point, there is no room for compromise. Nor is there common ground for discussion with those who hold that human rights are a relative matter. Barnett repeatedly emphasizes the liberal view that the actions of a Communist state cannot be questioned.

We should hesitate to condemn them as less moral merely because they are different from those of other societies.

Different? Only a color blind apologist could use that terminology.

The operating statement of Mr. Barnett's piece in understanding his liberal doublethink is contained in the second paragraph. In answering the question whether or not we should make an issue of human rights in Red China, he答案s in the negative and with this strange reasoning:

"We should want to seek better understanding of the moral content in how and why Peking has sustained the legitimacy of its authority through means alien to the political experience of the Western world.

Read that one several times. He refers to their means of ruling as having a moral content. Really, now? Lining people up against the wall and shooting them? Local trials of owners of one-tenth of an acre as enemies of the people? Repression? Brainwashing? Suppression? Purges? These are some of the means the Red Chinese have used in sustaining the legitimacy of their authoritarian government. Those who disagreed with the ruling elite were shot, exiled, or driven people to death have obviously been reached. Faced with this, Mr. Barnett has attempted (unsuccessfully) to defeat legislation in the way it talks, looks, and behaves.

He blithely passes over the killing of at least 15 million Chinese under the Red regime. After all, there has been a remarkable continuity of Chinese commitment to self-reliance and egalitarianism—China's moral accommodation to the necessity of survival.

Having dismissed the dead dissidents, Barnett heaps the leftist's traditional praise on the fanatic true believers who killed them:

"Visitors from other parts of the developing world cannot imagine infusing their own people with the a spirit of which the Chinese system appears to be built.

He is right: Freedom is not based on mindless fanaticism. Nor is anything decent based on an oppression of mind and body more intense and suffocating than the Inquisition at its height. Freedom requires a kind of ideological discipline, not Marxist, not Stalinist, but rather than use a phrase like "so-called human rights" and whose hearts are sickened by those who do.

Mr. Speaker, I include the Barnett whitewash of a murderous regime at this point in the Record:

[From the New York Times, Apr. 2, 1978]

MAKING AN ISSUE OF RIGHTS IN CHINA

(By Robert W. Barnett)

WASHINGTON.—The nation is putting before itself a practical question: Should we make Peking's record in handling what Americans call the "human rights" of the Chinese people an obstacle to normalizing diplomatic relations between the United States and the People's Republic of China?

We should not. I go further. We should want to seek better understanding of the moral content in how and why Peking has sustained the legitimacy of its authority through means alien to the political experience of the Western world.

The psychic and philosophical premises upon which the Chinese system operates differ from those of other systems, whether or not Marxist, affluent or developing. But we should hesitate to condemn them as less moral merely because they are different from
those of other societies. In fact, China could be giving cues to perception of moral necessities that we may be obliged to recognize if we begin to believe that we cannot manage our economic and social dissatisfaction merely by perpetual opening up of new-resource frontiers, geographical and technological.

After World War II, Chiang Kai-shek was supported by the United States. However, people in China believed that their moral equivalent to the in-deep in the imagination of individual human rights that Americans and the re-emergence of the twice-humiliation of egalitarianism-China's rampant livers, tor, "bearfoot defense work."

Harsh national necessity shapes China's assessment of "human rights." The first right is a human right. China's population, 900 million to 950 million living at a thunder-rate of 15 million to 20 million year after year. A lack of understanding or support from China's survival has been pervasive, sustained and profound.

China's responses, both voluntary and directed from Peck, reverse the stress in the front-end and-during matrix upon which Western democratic traditions are built. But in Korea, Vietnam, Taiwan, Hong Kong, Japan and in China there seems to be utterly natural acceptance of the age-old Confucian tradition of subordinating individual liberty to collective obligation—for example, to the family. So here may be the clue to what deep in the imagination of Chinese everywhere is their moral equivalent to the individual human rights that Americans believe are sanctified by the Holy Bible, the Declaration of Independence, and the Bill of Rights in our Constitution.

