their jobs. In my own State of Minnesota, nearly 90,000 jobless are now drawing unemployment compensation—a 40-percent increase over a year ago. As they exhaust their health benefits, their only alternative is medicaid. But that program imposes stringent income eligibility requirements and assets tests. Thus, there is a lag between a worker losing his job and the possibility of medicaid coverage.

This emergency measure, which will run until June 30, 1976, will cost about $2 billion. However, much of this money would otherwise be spent on medicaid, which is financed in large part by State tax dollars.

I am pleased that legislation on ways to fill this gap in health insurance coverage is receiving immediate attention. Hearings on ways to solve the problem have started in both the Ways and Means Committee and the Interstate and Foreign Commerce Committee. There is widespread and diverse support for such proposals. The hearings and discussions will bring forth ideas on how best to administer the program and how to achieve maximum results.

Congress recognizes the need for legislation that treats all unemployed workers fairly. But we need to move quickly before millions of Americans find their economic problems are compounded by inadequate health care.

I include a list of those Members who have joined me in sponsoring this bill and a text of the bill:

LIST OF COSPONSORS

Ms. Abzug, Mr. Badillo, Mr. Baldus, Mr. Bingham, Mr. Brademas, Mr. Brodhead, Mr. Brown of California, Mr. John L. Burton, Mr. Carney, Mr. Carr.

Mrs. Collins of Illinois, Mr. Cornell, Mr. Conyers, Mr. Danielson, Mr. Dellums, Mr. Edgar, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Michigan, Mr. Gilman, Mr. Harrington.

Ms. Holtzman, Mr. Jenrette, Mr. Nix, Mr. Nowak, Mr. Nedzi, Mr. O'Hara, Mr. Ottinger, Mr. Rangel, Mr. Richmond.

Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Ms. Schroeder, Mr. Solarz, Mr. James V. Stanton, Mr. Stark, Mr. Studds, and Mr. Charles H. Wilson of California.

H.R. 3228

A bill to establish an emergency health benefits program for the unemployed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Unemployment Health Benefits Act of 1975".

SEC. 2. The Emeregncy Jobs and Unemployment Assistance Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE IV—EMERGENCY HEALTH BENEFITS PROGRAM

"ELIGIBILITY FOR HEALTH INSURANCE BENEFITS

"SEC. 401. (a) It is the purpose of the title to provide—

"(1) to each individual who—

"(A) is unemployed and is entitled to receive weekly compensation under a State or Federal unemployment compensation law (including the special unemployment assistance program established by title II of this Act), and

"(B) would, if his employment by his previous employer had not been discontinued, be covered under an employer-sponsored health insurance plan, and

"(2) to each dependent spouse (as defined in regulations of the Secretary) and to each dependent child (as defined in such regulations) of an individual described in clause (1),

health insurance benefits of the type and scope which would have been provided to such individual (or to such dependent spouse or dependent child) under the health insurance plan referred to in clause (1)(B), if the individual described in clause (1) were still employed by his previous employer.

"(b) For purposes of subsection (a) an individual is 'unemployed' for any week if, for such week, such individual is entitled (or would, except for illness or disease, be entitled) to receive compensation under a State or Federal unemployment compensation law. The Secretary may, in order to facilitate the administration of this title, provide by regulation that an individual will, for purposes of subsection (a), be deemed to be unemployed for all of the weeks in any period of weeks (not in excess of six weeks) if such individual is for one or more of the weeks in such period 'unemployed' within the meaning of the preceding sentence.

"(c) No health insurance benefits shall be provided under this title to any person—

"(1) during any period for which he is covered (without regard to the provisions of this title), or has the opportunity to obtain (by reason of action on his part or on the part of any member of his family) coverage, under any employer-sponsored health insurance plan, or

"(2) who would have received benefits under an employer-sponsored health insurance plan which provided health benefits to formerly employed persons which plan was in effect on February 7, 1975.

"ARRANGEMENTS WITH CARRIERS AND STATE AGENCIES

"SEC. 402. In carrying out the purpose of this title, the Secretary shall (whenever he is able to do so)—

"(a) enter into arrangements with the carriers (and in appropriate cases with employers or employee welfare benefit plans (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974)) whereby individuals covered for benefits under this title will be provided such benefits under the particular health insurance plan by which such individuals were covered while employed by their previous employer and there will be paid to such carriers (or, in appropriate cases, to such employer or employee welfare benefit plan) amounts equal to the premiums or other charges prescribed for such benefits plus any additional administrative expenses reasonable incurred by the carrier (or by the employer or health and welfare trust) in securing such benefits under the arrangement, and

"(b) enter into agreements with the State agency of each State under which such agency will be utilized by him for the purpose of making determinations, in the case of individuals in the State, of eligibility of such individuals for the health insurance benefits provided by this title, and for the purpose of making payments to carriers (and employers or employee welfare benefits plans) through whom such benefits are secured for individuals in such State; and any such agreement shall provide that the Secretary will pay to each State agency which is a party thereto amounts equal to the administrative and other expenses reasonably incurred by such State agency which is a party thereto amounts equal to the administrative and other expenses reasonably incurred by such State agency in performing the functions specified in the agreement.

