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. He will be followed by Mr. HARRY F. BYRD, Jr., for not to exceed 15 minutes; at the conclusion of which the Senate will take up S. 1566, a bill to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information. There is an agreement on that bill as to time and on amendments and motions in relation thereto. Rollcall votes are expected. It is anticipated that the Senate will complete action on that bill tomorrow.

RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and at 7:22 p.m. the Senate recessed until tomorow, Thursday, April 20, 1978, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 19, 1978:

FEDERAL MARITIME COMMISSION

Leslie Lazar Kanuk, of New Jersey, to be a Federal Maritime Commissioner for the term expiring June 30, 1981.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 only wise, in 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 hasten the glad day when peace, justice, and truth shall blend their creeds in one and Earth shall form one brotherhood by whom Thy will is done. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

DATE OF PANAMA CANAL TREATY RATIFICATION CALLED "DAY OF INFAMY"

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute.)

Mr. ASHBROOK. Mr. Speaker, I believe yesterday is a day which will join those which some years ago were referred to as "Days which will live in infamy." On that day the other body approved the so-called Panama Canal Treaty.

I think if there is anything that is needed to prove the phoniness of this treaty, it would be the statement of the dictator of Panama—referred to more politely by the liberal press and the President as the "ruler and leader of Panama"—when he said yesterday:

> Tomorrow we would have started our struggle for liberation and possibly tomorrow the Canal would not be operating anymore.

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 are going to be faced with as we 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. WRIGHT. Mr. Speaker, those of us who labor here in the vineyards of the House, with its 2-year terms of office, sometimes might feel that we are always running—running in primary elections, running in runoff elections, running in general elections—running, running, running.

So today I would like to offer a special salute to two of our colleagues who run not only as much as the rest of us do, but more, much, much more.

I refer, of course, to our friends BILL ALEXANDER, of Arkansas, and GOODLOE BYRON, of Maryland. Both are accomplished long-distance runners, and both successfully completed this week's Boston Marathon, the oldest and most famous long-distance race in the Nation.

Any of us who have done any jogging at all will be able to appreciate the magnitude of achievement for anyone who is even able to remain conscious after running 26 miles, 385 yards—the course of the Boston Marathon. Indeed, to be able to finish such a race with respectable times, as did BILL ALEXANDER and GOODLOE BYRON, is an achievement of superb physical prowess and mental discipline.

Their records in the Boston Marathon reflect great credit not only on BILL and GOODLOE, but on the House as well. Just let anybody try to accuse us now of shortcomings on energy.

FLOWERS AND RAILSBACK AMENDMENTS SUPPORTED

(Mr. WHALEN 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, incidentally, 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 mailings urging 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.

Also, I support the amendments 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 impinging on first amendment rights of individuals and groups to petition the Government.●

JOINT REFERRAL OF H.R. 11245, NATIONAL INTELLIGENCE REORGANIZATION AND REFORM ACT OF 1978, TO COMMITTEE ON THE JUDICIARY

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 (Rept. No. 95–1068) on the resolution (H. Res. 1140) 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 House Resolution 1139 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 with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from 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 only because the report does not comply with the rule's precise typographical requirements.

The rule for consideration of this bill also provides that the committee amendment in the nature of a substitute be considered as an original bill for the purpose of amendment, and it makes in order one motion to recommit with or without instructions.

Mr. Speaker, H.R. 8494, the Public Disclosure of Lobbying Act of 1978, is legislation reported by the Judiciary Committee to replace the present 32-year-old lobby disclosure law. The bill sets forth new requirements for annual registration and quarterly reporting by lobbying organizations, if those organizations pass certain thresholds of time and money devoted to lobbying communications in any given quarter.

H.R. 8494 does not affect individuals, organizations that are strictly volunteer, or organizations based in a Member's district that communicate only with that Member or his staff. The purpose of the legislation is to inform the public and the Members of Congress themselves on the nature of lobbying activities. That information includes three major parts: Who lobbies, how much they spend, and the issues on which they concentrate their efforts.

Mr. Speaker, I support the rule and urge the adoption of House Resolution 1139 in order that H.R. 8494 may be considered.

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

Mr. Speaker, I agree with the statement just made by the gentleman from Washington (Mr. MEEDS) about this bill 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 lobbying 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 view the 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 within the confines of the statute these so-called volunteers who are periodically sent various messages from Washington to send to the Members 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 it is true that organizations such as Mr. 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 amending process, certainly Mr. Nader's volunteers or the volunteers of Common Cause throughout the country may not be covered under this legislation, and I think they should be.

Mr. DEVINE. If the gentleman will yield further, I think it is passing strange that probably two of the most active organizations that lobby the Members of Congress and presume to position themselves between the public and the public officials should find it very convenient to exclude themselves from the terms of this bill, which they want so badly.

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

Mr. LATTA. I yield to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. During the general debate and the amending process under the 5-minute rule, of course, there will be ample opportunity to debate the issue that has been discussed just now, but I would like to clarify the record for the gentleman from Ohio (Mr. DEVINE). The organizations he mentioned will be covered under the bill, although the individuals who have first amendment rights to speak for themselves will not be covered per se. The bill only covers organizations, and not individuals.

Mr. LATTA. I am glad the gentleman mentioned they could speak for themselves. Certainly, they will not be covered if they speak for themselves, but if they are speaking for an organization, under the direction of that organization, then in my humble opinion they should be covered.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Ladies and gentlemen, if I can have your attention, I am going to tilt at windmills for the next 2 minutes, I suspect, but I must do so because the issue is much too important to slide over. I am going to urge that the Members vote against this rule and send back a very bad bill to the Judiciary Committee to be reworked.

This bill regulates lobby communications, and lobby communication is an oral or written communication to a legislator. The bill subjects it to a burden, a reporting burden of some magnitude.

The kind of speech that is involved here is the most valued under the first amendment. It is political speech. There is every reason in the world why we should subject it to no regulation. Now, I do not contend for a moment that it is beyond the power of this Congress to regulate even sensitive speech involving communications with legislators, but we should only do so upon a clear showing that there is a public abuse or a public evil involved.

The Judiciary Committee has not identified anything that is wrong with communicating with a legislator, and I can think of nothing that is wrong with the practice. I urge the Members to look to their own experience.

Do Members know of anything that is evil or worthy of regulation by reason of an organization talking to a Member 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 it should focus upon 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 amending 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. What 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 there were—yeas 379, nays 15, not voting 40, as follows:

[Roll No. 235]

YEAS—379

Abdnor	Ammerman	Andrews, N. Dak.
Addabbo	Anderson, Calif.	Annunzio
Akaka	Anderson, Ill.	Applegate
Alexander	Andrews, N.C.	Archer
Allen	Ashley	Flowers
AuCoin	Flynt	Marlenee
Badham	Foley	Marriott
Bafalis	Ford, Mich.	Martin
Baldus	Ford, Tenn.	Mattox
Barnard	Forsythe	Mazzoli
Baucus	Fountain	Meeds
Bauman	Fowler	Metcalfe
Beard, R.I.	Frenzel	Meyner
Bedell	Frey	Michel
Beilenson	Fuqua	Mikulski
Benjamin	Gammage	Mikva
Bennett	Garcia	Milford
Bevill	Gaydos	Miller, Calif.
Biaggi	Gephardt	Miller, Ohio
Bingham	Giaimo	Mineta
Blanchard	Gibbons	Minish
Blouin	Gilman	Mitchell, Md.
Boggs	Ginn	Mitchell, N.Y.
Boland	Glickman	Moakley
Bolling	Gore	Moffett
Bonior	Gradison	Mollohan
Bowen	Grassley	Montgomery
Brademas	Green	Moore
Breaux	Gudger	Moorhead, Calif.
Breckinridge	Guyer	Moorhead, Pa.
Brinkley	Hagedorn	Moss
Brodhead	Hall	Mottl
Brooks	Hamilton	Murphy, Ill.
Broomfield	Hammer-schmidt	Murphy, N.Y.
Brown, Calif.	Hanley	Murphy, Pa.
Brown, Mich.	Hannaford	Murtha
Brown, Ohio	Harkin	Myers, Gary
Buchanan	Harrington	Myers, John
Burgener	Harris	Myers, Michael
Burke, Fla.	Harsha	Natcher
Burke, Mass.	Hawkins	Neal
Burleson, Tex.	Heckler	Nichols
Burlison, Mo.	Heftel	Nix
Burton, John	Hightower	Nolan
Butler	Hillis	Nowak
Byron	Holland	O'Brien
Caputo	Hollenbeck	Oakar
Carney	Holt	Oberstar
Carr	Holtzman	Obey
Carter	Horton	Ottinger
Cavanaugh	Hubbard	Panetta
Chisholm	Huckaby	Patten
Clay	Hughes	Patterson
Cleveland	Hyde	Pattison
Cohen	Ichord	Pease
Coleman	Ireland	Pepper
Collins, Ill.	Jacobs	Perkins
Conable	Jeffords	Pettis
Conte	Jenkins	Pickle
Corcoran	Jenrette	Pike
Corman	Johnson, Calif.	Poage
Cornell	Johnson, Colo.	Pressler
Cotter	Jones, N.C.	Preyer
Coughlin	Jones, Okla.	Price
Crane	Jones, Tenn.	Pritchard
D'Amours	Jordan	Quayle
Daniel, Dan	Kasten	Quie
Danielson	Kastenmeier	Rahall
Davis	Kelly	Railsback
de la Garza	Kemp	Rangel
Delaney	Ketchum	Regula
Dent	Keys	Reuss
Derrick	Kildee	Rhodes
Derwinski	Kindness	Richmond
Devine	Krebs	Rinaldo
Dickinson	Lagomarsino	Roberts
Dicks	Latta	Robinson
Dingell	Le Fante	Roe
Dodd	Leach	Rogers
Dornan	Lederer	Roncalio
Downey	Leggett	Rooney
Drinan	Lehman	Rosenthal
Duncan, Oreg.	Lent	Rostenkowski
Duncan, Tenn.	Levitas	Roybal
Early	Livingston	Rudd
Eckhardt	Lloyd, Calif.	Ruppe
Edgar	Lloyd, Tenn.	Russo
Edwards, Ala.	Long, La.	Ryan
Edwards, Calif.	Long, Md.	Santini
Edwards, Okla.	Lott	Sarasin
Eilberg	Lujan	Sawyer
Emery	Luken	Scheuer
English	Lundine	Schroeder
Erlenborn	McClory	Schulze
Ertel	McCloskey	Sebelius
Evans, Colo.	McCormack	Seiberling
Evans, Del.	McDade	Sharp
Evans, Ga.	McEwen	Shipley
Evans, Ind.	McFall	Shuster
Fary	McHugh	Sikes
Fascell	McKay	Simon
Fenwick	McKinney	Sisk
Findley	Madigan	Skelton
Fish	Maguire	Skubitz
Fisher	Mahon	Slack
Fithian	Mann	Smith, Iowa
Flippo	Markey	Smith, Nebr.
Flood	Marks	Snyder
Florio		Spellman

Spence	Treen	Whitehurst
St Germain	Trible	Whitten
Staggers	Tsongas	Wilson, Bob
Stangeland	Udall	Wilson, C. H.
Stanton	Ullman	Winn
Stark	Van Deerlin	Wirth
Steed	Vander Jagt	Wolff
Steers	Vanik	Wright
Steiger	Vento	Wydler
Stockman	Volkmer	Wylie
Stokes	Waggonner	Yates
Stratton	Walker	Yatron
Studds	Wampler	Young, Alaska
Stump	Waxman	Young, Fla.
Symms	Weaver	Young, Mo.
Taylor	Weiss	Zablocki
Thompson	Whalen	Zeferetti
Traxler	White	

NAYS—15

Armstrong	Gonzalez	Risenhoover
Ashbrook	Goodling	Rousselot
Broyhill	Hansen	Satterfield
Clawson, Del	McDonald	Walsh
Collins, Tex.	Quillen	Wiggins

NOT VOTING—40

Ambro	Daniel, R. W.	Rodino
Aspin	Dellums	Rose
Beard, Tenn.	Diggs	Runnels
Bonker	Fraser	Solarz
Burke, Calif.	Goldwater	Teague
Burton, Phillip	Hefner	Thone
Cederberg	Howard	Thornton
Chappell	Kazen	Tucker
Clausen, Don H.	Kostmayer	Walgren
	Krueger	Watkins
Cochran	LaFalce	Whitley
Conyers	Mathis	Wilson, Tex.
Cornwell	Nedzi	Young, Tex.
Cunningham	Pursell	

The Clerk announced the following pairs:

Mr. Rodino with Mr. Aspin.
Mr. Howard with Mr. Bonker.
Mr. Teague with Mr. Watkins.
Mrs. Burke of California with Mr. Thornton.
Mr. Chappell with Mr. Goldwater.
Mr. Krueger with Mr. Beard of Tennessee.
Mr. Dellums with Mr. Don H. Clausen.
Mr. Runnels with Mr. Cederberg.
Mr. Rose with Mr. Kostmayer.
Mr. Whitley with Mr. Pursell.
Mr. Ambro with Mr. Fraser.
Mr. Conyers with Mr. Cornwell.
Mr. Robert W. Daniel, Jr., with Mr. Hefner.
Mr. Diggs with Mr. Tucker.
Mr. Phillip Burton with Mr. Cochran of Mississippi.
Mr. Mathis with Mr. Walgren.
Mr. LaFalce with Mr. Charles Wilson of Texas.
Mr. Nedzi with Mr. Cunningham.
Mr. Kazen with Mr. Solarz.

Mr. HANSEN changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON CRIME OF COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Ms. HOLTZMAN. 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 gentlewoman from New York?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, why does this have to be done today? Is it because the gentlewoman is testifying?

Ms. HOLTZMAN. Mr. Speaker, if the gentleman will yield, that is one of the reasons, I will say to the gentleman. This is a continuation of hearings that are being held on an important subject.

Mr. ROUSSELOT. The Members will not be marking up any bill?

Ms. HOLTZMAN. No, they will not.

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

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CEMETERIES AND BURIAL BENEFITS OF COMMITTEE ON VETERANS' AFFAIRS TO SIT TODAY DURING 5-MINUTE RULE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Cemeteries and Burial Benefits of the Committee on Veterans' Affairs may be permitted to sit today during proceedings under the 5-minute rule.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman assure us that there will not be marking up of any bill?

Mr. CARNEY. Mr. Speaker, if the gentleman will yield, we have some subcommittee bills, and both sides have agreed that they may be reported out. The gentleman from Indiana (Mr. HILLIS), who is the ranking minority Member, has agreed to this. We are trying to get some bills on which we have held hearings some time ago reported out for a meeting tomorrow.

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

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

There was no objection.

PUBLIC DISCLOSURE OF LOBBYING ACT OF 1978

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).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8494, with Mr. MEEDS 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. MOORHEAD) will be recognized for 30 minutes.

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

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

Mr. Chairman, the bill we have before us today, H.R. 8494, the Public Disclosure of Lobbying Act of 1978, is a bill which is intended to repeal and totally revise the lobbying law which is presently on our books. It is designed to give us a law which is workable and which 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 lobbying regulation law which has for practical purposes been ineffective. There is a rather broad public feeling that we should have an updated, modern, serviceable lobbying bill, 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 Administrative Law and Governmental Relations of the Committee on the Judiciary, which was then under the chairmanship of the gentleman from Alabama, the Honorable WALTER FLOWERS. 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. FLOWERS) 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 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 the first amendment. The bill provides, first of all, a series of definitions in section 2, which are very important to the substance of the bill. They define "lobbying communications" as one which I wish to touch upon very briefly. A lobbying communication is a commu-

nication directed to a Member of the Congress or a Federal officer or employee—but in the context of the bill, that would be a Member of Congress, a Member or staff of the Congress—and certain executive department employees with reference to pending legislative matters. The covered communication would be intended to influence the content or disposition of any bill, resolution, treaty, nomination, hearing report, or investigation which is either pending before the Congress or in the report thereof. Thus, it is limited to legislative activity. The bill does not define the term "lobbyist." It defines a type of activity of making lobbying communications.

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 organizational association of people. Exempted, basically, by the provisions 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 to petition his Government. He 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 quarter, the 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 is required to make these records available to the public, to make copying available, if need be, and periodically to compile a report summarizing the data in the reports themselves.

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 rules and regulations must be promulgated in accordance with the Administrative Procedure Act.

There is a legislative veto provision in the bill giving either House of the Congress the power to veto a proposed rule or regulation.

The Comptroller General, although he would act as the repository or the collector of these registrations and reports and would publish compilations from time to time, would not have the enforcement responsibility.

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 of America; and if any 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 any provision or act or rule or regulation. 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 that investigation, that there is some 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 that fails, then he has the right to 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 feels there is reason to believe that the individual or organization has engaged in a criminal violation of the law, 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 in an effort to avoid any possibility that a person might innocently 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 invoked the highest standard for criminal intent as stated by the Supreme Court (in the case of the *United States* v. *Murdock*, 290 U.S. 389), that "willful" as used in a criminal statute, refers to an act done with a bad purpose, without justifiable excuse, stubbornly, obstinately, perversely, 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 which I hope I can dispel. First, there is no provision in this bill requiring people to report the amount of any contributions they may have made to a 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 has a chilling 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 protect 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. This kind of thing might well be prominently displayed in the press.

There are those who advocate certain rights for homosexuals. Suppose someone felt that this was a subject that ought to be discussed, so he wishes to make a contribution to such an organization. In that event, obviously he probably would not wish to have his contribution and identity disclosed. 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 a reporting requirement 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 Congress 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 that particular requirement out.

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 under the terms of this bill. The right of the individual to communicate with the Congress, with his Government, is safeguarded in the first amendment, and there is nothing in this bill to impede that right.

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

Mr. DANIELSON. I will be pleased to yield to the gentleman from California.

Mr. WIGGINS. Are not organizations entitled to similar first amendment protection?

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 meaning of the first amendment. Yes, 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 work product 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 dues or contributions reporting feature. Similarly, there is no requirement that an organization track and report upon grassroots lobbying efforts. In both cases, our committee determined that such reporting requirements might violate basic first amendment rights. Finally, H.R. 8494 deals with lobbying in its generally accepted sense—attempts 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 coverage of an organization. It is my view that a lobbying statute should be limited to direct, oral communications. An organization should only be deemed to be across the lobbying threshold 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. It seems to me that it would be far preferable 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 unwise.

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 only 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 in this legislation. 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 "principal executive officer." This is an important step in the direction of fairness and I urge a "yes" vote on this amendment.

In conclusion, I again want to emphasize my general support for H.R. 8494. Even given the aforementioned defects, the 95th Congress' version of this bill is far less burdensome than its constitutionally suspect predecessors. For that reason, I strongly urge the Members of this House to oppose any damaging amendments that could upset the delicate constitutional balance now in this legislation. Oppose the effort to reinsert dues and contributions reporting; oppose grassroots or "solicitations" coverage; and oppose any naive and misdirected effort to include Government contract activity in a lobbyists' reporting bill.

This time around, we have a bill which virtually every major lobbying organization—except common cause—feels it can support. We should not let this chance go by. Oppose amendments to the Public Disclosure of Lobbying Act which would serve to undermine its constitutional validity.

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

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

Mr. RAILSBACK. Mr. Chairman, first of all I want to congratulate the gentleman for the time and the effort that he has put into trying to construct a very meaningful, worthwhile, and effective lobbying bill.

The gentleman is correct that I am going to introduce an amendment which is designed to do exactly what he has suggested, and that is to simply recognize where we have a chief executive that actually is a lobbyist of a particular organization, and where he is speaking on behalf of that organization, that individual's name ought to be disclosed—and we are talking about the Ralph Naders and perhaps the Irving Shapiros, people that actually do lobbying, they are lobbyists, and they are chief executives, and if we do not have an amendment they may not be covered.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, I want to congratulate the gentleman from California (Mr. DANIELSON) and the gentleman from California (Mr. MOORHEAD) on the diligent scholarly work they have done on this bill. This legislation was dealt with with great trepidation and with great care by the House Committee on the Judiciary because, as has been pointed out by the two previous speakers, there are at least four specific American freedoms that are involved in this bill, the freedom to redress the Government for grievances, the freedom of speech, the freedom of association and the right of privacy.

I believe the bill, after considerable amendment both in the subcommittee and in the full committee meets minimum constitutional standards and I am going to support the bill and I trust that it is enacted. It is a tough bill but it gets the job done.

The purpose, of course, is to require public disclosure of professional lobbying organizations where there is direct communication with Members of Congress, members of our staff and a limited number of high ranking Federal emloyees. That is just what the bill does. The threshold is high enough to cover these professional lobbyists and will not affect the volunteer grassroots-type of organizations that we also wish to encourage and which have their constitutional rights also.

Insofar as the professional lobbyists are concerned, the bill would require that they tell us who they are, the money they spend; they must report their gifts or expenditures of $35 or over for the benefit of Members of the Congress or a Federal officer. It has civil and criminal sanctions that are enforceable, unlike the present lobbying law.

So, Mr. Chairman, in my view the bill is supportable as reported—and I emphasize "as reported"—because the bill is not supportable if any one of certain major amendments is adopted, and I believe that the gentleman from Illinois (Mr. RAILSBACK) has several in mind. In particular, mechanism, if the grassroots lobby solicitation amendment is adopted, the bill would not be supportable on constitutional grounds. This part of the bill, solicitation, was eliminated by an overwhelming vote of 26 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 Subcommittee on Civil and Constitutional Rights of the 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 unwise 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). Here

again we have an unconstitutional and unwise amendment lowering the threshold so that volunteer grassroots groups would be covered.

