

committee—with earphones on and listened to all of these taped conversations. Mr. Speaker, on the basis of my present information I feel that this is a good and adequate response.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker; I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 191]

- | | | |
|----------------|--------------|----------------|
| Anderson, Ill. | Ford | Qule |
| Bafalis | Fraser | Rangel |
| Blatnik | Gray | Reld |
| Broomfield | Gubser | Roberts |
| Brown, Calif. | Haley | Rodino |
| Buchanan | Harrington | Roncallo, Wyo. |
| Burke, Calif. | Hebert | Roncallo, N.Y. |
| Carey, N.Y. | Karh | Rooney, N.Y. |
| Chappell | Kazen | Rose |
| Chisholm | McSpadden | Rosenthal |
| Clark | Millrod | Shuster |
| Cleveland | Murphy, Ill. | Sikes |
| Cohen | Myers | Skubitz |
| Conyers | Nix | Steiger, Ariz. |
| Coughlin | Owens | Stokes |
| Dovine | Parris | Stubblefield |
| Diggs | Patman | Stuckey |
| Dorn | Pickle | Traxler |
| Drinan | Pike | Vander Jagt |
| Findley | Powell, Ohio | |

The SPEAKER. On this rollcall, 374 Members have recorded their presence by electronic device, a quorum.

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

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT, SATURDAY, MAY 4, 1974, TO FILE A REPORT ON H.R. 14462, THE OIL AND GAS ENERGY TAX ACT OF 1974

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Saturday, May 4, 1974, to file a report on the bill, H.R. 14462, the "Oil and Gas Energy Tax Act of 1974," along with any minority and/or supplemental views, and also to advise the House that the committee has instructed the gentleman from Pennsylvania (Mr. SCHNEBELLI) to request a closed rule.

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

There was no objection.

FRANKABILITY OF PICTURES AND SKETCHES OF MEMBERS

(Mr. UDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, I submit for printing into the Record at this point regulations affecting the frankability of pictures and sketches of Members under the Congressional Franking Act as adopted by the House Commission on Congressional Mailing Standards.

In addition, the Commission has prepared some guidelines designed to assist the Members in determining the proper size, number, and content of such pictures and these are also included.

FRANKABILITY OF PICTURES AND SKETCHES OF MEMBERS

For many years, it has been the usual and customary practice for Members of the House to include pictures and sketches bearing their likeness in mail matter sent under the frank.

The former Post Office Department, which regulated the use of the frank until 1968, had ruled that inclusion of such pictures in franked mail was proper, provided that such pictures did not tend to advertise the Member. There is little doubt that, from 1963 until enactment of the new franking law in December 1973, when the proper use of the franking privilege was, for the most part, determined by each Member, the use of such pictures, in some few instances, had expanded considerably.

During consideration of this matter by the Committee on Post Office and Civil Service and subsequently by both the House and Senate, it was determined that inclusion of such pictures in mail matter was a valuable tool in keeping constituents informed, thereby assisting Members in performing their official duties. However, in writing this authority into law, the Congress also recognized the possible resultant abuses and, therefore, also adopted restrictive language to the provisions which finally became law. The pertinent provisions [39 U.S.C. 3210(a) (3) (J)] follow:

"§ 3210(a) (3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

"(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text."

During its consideration of the regulations concerning the use of pictures mailed under the frank, the Commission determined that it would not be possible to cover each and every possible contingency which might arise in the use of such pictures. The Commission concluded, therefore, that it would adopt only those regulations which it deemed to be necessary and that it would also publish guidelines to assist Members in this regard.

The regulations, which follow, are designed to cover only those circumstances where such pictures are clearly frankable or not frankable:

REGULATIONS ON PICTURES AND SKETCHES

1. Mail matter consisting of newsletters, the usual and customary congressional questionnaire, or other general mass mailings, in-

cluding covering letters in connection therewith, may include as a part of the masthead thereof a picture, sketch, or other likeness of the Member which is in reasonable proportion to the size of the masthead.

