

But whether in California or Florida there is no right by the State to deprive any citizen of his life.

Juries can err and justice is not yet blind to the color of a man's skin or his poverty.

The taking of a life by any government can only reduce its value before all citizens.

PERMISSION TO FILE CONFERENCE REPORT ON S. 7, VETERANS' HEALTH CARE AMENDMENTS OF 1979

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on S. 7, Veterans' Health Care Amendments of 1979.

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

There was no objection.

NAVY MOTION PICTURE SERVICE TO REMAIN IN BROOKLYN

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

Mr. RICHMOND. Mr. Speaker, those of us in Congress who represent densely populated, inner-city districts are often reminded of how seemingly "minor" decisions by bureaucrats here in Washington can have a devastating impact on the quality of life in our communities. An innocent decision to move a small Federal facility from one area of the country to another may in fact do irreparable harm in terms of unemployment and economic instability.

Such was the case with the Navy's Motion Picture Service, located in the Brooklyn Navy Yard in my district. In February, the Navy Department proposed moving the Motion Picture Service from Brooklyn to California. The result of the proposed move would have been the loss of only 44 civilian jobs.

Yet, this small unit has a \$525,000 payroll and a \$7 million budget. Thus, a "simple" move would have resulted in devastating long-term effects on surrounding Brooklyn neighborhoods.

Mr. Speaker, I am happy to announce that this story has a happy ending. My colleagues in the New York State congressional delegation joined me in overwhelmingly opposing this move. The Secretary of the Navy this week withdrew the proposal, and the Navy Motion Picture Service will remain in the Brooklyn Navy Yard.

INTRODUCTION OF SENSE-OF-THE-HOUSE - OF - REPRESENTATIVES RESOLUTION ON ENERGY CRISIS

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

Mr. PEPPER. Mr. Speaker, I am going

to read a resolution that I am now introducing.

It is the sense of the House of Representatives that the deepening energy crisis demands strong and positive action and leadership on the part of the Government and that the President, in the interest of the National security and welfare of the people, should exercise the power he now possesses to assure that by increasing refineries, pipelines and other facilities, and by other positive action, the energy needs of the people of the Nation shall, as far as possible, be met; further, that if the President in his judgment lacks authority to assure the maximum production of energy for the Nation, Congress will give immediate consideration to his request for such authority.

I think the time has come for a policy of action and firm leadership, and I hope the Members will give approval to this resolution.

□ 1010

SHORTAGE OF DIESEL FUEL FOR OIL WELL DRILLERS

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

Mr. ARCHER. Mr. Speaker, Texans are doing all they can to produce enough oil to meet the needs of all regions of this country—but a totally absurd situation has developed which seriously hinders that effort.

The Congress knows diesel fuel is presently in short supply. What Congress may not know is that 95 percent of the oil rigs used to drill oil wells in Texas and other producing States run on diesel fuel—and, incredibly, Federal allocation regulations are denying them the fuel they need to operate. Drillers are told to drill more holes in the ground to provide more oil from which gasoline and diesel fuel can be refined—but then are not allowed enough diesel fuel to run the engines that run the drilling rigs. That is sheer idiocy.

I hope that Department of Energy officials will respond reasonably once they have met with a number of drilling contractors in a meeting I am now organizing. Nonetheless, I urge every Member of this House to demand that immediate remedial action is taken. Whatever your feelings may be on the direction our energy program should take, you cannot allow this situation to continue.

APPOINTMENT AS MEMBERS OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of section 3(a), Public Law 86-380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following Members on the part of the House:

Mr. FOUNTAIN of North Carolina;
Mr. RANGEL of New York; and
Mr. BROWN of Ohio.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD

The SPEAKER. Pursuant to section 1502(c), Public Law 95-561, the Chair appoints as members of the National Commission on the International Year of the Child the following Members on the part of the House:

Mr. RANGEL of New York, and
Mrs. SMITH of Nebraska.

CALL OF THE HOUSE

Mr. BAUMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 169]

Anderson, Ill.	Ford, Mich.	Rangel
Baldus	Forsythe	Reuss
Beilenson	Frenzel	Ritter
Blaggi	Fuqua	Roth
Blugham	Garcia	Rumels
Bouquard	Gibbons	Santini
Brown, Ohio	Gray	Scheuer
Burgener	Harsha	Seiberling
Burton, John	Hightower	Smith, Iowa
Burton, Phillip	Hubbard	Stark
Byron	Latta	Stockman
Cavanaugh	Leath, Tex.	Stokes
Chisholm	Leland	Symms
Clausen	Leit	Synar
Clay	McCormack	Tribble
Conyers	McKay	Udall
Corman	McManey	Vander Jagt
Davis, S.C.	Madigan	Walgren
Decker	Marriott	Wampler
Diggs	Mathis	Waxman
Dingell	Matsui	Weaver
Dixon	Miller, Calif.	Williams, Ohio
Dodd	Moffett	Wilson, C. H.
Drinan	Moorhead, Pa.	Yates
Foley	Nolan	Young, Alaska

□ 1030

The SPEAKER pro tempore (Mr. KILDEE). On this rollcall 359 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

MOTION TO CONCUR IN SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION 107, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1980

Mr. GIAIMO. Mr. Speaker, I move to take from the Speaker's table the concurrent resolution (H. Con. Res. 107) setting forth the congressional budget for the U.S. Government for the fiscal year 1980 and revising the congressional budget for the U.S. Government for the fiscal year 1979, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GIAIMO moves to take from the Speaker's table the concurrent resolution, House Concurrent Resolution 107, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That Congress hereby determines and declares, that pursuant to section 304 of the Congressional Budget Act of 1974:

REVISIONS TO THE SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1979

(a) Section 1 of H. Con. Res. 683 is revised as follows:

(1) The recommended level of Federal revenues is \$481,000,000,000 and the amount by which the aggregate level of Federal revenues should be decreased is \$100,000,000.

(2) The appropriate level of total new budget authority is \$559,200,000,000.

(3) The appropriate level of total budget outlays is \$494,450,000,000.

(4) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is \$33,450,000,000.

(5) The appropriate level of the public debt is \$334,200,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is \$4,200,000,000.

(b) Section 2 of H. Con. Res. 683 is revised as follows:

(1) National Defense (050):
(A) New budget authority, \$127,000,000,000;

(B) Outlays, \$114,400,000,000.

(2) International Affairs (150):

(A) New budget authority, \$11,400,000,000;

(B) Outlays, \$7,500,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, \$5,400,000,000;

(B) Outlays, \$5,200,000,000.

(4) Energy (270):

(A) New budget authority, \$7,600,000,000;

(B) Outlays, \$7,400,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, \$12,900,000,000;

(B) Outlays, \$11,300,000,000.

(6) Agriculture (350):

(A) New budget authority, \$8,300,000,000;

(B) Outlays, \$6,200,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, \$5,900,000,000;

(B) Outlays, \$2,900,000,000.

(8) Transportation (400):

(A) New budget authority, \$19,100,000,000;

(B) Outlays, \$17,000,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, \$9,200,000,000;

(B) Outlays, \$9,700,000,000.

(10) Education, Training, Employment, and Social Services (500):

(A) New budget authority, \$32,700,000,000;

(B) Outlays, \$29,700,000,000.

(11) Health (550):

(A) New budget authority, \$53,000,000,000;

(B) Outlays, \$49,700,000,000.

