Col. Lawrence S. Wright, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth R. Symmes, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles P. Graham, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul S. Williams, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert B. Hankins, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert J. Lunn, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William E. Eicher, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Clyde W. Spence, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Kelley, Jr., [redacted], U.S. Army.

Col. Harold F. Hardin, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Harley F. Mooney, Jr., [redacted], Army of the United States (major, U.S. Army).

U.S. NAVY

The following-named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Robert G. W. Williams, Jr.
Paul Kaufman.
Robert C. Laning.
Robert L. Baker.
William M. Lukash.

SUPPLY CORPS

John C. Shepard.
Carlton B. Smith.
Thomas J. Allshouse.

CIVIL ENGINEER CORPS

Kenneth P. Sears.

DENTAL CORPS

Robert W. Elliott, Jr.

IN THE ARMY

Army nominations beginning Anthony J. Adessa, to be colonel, and ending Sidna P. Wimmer to be captain, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 1973.

Army nominations beginning C. A. Anderson, Jr., to be colonel, and ending Peter E. Zalopany, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 1973.

HOUSE OF REPRESENTATIVES—*Monday, June 11, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Open to me the gates of righteousness; I will go through them and I will praise the Lord.—Psalms 118:19.

Most gracious God; may we go forth into the hours of this new day with eager minds, earnest hearts and enthusiastic souls, fortified by faith, strengthened in spirit and ready with wit and wisdom for the duties that demand our attention.

Grant that in these troubled times Thy truth and Thy love may be our law by day and our light by night.

Take the mists from our eyes and the malice from our hearts as we strive to remove the barriers which separate people and nations and as we seek to bring them together in the friendly spirit of an invincible good will.

In Thy holy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4443. An act for the relief of Ronald K. Downie.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, bill of the House of the following title:

H.R. 6768. An act to provide for participation by the United States in the United Nations environment program.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 645. An act to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; and

S. 1115. An act to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT UNTIL MIDNIGHT TOMORROW

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. SCHERLE reserved all points of order on the bill.

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

There was no objection.

SNAKE AND SWEETWATER RIVERS DESIGNATED AS WILD AND SCENIC RIVERS, WYOMING

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

Mr. RONCALIO of Wyoming. Mr. Speaker, today I am introducing two pieces of legislation which call for studies looking toward the designation of portions of the Snake River of Teton County and the Sweetwater River as wild and scenic rivers.

The Sweetwater bill calls for the study of about 10 miles of the Sweetwater River in Wyoming's Red Desert. This segment of the river runs through public lands, and through an area so rich in wildlife habitat that consideration is being given to putting the surrounding lands in a preservation category. The Sweetwater is near the historic Oregon Trail and in the area containing segments of the three major routes to Yellowstone National Park. It is also a major visiting site for rockhounds, campers, fishers, hunters, boaters, snowmobilers, and dune buggy enthusiasts. The Red Desert enjoys significant all-around recreational opportunities for Wyoming citizens and for tourists. One of its main rivers, the Sweetwater, certainly is deserving of inclusion in the wild and scenic rivers system.

The second river, the Snake, and specifically that portion beginning at the southern boundary of Grand Teton National Park to the Palisades Reservoir, includes about 35 miles of meandering waters whose beauty, serenity, and recreational value should be preserved. Some of the Snake River may be subject to gold mining and owners of some of the claims in this area—and I am one of these owners—have attempted to dispose of their claims for several years in a manner to assure the lasting protection of that part of the river on which they are now located.

Pending success in these efforts, however, the study should nevertheless proceed to designate the entire Snake River Valley for wild and scenic river status, and thus protect the entire area regardless of the limitation on property rights it may impose on me or on anyone else.

H.R. 8578

A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Snake River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) is amended by adding at the end thereof the following:

"Snake, Wyoming: Beginning at the southern boundary of Teton National Park to the entrance to Palisades Reservoir.

That the study shall be completed and reports made thereon to the President and the Congress, as provided in section 1275 of title 16, United States Code, within two years from the enactment date of this amendment.

H.R. 8577

A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Sweetwater River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) is amended by adding at the end thereof the following:

"Sweetwater, Wyoming: The segment between Wilson Bar downstream to Spring Creek."

EMBARGO ON EXPORTATION OF FEED GRAINS

(Mr. SHUSTER asked and was given permission to address the House for one minute.)

Mr. SHUSTER. Mr. Speaker, I have today introduced a bill in behalf of the American farmer and the American consumer which I believe is long overdue. My bill provides that beginning 10 days after enactment, a temporary 120-day embargo would be imposed on the exportation of certain key feed grains—soybeans, corn, and wheat—until an anticipated bumper fall crop is harvested. The purpose of this bill is to head off an impending food crisis in this country that already has caused record high food prices and threatens to cause terrible shortages of meat and other protein products in the coming months. Because of the current domestic shortage of these feed grains, aggravated by their export, our crucial livestock population is being decimated as farmers are unable to feed their herds and flocks. These are the same herds and flocks that will be expected to produce our beef, pork, poultry, milk and eggs long after the current grain shortage is over. But if they are slaughtered now, they will not be available later. Mr. Speaker the main thrust of my bill is to save this valuable resource before it is too late. I urge the most urgent consideration of this bill and subsequent adoption.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. 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. 200]

Alexander	Blatnik	Carter
Anderson, Ill.	Boland	Chamberlain
Andrews, N. Dak.	Bolling	Chisholm
Ashbrook	Brademas	Clark
Badillo	Brasco	Clawson, Del
Bell	Breckinridge	Cleveland
Biaggi	Brown, Calif.	Cohen
Biester	Brown, Ohio	Collins, Ill.
Bingham	Burke, Calif.	Conyers
Blackburn	Butler	Cotter
	Camp	Daniels, N.J.
Davis, Ga.	Hébert	Murphy, N.Y.
Delaney	Heckler, Mass.	Nedzi
Dellums	Hogan	Nix
Dingell	Holifield	O'Neill
Donohue	Holtzman	Patten
Dorn	Howard	Pepper
Eckhardt	Huber	Powell, Ohio
Edwards, Calif.	Jordan	Preyer
Fish	Karth	Quillen
Fisher	Ketchum	Railsback
Flynt	Kluczynski	Reid
Foley	Leggett	Rinaldo
Ford, William D.	Lehman	Robison, N.Y.
	McCloskey	Rooney, N.Y.
Fraser	McCormack	Rostenkowski
Fulton	Maraziti	Roy
Gaydos	Martin, Nebr.	Ruppe
Giaimo	Mayne	Saylor
Gilman	Melcher	Sikes
Grasso	Metcalfe	Smith, N.Y.
Gray	Michel	Steele
Green, Oreg.	Minish	Thompson, N.J.
Gubser	Mink	Tiernan
Hanna	Mitchell, Md.	Ullman
Hanrahan	Moorhead, Calif.	Vander Jagt
Hastings	Mosher	Waldie
Hawkins	Murphy, Ill.	Young, Ill.

The SPEAKER. On this roll call 321 Members have recorded their presence by electronic device, a quorum.

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

MOTION TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that business under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with on Wednesday, June 13, 1973.

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. McFALL. 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. 201]

Anderson, Ill.	Dorn	McCormack
Andrews, N. Dak.	Eckhardt	Maraziti
Ashbrook	Edwards, Calif.	Martin, Nebr.
Badillo	Fish	Mayne
Bell	Fisher	Melcher
Biaggi	Flynt	Metcalfe
Biester	Foley	Michel
Bingham	Ford, William, D.	Mitchell, Md.
Blackburn	Fraser	Mosher
Blatnik	Fulton	Murphy, Ill.
Boland	Gaydos	Murphy, N.Y.
Bolling	Giaimo	Nedzi
Brademas	Gilman	Nix
Brown, Calif.	Grasso	Obey
Brown, Ohio	Gray	O'Neill
Butler	Hanna	Powell, Ohio
Camp	Hanrahan	Preyer
Carter	Hansen, Wash.	Quillen
Cederberg	Hastings	Railsback
Chamberlain	Hawkins	Reid
Chisholm	Hébert	Robison, N.Y.
Clark	Heckler, Mass.	Rooney, N.Y.
Clawson, Del	Hinshaw	Rostenkowski
Cleveland	Hogan	Roy
Cohen	Holifield	Ruppe
Collins, Ill.	Holtzman	Saylor
Conyers	Howard	Sikes
Cotter	Huber	Smith, N.Y.
Daniels, Dominick V.	Jarman	Steele
	Karth	Teague, Tex.
Davis, Ga.	Ketchum	Thompson, N.J.
Delaney	Kluczynski	Tiernan
Dellums	Leggett	Ullman
Dingell	Lehman	Vander Jagt
Donohue	McCloskey	Waldie

The SPEAKER. On this roll call 329 Members have recorded their presence by electronic device, a quorum.

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

MOTION TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

The gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I would ask the House to vote favorably to dispense with Calendar Wednesday business on Wednesday next. The House has a long schedule for this week. Very important legislation is scheduled for Wednesday, the debt limit bill, and a bill on the National Foundation on the Arts and Humanities have been set down for Wednesday. We have a very busy schedule for the rest of the week with an appropriation bill on Friday. As the Members of the House know, we have an exceedingly full schedule for the mon'h of June, where we will be working every available day in order to get our business completed with by time for the Fourth of July recess. Therefore, if it is necessary for us to call the roll of the committees on Wednesday next, most probably the entire day will be spent with Calendar Wednesday business.

So, Mr. Speaker, I would ask for a favorable vote from the Members so that we might dispense with Calendar Wednesday business on Wednesday next.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from California yield?

Mr. McFALL. I will be glad to yield to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me indicate that I agree with the interpretation of the situation as expressed by the gentleman from California (Mr. McFALL). If the Members will look at the whip notice they will see that we have a full calendar all week long, including Friday. If we are forced to go through the procedure of Calendar Wednesday business it means that the reading clerk starts with the first committee, alphabetically, and each committee has an opportunity to bring up any bill that has been reported out of that committee. So it means, in effect, that what has been programed for Wednesday will be preempted. It also means that this will just add an additional burden to an already overburdened program for this week.

Therefore, Mr. Speaker, I urge that a "yes" vote be cast on the motion offered by the gentleman from California (Mr. McFALL) to dispense with Calendar Wednesday business on Wednesday next.

I think it is appropriate to point out that in order to dispense with Calendar Wednesday business under this procedure it is necessary to have a two-thirds vote. Therefore, again I urge, in order to conduct our business in a reasonable and an equitable way, with the heavy schedule confronting us, that dispensing with Calendar Wednesday business on Wednesday next is appropriate.

Mr. McFALL. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Iowa (Mr. GROSS) for 5 minutes.

Mr. GROSS. Mr. Speaker, the issue is a bill, H.R. 2990, which I introduced early in this session after listening to the complaints of a great many Members of the Congress that something ought to be done about the Postal Service. This bill provides that the House Committee on Post Office and Civil Service be given the power to authorize the appropriation of some $1 billion a year to the Postal Corporation. Thus giving the committee some handle on the operation of the Postal Service. We need the authority to call them in and ask for justification of what they were doing to justify that appropriation from the Federal Treasury.

Between 40 and 50 Democrats and Republicans in this House cosponsored that bill. It was voted out of the Post Office and Civil Service Committee by a vote of 22 to 1 with only one Republican voting against it. It went to the Committee on Rules, and I appeared before that committee to ask for a rule.

A vote was taken in the Committee on Rules, a 6-to-5 vote, to defer action on the bill. That was some 3 weeks to a month ago. I do not remember the date. I stand corrected if anyone has any other recollection of it.

All I have been asking is that the Committee on Rules vote either up or down on a rule and let us know where we stand; that is all.

On last Friday when the request was made to dispense with Calendar Wednesday this week, I objected. Now we have this motion to dispense with Calendar Wednesday which, incidentally, requires a two-thirds vote. Why in the name of all that is right and reasonable would the Committee on Rules continue to sit on this bill—which, and I repeat it was approved by a vote of 22 to 1, with only 2 absentees in the Committee on Post Office and Civil Service—I will never be able to understand.

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

Mr. GROSS. I yield to the chairman of the Committee on Rules, the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. I thank the gentleman from Iowa for yielding.

I might state that I have been around here all last week and the week before, and the gentleman in the well did not mention a word to me that he was so much aroused by this situation when the bill was before the Committee on Rules.

Mr. GROSS. Just let me interrupt the gentleman from Indiana to say that the gentleman well knows I have talked to him. I appeared before the Committee on Rules, and I have talked to him privately about this bill.

Mr. MADDEN. Yes; the gentleman mentioned it, but I did not think it was of such super urgency, as the gentleman from Iowa is stating in the well of the House now. I will say this, that personally I have no objection to the gentleman's bill, and some members of the Committee on Rules moved, if I remember correctly—it might have been 3 weeks ago—to defer the bill. As far as I am personally concerned, I had no part in deferring it at all, because I was more or less in favor of voting it out.

We meet tomorrow morning at 10:30, and I will ask the committee to vote it up or down.

Mr. GROSS. Then it would do no harm whatever to defeat this motion today to dispense with Calendar Wednesday business. I will gladly accede to dispensing with the call of Calendar Wednesday if the Committee on Rules will vote on this proposition tomorrow.

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

Mr. GROSS. I yield to a member of the Post Office and Civil Service Committee, the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. I thank the gentleman for yielding. I share his frustration. Again I want to commend him for his initiative in moving this legislation, the intent of which would hopefully make the U.S. Postal Service somewhat more responsive to the Congress than it has been.

Apparently there was a misunderstanding in the Committee on Rules, which hopefully has been clarified. I have made it a point to discuss this thing with most of the members of the Committee on Rules.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. MCFALL).