From the days when China's leaders lived in Yanan caves to the establishment of national and economic flexibility, China has Leap Forward, through the Cultural Revolution, through the arrest of the Gang of Four, and through the present-division of the twinned-revived First Deputy Prime Minister Teng Hsiao-ping, there has been a remarkable continuity of the link to self-reliance and egalitarianism—China's moral accommodation to the necessity of survival. China's unshackling of its women, the "barefoot doctor," the mass participatory harnessing of China's rampant rivers, and what Norman Macrae, deputy editor of The Economist, calls China's present-day rural Keynesian are expressions of that compulsion.

Washington and Peking will enter into new relations with each other because doing so serves the self-interest of both countries. Neither should entertain expectations of the familiar. We must respect China's right to be different, or, doing otherwise, expose ourselves to charges of arrogance, derogatory, and possibly even of imperial intent.

China's now-emerging personalities, procedures and political vocabulary offer promise of a new partnership the two countries. China, to deal more forthrightly with other countries around the world. With respect and curiosity, Washington, London, Paris, Rome, Tokyo all to seek normal diplomatic relations with Peking so as to ease exchanges of ideas, persons and goods from which the two countries can mutually benefit together and in their relations with other countries of the world community.

H.R. 7444. ESTABLISHING THAT CORPS OF ENGINEERS CONTRACT DREDGING WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Johnson) is recognized for 5 minutes.

Mr. JOHNSON of California. Mr. Speaker, on April 13 of this year, the House passed and sent to the President H.R. 7444, a bill which originated in our Committee on Public Works and Transportation.

H.R. 7444 establishes the policy that dredging work on Corps of Engineers navigation projects should be accomplished by contract if it can be done by the private dredging industry at reasonable prices and in a timely manner.

This legislation of policy is designed to encourage the private dredging industry to build modern, technologically advanced equipment so that it will have the capability to meet more of the Nation's dredging needs.

The Corps of Engineers has instituted a "testing of the market" program, which involves advertising work, presently accomplished by Government dredges, in the plant in which private industry expresses an interest and on which it desires to submit bids.

One of the primary purposes of this program is to induce an increase in industry capability.

However, a legislative declaration of policy, as opposed to one established by agency regulation, is necessary to provide the incentive for private industry to invest large sums of money in new equipment.

The bill protects the interests of the United States by providing for a gradual transition of the Federal fleet through retirement of plant as private industry's capability increases and by providing for the retention of a portion of Federal fleet of modern, efficient dredges to perform emergency and national defense work.

Retirement of plant is to be accomplished either through scrapping or for sale on the understanding that the plant will be used only outside the United States. This will assure that obsolete plant will not inhibit the industry investment in new equipment.

I would express my appreciation to Congressman Reuss, the chairman of the Water Resources Subcommittee, the ranking minority member of the subcommittee, Congressman Don Claggett, and the ranking minority member of the full committee, Bill Harsha, for their excellent leadership in the handling of this legislation.

I would also commend the chairman of the Senate Environment and Public Works Committee, Senator Jennings Randolph, and the ranking minority member of the Subcommittee on Public Works of the Senate Committee on Appropriations, Senator Mark Hatfield, for their cooperation and active participation in the formulation and enactment of this very important legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the creation of a National Consumer Cooperative Bank is finally at hand after years of persistent effort by those interested in the consumer movement and concerned with the need for more cooperative and nonprofit ventures in our urban areas. When the President signs the National Consumer Cooperative Bank Act, H.R. 2777, into law sometime in the near future, those responsible for this legislation will deserve great recognition.

The bill passed the House July 14, 1977, and was approved by the Senate Banking Committee on April 6, 1978. It is my understanding that the Senate will take it up soon, now that the Panama Canal Treaty has been approved. Since there are only minor differences between the House and Senate versions, and since President Carter has hailed the bank in his urban policy statement on March 27 as an essential element in his program for the cities, enactment of the legislation seems assured.

Cooperatives and nonprofit institutions have been part of the American economic scene since the beginning of our country. They have been an important part of the agricultural sector, for electric power, telephone service and marketing services. They have played an essential role in housing, health, food, and other services in both rural and urban areas. But particularly in urban areas, they have been handicapped by a lack of credit and a lack of understanding or support from traditional financial institutions. This bill will fill the banking vacuum, and make possible a major expansion of cooperative and nonprofit businesses of many kinds.