(12) Income Security (600):

(A) New budget authority, \$194,150,000,000;

(B) Outlays, \$161,100,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, \$20,400,000,000;

(B) Outlays, \$20,200,000,000.

(14) Administration of Justice (750):

(A) New budget authority, \$4,200,000,000;

(B) Outlays, \$4,200,000,000.

(15) General Government (800):

(A) New budget authority, \$4,300,000,000;

(B) Outlays, \$4,200,000,000.

(16) General Purpose Fiscal Assistance (850):

(A) New budget authority, \$8,650,000,000;

(B) Outlays, \$8,750,000,000.

(17) Interest (900):

(A) New budget authority, \$52,400,000,000;

(B) Outlays, \$52,400,000,000.

(18) Allowances (920):

(A) New budget authority, \$700,000,000;

(B) Outlays, \$700,000,000.

(19) Undistributed Offsetting Receipts (950):

(A) New budget authority, \$18,100,000,000;

(B) Outlays, \$18,100,000,000.

Sec. 2. (a) Pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is \$509,000,000,000, and the amount by which the aggregate level of Federal revenues should be increased or decreased is zero;

(2) the appropriate level of total new budget is \$604,400,000,000;

(3) the appropriate level of total budget outlays is \$532,000,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is \$23,000,000,000; and

(5) the appropriate level of the public debt is \$387,200,000,000, and the amount by which the temporary statutory limit on such debt should be accordingly increased is \$57,200,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, \$136,600,000,000;

(B) Outlays, \$124,200,000,000.

(2) International Affairs (150):

(A) New budget authority, \$12,600,000,000;

(B) Outlays, \$7,900,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, \$5,700,000,000;

(B) Outlays, \$5,500,000,000.

(4) Energy (270):

(A) New budget authority, \$18,800,000,000;

(B) Outlays, \$6,800,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, \$12,600,000,000;

(B) Outlays, \$11,700,000,000.

(6) Agriculture (350):

(A) New budget authority, \$5,000,000,000;

(B) Outlays, \$5,400,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, \$6,000,000,000;

(B) Outlays, \$3,200,000,000.

(8) Transportation (400):

(A) New budget authority, \$19,450,000,000;

(B) Outlays, \$18,200,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, \$8,900,000,000;

(B) Outlays, \$8,100,000,000.

(10) Education, Training, Employment, and Social Services (500):

(A) New budget authority, \$30,850,000,000;

(B) Outlays, \$30,500,000,000.

(11) Health (550):

(A) New budget authority, \$58,100,000,000;

(B) Outlays, \$53,600,000,000.

(12) Income Security (600):

(A) New budget authority, \$214,800,000,000;

(B) Outlays, \$183,300,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, \$21,200,000,000;

(B) Outlays, \$20,600,000,000.

(14) Administration of Justice (750):

(A) New budget authority, \$4,200,000,000;

(B) Outlays, \$4,400,000,000.

(15) General Government (800):

(A) New budget authority, \$4,400,000,000;

(B) Outlays, \$4,300,000,000.

(16) General Purpose Fiscal Assistance (850):

(A) New Budget authority, \$8,100,000,000;

(B) Outlays, \$8,100,000,000.

(17) Interest (900):

(A) New budget authority, \$56,000,000,000;

(B) Outlays, \$56,000,000,000.

(18) Allowances (920):

(A) New budget authority, —\$100,000,000;

(B) Outlays, —\$100,000,000.

(19) Undistributed Offsetting Receipts (950):

(A) New budget authority, —\$19,700,000,000;

(B) Outlays, —\$19,700,000,000.

BUDGET AGGREGATES FOR FISCAL YEARS 1981 AND 1982

Sec. 3. (a) In order to achieve a balanced budget in fiscal years 1981 and 1982, the following aggregate budgetary levels recommended by the Senate are appropriate for fiscal years 1981 and 1982—

(1) The recommended level of revenues is as follows:

Fiscal year 1981: \$583,300,000,000;

Fiscal year 1982: \$621,000,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:

Fiscal year 1981: —\$4,600,000,000;

Fiscal year 1982: —\$49,900,000,000;

(2) the appropriate level of budget authority is as follows:

Fiscal year 1981: \$640,300,000,000;

Fiscal year 1982: \$691,600,000,000;

(3) the aggregate level of total budget outlays is as follows:

Fiscal year 1981: \$577,700,000,000;

Fiscal year 1982: \$618,900,000,000;

(4) the amount of surplus in the budget is as follows:

Fiscal year 1981: \$5,000,000,000;

Fiscal year 1982: \$4,100,000,000;

(5) the appropriate level of the public debt is as follows:

Fiscal year 1981: \$912,600,000,000;

Fiscal year 1982: \$947,500,000,000.

(b) The House projects the following budget aggregate for fiscal years 1981–82, based on the policies assumed in section two above—

(1) The level of Federal revenues is as follows:

Fiscal year 1981: \$579,800,000,000;

Fiscal year 1982: \$655,300,000,000;

(2) the level of total new budget authority is as follows:

Fiscal year 1981: \$658,700,000,000;

Fiscal year 1982: \$721,400,000,000;

(3) the level of total budget outlays is as follows:

Fiscal year 1981: \$577,700,000,000;

Fiscal year 1982: \$622,700,000,000;

(4) the amount of surplus in the budget is as follows:

Fiscal year 1981: \$2,100,000,000;

Fiscal year 1982: \$32,600,000,000;

(5) the level of the public debt is as follows:

Fiscal year 1981: \$916,100,000,000;

Fiscal year 1982: \$922,500,000,000.

GENERAL PROVISIONS

Sec. 4. (a) The Congress recognizes that the activities of off-budget Federal entities are excluded from the budget by law. The Congress recommends that a way be found within the Congressional budget process to relate accurately the estimates of off-budget

Federal entitles and capital expenditures to the unified budget.

(b) In 1979 each standing committee of the House of Representatives shall report by July 1 to the House of Representatives its recommendations and the status of its actions with respect to new spending authority including all legislative savings, and other reforms, targeted by the first concurrent resolution on the budget for the fiscal year ending on September 30 of that same year. This report shall include any additional legislative savings which the committee believes should be considered by the House in the programs for which such committee has responsibility.

In 1980, each standing committee of the House of Representatives shall include in its March 15 report to the Budget Committee of the House of Representatives specific recommendations as to all possible legislative savings for the programs for which the committee has responsibility.

In 1980, each standing committee of the House of Representatives shall include in its March 15 report to the Budget Committee of the House of Representatives an estimate of the unobligated (and unexpended) balances of budget authority, an analysis of the extent to which such unexpended or unobligated balances could reasonably be reduced, and what steps, if any, have been or are being taken to reduce such balances.

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that further reading of the Senate amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GIAIMO) is recognized for 1 hour.

Mr. GIAIMO. Mr. Speaker, I yield 30 minutes for the purposes of debate only to the gentleman from New York (Mr. CONABLE), pending which I yield myself 6 minutes.

GENERAL LEAVE

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the legislation under consideration.

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

There was no objection.

Mr. GIAIMO. Mr. Speaker, the purpose of this motion is to concur in the Senate amendment, as amended last night by the Senate. As a result of the vote yesterday, we asked to go to conference with the Senate. We did not go to conference, but we were in communication with the Senate.

The Senate conferees went to the Senate late yesterday afternoon and asked for consideration and voted on revising the Senate amendment by increasing the educational function, or function 500, by \$350 million in budget authority and providing nothing more in outlays.