The question was taken.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 119, not voting 93, as follows:

[Roll No. 202]

YEAS—221

Abzug	Davis, Wis.	Horton
Adams	de la Garza	Hosmer
Addabbo	Dellenback	Jarman
Alexander	Dellums	Johnson, Calif.
Anderson, Calif.	Denholm	Johnson, Colo.
Annunzio	Dent	Johnson, Pa.
Arends	Derwinski	Jones, Ala.
Ashley	Diggs	Jones, N.C.
Aspin	Downing	Jones, Okla.
Barrett	Drinan	Jordan
Bergland	Duncan	Kastenmeier
Boggs	du Pont	Kazen
Boling	Edwards, Ala.	Koch
Bowen	Eilberg	Kuykendall
Brasco	Erlenborn	Kyros
Breckinridge	Eshleman	Landrum
Brinkley	Evans, Colo.	Lent
Brooks	Fascell	Litton
Broomfield	Findley	Long, La.
Brotzman	Flood	Long, Md.
Broyhill, N.C.	Ford, Gerald R.	McClory
Broyhill, Va.	Frelinghuysen	McCloskey
Burke, Calif.	Frenzel	McFall
Burke, Mass.	Fuqua	McKay
Burleson, Tex.	Gibbons	McSpadden
Burlison, Mo.	Ginn	Macdonald
Burton	Gonzalez	Madden
Carey, N.Y.	Green, Oreg.	Madigan
Carney, Ohio	Green, Pa.	Mahon
Carter	Griffiths	Mailliard
Casey, Tex.	Gunter	Mann
Chappell	Guyer	Mathias, Calif.
Clark	Haley	Matsunaga
Clay	Hamilton	Mazzoli
Collins, Ill.	Hanley	Meeds
Conable	Hansen, Idaho	Mezvinsky
Conte	Hansen, Wash.	Milford
Corman	Harsha	Miller
Coughlin	Harvey	Mills, Ark.
Culver	Hays	Minish
Danielson	Hechler, W. Va.	Mink
Davis, S.C.	Heinz	Minshall, Ohio
	Helstoski	Mitchell, Md.
Mitchell, N.Y.	Rodino	Taylor, N.C.
Moakley	Roe	Teague, Calif.
Mollohan	Rogers	Teague, Tex.
Montgomery	Roncallo, N.Y.	Thomson, Wis.
Moorhead, Pa.	Rooney, Pa.	Thornton
Morgan	Rose	Udall
Moss	Rosenthal	Vanik
Natcher	Roush	Vigorito
Nelsen	Roybal	Walsh
Obey	Ryan	Ware
O'Brien	St Germain	White
O'Hara	Sandman	Whitehurst
Owens	Sarbanes	Whitten
Parris	Schneebeli	Widnall
Patman	Schroeder	Wiggins
Patten	Seiberling	Williams
Pepper	Shipley	Wilson, Charles H., Calif.
Perkins	Slack	
Peyser	Staggers	Wilson, Charles, Tex.
Pickle	Stanton, J. William	
Pike	Stanton, James V.	Winn
Poage	Stark	Wolff
Podell	Steed	Wright
Price, Ill.	Steiger, Wis.	Wyatt
Pritchard	Stephens	Wydler
Quie	Stokes	Yates
Rangel	Stratton	Yatron
Rees	Stubblefield	Young, Ga.
Regula	Studds	Young, Ill.
Reuss	Sullivan	Young, Tex.
Rhodes	Symington	Zablocki
Riegle		
Roberts		

NAYS—119

Abdnor	Goldwater	Randall
Archer	Goodling	Rarick
Armstrong	Gross	Rinaldo
Bafalis	Grover	Robinson, Va.
Baker	Gubser	Roncalio, Wyo.
Beard	Gude	Rousselot
Bennett	Hammer-schmidt	Runnels
Bevill		Ruth
Bray	Harrington	Sarasin
Breaux	Henderson	Satterfield
Brown, Mich.	Hicks	Scherle
Brown, Ohio	Hillis	Sebelius
Buchanan	Holt	Shoup
Burgener	Hudnut	Shriver
Burke, Fla.	Hungate	Shuster
Byron	Hunt	Skubitz
Clancy	Hutchinson	Smith, Iowa
Clausen, Don H.	Ichord	Snyder
	Jones, Tenn.	Spence
Cochran	Keating	Steelman
Collier	Kemp	Steiger, Ariz.
Collins, Tex.	King	Stuckey
Conlan	Landgrebe	Symms
Crane	Latta	Talcott
Cronin	Lott	Taylor, Mo.
Daniel, Dan	Lujan	Thone
Daniel, Robert W., Jr.	McCollister	Towell, Nev.
	McDade	Treen
Dennis	McEwen	Van Deerlin
Devine	McKinney	Veysey
Dickinson	Mallary	Waggonner
Duiski	Martin, N.C.	Wampler
Esch	Mathis, Ga.	Whalen
Evins, Tenn.	Mizell	Wilson, Bob
Flowers	Moorhead, Calif.	Wylie
Flynt		Wyman
Forsythe	Myers	Young, Alaska
Fountain	Nichols	Young, Fla.
Frey	Passman	Young, S.C.
Froehlich	Pettis	Zion
Gettys	Price, Tex.	Zwach

NOT VOTING—93

Anderson, Ill.	Daniels, Dominick V.	Hébert
Andrews, N.C.		Heckler, Mass.
Andrews, N. Dak.	Davis, Ga.	Hinshaw
	Delaney	Hogan
Ashbrook	Dingell	Holifield
Badillo	Donohue	Holtzman
Bell	Dorn	Howard
Biaggi	Eckhardt	Huber
Biester	Edwards, Calif.	Karth
Bingham	Fish	Ketchum
Blackburn	Fisher	Kluczynski
Blatnik	Foley	Leggett
Boland	Ford, William D.	Lehman
Brademas		McCormack
Brown, Calif.	Fraser	Maraziti
Butler	Fulton	Martin, Nebr.
Camp	Gaydos	Mayne
Cederberg	Giaimo	Melcher
Chamberlain	Gilman	Metcalfe
Chisholm	Grasso	Michel
Clawson, Del	Gray	Mosher
Cleveland	Hanna	Murphy, Ill.
Cohen	Hanrahan	Murphy, N.Y.
Conyers	Hastings	Nedzi
Cotter	Hawkins	Nix

O'Neill	Rooney, N.Y.	Smith, N.Y.
Powell, Ohio	Rostenkowski	Steele
Preyer	Roy	Thompson, N.J.
Quillen	Ruppe	Tiernan
Railsback	Saylor	Ullman
Reid	Sikes	Vander Jagt
Robison, N.Y.	Sisk	Waldie

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day.

The Chair recognizes the gentleman from Michigan (Mr. DIGGS), chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA INSURANCE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 4083) to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4083

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 "District of Columbia Insurance Act".

TITLE I—DISTRICT OF COLUMBIA POST ASSESSMENT INSURANCE GUARANTY ASSOCIATION ACT

SEC. 101. This title shall be known and may be cited as the "District of Columbia Insurance Guaranty Association Act".

SEC. 102. The purpose of this title is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

SEC. 103. This title shall apply to all kinds of direct insurance, except life, title, disability, and mortgage guaranty insurance.

SEC. 104. As used in this title—

(1) The term "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(2) The term "covered claim" means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this title applies issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this title and (a) the claimant or insured is a resident of the District of Columbia at the time of the insured event; or (b) the property from which the claim arises is permanently located in the District of Columbia. Such term shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(3) The term "insolvent insurer" means (a) an insurer authorized to transact insurance in the District of Columbia, either at the time the policy was issued or when the insured event occurred, who has been determined to be insolvent by a court of competent jurisdiction.

(4) The term "member insurer" means any person who (a) writes any kind of insurance to which this title applies, including the exchange of reciprocal or interinsurance contracts, and (b) is licensed to transact insurance in the District of Columbia.

(5) The term "net direct written premiums" means direct gross premiums written in the District on insurance policies to which this title applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. Such term does not include premiums on contacts between insurers or reinsurers.

(6) The term "person" includes individuals, corporations, associations, exchanges, and partnerships.

SEC. 105. There is created a nonprofit unincorporated legal entity to be known as the District of Columbia Insurance Guaranty Association (hereafter in this title referred to as the "Association"). All member insurers shall be and remain members of the Association as a condition of their authority to transact insurance in the District of Columbia. The Association shall perform its functions under a plan of operation established and approved by the Commissioner and shall exercise its powers through a Board of Directors (hereafter in this title referred to as the "Board"). For purposes of administration and assessment, the Association shall be divided into three separate accounts: (a) the workmen's compensation insurance account; (b) the automobile insurance account; and (c) the account for all other insurance to which this title applies.

SEC. 106. (a) The Board shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the Board shall be selected by member insurers subject to the approval of the Commissioner. Vacancies on the Board shall be filled for the remaining period of the term in the same manner as initial appointments. If no members are selected within sixty days after the effective date of this title, the Commissioner may appoint the initial members of the Board.

(b) In approving selections to the Board, the Commissioner shall consider among other things whether all member insurers are fairly represented.

(c) Members of the Board may be reimbursed from the assets of the Association for expenses incurred by them as members of the Board.

SEC. 107. (a) The Association shall—

(1) be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty days after the determination of insolvency, or before the policy expiration date if less than thirty days after the determination, or before the insured replaces the policy or causes its cancellation, if he does so within thirty days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of $100 and is less than $300,000, except that the Association shall pay the full amount of any covered claim arising out of a workmen's compensation policy; except in no event shall the Association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises;

(2) be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) allocate claims paid and expenses incurred among the three accounts separately, and assess member insurers separately, according to subsection (b) of this section, for each account amounts necessary to pay the obligations of the Association under paragraph (1) of this subsection subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under section 112 and other expenses authorized by this title;

(4) investigate claims brought against the Association and adjust, compromise, settle, and pay covered claims to the extent of the Association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested;

(5) notify such persons as the Commissioner directs under section 109(b)(1);

(6) handle claims through its employees or through one or more insurers or other persons designated, subject to the approval of the Commissioner, as servicing facilities, except such designation may be declined by a member insurer; and

(7) reimburse each servicing facility for obligations of the Association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the Association, and pay the other expenses of the Association authorized by this title.

(b) The assessments of each member insurer under paragraph (2) of subsection (a) of this section shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the accounts bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than 2 per centum of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the Association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The Association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the amount for which the assessment is made.

(c) The Association may—

(1) employ or retain such persons as are necessary to handle claims and perform other duties of the Association;

(2) borrow funds necessary to effect the purposes of this title in accord with the plan of operation;

(3) sue or be sued;

(4) negotiate and become a party to such contracts as are necessary to carry out the purpose of this title;

(5) perform such other acts as are necessary or proper to effectuate the purpose of this title; and

(6) refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the

liabilities, if, at the end of any calendar year, the Board finds that the assets of the Association in any account exceed the liabilities of that account as estimated by the Board for the coming year.

SEC. 108. (a) (1) The Board shall submit to the Commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the Association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the Commissioner.

(2) If the Board fails to submit a suitable plan of operation within ninety days following the effective date of this title or if at any time thereafter the Board fails to submit suitable amendments to the plan, the Commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this title. Such rules shall continue in force until modified by the Commissioner or superseded by a plan submitted by the Board and approved by the Commissioner.

(b) All member insurers shall comply with the plan of operation.

(c) The plan of operation shall—

(1) establish the procedures whereby all the powers and duties of the Association under section 107 will be performed;

(2) establish procedures for handling assets of the Association;

(3) establish the amount and method of reimbursing members of the Board under section 106;

(4) establish procedures by which claims may be filed with the Association and establish acceptable forms of proof of covered claims;

(5) establish regular places and times for meetings of the Board;

(6) establish procedures for records to be kept of all financial transactions of the Association, its agents, and the Board;

(7) provide that any member insurer aggrieved by a final action or decision of the Association may appeal to the Commissioner within thirty days after the action or decision;

(8) establish the procedures whereby selections for the Board will be submitted to the Commissioner; and

(9) contain additional provisions necessary or proper for the execution of the powers and duties of the Association.

(d) The plan of operation may provide that any or all powers and duties of the Association, except those under subsections 107(a)(3) and (c)(2), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this Association, or its equivalent, in two or more States. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the Association. A delegation under this subsection shall take effect only with the approval of both the Board and the Commissioner, and may be made only to a corporation, association, or organization which extends protection in a manner substantially similar to that provided by this title.

(e) Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the Association or its agent and a list of such claims shall be periodically submitted to the Association or similar organization in another State by the receiver or liquidator.

SEC. 109. (a) The Commissioner shall—

(1) notify the Association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency; and

(2) upon request of the Board provide the Association with a statement of the net direct written premiums of each member insurer.

(b) The Commissioner may—

(1) require that the Association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this title by mail at their last known address, where available, or by publication in a newspaper of general circulation, if sufficient information for notification by mail is not available;

(2) suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in the District of Columbia of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation, or levy a fine on any member insurer which fails to pay an assessment when due, except such fine shall not exceed 5 per centum of the unpaid assessment per month, except that no fine shall be less than $100 per month; and

(3) revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(c) All final orders or decisions of the Commissioner made under this Act shall be subject to review in accordance with section 11 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1510).

SEC. 110. (a) Any person recovering under this title shall be deemed to have assigned his rights under the policy to the Association to the extent of his recovery from the Association. Every insured or claimant seeking the protection of this title shall cooperate with the Association to the same extent as such person would have been required to cooperate with the insolvent insurer. The Association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the Association shall not operate to reduce the insured's liability to the receiver, liquidator, or statutory successor for unpaid assessments.

(b) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the Association or a similar organization in another State. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this title against the assets of the insolvent insurer.

(c) The Association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the Association which shall preserve the rights of the Association against the assets of the insolvent insurer.

SEC. 111. (a) Any person having a claim against an insurer under any provision in an insurance policy, other than a policy of an insolvent insurer which is also a covered claim, shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this title shall be reduced by the amount of any recovery under such insurance policy.

(b) Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the location of the property, and if it is a workmen's compensation claim, he shall seek recovery first from the association of the residence of the claimant. Any recovery under this title shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

SEC. 112. (a) To aid in the detection and prevention of insurer insolvencies—

(1) it shall be the duty of the Board, upon majority vote, to notify the Commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public; and

(2) the Board may, upon majority vote, request that the Commissioner order an examination of any member insurer which the Board in good faith believes may be in a financial condition hazardous to the policyholders or the public.

(b) An examination may be conducted, under this section, as a National Association of Insurance Commissioner examination or may be conducted by such person as the Commissioner designates. The cost of such examination shall be paid by the Association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the Board prior to its release to the public, but this shall not preclude the Commissioner from complying with subsection (c) of this section. The Commissioner shall notify the Board when the examination is completed. The request for an examination shall be kept on file by the Commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

(c) It shall be the duty of the Commissioner to report to the Board when he has reasonable cause to believe that any member insurer examined or being examined at the request of the Board may be insolvent or in a financial condition hazardous to the policyholders or the public.

(d) The Board may, upon majority vote, make reports and recommendations to the Commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.

(e) The Board may, upon majority vote, make recommendations to the Commissioner for the detection and prevention of insurer insolvencies.

(f) The Board shall, at the conclusion of any insurer insolvency in which the Association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the Association, and submit such report to the Commissioner.

SEC. 113. The Association shall be subject to examination and regulation by the Commissioner. The Board shall submit, not later than March 30 of each year, a financial report for the preceding calendar year on a form approved by the Commissioner.

SEC. 114. The Association shall be exempt from payment of all fees and taxes levied or collected by the District of Columbia, except taxes levied on real or personal property.

SEC. 115. The rates and premiums charged for insurance policies to which this title applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the Association by the member insurer less any amounts returned to the member insurer by the Association and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

SEC. 116. There shall be no liability on the part of and no cause of action of any nature shall rise against any member insurer, the Association or its agents or employees, the Board, or the Commissioner or his representatives for any action taken by them in the performance of their powers and duties under this title.

SEC. 117. All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in the District

of Columbia shall be stayed for sixty days from the date the insolvency is determined to permit proper defense by the Association of all pending causes of action. As to any covered claims arising from a judgment under any decision, verdict, or finding based on the default of the insolvent insurer or its failure to defend an insured, the Association either on its own behalf or on behalf of such insured may apply to have such judgment, order, decision, verdict, or finding set aside by the same court or administrator that made such judgment, order, decision, verdict, or finding and shall be permitted to defend against such claim on the merits.

SEC. 118. (a) The Commissioner shall by order terminate the operation of the District of Columbia Insurance Guaranty Association as to any kind of insurance afforded by property or casualty insurance policies with respect to which he has found, after hearing, that there is in effect a statutory or voluntary plan which—

(1) is a permanent plan which is adequately funded or for which adequate funding is provided; and

(2) extends or will extend to District of Columbia policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to such policyholders and residents and the protection and benefits provided with respect to such kind of insurance under this title.

(b) The Commissioner shall by the same such order authorize discontinuance of future payments by insurers to the District of Columbia Insurance Guaranty Association with respect to the same kinds of insurance, except assessments and payments shall continue, as necessary, to liquidate covered claims of insurers adjudged insolvent prior to said order and the related expenses not covered by such other plan.

(c) In the event the operation of any account of the District of Columbia Insurance Guaranty Association shall be so terminated as to all kinds of insurance otherwise within its scope, the Association as soon as possible thereafter shall distribute the balance of moneys and assets remaining in said account (after discharge of the functions of the Association with respect to prior insurer insolvencies not covered by such other plan, together with related expenses) to the insurers which are then writing in the District of Columbia policies of the kinds of insurance covered by such account, and which had made payments into such account, pro rata upon the basis of the aggregate of such payments made by the respective insurers to such account during the period of five years next preceding the date of such order. Upon completion of such distribution with respect to all the accounts specified in section 105, this title shall be deemed to have expired.