"DEFINITIONS

"SEC. 403. As used in this title—

"(a) the term 'Secretary' means the Secretary of Labor;

"(b) the term 'employer-sponsored health insurance plan' means a health insurance plan which covers some or all of the employees of an employer and the premiums for which are paid or collected wholly or in part by the employer;

"(c) the term 'health insurance plan' means an insurance policy, contract, or other arrangement under which a carrier undertakes in consideration of premiums or other period payments, to provide, pay for, or reimburse the costs of, health services received by individuals covered by the plan;

"(d) the term 'carrier' means a voluntary association, corporation, partnership, or other nongovernmental organization which is engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier;

"(e) the term 'employer' shall have the meaning given such term in the applicable State or Federal unemployment compensation law described in section 401(a)(1)(A); and

"(f) the term 'State agency' means the agency of a State which administers the unemployment compensation law of that State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954.

"TERMINATION DATE

"SEC. 404. Notwithstanding any other provisions of this title, no health insurance benefits may be provided under this title with respect to any week ending after June 30, 1976.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 405. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

[Mr. BINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BRODHEAD) is recognized for 5 minutes.

[Mr. BRODHEAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AMENDING THE HATCH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FISHER), is recognized for 5 minutes.

Mr. FISHER. Mr. Speaker, I am a cosponsor of H.R. 3934, the Federal Employees' Political Activities Act of 1975, which would amend the Hatch Act by broadening and more explicitly defining the extent to which Federal civilian and postal employees may participate in political activities. I added my name to this legislation with the qualification that strong language be incorporated into the bill to protect Federal employees from harassment and coercion. I have been assured by its prime sponsors on the Post Office and Civil Service Committee that

the city public service board to demand that the board do Wyatt's bidding. Wyatt ordered:

> Jaffe to talk to McAllister and support my plan. Jaffe not to participate in presentation. Instead, suggest three people to go before CPSB on Oct. 11: 1. Chas. Becker, 2. Newspaper editor, and 3. Local businessman, to talk about 'gas shortage.'

Later, Wyatt changed his mind, and ordered Davis to try only for a newspaper executive to make the pitch for him. As far as I know, this particular approach never got off the ground. All the pressures notwithstanding, San Antonio did not support Wyatt's bill in the legislature, and did not renegotiate its contract, either. Meanwhile, Coastal's gas supply situation began to grow worse. If the company bought the gas they needed, they would start to lose money. That could not be allowed, because it would ruin the company's stock and cost Wyatt untold millions in paper profits. So Coastal started drawing down what few reserves it had, hoping that eventually the customers could be browbeat into renegotiating their contracts.

Wyatt never admitted that his gas supply situation was desperate. He claimed to the investing public that he had enough gas to cover 125 percent of the company's commitments, through 1989. He claimed to Walter McAllister that he had plenty of gas to meet the San Antonio contract. All he wanted, Wyatt said, was to be able to be certain of getting a gas supply adequate for the distant future, and that would require renegotiating the contract with San Antonio.

It was a lie, of course. Coastal had nothing like the gas needed for even the next 2 years, let alone 10 or 11. Almost 2 years to the day after Wyatt wrote McAllister, claiming that he could service the San Antonio contract through its completion date, Coastal literally ran out of gas. San Antonio, in the spring of 1973, faced a catastrophic loss of gas to operate its electric generating plants. There was insufficient oil on hand to use as a substitute; even if there had been, the plants were not equipped to burn oil over sustained periods of time. San Antonio woke up in a daze; it was as if a bomb had destroyed the heart of the city. There was every prospect, for a few days at least, that San Antonio would experience large scale backouts. Plans were laid for emergency, rotating blackouts of the city.

Somehow San Antonio avoided a total catastrophe. However, at last, the truth was known. Oscar Wyatt was a fake, a fraud and a liar. He never had possessed the gas reserves he claimed.

Charles Becker was elected to the San Antonio City Council once again in the spring of 1973. He staged the most vicious and expensive campaign in city history. He spent more than all other candidates combined—more than $200,000, to be elected to a $20 a week job. Becker wanted to be Mayor, because as Mayor he could, among other things, be a member of the city public service board. There, he would push and shove for Oscar Wyatt's team. What Wyatt wanted, Becker wanted. What Wyatt demanded, Becker demanded.

When outraged citizens joined me in demanding that the city sue Coastal States for its obvious breach of contract, Becker argued against it, dragged his feet, and obstructed every effort. Just before his election, Becker called Norman Davis to say that it was a shame that San Antonio was blaming poor old Oscar Wyatt for all its troubles. Davis marked his memo, "confidential." Whether this was because he knew that if Becker's activities were known it would cost him the election, I can not say. Neither he nor Becker ever made any mention of the call.

Clearly, though, before he became mayor of San Antonio, Charles Becker was committed to Oscar Wyatt's cause. As a mayor, he would be a member of the board that Wyatt had never been able to suborn or intimidate. A man like Becker, who was talking to Wyatt's own lawyer, could be a very useful asset.