The reason we can increase budget authority by \$350 million without affecting outlays is because this money deals with education, and, therefore, much of it is forward funded. We are talking about a total function for education of

about \$14.7 billion plus \$350 million. I think it is about \$15 billion. Much of it is forward funded, and, therefore, it would not have an effect on 1980 outlays. Therefore, the deficit is the same and does not increase.

The Senate voted on that, and the Senate amendment is back before us for either acceptance or rejection. If we reject it, we still will not have adopted a first budget resolution for 1980 or a third budget resolution for 1979.

Mr. Speaker, I urge the adoption of this resolution. I believe it meets the complaint which many Members had about the reduction in the education function, and I would say it is a target resolution. There remain additional controversies which can and will be ironed out via the appropriation process, which cannot start until we get this first budget resolution in order and in place. It should have been in place by May 15. We are considerably late, and I urge adoption of this motion on the concurrent resolution.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

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

Ms. HOLTZMAN. Mr. Speaker, with respect to the revenue figure in this budget resolution that is before us today, I understand the conference report contains the House revenue figure of \$509 billion. The House revenue figure included \$1.2 billion to reflect the House vote calling for a substantial modification of the foreign tax credit for oil companies. I take it that this \$1.2 billion resulting from the House action on the foreign tax credit for oil companies is contained in the conference report?

Mr. GIAIMO. Mr. Speaker, the Senate conferees accepted our revenue figure. There is no controversy over the revenue figure. Our revenue figure was included. The gentleman's foreign tax credit revision was accepted, and that would be the case.

Ms. HOLTZMAN. Mr. Speaker, I thank the gentleman.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

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

Mr. MITCHELL of Maryland. Mr. Speaker, I thank the gentleman for yielding.

Under this new arrangement, the gentleman indicates that \$350 million is going into education. The most pressing problem, of course, for many of our constituents is still unemployment.

Is any adjustment made in terms of attempting to reduce the unemployment that is racking so many of our communities? Is there any of the \$350 million going into unemployment or for job programs or job training programs?

Mr. GIAIMO. Mr. Speaker, let me explain to the gentleman from Maryland that education, which was at \$14.7 billion, is part of the total function 500. That includes jobs, as the gentleman knows, which was at \$30.5 billion.

The major objection here yesterday, as I understood it, was that we were not providing sufficiently for educational

programs, as we had done in the House bill originally. By having this additional \$350 million in function 500, I would assume the argument could well be made that it will take the pressure off the other competing programs—not education programs—in that function and, therefore, there is a larger number of dollars totally in that function, and that should alleviate in some degree the pressures to find money for the training programs.

I think that was one of the arguments the gentleman from Wisconsin (Mr. OBEY) was making yesterday, if I am not wrong.

Mr. MITCHELL of Maryland. Mr. Speaker, I thank the gentleman.

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

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

Mr. CONABLE. Mr. Speaker, I thank the gentleman for his comments addressed to the gentleman from Maryland (Mr. MITCHELL). That in some degree answers my question.

We on the minority were not privy to the discussions that went on between the House and the Senate relative to this particular function 500. Apparently there was some sort of mental operation among those engaged in this conference to the effect that the money was to be used for education. However, function 500 does include a substantial number of other items.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. GIAIMO) has expired.

Mr. GIAIMO. Mr. Speaker, may I ask the gentleman from New York (Mr. CONABLE) if he would yield 1 additional minute to me?

Mr. CONABLE. Mr. Speaker, I yield 1 additional minute to the gentleman from Connecticut (Mr. GIAIMO), and I ask the gentleman to yield further to me.

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

Mr. CONABLE. Mr. Speaker, I would just like to have the gentleman's assurance that this money is addressed to education and not to some other part of the functions. Despite what the gentleman said to the gentleman from Maryland (Mr. MITCHELL) that it takes pressure off the item, we would like to know the justification for a change in \$350 million in the budget.

Mr. GIAIMO. First, Mr. Speaker, I think we are getting into the problems of the appropriating committees, because they are the ones that are going to allocate this money. But suffice it to say that I think the real pressure yesterday for the addition of moneys was for education, and, therefore, I think it was in reaction to that pressure that the other body came forth with a greater proposal in the area of education which technically increases the whole function 500.

But I think it is specifically directed to education. Nevertheless, by increasing the total amount, the appropriating committees can apportion that money as

best they see fit, and in that sense it will take pressure off the job programs.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. GIAIMO) has expired.

□ 1040

Mr. CONABLE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise in opposition to this resolution. By adding another \$350 million to budget authority, but not to outlays, the majority has made it even more difficult to achieve a balanced budget in 1981 or 1982. Instead of the same old spend-now-pay-later policy, it might be modified to be called the spend-later-never-pay policy.

We might recall that just a few days ago the Brookings Institution published a report in which they said that the budget was simply a one-year shot at restraint and really did not deal with the long-term problem of excessive Government spending.

This modification made last night by the majority clearly indicates that this is the case, because we have the same \$23 billion deficit for fiscal year 1985, but by adding the additional \$350 million budget authority, it creates increased pressure to spend more money in future years.

I would appeal particularly to my colleagues on my side of the aisle. Yesterday two-thirds of the minority voted against the budget resolution. Today this budget resolution is \$350 million worse—not better. If you could vote against it yesterday, I respectfully suggest you can more easily vote against it today.

I would say particularly to those on my side of the aisle, let us demonstrate that there is more than a dime's worth of difference between the two great parties in this land. Let us demonstrate by our vote that we are opposed to a \$23 billion deficit, that we are opposed to a blueprint of the majority which provides no tax cuts to the American people, that we are opposed to the blueprint crafted by the majority which provides for the more spending and tax increases laid on the American people. Let us indicate that we have a different dream for America. Let us indicate that our dream for America and for the American people is one which envisions less spending, and lower taxes so that initiative can be regained in this great land of ours and so that the American people might be able to once again spend and invest and achieve through their own personal efforts without the heavy hand of a massive Government being laid upon them and stifling their energies and initiative.

Let us oppose this resolution crafted by the majority party.

Mr. GIAIMO. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, yesterday by a vote of 260 to 144 the House, in my judgment, wisely defeated this budget resolution, because the product which was brought to this House for acceptance was \$1.9 billion above the House-

voted figure for defense and it was \$1.8 billion down below the House figure for education and training.

In light of a couple of statements that appeared, for instance, on CBS News this morning, in the Washington Star last night, in the Washington Post this morning, I would like to make clear, first, what the argument yesterday was not about.

First of all, I want to say, as has been indicated by the gentleman from Connecticut, that argument yesterday was not over CETA. The Labor-HEW Appropriations Committee has already recognized that there is going to be a very large carryover in the CETA area. So what the Labor-HEW Appropriations Committee has done is to use that CETA money, which will not be used by the prime sponsors, to repair the budget in the area of health and in the area of education. The argument was not over symbols, as was suggested in an article this morning. The argument was over a real process problem that would have occurred if the budget resolution which we voted on yesterday had been adopted.

Let me explain what I mean. That Labor-HEW bill, which the Appropriations Subcommittee has marked up, is at this moment within the President's budget request. Despite that fact, the budget resolution which was brought to the floor yesterday would have required the chairman of the Budget Committee to stand in this well when the Labor-HEW Subcommittee bill was before us and tell the House that that Labor-HEW bill exceeded the budget resolution by approximately \$250 million, thus playing into the hands of those people in this House and in this society who believe that we have not cut deeply enough into education and training programs when we provide in that Labor-HEW appropriation bill for a 10-percent reduction, in real dollar terms, in the purchasing power in that bill. That procedural situation would have played into the hands of those who want to make that cut 12 percent, 13 percent, or 14 percent, in real dollar terms.