TITLE II—AMENDMENT OF THE LIFE INSURANCE ACT OF THE DISTRICT OF COLUMBIA TO INCREASE CAPITAL REQUIREMENTS OF LIFE INSURANCE COMPANIES

SEC. 201. Chapter 3 of the Life Insurance Act (D.C. Code, secs. 35–501—35–541) is amended as follows:

(1) Section 8(a) of such chapter (D.C. Code, sec. 35–508(a)) is amended (A) by striking out in the first sentence "$200,000" and inserting in lieu thereof "$1,000,000", and (B) by striking out in the last sentence "$150,000" and inserting in lieu thereof "$1,500,000".

(2) Section 8(b) of such chapter (D.C. Code, sec. 35–508(b)) is amended (A) by inserting "or subsequent amendment" immediately after "subsection", and (B) by inserting "or the minimum surplus required of a mutual company" immediately after "stock company".

(3) Paragraph 10(b)(ii) of section 35 of such chapter (D.C. Code, sec. 35–535 (10)(b)(ii)) is amended by striking out "$300,000" and "$150,000" and inserting in lieu thereof "$1,500,000" in each such place.

(4) Paragraph (15)(ii) of section 35 of such chapter (D.C. Code, sec. 35–535(15)(ii)) is amended by striking out "$300,000" and "$150,000" and inserting in lieu thereof "$1,500,000' in each such place.

SEC. 202. The amendment made by this title shall take effect thirty days after the date of enactment of this Act.

TITLE III—AMENDMENT OF THE LIFE INSURANCE ACT OF THE DISTRICT OF COLUMBIA TO INCREASE GROUP TERM LIFE INSURANCE AMOUNT LIMITATIONS

SEC. 301. Sections 10(1)(d), 10(3)(d), 10(4)(d), 10(6)(d), and 10(9)(d) of chapter V of the Life Insurance Act (D.C. Code, secs. 35–700 (1)(d), (3)(d), (4)(d), (6)(d) and (9)(d)), are amended (1) by striking out "$20,000" and inserting in lieu thereof "$30,000"; (2) by striking out "$40,000" and inserting in lieu thereof "$100,000"; and (3) by striking out "150" and inserting in lieu thereof "300".

SEC. 302. The first sentence of section 11 of chapter V of the Life Insurance Act (D.C. Code, sec. 35–711), is amended (1) by striking out "and" between clauses (b) and (c), (2) by striking out the colon at the end of clause (c) and inserting in lieu thereof a semicolon and (3) by inserting immediately thereafter a new clause (d) as follows: "and (d) that subject to the terms of the policy any person insured under a group life insurance contract, whether issued before or after the effective date of this clause, may make to any person, other than his employer, an absolute or collateral assignment of any or all the rights and benefits conferred on him by any provision of such policy or by law, including specifically, but not by way of limitation, any right to designate a beneficiary or beneficiaries thereunder and any right to have an individual policy issued upon termination either of employment or of said policy of group life insurance, but nothing herein shall be construed to have prohibited an insured from making an assignment of all or any part of his rights and privileges under the policy before the effective date of this clause and, subject to the terms of the policy, an assignment by an insured before or after the effective date of this clause is valid for the purposes of vesting in the assignee all rights and privileges so assigned, but without prejudice to the insurer on account of any payment it may make or individual policy it may issue prior to receipt of notice of the assignment:".

TITLE IV—AMENDMENT OF THE FIRE AND CASUALTY ACT REGULATING THE BUSINESS OF FIRE, MARINE, AND CASUALTY INSURANCE IN THE DISTRICT OF COLUMBIA

SEC. 401. Sections 13 and 14 of chapter II of the Fire and Casualty Act (D.C. Code, secs. 3–1316 and 35–1317), are amended to read as follows:

§ 13. Minimum capital and surplus requirement

"Every stock company authorized to do business in the District shall have and shall at all times maintain a paid up capital stock of not less than $300,000, and a surplus of not less than $300,000. Every domestic mutual company and every domestic reciprocal company shall have and shall at all times maintain a surplus of not less than $300,000, and every foreign or alien mutual company and every foreign or alien reciprocal company shall have and shall at all times maintain a surplus of not less than $400,000.

"§ 14. Corporations heretofore formed

"No company shall be exempt from the provisions of this subsection by reason of its having been incorporated in the District or elsewhere prior to the effective date of this subsection, except that, in the case of companies authorized in the District on the date of approval of this subsection and continuously thereafter without any increase of authority, the minimum capital and surplus required of a stock company, and the minimum surplus required of a mutual or reciprocal company, or of a Lloyd's organization by the laws of the District heretofore applicable shall not be increased by this subsection, and provided also that in the case of such continuously authorized companies the provisions of section 24 relating to the names of companies, and the provisions of section 25 relating to the amount of surplus necessary to the issuance of policies having no provision for contingent liability, shall not be applicable."

SEC. 402. Section 25 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35–1329) is amended by striking out "$300,000" and inserting in lieu thereof "$600,000".

TITLE V—AMENDMENT OF AMOUNT OF CONTRACT WITH THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR WHICH A SURETY BOND IS REQUIRED

SEC. 501. The first section of the Act entitled "An Act in relation to contracts with the District of Columbia" approved June 28, 1906 (D.C. Code, sec. 1–805), and the first section of the Act of August 3, 1968 (D.C. Code, sec. 1–804a) (relating to contracts with the District of Columbia), are each amended by striking out "$2,000" wherever it appears in each such first section and inserting in lieu thereof "$10,000".

With the following committee amendments:

On page 6, line 25, strike out "(2)" and insert in lieu thereof "(3)".

On page 10, line 17, strike out "(b)" and insert in lieu thereof "(c)".

On page 20, line 17, insert "each place it appears" immediately before "and".

On page 20, line 18, insert "each place it appears" immediately before "and".

On page 20, line 19, insert "each place it appears" immediately before "and inserting".

On page 22, line 6, strike out "3–1316" and insert in lieu thereof "35–1316".

On page 22, strike out line 8 and all that follows down through line 9 on page 23, and insert in lieu thereof the following:

"Sec. 13. Minimum Capital and Surplus Requirement.—Every stock company authorized to do business in the District shall have and shall at all times maintain a paid-up capital stock of not less than $300,000, and a surplus of not less than $300,000. Every domestic mutual company and every domestic reciprocal company shall have and shall at all times maintain a surplus of not less than $300,000 and every foreign or alien mutual company and every foreign or alien reciprocal company shall have and shall at all times maintain a surplus of not less than $400,000.

"Sec. 14. Corporations Heretofore Formed.—No company shall be exempt from the provisions of this subsection by reason of its having been incorporated in the District or elsewhere prior to the effective date of this subsection, except that, in the case of companies authorized in the District on the date of approval of this subsection and continuously thereafter without any increase of authority, the minimum capital and surplus required of a stock company, and the minimum surplus required of a mutual or reciprocal company, or of a Lloyd's organization by the laws of the District heretofore applicable shall not be increased by this subsection, and provided also that in the case of such continuously authorized companies the provisions of section 24 relating to the names of companies, and the provisions of section 25 relating to the amount of surplus necessary to the issuance of policies having no

provision for contingent liability, shall not be applicable."

The committee amendments were agreed to.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

I should like to commend Mr. STUCKEY, of the Eighth District of Georgia, the distinguished chairman of our Subcommittee on Business, Commerce and Taxation, for his outstanding efforts in putting this bill together. It was through his undertakings that H.R. 4083 was written and placed before the Committee on the District of Columbia.

H.R. 4083 is one that is greatly needed in the District of Columbia, for the protection of the city's consumers of insurance. Although the District, in recent times, has not suffered the problems of insolvency of its many insurance companies, there still should be adopted some measure to insure that insolvencies do not occur in the future.

H.R. 4083 is supported by the District Government; the Commissioner submitted the original draft legislation for the bill on June 1, 1971.

In the 92d Congress, S. 2208, an identical bill to H.R. 4083, passed the Senate April 27, 1972. Hearings were held by the House District Subcommittee on Public Health, Welfare, Housing, and Youth Affairs on September 11, 1972; S. 2208 passed the full committee September 11, 1972. The measure did not get to the House floor in the rush to adjourn. Additional hearings for the bill were held by our Subcommittee on Business, Commerce, and Taxation on April 5, 1973. The District Government, Superintendent of Insurance, Lombard, and Deputy Superintendent of Insurance, Wallach, supported H.R. 4083 at the hearings.

The provisions of H.R. 4083 are as follows:

Title I establishes a postassessment insurance property fund to be known as the District of Columbia Insurance Guaranty Association. The Association is obligated, in the event an insurance company becomes insolvent, to pay all covered claims of policyholders. Funds are to be provided through annual assessments to be levied on each member insurance company; with a maximum assessment of 2 percent of net direct written premiums in any one year—life, title, disability, and mortgage guaranty companies excepted from this title. Additional responsibility includes aiding in the detection and prevention of insolvencies.

Title I is based on model legislation prepared by the National Association of Insurance Commissioners; adopted by 47 States, under active consideration in the other 3. There is presently no protection for consumers against company insolvencies. The District's record is remarkable regarding insolvencies of companies domiciled here but it is imperative to plan for the possibility of insolvencies occurring in a nationwide company which has District policyholders.

Title II increases from $200,000 to $1 million the amount of capital and surplus each domestic stock and mutual life insurance company is required to have in order to transact business in the District.

Forty-six States have higher requirements than the District has presently and this section brings the District law more in keeping with those of other States.

Title II also provides greater protection to consumers and recognizes the effects of inflation on capitalization requirements. The capital and surplus requirements for life insurance companies in the District were last revised in 1964 by Public Law 88–556.

Title III increases the amount of coverage available under group term life insurance to maximums of $100,000, or 300 percent of compensation, maximum; and a $30,000 minimum—presently, limits are $40,000 or 1½ percent compensation maximum, and a $20,000 minimum. An assignment of rights provision is included, permitting an individual covered under a group life policy to obtain an exclusion under Federal estate laws.

Presently, 27 States have no limits on amounts of group term life coverage; 19 have higher limits than the District. Thirty-seven States now have an assignment of rights provision.

Title IV amends the Fire and Casualty Act to increase the amount of capital and surplus required of all property and casualty companies licensed under the Fire and Casualty Act from $300,000 to $600,000; to increase the surplus requirement for domestic mutual companies from $150,000 to $300,000; and to increase the amount for foreign mutuals from $200,000 to $400,000. The increased requirements would apply only to new companies wishing to be licensed in the District.

Adjustments included in title IV of the bill would bring District requirements in line with most States, and would act as a safeguard against financially inadequate companies entering the local market. The capital and surplus requirements under the Fire and Casualty Act were determined in 1940 and have not been revised since.

Title V increases from $2,000 to $10,000 the amount of the contract with the District Government without being required to be bonded in contracts involving less than $10,000.

In spite of the meritorious impact of this bill, there would be no cost to the District or Federal Governments, if the bill is enacted.

The House Committee on the District of Columbia urges your early and favorable action on H.R. 4083, in view of the great need for the legislation in the District.

Mr. STUCKEY. Mr. Speaker, I move to strike the requisite number of words.

The purposes of the proposed legislation (H.R. 4083), as set forth in House Report 93–257, are to amend existing laws in the District of Columbia relating to insurance in order to provide a greater degree of protection to consumers from financial loss due to company insolvency; to increase the limitation on the amount of group term life insurance that can be issued in the District, expressly permitting the assignment of interest in a group life insurance policy; and to increase the amount of a contract with the District government for which a bond is required.

Specifically, the provisions of H.R. 4083, an omnibus bill requested by the government of the District of Columbia, may be summarized as follows:

TITLE I—DISTRICT OF COLUMBIA POST ASSESSMENT INSURANCE GUARANTY ASSOCIATION ACT

Title I: Establishes a postassessment insurance guaranty fund to be known as the District of Columbia Insurance Guaranty Association, obligated, in the event an insurance company becomes insolvent, to pay all covered claims of policyholders. Title I is based on model legislation prepared by the National Association of Insurance Commissioners; similar language has been adopted by 47 States with consideration pending in 3.

The funds necessary for the insolvency plan as well as for operating expenses will be provided through annual assessments to be levied on each member insurance company. The assessment shall be computed by the proportion of insurance each member company writes in the District of Columbia. No member company, however, will be assessed an amount greater than 2 percent of that member's net direct written premiums in any one year.

The Association shall be administered by a Board of Directors chosen by the member companies and subject to the approval of the Commissioner of the District of Columbia. The Board shall be authorized to adopt a plan of operation and procedure which is also subject to the approval of the Commissioner. If the Commissioner shall either disapprove of a member of the Board or the plan of operation, the same shall be returned to the Board of Directors.

The Association's function is not simply one of a financial guarantor for policyholders, it is also vested with the responsibility of aiding in the detection and prevention of insolvencies. In exercising this function, the Board, upon majority vote, will notify the Commissioner of any hazardous financial conditions of any member company; request the Commissioner to have an examination conducted at the Association's exposure; and make general reports and recommendations to the Commissioner on matters relating to the concerns of the Association.

The Commissioner shall inform the Association of insolvencies within 3 days of receipt of a determination of the insolvency. The Commissioner will be authorized to require the Association to notify all the insureds of the insolvent company of their rights under this title. The Commissioner shall also report to the Board of Directors when he has cause to believe an insolvency is about to occur among any member company.

The title would provide for the termination of the District of Columbia Insurance Guaranty Association in the event that legislation is enacted creating a national guaranty fund with benefits and protections as favorable as those that would be provided policyholders under this title, or in the event a voluntary plan

is created which provides equally favorable safeguards to policyholders.

TITLE II—INCREASE CAPITAL REQUIREMENTS OF LIFE INSURANCE COMPANIES

This title increases the capital and surplus requirements for stock and mutual life insurance companies authorized to do business in the District of Columbia. Specifically, the title amends the Life Insurance Act to increase from $200,000 to $1,000,000 the amount of paid-up capital each domestic capital stock and mutual life insurance company is required to have in order to transact business in the District of Columbia.

Over the years, the various States have increased the capital and surplus requirements of life insurers as a further safeguard to the security of policyholders. It is particularly important that the policyholders be protected in the early years of a company's operation.

The proposed increases in the capital and surplus requirements would bring the District of Columbia more in line with the requirements of the various other States and would provide greater safety to policyholders of companies authorized to do business in the District of Columbia. The capital and surplus requirements for life insurance companies were last revised in 1964 by Public Law 88–556.

TITLE III—INCREASE GROUP TERM LIFE INSURANCE AMOUNT LIMITATIONS

This provision increases the maximum amounts of group life insurance to the lesser of $100,000 or 300 percent of compensation—three times earnings—with a lower limit of $30,000. Twenty-seven States currently have no limits on the amounts of group life insurance while 19 States have higher limits than the District of Columbia; 4 have the same limits. The proposal contained in this title would offset the effects of inflation in the years since the last increase in the group life insurance limits and it would bring the limit more in line with those applicable in other States. Such an increase would permit the full employee benefits under the Federal income tax laws which exclude from personal income tax the premiums paid by an employer for group life insurance up to $50,000.

The present District of Columbia Code neither permits nor prohibits the assignment of group life insurance. Section 302 of title III makes it certain that the proceeds attributable to an interest in a group life insurance policy which has been completely assigned by the owner thereof will be excludable from the assignor's estate for Federal estate tax purposes.

Section 2042 of the Federal Internal Revenue Code of 1954 provides that there shall be included in the Federal gross estate of a decedent proceeds of insurance on his life which are receivable either by his executor or, if he possessed any incidents of ownership in the policy at his death, by any other beneficiary. In Revenue Ruling 69–54, 1969–1 C.B. 221, the U.S. Internal Revenue Service ruled in effect that an insured could not assign all his incidents of ownership in group life insurance unless both the group policy and applicable State law permit an absolute assignment of all his incidents of ownership, including the right to convert group coverage into individual insurance upon termination of employment. The Federal Government has since lost several court cases which in effect hold that State law need not specifically permit such an assignment so long as it does not prohibit assignment, and the Internal Revenue Service has announced its agreement with one of these cases. However, the Service has not modified Revenue Ruling 69–54.