2. Press releases which are frankable. If mailed to the communications media, may be accompanied by photographs which are directly related to the subject matter of the press release being so mailed.

The guidelines, which are set forth below, are intended to assist Members of the House in determining the proper size, number, and content of such pictures:

GUIDELINES FOR PICTURES AND SKETCHES

1. Mail matter consisting of newsletters and other general mass mailings may contain pictures and sketches bearing the likeness of a Member of or Member-elect to the House of Representatives.

2. Such matter should not include more than two such pictures or sketches on any one page thereof, and the area covered by such pictures and sketches should not exceed 20 percent of each such page.

3. A picture or sketch bearing the likeness of the spouse or other member of the family of a Member should not be included in such mail matter.

4. Except for a picture which is part of a masthead, the accompanying text of a picture or sketch should consist of more than a caption which merely identifies such picture or sketch.

5. A picture, sketch or other likeness of the Member, which is part of the masthead of such mail matter, should not cover an area exceeding six square inches.

The Commission is cognizant of the fact that the information contained in this announcement does not cover all circumstances which Members may face with regard to the frankability of pictures. Therefore, the Commission wishes to emphasize that we and our staff are always available to assist you with any question you may have in this regard, or for that matter, any other question concerning the use of the frank.

Issued in Washington, DC on April 30, 1974.

MORRIS K. UDALL,
Chairman.

AUTHORIZING CERTAIN FEDERAL AGENCIES TO DETAIL PERSONNEL AND TO LOAN EQUIPMENT TO THE BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8101) to authorize certain Federal agencies to detail personnel and to loan equipment to the Bureau of Sport Fisheries and Wildlife, Department of the Interior, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 15, strike out "Director." and insert "Director."

Page 2, after line 15, insert:

"(C) The Director of the Bureau of Sport Fisheries and Wildlife shall make an annual report at the end of each fiscal year to the Congress concerning the utilization of the provisions of this subparagraph and the additional cost, if any, to the Federal Government resulting therefrom. Such annual report shall be referred in the Senate to the Committee on Commerce and in the House of Representatives to the Committee on Merchant Marine and Fisheries."

The SPEAKER. Is there objection to

the request of the gentleman from Arizona?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the purpose of this arrangement of a loan for employees?

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

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

Mr. DINGELL. Mr. Speaker, briefly explained H.R. 8101 as it passed the House would authorize the Department of Transportation, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, and the National Aeronautics and Space Administration to detail personnel and loan equipment to the Director of the Bureau of Sport Fisheries and Wildlife, in order to enable him to more effectively carry out his responsibilities to manage and protect our fisheries and wildlife resources.

The Senate amended the bill in two respects:

The first amendment was technical in nature—it merely eliminated the quotation marks after the word "Director" in order to allow for the addition of a new subsection (C).

The second amendment would add a new subsection (C) to require the Director of the Bureau of Sport Fisheries and Wildlife to make an annual report to the Congress concerning the utilization of personnel and equipment provided to the Director by the various agencies and the cost, if any, to the Federal Government resulting from the utilization of such personnel and equipment.

On the Senate side, the annual report would be referred to the Senate Commerce Committee and, on the House side, to the Merchant Marine and Fisheries Committee.

Mr. Speaker, I think the Senate amendments are good; they make the legislation more workable, and I recommend that the House concur in the Senate amendments.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this question:

This does not mean an expansion of the Federal payroll, because I understand it uses employees who are already on the payroll?

Mr. DINGELL. Mr. Speaker, I assure the gentleman it is my expectation that there will be minimal cost associated with the legislation before us.