The bank will make direct loans or guarantee such loans. A self-help development fund for low-income cooperatives will be especially helpful to inner city areas which lack services and where traditional financing is particularly lacking. The bank is designed to be self-sustaining.

I particularly commend my colleague, Representative Germain, chairman of the House Banking Committee's Subcommittee on Financial Institutions Supervision, Regulation and Insurance, whose perserverance has been the indispensable element in the bill's success.

Finally, the President deserves the most heartfelt gratitude from all of us for the leadership and example with an open mind and giving it, at this time, his full support. When the bank is funded and in operation, the Nation's consumers will
have an important new institution working in their behalf, and the cities will have a new source of financing for the kinds of businesses that help nourish neighborhoods.

LIBERIA OR BRAZIL OR BOTH?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the current emphasis on human rights has skipped lightly over U.S. State Department policy on Liberian racial segregation. Liberia was one of the countries visited by President Carter in Africa recently. The State Department has said:

Liberia has one of the best human rights records in Africa.

And in the same statement said:

In January 1977, public flogging of convicted thieves as a deterrent measure was reinstated.

The State Department also says the democratic process is open to all who meet the age and citizenship requirement. Then it goes on to say that there is only one registered national party. There is also only one national party in most Communist and other totalitarian countries. The State Department did not bring up the fact that the Liberian Constitution also says:

None but Negroes, or persons of Negro descent shall be eligible to citizenship in this Republic. No persons shall be entitled to hold real estate in this Republic unless he be a citizen of same.

I do not propose that we seek to reform Liberia, nor do I believe that we should consider Brazil and other friendly nations for faults that we glose over elsewhere. Brazil is the largest country in South America and has been our steadfast friend. The President's confrontation with Brazil is not long. We are in a position to bring about a transition long sought by the U.N. and some.

WHY NOT GIVE THE NEW GOVERNMENT OF RHODESIA A CHANCE?

(Mr. SIKES asked and was given permission to extend his remark at this point in the Record to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the continuing efforts spearheaded by the United States to bring the guerrilla terrorist factions based in Zambia and Tanzania to the negotiating table by a coalition government of Rhodesia is one that can scarcely be considered in the best interest of the United States. This is particularly true in light of recent developments. U.N. Ambassador, Mr. Andrew Young, has spent considerable time attempting to achieve a meeting of the two groups. Mr. Young has failed because of the recalcitrant attitude of the Communist-backed Patriotic Front. They simply refuse to participate unless they can be assured a takeover in Rhodesia. The guerrilla leaders have been given the run of the United Nations, or simply ignored, by the United States, while black representatives from the Rhodesian Government have been cold-shouldered and shut out.

Now we have seen what Newsweek of April 17 called A Mission Impossible. U.S. Secretary of State, Cyrus Vance, spent 5 days trying to coax the guerrilla leaders into a stance approximating reason without success. He then spent 9 hours in Rhodesia, apparently accomplishing little more than with the guerrillas. This situation is made more dis­tasteful by the obvious fact that sup­porting the guerrillas is tantamount to advancing Russia's aims on the con­tinent of Africa. It is known that they are supplying the weapons and the guidance for guerrilla activities. Cubans are being used to train them. Possibly the Cubans will participate in an at­tempt to overthrow the government.

The efforts of Mr. Young and Mr. Vance are commendable to a point. It would appear that their efforts are ineffective and that it is now time to extend reasonable cooperation to the new government in Rhodesia. That government has accomplished something the United States and Britain have long demanded. They have a black majority government. In January they will have a black Prime Minister. The new government will attempt to maintain peaceful relations between blacks and whites and to insure Rhodesia the availability of white industrial and agricultural expertise which has contributed very significantly to develop a strong economy. That economy is now weak­ened only because of sanctions imposed by the U.N. and pushed by Britain and the United States. It would appear to me that the U.S. has played games and calling names and cooperate with a government that is in a position to bring about a transition long sought by the U.N. and some.