In view of the uncertainty in the Federal estate tax law, 37 States—at latest count—including Maryland and Virginia, have passed legislation specifically permitting the assignment of interests in group life insurance.

Section 302 of title III amends the proviso in the first sentence of section 11 of chapter V of the Life Insurance Act (40 Stat. 1145) as amended—District of Columbia Code 35–711—by adding a new clause (d) which provides that, subject to the terms of the policy, any person insured under a group life insurance contract may assign any or all of his rights and benefits under the policy to any person other than his employer. The proposed clause (d) makes it clear that any such assignment is valid whether it is made before or after the effective date of the clause. On the other hand, proposed clause (d) protects the insurer on account of any payment which it may make or any individual policy which it may issue prior to receipt by it of notice of the assignment.

TITLE IV—FIRE, MARINE, AND CASUALTY INSURANCE AMENDMENTS

This provision amends the Fire and Casualty Act to increase the amount of paid-up capital stock and surplus required of all stock companies licensed under the Fire and Casualty Act from $300,000 to $600,000; to increase the surplus requirement for domestic mutual companies from $150,000 to $300,000; and to increase the amount for foreign mutuals from $200,000 to $400,000. The provision would also increase the surplus requirement for mutual companies issuing nonassessable policies from $300,000 to $600,000.

The additional policyholder protection would apply only to new companies wishing to be licensed in the District and not to companies continuously transacting business here provided, of course, there is no change in the scope of their operation. The committee believes the changes are necessary since the capital and surplus requirements under the Fire and Casualty Act have not been revised since 1940. We hasten to add that the adequacy of capital and surplus requirements is essential to the protection of policyholders.

TITLE V—AMENDING SURETY BOND REQUIREMENTS

Title V of H.R. 4083 increases from $2,000 to $10,000 the amount of a contract with the District Government for which a bond is required. The $2,000 requirement was the amount under the original statute in 1906. The committee feels that the $2,000 requirement is unnecessarily low and that an increase to $10,000 would be more in line with present costs and also would provide small contractors with a greater opportunity of dealing with the District Government without being required to be bonded in contracts involving less than $10,000.

HISTORY

Hearings were held by the Subcommittee on Business, Commerce and Taxation on April 5, 1973 on H.R. 4083 and H.R. 5687, similar bills. Representatives of the District of Columbia Government, domestic insurance companies, national insurance associations, and the National Education Association provided testimony in support of the legislation. No testimony was received in opposition thereto, nor has any expression of opposition been received by your Committee.

COST

The enactment of this proposed legislation will involve no added cost to the Government of the District of Columbia.

COMMITTEE VOTE

The pending bill, H.R. 4083, was ordered reported by a voice vote of the Committee, on June 4, 1973.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to express my support for the bill H.R. 4083, to improve the present laws regulating the insurance business in the District of Columbia in a number of important respects, and to urge favorable action upon this measure.

The broad purpose of this proposed legislation is to close certain gaps which presently exist in the regulation of insurance in the District. To a great extent, these gaps have developed through years of increasing inflation since the present laws in this area were enacted. The provisions of this bill, by increasing the levels of capital and surplus requirements for all insurers in the District, both life and property companies, will serve to further safeguard and protect innocent policyholders from possible losses through bankrupt insurance companies.

Title I of the bill will create an unincorporated legal entity known as the District of Columbia Insurance Guaranty Association, whose function shall be to administer a postassessment insurance guaranty fund. This will create for the first time an insolvency program in which all licensed carriers in the District of Columbia will be required to participate. Thus, should an insolvency occur these carriers provide funds through an assessment out of which claimants and policyholders of such insolvent insurer will be compensated. The District of Columbia Guaranty Association will administer this plan, with rights, duties, and obligations similar to those of a company in regard to adjusting and settling of claims.

The funding necessary for the operation of this insolvency protection plan will accrue from assessments levied upon each member insurer, to be computed in proportion to the insurance written in the District of Columbia by each such member insurer. However, no member insurer may be assessed an amount greater than 2 percent of that member's net direct written premiums in any 1 year.

The provisions of this title shall apply

to all kinds of direct insurance except life, title, disability, and mortgage guaranty insurance. I am advised that the reason for these exemptions is the fact that failures have occurred primarily among companies in the property and liability field of insurance.

The provisions of this title follow closely those of the National Association of Insurance Commissioners' model bill, which has been enacted by 47 States, including Virginia and Maryland. At present, therefore, if a company licensed in any of those 47 States becomes insolvent, its policyholders residing in any of those States are protected against financial loss; but policyholders of that same company who are residents of the District of Columbia have no protection whatever.

Further, I wish to emphasize that the association's function will not be simply that of a financial guarantor for the protection of policyholders. It will also be vested with the responsibility to aid in the detection and prevention of future insolvencies.

The financial obligation of the association shall be limited to covered claims unpaid prior to insolvency of the member insurer, and to claims arising within 30 days after insolvency, or until the policy is canceled or replaced by the insured, or expires, whichever is earlier. The basic principle is to permit policyholders to make an orderly transition to other companies.

Title II of the bill will increase the amount of paid up capital stock required of domestic capital stock life insurance companies licensed in the District of Columbia from the present $200,000 minimum to $1,000,000. At the same time, the present requirement that such stock companies maintain a surplus of at least 50 percent of their stock will remain unchanged. Thus, the minimum total combined capital and surplus required of such companies will be $1,500,000. The surplus required of domestic mutual life insurance companies is also increased, from the present minimum of $150,000 to $1,500,000.

These minimum capital and surplus requirements for domestic life insurance companies in the District of Columbia were first set at $150,000 for stock companies and $100,000 for mutual companies, in 1934. The latter was increased to $150,000 in 1950. While these minimum requirements may have been adequate for the protection of policyholders at that time, this is certainly not the case today.

Over the years, there has been a nationwide trend to increase the minimum capital and surplus requirement for stock life insurance companies, as well as the surplus requirement for mutual life insurance companies. As of July 1971, I am advised, only two States had lower such requirements than those in the District of Columbia, and only four States had minimums equal to those in the District. The other 44 States all had minimum requirements substantially higher than those prevailing here. H.R. 4083 simply eliminates this situation, for the protection of policyholders in the domestic life insurance companies in the District, by increasing these minimum capital and surplus requirements to comparable levels with those in effect in nearly all the States.

Title III will increase the maximum amount of group life insurance which an employer in the District of Columbia may provide his employees from $40,000 or 1.5 times compensation to $100,000 or 3 times compensation. Again, the present maximum limitation on such group insurance is totally unrealistic in view of the present inflationary trend. I am told that today 27 States have no limitation whatever on group insurance coverage, and 19 States have limits which are higher than those existing under District of Columbia law at present.

This title also amends section 35–711 of the District of Columbia Code to permit the assignment of group life insurance. Actually, the present District of Columbia law neither permits nor prohibits such assignment. Hence, assignment may be made if contained in a group life insurance policy as a contractual right of the insured certificate holder. However, some uncertainty exists concerning Federal estate tax law with respect to such assignments, and 37 States, including both Virginia and Maryland, have passed legislation specifically permitting the assignment of interests in group life insurance for this reason. The purpose of this provision in H.R. 4083 is to make certain in the District of Columbia that the proceeds attributable to an interest in a group life insurance policy which has been completely assigned by the owner thereof will be excludable from the assignor's estate for Federal estate tax purposes.

Title IV amends the District of Columbia Fire and Casualty Act to increase the minimum amount of paid up capital stock and surplus required of all stock companies licensed under the Fire and Casualty Act from $300,000 to $600,000; to increase the surplus requirement for domestic mutual companies from $150,000 to $300,000; and to increase the amount of surplus required of foreign mutual companies from $200,000 to $400,000. These new limits for additional policyholder protection will be required only of new companies wishing to be licensed in the District, and not to companies presently doing business here.

These limits have not been increased since 1940, and certainly the change in the value of the dollar during that period of 33 years justifies these increased requirements. The new amounts will place the District generally in a comparable position with the States in this regard, and also they will have a beneficial effect upon the present trend of small companies located elsewhere seeking to come into the District to do business because of the present extremely low financial requirements. Some of these companies are somewhat suspect as to financial stability.

Title V will increase from $2,000 to $10,000 the amount of a contract with the District of Columbia government for which a bond is required. The present limit was enacted in 1906, and the proposed higher figure is far more realistic today. This will provide small local contractors a great opportunity of dealing with the District government without the added difficulty of bonding.

Mr. Speaker, it is apparent that the present District of Columbia laws regulating the insurance business are badly in need of modernizing and strengthening, in the interest of protection for the policyholders. The various States have nearly all taken steps in this direction, and the time for the Congress to protect the citizens of the District in at least equal measure is long overdue.

The provisions of H.R. 4083, to raise the minimum requirements of capital and surplus for insurance companies doing business in the city, and to create the District of Columbia Guaranty Association to assure against losses to policyholders in the event of insolvency of companies in the property and liability field, are badly needed steps forward in this effort.

I earnestly commend this proposed legislation to my colleagues for immediate and favorable action.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 330, nays 0, not voting 103, as follows:

[Roll No. 203]

YEAS—330

Abdnor	Burleson, Tex.	Dickinson
Abzug	Burlison, Mo.	Diggs
Adams	Burton	Downing
Addabbo	Byron	Drinan
Alexander	Carey, N.Y.	Dulski
Andrews, N.C.	Carney, Ohio	Duncan
Annunzio	Carter	du Pont
Archer	Casey, Tex.	Edwards, Ala.
Armstrong	Chappell	Eilberg
Ashley	Clancy	Erlenborn
Aspin	Clark	Esch
Bafalis	Clausen,	Eshleman
Baker	Don H.	Evans, Colo.
Barrett	Clay	Evins, Tenn.
Beard	Cochran	Fascell
Bennett	Collier	Findley
Bergland	Collins, Ill.	Flood
Bevill	Collins, Tex.	Flowers
Bingham	Conable	Flynt
Boggs	Conlan	Forsythe
Boiling	Conte	Fountain
Bowen	Coughlin	Frelinghuysen
Brasco	Crane	Frenzel
Bray	Cronin	Frey
Breaux	Culver	Froehlich
Breckinridge	Daniel, Dan	Fuqua
Brinkley	Daniel, Robert	Gettys
Brooks	W., Jr.	Gibbons
Broomfield	Danielson	Gilman
Brotzman	Davis, S.C.	Ginn
Brown, Mich.	Davis, Wis.	Goldwater
Brown, Ohio	de la Garza	Gonzalez
Broyhill, N.C.	Dellenback	Goodling
Broyhill, Va.	Dellums	Gray
Buchanan	Denholm	Green, Oreg.
Burgener	Dennis	Green, Pa.
Burke, Calif.	Dent	Griffiths
Burke, Fla.	Derwinski	Gross
Burke, Mass.	Devine	Grover

Gubser	Meeds	Skubitz
Gude	Mezvinsky	Slack
Gunter	Miller	Smith, Iowa
Guyer	Mills, Ark.	Snyder
Haley	Minish	Spence
Hamilton	Mink	Staggers
Hammer-schmidt	Minshall, Ohio	Stanton, J. William
Hanley	Mitchell, Md.	Stanton,
Hansen, Idaho	Mitchell, N.Y.	James V.
Harrington	Mizell	Stark
Harsha	Moakley	Steed
Harvey	Mollohan	Steelman
Hays	Moorhead, Calif.	Steiger, Ariz.
Hechler, W. Va.	Moorhead, Pa.	Steiger, Wis.
Heinz	Morgan	Stephens
Helstoski	Moss	Stokes
Henderson	Myers	Stratton
Hicks	Natcher	Stubblefield
Hillis	Nelsen	Stuckey
Hinshaw	Nichols	Studds
Holt	Obey	Sullivan
Horton	O'Brien	Symington
Hosmer	O'Hara	Symms
Hudnut	Owens	Talcott
Hungate	Passman	Taylor, Mo.
Hunt	Patten	Taylor, N.C.
Hutchinson	Pepper	Teague, Calif.
Ichord	Perkins	Teague, Tex.
Jarman	Pettis	Thompson, N.J.
Johnson, Calif.	Peyser	Thomson, Wis.
Johnson, Colo.	Pickle	Thone
Johnson, Pa.	Pike	Thornton
Jones, Ala.	Poage	Towell, Nev.
Jones, N.C.	Podell	Treen
Jones, Okla.	Price, Ill.	Udall
Jones, Tenn.	Price, Tex.	Van Deerlin
Jordan	Pritchard	Vanik
Kazen	Quie	Veysey
Keating	Randall	Vigorito
Kemp	Rarick	Waggonner
Koch	Rees	Walsh
Kuykendall	Regula	Wampler
Kyros	Reuss	Ware
Landgrebe	Rinaldo	Whalen
Landrum	Roberts	White
Latta	Robinson, Va.	Whitehurst
Lent	Rodino	Whitten
Litton	Roe	Widnall
Long, La.	Rogers	Wiggins
Long, Md.	Roncalio, Wyo.	Williams
Lott	Roncallo, N.Y.	Wilson, Bob
Lujan	Rooney, Pa.	Wilson, Charles H., Calif.
McClory	Rose	
McCloskey	Rosenthal	
McCollister	Roush	Wilson, Charles, Tex.
McDade	Rousselot	
McEwen	Roybal	Winn
McFall	Runnels	Wolff
McKay	Ruth	Wright
McKinney	Ryan	Wyatt
McSpadden	Sandman	Wydler
Macdonald	Sarasin	Wylie
Madden	Sarbanes	Wyman
Madigan	Satterfield	Yates
Mahon	Scherle	Yatron
Mailliard	Schneebeli	Young, Fla.
Mallary	Schroeder	Young, Ga.
Mann	Sebelius	Young, Ill.
Martin, N.C.	Seiberling	Young, S.C.
Mathias, Calif.	Shipley	Young, Tex.
Mathis, Ga.	Shoup	Zablocki
Matsunaga	Shriver	Zion
Mazzoli	Shuster	Zwach

NAYS—0

NOT VOTING—103

Anderson, Calif.	Davis, Ga.	Huber
	Delaney	Karth
Anderson, Ill.	Dingell	Kastenmeier
Andrews, N. Dak.	Donohue	Ketchum
	Dorn	King
Arends	Eckhardt	Kluczynski
Ashbrook	Edwards, Calif.	Leggett
Badillo	Fish	Lehman
Bell	Fisher	McCormack
Biaggi	Foley	Maraziti
Biester	Ford, Gerald R.	Martin, Nebr.
Blackburn	Ford, William D.	Mayne
Blatnik		Melcher
Boland	Fraser	Metcalfe
Brademas	Fulton	Michel
Brown, Calif.	Gaydos	Milford
Butler	Giaimo	Montgomery
Camp	Grasso	Mosher
Cederberg	Hanna	Murphy, Ill.
Chamberlain	Hanrahan	Murphy, N.Y.
Chisholm	Hansen, Wash.	Nedzi
Clawson, Del	Hastings	Nix
Cleveland	Hawkins	O'Neill
Cohen	Hébert	Parris
Conyers	Heckler, Mass.	Patman
Corman	Hogan	Powell, Ohio
Cotter	Holifield	Preyer
Daniels, Dominick V.	Holtzman	Quillen
	Howard	Railsback
Rangel	Roy	Steele
Reid	Ruppe	Tiernan
Rhodes	St Germain	Ullman
Riegle	Saylor	Vander Jagt
Robison, N.Y.	Sikes	Waldie
Rooney, N.Y.	Sisk	Young, Alaska
Rostenkowski	Smith, N.Y.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dominick V. Daniels with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Arends.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. O'Neill with Mr. Rhodes.

