Our distinguished Speaker, in listing the things that he thought should be included in the congressional program, has mentioned the RFC. The distinguished majority leader of the Senate, Hon. MIKE MANSFIELD, in listing a number of measures he thought should be adopted by the Congress to try to save so many of our enterprises from disaster, spoke in favor of the RFC. In the economic statement made at the Democratic conference in Kansas City last weekend, enumerating measures that in their opinion were necessary to preserve the private enterprise system in this country, and to aid the economy, one of the essential measures proposed was the reconstitution of the Reconstruction Finance Corporation.

Mr. Speaker, I invite the Members of the House to join me in support of the bill, H.R. 16677 to reconstitute the Reconstruction Finance Corporation which I have introduced. This bill should be passed at once.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO MEET TODAY, NOTWITHSTANDING CLAUSE 31, RULE XI OF THE RULES OF THE HOUSE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be granted special leave to meet this afternoon, Wednesday, December 11, 1974, without regard to clause 31, rule XI of the Rules of the House.

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

There was no objection.

ANTITRUST PROCEDURES AND PENALTIES ACT

Mr. RODINO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 782) to reform consent decree procedures, to increase penalties for violation of the Sherman Act, and to revise the Expediting Act as it pertains to appellate review, with a Senate amendment to the House amendment, and concur in the Senate amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Page 8, of the House engrossed amendment, strike out all after line 4 over to and including line 14 on page 11 and insert:

SEC. 4. Section 1 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 28; 49 U.S.C. 44), commonly known as the Expediting Act, is amended to read as follows:

"SECTION 1. In any civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, wherein the United States is plaintiff and equitable relief is sought, the Attorney General may file with the court, prior to the entry of final judgment, a certificate that, in his opinion, the case is of a general public importance. Upon filing of such certificate, it shall be the duty of the judge designated to hear and determine the case, or the chief judge of the district court if no judge has as yet been designated, to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

SEC. 5. Section 2 of that Act (15 U.S.C. 29; 49 U.S.C. 45) is amended to read as follows:

"(a) Except as otherwise expressly provided by this section, in every civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, in which the United States is the complainant and equitable relief is sought, any appeal from a final judgment entered in any such action shall be taken to the court of appeals pursuant to section 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to sections 1292(a)(1) and 2107 of title 28 of the United States Code but not otherwise. Any judgment entered by the court of appeals in any such action shall be subject to review by the Supreme Court upon a writ of certiorari as provided in section 1254(1) of title 28 of the United States Code.

"(b) An appeal from a final judgment pursuant to subsection (a) shall lie directly to the Supreme Court if, upon application of a party filed within fifteen days of the filing of a notice of appeal, the district judge who adjudicated the case enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice. Such order shall be filed within thirty days after the filing of a notice of appeal. When such an order is filed, the appeal and any cross appeal shall be docketed in the time and manner prescribed by the rules of the Supreme Court. The Supreme Court shall thereupon either (1) dispose of the appeal and any cross appeal in the same manner as any other direct appeal authorized by law, or (2) in its discretion, deny the direct appeal and remand the case to the court of appeals, which shall then have jurisdiction to hear and determine the same as if the appeal and any cross appeal therein had been docketed in the court of appeals in the first instance pursuant to subsection (a)."

SEC. 6. (a) Section 401(d) of the Communications Act of 1934 (47 U.S.C. 401(d)) is repealed.

(b) Section 3 of the Act entitled "An Act to further regulate commerce with foreign nations and among the States", approved February 19, 1903 (32 Stat. 849; 49 U.S.C. 43), is amended by striking out "proceeding:" and inserting in lieu thereof "proceeding," and striking out thereafter the following: "Provided, That the provisions of an Act entitled 'An Act to expedite the hearing and determination of suits in equity pending or thereafter brought under the Act of July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted, approved February eleventh, nineteen hundred and three,' shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission".