It is impossible to tell who really financed Becker's lavish campaign. He probably put up much of the money himself. Some of it he attributed to employees of his grocery company. Some of it he extracted—willingly or unwillingly—from the people who did business with his grocery company. Some was attributed to associates of Jim Dement, a big commercial developer in the self-made mold that Becker so admires; some of it was attributed to Dement himself; some was attributed to associates of Jaffe. Throughout the Becker financial reports there are oddities. An apartment manager gave $2,000. A secretary was shown as giving $1,500. Others, who were reported as giving hundreds of dollars to Becker, or even thousands, are unknown for political contributions to any campaign. Still other amounts, usually in thousand-dollar chunks, Becker put down as "anonymous."

Becker promptly began working for Wyatt's interests as Mayor. He obstructed the city's lawsuit; he quarreled with the public service board's attorney, and he even brought Wyatt to town to explain things, but this only produced a fiasco that infuriated Wyatt and embarrassed Becker.

So we have it: a sorry story, in which powerful interests intertwined, in which bad decisions were made inevitable by a fabric of lies, in which fatuous fools like Charles Becker were used, in which a whole city was betrayed. A few emerged as winners: Wyatt created a billion dollar company from his grand gamble, and made himself a millionaire many, many times over. Glen Martin made millions himself, and today threatens to sue anybody who says he cheated his partners and deceived everybody he ever dealt with, with the possible exception of Oscar Wyatt, though that is only the simple truth. Others, like Becker, have been discredited, though for a simple fellow like him, this was inevitable and only hastened by his fascination for the clever Wyatt and his friends. The biggest losers were the people of San Antonio, who today face a permanent energy crisis, and the prospect of paying utility bills that are astronomically high in comparison with those of 2 years ago, and possibly will be higher still in the days and years to come.

San Antonio was and is truly a city betrayed. We have a bitter legacy from Wyatt, from Martin, and from those who aided and abetted them, like William Spice, the nearly forgotten geologist whose faked report made the whole thing possible. We have now to make the best of it.

In the coming days I will discuss some of the possible steps that San Antonio can take to deal with its energy problems. The first thing, obviously enough, is not to deal with a crook like Wyatt again. Beyond that, other actions can be taken to ease the pain and insure the future, and I will discuss these as time permits.

LEGISLATION TO EXTEND HEALTH INSURANCE COVERAGE TO UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, today 40 members have joined me in sponsoring a bill to extend health insurance coverage to the unemployed.

Under this proposal, an unemployed worker receiving unemployment compensation would retain the same coverage he or she held under the employer's or union's health plan. The Secretary of Labor will make payments to the carrier or the health and welfare fund to continue the coverage.

In January, 8.2 percent of the labor force was out of work. Of the 7.5 million jobless workers, it is estimated that 70 percent had been receiving health insurance benefits through group plans. Most of these benefits terminate within a few months after the loss of a job.

At $65 per week, the average unemployment compensation check, a worker cannot afford to purchase expensive individual health insurance coverage for himself and his family. He can barely stretch the check to cover food and shelter. My proposal will help those jobless workers by providing health insurance coverage to those receiving unemployment compensation. I have used this vehicle because 80 percent of those out of work will be eligible for these benefits. This health insurance coverage will be administered by the Secretary of Labor through the existing unemployment insurance structure.

I stress that this program is an emergency, stop-gap measure. It will have the problems and advantages of the unemployment benefits system, the problems and advantages of the private health insurance system. The only long-term solution to the problem of inadequate health care is comprehensive national health insurance. But until we get national health insurance—and I hope this emergency speeds up that legislation—we must do something for the millions of Americans who find that their health benefits are disappearing along with

adequate protections will be incorporated.

I favor amending the Hatch Act because I believe that we should no longer bar Government employees from the ordinary forms of participation in political processes enjoyed by other citizens. The right to express their political views and support candidates of their choice is fundamental to our democratic system.

At the same time that we remove some of these constraints on freedom of expression, I am adamant that we not open the way to the abuses which led to the enactment of the Hatch Act in the first place. Federal employees must never be in danger of losing their jobs or damaging their careers because they exercise the right of a citizen to support candidates or political programs of their choice.

The Subcommittee on Employee Political Rights and Inter-Governmental Programs will be holding hearings on this proposal in Washington and in cities around the country where there are large numbers of Federal employees. I look forward to getting employee views on this subject, and finding ways to improve the bill based on information they provide. I will encourage citizens of my district, where more than one-third of the work force is employed by the Federal Government, to give me their views on this important legislation.

HEARINGS BEFORE THE SUBCOMMITTEE ON ENERGY AND POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 15 minutes.

Mr. DINGELL. Mr. Speaker, in February the President's omnibus energy bill—the Energy Independence Act of 1975, was assigned to committee. Nine of the 13 separate titles of this comprehensive package were assigned to the Committee on Interstate and Foreign Commerce.

In this Congress our committee has formed a new Subcommittee on Energy and Power in order to give focus to our decisionmaking responsibilities on energy policy matters. As chairman of that subcommittee, I want to take this opportunity to assure my colleagues in the House that I will commit my full capacities to move expeditiously and bring legislative recommendations to this floor in the very near future.