Mrs. Chisholm with Mr. Corman.

Mr. Cotter with Mr. Michel.

Mr. Gaydos with Mr. Biester.

Mr. Murphy of New York with Mr. Fish.

Mr. Sikes with Mr. Ashbrook.

Mr. St Germain with Mr. Maraziti.

Mr. Kluczynski with Mr. Martin of Nebraska.

Mr. Tiernan with Mr. Cleveland.

Mr. Donohue with Mr. Huber.

Mr. Dingell with Mr. Cederberg.

Mrs. Grasso with Mr. Mayne.

Mr. Fulton with Mr. Mosher.

Mr. Giaimo with Mr. Steele.

Mr. Boland with Mrs. Heckler of Massachusetts.

Mr. Brademas with Mr. Hogan.

Mr. Davis of Georgia with Mr. Blackburn.

Mr. Delaney with Mr. King.

Mr. Fisher with Mr. Smith of New York.

Mr. Leggett with Mr. Del Clawson.

Mr. Kastenmeier with Mr. Chamberlain.

Mr. Howard with Mr. Railsback.

Mr. Holifield with Mr. Robison of New York.

Mr. Hawkins with Mr. Bell.

Mr. Badillo with Mr. Conyers.

Mr. Rangel with Mr. Riegle.

Mr. Dorn with Mr. Butler.

Mr. Brown of California with Mr. Vander Jagt.

Mr. Foley with Mr. Cohen.

Mr. William D. Ford with Mr. Ruppe.

Mr. Biaggi with Mr. Hastings.

Mrs. Hansen of Washington with Mr. Camp.

Mr. Blatnik with Mr. Hanrahan.

Mr. Murphy of Illinois with Mr. Anderson of California.

Mr. Hébert with Mr. Parris.

Mr. Metcalfe with Mr. Eckhardt.

Mr. McCormack with Mr. Andrews of North Dakota.

Mr. Hanna with Mr. Fraser.

Mr. Nix with Mr. Saylor.

Mr. Nedzi with Miss Holtzman.

Mr. Preyer with Mr. Karth.

Mr. Reid with Mr. Lehman.

Mr. Roy with Mr. Melcher.

Mr. Sisk with Mr. Quillen.

Mr. Ullman with Mr. Powell of Ohio.

Mr. Montgomery with Mr. Milford.

Mr. Waldie with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the bill just passed (H.R. 4083).

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

There was no objection.

AMENDING THE DISTRICT OF COLUMBIA ELECTION LAW

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia.I call up the bill (H.R. 6713) to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act (D.C. Code, secs. 1–1101—1–1115) is amended as follows:

(1) Clause (A) of paragraph (2) of section 2 of such Act (D.C. Code, sec. 1–1102) is amended to read as follows: "(A) who resides or is domiciled in the District and who does not claim voting residence or right to vote in any State or territory;".

(2) Paragraph (1) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking out "after the first Monday".

(3) Paragraphs (2) and (3) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) are each amended by striking out "forty five" wherever it appears and inserting in lieu thereof "sixty".

(4) Section 5 of such Act (D.C. Code, sec. 1–1105) is amended by inserting at the end of that section the following:

"(f) Notwithstanding the provisions of the fourth paragraph under the section headed 'Militia' of the Act of July 7, 1898 (relating to appropriations) (D.C. Code, sec. 1–215), the Board may accept volunteer services for the purposes of voter education and registration."

(5) Clause (C) of paragraph (1) of subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "forty fifth" and inserting in lieu thereof "sixtieth".

(6) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "5 per centum" and inserting in lieu thereof "1 per centum", and by inserting at the end of that subsection the following: "The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purpose of this subsection."

(7) Subsection (h) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "or party runoff".

(8) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out "forty-fifth" and inserting in lieu thereof "sixtieth", and (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", "one hundred fourteenth", and "eighty-fifth", respectively.

(9) Paragraph (1) of subsection (j) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (a) by striking out in clause (A) "forty-fifth", and inserting in lieu thereof "sixtieth", and (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", and "one hundred fourteenth", and "eighty-fifth", respectively.

(10) Subsection (k) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "or party runoff".

(11) Subsection (o) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out in clause (A) "forty-fifth", and by inserting in lieu thereof "sixtieth", and (B) by striking out "ninety-ninth" and "seventieth", respectively, and by inserting

in lieu thereof "one hundred-fourteenth" and "eighty-fifth", respectively.

(12) Paragraph (1) of subsection (p) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "forty-second day before the date of the election" and by inserting in lieu thereof "third day after the filing deadline for nominating petitions".

(13) Subsection (e) of section 9 of such Act (D.C. Code, sec. 1–1109) is amended by striking out "seven" and by inserting in lieu thereof "ten".

(14) Subsection (g) of section 9 of such Act (D.C. Code, sec. 1–1109) is amended by striking out "or party runoff".

(15) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "after the first Monday".

(16) Paragraph (3) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "the first Tuesday in May of each even numbered year;" and inserting in lieu thereof "the first Tuesday in May of each Presidential election year, and on the second Tuesday in September in each even numbered non-Presidential election year;".

(17) Subsection (b) section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "8 o'clock antemeridian" and by inserting in lieu thereof "7 o'clock antemeridian".

(18) Paragraph (4) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is repealed.

SEC. 2. The amendments made by this Act shall take effect on and after the date of enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

That the District of Columbia Election Act (D.C. Code, secs. 1–1101—1–1115) is amended as follows:

(1) Clause (A) of paragraph (2) of section 2 of such Act (D.C. Code, sec. 1–1102) is amended to read as follows: "(A) who resides or is domiciled in the District and who does not claim voting residence or right to vote in any State or territory;".

(2) Subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by (A) striking out "and" at the end of paragraph (7), (B) redesignating paragraph (8) as paragraph (9), and (C) inserting immediately after paragraph (7) the following:

"(8) prescribe such regulations as it considers necessary in order to carry out the purposes of this Act; and"

(3) Paragraph (1) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking out "after the first Monday".

(4) Paragraphs (2) and (3) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) are each amended by striking out "forty-five" wherever it appears and inserting in lieu thereof "sixty".

(5) Paragraph (6) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) is repealed.

(6) Subsection (d) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended to read as follows:

"(d) The Board may permit either persons temporarily absent from the District or persons physically unable to appear personally at an official registration place to register for the purpose of voting in any election held under this Act."

(7) Section 5 of such Act (D.C. Code, sec. 1–1105) is amended by inserting at the end of that section the following:

"(f) Notwithstanding the provisions of the fourth paragraph under the section headed 'Militia' of the Act of July 7, 1898 (relating to appropriations) (D.C. Code, sec. 1–215), the Board may accept volunteer services for the purposes of voter education and registration."

(8) Paragraph (1) of subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(a) (1) Each candidate for election to the office of national committeeman or alternate, or national committeewomen or alternate, and for election as a member or official designated for election at large under clause (4) of the first section of this Act, shall be a qualified elector registered under section 7 of this Act who has been nominated for such office, or for election as such member or official, by a nominating petition (A) signed by not less than five hundred qualified electors registered under such section 7, who are of the same political party as the candidate, and (B) filed with the Board not later than the sixtieth day before the date of the election held for such office, member, or official."

(9) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "5 per centum" and inserting in lieu thereof "1 per centum".

(10) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out "forty-fifth" and inserting in lieu thereof "sixtieth", (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", "one hundred fourteenth", and "eighty-fifth", respectively, and (C) by striking out "The Board may prescribe rules with respect to the preparation and presentation of nominating petitions.".

(11) Paragraph (1) of subsection (j) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out in clause (A) "forty-fifth", and inserting in lieu thereof "sixtieth", (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", "one hundred fourteenth", and "eighty-fifth", respectively, and (C) by striking out "The Board may prescribe rules with respect to the preparation and presentation of such nominating petitions.".

(12) Paragraph (3) of subsection (m) of section 8 of such Act (D.C. Code, section 1–1108) is amended by striking out "The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purpose of this subsection.".

(13) Subsection (o) of section 8 of such Act (D.C. Code, section 1–1108) is amended (A) by striking out in clause (A) "forty-fifth", and by inserting in lieu thereof "sixtieth", (B) by striking out "ninety-ninth" and "seventieth", respectively, and by inserting in lieu thereof "one hundred-fourteenth" and "eighty-fifth", respectively, and (C) by striking out "The Board may prescribe rules with respect to the preparation and presentation of nominating petitions.".

(14) Paragraph (1) of subsection (p) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "forty-second day before the date of the election" and by inserting in lieu thereof "third day after the filing deadline for nominating petitions".

(15) Subsection (e) of section 9 of such Act (D.C. Code, sec. 1–1109) is amended by striking out "seven" and by inserting in lieu thereof "ten".

(16) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "after the first Monday".

(17) Paragraph (4) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended to read as follows:

"(4) Runoff elections shall be held whenever, in any primary election of a political party for candidates for the office of Delegate, no candidate receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office. Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary; except that if any person withdraws his candidacy from such runoff election, the person who received the next highest number of votes in such preceding primary and who is not already a candidate in the runoff election shall automatically become such a candidate."

(18) Subsection (b) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "8 o'clock antemeridian" and by inserting in lieu thereof "7 o'clock antemeridian".

(19) Subsection (e) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "ninety-nine" and inserting in lieu thereof "one hundred fourteen".

(20) Subsection (a) of section 11 of such Act (D.C. Code, sec. 1–1111) is amended by striking out "Such recounts shall be conducted in the manner prescribed by the Board by regulation.".

SEC. 2. The Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31–101 et seq) is amended as follows:

(1) Paragraph (1) of subsection (b) of section 2 of such Act (D.C. Code, sec. 31–101) is amended to read as follows:

"(b) (1) Except as provided in paragraph (3) of this subsection and section 10(e) of the District of Columbia Election Act, the term of office of a member of the Board of Education shall be four years.".

(2) Paragraph (3) of subsection (b) of section 2 of such Act (D.C. Code, sec. 31–101) is amended by adding at the end thereof the following new sentence: "However, the term of office of a member of the Board of Education elected in the general election for member of the Board of Education to be held in 1973 and thereafter shall expire at noon of the thirtieth day after the Board of Elections certifies the results of the election, including any runoff election, for members of the Board of Education in the fourth year of such member's term. The term of a member of the Board of Education elected in the general election to be held in 1977 and thereafter shall begin immediately upon the expiration of the term preceding it."

SEC. 3. The amendments made by this Act shall take effect on and after the date of enactment of this Act.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. DIGGS. Mr. Speaker, before proceeding to consider the bill I should like at this time to commend the efforts of the Delegate from the District of Columbia (Mr. FAUNTROY) chairman of the Judiciary Subcommittee of the Committee on the District of Columbia who was primarily responsible for the progress of this bill. The purpose of H.R. 6713 as reported by the Committee on the District of Columbia is to amend the District of Columbia Election Act in a variety of

ways in order to promote more efficient and fair elections in the District of Columbia. The major provisions of this bill are as follows:

CHANGING FILING DEADLINES AND RELATED DATES FOR NOMINATING PETITIONS

Deadlines for filing of nominating petitions for candidates for District of Columbia elections will be changed from 45 days before an election to 60 days before an election. Other corresponding dates are also set back 15 days, in order to allow candidates the same amount of time as they now have to circulate petitions and to gather signatures. The additional time is necessary in order to allow the Board sufficient time to prepare for an election, once all nominating petitions are filed.

DEFINITION OF A QUALIFIED ELECTOR

The 90-day durational residency requirement for voting in the existing law is eliminated. This change is required to bring District of Columbia law into line with the Supreme Court decision in *Dunn* v. *Blumstein*, (405 U.S. 330 (1972)), in which durational residency requirements for voting were held unconstitutional.

AUTHORIZED VOLUNTEERS

The Board of Elections is authorized to use volunteers in connection with voter registration drives and nonpartisan voter education efforts. Existing District of Columbia law prohibits the District of Columbia government from accepting personnel services without compensation. It is apparent that volunteer help can be extremely useful in stimulating citizen participation in the electoral process, which is a goal of high standing.

REDUCTION OF SIGNATURE REQUIREMENTS FOR THIRD PARTY CANDIDATES FOR PRESIDENT

The signautre requirements for third party candidates for President would be reduced under this bill from 5 percent of the registered voters to 1 percent.

GENERAL RULEMAKING AUTHORITY

The Board of Elections would be given authority to enact rules and regulations to carry out responsibilities and duties given to it under the Election Act. The bill centralizes this authority.

TIMETABLE FOR CHALLENGED BALLOTS

The period of time provided by the Election Act for the Board of Elections to rule on the validity of challenged ballots is extended from 7 to 10 days.

OPENING THE POLLS AT 7 A.M.

Polls in the District of Columbia will be open on election day at 7 a.m. rather than 8 a.m., as provided under existing law. Opening the polls an hour earlier will provide greater opportunity for voting early in the day by persons whose work days begins at an early hour.

LAME-DUCK BOARD OF EDUCATIONAL TERMS

H.R. 6713 provides for the term of newly elected Board members to begin 30 days after the certification of their election. This is to replace the present law wherein there is a potential 4-month gap between the election of a Board of Education member and the time he takes office.

TECHNICAL AMENDMENTS

The three changes recommended are purely technical in nature, and designed to resolve inconsistencies or contradictions in the language of the statute. Two of them relate to the scheduling of the Presidential preference primary and the local party elections. The changes are to ensure that such elections are held on the same date as the delegate primary.

The other technical amendment refers to the beginning of the 10-day challenge period following the filing of nominating petitions.

DELETION OF GENERAL ELECTION RUNOFFS

The runoff election following the general election for the Delegate to Congress would be eliminated. Under existing law, there are runoff elections in the event that a candidate for congressional Delegate fails to secure 40 percent of the vote after either primary and general election.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of H.R. 6713, as amended and reported (H. Rept. 93-258) is to amend the District of Columbia Election Act in a variety of ways in order to promote more efficient and fair elections in the District of Columbia.

NEED FOR THE LEGISLATION

The District of Columbia Election Act initially became law in 1955—69 Stat. 699; District of Columbia Code, title I, section 1101 et seq. The act established the basis for the first election in the District of Columbia in over 80 years, by authorizing the election of certain officials of local political parties.

In 1961, pursuant to the 23d amendment of the U.S. Constitution, the Election Act was amended (75 Stat. 817) to allow voters in the District of Columbia to participate in Presidential elections and to select delegates representing the District of Columbia to national political conventions. Additional changes were made in 1968 (82 Stat. 103) which set up the machinery for election for members of the Board of Education. With the passage of the District of Columbia Delegate Act in 1970 (84 Stat. 849), further revisions were made to the Elections Act. The first overall review of the District of Columbia Elections Act occurred in 1971, in the course of which Congress approved the establishment of a preferential Presidential primary in the District of Columbia (85 Stat. 788).

The District's experience in carrying out elections for government office extends back only to 1968, when the Board of Education elections were authorized. The problems of administering an election in the District of Columbia have revealed themselves slowly and in a variety of ways with the unique circumstances of every election. Problems that seem solved in one election are exacerbated under the pressures of the next. Most of the changes proposed in H.R. 6713 are technical in nature, but they do cure some of the problems that the committee and the D.C. Board of Elections have identified as arising from existing provisions of the District of Columbia Elections Act.

PROVISIONS OF THE BILL

CHANGING FILING DEADLINES AND RELATED DATES FOR NOMINATING PETITIONS

Deadlines for the filing of nominating petitions for candidates for District of Columbia elections will be changed from 45 days before an election to 60 days before an election. Other corresponding dates are also set back 15 days, in order to allow candidates the same amount of time as they now have to circulate petitions and to gather signatures. The additional time is necessary in order to allow the Board sufficient time to prepare for an election, once all nominating petitions are filed. The existing 45-day time period has proved to be insufficient for the Board to do a thorough job of validating petition signatures, processing absentee ballot requests, and printing absentee and sample ballots. In every election, the Board has been involved in one or more court cases resulting from either challenges to nominating petitions or other law suits. The litigation has often consumed so much time that the Board has had great difficulty in completing its work within the 45-day time period now provided in the Election Act.