SEC. 7. The amendment made by section 5 of this Act shall not apply to an action in which a notice of appeal to the Supreme Court has been filed on or before the fifteenth day following the date of enactment of this Act. Appeal in any such action shall be taken pursuant to the provisions of section 2 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 29; 49 U.S.C. 45) which were in effect on the day preceding the date of enactment of this Act.

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

Mr. HUTCHINSON. Mr. Speaker, reserving the right to object—and I do not intend to object—I would like to ask the chairman of the Committee on the Judiciary to explain the Senate amendment and tell us what it amounts to.

Mr. RODINO. Mr. Speaker, if the gentleman will yield, I will be happy to explain the Senate amendment.

Mr. Speaker, on December 9, 1974, the Senate agreed to the House amendment to S. 782 with an amendment highly technical and extremely minor in nature. The Senate's action expressed agreement with virtually every provision and policy approved by the House, including major amendments substantially increasing punishment for Sherman Act offenses. Moreover, the Senate amendment actually does not significantly change the intentions or will of the House as expressed in House Report 93-1463 filed with the House on Ostober 11, 1974.

The Senate amendment is confined to a change in procedures for posttrial appellate review.

At the time that S. 782 as amended was placed before the House for its approval, both the House bill and the Senate version thereof were in an agreement that present law providing for direct appeal of litigated district court judgments by either party to the Supreme Court ought to be changed with appeals henceforth made to circuit courts.

As an exception to this change in law that both House and Senate versions express and agree to, the House-approved bill would allow the Attorney General to certify directly to the Supreme Court that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice. The Senate amendment restores the version originally approved by the Senate whereby either party could file for such direct Supreme Court review if the district judge who adjudicated the case enters an order to such effect.

The Senate amendment affords equal opportunity for possible direct Supreme Court review to either party to the case. This, I should add, is a position of fairness already expressed in current law whereby following the litigation, either party may file for direct review to the Supreme Court with that court.

The requirement of the concurrence of the district court judge had been eliminated in the House bill because it was the committee's intention, basically, to add safeguards against the filing of frivolous appeals and, thus, adding to the Supreme Court's docket. The Senate amendment, in effect, achieves the same result intended by the Judiciary Committee by requiring an impartial, objective concurrence in the alleged importance of the case by the judge who adjudicated the case.

For these reasons, it is readily understandable why the original Senate and House sponsors support the Senate amendment; why representatives of the President and of the Justice Department

have urged House acceptance of the Senate amendment; and why bipartisan support for the Senate amendment has been expressed by the members of the House Judiciary Committee and its Monopolies and Commercial Law Subcommittee.

Mr. HUTCHINSON. Under the present law, as I understand it, in an antitrust case, the losing party in the lower court may file an appeal directly with the Supreme Court of the United States.

Mr. RODINO. That is correct.

Mr. HUTCHINSON. Under the bill as passed by the House, it was intended that the Attorney General could determine whether or not an appeal should go directly to the Supreme Court. In all other cases an appeal would lie with the circuit court of appeals. Now, as I understand it, the Senate amendment provides that the district judge who heard the case will determine whether an appeal shall lie directly to the Supreme Court or whether the appeal will lie with the circuit court of appeals; is that correct?

Mr. RODINO. That is correct.

Mr. HUTCHINSON. With that explanation, Mr. Speaker, I withdraw my reservation of objection. and I have no objection to the Members of the House concurring with the Senate amendment.