The lofty, liberal Washington Post called the coalition government in Rhodesia more democratic, moderate, and more acceptable than any government the guerrillas might construct. The Post also said the President appeared to be holding Salisbury "to lofty moral and political standards, while often appearing to wink at the failings of the Popular Front. It is very difficult to comprehend Washington's infatuation with the terrorists while refusing to recognize the potential of a coalition black major­ity government achieved peaceably in Rhodesia.

A critical, yet apparently accurate portrayal of the general picture in that area was carried in the Washington Star and London Times. A popular song played in London, "A Dowry for Nigeria." I submit it for the Congres­sional Record.

A DOWRY FOR NIGERIA

You may think it odd that the latest Americanism is "the power to the majority" in Rhodesia issued from Nigeria, a nation ruled by its army for the past dozen years.

But that is not the greatest oddity. If one looks deeply into the democratic society in Africa, it would emerge that Nigeria is so deeply driven by tribal and religious fanaticism that nothing will ever continue there long after blacks and whites continue to treat their differences inside Rhodesia. The use of Nigeria as the carrot in President Carter's state visit, as a platform for re­iterating our strange Rhodesian policy must be understood only in the light of our country's solicitude for democratic elections.

Nigeria, it so happens, is very large, very influential in African councils, and—this is probably the most important single factor—the world's seventh largest oil producer. Nigeria is, then, a country to be on good terms with; and since the U.S. took an enthusiastic view of the bloody suppression of Biafran separatism 10 years ago, relations have not been at their best.

With relations obviously under repair, the question is this: At what cost to political principle, good sense and vital strategic interests will Nigeria's friendship be purchased? The delivery of Rhodesia to a guerrilla takeover? Possibly. Until last week, it was difficult to divine the official U.S. attitude toward the recent "internal" agreement in Rhodesia. U.S. leaders discussed the transfer of power from Prime Minister Ian Smith to black moderates. U.S. pronounce­ments on that subject were of­fensive in style and helpful to a general sympathy with the white community. The new regime would be attacked and dismantled. This is the Nkomo wings, the so-called Patriotic Front, who are armed and backed by the Soviet Union and China.

But President Carter, it seems, had to have something for the Nigerians. And it was the U.S. offering something of an internal solution for Rhodesia, well scored.

The U.S. position on the "illegality" of the Rhodesian government needs a closer look, incidentally. It rests not on the traditional Wilsonian conception of self-determination, but on the notion that Great Britain has some duty to prevent South Africa from expansion; even though she has exerted no control there since 1965 when Rhodesia ceased to be a British Crown colony. It has nothing to do with the recent "internal" settlement between Mr. Smith's secessionist white regime and Black Rhodesians. It has been given to the White Rhodesians because U.S. policy in Southern Africa is largely the extension of UN Ambassador Andrew Young's personal sympathy for the guerrilla leaders and their "front-line" patrons. It leads to the oddity that the U.S. is more of a stickler for state colonialist as­sertions about Rhodesian sovereignty than the former colonial power itself.

To a dangerous degree, and indeed to the neglect of other important facts, the U.S. policy on Rhodesia remains the exclusive hobby-horse of one official, Ambassador Young, who for years has exercised great influence with President Carter. "Seldom," as Mr. Julian Amery remarked, "are any governments given such a hostage to fortune as in Mr. Young's) appointment. It is difficult to imagine a more instrumentally disinterested man. Mr. Young could be dismissed without alienating the black vote in America and black opinion worldwide." Like Mr. Young, like his African policy. That is the problem.

Having chosen Nigeria as the chief object of American courtship in Africa, and shrinking from the political leadership of the African extremist views on South Africa, the U.S.
By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HAGEDORN in two instances.

Mr. ROBINSON in three instances.

Mr. KEMP in three instances.

Mr. LEACH in two instances.

Mr. FINDLEY in two instances.

Mr. BADHAM in two instances.

Mr. DOWLING in two instances.

Mr. HYDE in two instances.

Mr. MADIGAN in three instances.

Mr. DEKWINSKI in three instances.