That is why we had the argument over education funding yesterday. It has nothing whatsoever to do with symbols. It had a great deal to do with what happens under the budget process.

The second argument was whether we really need \$1.9 billion over the figure that the House voted for the Pentagon "wish list," or if you take the chairman's figure, if we really need \$1.3 billion over which the Defense committee brought to this House and which was sustained until the Fisher amendment was adopted.

So what do we want done? We wanted function 500 for education and training to be raised by \$300 million, and we wanted the Senate to buy a reduction in the defense function and in the foreign aid function by that corresponding \$300 million, so there would be no change in budget authority and we would have resulted in fact in a \$100 million reduction in the deficit. The Senate re-

fused to do that. The Senate is hung up on defense. One of the Senators, for instance, indicated a few days ago—and this is the state of mind of some Members of the other body—one of the Senators indicated the other day that he could vote for SALT II but said it should be accompanied by acceleration in acquisition of planes, ships, intercontinental nuclear weapons, short-range nuclear weapons and conventional forces, plus more research and development for the weapons systems.

That reminds me of "1984" double-speak. As a practical result, the vote over there yesterday showed we are not going to be able to change the Senate's mind set on defense spending.

I literally did not know what I was going to do on this resolution until I was driving in this morning, and I finally took one speech out of my pocket and scratched out the notes for this one, and what I would recommend we do is to support this budget resolution. I would ask those Members who voted "no" yesterday to vote "yes" today. With this change, the Labor HEW appropriations bill will not have one hand tied behind its back procedurally when it comes to the floor of this House. Both the defense bill and the Labor-HEW bill will be able to come to the floor in the appropriations process and make their own case unhindered by procedural roadblocks. And that, in a sense, is fair.

□ 1050

The sooner we pass the budget resolution, the sooner we can move on to dealing with the real spending bills in this House, the appropriation bills; the sooner we can make the real choices on the bills that spend the real dollars, and the sooner we move to that process, the sooner we can continue the real fight on the defense function to see to it, on the appropriation bill, that we do not wind up with an incredibly high amount for defense, vis-a-vis social programs.

As the gentleman from Connecticut has said, this is a target only. It defines the limits within which the argument can take place. I believe we ought to adopt this, much as I hate to vote for it, because we do not need some of the dollars in here in function 050. We do not need some of the dollars in here for other functions. But at least this will construct a compromise which will enable us to address the real issues on the real appropriations bills.

I think the most effective way that people, who believe as I do on this subject, can behave today, is to vote so that we can show that we were not dealing in symbols yesterday. We were dealing in real process problems, and we have a fundamental disagreement with what some Members of the Senate are in fact trying to push down the throats of the country in return for a vote on SALT. We can continue to make that struggle known, as we deal with the appropriations bill.

I urge that my colleagues vote for the resolution.

Mr. CONABLE. Mr. Speaker, I yield 4

minutes to the gentleman from Illinois (Mr. MICHEL), the distinguished minority whip.

Mr. MICHEL. Mr. Speaker and my colleagues, I want to first commend my colleague, the gentleman from Pennsylvania (Mr. SHUSTER), for the comment he has made with respect to the differentiation between budget authority and outlays.

Too often we are trying to kid ourselves around here by the fact, well, as long as it is not outlays, it is only budget authority for the future, we need not be concerned about it.

We have to be concerned about those escalating increases, even if they are in such valuable programs as education and health programs.

Having said that, I think we have done an awful lot of posturing around here over 2 or 3 weeks on individual amendments that, in my judgment, have no value whatsoever other than for what we can send back home to the folks in declaring our position, because the real nitty-gritty votes around this House are going to come in June when we have those individual appropriation bills.

The gentleman from Wisconsin, who serves on the subcommittee on which I serve, will amply attest to the fact there will be many opportunities here for cutting some of these programs or raising them if that is our choice on individual votes, on the Labor-Health, Education and Welfare appropriation bill.

I find myself very sympathetic with the majority on my side who have been absolutely opposed to a \$23 billion deficit.

We were initially attempting to get the deficit down to \$15 billion. Some of us were prepared to support the Holt-Regula substitute that had a deficit in the area of \$19 billion. So it is really expecting an awful lot to ask Members on our side to vote for a \$23 billion deficit. There certainly will be only a handful of votes on our side supporting this resolution, but I come down personally to the bottom line, which is: what do we get as an alternative at this juncture?

Do we get anything less by way of a deficit? Do we get anything less in social program projections? Do we get anything less in defense expenditures? Oh, now that is a possibility if we go back to conference.

So my bottom line today has got to be, on the basis of what the majority tell us, that we have got the most we are going to get.

We have made our case over here on the Republican side time and time again, and the gentleman from New York can shake his head all he wants to. There is not an issue of taxes in this resolution. If that were the issue, I would be with him, but we do not have that case today. We are talking about expenditures and projections and guidelines, and that is all, not individual appropriations bills. So I am going to be prepared to support the resolution.

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

Mr. MICHEL. I am happy to yield to the gentleman from New York (Mr.

KEMP), who has made a great case over the period of time, and I love him dearly.

Mr. KEMP. Mr. Speaker, I thank my friend for yielding and just want to say I am not looking for praise from the gentleman, but support. This budget resolution as the gentleman from Pennsylvania pointed out mandates higher unemployment. Under this resolution unemployment goes from 5.7 percent in 1979 up to 6.5 percent in 1980. That will be a loss of almost 1 million jobs, that even the Congressional Budget Office suggests is caused by an increase in tax rates caused by inflation pushing Americans into higher tax brackets. This budget raises taxes in the aggregate by about \$50 billion in just 2 years.

The gentleman is suggesting that we, on this side of the aisle, accept the majority parties' assumption that throwing people out of jobs is an answer to inflation and raising taxes is the way to balance the budget.

Mr. MICHEL. I said nothing about assumptions on the other side. I am just accepting the practical situation for what it is.

How many more times are we going to argue about the assumptions?

Mr. KEMP. If the gentleman will yield further, I go back to the suggestion of the gentleman from Pennsylvania. Why should we support a strategy that suggests that the answer to inflation is to throw people out of work and raise unemployment?

Mr. MICHEL. I think the gentleman very well knows this gentleman is not in that kind of a position.

Mr. KEMP. I know that, my friend from Illinois is my comrade in this battle but, the gentleman should join us in voting against the resolution. If we accept this resolution, we are accepting the premise upon which their budget and strategy is predicated which is recession is the cure for inflation.

Mr. MICHEL. I made no such premise in my presentation. I am just accepting the practical situation for what it is.

How many times are we going to make the argument and fail? I say it is time we get on with the rest of the business for today. As I have said—the key votes will be on the individual appropriation bills which can not be considered until this resolution is finalized. Yes, the aggregates are too high, but I am realistic enough to know that we cannot expect too much economy from this Congress. At best this resolution contains targets for our subsequent actions. As a member of the appropriations committee I can assure you that we will put the House on record later not simply on these levels but attempts will be made to go below these targets. We must get on with our individual appropriation bills.

Mr. GIAIMO. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BRODHEAD).

Mr. BRODHEAD. Mr. Speaker, I was one of those who yesterday spoke briefly and voted and urged others to vote in opposition to the resolution.