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

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr, Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROGERS. 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. 668]

Alexander	Goldwater	O'Neill
Ashley	Grasso	Owens
Barrett	Gray	Parris
Beard	Gubser	Passman
Blatnik	Hanley	Peyser
Brasco	Hansen, Idaho	Podell
Breaux	Hansen, Wash.	Rarick
Brown, Ohio	Harsha	Reid
Buchanan	Hays	Roncallo, N.Y.
Burke, Calif.	Hébert	Rooney, N.Y.
Burton, John	Heckler, Mass.	Shoup
Carey, N.Y.	Holifield	Shuster
Chisholm	Howard	Smith, N.Y.
Clark	Jarman	Staggers
Collier	Johnson, Colo.	Stark
Conable	Jones, N.C.	Steiger, Wis.
Davis, Ga.	Kemp	Teague
Dent	Kuykendall	Thompson, N.J.
Diggs	Kyros	Tiernan
Dingell	Litton	Udall
du Pont	Luken	Wiggins
Esch	Mathias, Calif.	Wilson, Charles H., Calif.
Eshleman	Mills	Wyman
Fisher	Minshall, Ohio	Young, Ga.
Ford	Moakley	
Gettys	Moorhead, Pa.	
Giaimo	Murphy, N.Y.	
Gibbons	O'Hara	

The SPEAKER. On this rollcall 354 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 PUBLIC WORKS TO FILE CERTAIN REPORTS

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight tonight, December 11, 1974, to file reports on the following bills:

S. 3934, the Federal-Aid Highway Amendments of 1974;

H.R. 17558, to amend the act of May 13, 1954, relating to the Saint Lawrence Seaway Act Development Corporation to provide for a 7-year term of office for the Administrator, and for other purposes;

S. 4073, to extend certain authorizations under the Federal Water Pollution Control Act, as amended, and for other purposes; and

H.R. 17589, to designate the new Poe lock on the Saint Marys River at Sault Sainte Marie, Mich., as the "John A. Blatnick lock."

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

There was no objection.

REAL ESTATE SETTLEMENT COSTS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 3164) to provide for greater disclosure of the nature and costs of real estate settlement services, to eliminate the payment of kickbacks and unearned fees in connection with settlement services provided in federally related mortgage transactions, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 9, 1974.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers be dispensed with.

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, the legislative agreement embodied in the conference report on S. 3164, the Real Estate Settlement Procedures Act of 1974, in my view represents the best possible resolution of the differences between the House and Senate measures.

Almost without exception, the agreement reached among the conferees reflects acceptance of the strongest consumer protection provisions of both bills. On balance, the bill emerging from the conference constitutes a highly effective tool with which both home buyers and home sellers can protect their interests and their pocketbooks. I am certain that in the months and years ahead this measure will stand as a barrier to the deceptive and fraudulent practices which have bilked home buyers and home sellers of hundreds of millions of dollars.

The provisions of the bill are of particular importance to low- and moderate-income families who have been drained of hard-earned funds at the hands of unscrupulous attorneys, appraisers, lenders, title insurers, and others involved in the real estate settlement industry. Indeed, abusive settlement practices have often resulted in robbing low- and moderate-income families of homeownership opportunities because they could not afford inflated and unjustified charges and fees they were required to pay in order to purchase a home. In a real sense, these unchecked abusive settlement practices mocked achievement of our congressionally adopted national housing goals, especially in the case of low- and moderate-income families, those most in need of decent dwellings in suitable living environments.

Concerning major aspects of the report: Both the House and Senate bills contain provisions for the preparation and distribution of special information booklets to inform home buyers about the nature and costs of real estate settlement services. In this connection, the Senate bill required that the average amount of settlement costs in the region where the settlement is made be presented in the special booklets. The House bill did not contain such a requirement.

Conferees agreed to accept the Senate provision with an amendment which directs HUD to conduct pilot demonstration programs to determine the most practical and efficient method to acquire and analyze data in order to present to home buyers the range of charges for settlement services in the housing market where the property to be purchased is located. HUD is to report its findings to Congress not later than July 1, 1976.

Mr. Speaker, the question at hand is not whether HUD can report such information to home buyers, but rather how it will acquire and analyze such information for inclusion in the special information booklets. The conferees agreed that disclosing the range of charges for settlement services would be a highly desirable and useful shopping tool for prospective home buyers. Moreover, HUD has already demonstrated its capacity to obtain such information. It did so in following a directive of the Emergency Home Finance Act of 1970 to de-