To gain an understanding of the dimensions of our energy difficulties and to give focus to our deliberations, the subcommittee during the week of February 17 held hearings on the President's energy proposals. Our task was to identify the underlying goals of the program, to evaluate the means selected to accomplish these goals, and to take the economic measure of the policies to which this Congress has been asked to accede. These matters were explored in 30 hours of intense review of the President's program concentrated in 4 days of hearing.

We discovered in these proceedings that great controversy attends the energy policy decisions made by the President. But perhaps the most dominant point made by all witnesses is that energy policy is inextricably linked with economic policy. Decisions in one area hold considerable implications for the other.

The development of a rational, cohesive energy policy, therefore, must necessarily be linked to tax policy and strategems for pulling this Nation out of its recessionary spiral.

In recognition of this interrelationship, my good friend and colleague, Chairman ULLMAN of the Ways and Means Committee, and I propose to commit our committees to a parallel course of action for the purpose of developing a cohesive and comprehensive energy program.

For my part, I intend to once again convene the Subcommittee on Energy and Power beginning the week of March 10 for a series of concentrated hearings to stretch over a 2-week period. The committee will invite testimony from a number of balanced panels on the subject of Federal and State allocation and price regulation of natural gas, coal, and petroleum and its products. We will also examine various proposals to equip the President and other agencies of the Federal Government with emergency powers.

Our purpose will be to draft legislation which responds to our most pressing and immediate needs. Although the focus of this legislation will be in the near term, it will necessarily provide the dimension for future long range energy policy decisionmaking.

Toward that end, I also intend to convene the Energy and Power Subcommittee beginning the week of March 24 for the purpose of defining the policy parameters of legislation to be drafted by the staff during the Easter recess. In giving legislative form to the subcommittee's policy decisions, committee counsel will be instructed to work with the staff of the Ways and Means Committee to assure to the maximum extent practicable consistency with the tax policy decisions of that committee. It will be our purpose to bring legislation to the floor by mid or late April to be combined with the legislative recommendations of the Ways and Means Committee into a comprehensive energy package.

The subcommittee at the earliest opportunity thereafter will begin consideration of proposals related to the price regulation of electric utilities and siting of energy facilities—titles VII and VIII of the administration's bill and related proposals. These hearings are tentatively scheduled to commence the week of April 28.

Let me make the record clear on another matter. Although the Energy and Power Subcommittee will invite testimony on the subject of price regulation of natural gas, I am not committed to an effort to bring legislation to the floor addressing the subject of natural gas price deregulation. As my colleagues know, this is a matter of great controversy and one I have for some time opposed. I will not burden this record with my reasons for doing so in the past, but I believe them to be cogent and still applicable.

I want to emphasize I have held many discussions with Chairman ULLMAN of the Committee on Ways and Means. It is our intention to work closely together as our two committees draft legislation within respective jurisdictions on the subject of energy.

ON THE CONTINUATION OF OUR CHILD NUTRITION PROGRAMS

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

Mr. KOCH. Mr. Speaker, I am deeply concerned about a possible setback in the progress of our child nutrition programs. We all realize how crucial adequate nutrition is, and those who cannot afford a proper diet should be aided by the Government to achieve that basic goal.

The Ford administration has proposed a plan which would end the child nutrition programs as we know them, and replace some of them with a system of block grants to the States. This change would provide approximately $600 million a year less in food assistance, the primary savings result from the termination of Federal support for school meals served to nonpoor children. The block grant funds could be used by States to fund schools or institutions providing free meals only to children below the poverty line, now set at $4,510 a year for a family of four.

Children in the income range between 100 percent and 125 percent of the poverty line, who receive free meals under existing legislation, would generally find themselves paying 70 cents or more each day if this plan goes into effect. The administration's proposal would also eliminate all Federal meal standards. Under that plan, each State would prescribe its own nutrition standards and meal pattern requirements. Also eliminated by the administration's proposal is the WIC—women, infants, and children—program, which provides milk to pregnant and lactating mothers, as well as to their infant—4-year-old children. The proposal would allow States to fund only programs for children from birth to age 17. This, of course, cuts out mostly all mothers now participating.

There is no question in my mind that our Nation's nutritional health would suffer should the administration's plan go into effect, and I am hoping the Congress will realize this and defeat the measure when it comes before us.

Two much more practical plans of action exist in Senator MCGOVERN's S. 850 and Congressman PERKINS' H.R. 3736. Both provide for an extension of the nutrition programs as they now exist. The Perkins bill is a sound one and should be given full consideration. However, I would like to recommend that some modifications be made in H.R. 3736.

The goal of our child nutrition programs, as I see it, must be to provide as many persons as we can with the best possible nutritionally sound meals. I would like to see day care institutions receive the same reimbursement rate for meals as the school lunch program now receives. This can be achieved in two ways. Congressman PERKIN's measure

proposes to redefine "school" so that day care centers could be included in that definition, and thus have to receive funding equal to the school nutrition programs. The fault with this scheme, as I view it, is that suppers and supplements, which are served in most day care institutions would be overlooked because the meals are not recognized under the school food program. These meals account for 45 percent of all meals now served in day care food programs. S. 850, rather than merging day care centers and schools, requires that the reimbursement rates and commodity donation rates for lunches and breakfasts served in day care institutions be identical to the rates paid in the school food program.