With those caveats, Mr. Chairman, I would like to point out again that I support the bill as it is and I would urge the membership to resist the various amendments that I have mentioned.

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. That was 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 burdensome. The enforcement 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 not 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 retained by 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 appearance, 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 with any Congressman whose district is in the county where the organization has its principal place of business. This is known as the "geographic exemption." Frankly, this feature of H.R. 8494 is the one, in my view, most deserving of criticism and in need of refinement. The principal place of business standard is far too narrow. It would not assure the unhampered communication between constituents and Members of Congress that we all seek. Consequently, during the 5-minute rule I will offer an amendment to exempt any communication made by an individual with a 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 any matter, whether it relates 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 petitions to 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 anyone in Government, petition 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 and thus comes under the coverage of the bill has someone speaking in its behalf within one's congressional district, or the State in the case of a Senator. That really 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; but 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, compared to the last time around. There is a need to retain these features of the bill, as 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, section 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 service or other forms of remuneration 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 ranking minority member of the subcommittee which has produced this extremely important legislation and I am hopeful that in general it will be enacted as presented to the House, with a few exceptions to which I will make reference 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 continuing lobbying efforts 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. 839–849) is unworkable and unenforcible. 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. *Harriss* v. *United States*, 347 U.S. (1954).

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 a delicate business. We deal here with 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: Harriss, 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, interferes with, 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. Many of the bills introduced on lobbying 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. In 1976, the House-passed bill (H.R. 15) would have required the disclosure of any contribution in excess of $2,500 and the identity of each individual contributor. This year 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 provision 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 requirement that the contribution 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 requirement of disclosure of membership lists to violate the first amendment rights of privacy and associational freedom. *NAACP* v. *Alabama*, 357 U.S. 499 (1958); *Bates* v. *Little Rock*, 361 U.S. 526 (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, first amendment rights.

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 religious and 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 insuring coverage 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. So, for example, Congress Watch would register as a lobbyist and report on the lobbying activities of its salaried employees, paid officers, and directors. But the activities of Mr. 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 receives 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 exercising the right to petition without reference to a particular organizational policy or interest. But, if expenditures alone are the criterion for triggering coverage of an organization—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 quality or effectiveness of a lobbying effort. They are only one way of measuring such efforts. We must insure that individuals with financial resources independent of the organization or interest groups they serve will be covered if they are consistently active as lobbyists. Any individual, who, without pay, expends substantial amounts of time and effort to influence the legislative process should be covered provided he meets a reasonable threshold of substantive activity.

The failure to cover Ralph Nader, and others like him, has 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 disclosure of 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 legislative matters would have to be disclosed and reported. The pervasive sweep of this requirement coupled with the threat of substantial penalties for failure to report will have a chilling as well as burdensome effect on the legitimate information and educational activities of an organization and its members.

An objective of any bill to regulate lobbying should 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 information to inform their members about legislative issues, 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 citizens exercising their 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 volunteer coverage.

Mr. DANIELSON. Mr. Chairman, I 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 for determining whether 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 lobbying influences public policy, I believe that a lobbying bill must be tough enough to provide a complete picture of organized lobbying efforts, without being so tough as to discourage these efforts, when they are appropriate. In my view, without the addition of two key provisions, namely, a more workable threshold provision and a requirement for the disclosure of major contributors to an organization, H.R. 8494 will fail to meet this objective.

Finding the proper threshold for identifying those organizations that spend a significant amount of time and money on lobbying is the most crucial element in any lobbying legislation. If it is to be effective in determining which organizations must register, a threshold must meet the following two tests:

First. It must be clear and simple enough so an organization can understand readily whether or not it must register; and

Second. It must be specific enough so that major lobbying organizations, or operations, will not be able to avoid registration.

I feel that the current threshold in H.R. 8494 is both too vague and too lenient to compel the coverage of many major lobbying organizations.

As originally adopted in subcommittee, the threshold covered organizations that spent $2,500, and an aggregate of 13 days, on lobbying communications in any quarterly filing period. The primary attribute of this threshold is its simplicity: It bases coverage on a significant level of lobbying expenditures and employs a reasonable and easy-to-calculate days test to determine how much time was spent on lobbying. Moreover, this threshold is effective: It is designed to cover the larger, better-financed lobbying organizations without requiring tedious recordkeeping or forcing the compliance of smaller organizations.

The threshold provision in H.R. 8494, on the other hand, establishes a complicated and impractical two-tiered days test for triggering coverage, whereby an organization must register only when one employee engages in "lobbying com-

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 industry, rather than consumers, can 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, the gentleman from Pennsylvania.

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

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 Members, and candidates from so much reporting, no doubt because of the fact that reporting is really a burden.

Mr. HARRIS. If my colleague will let me recapture my time, I would be happy 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, but we should 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. I doubt if anyone 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 activity.

Mr. MOORHEAD of California. 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 Pennsylvania.

Mr. GARY A. MYERS. 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 came to my office to signing and revealing the fact that he was a lobbyist. I think it reinforces my attitude that most lobbyists do not object to being identified as lobbyists, but they are 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 the 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 fraternal association 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 if those organizations have the temerity, mind you, the gall, to communicate with their legislator.

That is what we are regulating. And those Members who want to stampede into regulating lobbyists, at least understand who you are regulating. This is a more pervasive piece of regulatory legislation than OSHA, for example. Far more pervasive than that. So let us not cry crocodile tears over professional lobbyists. They need do nothing directly. It is the organization that is covered; and all organizations, save a very narrow, discreet exception, such as organizations of Members of Congress, are exempted from the scope of this bill.

I have already expressed by opposition to the bill in conceptual terms. I do not believe it can be amended to meet my objections to it. And so I will not trouble the Members with arguments which I think are wholly self-evident.

Mr. Chairman, I would like, rather, to use my time to ask the gentleman from California (Mr. DANIELSON), who is handling the bill, to respond to several questions which I previously submitted to him.

The first question which I wish 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 from such communications are those made through a speech or print media distributed to the general public.

Why is an exemption for a communication made 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 commmunications should not under any circumstances be considered to be lobbying communications.

The exemption may be almost redundant or surplusage; but at the same time, 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 officers 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 announces that public hearings are 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?

Mr. DANIELSON. If the gentleman

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 submitted for inclusion in 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) has expired.

Mr. MOORHEAD 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, then 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, a corporation is included, but a "government corporation" is not. Is the scope of the term "government corporation" confined to the definition of that term in the report which says that it means a U.S. Government corporation? Is that the intent of those words in 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 interrelationship 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 to similar types of statements; 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 3 minutes to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, we have talked about what this bill does and what it does not do. I think it ought to be made clear, Mr. Chairman, that this bill is not going to render some evil holy. It is not going to right any wrong that we know about right now. It is not going to assuage any fear which the people may now have about lobbying. It is not going to regulate lobbyists. It is not going to cause lobbyists to wear cheaper suits, I say to the gentleman from Virginia.

So, what does the bill do? Why have it at all? Well, in 1946 Congress decided that it ought to try to do something about lobbying. Now, if we make the assumption that the Congress of the United States only passes legislation when there is a need for it, then we would assume that in the collective judgment of the Congress of the United States there was a need to say something about lobbyists. We said it—the Congress at that time, in 1946—and the bill was not really worth the paper it was written on. It was totally ineffectual. 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 say, "Members of the public, because you perceive that there is an undue influence exercised upon Members of Congress by people designated as lobbyists; because you, Mr. 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 register, 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 withstand the pressure of 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 Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, the issue of the disclosure of lobbying activities by those who seek to influence the Federal Government decisionmaking process is a multidimensional and complex one. 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 several months, 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 Commanger, 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 up to.

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 to the Constitution as an exercise of the "right of the people—to petition the Government for a redress of grievances," and the efforts of organized interests and individuals to influence Government 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 objectional 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 benefited 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 exercise 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 shrouded in secrecy 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 personifies the influence problem. All too often the public does not understand the informational 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 underhanded process, associated with the liberal use of money, the wining and dining of legislators and Government bureaucrats, the free airplane trips, weekends as 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. 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.

Mr. Chairman, the public and the Congress should be entitled to know how much money is being spent to influence the decisionmaking processes in the Government and who is paying the cost of such efforts to influence Government decisions. One of the most important lessons we should have learned from Watergate and its related scandals is that the secret lobbying with the Government and the concealed use of money must be ended.

The main reason why the public lacks substantive information about lobbying activities is because the Federal Regulation of Lobbying Act, part of the 1946 Legislative Reorganization Act, is vague in its wording and ill-defined in its definitions.

The 1954 Harriss decision, by the U.S. Supreme Court, held that the 1946 act was constitutional and that Congress could compel the disclosure of lobbying activities. The majority report of the Court, written by Chief Justice Warren, said that to hold otherwise, "would be to deny Congress in large measure that power of self-protection." Warren went on to write:

> 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 amount on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the lobbying act was designed to help prevent.

Having said that, however, the Court, based upon its reading of the legislative history of the 1946 act, prepared the way for several major loopholes to take effect, thus enabling individuals to avoid registering or reporting on their activities.

The Court ruled that in order to be subject to the provisions of the lobbying law, a person must solicit, collect, or receive contributions, that one of the main purposes of such person or such contributions must be to influence the passage or defeat of legislation and that the intended method of influencing legislation must be through direct communication with Members of Congress.

All three tests have to apply before an individual or organization is required to register and report. If the individual or group came under one test, another might not apply, and in many cases that is exactly what has happened.

As we know, a number of groups contend that influencing Congress is not the main or substantial purpose for which they collect or receive funds, and thus they maintain they are not covered by the 1946 act, regardless of the extent of their lobbying activities.

Further, by limiting the disclosure requirement to sums spent on direct communication with the Congress, the Court exempted grassroots lobbying, one of the most effective means of lobbying, from the reporting requirements of the 1946 act. Although the Court did define letter campaigns as a form of direct lobbying, the test apparently is whether the letter campaign material is merely informative in tone or specifically urges the recipient to write to a Member of Congress on a piece of legislation.

In addition to these problems, another difficulty with the present law is that it places the responsibility of each lobbyist or organization to determine what portion of expenditures should be reported as spending for lobbying activities. This situation has allowed many large and powerful groups to either make no report or to report only small amounts of funds for which the group claimed was used, notwithstanding its extensive operations, for lobbying purposes.

Those who do register report that only a very small portion of their salary, or perhaps none at all, was paid for the principal purpose of lobbying. Their expenses are treated in the same modest manner.

Lastly, the current law only applies to lobbying with the legislative branch, although some of the most important and intensive lobbying is practiced with the executive branch.

In summary, the present lobbying act is a thoroughly deficient law.

Two years ago, in the closing days of the 94th Congress, the House passed H.R. 15, which, had it been enacted into law, would have repealed the present lobbying law and would have replaced it with a comprehensive lobbying disclosure law providing for the public disclosure of the activities of those organizations that lobby with the Congress and the executive branch. Unfortunately, the late date of the House action prevented any chance that differences with a Senate-passed bill could have been reconciled before adjournment.

We are now considering H.R. 8494. As reported by the Judiciary Committee, this bill, unfortunately, represents a retreat from the measure which the House acted upon on September 28 and 29, 1976. The threshold provisions are somewhat weakened. There is no coverage of grassroots lobbying which has been described as "the only lobbying that counts." There is 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. Otherwise, it would 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 as effective as it should be.

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 have a record of the activities undertaken 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 lobbying organizations have upon the formulation of public policy.

Mr. Chairman, let us recall the commitment our Founding Fathers made to the principle of open government and do our utmost to bring openness to the affairs and conduct of Government. I urge the House to strengthen H.R. 8494 and pass it.

Mr. MOORHEAD 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. MOORHEAD), and the other members of the subcommittee for doing what I think was a splendid job in trying to create 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 company, a labor union, an association, a cooperative, or for that matter any other organization to contact Members of Congress to urge a certain course of action. But in this case where by reason of its resources that entity is going to exert a disproportionate or an inordinate influence, I think it is in the interest of the public to require disclosure—and that is what we are talking about, disclosure of that organization's activities.

There are many issues that affect the general public where the general public does not know what is going on. They have no paid Washington representative. In addition they are not schooled in how to influence legislation. There is simply no way that they can have an equal voice with the organization that has paid researchers, lawyers, writers, and lobbyists. And yet this is supposed to be a representative government.

I want to get back to the crocodile tears that I cannot shed. We have some people who are trying to indicate that this legislation may be unconstitutional. Let me remind the Members of the House of something we are inclined sometimes to forget, and that is that right now there are 50 State laws re-

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 our democracy by requiring disclosure so that people will have some idea of what influence took place, what pressures we were under, and in my judgment it 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 just suggest to you what that means. That means that many, many Washington lawyers who do not have as their principal purpose being engaged in lobbying, although they may lobby extensively, 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 impeachment inquiry which ended in 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 again investigated reform of the Lobby Act.

The American people deserve and want a better lobby law. Louis Harris polls indicates 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 lobbyists. A recent poll shows that over three-quarters of the people surveyed want public disclosure of lobbyists' activities.

Who can blame them when they read that in a 3-month period the manager of the Washington office of one of the world's largest oil companies (Standard Oil of Indiana) spent $2.16 on lobbying expenditures? Or that Ralph Nader does not even have to register as a lobbyist? I happen to respect the job that Ralph Nader has done. For the most part, he has performed valuable service. Where he lobbies, however, even though not paid for, his organization, his name should be reported.

Our situation 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 those whose profession is lobbying or those who spend a very significant amount of time and money on lobbying the Congress.

Although I will be offering two amendments this afternoon to improve the bill and supporting others, H.R. 8494, in general, is a good bill. I urge its support and passage.

Mr. DANIELSON. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I rise in support of H.R. 8494, the Public Disclosure of Lobbying Act of 1978. It is the product of years of hard work—our Judiciary Committee has engaged in endless debate, hearings, and draft sessions and all in all I feel H.R. 8494 is a sound and workable proposal.

It strikes the necessary balance between the public's right to know and 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 in 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 if our lobbying bill is to be effective—if the public is to accurately gage special interest influence on the Congress. I support the adoption of the Flowers amendment to require the reporting of lobbying solicitations.

Second, the bill does not require reporting by lobbying organizations of their major contributions, those most likely to have the greatest 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 backward from the 1946 act.

I urge the adoption of the Railsback/Kastenmeier amendment to require registered organizations to disclose the names of persons who contribute more than $3,000 annually, provided that the organization spends at least 1 percent of its budget on lobbying activities.

Thirdly, H.R. 8494 comes before us with an overly vague and lenient threshold which 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 requires 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 such 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 language 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 reporting organizations name the employee or retainee who lobbied on each of the issues reportable. In addition, the amendment would require that reporting organizations name their principal officer, whether pair 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 long 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-

ments: First, to cover reporting of solicitations made by lobbying organizations; second, to require reporting of major contributions to lobbying organizations; and third, to require reporting of activities of individuals who are major policy 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 constitutionally protected practice of petitioning the legislature is a good one and a great help in the legislative process. 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, mayors, corporations, 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 representative 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 think of public officials receiving gifts, free trips, uncompensated use of 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 proscribe other practices which have the appearance or reality of impairing the rationality, objectivity, 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 individuals and organizations seeking to advance their interests. Viewed in that light, the propriety of H.R. 8494 to regulate lobbying emerges vividly. When the corrupting influence of direct monetary exchanges 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 on any particular matter, that action, it seems to me, is at the heart of the first amendment protection.

Thus Congress bears a heavy burden to justify any regulation 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 intrusion into an area protected by the Constitution.

In my view H.R. 8494 does not exceed the constitutional limits of congressional authority 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, reporting groups would have had to describe in some detail their communications with members and other interested parties about legislative matters of concern to them. Even though the decision to contact a Member of Congress would be entirely within the discretion of the recipient of the solicitation, the group would nonetheless have to report the solicitation. Such indirect lobbying hardly rises to the level necessary to justify intrusion into activity protected by the first amendment.

Second, the committee removed a provision requiring certain reporting of the contributors to lobbying groups. Apart from the serious question whether too much reporting was required, we must address the more fundamental question whether Congress has the right to compel disclosure of such information consistent with the first amendment. This provision of the bill which the committee had before it implicated constitutional concerns extending beyond the right to petition the Government. It implicated free speech considerations as well.

It has been a long and noble tradition in our country to engage in political activity anonymously. Since the early days of the Republic, citizens have contributed to the political dialog without revealing their identities. In some instances, anonymity is assumed to protect the individual from reprisals, not only those coming from Government but those coming from private individuals who do not share their views. In other cases, anonymity may be used out of the highest motives of good will and philanthropy. In these days of sinister and clandestine activity by Government against its citizens, we have come to identify anonymity with evildoers. These recent revelations of governmental improprieties have colored our view of the role of anonymous political activity, thus distorting a noble, historical tradition. Indeed, it was not very long ago that the Supreme Court reminded us of that tradition in striking down a California law which sought to require every political pamphlet to identify its source.

Third, the committee adjusted the threshold provisions of the bill which determine what kinds of lobbying activities fall within the purview of H.R. 8494. It sought to limit coverage only to those groups which present a real threat to democratic decisionmaking in Congress by asserting an undue influence on the legislative process. Contacts from small organizations or those which engage only incidentally in lobbying are hardly the kind of actions which we must fear for their corrupting impact.

The committee adopted other amendments to the bill which further narrowed its scope to assure consistency with constitutional principles. Because of these positive actions by the committee, I voted to report H.R. 8494 to the full House for 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.

Before concluding, I should note that a wide variety of interest groups have written to me, as they undoubtedly have to other Members, urging my support of H.R. 8494 as it was reported by the Judiciary Committee. While this bill is probably not perfect, I think it does reasonably and, more important, constitutionally accommodate the competing interests. I hope the House will reject all amendments which would intrude into the sensitive area of the first amendment and which would disturb the delicate balance in H.R. 8494.●

● 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 1946 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 need to replace the present law, 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 express their views to 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. 8494, as amended, does not meet this standard.

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 of petitioning their Government. Reporting requirements should be reasonable and practical, and should not be so onerous that they inhibit people from contacting their representatives because of the time and cost which compliance would involve.

The amendment requiring contributor disclosure 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 a controversial organization would 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 Railsback 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. The practical effect of H.R. 8494 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 read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "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 another organization through a formal relationship based upon ownership or an agreement (including a charter, franchise agreement, or bylaws) under which one of the organizations maintains actual control 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 business league and any of its State or local business leagues, a national federation of labor organizations and any of its State or local federations, and a national labor organization and any of its State or local labor organizations;

(2) the term "Comptroller General" 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 organization and such Federal officer or employee each hold a legal or beneficial interest (excluding stock holdings in publicly traded corporations, policies of insurance, and commercially reasonable leases made in the ordinary course of business) in the same business or joint venture, and the value of each such interest exceeds $1,000;

(4) the term "employ" means the utilization of the services of an individual or organization in 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 applicable allowance payable 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 more favorable than those available to the general public), advance, deposit, or gift of money or other thing of value, other than exempt travel expenses, made—

(i) to or for the benefit of a Federal officer or employee;

(ii) for mailing, printing, advertising, telephones, consultant fees, 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; or

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

(B) a contract, promise, or agreement, whether or not legally enforceable, to make, disburse, or furnish any item referred to in subparagraph (A);

(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 any 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(i) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 52b);

(8) the term "identification" means—

(A) in the case of an individual, the name, occupation, and business address of the individual and the position held in such business; and

(B) in the case of an organization, the name and address of the organization, the principal place of business of the organization, the nature of its business or activities, and the names of the executive officers and the directors of the organization, regardless of whether such officers or directors are paid;

(9) the term "lobbying communication" means, with respect to a Federal officer 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, treaty, nomination, hearing, report, or investigation, and, with respect to a Federal officer or employee described in section 2(7)(C) or (D), 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 or introduced in either House of Congress or any report thereon of a committee of Congress, any nomination to be submitted or submitted to the Senate, or 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 magazine published for distribution to the general public, or through a radio or television transmission, or through a regular publication of 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, if such organization's principal place of business is located 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 such organization's principal place of business is located in a county (including a city, city-and-county, parish, and the State of Alaska) within which all or part of such Member's congressional district is located;

(10) the term "organization" means—

(A) any corporation (excluding a Government corporation), company, foundation, association, labor organization, firm, partnership, society, joint stock company, organi-

zation of State or local elected or appointed officials (excluding any Federal, State, or local unit of government other than a State college or university as described in section 511 (a)(2)(B) of the Internal Revenue Code of 1954, and excluding any Indian tribe, any national or State political party and any organizational unit thereof, and any association comprised solely of Members of Congress or Members of Congress and congressional employees), group of organizations, or group of individuals; and

(B) any agent of a foreign principal as defined in section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611);

(11) the term "quarterly filing period" means any calendar quarter beginning on January 1, April 1, July 1, or October 1; and

(12) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

APPLICABILITY OF ACT

SEC. 3. (a) The provisions of this Act shall apply to—

(1) any organization which makes an expenditure in excess of $2,500 in any quarterly filing period for the retention of an individual or another organization to make lobbying communications, or for the express purpose of preparing or drafting any such lobbying communication; or

(2) any organization which (A) employs at least one individual who, on all or any part of each of thirteen days or more in any quarterly filing period, or at least two individuals each of whom on all or any part of each of seven days or more in any quarterly filing period, makes lobbying communications on behalf of that organization, and (B) makes an expenditure in excess of $2,500 in such quarterly filing period on making lobbying communications,

except that the provisions of section 4 and section 6 of this Act shall not apply to an affiliate of a registered organization if such affiliate engages in activities described in paragraphs (1) and (2) of this subsection and such activities are reported by the registered organization.