Since that time, the immediate problem

in connection with education has been resolved by the addition of \$350 million in budget authority in function 500. So our immediate problem has been resolved.

Has the resolution been made into a perfect resolution, an excellent resolution?

No, it has not. I still have the same problems with it today that I had with it yesterday, but we are faced with a practical situation.

The situation is this: That if we do not accept this resolution today, we are going to delay for a couple of weeks, at least, the process of getting on with the important business of this House, that is, voting on the authorization bills and the appropriation bills that we need to get to. The issues with respect to what should be spent for military, for social programs, are going to be before us. They are going to be before us in authorization and appropriation bills, as the gentleman from Wisconsin has pointed out.

I think the responsible thing to do at this point is to accept this proposition as probably the best that we can do under the difficult circumstances that we find ourselves in.

For those who feel as I do, that the conference committee, of which I was a member, ought to have done a better job, I think that our point has been made and made very well by the overwhelming vote yesterday.

I think that the Budget Committee is on notice, the leadership is on notice, that we have to do a better job, that we have to come closer to a compromise with the Senate instead of giving them as much as we did.

But the problem has been taken care of now in terms of education. I think it is irresponsible to any longer delay the final passage of a budget resolution.

Therefore, I urge my colleagues to vote in support of the resolution.

Thank you.

Mr. GIAIMO. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, the legislative process is clearly based on compromise and there is probably no part of that process in which compromise is more essential and more necessary than in the formulation and adoption of a budget resolution.

From the point of view of those of us who are concerned about the cities, about the poor, about the minorities, and about the elderly, I think this is not only an honorable but even a favorable compromise.

The second budget conference resolution provides \$350 million more in function 500 primarily for education. That is \$750 million more than was provided in the President's budget for education programs.

□ 1100

And it is \$200 million closer to the House position than the Senate position for function 500 itself.

Now there is, I think, an element of disingenuous demagoguery at work here on the part of some of those who oppose

this budget resolution on the grounds that we have gone over the House figure for defense while we have gone under the House figure for social programs in the compromise resolution which is now before us. The fact of the matter is that since the House was under the Senate on defense, while the House was over the Senate on social programs, unless the Senate was willing to completely capitulate and accept the House position on defense and the House position on social programs, whatever compromise budget resolution we came back with by definition would have to be over the House figure on defense and would have to be under the House figure on social programs.

I think we have come back with an honorable compromise. I think it is the best we can get. Some Members have said that they would only be willing to support this if there was some nominal cut in the compromise figure for defense. Let us be truthful with each other. The most we will ever be able to get the Senate to go down on defense—and I do not think we can even do that—would be about \$200 million in budget authority. That comes to 0.2 of 1 percent of the \$136 billion defense budget. I would like to see more than \$200 million taken out, but we are not going to be able to do it.

I say to my friends on this side of the aisle, I do not believe it is worth rejecting this compromise and upsetting the whole process, running the risk of not being able to come forward with a budget resolution at all, simply in order to cut the defense budget by .2 of 1 percent.

We have a Middle East supplemental which is coming up any day now. We need that money to go forward with the peace process in the Middle East. If this budget resolution is not adopted, that Middle East supplemental will not be in order. And so, in the interest of peace in the Middle East, as well as the budget process itself, I urge you to vote for the resolution.

Mr. GIAIMO. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I would like to congratulate my colleague from Connecticut (Mr. GIAIMO) and the members of his committee for the expedition they have shown in bringing this back to us. I do not think there is anything we can do except to approve this budget resolution.

Mr. Speaker, we debated this matter yesterday and I addressed the House in some detail but I take this time to point out once again that involved in this resolution is nothing but targets. The real legislative actions of the Congress will be taken in the authorization and appropriation bills we pass later. The Senate is going to handle those in light of what its beliefs are. The House is going to handle those in light of what its beliefs are and this resolution will have no real impact then. This is merely a target, and we have experienced much unnecessary anguish in dealing with it over the last several weeks.

We must now go ahead with the busi-

ness of the Congress. But until we adopt this resolution we cannot bring up any bills containing spending authority including all the appropriations bills. So there is a very significant need to adopt the target resolution right now.

Mr. Speaker, I am fearful that many Members have overlooked the fact that this resolution also applies to fiscal year 1979. We have a new ceiling on budget authority and outlays. Pending before the Appropriations Committee are numerous supplemental budget requests. Some of them are very critical and involve disaster relief assistance due to extensive flooding and tornadoes across the country. We have stayed well within the new limits in this pending 1979 supplemental. Under normal circumstances we would have already taken care of these emergency items but we could not do so under the rules because of this budget resolution problem. We need to adopt this resolution now because of these disasters across our country. Payments must be made. So I say again, let us adopt this target resolution now and let us meet our immediate needs.

Mr. Speaker, we have spent just too much time on this resolution debating what I consider to be irrelevant amendments in the form of line increases and decreases which should be handled in appropriation bills.

As example of the futility of the practice the House has fallen into in this regard, let me review our action on a typical amendment we had to the budget resolution when it was before the House these recent weeks.

An amendment was offered to reduce by \$515 million in budget authority and \$465 million in outlays the totals in the targets for function 600, income security.

Function 600 includes a large number of diverse and unrelated programs which have been more or less arbitrarily placed under this heading as a matter of convenience. Included are such activities as retirement, unemployment payments, disability payments, public assistance payments, benefits to the elderly and coal miners, and low- and middle-income housing. It also includes nutrition programs such as special milk, food stamps, and child nutrition.

This \$515 million amendment to function 600 which includes all these programs I have cited would have reduced the target for this broad function. It was stated that amendment was directed at food stamps but, of course, it cannot reach the food stamp legislation in this measure, but, if it should ever become final would reduce the overall target for these many items.

The Budget Act was designed to establish a relationship between total Federal revenue and total Federal spending. It was designed to focus attention on the deficit and the debt, and promote debate on macroeconomic issues.

It was not designed, Mr. Speaker, as a vehicle to debate individual line item programs. That responsibility was preserved in the Budget Act in the traditional authorization and appropriations process.

These targets in this resolution on broad functional categories are nothing but general guidelines and never become anything but targets. There is never anything binding insofar as functions. The only figures that are binding concerning spending are the totals for the entire Federal Government for the budget authority, and budget outlays and those figures are only binding in the second resolution, not the first resolution which is before us now.

The various committees and the House and Senate can and will take actions on specific legislation that provides authority and appropriations for programs. Unquestionably some of these targets will be exceeded and some will not be achieved. They will be forgotten. The point is that we can take whatever action necessary in the legislative process to work our will.

So, Mr. Speaker, the so-called food stamps amendment I have referred to is without meaning and had no real impact. Such amendments have no place in the budget resolution. All these matters will be dealt with in appropriation bills. I have reviewed the 11 of the 13 appropriation bills for fiscal 1980 which have been acted upon by the subcommittees and will soon be before the full committee. They are all under the President's budget. Subcommittee action on the other two bills had not been completed.

Mr. Speaker, we just must move along now and pass this resolution so we might address our urgent needs.

Mr. CONABLE. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I rise in opposition to the resolution. This budget totally ignores the fact that the economy is falling apart at the seams. In fact, the resolution proposes to split those seams further by raising taxes and increasing unemployment.