Suppers would carry the same reimbursement rate as lunches, while supplements to the especially needy would be reimbursed at the rate of 25 cents each.

Another problem that might arise should day care centers be included in the definition of "schools" is that these centers would be competing with the schools for the equipment funding sent to each State for the school food program. In most cases, the day care institutions would have little or no chance of receiving equipment funds since there is usually not enough equipment money to satisfy even the schools applying for aid. The McGovern bill would provide that $5 million be apportioned among the States each year to provide equipment assistance to day care and summer feeding centers.

If the day care institutions become part of the school food program, States would legally be permitted to divide their reimbursement funds in any way they chose. Schools could receive higher than average reimbursements, while day care centers would receive lower than average payments. The McGovern bill, assuring separate funding, would preclude this from happening.

I would like to see the House bill include in the school lunch program family day care centers of 12 or fewer children, and licensed residential institutions such as nonprofit orphanages, homes for the mentally retarded and emotionally disturbed children, temporary shelters for runaway or abused children, juvenile detention centers and others. The bill should also make short term residential camps for poor children eligible for funding under the summer feeding program.

While the Congress is considering these nutrition programs, the WIC program should be looked into.

An estimated 7 percent of the live-born infants in the United States have structural or metabolic defects that are evident at birth or can be diagnosed during the first 2 years of life. Nearly 8 percent of our newborn weigh 5½ pounds or less, and birth defects are three times as common in these low-weight babies as in larger infants. In fact, nearly half of all infant deaths in the United States are associated with low birth weight according to the National Center for Health Statistics. Low birth weight is associated with retarded mental development. There is growing evidence that improving nutrition during pregnancy, even as late as the last 3 months, can have a significant effect on birth weight and that maternal weight gain during pregnancy probably is the most important determinant of birth weight.

The WIC program, by providing milk and other supplements to pregnant mothers and their infants is the first major attempt by the U.S. Government to improve the quality of life at birth and during early childhood. Medical evidence concerning the irreversible effects of malnutrition during infancy will eventually cost taxpayers much more in remedial education, medical, and public assistance expenditures than the modest cost of the food packs offered by the WIC program.

I would strongly support S. 850's provision which would allow 25 percent of the funds provided to States to be used for administrative costs, instead of the current 10 percent. WIC clinics would be required to use part of the administrative funding for outreach and nutrition education, as well as for general administrative costs.

Catherine Cowell, director of the Bureau of Nutrition in New York City, informed me that an increase in administrative funds is sorely needed. Although census data indicates that at least 4½ million pregnant women and young children are below the poverty line, there are only 630,000 participants in the WIC program. This is a serious gap—one which must be closed as soon as possible.

Legislation must be enacted which would continue, expand, and improve the WIC program. The $300 million requested in S. 850 should be enacted. The statistic that places the United States 14th in the world in infant mortality is a national disgrace, and should be acted upon immediately.

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

[Mr. KOCH's remarks will appear hereafter in the Extensions of Remarks.]

(Mr. KOCH asked and was given permission to extend his remarks at this paoint in the RECORD and to include extraneous matter.)

[Mr. KOCH's remarks will appear hereafter in the Extensions of Remarks.]

PERSONAL EXPLANATION

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

Mr. MILFORD. Mr. Speaker, after introducing H.R. 640, I have found that the people of the 24th District of Texas stand in opposition to the intent and purpose of the legislation. Therefore, I would like to advise the Members of the House of my intention to withdraw my support of that piece of legislation and so to inform the chairman of the House Interstate and Foreign Commerce.

SOCIAL SECURITY INEQUITY

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

Mr. OTTINGER. Mr. Speaker, under current law, an individual over 45 who has not worked under social security for at least 5 of the last 10 years is not covered by disability, regardless of how many years, in total, he had worked under the system.

My concern in this area grows out of the experience of one of my constituents who is now permanently disabled. In his lifetime, he had worked under the social security system for 25 years, but because he had not worked under the system for at least 5 of the last 10 years, he has become totally disqualified from receiving any disability benefits.

Today, I am introducing legislation to correct this obvious inequity. I proposed to allow complete disability coverage for any individual over 45 who has worked under the social security system for at least 10 years, total.

The operative provisions of my bill reads:

That (a) section 223(c)(1)(b)(i) of the Social Security Act is amended to read as follows:

(i) he had not less than 40 quarters of coverage as of the close of the quarter in which such month occurred, or not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or.

In addition, section 216(i)(3)(B)(i) of the Social Security Act is amended by inserting the identical language above.