(b) This Act shall not apply to practices or activities regulated by the Federal Election Campaign Act of 1971.

REGISTRATION

SEC. 4. (a) Each organization shall register with the Comptroller General not later than fifteen days after engaging in activities described in section 3(a).

(b) The registration shall contain the following, which shall be regarded as material for the purposes of this Act:

(1) An identification of the organization, except that nothing in this paragraph shall be construed to require the disclosure of the identity of the members of an organization.

(2) An identification of any retainee described in section 3(a)(1) and of any employee described in section 3(a)(2).

(c) A registration filed under subsection (a) in any calendar year shall be effective until January 15 of the succeeding calendar year. Each organization required to register under subsection (a) shall file a new registration under such subsection within fifteen days after the expiration of the previous registration, unless such organization notifies the Comptroller General, under subsection (d), with respect to terminating the registration of the organization.

(d) Any registered organization which determines that it will no longer engage in activities described in section 3(a) shall so notify the Comptroller General. Such organization shall submit with such notification either (1) a final report, containing the information specified in section 6(b), concerning any activities described in section 3(a) which the organization has not previously reported or (2) a statement, pursuant to section 6(a)(2), as the case may be. When the Comptroller General receives such notification and report or statement, the registration of such organization shall cease to be effective.

RECORDS

SEC. 5. (a) Each organization required to be registered and each retainee of such organization shall maintain for each quarterly filing period such records as may be necessary to enable such organization to file the registrations and reports required to be filed under this Act, except that, in those situations where a registered organization elects to report as to the lobbying activities of its affiliates pursuant to section 3(a), such affiliates shall be responsible for maintaining such records as are necessary to enable the registered organization to fully discharge its reporting obligations as they pertain to such affiliates. The Comptroller General may not by rule or regulation require an organization to maintain or establish records (other than those records normally maintained by the organization) for the purpose of enabling him to determine whether such organization is required to register.

(b) Any officer, director, employee, or retainee of any organization shall provide to such organization such information as may be necessary to enable such organization to comply with the recordkeeping and reporting requirements of this Act. Any organization which shall rely in good faith on the information provided by any such officer, director, employee, or retainee shall be deemed to have complied with subsection (a) with respect to that information.

(c) The records required by 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 records relate.

REPORTS

SEC. 6. (a)(1) Each organization which engages in the activities described in section 3(a) during a quarterly filing period shall, not later than thirty days after the last day of such period, file a report concerning such activities with the Comptroller General.

(2) Each registered organization which does not engage in the activities described in section 3(a) during a quarterly filing period shall file a statement to that effect with the Comptroller General.

(b) Each report required under subsection (a)(1) shall contain the following, which shall be regarded as material for the purposes of this Act:

(1) An identification of the organization filing such report.

(2) The total expenditures (excluding salaries other than those reported under paragraph (5) of this subsection) which such organization made with respect to activities described in section 3(a) during such period.

(3) An itemized listing of each expenditure in excess of $35 made to or for the benefit of any Federal officer or employee and an identification of such officer or employee.

(4) A disclosure of those expenditures for any reception, dinner, 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.

(5) An identification of any retainee of the organization filing such report and of any employee who makes lobbying communications on all or part of each of seven days or more, and the expenditures made pursuant to such retention or employment, except that in reporting expenditures for the retention or employment of such individuals or organiaztions, the organization filing such report shall—

(A) allocate, in a manner acceptable to the Comptroller General, and disclose the amount which is paid to the individual or organization retained or employed by the reporting organization and which is attributable to engaging in such activities for the organization filing such report; or

(B) notwithstanding any other provision of law, disclose the total expenditures paid to any individual or organization retained or employed by the organization filing such report.

(6) A description of the issues concerning which the organization filing such report engaged in activities described in section 3(a) and upon which the organization spent a significant amount of its efforts.

(7) Disclosure of each known direct business relationship between the reporting organization and a Federal officer or employee whom such organization has sought to influence during the quartely filing period involved.

DUTIES OF THE COMPTROLLER GENERAL

SEC. 7. (a) It shall be the duty of the Comptroller General—

(1) to develop filing, coding, and cross-indexing systems to carry out the purposes of this Act, including (A) a cross-indexing system which, for any retainee described in section 3(a)(1) who is identified in any registration or report filed under this Act, discloses each organization identifying such retainee in any such registration or report, and (B) a cross-indexing system, to be developed in cooperation with the Federal Election Commission, which discloses for any such retainee each identification of such retainee in any report filed under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(2) to make copies of each registration and report filed with him under this Act available for public inspection and copying, commencing as soon as practicable after the date on which the registration or report involved is received, but not later than the end of the fifth working day following such date, and to permit copying of such registration or report by hand or by copying machine or, at the request of any individual or organization, to furnish a copy of any such registration or report upon payment of the cost of making and furnishing such copy; but no information contained in any such registration or report shall be sold or utilized by any individual or organization for the purpose of soliciting contributions or business;

(3) to preserve the originals or accurate reproductions of such registrations and reports for a period of not less than five years from the date on which the registration or report is received;

(4) to compile and summarize, with respect to each quarterly filing period, the information contained in registrations and reports filed during such period in a manner which clearly presents the extent and nature of the activities described in section 3(a) which are engaged in during such period;

(5) to make the information compiled and summarized under paragraph (4) available to the public within sixty days after the close of each quarterly filing period, and to permit copying of such information by hand or by copying machine or, at the request of any individual or organization, to furnish a copy of such information upon payment of the cost of making and furnishing such copy; and

(6) to prescribe such rules and regulations and such forms as may be necessary to carry out the provisions of this Act in an effective and efficient manner.

(b) The duties of the Comptroller General described in subsection (a)(6) of this section shall be carried out in conformity with chapter 5 of title 5, United States Code,

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 effective enforcement of this Act, and 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 involved.

(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, restraining order, or 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.

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

(f) In any civil action brought pursuant to subsection (c), the court may award to the prevailing party (other than the United States or an agency or official thereof) reasonable attorney fees and expenses if the court determines that the action was brought without foundation, vexatiously, frivolously, or in bad faith.

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 legislative or other action as 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)(6) 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 to the Congress 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 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 knowingly violating section 4, 5, or 6 of this Act, or any rule or regulation promulgated in accordance therewith, shall be subject to a civil penalty of not more than $10,000 for each such violation.

(b) Any individual or organization who knowingly and willfully violates section 4, 5, or 6 of this Act, or who, in any statement required to be filed, furnished, or maintained pursuant to this Act, knowingly and willfully makes any false statement of a material fact, omits any material fact required to be disclosed, or omits any material fact necessary to make statements made not misleading, shall be fined not more than $10,000 or imprisoned for not more than two years, or both, for each such violation.

(c) Any individual or organization knowingly and willfully failing to provide or falsifying all or part of 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)(2) of this Act shall be subject to a civil penalty of not more than $10,000.

REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT

SEC. 12. The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.), and that part of the table of contents of the Legislative Reorganization Act of 1946 which pertains to title III thereof, are repealed.

SEPARABILITY

SEC. 13. If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. There are authorized to be appropriated to carry out this Act $1,600,000 for the fiscal year beginning on October 1, 1978; $1,600,000 for the fiscal year beginning on October 1, 1979; and $1,600,000 for the fiscal year beginning on October 1, 1980.

EFFECTIVE DATES

SEC. 15. (a) Except as provided in subsection (b), the provisions of this Act shall take effect on October 1, 1978.

(b) Sections 4, 5, 6, 8, 11, and 12 shall take effect on the first day of the first calendar quarter beginning after the date on which the first rules and regulations promulgated to carry out the provisions of sections 4, 5, and 6 take effect, in accordance with section 10.

Mr. DANIELSON (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be deemed as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Does the gentleman ask unanimous consent that the entire committee amendment in the nature of a substitute be deemed as read?

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?

PARLIAMENTARY INQUIRY

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 section by section, or to the entire bill?

The CHAIRMAN (Mr. MEEDS). 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 amendment at any point. Amendments may now be offered to any section.

Mr. DANIELSON. I thank the Chair.

AMENDMENT OFFERED BY MR. KINDNESS

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

The Clerk read as follows:

Amendment offered by Mr. KINDNESS: On page 32, strike lines 6–16, 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 within such Member's 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 district and people want to talk to you while you are there about legislative topics. Some of them may not live 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 your district is a part, or in a standard 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.

You can imagine how disconcerting it would be to find that you as a Member of Congress are no longer being invited to visit places in your community where people are employed or would be likely to talk to you in the course of such a visit about legislative matters. I would certainly urge that this amendment, when considered in the subcommittee and the full committee, was perhaps not as fully considered as might have been the case, although a lot of discussion was had about it. I think we wound up with something less than perfection in this part of the bill, and I believe this amendment would come very close to meeting the problems that were raised by members of the Committee on Rules yesterday about this part of the bill, and it would not be a barrier between Members of Congress and their constituents who either live or work in one's area.

Right now the rule is that it has to be the principal place of business of the organization, which may be in some far distant State, before this would be an exempt communication. We are talking here not about where an individual speaks his own opinion or petitions for redress of a grievance, but rather where the individual is talking, perhaps, in behalf of an organization, which is to be distinguished from speaking his own opinion; but even in that way, there are people of all kinds communicating with you in your district on the effect the legislation might have in the place where they work or on their jobs. It is a very valid type of communication, but hardly the standard sort of lobbying communication to which this bill is directed so as to require all the recordkeeping and reporting; so I certainly would urge adoption of the amendment to clarify the geographic exemption.

Mr. DANIELSON. Mr. Chairman, I oppose this amendment. At the inception, I want to point out that this amendment was considered and was rejected both in the subcommittee and in the full committee as the bill was being considered.

This amendment, if adopted, would greatly extend the so-called geographical exemption which we have in the bill and which permits any person to communicate with his or her Representative or to communicate with his or her Senator. It would extend it to the point where it would truly wipe out any need for anybody to report at any particular time. The present geographical exemption reaches the point where a communication by a person who is the retainee or employee of a registered organization, residing in the county or counties in which all or any part of your congressional district is located are exempt from being included as lobbying communications.

For example, we have within my State one of our Members, the honorable gentleman from California (Mr. JOHNSON), who represents about 18 counties. Anybody in those 18 counties can communicate with him directly under the geographical exemption and there is no need to include this as a lobbying communication.

When I say anyone, I want to point out that anyone in the United States can communicate with anyone else, as long as he is communicating on his own behalf; but if an employee or retainee of a lobbyist does live within that geographical area, the communication is exempt, because we simply do not want to restrict the first amendment.

Now, this amendment, by its own terms, refers to an individual speaking or communicating on behalf of an organization. Therefore, that individual must be either the employee or retainee of the organization. Organization is a word of art in this bill. It means an organization which qualifies and is duly registered.

Now, under this amendment, if that individual either lives or works in the State or the congressional district or the county or the standard metropolitan statistical area, he can still communicate and is exempted.

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

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

Mr. BIAGGI. Mr. Chairman, why could not that individual that came in be a part of a volunteer association?

Mr. DANIELSON. They can.

Mr. BIAGGI. Are they exempt?

Mr. DANIELSON. Certainly. There is no reason why they cannot come in and communicate.

Mr. BIAGGI. And they do not live in the gentleman's community?

Mr. DANIELSON. Any human being in the United States can come in and talk to you, whenever he wants to, and that he specifically exempted in subparagraph (C) starting on page 32 of the bill.

Mr. Chairman, I would like to get back to the standard metropolitan statistical area. We considered this while in the committee, but we found we were considering something that was totally unworkable. Most parts of the United States are not parts of a metropolitan statistical area. These areas have been set up to cover the larger metropolitan areas. They disregard county and State lines.

One of our members on the committee lives in a standard metropolitan statistical area that is partly in Kentucky and partly in Ohio.

We have found vast areas of the country are not included at all. This is simply not a workable geographic area for the purposes of legislation.

The other and most important point I want to make is this: We would expand the geographical exemption under this amendment to the point where any registered organization or any lobbying organization could simply place an employee in every standard metropolitan statistical area of the country and it no longer would have to report anything. The communications would be exempt from regulation.

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

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

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 his county of Los Angeles, but 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 are 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

effect, but I do not wish to debate that point at the moment.

Mr. HARRIS. As my colleague said, he thought that everyone had that right, and we do respect that right, do we not?

Mr. WIGGINS. I would like to think that right exists free from any unnecessary governmental regulation.

But, Mr. Chairman, let us remember the limitations. First of all, the subject matter of the communication must be with respect to an issue directly affecting the organization.

Let us suppose that a business entity or an association in my district wants to talk to me about SALT, the strategic arms limitation talks, about troop reductions in Korea, or about the neutron bomb. Can it be said with intellectual honesty that is an issue directly affecting the organization?

No, I think the effect is indirect, just as all citizens may be indirectly affected by such governmental decisions.

There is no rational justification at all for imposing a "directly affecting" limitation upon the content of the communication, and there is no rational reason at all for imposing any geographic limitation on the right of an organization to communicate with its government without reference to whether we may individually represent that particular constituent.

I am going to support the amendment because it broadens the scope of the exemptions.

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 in this country.

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 the committee into thinking that this bill as it presently stands allows free communication, that is, allows a constituent to freely communicate on behalf of an organization for which he works, because it does not, right?

Mr. HARRIS. Mr. Chairman, if my colleague will allow me to respond, if he is not communicating on behalf of that organization, he still may communicate 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 not 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, may, 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 or something 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 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, they would be covered down to the local posts, because they spend a lot of money in Washington.

When we speak to the VFW or the DAV or whatever organization we speak to 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. I do not think there is any way by which we can get around making local veteran groups and others make the reports required by this bill.

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 who 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 type 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 very probably is an affiliate of the Washington office,

the national office of the VFW. The affiliate need not register and report, provided that the registering and reporting is done by the superior organization, which would be the Washington, D.C., chapter or the national headquarters of the VFW.

Therefore, the local organization need not do so.

Second, in view of the fact that the organization is within the geographical exemption, one's own hometown, one's district, VFW's and American Legion posts may communicate with absolute impunity.

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 to get 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 organizations 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. What the gentleman is saying is 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 exempted at all. 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.

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

Mr. WIGGINS. 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 for purposes 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 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 appropriate.

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 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 for the 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 apiece, plus expending $2,500.

The gentleman's organization is not retaining anybody to make lobbying communications. They are giving you and me a bad time for not having 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. They do not have to register and 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. Mr. Chairman, 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, but 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 but 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 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 with absolute impunity. That is never forbidden under this bill.

The only restriction is where we have the retainee or employee of a registered organization acting on behalf of that registered 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 precludes free communication between people who are constituents and speaking in behalf of the organization for which they work, and their Congressman. 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.

I think that is the point we 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-

tee, and I just hope we will adopt the amendment and preclude all this.

Mr. MAZZOLI. If the gentleman will yield, I would like to talk to the gentleman from Ohio. It seems to me he is saying we are confusing apples and oranges. I think the gentleman is mixing up the metaphors today too. The reason our subcommittee—and the gentleman is a valuable member of that subcommittee—suggested in item (D) on line 6 of page 32 this—

. . . . a communication on any subject directly affecting an organization—

Is because we said in our debates that Item (C) covers:

a communication by an individual—

For any reason, for whatever particular motive, whether under duress by a plant manager or because of some spontaneity on his part; we said it was regardless of motive or beginning or origin, that communications from individuals were sacrosanct and exempt from any coverage of this bill. Thereafter we added in the next item and talked about other kinds of communications which were generated by organizations, mass mailings, what-have-you, so long as they were from within the organization's principal place of business is one's district, or I join the gentleman in saying it could be extended to the SMSA, they would be exempt.

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

(By unanimous consent, Mr. MOORHEAD of California was allowed to proceed for 1 additional minute.)

Mr. MAZZOLI. Mr. Chairman, if the gentleman will yield further, let me wrap up in just 10 seconds and say we have one case of an individual always exempt, and the other case of organizations from within their principal place of business within one's county, they are exempt.

Mr. KINDNESS. The gentleman is not correct. I refer him to page 22 of the report at the bottom where it says:

A communication by person representing an organization could therefore be covered even though he failed to state that his communication was made in behalf of the organization. The general test would be whether the communication is made for the organization pursuant to the employee's general or specific responsibilities as an employee.

If the employee appeared to be working in public affairs and was a constituent, how are we going to decide whether he is speaking in his own behalf or that of an organization? We do not want to test these things in court. That is the chilling effect we are talking about that this legislation could bring about. We do not want to bring that about. We do not want to chill the abilities and willingness of the people to communicate with us about matters of importance to him.

Mr. MAZZOLI. On page 22 I refer the gentleman to this, where it says:

Thus, a plant manager or assembly line worker or the head or member of the local chapter of a public interest organization could communicate to Congress in response to a central office letter or call without having to report the communication to the central office, so long as the individual agrees with the views he is expressing and does not represent them as being made on the organization's behalf.

I think what the gentleman from Kentucky has said is true, whether they arise spontaneously or were the result of an entreaty. 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. MAZZOLI) stopped reading too soon because the paragraph following, and the one he was quoting from, and the other paragraph, says that (c) does not cover it.

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

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

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 Chair 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.

QUORUM CALL VACATED

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

The Committee will resume its business.

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.

The vote was taken by electronic device, and there were—ayes 195, noes 212, not voting 27, as follows:

[Roll No. 236]

AYES—195

Abdnor	Buchanan	de la Garza
Ambro	Burgener	Delaney
Andrews, N. Dak.	Burke, Fla.	Dent
	Burleson, Tex.	Devine
Annunzio	Butler	Dickinson
Applegate	Carney	Dicks
Archer	Carter	Dodd
Armstrong	Chappell	Dornan
Ashbrook	Clawson, Del	Duncan, Oreg.
Ashley	Cleveland	Duncan, Tenn.
Badham	Coleman	Edwards, Ala.
Bafalis	Collins, Tex.	Edwards, Okla.
Bauman	Conable	Erlenborn
Beard, Tenn.	Conte	Evans, Colo.
Benjamin	Corcoran	Evans, Del.
Biaggi	Cotter	Evans, Ga.
Bowen	Coughlin	Evans, Ind.
Brooks	Crane	Fary
Broomfield	Cunningham	Findley
Brown, Mich.	Daniel, Dan	Fish
Broyhill	Davis	Flood
Flynt	McClory	Rousselot
Foley	McCloskey	Rudd
Forsythe	McCormack	Ruppe
Frenzel	McDade	Russo
Frey	McDonald	Ryan
Gaydos	McEwen	Sarasin
Gibbons	McKinney	Satterfield
Ginn	Madigan	Sawyer
Goldwater	Mahon	Schulze
Goodling	Mann	Sebelius
Gradison	Marks	Shipley
Grassley	Marriott	Shuster
Guyer	Martin	Sikes
Hagedorn	Mathis	Skubitz
Hall	Mattox	Smith, Nebr.
Hammer-schmidt	Michel	Snyder
	Milford	Spence
Hansen	Miller, Ohio	Stangeland
Harsha	Mitchell, N.Y.	Stanton
Hightower	Montgomery	Steers
Hillis	Moore	Steiger
Holland	Moorhead, Calif.	Stockman
Holt		Stratton
Horton	Murphy, Ill.	Stump
Hubbard	Murphy, N.Y.	Symms
Huckaby	Murtha	Taylor
Hyde	Myers, Gary	Treen
Ichord	Myers, John	Trible
Jacobs	Oberstar	Vander Jagt
Jenrette	Obey	Waggonner
Johnson, Colo.	Pike	Walker
Jones, N.C.	Poage	Walsh
Jones, Okla.	Pressler	Wampler
Kasten	Price	White
Kelly	Pritchard	Whitehurst
Kemp	Pursell	Whitten
Ketchum	Quayle	Wiggins
Kindness	Quie	Wilson, Bob
Lagomarsino	Quillen	Wilson, C. H.
Latta	Regula	Winn
Lent	Rhodes	Wydler
Levitas	Risenhoover	Wylie
Livingston	Roberts	Young, Alaska
Lott	Robinson	Young, Tex.
Lujan	Rostenkowski	Zeferetti

NOES—212

Addabbo	Eilberg	Lloyd, Tenn.
Akaka	Emery	Long, La.
Alexander	English	Long, Md.
Allen	Ertel	Luken
Ammerman	Fascell	Lundine
Anderson, Calif.	Fenwick	McFall
	Fisher	McHugh
Anderson, Ill.	Fithian	McKay
Andrews, N.C.	Flippo	Maguire
Aspin	Florio	Markey
AuCoin	Flowers	Marlenee
Baldus	Ford, Mich.	Mazzoli
Barnard	Ford, Tenn.	Meeds
Baucus	Fountain	Metcalfe
Beard, R.I.	Fowler	Meyner
Bedell	Fraser	Mikulski
Beilenson	Fuqua	Mikva
Bennett	Gammage	Miller, Calif.
Bevill	Garcia	Mineta
Bingham	Gephardt	Minish
Blanchard	Gilman	Mitchell, Md.
Blouin	Glickman	Moakley
Boggs	Gonzalez	Moffett
Boland	Gore	Mollohan
Bolling	Green	Moorhead, Pa.
Bonior	Gudger	Moss
Brademas	Hamilton	Motti
Breckinridge	Hanley	Murphy, Pa.
Brinkley	Hannaford	Myers, Michael
Brodhead	Harkin	Natcher
Brown, Calif.	Harrington	Neal
Burke, Mass.	Harris	Nichols
Burlison, Mo.	Hawkins	Nix
Burton, Phillip	Heckler	Nolan
Byron	Hefner	Nowak
Caputo	Heftel	Oakar
Carr	Hollenbeck	Ottinger
Cavanaugh	Holtzman	Panetta
Chisholm	Hughes	Patten
Clay	Ireland	Patterson
Cohen	Jeffords	Pattison
Collins, Ill.	Jenkins	Pease
Corman	Johnson, Calif.	Perkins
Cornell	Jones, Tenn.	Pickle
Cornwell	Jordan	Preyer
D'Amours	Kastenmeier	Rahall
Danielson	Keys	Railsback
Derrick	Kildee	Rangel
Derwinski	Kostmayer	Reuss
Diggs	Krebs	Richmond
Dingell	LaFalce	Rinaldo
Downey	Le Fante	Roe
Drinan	Leach	Rogers
Early	Lederer	Roncalio
Eckhardt	Leggett	Rooney
Edgar	Lehman	Rose
Edwards, Calif.	Lloyd, Calif.	Rosenthal

Roybal	Staggers	Volkmer
Santini	Stark	Waxman
Scheuer	Steed	Weaver
Schroeder	Stokes	Weiss
Seiberling	Studds	Whalen
Sharp	Thompson	Wilson, Tex.
Simon	Traxler	Wirth
Sisk	Tsongas	Wolff
Skelton	Tucker	Wright
Slack	Udall	Yates
Smith, Iowa	Ullman	Yatron
Solarz	Van Deerlin	Young, Fla.
Spellman	Vanik	Young, Mo.
St Germain	Vento	Zablocki

NOT VOTING—27

Bonker	Daniel, R. W.	Rodino
Breaux	Dellums	Runnels
Brown, Ohio	Giaimo	Teague
Burke, Calif.	Howard	Thone
Burton, John	Kazen	Thornton
Cederberg	Krueger	Walgren
Clausen, Don H.	Nedzi	Watkins
	O'Brien	Whitley
Cochran	Pepper	
Conyers	Pettis	

The Clerk announced the following pairs:

On this vote:

Mr. Runnels for, with Mr. Dellums 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. Conyers against.