Mr. KETCHUM in two instances.

Mr. ABNOR in two instances.

Mr. ASHbrook in two instances.

Mr. GILMAN.

Mr. VOLKMER. Mr. VOLKMER. Mr. VOLKMER. Mr. VOLKMER.

Mr. ROBINSON in three instances.

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Mr. ROBINSON.

By unanimous consent, permission to address the House, following the legislative and extend their remarks and include extraneous material:

Mr. EWARDS of Oklahoma, for 5 minutes, today.

Mr. DORRAN, for 10 minutes, April 20, 1978.

Mr. KEMP, for 10 minutes, today.

Mr. CLEVELAND, for 10 minutes, today.

Mr. ABNER, for 10 minutes, today.

(At the request of Mr. VOLKMER) and to revise and extend their remarks and include extraneous material:

Mr. ANNESS in five instances.

Mr. GONZALEZ in five instances.

Mr. JOHNSON of California, for 5 minutes, today.

Mr. FESS, for 5 minutes, today.

Mr. RYAN, for 60 minutes, on April 24.

Mr. RYAN, for 60 minutes, on April 25.

By unanimous consent, permission to revise and extend remarks was granted to:

(At the request of Mr. KINNESS, to include extraneous material):

Mr. ROBINSON.

Mr. HAGEDORN in two instances.
By Mr. HAGEDORN (for himself and Mr. FINDLEY):
H.R. 12221. A bill to limit the authority of the Secretary of Agriculture to restrict or prohibit the use of nitrates or nitrites as a preservative in the period of 2 years, and for other purposes; to the Committee on Agriculture.

By Mr. HAGEDORN (for himself, Mr. HARRISH, Mr. CLEVELAND, Mr. STANGE-LAND, and Mr. STUMP):
H.R. 12224. A bill to amend the Davis-Bacon Act, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself, Mr. NATCHER, Mr. WHITNEY, Mrs. HECK- LER, Mr. SIKES, Mr. LATTAN, Mr. TYSON, Mr. FINDLEY, Mr. FUGA, Mr. AN- DREWS of North Dakota, Mr. BACUS, Mr. HILLIS, Mr. CEDERBERG, and Mr. CARTER):
H.R. 12225. A bill to authorize appropriations for an additional fiscal year, to provide for public consideration of the Long Island Sound Water Pollution Control District; to the Committee on Interstate and Foreign Commerce.

By Mr. HAGEDORN:
H.R. 12226. A bill to amend the Federal Water Pollution Control Act relating to clean lakes; to the Committee on Public Works and Transportation.

By Mr. MCCORMACK (for himself, Mr. TEAGUE, Mr. GOLDBERG, Mr. UDALL, Mr. FASCHEL, Mr. DRINAN, Mr. MOAK- LEY, Mr. U. S. CIRISE, Mr. FLORES, Mr. EDWARDS of California, Mr. EDGAR, Mr. FRASER, Mr. SEIBERLING, Mr. LATRACEL, Mr. LENT, Mr. SCHULZ, Mr. MITCHELL of New York, Mr. MITCHELL of New York, Mr. HUGHS, Mr. RICHMOND, Mr. NOLAN, Mr. LEHMAN, Mr. PAT­ TIERSON of California, Mr. TAYL- STON, and Mr. BOB WILSON):
H.R. 12227. A bill to provide for an accelerated program of research, development and demonstration for solar photovoltaic energy technologies leading to early competitive commercial applicability of such technologies to be carried out by the Department of Energy, with the support of the National Aeronautics and Space Administration, the National Bureau of Standards, the General Services Administration, and other Federal agencies; to the Committee on Science and Technology.