We have a real rate of economic growth at a recession-like 0.4 percent, productivity falling at a rate of 4.5 percent, unemployment increasing for the first time in several quarters, industrial production down one full percent last month alone, housing starts down from last year by one-third, the leading economic indicators falling 3 months in a row, inflation running at 13 percent—and here we are proposing to raise tax rates some more in the belief that the resulting increase in unemployment is the answer to inflation. It is being argued in our budget policymaking circles that if there are fewer people employed producing fewer goods, somehow the price of those scarcer goods is going to stop rising. I for one cannot support a resolution on the budget which rests on the false assumption that higher unemployment and slower economic growth are the answers to inflation.

I want to ask the chairman of the Budget Committee—and this is not meant as a rhetorical question—what is the budgetary cost of allowing unemployment to go up from 5.8 percent now, to 6.5 percent in fiscal year 1980? What

are the budgetary implications of putting almost 1 million people out of work by next year?

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

Mr. KEMP. I will be glad to yield to my friend from Connecticut.

Mr. GIAIMO. Unfortunately, I do not have the benefit of operating on wrong economic assumptions, as the gentleman does.

Mr. KEMP. Can the gentleman tell us what the cost is to the budget of increasing by 1 million the number of unemployed people?

Mr. GIAIMO. Does the gentleman want an answer to his question?

Mr. KEMP. I want an answer to the question of how much 1 million people unemployed costs the budget deficit, in added spending and revenue loss.

Mr. GIAIMO. It costs between \$16 billion to \$20 billion. Let me say that if we were to follow the gentleman's advice—

Mr. KEMP. I will not yield further.

Mr. GIAIMO. I should think the gentleman would.

Mr. KEMP. I do not think it is necessary to debate economic theory right now. This budget raises tax rates and increases unemployment. The increase in the deficit resulting from this increase in unemployment is \$16 billion to \$20 billion. Whether one is a Keynesian or a monetarist or a supply-side fiscalist or subscribes to any other economic theory really matters very little on this point. Raising tax rates and increasing unemployment to slow down the economy is not going to reduce the deficit and is not going to reduce inflation. The American people and the people of my Buffalo area and New York State do not want philosophy. They want jobs, rising real incomes and economic growth without inflation, and this budget does nothing but raise taxes. This policy, practiced by both Republican and Democratic administrations in the past, has without exception had tragic consequences for the economy, for the American people, and for the budget.

I say to my good friend from New York, Mr. SOLARZ, that as a result of policies outlined in this resolution, New York City will lose 50,000 jobs in the private economy. Are we supposed to swallow this loss of 50,000 jobs on the theory that it will make it easier to persuade this Congress in its beneficence to give New York back 4,000 countercyclical CETA positions? How can 4,000 public service jobs possibly be a trade-off for putting 50,000 people out of their jobs, which also happen to constitute the tax base? How can anyone suggest that raising unemployment is going to help solve the budget problems of either the Federal Government or the State or city of New York?

This kind of thinking is only worsening our condition, not improving it.

The only way to balance this budget is to restore the growth of the U.S. economy, and we are not going to do it until we start removing the tremendous barriers to economic activity continued in

this resolution, one of which is letting tax rates go up because inflation pushes everyone into higher tax brackets. We do not dare permanently index the tax brackets, which was done in 1978 by the Ways and Means Committee only on a one-shot basis, and which I strongly supported. We do not dare do anything to lower tax rates to make up for any of the past 15 years of all Americans being pushed into higher tax brackets.

I urge all Members of Congress, particularly those on this side of the aisle, not to accept this budget or the shortsighted and counterproductive theory on which it rests.

□ 1110

Mrs. HOLT. I thank the gentleman for yielding.

I think that we have pointed up in the debate on this particular budget resolution some of the very serious flaws in the Budget Act, and I hope that in this Congress the Committee on Rules will take a long, hard look at it. We get into line items. We create all of the lobbying that takes place. We should be dealing in macroeconomics. It should be a two-step process. We should set fiscal policy. We should analyze our economic situation, how much money we want to spend, and the Committee on the Budget then should state that aggregate decision. I think this is a most important revision that we have to make in the Budget Act.

As the gentleman from Mississippi pointed out, we get into the jurisdiction of other committees. We make ourselves the laughingstock of the Congress. Everybody says it is not important what we are doing here because we are talking about things over which we have no control at all. So I strongly urge the committee to do some revision and make some improvements in the Budget Act. I think that then we can be meaningful.

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

Mr. Speaker, I thank the gentleman from Maryland for her contribution. She is saying something that all of us believe, that we must review our budget process. There are some serious defects in the way it is emerging. Many Members do not consider it significant activity, largely because we have not made it a tool of fiscal policy to the degree we should.

What we are dealing with today is essentially a majority solution to yesterday's majority problem. I note the reaction of the gentleman from Wisconsin to statements that I made to the effect that we were thundering around in a herd, chasing symbols in yesterday's vote. I do not believe that today's measure is all that different from yesterday.

Let me give you the numbers in budget authority which are significant to this debate. The President's original request for education was \$14.3 billion. The House-passed level was at \$15.2 billion. The Senate-passed level originally was \$14.3 billion. The conference agreement was \$14.7 billion, and the Senate offer by a 72-to-17 vote yesterday was \$15.1 billion. That is up \$350 million from their original figure. The House-passed level is an

increase over the President's request of \$861 million. I question whether this procedure should be used, whether we should accept a precedent that we seem to be setting in this kind of activity of permitting one interest group to come in here and panic this whole body into retreat on what had been up to yesterday an orderly process. I must say that since we are dealing in budget authority action, I wonder whether we are not, as the gentleman from Pennsylvania mentioned, simply mortgaging the future in this respect. I regret that we are not aware of the mental operations of all the participants in this compromise as to exactly what this \$350 million in additional budget authority is likely to achieve, but I would hope that the Members on this side will keep their powder dry. Many of them yesterday, and myself included, supported the Chairman of the committee in what appeared to be an assaults on the budget process for reasons that were somewhat uncertain in their motivations, and I think today's vote is another whole issue before us that we may want to look at quite carefully. I trust the majority will accept the responsibility for the priorities that it is advancing today in this measure. It is, in my view, important, as the gentleman from Maryland (Mrs. HOLT), has said that we review the budget process and see where we are headed, because, quite frankly, in my view anyway, the budget process is becoming murkier and murkier and needs some review to be sure that we are achieving at least the fiscal goals that were in the minds of most of the Members when we adopted what we hoped would be significant reform.

Mr. Speaker, I yield back the remainder of my time.

Mr. GIAIMO. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I appeal to my colleagues on both sides of the aisle to support this budget resolution, and particularly I appeal to moderate and conservative Democrats and those Republicans who earlier this year fought for an amendment to balance the budget in fiscal year 1981. I think the exercise we went through yesterday was a symbolic one designed to show the education special interest groups that we have support for some of their goals.

In my judgment, what really is important in this budget resolution is that we adopt for the first time in the budget process a target, a symbol, a goal, and a realistic prospect that we will attain a balanced budget in fiscal year 1981 and fiscal year 1982. I would urge my colleagues on both sides of the aisle for the first time to join in a bipartisan effort, as they do in the other body, to preserve this budget process and to achieve the target of a balanced budget in 1981 and 1982. There are a large number of supplemental appropriations backed up, and if we do not pass this budget resolution the pressure is going to be great to bypass the budget process and to march down the road through the appropriations

process. If this occurs, we will have lost our first real opportunity to write into law the fact that we mean business and we are going to balance the budget in fiscal year 1981 and 1982. The budget package we have today is not perfect, but I am convinced it is the best budget target we can achieve today. As the gentleman from Maryland (Mrs. Holt) said, it provides the precedent for setting aggregates first, at least for the fiscal year 1981 and 1982, and I think we can achieve what we are all trying to do if we pass this budget resolution now.