Mr. Don H. Clausen for, with Mr. Pepper against.

Mr. Robert W. Daniels, Jr., for, with Mr. Rodino against.

Mrs. COLLINS of Illinois, Messrs. LE FANTE, LEACH, YATRON, BURKE of Massachusetts, MINISH, Mrs. HECKLER, and Mr. RINALDO changed their vote from "aye" to "no."

Mr. APPLEGATE and Mr. JACOBS changed their vote from "no" to "aye."

Mr. NEAL changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, on account of being at an appointment at the White House this afternoon, I missed the vote on rollcall No. 236. Had I been present, I would have voted "aye." I ask unanimous consent that my statement appear immediately following rollcall 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" on page 34, line 6, and insert in lieu thereof the following: "one or more individuals who, on all or part of each of thirteen days or more, in the aggregate, in any quarterly filing period, make lobbying communications on behalf of that organization, and".

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 expenditures test, this threshold includes a complicated and impractical two-tiered days test for triggering coverage. Under the bill, an organization is covered if one of its paid employees 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 in the same fashion.

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 days 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 a coincidence that the two-tiered threshold in H.R. 8494 was not only written—but actively promoted—by some of the largest lobbying organizations across the country. These same organizations are arguing against the threshold because they say it will restrain the activities of smaller organizations. Ironically, relatively few, if any, of these "small" organizations have voiced objections to the subcommittee threshold provision. What we have now is a bill whose threshold has been designed by several large, well-financed organizations.

Having an effective threshold provision is the heart of a meaningful lobbying law. It answers the question: "Who must register" The answer should be clear and enforcible. Otherwise, we have accomplished nothing more than a voluntary program to expand 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 the employees of an affiliate and their activities may somehow be aggregated to require parent organization reporting?

Mr. HARRIS. My amendment would not, in fact, cause this, nor do I think would the bill cause this; but my amendment would not deal with that problem.

Mr. RAILSBACK. Mr. Chairman, if the gentleman will yield further, is it 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. HARRIS. Mr. Chairman, if I may respond to my colleague, the gentleman from Illinois, currently the bill says two things: No. 1, if an organization hires an outside agency, an attorney or public relations firm for $2,500 or more per quarter to do lobbying, that organization must register.

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 contact per quarter.

Mr. RAILSBACK. Seven days each?

Mr. HARRIS. Seven days each; that is the way 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 go over the $2,500 a quarter, and if they have a paid employee or more than one employee which make 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-

filiates, such as in the case of a veterans' organization, say a State chapter, that they would trigger the requirement; that is not meant to trigger that requirement?

Mr. HARRIS. No, certainly it would not trigger it.

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

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

Mr. WIGGINS. Mr. Chairman, I have asked the gentleman to yield, because the gentleman from Illinois and I have had a discussion off the floor concerning the question of whether the activities of affiliates must be accumulated for purposes of reaching the threshold. I stated earlier in the debate my opinion that accumulation was required. After rereading the bill and the committee report I am satisfied they are not to be accumulated and each affiliate must separately meet the threshold test.

Mr. HARRIS. I thank my colleague, because that point was confused by some.

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

Mr. Chairman, I rise in opposition to the amendment. The concept of the Harris amendment has been debated quite a bit in the subcommittee and in the full committee. It goes right to the heart of this bill in terms of balance. As has been pointed out by several who have spoken in favor of this bill, the threshold is higher in order to bring about coverage, as compared to previous brands of this legislation that have been dealt with in the committee and before the House. If we tinker with this threshold measurement, as suggested by the amendment of the gentleman from Virginia (Mr. HARRIS) here, thus bringing the threshold down to the point where more organizations, particularly volunteer organizations, are going to come under coverage, then I think we will have destroyed some of the support for this bill.

I suggest that maybe some may say, "Well, it has such broad support now that we can afford to lose a few."

I believe that is the way in which we might get this bill into real trouble, and let me illustrate with one example of how we are likely to get this bill into real trouble.

Let us imagine that any organization would be foolish enough to lobby through a greater number of people in an inefficient manner just to avoid crossing the threshold that exists in the bill right now. Right now there must be 13 days' contact by one person representing the lobbying organization or 7 days by more than one person.

Now, obviously it can be argued that a lobbying organization might say, "Well, we will spread this out, and we will have 10 people or 15 people, each making contacts on 6 days within a calendar quarter, and nobody will cause us to cross the threshold."

I would rather have us take that risk than have us lower the threshold, because we are going to be pulling in all kinds of efforts by lobbying organizations that exist around the country which do not really come under this and are not likely to cross that threshold.

Mr. EDWARDS of California. Mr. chairman, will the gentleman yield?

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

Mr. EDWARDS of California. Mr. Chairman, this amendment lowers the threshold to an unbelievably low area and would make hundreds of thousands of organizations susceptible to the triggering device in the bill under the provisions that are in it now. It would certainly discourage members of hundreds of thousands of American organizations from carrying on any communication with Congress, or even with Washington indeed.

Mr. KINDNESS. Would the gentleman agree that the present threshold already comes down to a fairly low point?

Mr. EDWARDS of California. The present threshold is actually lower than what I would personally have liked. I would like to have it higher than it is now, but this amendment lowers it to an unacceptably low level.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for his comments, and I think he has made an excellent point.

I believe we have gone about as far as we can go. Just like "Kansas City," "everything is up to date" in this bill if we leave this alone.

Mr. Chairman, I urge the defeat of the amendment, and I yield back the balance of my time.

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

Mr. Chairman, I will be very brief. Basically, I agree with almost everything that has been said here. This would enlarge the coverage to a quantum extent over what we should have here and, I think, enlarge it to the point where the bill would and should lose some of the support that it now has on this floor. I do not think this House wants to do that.

We want to have a fair and a moderate approach to this problem, and we want to have a bill that means something. We do not want to have a bill or statute that requires every organization in this country to try to keep up with everything that every single employee thereof is engaged in, because that would have a disastrous effect, I think, on not only the business community but on every other sector we can imagine that would be covered.

Mr. Chairman, I oppose the amendment offered by the gentleman from Virginia (Mr. HARRIS), although I know that he offered it in good faith, and that it was considered in the subcommittee and on the full committee level. I do think, however, that it would have an undesired impact on the legislation.

Mr. MOORHEAD of California. Mr. Chairman, will the gentleman yield?

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

Mr. MOORHEAD of California. Mr. Chairman, I also rise in opposition to the amendment.

The organization in question would adjust to the reduction under the rule, so that under the bill where we have required at least 7 communications each by two different people or a total of 13 by one. If we reduce that to the point where we can have 13 letters by 13 different people and bring them under the coverage, those people are going to be very, very "small potatoes." This would not really catch the people we are interested in.

Mr. Chairman, this would not bring to the attention of the public any kind of lobbying activity we wish to cover, and I ask for a "no" vote on the amendment.

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

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

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 3 lines, basically lines 6, 7, and 8, 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 by 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 rejects the gentleman's 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, the reasons we should 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 that $500,000 in a quarter of 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 $500,000 and not register.

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 final language on 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 that point.

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 capricious move. Rather that this 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 39, 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) an identification 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 mean such communication by one organization registered under this Act to another organization registered under this Act."

Mr. FLOWERS. Mr. Chairman, this amendment is offered in my 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 has absolutely nothing to do—and I want to underline that statement—nothing to do with the coverage of the bill. In other words, this does not constitute a threshold test. No organization that simply engages in solicitations 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 support, 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.

In fact, 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 Nader organization 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.

As I understand it, this amendment does not prohibit solicitation, does it?

Mr. FLOWERS. Absolutely not.

Mr. HARRIS. It does not even attempt to regulate solicitation, does it?

Mr. FLOWERS. It does not even attempt to regulate solicitation.

Mr. HARRIS. An organization does not even have to register because it is soliciting; is that right?

Mr. FLOWERS. It does not even have to register.

Mr. HARRIS. This amendment just means that if one is registered, the organization has to go ahead and report something; is that correct?

Mr. FLOWERS. The gentleman has hit the nail on the head.

Mr. HARRIS. My colleague makes the point, does he not, that an awful lot of today's——

Mr. FLOWERS. If I may interrupt the gentleman, I feel as though he might be leading me down the primrose path.

Mr. HARRIS. I never do that. My colleague shares with me an aversion to soliciting.

Mr. FLOWERS. Not necessarily; not if it is soliciting to lobby.

Mr. HARRIS. Well, my colleague will maintain his position, and I will maintain mine. I think the point my colleague makes is that a great amount of lobbying is done through solicitation and not through direct contacts, is that not correct?

Mr. FLOWERS. That is absolutely right.

Mr. HARRIS. That is why, if we are going to have the large organizations reporting, that we ought to include the amount of the activity, to some extent, that they do through solicitation.

Mr. Chairman, I think this is a good amendment.

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

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

Mr. MILFORD. I just wanted to ask one question that I was concerned about as I listened to the gentleman.

How would this affect certain people, patriots and other types, that, for exam-

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 a paid advertisement, 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 ex-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. It may be a sponsor.

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 that 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 individual 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 retained outside people and paid $2,500 a quarter for lobbying activities, then it would have to register and report. Along with other things, they would have to report solicitations.

Mr. MILFORD. As a participant 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 from Illinois.

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 an activity of 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 minute.)

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 involved 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 Rumely and United States against Harriss, 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 his is an extraordinarily important, essential and very, very useful amendment.

My Subcommittee on Government Operations has, for the past 6 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.

I have 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. So far as I have been able to determine these expenditures were not reflected in any present lobbying reports and would not be disclosed under the committee-reported bill.

Also in 1977, 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 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 U.S. 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-

cisions, and the committee's conclusions regarding its constitutionality are without foundation.

In the Harriss case the Supreme Court upheld the constitutionality of the Federal Regulation of Lobbying Act to the extent that it required the disclosure of information by persons engaged in what the Court called "direct" lobbying. In my judgment, Mr. Chairman, as a result of reviewing the pertinent relevant Court decisions, this amendment certainly meets the constitutional restraints of the first amendment. Thus, I actively and wholeheartedly support it. It is absolutely essential, taking into account that this amendment does not expand the requirements of the bill. All it would do is require those that are covered by the bill report their activities. Those activities are growing at a phenomenal rate. They are having an enormous influence on the legislative process here in Washington, and to permit the escape of this major effort of lobbying of the U.S. Congress would demean the progressive intention of the bill. I urge support for this very important amendment.

Mr. KASTENMEIER. Mr. Chairman. will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I thank the gentleman for yielding.

I would like to commend the gentleman from New York for his observations and express my own support for the Flowers amendment.

Mr. ROSENTHAL. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, I rise in strong opposition to this amendment, and I am pleased, indeed, to be associated with my colleagues, the gentleman from California (Mr. EDWARDS), the gentleman from Ohio (Mr. SEIBERLING), the gentleman from Missouri (Mr. VOLKMER), the gentleman from Virginia (Mr. BUTLER), the gentleman from California (Mr. BEILENSON), and the gentleman from Massachusetts (Mr. DRINAN), in expressing opposition to this amendment. In other words, I think we have here a broad spectrum of political philosophy in opposition to this amendment. As I envision it, while it might not convert employees of organizations, or officers of organizations, into lobbyists, it would require the filing, and if there were not any filing, then they would be in violation of this law.

It seems to me that a company which has 100 employees, if the Congress is doing something that is going to impair their jobs, the employer had better get after the employees and notify them in writing and have them write to their Representatives in the Congress. I think that this amendment, if adopted, would discourage employers and employees from doing that.

This amendment is unnecessary and, it seems to me, very unwise. I think what we should be doing is to encourage people to communicate with respect to legislation. This could affect religious and charitable organizations and all kinds of organizations of people who are concerned about legislation. It is true that many of these 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, Chairman RODINO, whose wife is unfortunately ill and who cannot be present here today, to advise the Committee that the gentleman from New Jersey (Mr. RODINO) is against the amendment and supports the position that I am going to take right now against the 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 became 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, all seven members wrote a letter to all the Members pointing out what in their judgment were the unconsitutional 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 13 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 get in touch with 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 person and so forth. Think of the mountains of paperwork that would result in just the Sears stores alone around the 50 States.

Let us take 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 retained to make the lobbying 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 that is interested in Government and in good Government, in the view of the church?

Then we talk about these quarterly reports as though somehow or other they are 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 all the information is gathered. Nobody is going to read that information then. The vote is finished; the Panama Canal Treaty consideration 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 "yea" 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, as I understand the purpose of this legislation, it is so we can inform the American public as to how much money is being spent by organizations that want to influence legislation that is before us in the Congress.

If an organization is spending money to try to influence Congressmen through this indirect means, is that going to be reported and disclosed?

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 this appears, but 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. WAXMAN. Mr. Chairman, 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 lobbyist. We know that Sears is a registered lobbyist, 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 again 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) was concerning a Sears employee who posts something on the bulletin board asking people to write to Congress about a tax credit bill of some kind.

Unless that Sears employee 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 fit the bill, because 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 other 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. It is defined under section 2(6), 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 and they are 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 attributed to lobbying activities.

Mr. EDWARDS of California. Yes.

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

(On request of Mr. BROWN of Michigan and by unanimous consent, Mr. EDWARDS of California was allowed to proceed for 1 additional minute.)

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 as such. 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 we still may not be 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 that church under the 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 really blind to the true 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. RAILSBACK) heard the remarks of 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.

Would the gentleman comment on the accuracy of that statement?

Mr. RAILSBACK. What I think the gentleman may be referring to is the first part of the language which says

that in the case of written solicitations and solicitations made through paid advertisements, where such solicitations reach or could reasonably be expected to reach in identical or similar form 500 or more persons, 100 or more employees, 25 or more officers or directors, or 12 or more affiliates of such organization, then that would trigger it and would require compliance.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

(On request of Mr. BUTLER and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 1 additional minute.)

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

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

Mr. BUTLER. Then, Mr. Chairman, the representation by the gentleman from California (Mr. EDWARDS) that the mere posting of a solicitation for activity with reference to legislation on the bulletin board of a store would require reporting?

Mr. RAILSBACK. I tried to answer the gentleman as truthfully as I could.

However, let me add further that we are talking about a solicitation made by a lobbying organization. What they are saying is that when the lobbying organization posts something or put something up on a bulletin board, then, that does trigger the formula and that does not seem onerous at all to me. What they would be required to do, if that particular posting was going to reach more than 500 people, is to attach a copy of it and then answer the other very brief requirements called for in the report.

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

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

Mr. FLOWERS. Mr. Chairman, I think the gentleman is exactly right. If the national headquarters of Sears sent out requirements to their local stores and said, "You have to post this on the bulletin board," then they would 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 oragnizations 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.

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 that they take a position on legislation without 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 such a delicate question.

Mr. ROSENTHAL. Assuming for the sake of discussion that it is not tax deductible, one of the tools—and it is only peripheral—one of the tools the IRS could use is this kind of reporting requirement. The fact is that grassroots lobbying has grown by astounding proportions.

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 on this as an ordinary 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, will 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 what larger lobbying organizations are doing.

Mr. WIGGINS. Would the gentleman not agree that this adds at least some burden to those reporting organizations 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. 1, about 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 they 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. However, what has been happening 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 have not been successful 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 with us.

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 sort of thing 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 an organization, 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.

(On request of Mr. ROSENTHAL and by unanimous consent, Mr. KINDNESS was allowed to proceed for 1 additional minute.)

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 say the A.T. & T. Co. sends out a communication to their stockholders, and they say, just for an example, "If you don't return the postcard, then we will withhold 1 percent from every share you own on each dividend for our political action uses, and that it will be 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.

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

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

Mr. Chairman, I rise in opposition to the amendment and to comment on the remarks of the gentleman from New York (Mr. ROSENTHAL).

As 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 override 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 is directed primarily at IRS enforcement of section 162(e) 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 to "influence the public on legislative matters, referendums 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 technique for debating public issues. Grassroots communications include: First, informative and educational public messages on current issues being considered in the legislative or executive 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 legislative 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, some corporations have reviewed the records with a clearer understanding of the issue and if improper deductions were found they have admitted the existance 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 $392,000 of general funds from union dues for the improper purpose of financing election activities. If the FEC 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 provision of law much 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. Prof. S. Prakash Sethi, author of a major study on this topic entitled "Advocacy Advertising and Large Corporations" and whose works and study have 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(e)(2), Professor Sethi wrote:

> The good intentions of the critics notwithstanding the proposals outlined earlier are of doubtful value both on grounds of operational effectiveness and achievement of objectives. The proposals would impose a heavy burden on the IRS in terms of 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 in apparently simple cases such as payment of fines. To think that rules could be developed to cover an activity with a high degree of subjectivity of interpretation is to show a lack of understanding of the complexity of the problem and the nature of advertising. Consider, for example, the testi-

mony of Lester Fant, a tax attorney, before Senator Hart's subcommittee. In elaborating on the three tests referred to earlier, he stated that the same ad could be classified as either deductible or nondeductible depending on the specific circumstances of the case, what preceded that particular ad, and the overall communication context within which the ad was presented. Furthermore, he concedes that, given 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 distinguishing deductible product or goodwill ads 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 vague criteria could 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 application of subjective standards to the exercise of the freedom of speech. See for example *Shuttlesworth* v. *Birmingham* 394 U.S. 147 (1969).

As I mentioned at the outset, I believe that the preliminary findings of our subcommittee investigation of grassroots lobbying do not have any significance when considered vis-a-vis the constitutional prohibition against Government infringement on the right of free speech and the right to petition the Government. This constitutional issue traced through the Supreme Court rulings in U.S. against Harriss, U.S. against Rumely and the Court of Appeals ruling in Buckley against Valeo is very ably discussed in the Judiciary Committee report. I believe that this amendment should be rejected as an infringement on first amendment rights with no countervailing, "substantial Government interest." 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 for enacting an unenforceable and untenable rule to begin with. It is perhaps unwise to continue allowing the type and amount of lobbying activity to determine the deductibility of contributions and expenditures. Indeed, an all-or-nothing rule would go a long way toward solving these problems and clear up constitutional questions clouding the existing distinctions. Perhaps the Rosenthal hearings will provide the impetus for Congressional action that will make the law in this area evenhanded, fair, and administerable.—Tax Notes, February 13, 1978

Mr. Chairman, I urge the defeat of the amendment.

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

Mr. Chairman, I wonder if I might have the attention of the gentleman from Alabama, my friend (Mr. FLOWERS). I would like to take my time here to ask the gentleman a couple questions. I might say, I do support the gentleman's amendment, as the gentleman is well aware. I think unless the gentleman's amendment carries, this bill will be the same toothless-tiger lobbying bill, circa 1946, that is on the books today.

Let me ask the gentleman this question. 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 subcommittee version of the bill, which was later changed in the full committee, but which the gentleman seeks to reinstate, was its version 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 very much 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 and millions of dollars in generating responses from the grassroots to flutter down on Capitol Hill. If I understand the gentleman correctly, that would still not trigger the application of this bill; is that correct?

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

Mr. MAZZOLI. So if the gentlemen would proceed further, it would seem we are not really preventing, as have been the declamations on the floor today, a small group of persons from getting involved in Government and we have not put a chilling effect on the grassroots, 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 $2,500 in lobbying 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 he or she wishes to communicate a personal opinion to his or her Federal elected official?

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 most 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 it 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.

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 request was agreed to will be recognized for 6½ minutes each.

The Chair recognizes the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Chairman, I intend to be brief. I will only take a couple of minutes of my time.

I rise in strong opposition to this amendment or any other amendment containing the same principle that would discourage grassroots 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 past few months and the past year that has shown there is a great deal of interest on the part of our constituents.