DEFINITION OF A QUALIFIED ELECTOR

The 90-day durational residency requirement for voting in the existing law is eliminated. This change is required to bring District of Columbia law into line with the Supreme Court decision in *Dunn* v. *Blumstein* (405 U.S. 330 (1972)), in which durational residency requirements for voting were held unconstitutional. Under the court decision in Dunn, and the District of Columbia election law, however, the Board will be authorized to close voter registration polls 30 days before an election to permit election officials to process the registration rolls in preparation for the coming election.

AUTHORIZED VOLUNTEERS

The Board of Elections is authorized to use volunteers in connection with voter registration drives and non-partisan voter education efforts. Existing District of Columbia law prohibits the District of Columbia government from accepting personnel services without compensation. It is apparent that volunteer help can be extremely useful in stimulating citizen participation in the electoral process, which is a goal of high standing.

REDUCTION OF SIGNATURE REQUIREMENTS FOR THIRD PARTY CANDIDATES FOR PRESIDENT

The signature requirements for third party candidates for President would be reduced under this bill from 5 percent of the registered voters to 1 percent. Requiring the signatures of 5 percent of the registered voters—approximately 15,000 signatures—for the nominating petitions of minor party potential candidates for President places unreasonable burdens upon both potential candidates and the Board of Elections. Not only is it very difficult for candidates to gather such a large number of valid signatures, it is also difficult for the Board to validate the signatures within the time allowed. Moreover, 42 States (as of 1968) require third parties to obtain the signatures of only 1 percent or less of the electors in order to appear on the Presidential ballot. This suggests that the 1 percent required proposed by H.R. 6713 is entirely reasonable.

GENERAL RULEMAKING AUTHORITY

The Board of Elections would be given authority to enact rules and regulations to carry out responsibilities and duties given to it under the Election Act.

While the existing election law appears

to give the Board broad rulemaking authority, legal arguments have been made calling for an extremely narrow construction of the Board's rulemaking authority. Accordingly, in order to make the Board's responsibility clear, the committee has approved a broad grant of rulemaking authority to the Board relating to all aspects of the Election Act. H.R. 6713 also deletes from the existing Election Act most of the specific rulemaking grants given to the Board under the District of Columbia Elections Act. A small number of references to rulemaking are retained in the act where the context seems to warrant it.

TIMETABLE FOR CHALLENGED BALLOTS

The period of time provided by the Election Act for the Board of Elections to rule on the validity of challenged ballots is extended from 7 to 10 days. The existing 7-day time period does not allow the Board a sufficient amount of time to process a large number of ballots challenged in District elections. It is the committee's information that 5,000 ballots were challenged in the last election, and the Board had to make a decision with respect to the validity of each.

OPENING THE POLLS AT 7 A.M.

Polls in the District of Columbia will be open on election day at 7 a.m. rather than 8 a.m., as provided under existing law. Opening the polls an hour earlier will provide greater opportunity for voting early in the day by persons whose work day begins at an early hour. Since many offices and businesses in the District begin work as early as 7:30 a.m., many potential voters are unable to vote before going to work. In addition to providing greater opportunities for voting, this change would have the effect of preventing the formation of long lines of voters late in the day, as now occurs.

LAME-DUCK BOARD OF EDUCATION TERMS

Under existing law, there is a potential gap of almost 4 months between the election of a Board of Education member and the time he takes office. Since a majority of the members of the Board of Education can be elected in a single election, it is possible that a lame duck majority can make significant and far-reaching decisions during the 3 months they remain in office. There seems to be no compelling reason why the time lag should be as great as it is.

H.R. 6713 provides for the term of newly elected Board members to begin 30 days after the certification of their election. The 30-day period would begin to run after the certification of all Board of Education elections including runoffs. Because the members of the existing Board were elected to 4-year terms by statute, the provision would only go into effect with respect to the end of terms of members of the Board elected or re-elected after 1973.

TECHNICAL AMENDMENTS

The three changes recommended are purely technical in nature, and designed to resolve inconsistencies or contradictions in the language of the statute. Two of them relate to the scheduling of the Presidential preference primary and the local party elections. The changes are to insure that such elections are held on the same date as the delegate primary.

The other technical amendment refers to the beginning of the 10-day challenge period following the filing of nominating petitions.

DELETION OF GENERAL ELECTION RUNOFFS

The runoff election following the general election for the Delegate to Congress would be eliminated. Under existing law, there are runoff elections in the event that a candidate for congressional Delegate fails to secure 40 percent of the vote after either primary and general election. This creates the potential of four elections within a 6-month period.

Thirty-nine States have no runoff requirements whatsover with respect to congressional elections. In 12 States, there are runoff elections after party primaries in the event that a candidate fails to receive a specified percentage of the vote. Only one State and the District of Columbia have runoffs after both the party primary and the general election.

This is costly and burdensome both to the candidate and to the Board. In this period of ever-increasing election costs, a reduction in the number of possible election campaigns that a candidate must face is strongly in the public interest.

HISTORY

A public hearing was held by the Judiciary Subcommittee on this proposed legislation on May 10, 1973, at which time testimony in favor thereof was submitted both by the Board of Elections, the District of Columbia Democratic Central Committee, the District of Columbia Republican Committee, the District of Columbia Statehood Party, and the District of Columbia Board of Education. The bill reported reflects several amendments proposed and considered at such hearing and adopted by the subcommittee.

COST

The committee is informed by the District of Columbia Board of Elections that there will be a cost of $5,000 per election resulting from enactment of this legislation. This cost is attributable to opening the polls at 7 a.m. rather than 8 a.m. as is now required. Under the bill as proposed, there is the potential for two elections (for Board of Education and possible runoff) at $10,000 additional cost, in odd-numbered years; and three elections (delegate primary, possible runoff, and general election) at $15,000 added cost, in even-numbered years.

VOTE

H.R. 6713 was approved and ordered reported to the House by voice vote of the committee on June 4, 1973.

Mr. DIGGS. Mr. Speaker, I urge favorable consideration of this bill at this time.

Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 330, nays 12, not voting 91, as follows:

[Roll No. 204]

YEAS—330

Abdnor	Drinan	Long, Md.
Abzug	Duncan	Lott
Adams	du Pont	Lujan
Addabbo	Edwards, Ala.	McClory
Alexander	Eilberg	McCloskey
Anderson, Calif.	Erlenborn	McCollister
Annunzio	Esch	McDade
Archer	Eshleman	McEwen
Armstrong	Evans, Colo.	McFall
Ashley	Evins, Tenn.	McKay
Aspin	Fascell	McKinney
Bafalis	Findley	McSpadden
Baker	Flood	Macdonald
Barrett	Flowers	Madden
Beard	Forsythe	Madigan
Bennett	Frelinghuysen	Mahon
Bergland	Frenzel	Mailliard
Bevill	Frey	Mallary
Bingham	Fuqua	Mann
Blackburn	Gettys	Martin, N.C.
Boggs	Gibbons	Mathias, Calif.
Bolling	Gilman	Mathis, Ga.
Bowen	Ginn	Matsunaga
Brasco	Goldwater	Mazzoli
Bray	Gonzalez	Meeds
Breaux	Goodling	Mezvinsky
Breckinridge	Gray	Milford
Brinkley	Green, Oreg.	Miller
Brooks	Green, Pa.	Mills, Ark.
Broomfield	Griffiths	Minish
Brotzman	Grover	Mink
Brown, Mich.	Gubser	Minshall, Ohio
Brown, Ohio	Gude	Mitchell, Md.
Broyhill, N.C.	Gunter	Mitchell, N.Y.
Buchanan	Guyer	Mizell
Burgener	Haley	Moakley
Burke, Calif.	Hamilton	Mollohan
Burke, Fla.	Hammer-schmidt	Montgomery
Burke, Mass.	Hanley	Moorhead, Calif.
Burleson, Tex.	Hanrahan	Moorhead, Pa.
Burlison, Mo.	Hansen, Idaho	Morgan
Burton	Harrington	Moss
Byron	Harsha	Myers
Carey, N.Y.	Harvey	Natcher
Carney, Ohio	Hays	Nelsen
Carter	Hechler, W. Va.	Nichols
Casey, Tex.	Heinz	Obey
Cederberg	Helstoski	O'Brien
Chappell	Henderson	O'Hara
Clancy	Hicks	Owens
Clark	Hillis	Parris
Clausen, Don H.	Holt	Passman
Clay	Horton	Patman
Cleveland	Hosmer	Patten
Cochran	Hudnut	Pepper
Collier	Hungate	Perkins
Collins, Ill.	Hunt	Pettis
Conlan	Hutchinson	Peyser
Conte	Ichord	Pickle
Conyers	Jarman	Pike
Coughlin	Johnson, Calif.	Poage
Crane	Johnson, Colo.	Podell
Cronin	Johnson, Pa.	Price, Ill.
Culver	Jones, Ala.	Price, Tex.
Daniel, Dan	Jones, N.C.	Pritchard
Daniel, Robert W., Jr.	Jones, Okla.	Quie
Danielson	Jones, Tenn.	Randall
Davis, S.C.	Jordan	Rangel
Davis, Wis.	Kazen	Rees
de la Garza	Keating	Regula
Dellenback	Kemp	Reuss
Dellums	King	Riegle
Denholm	Koch	Rinaldo
Dennis	Kuykendall	Roberts
Dent	Kyros	Robinson, Va.
Derwinski	Landrum	Rodino
Dickinson	Latta	Roe
Diggs	Leggett	Rogers
Downing	Lent	Roncalio, Wyo.
	Litton	Roncallo, N.Y.
	Long, La.	Rooney, Pa.

Rose	Steelman	Whalen
Rosenthal	Steiger, Ariz.	White
Roush	Steiger, Wis.	Whitehurst
Roybal	Stephens	Whitten
Runnels	Stokes	Widnall
Ruth	Stratton	Wiggins
Ryan	Stubblefield	Williams
St Germain	Stuckey	Wilson, Bob
Sandman	Studds	Wilson, Charles H., Calif.
Sarasin	Sullivan	
Sarbanes	Symington	
Satterfield	Symms	Wilson, Charles, Tex.
Schneebeli	Talcott	Winn
Schroeder	Taylor, Mo.	Wolff
Sebelius	Taylor, N.C.	Wright
Seiberling	Teague, Calif.	Wyatt
Shipley	Teague, Tex.	Wydler
Shriver	Thompson, N.J.	Wyman
Shuster	Thomson, Wis.	Yates
Skubitz	Thone	Yatron
Slack	Thornton	Young, Alaska
Smith, Iowa	Towell, Nev.	Young, Fla.
Snyder	Treen	Young, Ga.
Spence	Udall	Young, Ill.
Staggers	Van Deerlin	Young, S.C.
Stanton, J. William	Vanik	Young, Tex.
	Veysey	Zablocki
Stanton, James V.	Vigorito	Zion
	Waggonner	Zwach
Stark	Walsh	
Steed	Wampler	
Steele	Ware	

NAYS—12

Andrews, N.C.	Fountain	Rarick
Collins, Tex.	Froehlich	Rousselot
Devine	Gross	Scherle
Flynt	Landgrebe	Wylie

NOT VOTING—91

Anderson, Ill.	Edwards, Calif.	Mayne
Andrews, N. Dak.	Fish	Melcher
	Fisher	Metcalfe
Arends	Foley	Michel
Ashbrook	Ford, Gerald R.	Mosher
Badillo	Ford, William D.	Murphy, Ill.
Bell		Murphy, N.Y.
Biaggi	Fraser	Nedzi
Biester	Fulton	Nix
Blatnik	Gaydos	O'Neill
Boland	Giaimo	Powell, Ohio
Brademas	Grasso	Preyer
Brown, Calif.	Hanna	Quillen
Broyhill, Va.	Hansen, Wash.	Railsback
Butler	Hastings	Reid
Camp	Hawkins	Rhodes
Chamberlain	Hébert	Robison, N.Y.
Chisholm	Heckler, Mass.	Rooney, N.Y.
Clawson, Del	Hinshaw	Rostenkowski
Cohen	Hogan	Roy
Conable	Holifield	Ruppe
Corman	Holtzman	Saylor
Cotter	Howard	Shoup
Daniels, Dominick V.	Huber	Sikes
	Karth	Sisk
Davis, Ga.	Kastenmeier	Smith, N.Y.
Delaney	Ketchum	Tiernan
Dingell	Kluczynski	Ullman
Donohue	Lehman	Vander Jagt
Dorn	McCormack	Waldie
Dulski	Maraziti	
Eckhardt	Martin, Nebr.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New Jersey with Mr. Gerald R. Ford.
Mr. Dominick V. Daniels with Mr. Arends.
Mr. Hébert with Mr. Anderson of Illinois.
Mr. Holifield with Mr. Rhodes.
Mr. Rostenkowski with Mr. Michel.
Mr. Sikes with Mr. Hogan.
Mr. Waldie with Mr. Del Clawson.
Mr. Donohue with Mr. Roy.
Mr. Delaney with Mr. Hastings.
Mr. Blatnik with Mr. Andrews of North Dakota.
Mr. Dingell with Mr. Huber.
Mrs. Chisholm with Mr. William D. Ford.
Mr. Cotter with Mr. Chamberlain.
Mr. Dulski with Mr. King.
Mr. Fulton with Mr. Preyer.
Mr. Gaydos with Mr. Biester.
Mr. Hawkins with Mr. Melcher.
Mr. Giaimo with Mr. Eckhardt.
Mr. Howard with Mr. Butler.
Mrs. Grasso with Mr. Cohen.
Mr. Kastenmeier with Mr. Ashbrook.
Mr. Kluczynski with Mr. Ullman.
Mr. Tiernan with Miss Holtzman.
Mr. Sisk with Mr. Martin of Nebraska.
Mr. Reid with Mr. Conable.
Mr. O'Neill with Mrs. Heckler of Massachusetts.
Mr. Nix with Mr. Maraziti.
Mr. Murphy of New York with Mr. Fish.
Mr. Biaggi with Mr. Brown of California.
Mr. Brademas with Mr. Mayne.
Mr. Murphy of Illinois with Mr. Mosher.
Mr. Metcalfe with Mr. Badillo.
Mr. Hanna with Mr. Hinshaw.
Mr. Corman with Mr. Bell.
Mr. Dorn with Mr. Broyhill of Virginia.
Mr. Edwards of California with Mr. Fraser.
Mr. Boland with Mr. Robison.
Mr. Davis of Georgia with Mr. Vander Jagt.
Mr. Fisher with Mr. Quillen.
Mrs. Hansen of Washington with Mr. Saylor.
Mr. Foley with Mr. Railsback.
Mr. Karth with Mr. Shoup.
Mr. Lehman with Mr. Smith of New York.
Mr. McCormack with Mr. Powell of Ohio.
Mr. Nedzi with Mr. Ruppe.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks in explanation of the bill just passed.

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

There was no objection.

AUTHORIZING CERTAIN DISTRICT OF COLUMBIA PROGRAMS AND ACTIVITIES

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8250) to authorize certain programs and activities of the government of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 8250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXPENDITURES FOR EMERGENCIES

SECTION 1. When required by the public exigencies to meet conditions caused by emergencies such as riot, pestilence, public insanitary conditions, flood, fire, storm, and similar disasters, the Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized to expend such amounts as may be necessary without regard to advertising provisions of section 3709 of the Revised Statutes (41 U.S.C. 5).