By Mr. MCCORMACK (for himself, Mr. TEAGUE, Mr. GOLDBERG, Mr. UDALL, Mr. FASCHEL, Mr. DRINAN, Mr. MOAKLEY, Mr. U. S. CIRISE, Mr. FLORES, Mr. EDWARDS of California, Mr. EDGAR, Mr. FRASER, Mr. SEIBERLING, Mr. LATRACEL, Mr. LENT, Mr. SCHULZ, Mr. MITCHELL of New York, Mr. MITCHELL of New York, Mr. HUGHS, Mr. RICHMOND, Mr. NOLAN, Mr. LEHMAN, Mr. PAT­ TIERSON of California, Mr. TAYL- STON, and Mr. BOB WILSON):
H.R. 12227. A bill to provide for an accelerated program of research, development and demonstration for solar photovoltaic energy technologies leading to early competitive commercial applicability of such technologies to be carried out by the Department of Energy, with the support of the National Aeronautics and Space Administration, the National Bureau of Standards, the General Services Administration, and other Federal agencies; to the Committee on Science and Technology.

By Mr. McCORMACK:
H.R. 12228. A bill to provide for an accelerated program of research, development and demonstration for solar photovoltaic energy technologies leading to early competitive commercial applicability of such technologies to be carried out by the Department of Energy, with the support of the National Aeronautics and Space Administration, the National Bureau of Standards, the General Services Administration, and other Federal agencies; to the Committee on Science and Technology.

By Mr. MARRIOTT (for himself, Mr. ARMSTRONG, Mr. BAUMAN, Mr. ED- WINGTON, Mr. HANSEN, Mr. JOHNSON of Colorado, Mr. KAZEN, Mr. LITJAN, Mr. MURPHY of Pennsylvania, Mr. REESE, and Mr. RONCALO, Mr. RUDD, Mr. RUSSELL, Mr. SKUBITZ, Mr. SYMMS, and Mr. WEAVER):
H.R. 12229. A bill to authorize grants to States for the restoration of abandoned uranium mill sites and to require the Secretary of the Interior to determine whether to fail to do so; jointly, to the Committee on Interstate and Foreign Commerce and Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. ROSENTHAL, and Mr. DOWNEY)
H.R. 12230. A bill to authorize the establishment of the Long Island Sound Water Pollution Control District; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER (for himself and Mr. GILMAN):
H.R. 12231. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nursing education; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself and Mr. BAPALIS):
H.R. 12232. A bill to amend the Unemployment Compensation Amendments of 1976 with respect to the National Commission on Unemployment Compensation, for other purposes; to the Committee on Ways and Means.

By Mr. HEFFTEL (for himself, Mr. NEEDS and Mr. OKAR):
H.R. 12233. A bill to establish a Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. JENKINS:
H.R. 12234. A bill to amend title 38, United States Code, to exclude certain periods from the computation of the length of service of veterans and eligible persons enrolled in courses not leading to a standard college degree; to the Committee on Veterans’ Affairs.

By Mr. LEACH:
H.R. 12235. A bill to authorize an intermediate-term Commodity Credit Corporation credit program for the purpose of financing the sale and export of agricultural commodities produced in the United States; jointly, to the Committee on Agriculture, and International Relations.

By Mr. PURSELL (for himself, Mr. JEFFORDS, Mr. HELLENCHE, Mr. BARAN, Mr. WHITEHURST, Mr. BEVIL, Mr. FRITZMAURICE, Mr. CONTE, Mr. STUMP, Mr. TAYLOR, Mr. CORCORAN of Illinois, and Mr. MURPHY of Pennsylvania):
H.R. 12236. A bill to authorize the Committee on Government Operations.

By Mr. STANGE-LAND (for himself, Mr. JOHNSON of Colorado, and Mr. HAGEDORN):
H.R. 12237. A bill to amend title 23 of the United States Code, to require that the Department of Transportation make equal 5 years, and to authorize the Secretary of Transportation to make such grants, loans, and guarantees as may be necessary in support of the Making Equity Roads Act of 1977, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. VOLKMER:
H.R. 12238. A bill to authorize the acquisition of additional lands for the purpose of providing emergency assistance to producers of wheat, feed grains, upland cotton, and soybeans, and for other purposes, to the Committee on Agriculture.

By Mr. ADNOR:
H.R. 12239. A bill to improve the inspection and labeling of imported meat and to enhance the stability in meat supplies and to provide for the benefit of domestic producers and consumers; jointly, to the Committee on Agriculture and Ways and Means.