I think that is good, and we should not do anything under any conditions that would in any way destroy this trend.

I think to imply that there is something sinister about fostering such communication is actually an insult to the intelligence of the general public. I am convinced that the average citizen—I do not care whether he is a member of the chamber of commerce, the Sierra Club, or Common Cause or any other organization—would never lend his name to any kind of a campaign or put his name on a letter if he did not believe in the issue the organization was sponsoring.

Sometimes I wonder if our concern is because of the extra workload this is making for us here in Congress. Maybe some of us are a little concerned about 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 consideration 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 offered an amendment 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 their membership 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 to make the solicitation and what action was urged upon the recipient, the identification of any person retained to make the solicitation, the number of people expected to receive 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 would submit that for any of the smaller lobbying organizations which will be covered by this bill, the expense and effort of complying with this amendment each time they send out a newsletter monthly magazine, or legislative alert will be very high indeed. Where the group maintains a lobbying arm in Washington staffed with just a few people, they may have to curtail their communication with their members. In fact, I predict that if the lobby disclosure bill is passed with this provision, we will begin to see a significant decrease in the mail which our offices receive from smaller organizations. Naturally, the large, well established lobbies will be able to easily comply with this requirement by hiring more clerks. Thus we will have managed, by the passage of the Flowers amendment, to soften the political voices of smaller organizations, and those which do not have well staffed, well funded lobbying offices in Washington.

It is particularly disturbing to me that Congress may be willing to place such a burden on the exercise of First 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 seriously consider the arguments put forth in the following memorandum on the amendment prepared by the American Civil Liberties Union:

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., April 19, 1978.

MEMORANDUM: H.R. 8494—CONSTITUTIONALITY OF 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 indirect efforts to influence the legislative or elective process. Decisions of the present Court as well as earlier cases make it quite likely that the Court would strike down Congressional efforts to regulate lobbying solicitations.

In *United States* v. *Rumley*, 345 U.S. 41 (1953), the Court considered the scope of the authority of the House Select Committee on Lobbying Activities to investigate 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 the words of the Committee, was "distribution of printed material to influence legislation indirectly." To avoid raising serious constitutional questions, the Court drastically narrowed the scope of the House resolution authorizing the investigation of "all lobbying activities intended to influence, encourage, promote or retard legislation." It did so because " . . . the power to inquire into all efforts of private individuals to influence public opinion through books and periodicals, however remote the radiations of influence which they may exert upon the ultimate legislative process, raises doubts of the constitutionality in view of the prohibitions of the First Amendment." 345 U.S. at 46. Adopting the language of the Court below—which had held the resolution unconstitutional—the Supreme Court read the phrase "lobbying activities" to mean " 'lobbying in its commonly accepted sense,' " that is "representations made directly to the Congress, its members, or its Committees'." *Id.* at 47.

One year later, the Supreme Court, in *United States* v. *Harriss*, 347 U.S. 612 (1954), applied the same construction to the language of the Federal Regulation of Lobbying Act itself. Several persons had been indicted under the Act for failure to report expenditures related "to the cost of a campaign to communicate by letter with members of Congress on certain legislation." 347 U.S. at 615. The Court took care not "to deny Congress in large measure the power of self-protection" by preventing Congress from any regulation of lobbying. 347 U.S. 625. But, as in *Rumely*, Chief Justice Warren limited the reach of the Act to cover only " 'lobbying in its commonly accepted sense'—to direct communication with members of Congress on pending or proposed Federal legislation." 347 U.S. 620.

The Supreme Court has not faced the issue of lobbying since the *Harriss* decision. The issue of regulation of efforts to influence public opinion has been addressed, however, by several lower courts.

The Court of Appeals in *Buckley* v. *Valeo*, 519 F.2d 821 (D.C. Cir. 1975), dealt with an analogous provision in the original Federal Election Campaign Act. Section 308 of FECA required disclosure by any group that committed "any act directed to the public for the purpose of influencing the outcome of an election or publication or broadcast of any material that is designed to influence individuals to cast their votes for or against such candidate or to withhold their votes from such candidate." 519 F.2d at 870.

The section was held flatly unconstitutional by the Court of Appeals. As part of the rationale, the Court cited the Second Circuit opinion in *United States* v. *National Committee for Impeachment*, 469 F.2d 1135 (2d Cir. 1972). In that case the Second Circuit had narrowly construed the section of the 1971 FECA requiring disclosure of activities aimed at the public by political committees. The Second Circuit said a broader reading of this section would result in an enormous interception of activities protected by the First Amendment:

". . . every position on any issue, major or minor, taken by anyone would be a campaign issue and any comment upon it, in, say, a newspaper editorial or an advertisement, would be subject to proscription unless the registration and disclosure were complied with. Such a result would, we think, be abhorrent; . . . Any organization would be wary of expressing any viewpoint lest under the Act it be required to register, file reports, disclose its contributors, or the like. On the Government's thesis every little Audubon Society Chapter would be a "political committee" for "environment" is an issue in one campaign after another. On this basis, too, a Boy Scout troop advertising for membership

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 action that would result from such a situation would be intolerable." 469 F.2d 1142.

Similarly, in *ACLU* v. *Jennings*, 366 F. Supp. 941 (D.D.C. 1975), vacated as moot *sub nom., Staats* v. *ACLU*, 422 U.S. 1030 (1975), a three-judge district court was faced with a challenge to the 1971 FECA. The court perceived the same constitutional obstacles and adopted the same narrow 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 federal legislation. This public debate on issues is protected by the First Amendment and any regulation of it would interfere with the exercise of Constitutional rights. If an organization at the same time asks others to support its views and to write Congress saying so, that is also public debate protected by the First Amendment.

This type of actvility ought to be encouraged, not regulated. Civil rights, anti-Vietnam war and impeachment movements all relied heavily on this type of activity to generate public support. Even the passage of the Constitution was spurred by anonymous grassroots lobbying such as the essays published as the Federalist Papers. If people respond to such a campaign, even if with a form letter, these people must believe in the position offered or at least sufficiently believe in the general goals of that organization initiating the solicitation to trust its judgment. Congress should not pass judgment on the value of these views. This individual response to a lobbying solicitation is the purest form of the right to petition the government.

Moreover, the lobbying solicitation provision will force overwhelming recordkeeping upon organizations, thus causing them to curtail or even halt their attempts to inform the public on vital public policy issues. Tracking of grassroots lobbying is virtually impossible, yet organizations would be under the threat of criminal sanctions for not filing accurate reports. The Flower Amendment therefore fails to utilize the least drastic means to effectuate the purpose of the statute, another requirement the Supreme Court imposed on legislation affecting First Amendment rights. Accordingly, disclosure of lobbying solicitations is unconstitutional and the Flower Amendment should be rejected.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. FLOWERS).

The question was taken; and on a division (demanded by Mr. EDWARDS of California) there were—ayes 35, noes 26.

RECORDED VOTE

Miss JORDAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 161, not voting 28, as follows:

[Roll No. 237]

AYES—245

Addabbo	Frenzel	Nolan
Allen	Frey	Nowak
Ambro	Fuqua	Oakar
Ammerman	Gammage	Obey
Anderson, Ill.	Gaydos	Ottinger
Annunzio	Gibbons	Patten
Applegate	Gilman	Pattison
Ashley	Ginn	Pease
Aspin	Gonzalez	Pepper
AuCoin	Gradison	Perkins
Badham	Green	Pettis
Baldus	Hall	Pickle
Baucus	Hamilton	Pike
Beard, R.I.	Hammer-schmidt	Poage
Bedell	Hanley	Pressler
Bennett	Hannaford	Preyer
Bevill	Harkin	Price
Bingham	Harris	Pritchard
Blanchard	Heckler	Rahall
Blouin	Heftel	Railsback
Boggs	Hightower	Rangel
Bolling	Hollenbeck	Reuss
Brademas	Horton	Richmond
Breaux	Hubbard	Rinaldo
Breckinridge	Ichord	Roberts
Brinkley	Jacobs	Rogers
Brodhead	Jeffords	Rooney
Buchanan	Jenrette	Rose
Burke, Fla.	Johnson, Calif.	Rosenthal
Burke, Mass.	Jones, N.C.	Rostenkowski
Burlison, Mo.	Jones, Okla.	Russo
Byron	Kastenmeier	Ryan
Caputo	Keys	Sarasin
Carney	Kildee	Scheuer
Carr	LaFalce	Schroeder
Carter	Le Fante	Schulze
Cavanaugh	Leach	Sharp
Chappell	Lederer	Shipley
Clay	Leggett	Shuster
Cleveland	Lehman	Sikes
Cohen	Lent	Simon
Coleman	Lloyd, Tenn.	Skelton
Collins, Ill.	Long, La.	Slack
Collins, Tex.	Long, Md.	Smith, Iowa
Conable	Lott	Snyder
Cornell	Lujan	Spellman
Cotter	Luken	Spence
Coughlin	Lundine	St Germain
Cunningham	McCloskey	Staggers
D'Amours	McCormack	Steed
de la Garza	McDade	Steers
Delaney	McKay	Stokes
Dent	McKinney	Taylor
Derrick	Madigan	Thompson
Dickinson	Maguire	Treen
Dicks	Mahon	Trible
Diggs	Marks	Tsongas
Dingell	Marlenee	Tucker
Downey	Mathis	Van Deerlin
Drinan	Mattox	Vanik
Early	Mazzoli	Vento
Eckhardt	Meeds	Walker
Edgar	Metcalfe	Walsh
Edwards, Ala.	Meyner	Waxman
Eilberg	Mikva	Whalen
Emery	Milford	White
English	Minish	Whitehurst
Ertel	Mitchell, N.Y.	Wilson, Bob
Evans, Colo.	Moakley	Wilson, Tex.
Evans, Ga.	Moffett	Winn
Evans, Ind.	Mollohan	Wirth
Fary	Moorhead, Pa.	Wolff
Fascell	Motti	Wright
Fenwick	Murphy, Ill.	Wydler
Fisher	Murphy, Pa.	Wylie
Fithian	Murtha	Yates
Flippo	Myers, Gary	Young, Alaska
Florio	Myers, Michael	Young, Fla.
Flowers	Natcher	Young, Mo.
Ford, Mich.	Neal	Young, Tex.
Ford, Tenn.	Nichols	Zablocki
Fraser		Zeferetti

NOES—161

Abdnor	Beilenson	Burton, Phillip
Akaka	Benjamin	Butler
Anderson, Calif.	Biaggi	Chisholm
Andrews, N.C.	Boland	Clawson, Del
Andrews, N. Dak.	Bonior	Conte
Archer	Bowen	Corcoran
Armstrong	Brooks	Corman
Ashbrook	Broomfield	Cornwell
Bafalis	Brown, Calif.	Crane
Barnard	Brown, Mich.	Daniel, Dan
Bauman	Brown, Ohio	Danielson
Beard, Tenn.	Broyhill	Davis
	Burgener	Derwinski
	Burleson, Tex.	Devine
Dodd	Johnson, Colo.	Quie
Dornan	Jones, Tenn.	Quillen
Duncan, Oreg.	Jordan	Regula
Duncan, Tenn.	Kasten	Rhodes
Edwards, Calif.	Kelly	Robinson
Edwards, Okla.	Kemp	Roe
Erlenborn	Ketchum	Roncalio
Evans, Del.	Kindness	Rousselot
Findley	Kostmayer	Roybal
Fish	Krebs	Rudd
Flood	Lagomarsino	Ruppe
Flynt	Latta	Santini
Foley	Levitas	Satterfield
Forsythe	Livingston	Sawyer
Fountain	Lloyd, Calif.	Sebelius
Fowler	McClory	Seiberling
Garcia	McDonald	Sisk
Gephardt	McFall	Skubitz
Giaimo	McHugh	Smith, Nebr.
Glickman	Markey	Solarz
Goldwater	Marriott	Stangeland
Goodling	Martin	Stanton
Gore	Mikulski	Stark
Grassley	Miller, Calif.	Steiger
Gudger	Miller, Ohio	Stockman
Guyer	Mineta	Stratton
Hagedorn	Mitchell, Md.	Studds
Hansen	Montgomery	Stump
Harrington	Moore	Symms
Harsha	Moorhead, Calif.	Traxler
Hawkins	Moss	Udall
Hefner	Murphy, N.Y.	Ullman
Hillis	Myers, John	Vander Jagt
Holland	Nix	Volkmer
Holt	O'Brien	Waggonner
Holtzman	Oberstar	Wampler
Huckaby	Panetta	Weaver
Hughes	Patterson	Weiss
Hyde	Pursell	Wiggins
Ireland	Quayle	Yatron
Jenkins		

NOT VOTING—28

Alexander	Dellums	Runnels
Bonker	Howard	Teague
Burke, Calif.	Kazen	Thone
Burton, John	Krueger	Thornton
Cederberg	McEwen	Walgren
Clausen, Don H.	Mann	Watkins
Cochran	Michel	Whitley
Conyers	Nedzi	Whitten
Daniel, R. W.	Risenhoover	Wilson, C. H.
	Rodino	

The Clerk announced the following pairs:

On this vote:

Mr. Howard for, with Mr. Krueger against.

Mr. Runnels for, with Mr. Rodino against.

Mr. Whitley for, with Mr. Dellums against.

Mr. Walgren for, with Mrs. Burke of California against.

Mr. Teague for, with Mr. Conyers against.

Mr. John L. Burton for, with Mr. Michel against.

Messrs. BEARD of Tennessee, KELLY, SYMMS, PANETTA, WAMPLER, FINDLEY, LLOYD of California, McDONALD, GLICKMAN, MARRIOTT, HAGEDORN, and ROUSSELOT changed their vote from "aye" to "no."

Messrs. ECKHARDT, MOAKLEY, and POAGE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. RAILSBACK

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

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: At page 38, lines 24 and 25 and page 39, lines 1 and 2, strike existing subsection (6) and substitute the following new subsection (6):

"(6) a description of the issues concerning which the organization filing such report engaged in lobbying communications and upon which the organization spent a significant amount of its efforts, disclosing with respect to each issue any retainee or em-

ployee identified in paragraph (5) of this subsection and the chief executive officer, whether paid or unpaid, who engaged in lobbying communications on behalf of that organization on that issue: *Provided, however*, That in the event an organization has engaged in lobbying communications on more than fifteen issues, it shall be deemed to have complied with this subsection if it lists the fifteen issues on which it has spent the greatest proportion of its efforts. For purposes of this paragraph the term "chief executive officer" means the individual with primary responsibility for directing the organization's overall policies and activities;"

Mr. RAILSBACK. Mr. Chairman, H.R. 8494 as written does not require reporting about individuals who, though they may receive no pay for their services, are the major policy formulators of an organization and are active in arguing their case before public officials. We recognize that on this issue we must be especially wary. We are dealing with important first amendment rights. However, reporting about the lobbying activities of a covered organization's principal executive officer, whether paid or unpaid, must be included in any fair lobby reform bill. To provide such coverage, our amendment will require reporting of the major issues on which these individuals lobbied. This would assure that the public would be able to know of the lobbying activities of such influential persons as Ralph Nader of Public Citizen, Irving Shapiro of the Business Roundtable, and the heads of various trade associations who may not be paid. We certainly have no intention of covering the myriad of volunteers who, from time to time, take an active interest in issues before Congress.

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) there were—ayes 33, noes 22.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WIGGINS

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

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 34, on line 18, strike the word "fifteen" 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 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 complete and file the forms. Given the broad scope of coverage in the bill to all organizations in America and the lack of sophistication on the part of many people, I think this amendment is needed.

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

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

Mr. DANIELSON. Mr. Chairman, I have looked the amendment over, and I certainly have no quarrel with it. I would be willing to accept the amendment.

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

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

Mr. KINDNESS. Mr. Chairman, I see no objection to the gentleman's amendment on this side, and I urge support of the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANTINI

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

The Clerk read as follows:

Amendment offered by Mr. SANTINI: Page 32, line 21, strike out "organization" and all that follows through "employees)," on page 33, line 5.

Page 33, line 6, insert the following after "individuals": ", except that the term 'organization' does not include any organization of State or local elected or appointed officials, any Federal, State, or local unit of government (other than a State college or university as described in section 511(a)(2)(3) of the Internal Revenue Code of 1954), any Indian Tribe, any national or State political party or any organizational unit thereof, or any association comprised solely of Members of Congress or Members of Congress and congressional employees".

Mr. SANTINI. Mr. Chairman, I rise to offer an amendment to H.R. 8494 on behalf of myself and Mr. SEIBERLING of Ohio. This amendment will exempt from coverage under this bill associations of State and local government officials.

As reported by the Judiciary Committee, the bill exempts officials of State and local governments. The authors of the legislation recognize that State governments are equal partners in our federal system and should be accorded the same treatment as that given to the Federal Government. Unfortunately, the committee did not address the specific problems facing State and local officials who cannot afford the luxury of hiring their own representatives to conduct lobbying activities here in Washington, D.C. The only method these counties and municipalities have by which they can conduct such activities is through membership in organizations such as the National Association of Counties, the League of Cities, National Governor's Conference, and the Conference of Mayors.

The issue involved is not one of disclosure. As public representatives, these organizations already disclose more information about their membership and activities than this bill would require of anyone. The issues which are supported by these groups are discussed in open session within the local communities and are known to the public and the media. What is the net gain by requiring a duplication of this effort through this bill?

There is another issue implicit in this legislation. There is a perception in the minds of some State and local officials that the National Government is somehow condescending, indifferent or hostile to local government. For the Congress of the United States to require that they register under a lobbying act designed to affect private interests while not calling for registration by the 675 Federal lobbyists is an affront to the federal system of government.

I am concerned that the impact of the bill will be to encourage local governments to hire, at additional expense, Washington, D.C. lobbyists to express their views. This would be a serious burden on many local units in my State, and I am sure it will prove to be burdensome in many of your districts as well. In Lincoln County, Nev., the trial of one murder suspect almost bankrupted the county. Are the Members of this body ready to tell Ed Arnold, chairman of the board of county commissioners of the rural community that he needs to hire a D.C. lobbyist in order to be exempt from the bill? While Ed Arnold's representatives would have to register as lobbyists under the bill, the Federal Government's lobbyists are exempted. Thus, the Department of Agriculture employee who called my office to ask support of the consumer bill would have no obligation under this legislation.

The prestigious Advisory Commission on Intergovernmental Relations, created by Federal law, and composed of Members of the Senate, House, private citizens and local and State officials passed a resolution asking that the entire range of governmental activities involving lobbying be studied. It also asked that Congress not require registration of the associations until such time as the study is complete.

I am advised that Chairman RODINO is in support of my amendment and will be paired in favor of it.

Thank you for your consideration.

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

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

Mr. DANIELSON. I thank the gentleman for yielding.

Mr. Chairman, I have looked over the amendment, and I have no opposition to it.

This amendment simply includes within the exempt groups, exempt from being classified as an organization, organizations of State or local or elected or appointed officials, such as the County Supervisors Association. And inasmuch as we do exempt units of State and local government, there seems to be no practical reason to include the organizations of those very same people.

Mr. SANTINI. I thank the chairman for his remarks. The gentleman could have saved me some time. I appreciate that very much.

Miss JORDAN. Mr. Chairman, would the gentleman yield?

Mr. SANTINI. I yield to the gentlewoman from Texas.

Miss JORDAN. I thank the gentleman for yielding.

Mr. Chairman, is it not also correct that the gentleman stated that these entities of State and local government do 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.

(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?

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 well, 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" modifies 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. HARRIS and by unanimous consent, Mr. SANTINI was allowed to proceed for 2 additional minutes.)

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

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

Mr. HARRIS. Mr. Chairman, the wording of the gentleman's amendment says "local elected or appointed officials."

It seems to me that the gentleman ought to be saying that he did not mean to include all appointed officials, but just those officials appointed to elective positions; is that not correct?

Mr. SANTINI. That is correct.

Mr. HARRIS. I presume, then, that the gentleman would accept an amendment stating "local elected officials or officials appointed to elective positions"; is that correct?

Mr. SANTINI. If that would be a contribution beyond that we have already arrived at in the legislative history, I would not object to such an amendment.

Mr. HARRIS. Then, Mr. Chairman, I ask unanimous consent that the wording of the amendment of the gentleman from Nevada (Mr. SANTINI) be changed to reflect the previous colloquy.

The CHAIRMAN. The gentleman from Virginia (Mr. HARRIS) asks unanimous consent to amend or to change the amendment of the gentleman from Nevada (Mr. SANTINI).

Is there objection to the request of the gentleman from Virginia?

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

I shall continue to reserve the right to 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 excluding State and 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 uniformally bad. If, however, it is selectively 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.

Having obfuscated that issue, Mr. Chairman, how is the gentleman from Virginia coming?

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

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

Mrs. FENWICK. Mr. Chairman, I wanted to ask why the organization of congressional employees is exempted.

Mr. WIGGINS. Why are they? Not being an author of the bill and being reluctant to answer that question. I think the probable answer is that Members of Congress felt that we should not be compelled to disclose our own lobby activities.

Mrs. FENWICK. If the gentleman will yield further, Mr. Chairman, it says Members of Congress or congressional employees. Therefore, why are not congressional employees involved?

Mr. WIGGINS. The gentlewoman from New Jersey knows that some of the more effective lobby organizations within Congress are composed of Members of Congress. I understand that some of them are also open for the admission of congressional employees.

Mrs. FENWICK. It seems curious to me.

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 on a unanimous-consent 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 suffice.