It is absolutely wrong for a disabled worker to be penalized in this manner, and this great inequity must be corrected. Thirty-eight of my colleagues have joined in cosponsoring this legislation and I am listing their names and the text of the bill below:

LIST OF COSPONSORS

Mr. Yates (Ill.).
Mr. Conyers (Mich.).
Mr. Benitez (P.R.).
Mr. Nix (Pa.).
Mr. Rosenthal (N.Y.).
Mr. Mitchell (N.Y.).
Mr. Brown (California).
Mr. Ellberg (Pa.).
Mr. Fascell (Pa.).
Mr. Solarz (N.Y.).
Mr. Thompson (N.J.).
Mr. Drinan (Mass.).
Mr. Dingell (Mich.).
Mrs. Collins (Ill.).
Mr. Harrington (Mass.).
Mr. Sarbanes (Md.).
Mr. Roybal (Calif.).
Mr. Helstoski (N.J.).
Mr. Pattison (N.Y.).
Mr. Badillo (N.Y.).
Mr. Hicks (Wash.).
Mrs. Spellman (Md.).
Mr. D'Amours (N.H.).
Mr. Edgar (Pa.).
Mr. Downey (N.Y.).
Ms. Holtzman (N.Y.).
Mr. Studds (Mass.).
Mrs. Burke (Calif.).
Mr. Riegle (Mich.).
Mr. Giaimo (Conn.).
Mr. Gaydos (Pa.).
Ms. Abzug (N.Y.).
Mr. Corman (Calif.).

hon's speech. At that point, White House lobbyist Max Friedersdorf, Pentagon legislative chief Jack Marsh and somebody else from the White House got me off the floor and said, 'Oh, Jerry, you can't say Southeast Asia, you've got to limit it to Cambodia.' I said to them, 'I have said it on the floor, you confirmed it and reconfirmed it and there's no way to go back on it. Sorry, that's it, period.' They said, 'It can't be that way.' I said, 'I'm sorry.'

"So I went back to the floor and the debate went on and on and on. My colloquies on the floor (on whether Ford's proposed compromise had presidential sanction) took place. I said, 'No, I didn't talk to the president but to White House sources.' And at that point there was some laughter or booing or whatever it was. Apparently Friedersdorf and his associates were in the gallery and they felt that things were deteriorating a bit. Maybe they were. So they called Timmons. Timmons called the White House (in San Clemente) and the president then called me. I took the call in the Republican cloakroom off the House floor. I talked to the president for about ten minutes. I read to him the three points I made on the House floor and he said, 'That's fine.' Then I went back on the floor and I reconfirmed what I had previously said and told the House that the president approved of it.

"Five minutes later or so I got a call from Al Haig. He said, 'Oh, you can't do that. The president won't accept it.' I said, 'Al, it's done. That's it. I'm sorry but there's no way I can erase what I said. It is my understanding that this is what the president approved in his conversation with me.' Al was obviously disappointed. He said, 'I was sitting in the room with the president when you talked to the president. What you have said was apparently not what the president understood you to have said.' I said, 'I'm sorry, Al, but that's the way it has to be.' About five minutes later, maybe ten minutes, I got a call from Mel Laird, out at San Clemente. Mel said, 'Everything's okay. Don't worry about it.' That's it. I never asked Mel. But I can't help but believe that the president called Mel in and Mel and the president and Al Haig talked about it. It was my impression that the three of them then decided that what I had said on the floor had their approval. Because in the meantime there was a big hassle on the Senate side as to whether it sould be limited to Cambodia or broadened to include Southeast Asia. Apparently my comment on the floor of the House resolved that problem in the Senate. That's what I'm told.

"I wrote down what I thought had to be said to win. In retrospect they say they didn't understand what I was saying. I thought it was pretty clear. Without it I think we might have gotten through. But it would have been a hard fight and I'm not sure the Senate would have taken just Cambodia. I think we might have won in the House.

"I don't like to put it on the basis of win or lose but I thought we made a very successful compromise. It was not all we wanted, but enough to give Henry Kissinger a chance to achieve what they thought could be accomplished in Cambodia. And I really, in retrospect, honestly believe that if we hadn't put in Southeast Asia the end result would have been chaos. The Cambodian provision was a rider to an appropriation bill that involved funding for a lot of agencies of the federal government. We could have had a very, very difficult situation if the bill had been vetoed."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

[Mr. KOCH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

VOTE ON H.R. 4700

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. SPELLMAN), is recognized for 5 minutes.

Mrs. SPELLMAN. Mr. Speaker, at the moment of the vote on H.R. 4700, I was involved in pressing for inclusion in impending legislation, items of great import to my district. Because I knew that, without question, H.R. 4700 would prevail by a large margin. I continued that work—very successfully, I might add.

However, H.R. 4700, clearly, is legislation I am vitally concerned with. I wish to state for the record that I would have voted "yea."

THE NEED TO REPEAL HATCH ACT RESTRICTIONS AGAINST FEDERAL EMPLOYEES

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

Mr. KOCH. Mr. Speaker, I am pleased that the Subcommittee on Employee Political Rights, chaired by Representative BILL CLAY of Missouri, is holding hearing on the need to remove political restrictions against Federal employees under the Hatch Act.

In January 1973, I introduced legislation to restore the political rights of Federal, State, and local employees while still protecting them at work from financial solicitation and other political harassment. A provision of last year's campaign reform bill—the Federal Election Campaign Act Amendments of 1974, Public Law 93-443—removes most Hatch Act restrictions against State and local employees. As of January 1, 1975, the nearly 3 million State and local employees can serve as officers of political parties and as delegates to the national conventions, can solicit votes on behalf of candidates, and so on down the long list of previously prohibited endeavors under the Hatch Act's dictum of "no active participation in political management or in political campaigns." The restrictions against coercion of fellow employees, solicitation of funds on-the-job, or any other abuse of official authority to influence elections remain in force, as they should.