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

The SPEAKER. Is there objection to the request of the gentleman from Michigan (Mr. DINGELL)?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ENERGY RESEARCH AND DEVELOPMENT APPROPRIATIONS ACT, 1975

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1071 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1071

Resolved, That during the consideration of the bill (H.R. 14434) making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes, all points of order against chapters I and II, the provisions of chapter IV under the heading Atomic Commission, Operating Expenses, and Plant and Capital Equipment, and chapter VI of said bill are hereby waived for failure to comply with the provisions of clause 2, rule XXI.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

(Mr. YOUNG of Texas asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 1071 provides for an open rule on H.R. 14434, a bill making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30 1975.

House Resolution 1071 provides that all points of order against chapters I and II, the provisions of chapter IV under the heading Atomic Energy Commission, Operating Expenses, and Plant and Capital Equipment, and chapter VI of the bill are waived for failure to comply with the provisions of clause 2, rule XXI of the Rules of the House of Representatives (unauthorized appropriations).

H.R. 14434 provides a grand total of \$2,269,828,000 in new budget (obligational) authority. The bill allocates \$1,507,760,000 for energy research and development efforts of the Atomic Energy Commission, \$571,933,000 for the Interior Department which includes significantly expanded coal research activities, \$101,800,000 for the National Science Foundation, \$54,000,000 for the Environmental Protection Agency, and \$19,000,000 for the Federal Energy Office, expanded coal research activities, \$101,800,000 for the National Science Foundation, \$54,000,000 for the Environmental Protection Agency, and \$19,000,000 for the Federal Energy Office.

Mr. Speaker, I urge the adoption of House Resolution 1071 in order that we may discuss and debate H.R. 1443.

Mr. GROSS. Will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. I must take issue with the gentleman's statement that this is an open rule when it provides for the waiving of points of order on some four chapters of the bill. This is an amazing rule as far as I am concerned, and I am opposed to it.

I thank the gentleman for yielding.

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

(Mr. DEL CLAWSON asked and was

given permission to revise and extend his remarks.)

Mr. DEL CLAWSON. Mr. Speaker, House Resolution 1071 provides a waiver of order against specified sections of H.R. 14434, a bill to make appropriations for energy research and development for fiscal year 1975. These energy related appropriations have been put into a special bill for the first time in order that they may be expedited. In his testimony before the Rules Committee the distinguished chairman of the Appropriations Committee indicated that the intent is to have these appropriations enacted into law by the first day of the new fiscal year so that planning of energy research and development can progress in an efficient way.

Mr. Speaker, the waiver of clause 2 of rule XXI, which is provided in this rule, is necessary because several appropriations in this bill have not yet been authorized.

The bill contains funds for the National Aeronautics and Space Administration and the National Science Foundation. Authorizing legislation for these items passed the House last week but has not been enacted into law and thus these appropriations are technically not in compliance with clause 2 of rule XXI.

The bill also provides funds for the Atomic Energy Commission which similarly are not authorized although such legislation has passed both the House and Senate.

The appropriation of funds for the Federal Energy Office is also technically in violation of clause 2, rule XXI, although authorizing legislation has passed both the House and the Senate and the conference report was adopted in the House yesterday.

With respect to the \$54 million recommended in the bill for the energy research and development activities of the Environmental Protection Agency there is presently no basic authorizing legislation for appropriations for fiscal year 1975.

Mr. Speaker, in general I am not in favor of waiving the Rules of the House. However, as the distinguished chairman of the Appropriations Committee pointed out in his appearance before the Rules Committee, this waiver is necessary if we are going to get this appropriation bill through at this time, and therefore, with some reluctance, I support this resolution.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman.

Mr. ROUSSELOT. So really we have a rule waiving points of order for three titles here. Is that correct?

Mr. DEL CLAWSON. We have a rule waiving points of order on several of the titles.

Mr. ROUSSELOT. But it has the effect of our being unable to amend those three important areas of this bill.

Mr. DEL CLAWSON. You can amend, but points of order are waived. As far as amending it is concerned, you can offer amendments.

Mr. ROUSSELOT. I thank the gentleman.