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

The CHAIRMAN. The Chair will in-

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. Chairman, of necessity I rise in opposition to this amendment. The purpose of H.R. 8494, we say in the committee in which I serve, is to insure that major lobbying organizations register and report their lobbying activities. Well, if there is any lobbying operation around here that is more major than that of the State, county and local public officials, I have not come across it yet, and I hope I never do.

When the mayors and the city councils and county supervisors and the governors' folks get together and put on a lobbying effort, I can tell the Members that for sure it is a major effort. This bill is not telling State and local officials that they cannot lobby. It is simply going to include them in with the other major interest groups that come to Washington and spend their time and money trying to influence legislation. It says that they should register and report.

If we are going to talk about ethics and not include them, we are just not being realistic. They should be included. Not only do they make up one of the largest, best organized, most effective lobbies in Washington, they also have a bigger stake in what Government is doing than any other lobbying organization.

The outlays for Federal grants in aid to State and local governments are estimated to total $80.3 billion in 1978, and $85 billion in 1979. In 1979, that will account for 26 percent of total domestic outlays, and more than 26 percent of all State and local expenditures.

One of the biggest single functions of that money comes from the general revenue sharing program, which pumped out $8.5 billion last year. We were concerned enough about the lobbying effect of the State and local officials when we extended that legislation the last time that we included a provision in it barring the use of any of the funds received from revenue sharing for lobbying. But, whether they are using revenue sharing funds or not, they are using public funds. They are using public funds, and it is entirely proper that they should be required to maintain records and report expenditures, as H.R. 8494 requires.

Mr. Chairman, I would urge defeat of this amendment and support of the Judiciary Committee position.

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

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

Mr. FISH. I just want to congratulate my friend from Texas on bringing us back to our senses on this. I am sure he shares with me a high regard for the Conference of Mayors and League of Cities.

Mr. BROOKS. I certainly do. They are wonderful people.

Mr. FISH. But, it is quite another thing to leave them out of the coverage of this amendment when, as the gentleman says, they come to Washington and the result of their efforts in entertaining the Congress and lobbying through our offices is literally billions and billions of dollars through expenditures by HUD and so on. I see no reason for them in their interests—and legitimate interests—not to be part of the coverage of this bill.

Mr. MOORHEAD of California. Mr. Chairman, will the gentleman yield?

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

Mr. MOORHEAD of California. Mr. Chairman, it is obvious that no one really wants to be covered by this particular piece of legislation, but if we are going to have a bill we cannot start exempting one group after another from coverage.

The group that is concerned here, the Organization of Governors and Mayors, and various city and county officials, is a very effective lobbying unit. If we are going to have a true picture of lobbying before the Congress and in the United States we must have them covered as well as others.

So I ask for a no vote on the amendment.

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

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

Mr. RAILSBACK. Mr. Chairman, I thank the gentleman for yielding, and I want to congratulate the gentleman from Texas (Mr. BROOKS) on the statement he has made. The most important thing we can do with this particular legislation is recognize that where somebody retains a lobbyist, regardless of whether they are a labor union, a business group or whoever they are, we should treat them all the same.

I agree with the remarks of the gentleman from Texas (Mr. BROOKS). I believe he is right on target and I urge defeat of the amendment.

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

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

Mr. FASCELL. Mr. Chairman, I certainly want to join the gentleman from Texas (Mr. BROOKS) in opposition to the pending amendment. It would seem to me it would gut the entire purpose of this bill if the pending amendment were adopted by exempting such a large part of the lobbying activity which ought to be within the purview of the legislation.

I urge that we reject the amendment.

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

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

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

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

Mr. SANTINI. Mr. Chairman, I regret that the distinguished chairman the gentleman from Texas (Mr. BROOKS) has used this particular forum to rehash his longstanding enthusiasm for hassling with county and municipal governments because I do not think that is remotely relevant to the issue we are trying to raise here.

That 2-foot or 3-foot pile of books over there is illustrative of the disclosure that they already engage in. What we are talking about is asking them to double, treble or quadruple, at least, all of that disclosure, evidently, that presently goes on. We are doing it in the context of exempting the Washington lawyers if that Washington lawyer represents the city or represents the county or represents the State on an individual basis, but we are imposing the obligation on the associations' representatives that are already encumbered with substantial reporting obligations, as it now exists.

Mr. BROOKS. I appreciate your question.

But I do want to reiterate that it is my determined feeling that these are as big as any animal in the park. This is one of the most effective lobbying groups in the United States. I know because I have fought with them and they whipped me all over this Congress. I bleed from them. They are always working because they are hustling for the $85 billion that they want in 1979—26 percent of the total domestic outlays. These people have a real interest down here, and they come down here. When they do I am glad to see them. I like to visit with them. I like them. We have a new mayor in my hometown. As a matter of fact a fine man. Nobody is going to stop them from lobbying. We just want to let them keep an account of it, maintain records like everybody else does that comes and lobbies. There is nothing wrong with it. They are welcome to come. As I say I like to see them.

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

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

Mr. Chairman, I always thought that the gentleman from Texas (Mr. BROOKS) was a great supporter of States rights and local government and local autonomy and home rule. That is the philosophy under which the bill itself exempts State and local elected officials.

It seems to me that it does not make much sense to say on the one hand, that they are exempt from the coverage of this bill because we do not want them spending public funds, including some of the money that the Federal taxpayers give to the State and local governments, filling out report forms under a lobbying law, and then to turn right around and say that if they organize to make their lobbying a little more effective we are now going to make them fill out the reports. Pretty soon we will find them coming in for more grants to spend more money because we are making them fill out more report forms.

So I think that Mr. SANTINI's amendment makes a great deal of sense, if exempting State and local elected officials makes sense, and I submit that it does. This bill raises serious constitutional problems involving first amendment

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 governments, who are accountable to their constituents and who are audited for their official activities. It is a matter of comity between the Federal Government and those governments and officials, which also involves a constitutional 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 Congress. 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, and I rise in opposition to the 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, an attempt was made to straighten out the inequity, or the apparent inequity, that exists whereby a large city can send its people down to Washington and lobby full time—in behalf of 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 exemptions, we should try to cover everyone in equitable fashion. I am not offering that amendment at this time because I do not think there is enough support for it, but I would strongly urge that we not go further and exempt the National Association of County Officials, the National 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 directed toward organizations, and if we equate a municipality or a county with an individual, for the moment for purposes of argument, it is only when they get together and form an organization for the purpose of making lobbying communications that this bill is intended to take effect. Let us leave them covered, those who gather together in organizations. They are not acting as governments 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 gentleman from Virginia.

Mr. HARRIS. I thank the gentleman for yielding.

Just as my colleague was talking, I was reflecting upon the discussions we had in subcommittee as we got into these various areas of exemptions. I recall, as I think my colleague must have, where you go if you exempt organizations of public officials. I think the next question was, How about college professors, university professors? And if you exempt public university professors, then do you exempt private university professors? Then if you are going to do that for education, you really should do that for hospitals, and then down the line we went. I think it was the conclusion of those who studied this that if we once opened up the door to this sort of avenue of exemptions that there would be no end to it, and there would be no real bill.

Does my colleague recall similar discussions?

Mr. KINDNESS. I recall it exactly the same way. The gentleman is quite correct.

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

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

Mr. FISH. I thank the gentleman for yielding.

I would just like to address one point, because an effort has been made here in the last few minutes to equate the exemption 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 our constituents, our partners in government 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 Governor in the District of Columbia. But when we are talking about a tremendous national organization with an influence of over tens of billions, we are talking about clearly a lobby effort that is unrelated to any partner in government.

On top of that, we are more than likely talking about a representative for an organization, such as the 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 Washington; so I think these cases are clearly distinguishable.

Mr. Chairman, I join with my colleague in calling 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. SANTINI) to the Lobby Disclosure Act. This amendment rightly recognizes the important role of the States and the counties and the cities as our copartners in governing our large and diverse Nation. We learned long ago that Congress cannot make all the decisions in this country. The concept of federalism requires that elected officials and their staffs at every level of government work closely with one another to improve our programs and our services to our mutual electorate.

I know when I was a county official it was easy enough for me to contact the Members of Congress. I was right outside of Washington; but that is not the same with people all around the country. The small counties just do not have the wherewithal to have people down here in Washington to represent them all the time. So it is an important component of this intergovernmental communication that we would be preserving.

Now, we are all familiar with the organizations that we are talking about. They are performing essentially the same functions as persons from the Federal executive branch who are referred to as congressional relations staff. Judge Gerhard Gesell of the D.C. District Court described these activities as "lobbying solely 'in the public weal'."

I think that is a very good way to put it. Yet we seem to be trying to draw a dichotomy between Federal lobbyists and State and local lobbyists. 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 extensions or instrumentalities of the States and the localities, be involved in this Government. They compliment the work being done by many individual State, county, or city offices in Washington. This bill exempts individual State or local government representatives and yet it includes the organizations which serve as a collective office in Washington for those smaller jurisdictions who cannot afford special representatives.

The Santini amendment will preserve the public-private differentiation by excluding all associations financed by public funds. I can attest that one organization—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 activities of the other associations of public officials. These groups are accountable to their elected officers and hide nothing from public scrutiny.

Mr. Speaker, I believe it is significant that the Advisory Commission on Intergovernmental Relations, has undertaken a study of lobbying by public bodies at all levels of government. This study will include recommendations for appropriate actions by Congress and State legislatures. The ACIR has asked the Congress 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 articulately, 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 continuing importance. The court must recognize that the voice of the cities, counties, and municipalities in Federal legislation will not adequately 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 gentlewoman 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.

I would like to reiterate the fundamental issue, at least as this Member in his limited intellect perceives it.

We are talking about disclosure, disclosure that is the thrust of this entire legislation.

When we consider disclosure, that is what is being carried out by these associations day in and day out, week in and week out, and month in and month out. Nothing in this bill goes any further than the present disclosure activity and actions of all these associations.

If it is necessary to have disclosure, that is what is being done. What we are asking for here is to have them do it twice.

What the opponents of the amendment, I feel, are doing is to allow their judgments in terms of the logic of either supporting or not supporting the amendment become influenced by long-standing grievances or antagonisms or hostilities to local government.

Mr. Chairman, I do not think that ought to be the issue. I think the issue is whether or not we have disclosure, and the fact is that we have abundant disclosure.

The CHAIRMAN. The time of the gentlewoman from Maryland (Mrs. SPELLMAN) has expired.

(By unanimous consent, Mrs. SPELLMAN was allowed to proceed for 1 additional minute.)

Mrs. SPELLMAN. Mr. Chairman, may I point out that I was president of the National Association of Counties, and as a result of my service in that office I can tell the Members there is no question of disclosure and there was nothing hidden from the public. There is nothing hidden from the public by elected officials around the country.

So if it is the word, "disclosure," we are talking about, we are wasting our time. That disclosure is already being carried out by all these organizations with which we are concerned.

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

Mrs. SPELLMAN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentlewoman for yielding.

If what the gentlewoman says is true, why do the associations object to registering as lobbyists? Nobody would stop them from lobbying.

Mrs. SPELLMAN. The answer is because we are already spending public funds for the disclosure in which we are involved now. Why should we continue to waste public funds?

Mrs. FENWICK. Why are we wasting public money? We are spending money apparently for an organization down here, and I do not see any reason why the organization should not report what it is doing.

Mrs. SPELLMAN. That is just the point. The organization down here is already telling the public what it is doing.

Mrs. FENWICK. If this were required, it would not cost a dime. They could simply duplicate the information and send it to the other place.

Mrs. SPELLMAN. Certainly my colleague, the gentlewoman from New Jersey (Mrs. FENWICK), knows that the more forms that are involved, the more money it costs. We are not talking about dimes. This is just another poor excuse for reaching into our taxpayers' pockets.

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

Mr. Chairman, I rise in order to ask the sponsor of the amendment a question.

Are the people, those who would be exempted under the gentleman's amendment, elected officials?

Mr. SANTINI. Mr. Chairman, if the gentleman will yield, they are representatives of elected officials.

Mr. FASCELL. Are they employees of either the municipality, the county, or the State under the regular system of employment of those political units?

Mr. SANTINI. No.

Mr. FASCELL. Are they private contractors?

Mr. SANTINI. Mr. Chairman, if I may elaborate on this, if they were employees, they could hire an attorney downtown to represent city "X" and have the attorney come in and lobby, and he does not have to disclose a thing. But we could not have the association do it, and I do not find that inherently logical.

Mr. FASCELL. I do not find that to be awkward at all. Lobbying is lobbying, and that does not bother me. Whether it is lobbying does not bother me.

Mr. SANTINI. One does not have to disclose anything at all, and the other is making disclosures every day.

Mr. FASCELL. I am not going to the thrust of the bill; I am just asking the gentleman about his amendment.

So the people who are being exempted are private contractors; is that correct?

Mr. SANTINI. No, they are associations.

Mr. FASCELL. Associations or private contractors?

Mr. SANTINI. I think there is a difference between associations and private contractors. I am sure the gentleman would agree with that.

Mr. FASCELL. It depends upon, of course, who is paying and how they are getting paid and who we are talking about having to be covered. The gentleman is talking about the association being exempt?

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 (Mr. SANTINI).

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 address 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 under section 6(b)(2) during 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 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 $3,000, 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 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 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-

tributors, those most likely to have the greatest impact on the organization's decisions. In this respect, the bill represents a step backward from the 1946 act, which requires disclosure of contributions $500 or more. It invites the establishment of front organizations that mask the real source of lobbying activities. Without disclosures of major contributors, for example, it would be difficult to know that the Calorie Control Council is an organization which receives its principal financial backing from soft drink manufacturers opposing the saccharin ban; or that the Electric Consumers Resource Council is financed by the big electric industry; or that the Natural Gas Supply Committee is supported by the major oil companies. Without a requirement that major contributors to lobbying organizations be disclosed, there will be no way to identify the major backers of Citizen's Choice, Common Cause, or Ralph Nader's Congress Watch—organizations which purport to represent a broad public interest.

To us, the constitutionality of such a requirement is clear. Speaking for the majority, Chief Justice Earl Warren wrote in the 1954 Court decision upholding the constitutionality of the 1946 act:

> Congress has not sought to prohibit (any lobbying activities) . . . It has merely provided for a modicum of information from those who for hire attempt to influence legislation or who collect or spend funds for that purpose. It only wants to know who is being hired, who is putting up the money, and how much . . . United States v. Harriss, 347 U.S. 612, 625, 74 S. Ct. 808, 816 (emphasis added).

Indeed there is ample precedent for such a requirement in the Federal campaign laws which require each of us to disclose our major contributors.

During consideration of a similar lobby bill in the 94th Congress, an amendment was adopted on the House floor which required disclosure of significant contributions in an effective, even-handed fashion. Our language is along these lines, applying only to those organizations spending more than 1 percent of their budget on lobbying.

Further, our amendment limits disclosure to major contributors; only those $3,000 and above. In addition, disclosure in ranges of amounts will be permitted, rather than specific dollar figures. Thus, the magnitude of contributions will be revealed, but proprietary information will not be disclosed as might result if the dues schedule and the precise dues paid to the lobbying organization were made public.

Mr. McCLORY. Mr. Chairman, I rise in strong opposition to the proposed amendment to require a lobbying organization to disclose its members and major contributors.

This amendment is unwise, unnecessary and, very likely, unconstitutional. It would have a severe chilling effect on the ability of numerous organizations—including churches, educational institutions, business groups, public interest groups, civil rights organizations, and others—to raise needed funds.

Today as public faith and trust in the Government continues to decline, we should be encouraging participation 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 the confidentiality of membership lists and the severe chilling effect compulsory disclosure can have upon groups that advance unpopular positions.

The proposed disclosure provisions cannot survive the exacting scrutiny which the Court has held is necessary in order to be constitutional. People join and contribute to organizations for a variety of reasons—many of which are unrelated to the lobbying activity of the organization.

The only justification that has been advanced is that the public 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 basic first amendment rights. In Talley against California the Supreme Court upheld the right of anonymous speech and pointed out that the Federalist 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 the possibility that if a person was employed by a large lumber company, for instance, and decided that 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 persons decide that they want to contribute to any type of organization, that we have to require them to be subjected to public scrutiny. This is not the purpose of this legislation. It is not intended to invade the privacy of individuals with regard to whatever their motivations might be.

Church groups, public interest groups, colleges and universities, and businesses have all expressed their concern over the adverse impact of such a provision. Indeed, if this amendment is successful, any group which supports an unpopular cause will find it difficult to obtain financial supporters.

Finally, I do appreciate the fact that the gentleman has tried to overcome the religious implications which this amendment would otherwise have, but I do not think that his attempt to accomplish this goal is adequate, because the person may get a waiver or he may not get a waiver.

Mr. Chairman, simply stated, this is a very bad amendment, and I urge that it be defeated.

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

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

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. McCLORY. 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. McCLORY. 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. McCLORY. 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. The Supreme Court has stated, in NAACP 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 dollar magnitude of 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 memberships, this body cannot compel disclosure of member and contributor lists in this bill.

Mr. DANIELSON. Mr. Chairman, I rise to oppose this amendment reluctantly because my good friend the gentleman from Illinois, TOM RAILSBACK, and I have worked very long and hard on this legislation. Generally, we see eye to eye but I must respectfully submit that there 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, if it were adopted, 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 somebody in their willingness to do so, or the willingness of someone who would like to make a more substantial contribution to the organization, particularly if the cause might be a popular one. Let us 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 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.

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 how the disclosure of his name and address and the amount of his contribution is reasonably likely to cause harassment, economic harm, or other undue hardship. They can show that 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 can seek privacy through an expenditure of 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 the normal 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 cynical opinion, in this day and age 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 impossible to find a way around that 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 ought to 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. MOORHEAD 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. It will have a severe chilling effect on groups that support unpopular causes, that is, civil rights groups, environmentalists, business groups, colleges and universities, and

others that are even more exotic in nature than those. It will discourage them from forming into groups for the purpose of lobbying efforts.

The Supreme Court has recognized the sanctity of membership lists and the right of anonymous speech, for example, in the NAACP case of Bates against Little Rock and Talley against California. There is no overwhelming or compelling Government interest that would permit such an intrusion into the area protected by the first amendment to the Constitution. There is no rational relationship between disclosure of contribution and position taken by an organization on any particular issue.

People join groups for a variety of reasons, many of which may be unrelated to the lobbying activities. For example, under this amendment we have exempted people who could show that they would violate the rights of privacy of the contributors' religious beliefs, or would reasonably likely cause harassment, economic harm, or undue hardship. At the same time if a person belonged to the Presbyterian Church, if he believed in the basic tenets of that church and yet he was opposed to the lobbying efforts of the church, he might not want to be listed as a tither or a basic contributor to the church organization in regard to lobbying activities, but he might believe 100 percent in the tenets of the church as far as his religious beliefs were concerned.

The same thing would be true of the Catholic Church or any other major religious organization that would not be able to be exempted under this clause, and yet their listing of contributions to that organization would make it appear that they stood for things that they did not stand for, and this could cause them embarrassment.

Other organizations that are opposing this legislation, such as the ACLU, Congress Watch, U.S. Chamber of Commerce, Consumer Federation of America, National Urban League, the National Association of Manufacturers, Environmental Defense Fund, and other religious organizations, have many people belonging to them who do not support all of their lobbying efforts but support the basic thrust of the organization itself. Many people belong to the Sierra Club who contribute large amounts to it because they like their program of helping to save the environment, of building trails in the mountains, and encouraging outdoor activity, but they may very drastically disagree with them on some of their lobbying proposals.

I think that to require the reporting of contributions to organizations not only distorts the basic situation, but it takes away some basic constitutional rights that individuals have in this country. It contributes nothing to the legislation and creates great harm.

Mr. Chairman, I ask for a "no" vote.

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

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

Mr. WIGGINS. I thank the gentleman for yielding.

I fully endorse the gentleman's remarks and wish to associate myself with them. This is as bad as any 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. I would repeat 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 Railsback amendment says that we require disclosure of a list of contributors. Where is the State's interest in this probing into a list which 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 unduly 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 single individual in this country would be subjected to the kind of harassment and 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 $250,000 would be one figure. One percent of a budget of $100,000 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. So, 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, we 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, then you 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. RAILSBACK) said in quoting Justice Warren 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 means 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 in support of 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 gentleman yield?

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

Mr. RAILSBACK. Mr. Chairman, may I just 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 $3,000, I really 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. PANETTA): 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 any of 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 easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the lobbying Act was designed to prevent.
>
> Toward that end, Congress has not sought to prohibit these pressures. It has merely provided for a modicum of information from those who for hire attempt to influence legislation or who collect or spend funds for that purpose. It wants only to know who is being hired, who is putting up the money, and how much.

That is the majority decision.

And then there has been a more recent decision that dealt with exactly the same issue, and which is a State court decision. They cited the Harriss case to the effect that there is nothing wrong and nothing unconstitutional about requiring disclosure of contributors. I will cite that case when I can find it.

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 gentleman 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 the quote from the Chief Justice should not be used in support of the amendment.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his contribution. I am not certain myself whether I support or do not support the amendment offered by the gentleman from Illinois. But 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 even been 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 whole exercise 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. BLOUIN) 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 time to clarify that.

Mr. RAILSBACK. Mr. Chairman, if the gentleman will yield, it really does not require the reporting of expenditures. But, as I am sure the gentleman knows, it relates to the reporting of certain major contributors, and it would be where the dues or contributions were expended, where they were expended in whole or in part, by the registering organization for lobbying communications and solicitations. And then the total expenditure is reported by 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 will yield further, the way it would 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, because 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 Iowa?

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.