Mr. GIAIMO. Mr. Speaker, I move to the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

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

Mr. GIAIMO. 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 pro tempore. 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 202, nays 196, not voting 36, as follows:

[Roll No. 170]

YEAS—202

Akaka	Duncan, Tenn.	Lott
Albosta	Eckhardt	Lowry
Andrews, N.C.	Edwards, Ala.	Lundine
Annunzio	English	McCloskey
Anthony	Evans, Ga.	McCormack
Ashley	Fary	McHugh
Aspin	Fascell	McKay
Bailey	Fazio	McKinney
Baldus	Ferraro	Marks
Barnard	Fish	Martin
Beard, R.I.	Fisher	Mataut
Beard, Tenn.	Fithian	Mattox
Bellenson	Filippo	Mavroules
Benjamin	Flood	Mazzoli
Bennett	Florlo	Mica
Bevill	Fountain	Michel
Bingham	Fowler	Mikva
Blanchard	Frost	Mineta
Boggs	Fuqua	Minish
Boland	Genhardt	Monkley
Bolling	Giaimo	Mollone
Boner	Gibbons	Mongomery
Bonior	Ginn	Moorhead, Pa.
Bonker	Glickman	Murphy, N.Y.
Bouquard	Gonzalez	Murtha
Bowen	Gore	Myers, Pa.
Brademas	Gramm	Natcher
Breaux	Gudger	Neal
Brinkley	Hall, Tex.	Nedzi
Brodhead	Hanley	Nelson
Brooks	Hanna	Nichols
Brown, Calif.	Hefner	Oaker
Buchanan	Hefner	Oberstar
Burlison	Hightower	Obey
Burton, Phillip	Hinson	Panetta
Butler	Holland	Patten
Byron	Hollenbeck	Patterson
Carter	Hutto	Pease
Chisholm	Ichord	Pepper
Coelho	Jenkins	Perkins
Conte	Jenrette	Pickle
Cotter	Johnson, Calif.	Poyer
D'Amours	Jones, N.C.	Price
Daniel, Dan	Jones, Okla.	Pursell
Daniel, R. W.	Jones, Tenn.	Quillen
Danielson	Kazen	Rahall
Davis, S.C.	Kildee	Ratchford
de la Garza	Kogovsek	Rhodes
Derrick	Lederer	Roberts
Dicks	Lehman	Robinson
Donnelly	Levitas	Rodino
Dougherty	Lloyd	Roe
Downey	Long, La.	Rose
Duncan, Oreg.	Long, Md.	Rostenkowski

Sabo
Satterfield
Scheuer
Shelby
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spence
St Germain
Stack
Staggers
Stanton

Abdnor
Addabbo
Ambro
Anderson, Calif.
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Atkinson
AuCoin
Badham
Bafalls
Barnes
Bauman
Bedell
Bereuter
Broomfield
Broyles
Burton, John
Campbell
Carney
Carr
Cavanaugh
Chappell
Cheney
Cieja
Cleveland
Clinger
Coleman
Collins, Ill.
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Dannemeyer
Daschle
Davis, Mich.
Deckard
Dellums
Derwinski
Devine
Dickinson
Dixon
Dodd
Dornan
Drinan
Early
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fenwick
Findley
Ford, Tenn.
Gardes
Gilman
Gingrich
Goodling

Gradison
Grassley
Green
Grisham
Guarini
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammer-schmidt
Hance
Hansen
Harkin
Harris
Hawkins
Heckler
Hillis
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hyde
Ireland
Jacobus
Jeffords
Jeffries
Johnson, Colo.
Kastenmeyer
Kelly
Kemp
Kindness
Kostmayer
Kourter
Lagomarsino
Leach, Iowa
Leach, La.
Lee
Leland
Lent
Lewis
Livingston
Loeffler
Lujan
Lujan
Lukens
Lungron
McClory
McDade
McDonald
McEwen
Madigan
Maguire
Markey
Marlenee
Marriott
Mikulek
Miller, Calif.
Miller, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moffett
Moore
Moorhead, Calif.
Mott

Alexander
Anderson, Ill.
Bethune
Blaggi
Brown, Ohio
Burgener
Clausen
Conyers
Corman
Diggs
Dingell
Foley

Steed
Stockman
Stratton
Swift
Traxler
Udall
Ullman
Van Deerin
Vank
Vento
Watkins
Waxman
White
Whitehurst

Murphy, Ill.
Murphy, Pa.
Myers, Ind.
Nolan
Nowak
O'Brien
Outinger
Pashayan
Paul
Petri
Peyser
Pritchard
Quayle
Rallsback
Regula
Richmond
Rinaldo
Rosenthal
Rousselot
Roybal
Royer
Rudd
Russo
Santini
Sawyer
Schroeder
Schulze
Snyder
Selberling
Sensenbrenner
Shannon
Sharp
Shumway
Shuster
Smith, Nebr.
Snowe
Soyder
Solomon
Spellman
Stangeland
Stark
Stenholm
Stewart
Studds
Stump
Tauke
Taylor
Thomas
Thompson
Treen
Vander Jagt
Volkmer
Walgren
Walker
Weaver
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NOT VOTING—36

Ford, Mich.
Forsythe
Frenzel
Garcia
Goldwater
Gray
Hubbard
LaFalce
Leath, Tex.
Mathis
Rangel

Whitley
Whitten
Williams, Mont.
Wilson, Bob
Wilson, Tex.
Wirth
Wolf
Wolpe
Wright
Wyatt
Zablocki
Zeferetti

Murphy, Ill.
Murphy, Pa.
Myers, Ind.
Nolan
Nowak
O'Brien
Outinger
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Rosenthal
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Schroeder
Schulze
Snyder
Selberling
Sensenbrenner
Shannon
Sharp
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Shuster
Smith, Nebr.
Snowe
Soyder
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Spellman
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Stewart
Studds
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Gray
Hubbard
LaFalce
Leath, Tex.
Mathis
Rangel

□ 1130

The Clerk announced the following pairs:

On this vote:
Mr. Corman for, with Mr. Rangel against.
Mr. Foley for, with Mr. Garcia against.
Mr. Charles H. Wilson of California for, with Mr. Gray against.
Mr. LaFalce for, with Mr. Latta against.
Mr. Ford of Michigan for, with Mr. Leath of Texas against.

Until further notice:
Mr. Alexander with Mr. Anderson of Illinois.

Mr. Mathis with Mr. Frenzel.
Mr. Digs with Mr. Forsythe.
Mr. Dingell with Mr. Symms.
Mr. Runnels with Mr. Tribble.
Mr. Reuss with Mr. Wampler.
Mr. Stokes with Mr. Young of Alaska.
Mr. Yates with Mr. Brown of Ohio.
Mr. Blaggi with Mr. Burgener.
Mr. Synar with Mr. Clausen.
Mr. Roth with Mr. Bethune.
Mr. Ritter with Mr. Conyers.
Mr. Goldwater with Mr. Hubbard.