OFFICIAL USE OF MOTOR VEHICLES

SEC. 2. All passenger motor vehicles and watercraft owned by the District of Columbia shall be operated and utilized in conformity with section 5 of the Act of July 16, 1914, as amended by section 16 of the Act of August 2, 1946 (31 U.S.C. 638a), and shall be under the direction and control of the Commissioner of the District of Columbia. The Commissioner is authorized to alter or change the assignment or direct the alteration or interchangeable use of any passenger motor vehicles or watercraft by officers and employees of the District of Columbia except as otherwise provided in such Act. Limitations on the official use of passenger motor vehicles, as set out in section 5 of such Act, shall not apply to the Commissioner or, with the approval of the Commissioner, to officers and employees of the District government the character of whose duties make such transportation necessary.

FUNERAL AND BURIAL SERVICES

SEC. 3. (a) The Commissioner of the District of Columbia is hereby authorized, pursuant to regulations prescribed by the District of Columbia Council, to provide for the payment of reasonable funeral and burial expenses of indigent residents of the District of Columbia and of persons under the care and custody of the District of Columbia government institutions.

(b) Nothing in this section shall be construed as repealing or in any way modifying any provision of the Acts approved April 29, 1902 (D.C. Code, secs. 2–201 through 2–209) and April 20, 1906 (D.C. Code, secs. 27–129 through 27–131), or of the District of Columbia Public Assistance Act of 1962 (D.C. Code, sec. 3–201 et seq.).

PAYMENTS TO PATIENTS

SEC. 4. The Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized to furnish cash payments to needy patients in hospitals operated by or under contract (relating to the care of needy patients) with the District of Columbia in such amounts and at such times as he may determine.

CARE OF PATIENTS IN SECTARIAN AND NONSECTARIAN INSTITUTIONS

SEC. 5. Notwithstanding any other provision of law, the Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized from time to time to enter into contracts with institutions under sectarian and nonsectarian control, and to make payments to such institutions, for the care of indigent and medically indigent patients in hospitals and for the care and maintenance of persons who are a responsibility of the District of Columbia. The Council shall, in determining the level of payment to sectarian and nonsectarian institutions, take into consideration average costs in caring for like persons in area institutions, and in no event shall such payment for medical services exceed reasonable costs as determined under the District of Columbia medicaid program.

STIPENDS FOR PATIENTS

SEC. 6. The Commissioner of the District of Columbia is authorized, pursuant to regulations prescribed by the District of Columbia Council, to provide for the payment of stipends to patients and residents employed in institutions of or under programs sponsored by the government of the District of Columbia as an aid to their rehabilitation or for training purposes. Nothing contained herein shall be construed as conferring employee status on any person covered by this section.

BENEFITS FURNISHED WORKERS IN DISTRICT FACILITIES

SEC. 7. Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to furnish, pursuant to regulations prescribed by the District of Columbia Council, subsistence, living quarters and laundry in lieu of salary to persons authorized by the Commissioner to work in facilities of the government of the District of Columbia for the purposes

of securing training and experience in their future vocations. Nothing contained herein shall be construed as conferring employee status on any person covered by this section, nor as superseding the requirements of sections 5352 and 5353 of title 5, United States Code, relating to student employees specified therein who are assigned or attached to a hospital, clinic, or medical or dental laboratory.

FIRE PROTECTION SERVICES

SEC. 8. The Commissioner of the District of Columbia is authorized to make provisions and payment for the furnishing of fire prevention and fire protection services to District of Columbia government institutions located outside the District of Columbia.

FUNDS FOR THE PREVENTION AND DETECTION OF CRIME

SEC. 9. The Chief of Police of the Metropolitan Police Department is authorized, with the approval of the Commissioner of the District of Columbia and within the limits of appropriations therefor, to make expenditures for the prevention and detection of crime under his certificate. The certificate of the Chief of Police for such expenditures shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

ATTENDANCE AT PISTOL MATCHES

SEC. 10. The Commissioner of the District of Columbia is authorized to pay the expenses of officers and members of the Metropolitan Police Department and the Department of Corrections for attending pistol matches, including entrance fees, and is further authorized to permit officers and members to attend such matches without loss of pay or time.

PAYMENT OF REWARDS

SEC. 11. The Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized to provide for the payment of rewards for the capture, or for information leading to the apprehension, of fugitives from District of Columbia penal, correctional, and welfare institutions and of conditional release and parole violators. Funds appropriated pursuant to this section shall be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Commissioner of the District of Columbia. No reward money shall be paid to any officer or employee of the Metropolitan Police Department, or any penal, correctional, or welfare institution, or any court, legal agency, or other agency closely involved in the criminal justice system.

DISCHARGE AND RELEASE PAYMENTS

SEC. 12. The Commissioner of the District of Columbia is authorized to furnish each prisoner upon his release from a penal or correctional institution under the jurisdiction of the government of the District of Columbia with suitable clothing and, in the discretion of the Commission, a sum of money, which shall not exceed $100.

CONSTRUCTION SERVICES WORKING FUND

SEC. 13. (a) There is established in the Treasury of the United States a permanent working fund, without fiscal year limitation, to be known as the Construction Services Fund, Department of General Services, District of Columbia. The Commissioner is authorized to transfer to such fund from capital outlay appropriations for public building construction such amounts as he may deem necessary to carry out the purposes of this section, and, subject to subsequent adjustment, advances and reimbursements may be made to such fund from appropriations for services to other departments and agencies of the District government, without reference to fiscal year limitations on such appropriations. The fund shall be available for expenses incurred in the initial planning for construction projects, for work performed under contract or otherwise, including, but not limited to, preliminary planning and related expenses, surveys, preparation of plans and specifications, soil investigation, administration, overhead, planning design, engineering, inspection, and contract management.

(b) The District of Columbia shall annually review the budget of the Construction Services Fund within ninety days after the annual District of Columbia Appropriations Act is enacted into law.

(c) The District of Columbia Council, the Board of Higher Education, the Board of Vocational Education, the Board of Education, the Public Library Board, and the Executive Director of the District of Columbia Court System shall be kept fully advised, at least semiannually, of the status of projects and activities within their respective areas of concern which are financed from the Construction Services Fund.

SNOW AND ICE REMOVAL

SEC. 14. Notwithstanding any other provision of law, appropriations for the Department of Highways and Traffic and the Department of Environmental Services of the government of the District of Columbia shall be available for purposes of snow and ice removal when so ordered by the Commissioner of the District of Columbia.

FEDERAL-AID HIGHWAY PROJECTS

SEC. 15. The Commissioner of the District of Columbia is authorized to enter into contracts in connection with projects undertaken as Federal-aid highway projects under the provisions of the Federal Aid Highway Act of 1944 in such amounts as shall be approved by the Federal Highway Administration, Department of Transportation.

GRADE-CROSSING ELIMINATION PROJECTS

SEC. 16. The Commissioner of the District of Columbia is authorized to construct grade-crossing elimination and other wholly District construction projects or those authorized under section 8 of the Act of June 16, 1936 (49 Stat. 1521), and section 1(b) of the Federal Aid Highway Act of 1938, in accordance with the provisions of such Acts. Pursuant to this authority, the Commissioner may make payment to contractors and payment for other expenses in connection with the costs of surveys, design, construction, and inspection pending reimbursement to the District of Columbia by the Federal Highway Administration, Department of Transportation, or other parties participating in such projects.

CIVIL DEFENSE MATCHING FUNDS

SEC. 17. Section 3(h) of the Act entitled "An Act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes", approved August 11, 1950 (D.C. Code, sec. 6–1203(h)), is amended by striking the semicolon and inserting in lieu thereof a comma and the following: "and, when authorized by the Commissioner, appropriations available to the District of Columbia may be used to match financial contributions made by any department or agency of the United States to the government of the District for the purchase of civil defense equipment and supplies;".

ACQUISITION OF LAND FOR WASHINGTON AQUEDUCT

SEC. 18. Appropriations are hereby authorized for the acquisition, by gift, dedication, exchange, purchase, or condemnation, of land or rights in or on land or easements therein for the Washington aqueduct by the Chief of Engineers, Corps of Engineers, United States Army, or his designated agents.

ADMINISTRATIVE EXPENSES OF WORKMEN'S COMPENSATION LAW

SEC. 19. The Act entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (D.C. Code, secs. 36–501, 502), is amended by renumbering section 3 as section 4 and by inserting the following new section immediately after section 2:

"SEC. 3. There are authorized to be appropriated such sums as may be necessary to pay the expenses incurred by the United States Department of Labor in the administration of this Act."

DRIVER EDUCATION PROGRAM

SEC. 20. The Board of Education is authorized, within the limits of appropriations therefor, to accept, on a loan basis, and to maintain and provide for insurance of motor vehicles, for use in the driver education programs of the public schools.

SUBSISTENCE AND TRANSPORTATION FOR HANDICAPPED CHILDREN

SEC. 21. The Board of Education is authorized to provide for the furnishing of subsistence supplies and transportation for severely handicapped children attending special education schools or classes established for their benefit in the public school system of the District of Columbia.

SUMMER SCHOOL COMPENSATION

SEC. 22. Compensation payable to personnel employed in the summer school program of the public school system of the District of Columbia is hereby authorized to be charged to the appropriation for the fiscal year in which the pay periods end.

SUMMER EMPLOYMENT OF DISTRICT SCHOOL TEACHERS

SEC. 23. Subsection (e) of section 5533 of title 5, United States Code, is amended (a) by inserting "(1)" immediately following "(e)"; and (b) by adding the following new paragraph:

"(2) Subsection (c) of this section does not apply to pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period.".

SCHOOL CEREMONIAL EXPENSES

SEC. 24. The President of the Federal City College, the President of the Washington Technical Institute, the President of the District of Columbia Teachers College, and the Superintendent of Schools are hereby authorized to utilize moneys appropriated for the purposes of this section for such expenses as they may respectively deem necessary to conduct such official ceremonial, representational, and graduation activities as are normally associated with the programs of educational institutions.

AMENDMENT OF LAWS RELATING TO ADVERTISING

SEC. 25. (a) The second sentence of the first section of the Act approved February 28, 1898 (D.C. Code, sec. 47–1001), is amended to read as follows: "The notice of sale and the delinquent tax list shall be advertised according to regulations prescribed by the District of Columbia Council. Competitive proposals shall be invited by the Commissioner of the District of Columbia from the various daily newspapers published in the District for publishing such delinquent tax list.".

(b) Section 7 of the Act approved February 28, 1898 (D.C. Code, sec. 47–1008), is amended to read as follows:

"SEC. 7. The expenses of advertising the notice of sale and delinquent tax list for real property taxes, water charges, sanitary sewer service charges, and special assessments in arrears together with penalties and costs, shall be reimbursed to the District by a charge to be fixed annually by the Commissioner and assessed against each lot or piece of property advertised. The amounts so received shall be deposited to such fund of the District as the Commissioner shall from time to time determine."

(c) The first sentence of section 5 of the

Act approved June 11, 1878 (D.C. Code, sec. 7–601), is amended by striking "and if the total cost shall exceed $5,000, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore also for one week," and inserting in lieu thereof: "but not elsewhere, unless the need for advertising outside the District shall have been specifically approved by the Commissioner".

(d) Appropriations authorized by this Act or any Act of Congress shall be available to the Commissioner for general advertising authorized by law, and for the publication of notices of public hearings, orders, regulations, amendments of orders and regulations, tax and school notices, and similar matters of public interest, in the District of Columbia Register, and except as otherwise provided by law, in such newspapers, legal periodicals, trade journals, and other printed media at such times and in such places as may be approved by the said Commissioner.

OFFICIAL FUNDS

SEC. 26. The Commissioner of the District of Columbia, the Chairman of the District of Columbia Council, the Superintendent of Schools, the President of the Federal City College, the President of the Washington Technical Institute, and the President of the District of Columbia Teachers College are hereby authorized to provide for the expenditure, within the limits of specified annual appropriations, of funds for such purposes as they may respectively deem necessary. Their determination thereof shall be final and conclusive, and their certificate shall be sufficient voucher for the expenditure of appropriations made pursuant to this section.

TAXI SERVICE STUDY

SEC. 27. (a) Notwithstanding any other provision of law, the Public Service Commission of the District of Columbia is authorized and directed to conduct a study of the adequacy of service and regulation of the taxicab industry in the District of Columbia. The study shall include the feasibility of allowing the installation of meters in taxicabs in the District of Columbia.

(b) Within six months following the date of enactment of this Act, the Public Service Commission shall transmit the final report of the results of such investigation and study, including its finding and recommendations, to the Commissioner of the District of Columbia and the District of Columbia Council, and the District of Columbia government shall within ninety days consider the same, and transmit its recommendations and the final report of the Public Service Commission to the Congress.

AUTHORIZATIONS

SEC. 28. Appropriations to carry out the purposes of this Act and the amendments made by this Act are hereby authorized.

With the following committee amendments:

On page 6, line 4, strike out "DistriCt" and insert in lieu thereof "District".

On page 6, line 15, immediately before "any" insert "of".

On page 6, line 16, immediately before "any" insert "of".

On page 7, line 21, immediately after "Columbia" insert "Council".

On page 12, line 16, strike out "prescribe" and insert in lieu thereof "prescribed".

The committee amendments were agreed to.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

I would like to commend the Honorable THOMAS M. REES, Congressman from the 26th District of California, for his distinguished work as chairman of the Subcommittee on Revenue and Financial Affairs which promptly considered the bill now before us.

The purpose of H.R. 8250 is to provide authorization for 26 activities previously authorized only by language in annual appropriation acts for the District of Columbia, and to authorize the study of the adequacy of taxicab service in the District. These programs, activities, limitations, and legislative provisions are considered necessary for effective operation of the District government. These items have been included in the city's budget for a number of years—in one instance, going back as far as 1883—and annual appropriations have been made by Congress for these various programs and activities. Since none of the provisions in the proposed legislation has a basis in substantive law, each of them is subject to the raising of a "point of order" against its inclusion in subsequent appropriation acts. This bill, introduced at the request of the District government, would thus provide the necessary legislative authorization for these activities, many of which are technical in nature. The funding and the determination of the justifications for these activities would, of course, be a matter for final determination by the Appropriations Committees.

Authority is not contained in H.R. 8250 for any completely new programs or activities, except with respect to the expansion of the program provided in section 5, for care of indigent and medically indigent patients. Hence, approval of the District's proposed bill does not mean increased expansion or new appropriations over and above those already contained in the District of Columbia appropriation acts.

Similar legislation to authorize the programs and activities set forth in sections 1 to 26 inclusive passed the Senate (S. 2204) in the last Congress but was not acted upon in the House.

Also, hearings were held by the Senate District Committee in the last Congress on legislation authorizing a study of the feasibility of installing taxicab meters, but no action was taken thereon.

In several of the sections of H.R. 8250 regulatory powers are given to the District of Columbia Council to prescribe the necessary regulations for operation of these activities. These include such activities as emergency provisions, providing burial for deceased indigents, employing patients to assist in hospitals, and in defining the amount of payments to be made to sectarian and nonsectarian hospitals for care of indigent patients.

Because many sections in this deal with activities of a technical nature already authorized by Congress in appropriation acts, I will not attempt to describe each section in detail. They are described in the report accompanying this bill. However, I call your attention to two important items.

Section 5 of H.R. 8250 specifies three measures concerning the care of indigent and medically indigent patients in hospitals and the care and maintenance of persons who are a responsibility of the District of Columbia;

First. It allows the District of Columbia to enter into contracts with institutions under sectarian control since 1903. The District currently has approximately $3.5 million in such contracts.