H.R. 12240. A bill to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S.
bana, Mr. EMERY, Mr. FITZIAN, Mr. FLOOD, Mr. GAMMAGE, Mr. HAKINS, Mr. LONG of Louisiana, Mr. MANLEY, Mr. JOHN T. MYERS, Ms. MIKULKI, Ms. OAKAR, Mr. PATTEN, Mr. PURSELL, Mr. SCHUSTRA, Mr. ROGERS, Mr. ROYER, Mr. VANDER JAGT, and Mr. WON PAT): H.J. Res. 851. Joint resolution authorizing and requesting the President of the United States, in accordance with 50 U.S.C. 1701, to issue a proclamation designating the last 7 calendar days beginning September 17, 1978, as “National Port Week”; to the Committee on Post Office and Civil Service.

By Mr. MANN (for himself and Mr. CORZINE of Illinois): H.R. Res. 1141. Resolution relative to customs duties on textile, apparel, and fiber products; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 1142. Resolution to establish a Select Committee on Arson; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BREAX:

H.R. 12244. A bill to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel Widow Maker to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. MOAKLEY:

H.R. 12247. A bill for the relief of Jan Kutina; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

443. By the SPEAKER: Petition of the Colorado Commission of Indian Affairs, Denver, Colo., relative to Native American self-government and treaty rights; to the Committee on Interior and Insular Affairs.

444. Also, petition of the Pearl River County Development Association, Inc., Picayune, Miss., relative to the water flow of the East Pearl River; to the Committee on Interior and Insular Affairs.

445. Also, petition of the city commission, Margate, N.J., of S.U. policy toward Israel; to the Committee on International Relations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 11902

By Ms. HOLTZMAN:

Page 3, line 14, delete “$630,000” and insert in lieu thereof “$2,500,000”.

H.R. 11904

By Mr. COCHRAN:

Page 3, line 15, after the first period insert the following new sentences: “In the case of applicants who are individuals and do not meet the requirement of clause (4), such applicants shall be deemed to meet such requirement if they are in financial difficulty because of drought, flood, or other natural disaster, or other condition beyond their control. In making loans under this section, preference shall be given to young farmers and ranchers.”.

Page 9, line 17, after the period insert the following new sentence: “In making loans under this section, preference shall be given to young farmers and ranchers.”.
EXTENSIONS OF REMARKS

IOWA VFW ESSAY WINNER

HON. JIM LEACH
OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1978

Mr. LEACH, Mr. Speaker, Sheryl Lynn Tudden of Bettendorf, Iowa, was recently named the winner of the Veterans of Foreign Wars "Voice of Democracy Essay Contest" for the State of Iowa. This year, the theme for this outstanding contest was "My Responsibility to America." I am very pleased and honored to share the following excerpt from the essay—an essay written by one who obviously cares very deeply about her country and its future:

V.F.W. VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM IOWA, WINNER

(Sheryl Lynn Tudden)

In the children's story of The Little Red Hen, the hen experiences trouble in getting the other animals to help her in making bread. They refuse to help her cut the wheat, grind the wheat or help in the baking process, but when all the work is done and the delicious bread is made, they are all very willing to help her eat it.

Can this type of situation be applied to our country? Do all of us realize the advantages that America can give us, but don't feel it necessary to work for them in return? It seems difficult for me, in fact, for me to understand the tendency to refuse to. Others must THINK as I do. I refuse to. Others must THINK as I do.

The benefits r speak of are mainly freedoms, freedoms our ancestors thought were important enough to fight and die for. And so my responsibility is basically one to the future generations, and yet I must work for it now, in order to ensure that they can obtain all the rights and freedoms I enjoy today.

Our forefathers got a good start on the individual rights issue when they wrote in the Constitution that all men are created equally. They did this much for us, now it is up to us to see that all men are treated equally. They did this much for us, now it is up to us to see that all men are treated equally.

Our environment and beautiful countryside is another thing I can appreciate now. America has such a variety of terrain, each region is unique, but they are all beautiful in their own way. If ever obvious to me, however, that the snowy mountains, the great forests or the golden deserts cannot remain