So the motion was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING PROCEDURES DURING FURTHER CONSIDERATION OF S. 869, CLARIFICATION OF CONFLICT OF INTEREST RESTRICTIONS ON FORMER GOVERNMENT EMPLOYEES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 281

Resolved, That during the further consideration of the bill (S. 869) to amend section 207 of title 18, United States Code, germane amendments to and affecting only subsection (b) of section 207 of title 18, United States Code, shall be in order, including the amendments only to said subsection printed in the Congressional Record of May 22, 1979, by Representative Eckhardt. No amendments to the bill affecting other than said subsection shall be in order in the House or in the Committee of the Whole, except the following amendments, which amendments shall not be subject to amendment except as specified herein but may be debated by the offering of pro forma amendments, and all points of order against said amendments for failure to comply with the provisions of clause 7, rule XVI are hereby waived:

(1) the following amendment to the bill if offered by Representative Kindness:
Add the following section at the end of the bill:

"Sec. 2. Subsection (d) of such section 207 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) on active duty as a commissioned officer of a uniformed service assigned to pay grade of O-9 or above as described in section 201 of title 37, United States Code; or

"(3) in a position which involves significant policymaking or supervisory responsibility, as designated under this paragraph by the Director of the Office of Government Ethics after consultation with the depart-

ment or agency concerned. Only positions for which the basic rate of pay is equal to or greater than the basic rate of pay for GS-17 of the General Schedule prescribed by section 5332 of title 5, United States Code, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978, or positions of active duty commissioned officers of the uniformed services assigned to pay grade of O-7 or O-8, as described in section 201 of title 37, United States Code, may be designated. As to persons in positions designated under this paragraph, the Director of the Office of Government Ethics may limit the prohibitions of subsection (c) to appearances before or communications to specified offices or specified positions, rather than to an entire department or agency. On an annual basis, the Director of the Office of Government Ethics shall review the designations and determinations made under this paragraph and, after consultation with the department or agency concerned, make such additions and deletions as are necessary.'";

(2) the following amendment if offered by Representative Eckhardt either as an amendment to the bill or as a substitute for the amendment designated numbered (1) above, if offered:

Page 1, lines 6 and 7, strike out "strike concerning" and insert "by personal presence at".

Page 1, line 7, before "and in subparagraph (3)" add "strike out concerning any formal or informal appearances before—" and insert in lieu thereof the following:

"(a) in a matter involving technical, medical, scientific, or educational research, as determined by the Office of Government Ethics, by personal presence at any formal or informal appearance, before, or

"(b) in all matters, concerning any formal or informal appearance before—"

Add the following section at the end of the bill:

"Sec. 2. Subsection (d) of such section 207 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) on active duty as a commissioned officer of a uniformed service assigned to a pay grade of O-9 or above as described in section 201 of title 37, United States Code; or

"(3) in a position designated under this paragraph by the department or agency concerned. Not later than July 1, 1980, each department or agency concerned shall, with the concurrence of the Director of the Office of Government Ethics, by rule designate positions as necessary to protect against the exercise of undue influence. Each department or agency concerned may also determine by rule that the provisions of subsection (c) of this section shall apply to persons formerly employed in positions designated under this paragraph only in the case of appearances before or communications to specified offices, or persons in specified positions, at the department or agency. On an annual basis, each department or agency concerned shall review those designations and determinations made under this paragraph, and, with the concurrence of the Director of the Office of Government Ethics, by rule make such additions and deletions as are necessary. No designation under this paragraph shall become effective less than ninety days after the promulgation of the rule making the designation.'";

(3) the following amendment to the bill if offered by Representative Kindness:

On page 2, following line 2, add the following new section to the bill:

"Sec. . Section 207 of title 18, United States Code, is amended by adding the following new subsection (e).

"(e) The prohibition contained in subsection (c) shall not apply with respect to the representation by any person who is an elected official or full-time employee of a State or local government, or any agency or instrumentality thereof, or any institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or any medical research or treatment facility exempted under section 501(c)(3) of the Internal Revenue Code of 1954.'";

Redesignate subsections (e) through (j) as subsections (f) through (k), respectively.

□ 1140

The SPEAKER pro tempore (Mr. LOWRY). The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, I wish to make a unanimous consent request to correct two technical printing errors in the rule.

Mr. Speaker, I ask unanimous consent to change the word, "designated," appearing on page 4, line 22, to the word, "designate," and to insert quotation marks before the word, "Redesignate," on page 6, line 3, and after the period on page 6, line 4.

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

There was no objection.

Mr. BOLLING. Mr. Speaker, this is a most unusual rule. It is designed to make it possible to pass in a timely fashion some difficult amendments to the so-called ethics bill.

The matter has been intensely controversial, both in committee and on the floor. There are those who do not want anything done, and there are those who want a great deal done.

We came down to a point where the Committee on the Judiciary was able to agree within itself on both sides of the aisle that certain nongermane amendments should be allowed to be offered to this very narrowly drawn bill. At first, I was very reluctant to have the Committee on Rules used in this particular fashion, but when it was further agreed that the gentleman from Texas (Mr. ECKHARDT), who had taken a great interest in this matter, should be allowed to offer an amendment either to one of the Kindness amendments or to the bill itself, it seemed to me that there was a fair situation here which would allow the House to work its will on a matter which has a very definite deadline.

There apparently are a number of extremely useful, valuable people in a number of different departments who, unless something is done about this matter in the immediate future, that is before June 1, although the effective date of the implementation of the law is July 1, will be leaving the Government and we will be depriving ourselves of the services of some extraordinarily able people.

The administration is interested in

this legislation. As far as I can make out, a number of Members on both sides of the aisle on the Committee on the Judiciary are interested in this legislation, and there are, of course, others who are interested in it.

Mr. Speaker, this is hoped to be a way in which we can resolve a difficult problem promptly, and largely by agreement among the parties most intimately involved in the legislation.

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

Mr. BOLLING. I will be glad to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I rise as one member of the Committee on the Judiciary and as the one who has been instrumental, I think, in making some changes in this law. In fact, I offered the amendment which has now been adopted, because when it was first taken up to this bill, the committee amendment was adopted striking the provision which increased the rank to O-9 for military that came over from the Senate. The rule now makes that in order in both Kindness and in Eckhardt, doing away with that actually and replacing it with certain language.

The rule also, which I find objectionable, says that these amendments, which are really made in order, would not be in order without the rule and cannot be subject to amendment. I find both in Kindness and in Eckhardt provisions which I believe I could agree to if the House were permitted to work its will on the amendments. In other words, I would be willing to go along with the will of the House if the House saw fit to adopt the amendment of the gentleman from Texas (Mr. ECKHARDT) or if the House saw fit to adopt the amendment of the gentleman from Ohio (Mr. KINDNESS). But I would first like for the House to be able to determine exactly, in the amendment of the gentleman from Texas (Mr. ECKHARDT), the time period therein, whether it should be 6 months or a year. The gentleman from Texas says it should be a year.

There is a year's delay in determining what people would come under the provisions in his amendment, and that also designates what people would be exempted.

There is also, between the two a provision as to whether the department head or the agency head makes the initial determination or as to whether the Director of the Office of Ethics makes the original determination as to which one of these lower echelon people should come within the purview of the act or of these criminal penalties.

Under this rule, we are not able to make that determination and fit it in. In other words, I personally would feel that if the amendment of the gentleman from Texas (Mr. ECKHARDT) went to January 1, 1980, and if it took the Kindness position that says the Director of the Office of Ethics was the initial determiner and not the department head or agency head, I could understand that.