The 1946 act is 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 confined the act to those 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 Railsback 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 they are equally 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 gentlewoman 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 casual 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 manager of the bill, upon the disposition of this amendment, to move that the Committee shall rise. That would conclude the legislative business for today.

It would be the purpose of the leadership on 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, 275), 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 that, in addition to the language of the Harriss decision, really should lay to rest—or I hope lay to rest—the constitutional question.

(By unanimous consent, Mr. VOLKMER yielded his time to Mr. DANIELSON.)

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

Mr. FISH. Mr. Chairman, I think some of the objections to this amendment have already been taken care of in the debate. The $3,000 annual contribution is not going to amount to more than the reporting of numerous individuals who hardly are in a position to control the policies or lobbying efforts of the organization they choose to support. It also has been established eloquently, and with great scholarship, by the gentlewoman from Texas (Miss JORDAN) that the Supreme Court has consistently recognized the sanctity of membership lists, and rights of anonymous free speech.

Mr. Chairman, I rise in opposition to the amendment. While I have the utmost respect for the gentleman from Illinois (Mr. RAILSBACK), this amendment is ill advised from both a practical and a constitutional standpoint. I am mindful of a similar amendment passed by a larger margin the last Congress and with my support, but iet me state briefly the reasons for my opposition.

First, Mr. Chairman, proponents of this amendment argue that the public should know who are the major financial backers of various lobbying efforts. They talk of control behind a given organization. But if that is the case, why is the threshold level in this amendment set so low? A $3,000 annual contribution figure is certainly going to result in the reporting of numerous individuals who are hardly in a position to control the policies or lobbying efforts of the organization they choose to support.

Second, the figure is set so low that in the case of some organizations, a complete membership list might be required to be disclosed. The Supreme Court has consistently recognized the sanctity of membership lists and the rights of anonymous free speech in such cases as: NAACP against Alabama; Bates against Little Rock; Shelton against Tucker; and Talley against California.

I am also deeply concerned about the impact that this amendment could have on the ability of organizations to raise money. This amendment would undoubtedly discourage contributions to churches, colleges and universities, environmental groups, public interest groups, and civil rights groups. Does disclosure justify such a serious adverse side effect?

Further, there is no rational relationship between disclosure of a contribution and the position taken by the organization on any particular issue. Our constituents join groups for a variety of reasons—many of which may be totally unrelated to the lobbying activities of the organization. Churches, environmental groups, and public interest groups are all multipurpose organizations. Thev will register and report under this bill. But are all the contributions they receive over $3,000 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 overall purpose.

Finally, Mr. Chairman, I would 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 compelling governmental interest 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 gentlewoman 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 gentlewoman from Texas (Miss JORDAN) and 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 would 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 do not know how we can have an effective disclosure bill with regard to lobbying without disclosing who it is that is financing the lobbying. I just do not know how we can do it.

But I have been given a moment for thought by my good friends that even the invasion of privacy, that they are afraid of is involved here. I do not understand how you can pass a law that permits anybody to contribute $100 to a candidate, even an unpopular candidate, why we cannot require an organization to report that they contribute 1 percent of their budget. This amendment is not drawn 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 that then that subsidiary organization would lobby and contribute toward certain aims and that that could be preserved and protected.

I hope that that would 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) there were—ayes 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. MEEDS, 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 would 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 Nation. 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 veterans population due to the war in Vietnam. Additionally, older veterans are now requiring more treatment. Is it any wonder, then, that the national rejection rate for VA hospital applicants is 18 percent, and in some areas has reached 40 to 50 percent. Have we not all heard stories of excessive delays in receiving treatment, of jammed waiting rooms? Dr. Herbert M. Rose, national president of the National Association of VA Hospitals has stated firmly that these budget limitations would mean fewer services and diminished quality of care.

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 no new starts this year 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 construction projects, including the 480-bed 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 two Nobel Prize recipients, the first time this has ever happened.

But we cannot expect this to continue. The research budget has declined steadily over the past 7 years. Further reductions in personnel and facilities 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 a terrible blow 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 in containing 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 per bed charged 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 results of 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 soaks 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 markets to the Japanese, whose 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 corporate 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 serious effort to slow down government spending.

I was delighted to hear the President finally endorse the idea of tax cuts to strengthen the economy, but 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 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, repealing the tax deductability 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 year, the Congress sent to the Canadian Government a strong message of opposition to the Canadian Government's continued policies permitting this annual harp seal hunt. Yet this year the total allowable catch has increased by 10,000—up 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 landsmen of Newfoundland need the revenue from this annual seal hunt to exist 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 whitecoat 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 herds. One thing, however, is known—that the total harp seal population has dropped by approximately two-thirds within the last 20 years. Herds that used to number approximately 10 million at the beginning of the century are now reduced to roughly 1.3 million. "Subsistence" harvest levels now announced by the Canadian Government attempt to keep the seal population at around the 1.3 million level. 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 herds will indeed be grave. Dr. David M. Lavigne, the noted scientist widely quoted by the Canadian Government for his work on the infrared tracking of harp seal populations, 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 landsmen, under strict rules, 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 a weak defense to others. At the 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 response 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 Enviornmental 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

strikers, farm subsidies, House reorganization, health program financing, equal employment opportunity, family planning and contraception research, and campaign practices legislation.

Issues? Yes. Environmental issues? Come on.

Then we find an assertion that in some instances, being named to the Dirty Dozen list prompts a Member to clean up his act, citing my own record since my designation—a nice suggestion that their selections were right in the first place. I find this both offensive and easily disposed of.

Since my designation, I continued to pursue the same balanced concern for both environmental, energy, and economic interests that have characterized my legislative career. In 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.

(One of its "good-guy" votes on its 1974 list was for a bill which I personally authored, but which was attributed to another sponsor when it was reintroduced after amendment in subcommittee.)

But more to the point, since my designation I have done the unforgiveable—I have fought back. My efforts have included preparation of a paper on the dirty dozen for the fair campaign practices committee, an op-ed piece in the New York Times and the Post article mentioned above.

Far from trying to ingratiate myself with this fraudulent operation, I have thus courted its continuing hostility. So much for the salutary effects on my voting habits.

A third point relates to my assertion that environmental action has no membership, a conclusion coinciding with that of the Republican Research Committee. Individuals who subscribe to the publication "Environmental Action" are listed by the group as "members." Now, I suppose environmental action can call a subscriber a member, a ring-tailed orangutang or anything else; P. T. Barnum might have had another term for it; I prefer subscriber.

A final and potentially more serious point arises from the fact that the response came not from the Dirty Dozen Campaign Committee but from the legislative Director of Environmental Action, which claims to keep the two organizations separate from the standpoint of compliance with requirements of Federal election law.

This is just one of many instances suggesting that such separation is a fiction, which further raises the question of the legal status of contributions by members if indeed that is how one describes those who sign up for the magazine and send in a check. This bears further examination.

Mr. Speaker, following are the article and the letter to the editor mentioned above:

"DIRTY DOZEN": A DISCRIMINATED RATING SYSTEM

(By James C. Cleveland)

A group known as Environmental Action will soon issue its 1978 "Dirty Dozen" list of House members whose defeat it seeks on allegedly environmental grounds. Response by the press, if it repeats past performance, will be mixed. Most reporting will serve as the uncritical conduit for the charges, while some will provide probing news coverage and commentary discrediting the accusations and their source.

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 hit 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 Rhode's charges."

As to the press, Malbin observed, "the problem with all this is that it is easy in the heat of a political campaign for 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. And the group uses the widespread assumption that environmental groups are somehow above politics and reproach, although Dirty Dozen proved to be quite 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 meaningless in Environmental Action's own selection process. I made the list although more than 100 others voted equally "wrong" or worse on the votes used. Environmental Action itself concedes 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 1976 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 faced another tough primary 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 and presumably elsewhere. Later, the press here and across the country gave good exposure to a study entitled "The Rating Game," by the House Republican Research Committee, which for all its overtly partisan origin was an excellent critique of rating groups in 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 placing Talcott on the list, Environmental Action had accused Talcott wrongly on several points." Houston added that "there is some merit to his claim that his low Environmental Action rating, which was based on 14 selected votes among dozens last year, distorted his record" (Talcott lost anyway, one of the three on the list to do so.)

Easily the worst in terms of swallowing Dirty Dozen propaganda whole were a patty-cake piece in The New Yorker and a column by Clayton Fritchey, appearing in The Post, which rhapsodized that the Dirty Dozen gimmick ought to be adopted by other interest groups.

In New Hampshire, my designation as one of the Dirty Dozen received prominent play that ultimately proved not damaging. Three solid editorials in New Hampshire dailies bracketing the political spectrum denounced my selection as a dirty deed. Then Chris Black of the Lowell Sun exposed the fact that the Dirty Dozen campaign coordinator had worked for my opponent-to-be in a McGovern campaign. They had discussed the list at least a month before it was issued with the general understanding that I would be included only if he were likely to run. Environmental Action claimed it was misquoted.

My opponent made no issue of the Dirty Dozen or 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 own right in the interests of a cleaner political environment.

DEFENDING THE "DIRTY DOZEN" AWARDS

Rep. James Cleveland (R-N.H.), in his April 8 op-ed page article, "Dirty Dozen": A Discredited Rating System," claims that the Dirty Dozen designation unfairly portrays an incumbent's stance 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 exonerates those incumbents named to the Dirty Dozen. If we wanted to name the 12 incumbents with the worst voting records, we would have named them the "Dirtiest" Dozen. The votes we use to assess a congressman's record are selected only after consultation with the national environmental organizations that are most active and knowledgeable on the subject legislation. Since 1970, no national environmental organization has ever criticized the campaign for naming an incumbent to the Dirty Dozen because he did not have a miserable enough voting record on environmental issues.

Mr. Cleveland criticizes us because we choose candidates who are "vulnerable." Logic dictates that we try to defeat 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 the weakest of those incumbents with whom it disagrees (principally 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 their voting satisfies a coalition of supporters with varying viewpoints. If an incumbent repeatedly fails to vote to protect environmental values, we have a fundamental right to advise environmentalists to withdraw their support from such a coalition.

Significantly, 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 congressmen's environmental voting records, rated Mr. Cleveland at only 29 out of a possible 100 in 1975, while in 1976 he climbed to 52.

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 Mr. Cleveland to know that EA employs only four editors, five lobbyists, and three administrative personnel.

We think the Dirty Dozen Campaign promotes operation of the finest traditions of American politics. It stimulates voters to query the incumbents on important issues and stimulates the challenges to persuade the voters they can do better. Since 1970, the voters in 53 percent of Dirty Dozens' districts appear to have decided that the challenger could represent 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" of the Chinese people* an obstacle to normalizing our relations with that country? (The italics are mine.)

Liberals simply are not concerned about human rights in a Communist country. They fall for the Red line that 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 humanity to be 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 answers 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 imprisoned. Some were lucky enough to flee their country. In all of this only a liberal can see a moral basis.

Barnett also builds on the other pillar of the lefist attitude toward communism, that we must strive to be like them:

> China could be giving clues to perception of moral necessities that we may be obliged to recognize if we begin to believe that we cannot assuage our economic and social dissatisfactions merely by the perpetual opening up of new resource-frontiers, geographical and technological.

The fact is that China is devoting itself entirely and with total ruthlessness to this same perpetual opening up of new resource frontiers.

Economic success has always been the only Marxist criterion of success, from the theory of dialectic materialism to Stalin's 5-year plans to the Great Leap Forward. The reason we forget that material production is the only goal of Marxist materialism is that they have failed so utterly in its accomplishment. As to resource frontiers, China is in a continuing struggle with Russia and the West to take over African and Asian countries, mainly for their resources. The fact is that Communists would kill anybody to reach a Western level of production. But the slave driver's whip can get an economy only so far in the modern world. Faced with this, Mr. Barnett has striven to transform Communist inability to advance into a virtue.

Mr. Barnett's praise of Chinese "moral imperatives," as well as his sneers at "so-called human rights," are almost exact copies of comments by his liberal predecessors on Stalin's Russia in the 1930's. But in Stalin's time, liberals also praised communism for its opening up of new resource frontiers. All that is past, now that the limits of copying Western technology and working millions of slave-driven people to death have obviously been reached. Faced with this, Mr. Barnett must either admit the real nature of communism, or else declare that China is just too good to be obsessed by mere material advancement. It is interesting to note that this transformation of China's failure into a virtue has taken place throughout the liberal establishment.

While over a million Cambodians are slaughtered in utter media silence—this slaughter is continuing while I write, as is the silence—Barnett assures us that China is Communist only because of the "mobilization of the moral support of a population committed to egalitarianism 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 fanatical true believers who killed them:

> Visitors from other parts of the developing world . . . cannot imagine infusing their own people with the moral devotion upon 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 the kind of people who would die 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]
Apr. 2, 1978]

MAKE 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 countries, 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 clues to perception of moral necessities that we may be obliged to recognize if we begin to believe that we cannot assuage our economic and social dissatisfactions merely by perpetual opening up of new-resource frontiers, geographical and technological.

After World War II, Chiang Kai-shek was supported by friends at home and abroad in an effort to restore pride and effectiveness to a Chinese system crippled and demoralized by 150 years of humiliation and catastrophe. But the tragic fallacy in Chiang's leadership was that its legitimacy and moral sanction had stronger roots abroad than within his own Chinese environment.

The People's Republic of China won its civil war because its authority was based upon strictly Chinese resources; its leaders achieved total national self-reliance through mobilization of the moral support of a population committed to egalitarianism in the way it looks, it talks and behaves.

Visitors from many other parts of the developing world, awed by that achievement, can identify administrative mechanics, but cannot imagine infusing their own people with the moral devotion upon which the Chinese system appears to be built.

Harsh national necessity shapes China's assessment of "human rights." The first right is to survive. With China's population of 900 million to 950 million growing at a thundering rate of 15 million to 20 million year after year, the challenge to China's survival has been pervasive, sustained and profound.

China's responses, both voluntary and directed from Peking, reverse the stress in the freedom-and-duty matrix upon which Western democratic traditions are built. But in Korea, Vietnam, Taiwan, Hong Hong, 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 Yenan caves to the establishment of national authority in Peking, through the Great Leap Forward, through the Cultural Revolution, through the arrest of the Gang of Four, and the re-emergence of the twice-humiliated First Deputy Prime Minister Teng Hsiaoping, there has been a remarkable continuity of Chinese commitment 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 Keynesianism are expressions of that compulsion.

Washington and Peking will enter into normal diplomatic relations with each other because doing so serves the self-interest of both countries. Neither should entertain expectation that it can reform the other. We must respect China's right to be different, or, doing otherwise, expose ourselves to charges of self-righteousness, demagoguery, and possibly even of imperial intent.

China's now-emerging personalities, procedures and political vocabulary offer promise of greater readiness by China to deal more forthrightly with other countries around the world. With respect and curiosity, Washington should hasten toward establishing 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. 7744, 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. 7744, a bill which originated in our Committee on Public Works and Transportation.

H.R. 7744 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 legislative declaration 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 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 reduction in the Federal dredge fleet through retirement of plant as private industry's capability increases and by providing for the retention of a minimum 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 RAY ROBERTS, the chairman of the Water Resources Subcommittee, the ranking minority member of the subcommittee, Congressman DON CLAUSEN, 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.●

CONSUMER CO-OP BANK WILL AID CITY REVIVAL

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 credit.

The bill passed the House July 14, 1977, and was approved by the Senate Banking Committe 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 new bank will fill the existing credit 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 FERNAND J. ST 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 studying the proposal 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 and 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 reinstituted.

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 out 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 censure Brazil and other friendly nations for faults that we gloss over elsewhere. Brazil is the largest country in South America and has been our steadfast friend. The President's confrontation with Brazilian leaders as a part of his African trip made no progress and gained us no friends. Brazil has abrogated three treaties with us and withdrawn their support of the Inter-American School in Panama as the result of U.S. policies toward them.●

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 and 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 into a new black-dominated 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 minds between the two groups. He 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 and played up to in the United States, while black representatives from the Rhodesian Government have been cold-shouldered and shunted aside.

Now, we have seen what Newsweek of April 17 called A Mission Impossible. U.S. Secretary of State, Cyrus Vance, spent 2 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 conquer Rhodesia.

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 coalition government. In January they will have a black Prime Minister. The coalition will attempt to maintain peaceable 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 be time to stop playing 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 Western powers.

The lofty, liberal Washington Post called the coalition government in Rhodesia more democratic, moderate, and multiracial than any government the guerillas 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 on Tuesday, April 4. It is entitled "A Dowry for Nigeria." I submit it for the CONGRESSIONAL RECORD.

A DOWRY FOR NIGERIA

You may think it odd that the latest American call for "a genuine transfer of 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 looked more deeply into the status of democracy in Africa, it would emerge that Nigeria is so deeply driven by tribal and religious factionalism that military rule could easily continue there long after blacks and whites compose their differences inside Rhodesia.

So the use of Nigeria, during President Carter's state visit, as a platform for reiterating our strange Rhodesian policy must be explained otherwise than by the host 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 unenthusiastic 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, which looks to a substantial transfer of power from Prime Minister Ian Smith to black moderates. U.S. pronouncements on that subject were tissues of contradiction and hesitancy. Glimmerings of sympathy vied with dark warnings that the new regime would be attacked and dismantled by the Nkomo-Mugabe guerrilla forces, the so-called Patriotic Front, who are armed and backed by the Soviet Union and China.

But as President Carter's state visit to Nigeria neared, blunt talk of the "illegality" of the Rhodesia government intensified, notwithstanding the impending internal transfer of power. President Carter, it seems, had to have something for the Nigerians, and the sacrificial offering seems to be one internal solution for Rhodesia, well scorched.

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 retains a ghostly "sovereignty" in Rhodesia even though she has exerted no control there since 1965 when Rhodesia ceased to be a British crown colony. Yet the hostility to the recent "internal" settlement between Mr. Smith's secessionist white regime has been sharper in Washington than in London 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 stale colonialist assertions about Rhodesian sovereignty than the former colonial power itself.

To a dangerous degree, and indeed to the neglect of other important considerations, U.S. policy on Rhodesia remains the exclusive hobby-horse of one official, Ambassador Young, who for domestic political reasons exercises great influence with President Carter. "Seldom," as Mr. Julian Amery recently observed, "can any president have given such a hostage to fortune as in (Mr. Young's) appointment. It is difficult to imagine any circumstances in which 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 about the size of it.

Having chosen Nigeria as the chief object of American courtship in Africa, and shrinking from outright endorsement of Nigeria's extremist views on South Africa, the U.S.

seems to be offering, as dowry, hostility to an internal settlement in Rhodesia. The policy is perverse and pusillanimous. President Carter, with the Nigerian despot Gen. Olusegun Obesanjo listening with approval, said the U.S. "will move as quickly as possible to call together the parties who are in dispute in (Rhodesia)." But the dispute "in" Rhodesia is largely at an end. The remaining dispute is between those who seek a stable biracial regime inside the country and the guerrilla leaders who swear to overthrow it from the outside. It is one-sided as well, since the call has gone out to Messrs. Nkomo and Mugabe to come home and enter the internal process. To call for negotiation between the two is, in effect, to side with those who avow total hostility to the internal settlement and would probably install a uniracial regime in Rhodesia under Russian influence.

This policy not only sacrifices political negotiation to military force, and principle to expediency; it importantly advances the ultimate Soviet design of controlling the politics, ports and mineral resources of Southern Africa. In that respect, it could be an expensive policy. It may for a time win friends in Lagos and Lusaka. We cannot imagine that it will win the U.S. the respect of anyone else, anywhere.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KINDNESS) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 5 minutes, today.

Mr. DORNAN, for 10 minutes, April 20, 1978.

Mr. KEMP, for 10 minutes, today.

Mr. CLEVELAND, for 10 minutes, today.

Mr. ASHBROOK, for 10 minutes, today.

(The following Members (at the request of Mr. VOLKMER) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. D'AMOURS, for 5 minutes, today.

Mr. JOHNSON of California, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. RYAN, for 60 minutes, on April 24.

Mr. RYAN, for 60 minutes, on April 25.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KINDNESS), and to include extraneous matter:)

Mr. ROBINSON.

Mr. HAGEDORN in two instances.

Mr. YOUNG of Alaska.

Mr. DICKINSON.

Mr. TREEN.

Mr. GRADISON.

Mr. KEMP in three instances.

Mr. LEACH in two instances.

Mr. FINDLEY.

Mr. BADHAM.

Mr. DORNAN.

Mr. HYDE.

Mrs. HOLT.

Mr. MADIGAN.

Mr. DERWINSKI.

Mr. KETCHUM.

Mr. ABDNOR in three instances.

Mr. ASHBROOK in two instances.

Mr. GILMAN.

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Ms. OAKAR in two instances.

Mr. VENTO.

Mr. BENJAMIN.

Mr. DOWNEY.

Mr. WATKINS.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. UDALL.

Mr. ASHLEY in two instances.

Mr. CHAPPELL.

Mr. ROE.

Mr. SOLARZ.

Mr. MURPHY of New York.

Mr. HAMILTON.

Mr. DRINAN.

Mr. GORE.

Mr. ROSENTHAL.

Mr. EILBERG.

Mr. WOLFF.

Mr. RISENHOOVER.

Mr. ULLMAN.

Mr. DELANEY.

ADJOURNMENT

Mr. VOLKMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.) the House adjourned until Thursday, April 20, 1978, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3896. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Corporation's annual report for the year 1977, pursuant to 61 Stat. 719; to the Committee on Agriculture.

3897. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a report of officer's and employee's defense-related employment, pursuant to section 410(d) of Public Law 91–121; to the Committee on Armed Services.