As a member of the House Administration Committee last year, which drafted the campaign reform bill, I was pleased to support and assist in the adoption of this provision.

I withheld from offering an amendment to include Federal employees as well in order to assure the adoption of the State and local provision. It was then and is now my hope that the Congress will also restore the political rights of Federal employees.

According to the Library of Congress and the Joint Committee on Reduction of Federal Expenditures, there are approximately 2.8 million Federal civil servants and postal employees in the United States today. The District of Columbia and seven States—California, Illinois, Maryland, New York, Pennsylvania, Texas, and Virginia—each have more than 100,000 Federal employees. New York City alone has over 98,000. Since 1939, these Government employees have been largely prohibited from participating actively in partisan political activities by the Hatch Act.

These 2,800,000 Federal employees are no less deserving of equal rights under the law than are state, local, and private sector employees. Congress should clear up the obvious discrimination and inconsistency in the law.

I am delighted that Subcommittee Chairman BILL CLAY has introduced H.R. 3000, the Federal Employees Political Activities Act of 1975, and that he is holding hearings on his bill and related Hatch Act reform legislation. I am cosponsor of H.R. 3000, and I have also reintroduced my own similar bill from the last Congress, H.R. 1326.

It is high time that Federal employees are considered old enough and intelligent enough to participate fully in the process of elections. This country has no right to make its public employees second class citizens. But the Hatch Act, by limiting their political activities, has effectively put them into that category. The nature and scope of activities prohibited, as well as the sheer numbers of persons affected by these restrictions, have led various commentators to criticize the Hatch Act as being at variance with the first amendment guarantee of freedom of political expression and the American commitment to participatory democracy.

The constitutionality of the Hatch Act has been challenged in the judicial arena. In July, 1972, the U.S. District Court for the District of Columbia—National Association of Letter Carriers against U.S. Civil Service Commission—ruled that the Hatch Act is "constitutionally vague" and has a "chilling effect," because many civil employees do not know either if they are covered or what they are prohibited from doing. According to the court, many persons did not engage in any political activity out of fear, rather than because they had to.

This decision, if left, would have repealed the Hatch Act.

However, the Supreme Court, in June 1973, reversed the decision by a 6 to 3 margin. But the Court still emphasized that "Congress is free to strike a different balance if it chooses."

In 1966, Congress created the Commission on Political Activity of Government Personnel, known as the Hatch Act Commission, to study all Federal laws restricting political participation by Government employees. In its final report, in December 1967, the Commission noted the need for substantial reform of the Hatch Act, particularly in the areas of clarifying its vagueness and reducing its application to the fewest employees. As the Commission noted, most Government employees are so confused by the more than 3,000 specific prohibitions issued over the years by the executive branch and have so little idea what they are permitted to do that they tend to avoid taking part in any political activity at

all. Congress has taken the initiative in recent years in expanding other groups' opportunities for political activity through its civil rights legislation and the 18-year-old vote. It is time that Congress restores to Federal Government employees their right to free political expression and acts on the recommendations made by the Commission that it created.

Chairman Clay's bill, H.R. 3000, and my bill, H.R. 1326, would amend title 5 of the United States Code so as to permit Federal officers and employees to take an active part in political management and in political campaigns. We would retain the very important prohibition against the use of official authority to influence elections, while extending to the Government employees their full rights to participate actively in politics as private citizens. The bills list nine specific activities included under "an active part in political management or political campaigns," in addition to the right to vote or to express an opinion orally on political subjects, which even the existing provisions allow. The nine new rights can be summarized as follows:

First. Unrestricted participation in political conventions, including service as a delegate or officer.

Second. Unrestricted particpiation in the deliberations of any primary meeting or caucus.

Third. Unrestricted participation in a political meeting or rally, including preliminary arrangements.

Fourth. Unrestricted membership in political clubs, including initial organizing.

Fifth. Unrestricted wearing of campaign badges and distributing of campaign literature.

Sixth. Unrestricted written expression or association with any publication, except that no letter, editorial, or article shall mention the writer's official employment.

Seventh. Unrestricted organization or participation in a political parade.

Eighth. Unrestricted initiating or signing of nominating petitions, including canvassing for signatures of others.

Ninth. Unrestricted candidacy for nomination or election to any political office—National, State, county, or municipal.

My bill, H.R. 1326, is largely similar to H.R. 3000. Section 3 of H.R. 3000 is comparable to section 1 of my bill; the respective listings of nine items incorporated under "an active part in political management or in political campaigns," enumerated above, are virtually identical. H.R. 1326 would retain the existing provisions of the United States Code —sections 7323 and 7325—which already cover prohibited solicitations and penalties. However, I am very concerned that we retain effective safeguards against the politicization of the bureaucracy while at the same time giving public employees full political rights as private citizens. I support the additional sections in H.R. 3000, not included in my bill, which strengthen further the ability of the Civil Service Commission and the Attorney General to deal with violations.