3898. A letter from the Director, Legislative Liaison, Department of the Air Force, transmitting the Air Force's report on the recycling of materials, pursuant to section 612 of Public Law 93–552; to the Committee on Armed Services.

3899. A letter from the Secretary of Labor, transmitting a draft of proposed amendments to legislation to reauthorize the Comprehensive Employment and Training Act of 1973 (CETA) for another 4 years; to the Committee on Education and Labor.

3900. A letter from the Assistant Secretary for Education, Department of Health, Education, and Welfare, transmitting the third annual report of the Advisory Council on Education Statistics for calendar year 1977, pursuant to section 406(d)(1) of the Education Amendments of 1974; to the Committee on Education and Labor.

3901. A letter from the Acting Deputy Attorney General, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1977, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3902. A letter from the Director, National Science Foundation, transmitting notice of a proposed new system of records for the Foundation, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3903. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed license for the export of certain major defense equipment and a proposed amendment to the agreement for coproduction in Iran (MC–20–78), pursuant to section 36(c) and 38(b)(3) of the Arms Export Control Act; to the Committee on International Relations.

3904. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate William B. Edmondson and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

3905. A letter from the Secretary of Energy, transmitting the second annual report on the weatherization assistance program, pursuant to section 421 of Public Law 94–385; to the Committee on Interstate and Foreign Commerce.

3906. A letter from the president, Corporation for Public Broadcasting, transmitting the annual report of the Corporation for Public Broadcasting for fiscal year 1977, pursuant to section 396(i) of the Communications Act of 1934, as amended (81 Stat. 371); to the Committee on Interstate and Foreign Commerce.

3907. A letter from the Administrator of Veterans' Affairs, transmitting a report on the reevaluation by the Chief Medical Director on the need for special pay agreements with physicians and dentists, pursuant to section 3(b)(1) of Public Law 95–201; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Rules. House Resolution 1140. Resolution providing for the consideration of H.R. 11504. A bill 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 (Rept. No. 95–1068). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. House Resolution 1049. Resolution to disapprove Reorganization Plan No. 1, transmitted by the President on February 23, 1978 (Rept. No. 95–1069). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON: Committee on House Administration. H.R. 11983. A bill to amend the Federal Election Campaign Act of 1971

to extend the authorization of appropriations contained in such act; with amendment (Rept. No. 95–1070). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Small Business. H.R. 11713. A bill to create a solar and renewable energy sources loan program within the Small Business Administration; with amendment (Rept. No. 95–1071). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. AMMERMAN, Mr. BLANCHARD, Mr. CLAY, Mr. CONYERS, Mr. CORNELL, Mr. DOWNEY, Mr. DRINAN, Mr. FORD of Michigan, Mr. GAYDOS, Mr. GOLDWATER, Mr. HANLEY, Ms. KEYS, Mr. LEDERER, Mr. LENT, Mr. LUKEN, Mr. MCFALL, Mr. MARKEY, Mrs. MEYNER, Ms. MIKULSKI, Mr. MURPHY of Pennsylvania, Mr. O'BRIEN, and Mr. PATTERSON of California):

H.R. 12218. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. GREEN, Mr. RANGEL, Mr. RUSSO, Mr. RYAN, Mr. SOLARZ, Mr. STEIGER, Mr. WALGREN, Mr. WEISS, Mr. WHALEN, Mr. CHARLES WILSON of Texas, Mr. WOLFF, and Mr. CORNWELL):

H.R. 12219. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of California (for himself, Mr. BONIOR, Mr. GLICKMAN, Mr. KILDEE, and Mr. MANN):

H.R. 12220. A bill to amend section 162 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. CHAPPELL:

H.R. 12221. A bill to amend the Rail Passenger Service Act, to extend the authorizations of appropriations for an additional fiscal year, to provide for public consideration and implementation of a rail passenger service study, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZABLOCKI (for himself, Mr. FASCELL, Mr. DIGGS, Mr. NIX, Mr. FRASER, Mr. ROSENTHAL, Mr. HAMILTON, Mr. WOLFF, Mr. BINGHAM, Mr. HARRINGTON, Mr. RYAN, Mrs. COLLINS of Illinois, Mr. SOLARZ, Mrs. MEYNER, Mr. BONKER, Mr. STUDDS, Mr. PEASE, Mr. BEILENSON, Mr. CAVANAUGH, Mr. FINDLEY, Mr. BUCHANAN, Mr. WHALEN, Mr. WINN, and Mr. GILMAN):

H.R. 12222. A bill to amend the Foreign Assistance Act of 1961 to authorize development and economic assistance programs for fiscal year 1979, to make certain changes in the authorities of that act and the Agricultural Trade Development and Assistance Act of 1954, to improve the coordination and administration of U.S. development-related policies and programs, and for other purposes; to the Committee on International Relations.

By Mr. HAGEDORN (for himself and Mr. FINDLEY):

H.R. 12223. A bill to limit the authority of the Secretary of Agriculture to restrict or prohibit the use of nitrites or nitrates as preservatives in meat products for a period of 2 years, and for other purposes; to the Committee on Agriculture.

By Mr. HAGEDORN (for himself and Mr. BYRON):

H.R. 12224. A bill to amend the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

By Mr. HAGEDORN (for himself, Mr. HARSHA, Mr. CLEVELAND, Mr. STANGELAND, and Mr. STUMP):

H.R. 12225. A bill to amend the Federal Water Pollution Control Act relating to clean lakes; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself, Mr. NATCHER, Mr. WHITTEN, Mrs. HECKLER, Mr. SIKES, Mr. LATTA, Mr. BYRON, Mr. FINDLEY, Mr. FUQUA, Mr. ANDREWS of North Dakota, Mr. BAUCUS, Mr. HILLIS, Mr. CEDERBERG, and Mr. CARTER):

H.R. 12226. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. McCORMACK (for himself, Mr. TEAGUE, Mr. GOLDWATER, Mr. UDALL, Mr. FASCELL, Mr. DRINAN, Mr. MOAKLEY, Mr. CORNWELL, Mr. FLORIO, Mr. EDWARDS of California, Mr. EDGAR, Mr. FRASER, Mr. SEIBERLING, Mr. LAFALCE, Mr. LENT, Mr. SEBELIUS, Mr. MITCHELL of New York, Mr. PATTISON of New York, Mr. HUGHES, Mr. RICHMOND, Mr. NOLAN, Mr. LEHMAN, Mr. PATTERSON of California, Mr. STANGELAND, 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. GOLDWATER, Mr. WINN, Mr. KRUEGER, Mr. GAMMAGE, Mr. CARTER, Mr. TRAXLER, Mr. WHITEHURST, Mr. HEFTEL, Mr. CARR, Mr. STUDDS, Mr. CORCORAN of Illinois, Mr. MILLER of California, Mr. PEASE, Mr. KILDEE, Mr. CEDERBERG, Mr. WHALEN, Mr. ABDNOR, Mr. CLEVELAND, Mr. SIMON, Mr. FOWLER, Mr. GIBBONS, Mr. MAGUIRE, and Mr. BEDELL):

H.R. 12228. A bill to provide for an accelerated program of research, development and demonstration of 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. EDWARDS of Oklahoma, Mr. HANSEN, Mr. JOHNSON of Colorado, Mr. KAZEN, Mr. LUJAN, Mr. MURPHY of Pennsylvania, Mr. RHODES, Mr. RONCALIO, Mr. RUDD, Mr. RUNNELS, Mr. SKUBITZ, Mr. SYMMS, and Mr. WEAVER):

H.R. 12229. A bill to provide grants to States for the restoration of abandoned uranium mill sites and to require the Secretary of Energy to restore such sites if the States 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 Heritage in the States of Connecticut and New York; to the Committee on Interior and Insular Affairs.

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 nurse training; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself and Mr. BAFALIS):

H.R. 12232. A bill to amend the Unemployment Compensation Amendments of 1976 with respect to the National Commission on Unemployment Compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFTEL (for himself, Mr. MEEDS and Ms. OAKAR):

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 absence counting requirements for 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. HOLLENBECK, Mr. SARASIN, Mr. WHITEHURST, Mr. BEVILL, Mr. PRITCHARD, Mr. CONTE, Mr. STUMP, Mr. YOUNG of Alaska, Mr. CORCORAN of Illinois, and Mr. MURPHY of Pennsylvania):

H.R. 12236. A bill to establish a Department of Education; to the Committee on Government Operations.

By Mr. STANGELAND (for himself, Mr. JOHNSON of Colorado, and Mr. HAGEDORN):

H.R. 12237. A bill to amend title 23 of the United States Code, relating to highways, to authorize a program to separate rail and highway crossings in certain energy impacted cases; to the Committee on Public Works and Transportation.

By Mr. VOLKMER:

H.R. 12238. A bill to bolster farm income by providing emergency assistance for producers of wheat, feed grains, upland cotton, and soybeans, and for other purposes; to the Committee on Agriculture.

By Mr. ABDNOR:

H.R. 12239. A bill to improve the inspection and labeling of imported meat and to enhance the stability in meat supplies and prices, for the benefit of domestic producers and consumers; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. BOLAND:

H.R. 12240. A bill to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S.

Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

By Mr. BRINKLEY (for himself, Mr. RISENHOOVER, Mr. MCCORMACK, Mr. CAVANAUGH, Mr. SEBELIUS, Mr. STANGELAND, Mr. BYRON, Mr. KOSTMAYER, Mr. FITHIAN, Mr. MIKVA, Mrs. BOGGS, Mr. PRICE, Mr. HAMILTON, Mr. PEPPER, Mr. SIKES, and Mr. PATTEN):

H.R. 12241. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. HOLLAND (for himself, Mr. BROYHILL, Mr. WAMPLER, Mr. MCCORMACK, Mr. KETCHUM, Mr. JONES of North Carolina, Mr. COTTER, Mr. FOUNTAIN, Mr. PREYER, Mr. RANGEL, Mr. DICKINSON, Mr. JOHN T. MYERS, Mr. GUDGER, Mr. PATTEN, Mr. SIKES, Mr. LE FANTE, Mr. COUGHLIN, Mr. MONTGOMERY, Mr. BYRON, Mr. BOWEN, Mr. BURLISON of Missouri, Mr. HARRINGTON, and Mr. MOFFETT):

H.R. 12242. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. HOLLAND (for himself, Mr. BROYHILL, Mr. HOLLENBECK, Mr. MICHAEL O. MYERS, Mr. COCHRAN of Mississippi, Mr. HUGHES, Mr. MURTHA, Mr. ADDABBO, Mr. RAHALL, Mr. DENT, Mr. RISENHOOVER, Mr. FLOOD, Mr. MARTIN, Mr. BEVILL, Mr. D'AMOURS, Mr. GARCIA, Mr. BOLAND, Mr. BIAGGI, Mrs. CHISHOLM, Mr. ANNUNZIO, Mr. EDGAR, Mr. FISH, Mr. AMMERMAN, Mr. DOWNEY, and Mr. MOAKLEY):

H.R. 12243. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. MOFFETT:

H.R. 12244. A bill to amend the Social Security Act to require physicians to accept assignment under part B of the medicare program with respect to services they furnish in medicare-participating hospitals; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. STANGELAND (for himself, Mr. KINDNESS, Mr. HYDE, and Mr. HAGEDORN):

H.R. 12245. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; jointly, to the Committees on the Judiciary, Armed Services, Ways and Means, and Post Office and Civil Service.

By Mr. MAHON:

H.J. Res. 859. Joint resolution making supplemental appropriations for the United States Railway Association for the fiscal year ending September 30, 1978, and for other purposes; to the Committee on Appropriations.

By Mr. MANN (for himself, Mr. BEARD of Rhode Island, Mr. BEVILL, Mr. BONIOR, Mr. BOWEN, Mr. BRECKINRIDGE, Mr. CLEVELAND, Mr. COHEN, Mr. DAN DANIEL, Mr. DERRICK, Mr. EDGAR, Mr. EILBERG, Mr. EVANS of Georgia, Mr. GUYER, Mr. HAGEDORN, Mr. HEFTEL, Mr. HUCKABY, Mr. JENRETTE, Mr. MARTIN, Mr. MOAKLEY, Mr. NOLAN, Mr. PREYER, Mr. SYMMS, Mr. VANDER JAGT, and Mr. WAGGONNER):

H.J. Res. 860. Joint resolution designating the pine tree as the national arboreal emblem of the United States; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself, Mr. AUCOIN, Mr. BEARD of Tennessee, Mr. BENJAMIN, Mr. BROOKS, Mr. CORNELL, Mr. ROBERT W. DANIEL, Jr., Mr. EDWARDS of Alabama, Mr. EMERY, Mr. FITHIAN, Mr. FLOOD, Mr. GAMMAGE, Mr. HAWKINS, Mr. LONG of Louisiana, Mr. MARKEY, Mr. JOHN T MYERS, Ms. MIKULSKI, Ms. OAKAR, Mr. PATTEN, Mr. PURSELL, Mr. REUSS, Mr. ROGERS, Mr. ROSE, Mr. VANDER JAGT, and Mr. WON PAT):

H.J. Res. 861. Joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the 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. CORCORAN of Illinois):

H. Res. 1141. Resolution relative to customs duties on textile, apparel, and fiber products; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H. Res. 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. BREAUX:

H.R. 12246. 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. WRIGHT:

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, Fla., relative to U.S. policy toward Israel; to the Committee on International Relations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 11302

By Ms. HOLTZMAN:

Page 3, line 14, delete "$930,000" and insert in lieu thereof "$2,500,000".

H.R. 11504

By Mr. CARTER:

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 severe financial difficulty because of drought, flood, or other natural disaster, or other condition beyond their control. In making loans under this section and section 303, 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.".

Page 12, line 3, 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 subsection for any purpose described in section 312(a) (other than a purpose described in paragraph (5) of such section), preference shall be given to young farmers and ranchers.".

Page 13, line 23, after the period insert the following new sentence: "In making loans under this paragraph for any purpose described in section 312(a) (other than a purpose described in paragraph (5) of such section), preference shall be given to young farmers and ranchers.".

By Mr. GILMAN:

Page 16, after line 5 insert the following new subsection:

(b) Section 324(a) of the Consolidated Farm and Rural Development Act is amended—

(1) by striking out "that prevailing in the private market for similar loans, as determined by the Secretary" in the first sentence and inserting in lieu thereof the following: "the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus not to exceed 1 per centum per annum as determined by the Secretary"; and

(2) by adding at the end of such section the following new sentences: "With respect to any loan made or insured under this subtitle after the date of enactment of the Agricultural Credit Act of 1978, the Secretary shall make on behalf of the borrower all payments of principal which become due on such loan during the first one-fourth of the repayment period of such loan and the borrower shall make all payments of interest which become due on such loan during the first one-fourth of such repayment period. The borrower shall repay, without charge for interest and within such repayment period, the Secretary for any payment made on behalf of the borrower under the preceding sentence.".

Page 16, line 1, insert "; Interest Rates on Emergency Loans; Suspension of Certain Principal Payments" after "Loan Rates".

Page 16, lines 1 and 2, insert "(a)" before "Section 324".

Page 20, after line 4, insert the following new section:

SEC. 121. CREDIT ELSEWHERE REQUIREMENT.—The Consolidated Farms and Rural Development Act is amended by adding at the end thereof new section 348 to read as follows:

"SEC. 348. An applicant for any loan under this title shall be deemed to meet the eligibility requirement that he be unable to obtain sufficient credit elsewhere to finance his actual needs at reasonable rates, taking into consideration prevailing private and cooperative rates in the community in or near which the applicant resides for loans for similar purposes and periods of time, if, at the time the applicant applies for such loan under this title, such prevailing private and cooperative interest rates are more than the prevailing interest rate in the private market for similar purposes and periods of time, as determined by the Secretary.".

Page 20, after line 4, insert the following new section:

SEC. 122. USE OF QUALIFIED PERSONNEL BY THE DEPARTMENT OF AGRICULTURE.—It is the sense of Congress that, in carrying out the provisions of the Consolidated Farm and Rural Development Act, the Secretary of Agriculture should ensure—

(1) that only officers and employees of the Department of Agriculture who are adequately prepared to understand the particular needs and problems of farmers in an area be assigned to such area; and

(2) that a high priority is placed on keeping existing farm operations operating.

By Mr. GLICKMAN:

On page 8 after line 19 insert the following:

"SEC. 109B. The Consolidated Farm and Rural Development Act is amended by adding at the end of section 310C the following:

"(c) Notwithstanding any other provision of law, any person who would be eligible for a guarantee of a mortgage under section 1709(b) of title 12, United States Code, shall be eligible for a loan guarantee under section 1487 of title 42, United States Code, under terms and restrictions no less favorable to the borrower and in amounts at least equal to those provided under said section 1709(b) of title 12. *Provided however,* That such guarantee shall apply to a mortgage on a dwelling in a "rural area", as defined herein."

By Mr. HARKIN:

Page 23, line 25, strike out "thirty" and insert in lieu thereof "forty".

Page 24, line 6, strike out the colon and all that follows through the period in line 12 and insert in lieu thereof a period.

Page 24, line 15, strike out the colon and all that follows through the period in line 19 and insert in lieu thereof a period.

By Mr. JONES of Tennessee:

Insert at the end of the bill the following new title:

TITLE IV—EMERGENCY CONSERVATION MEASURES PROGRAM ACT OF 1978

SEC. 401. The Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, or other natural disasters when, as a result of the foregoing, new conservation problems have been created which, (1) if not treated, will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and except for wind erosion, is not the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

SEC. 402. The Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency water conservation or water enhancing measures during periods of severe drought as determined by the Secretary.

SEC. 403. The Secretary of Agriculture is authorized to make payments to agricultural producers to carry out emergency measures for runoff retardation and soil erosion prevention to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire or any other natural occurrence has caused a sudden impairment of that watershed.

SEC. 404. There are authorized to be appropriated such funds as may be necessary to carry out the purpose of this title. Such funds shall remain available until expended.

SEC. 405. The provisions of this title shall be effective October 1, 1978.

By Mr. WEAVER:

Section 201: Page 20, line 7, insert "and Commercial Fishing" and "Agricultural."

Section 202:

Page 20, line 11, strike out "and ranchers" and insert in lieu thereof ", ranchers, or commercial fishermen".

Page 20, line 12, strike out the comma and insert "or commercial fishing".

Page 20, line 14, insert "or fishing" before "cooperatives".

Page 20, line 16, insert "or commercial fishing" before "and, in".

Page 20, line 19, insert "or commercial fishing" before the colon.

Page 20, line 24, insert "or commercial fishing" after "production".

Page 21, line 2, insert "or fishing" after "agricultural".

Page 21, line 4, insert ", including fish" before the period.

Section 203:

Page 21, line 11, insert "commercial fishing vessels," after the second comma.

Page 21, line 13, insert "or fishing" after "farming".

Page 21, line 16, insert "or commercial fishing equipment" before the first comma.

Page 21, line 17, insert "or commercial fishing supplies" after "farm supplies".

Page 21, line 18, insert "or commercial fishing" after "farm".

Page 21, line 19, insert "(or commercial fishing)" after "farm".

Page 22, line 13, insert "or commercial fishing" after "agricultural".

Page 22, line 15 insert "or commercial fishing" after "farm".

Page 22, line 16, insert "or commercial fishing supplies" after "farm supplies".

Page 22, line 17, insert "or commercial fishing" after "farm".

Page 22, line 18, insert "or commercial fishing" after "farm".

Page 22, line 24, insert "or [family] fishing operations" after "family farms".

Page 22, line 25, insert "or fishing" after "farm".

Page 23, line 2, insert "or fishing operation" after "farms".

Page 23, line 5, insert "or commercial fishing" before the period.

Section 204:

Page 24, line 1, insert "or commercial fishing vessels" after "real estate".

Section 205:

Page 25, line 5, insert "or commercial fishing" before the comma.

Page 25, line 14, insert "or commercial fishing" before the comma.

Page 25, line 22, insert "in the case of farmers and ranchers," after "(1)".

Section 212:

Page 29, strike out lines 4 through 8 and insert in lieu thereof the following:

The Secretary shall report—

(1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of this title; and

(2) to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the effectiveness of commercial fishing loans made under this title;

not later than January 1, 1979. The Secretary shall include [in the report referred to in paragraph (1)] the number of loan

Page 29, line 10, strike out "and ranchers" and insert in lieu thereof ", ranchers, and commercial fishermen".

Page 29, line 12, strike out "and ranchers" and insert in lieu thereof ", ranchers, and commercial fishermen".

Page 29, line 15, strike out "and ranchers" and insert in lieu thereof ", ranchers, and commercial fishermen".

Page 29, line 16, insert "or commercial fishing" after "agriculture".

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 Tudeen of Bettendorf, Iowa, was recently named the winner of the Veterans of Foreign Wars "Voice of Democracy Essay Competition" 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 with my colleagues her moving 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

(By Sheryl Lynn Tudeen)

In the childrens 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, then they are all very willing to help her eat it.

Can this type of situation be applied to our country? Do we all expect the advantages that America can give us, but don't feel it necessary to work for them in return? It is difficult for me to believe this—in fact, I refuse to. Others must THINK as I do. I feel that I have a certain responsibility toward our country, if I want to continue to reap the benefits it can offer me.

The benefits I 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 insure 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 me to see that all men are treated equally, that one person is not superior to another simply because of his race, sex, religion or financial status. That is my first responsibility, one that will benefit us today and in the future.

Our environment and beautiful countryside are other things I can appreciate now. America has such a variety of terrain, each region is unique, but they are all beautiful in their own way. It is obvious to me, however, that the snowy mountains, the great forests or the golden deserts cannot remain