For over 35 years we have relegated our public servants to being "second class citizens." Existing restrictions on the political activities of Federal employees are, in my judgment, unfair and long overdue for revision. But at the same time, we must protect the neutrality of the Government bureaucracy. We must also guard against possible coercion directed against public employees to participate involuntarily in politics. The solution is to replace the Hatch Act with legislation that contains adequate safeguards against abuses while granting Federal employees their rights to participate as private citizens in American political life.

The Congress has before it bills that seek to accomplish this purpose. I am hopeful that we will enact such legislation.

HOME HEALTH CARE—PART VI

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

Mr. KOCH. Mr. Speaker, together with 78 House cosponsors I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators FRANK MOSS and FRANK CHURCH, respective chairmen of the Senate Subcommittee on Long Term Care and Committee on Aging, HUGH SCOTT, Senate minority leader, and Senators WILLIAMS, DOMENICI, and TUNNEY.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements in the RECORD several times a week by experts and lay persons commenting on the legislation.

This is the sixth in the series:

[From Annals of Internal Medicine, January 1975]

HOME CARE: MUCH NEEDED, MUCH NEGLECTED

The story of the Chelsea-Village program of home health care for the homebound aged operated out of St. Vincent's Hospital in New York City and described elsewhere in this issue by Dr. Philip Brickner, Sister Teresita Duque, and associates is as important as it is heart-warming. It should be required reading for health care professionals, third-party payers, and all public and private officials responsible for setting health priorities in this country.

Despite the modest dimensions of the experiment—involving only 200 referrals and 169 patients actually placed under care—Dr. Brickner claims significant savings to society. At a minimum rate of $800 a month for Medicaid to keep patients in a nursing home in New York City and with an estimated 70 patients maintained at home rather than being institutionalized, he claims a 1-year savings of $340,000 from this factor alone. With Medicaid paying about $150 a day for acute hospital care and on the assumption that 1000 hospital days were avoided as a result of the program during its first year, he estimates an additional savings of $150,000.

Equally important is the well-documented fact that most elderly patients prefer to remain in their own homes, if at all possible, rather than being institutionalized. Despite the rapid rise in the cost of care in nursing homes and some improvement in quality, conditions in many remain deplorable (1):

Not all the relevant questions are answered in the Brickner report. Why were there so few referrals—200 out of an estimated pool of 3000 aged homebound persons in the area? Especially, why so few from physicians—only 15 out of the 200? Why did seven persons who had been referred refuse services? Why not accept small payments from those who offer to pay? How did the hospital absorb the $50,000 that it underwrote? Is this type of unreimbursed service one cause for the ever-rising cost to the paying hospital patient?

Were all government resources fully explored? For example, under both Parts A and B of Medicare 100 home-care visits by qualified professionals are covered, and under Medicaid the services of home health aides are available. Were these possibilities totally exhausted?

In addition to a number of such questions that pique the curiosity, it is obvious that no one can provide totally satisfactory cost-benefit analysis in this area. As the authors themselves point out, without the program some of their patients would have died at home. Although this is obviously not an acceptable solution, it is certainly cheaper.

Nevertheless, the broad conclusion is inescapable: home health care, when efficiently organized with good backup services, is a highly cost-effective way of caring for the elderly. Moreover, most of the elderly prefer home care to institutionalized care. Many health professionals also like home care, especially nurses. Judging from the number of physicians engaged in this experiment, a fair number of doctors also like it if the necessary financial and other supports are made available.

The continued increase—absolute as well as relative—in the over-65 population and the ever-rising cost of meeting their health needs to emphasize the importance of this type of program. We need home care to combat inflation in health care costs. We need it to bring a measure of reassurance and dignity to millions of older people who are seeing their cherished Medicare benefits shrink under the twin pressures of rising costs and increased cost-sharing. We need it to restore a degree of caring and outreach to our super-specialized health care institutions and professionals.

There is little theoretical argument on this question. Health care professionals, third-party payers, and government officials continue to extol the advantages of home care (2–4). Despite all the lip-service, however, we are unlikely to witness any rapid overall expansion. Even where some support is now available, as under Medicare, the relative use of home care continues to decline year by year. For example, during 1969 there were 628,543 approved claims for home health services under Part A. By 1973, the number was down to less than 400,000 (based on the first 6 months' experience) (5).

The reasons are not mysterious. Most physicians are not interested in chronic illness. Most are not interested in home care, even if the visits are actually made by nurses. Most hospital administrators today are primarily concerned with keeping their expensive beds filled. And most third-party payers, public as well as private, are primarily concerned with keeping the physicians and hospitals happy—or at least off their backs! Even the national government administration, with its continual scolding of physicians and hospitals for rising costs, is unwilling or unable to exercise the leadership involved in a real reordering of national health priorities away from inpatient care toward the kind of program described by Dr. Brickner.

And so Dr. Brickner and his colleagues are likely to receive a pat on the back—and not much more. At the very least, he should be sought out by the Social Security Administration for the possibility of an incentive experiment grant under Section 222 of PL 92-603. Ostensibly, the Department of