Second. It provides that contracts to all institutions, including rates and eligibility, shall be pursuant to regulations adopted by the District of Columbia Council, except in instances such as the public assistance or District of Columbia medicaid program where regulations already exist; and

Third. It expressly states that in approving payment rates the District of Columbia Council shall take into consideration the reasonable cost of providing such services, with rates for medical services not to exceed those of the District of Columbia medicaid program. At the present time, inpatient and outpatient services under the District of Columbia medical charities program, which provides care for approximately 15,000 persons in the District are $38 and $6 per day visit respectively—about one-third to one-half of actual cost. It is the opinion of the committee that the District of Columbia Council should carefully consider questions of eligibility, utilization, and the public service responsibility of hospitals and other institutions in arriving at amounts to be paid, as well as current medicaid costs.

In addition, representatives of the Hospital Council of the National Capital Area have assured us that such a provision would guarantee that any indigent patients would receive prompt and complete hospital care and ask unanimous consent to place the letter in the RECORD—exhibit A in your file. The additional cost of this provision is estimated at $3 million.

Section 27 directs the District of Columbia Public Service Commission to undertake a 6-month study of the adequacy of service and the regulation of the taxicab industry in the District. Following that study the District of Columbia will forward to the Congress its views and recommendations. I would stress that the bill involves only a study by responsible local officials in this matter and does not mandate any change in the manner in which taxicabs are regulated or in which service is to be provided.

Taxicab service has been a subject of frequent complaints. Hearings on this bill, together with previous discussions with representatives of the taxicab industry, the District of Columbia government, and the District of Columbia Public Service Commission, have indicated the need for an indepth study of taxicabs, due to the complexity of current regulatory procedures, and of proposals for improving the quality of service. Under the language of this section, the results of the study, including the recommendations and the final report will be transmitted to the Congress for ultimate determination and action.

Since it is expected that the District of Columbia budget for fiscal year 1974 will soon be considered, the House Subcommittee on District of Columbia Appropriations, as well as my committee on the District of Columbia, have joined the District of Columbia government's request for early action since this legislation is a matter of high priority for the

District government. I urge your favorable action on H.R. 8250.

Mr. REES. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of H.R. 8250 as reported (H. Rept. 93-256) is to provide authorization for 26 activities previously authorized only by language in annual appropriation acts for the District of Columbia. These programs, activities, limitations, and legislative provisions are considered necessary to effective operation of the District government. These items have been included in the city's budget for a number of years—in one instance, going back as far as 1883—and appropriations have been made for the various programs and activities authorized only by appropriations language.

The District government has not requested, and authority is not contained in H.R. 8250 for any completely new programs or activities, except with respect to the expansion of the program provided in section 5, for care of indigent and medically indigent patients, as set forth hereinafter. Hence, approval of the District's proposed bill does not mean increased expansion or new appropriations over and above those heretofore contained in the District of Columbia appropriation acts, except in section 5.

The bill also, in section 27, directs the District of Columbia Public Service Commission and the District of Columbia government to conduct a study of the adequacy of service and regulation of the taxicab industry in the District and to report to the Congress within 9 months their recommendations.

NEED FOR THE LEGISLATION

POINT OF ORDER AUTHORIZATIONS—SECTIONS 1 TO 26, INCLUSIVE

For a number of years, provisions have been included in the District's budget requests and incorporated into District appropriation acts to authorize various expenditures, to permit certain exceptions to existing law, to limit the use of funds, and for other purposes. District appropriation acts prior to 1962 carried an individual listing of departments, and specific appropriations and limitations were shown for each of these departments. The District of Columbia Appropriation Act of 1962 (75 Stat. 460) consolidated or eliminated many of these individual items and categories, and added a new general provision, section 15, which carried over into fiscal year 1962 the limitations and legislative provisions contained in the 1961 Appropriation Act. All subsequent appropriation acts for the District of Columbia, including the act for the fiscal year ending June 30, 1973, have contained a similar general section.

This bill, initially introduced at the request of the District of Columbia government, contains, in 26 separate sections, substantive legislative authority to permit the continuation of these various activities, exceptions, and limitations. Since none of the provisions in the proposed legislation has a basis in substantive law, each of them is subject to the raising of a "point of order" against its inclusion in subsequent appropriation acts.

Since it is expected that the District of Columbia budget for fiscal year 1974 will soon be considered, the House Subcommittee on D.C. Appropriations have supported the District of Columbia government's request for early action, as this legislation is a matter of high priority for the District government.

TAXICAB STUDY—SECTION 27

Taxicab service has been a subject of frequent complaints to members of the committee. Hearings on this bill, together with previous discussions with representatives of the taxicab industry, the District of Columbia Government, and the District of Columbia Public Service Commission, have indicated the need for an indepth study of taxicabs, due to the complexity of current regulatory procedures, and of proposals for improving the quality of service.

The study of the taxicab industry, directed by section 27 of the bill, involves a 6-month study by the Public Service Commission. Following that study, the District of Columbia Government will forward to the Congress its views and recommendations on the study so that the Congress will be in position to take further action to improve taxicab service should this appear warranted. As stated, the bill involves only a study by responsible local officials in this matter and does not mandate any change in the manner in which taxicabs are regulated or in which service is to be provided.

PROVISIONS OF THE BILL

SECTION-BY-SECTION ANALYSIS

Each of the 28 sections of the bill is summarized below. The estimated current financial impact of each section, together with the year in which the activity or program described therein was first specifically authorized by appropriation language, is noted in each section.

EMERGENCY EXPENDITURES—NO ADDITIONAL COST

Section 1: The Commissioner is authorized, when required in times of emergencies, to make public expenditures, as prescribed by the District of Columbia Council, without observing all procurement regulations. Funds used would normally be those already appropriated to the city—1883.[1]

OFFICIAL USE OF MOTOR VEHICLES—NO ADDITIONAL COST

Section 2: Makes applicable the relevant Federal requirement—official purposes—concerning use of passenger cars owned by the District of Columbia Government and gives the Commissioner authority to make limited exemptions from these requirements for officials on constant call—1946.

FUNERAL AND BURIAL SERVICES—$22,000

Section 3: Provides for payment, pursuant to District of Columbia Council regulations, of funeral and burial services for indigents and wards of the city. Present law authorized only such payments for persons receiving public assistance. In fiscal year 1974 the city expects to be financially responsible for the burial of 590 persons at a cost of $224,000. Approximately 10 percent of this number represents those for whom the only legislative authorization is in appropriation language—1937.

CASH PAYMENTS TO NEEDY PATIENTS—$1,000

Section 4: Provides small cash payments, as prescribed by the District of Columbia Council regulations, to needy patients in District hospitals or hospitals under contract with the District. A small average sum of $2 per month is used by the patient for incident personal expenses—1955.

CARE OF PATIENTS IN SECTARIAN AND NONSECTARIAN INSTITUTIONS—UP TO $6,500,000

Section 5: This section specifies three measures concerning the care of indigent and medically-indigent patients in hospitals and the care and maintenance of persons who are a responsibility of the District of Columbia:

First, It allows the District of Columbia to enter into contracts with institutions under sectarian control—1903. The District currently has approximately $3.5 million in such contracts.

Second. It provides that contracts to all institutions, including rates and eligibility, shall be pursuant to regulations adopted by the District of Columbia Council, except in instances such as the public assistance or D.C. medicaid program where regulations already exist.

Third. It expressly states that in approving rates the District of Columbia Council shall take into consideration the reasonable cost of providing such services, with rates for medical services not to exceed those of the District of Columbia medicaid program. At the present time, inpatient and outpatient services under the District of Columbia medical charities program which provides care for approximately 15,000 persons in the District, are $38 and $6 per day—visit—respectively—about one-third to one-half of actual cost. The District Committee is of the opinion that higher rates are warranted for services rendered, but believes that the District of Columbia Council should carefully consider questions of eligibility, utilization, and the public service responsibility of hospitals and other institutions in arriving at amounts to be paid. Precise cost estimates of this provision are difficult to determine, since higher rates may be at least partially offset by fewer patient days. The additional cost of this provision is estimated at $3 million.

STIPENDS TO PATIENTS—$125,000

Section 6: Provides funds for payment of stipends to patients and residents of District institutions who perform services as part of their rehabilitation. Patients are paid for such jobs as escort aides in physical, occupational, and speech therapy programs, and work in nursing service and commissaries—1944.

BENEFITS FURNISHED WORKERS IN DISTRICT FACILITIES—NO ESTIMATE

Section 7: Provides living quarters and expenses of persons working in District of Columbia institutions such as medical or dental interns, student nurses, and student chaplains. These persons who have finished academic training gain experience in District institutions while providing services beneficial to the District of Columbia—1954.

[1] Date that the provision first appeared in D.C. Appropriation Act.

FIRE PROTECTION SERVICES—$1,200

Section 8: Authorizes funds for fire protection service provided to District of Columbia institutions located outside the District. At the present time the District of Columbia makes a small payment to a volunteer fire department in connection with the provision of fire services at Glenn Dale, Md., Hospital—1957.

FUNDS FOR THE PREVENTION AND DETECTION OF CRIME—$200,000

Section 9. Authorizes confidential funds for the chief of police for the prevention and detection of crime. The funds, similar to funds provided chiefs of police in other cities, do not require an itemized voucher, but are subject to audit—1908.

ATTENDANCE AT PISTOL MATCHES—$200

Section 10. Provides authorization for payment of expenses for Metropolitan policemen and correction officers at pistol matches, including entrance fees, without loss of pay. The District of Columbia government feels that such expenses are not covered under general provisions regarding professional gatherings—1940.

PAYMENT OF REWARDS—NO EXPERIENCE IN FISCAL YEAR 1974

Section 11. Authorizes the payment of rewards by the Commissioner, pursuant to regulations prescribed by the District of Columbia Council, for information leading to the capture of fugitives from District correctional institutions. Authority sought is similar to that accorded the Attorney General of the United States for capture of fugitives from Federal prisons. Employees of any agency involved in the criminal justice system would not be eligible for such awards—1903.

DISCHARGE AND RELEASE PAYMENTS—$75,000

Section 12. Authorizes the Commissioner to furnish suitable clothing and money—not to exceed $100—to released prisoners sentenced under District of Columbia law. This is comparable to the authority of the Attorney General of the United States with respect to prisoners convicted under Federal law released from the District of Columbia Department of Corrections—1968.

CONSTRUCTION SERVICES WORKING FUND—APPROPRIATIONS UP TO $13,000,000 PER YEAR

Section 13: Provides advances from funds appropriated for construction projects, without fiscal year limitations, for financing the planning, design, contract supervision, and other administrative and engineering expenses of public building construction in the District of Columbia. The fund is established and maintained by appropriations of a percentage—currently 10 percent—of the total cost of each construction project—1925.

Because of the relatively large size of the Construction Services Working Fund—balance of $18.1 million at the beginning of fiscal year 1973—and of the importance of the quality of the administration of the substantial public building construction program, the committee bill provides that the District of Columbia Council shall annually review the status of the Construction Services Fund within 90 days after the budget of the District of Columbia is enacted. No such annual review of the operations of the Fund as a whole is currently conducted. Council recommendations as a result of this review would be advisory in nature.

The Commissioner of the District of Columbia is currently responsible for constructing facilities for use by agencies not under the direct control of the Commissioner. To facilitate coordination and to assure full flow of information to such agencies and to the District of Columbia, the bill recommends that appropriate reports be provided, at least semiannually, to the District of Columbia Council, the Board of Education, the Board of Higher Education, and Board of Vocational Education, the Public Library Board, and the Executive Director of the District of Columbia Court System.

SNOW AND ICE REMOVAL—$425,000

Section 14: Authorizes the Commissioner to use other funds, appropriated to the Department of Highways and Traffic and the Department of Environmental Services, for snow removal in the event that the amount—$825,000—specifically appropriated for that purpose is insufficient because of the unpredictability of weather conditions. (1905). The amount indicated—$425,000—is needed to supplement that appropriated, since these expenditures have averaged almost $1.3 million over the last 5 years.

FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS—$24,363,000

Section 15: Authorizes the Department of Highways and Traffic to obligate funds for the full cost of Federally-aided highway construction and maintenance projects in advance of receiving reimbursement from the Federal Government. Without this provision the District of Columbia is in technical violation of the Anti-Deficiency Act which prohibits obligating funds in excess of District of Columbia appropriations—1947.

GRADE-CROSSING ELIMINATION PROJECTS

Section 16: Similar to section 15. Provides the same authority for a different type of Federal-aid highway project, namely, grade-crossing elimination—1951.

CIVIL DEFENSE MATCHING FUNDS—NO ESTIMATE

Section 17: Authorizes the Commissioner to use funds appropriated to other District of Columbia departments for matching purposes purchase civil defense equipment and supplies—1952.

WASHINGTON AQUEDUCT, ACQUISITION OF LAND—NO EXPENDITURES EXPECTED IN FISCAL YEAR 1974

Section 18: Provides substantive law for acquisition by gift, dedication, exchange, purchase, or condemnation of land for the Washington Aqueduct to meet future needs. Major projects would be subject to normal authorization; appropriation and public hearing procedures—1949.

ADMINISTRATIVE EXPENSES OF WORKMEN'S COMPENSATION LAW—$549,000

Section 19: Provides permanent authority for the transfer of funds from District appropriations to the Department of Labor for reimbursement of the administrative costs of workmen's compensation. By law, the administration of District of Columbia workmen's compensation is vested in the U.S. Department of Labor—1928.

DRIVER EDUCATION PROGRAM—$6,500

Section 20: Provide authority for the Board of Education to acquire motor vehicles on a loan basis for driver education program and to maintain and insure such vehicle—1969.

SUBSISTENCE AND TRANSPORTATION FOR HANDICAPPED CHILDREN—$343,840

Section 21: Authorizes the Board of Education to provide subsistence $61,900 and transportation—$281,940—for physically and mentally handicapped children attending special education classes and schools in the public school system of the District of Columbia—1918.

SUMMER SCHOOL COMPENSATION—NO ADDITIONAL COST

Section 22: Simplifies payroll procedures by providing that compensation to personnel employed in summer school programs of the public school system may be charged to the fiscal year in which the summer school ends—1951.

SUMMER EMPLOYMENT OF DISTRICT SCHOOL TEACHERS—NO ADDITIONAL COST

Section 23: Negates a section of the United States Code that prohibits persons from receiving two paychecks when one is from the Senate or House of Representatives. This would allow District teachers who are paid on a 12-month basis to work in congressional offices during their summer vacation period—1969.

SCHOOL CEREMONIAL EXPENSES—$10,000

Section 24: Authorizes the president of Federal City College—$4,500—Washington Technical Institute—$3,000—District of Columbia Teachers College—$1,000—and the Superintendent of Schools—$1,500—to expend funds for official ceremonial and graduation exercises. Such funds, comparable to those available at similar institutions around the country, have been used for graduation ceremonies, ground-breakings, awards, transportation to special events, and informational exhibits. Funds for this item were previously reprogramed from grants.

AMENDMENTS OF LAWS RELATING TO ADVERTISING—PRESENT COSTS: $50,000

Section 25: First. Allows the District of Columbia Council to prescribe regulations concerning the manner in which the annual notice of sale and delinquent property tax list shall be published.

Second. Authorizes the Commissioner to fix annually a charge for each lot advertised for tax sale and to designate the fund in which the moneys shall be deposited. The District of Columbia Code now fixes the charge at $0.50 per property, while the actual cost has increased to $1.40.

Third. Eliminates the requirement that the city must advertise in New York, Philadelphia and Baltimore papers of highway, sewer, public works' repair and construction projects when their cost exceeds $5,000. Such advertising in the future will be done at the discretion of the Commissioner.

Fourth. Authorizes funds available to the Commissioner to be used for general advertising as authorized and required by law and for publishing public hearing

notices, regulations, amendments, orders, tax and school notices and similar matters in the public interest—1898.

OFFICIAL FUNDS—$9,000

Section 26: Authorizes expenditures of a confidential nature requiring no detailed voucher by the Commissioner of the District of Columbia—$2,500—chairman of the District of Columbia Council—$2,500—Superintendent of Schools—$1,000—Presidents of Federal City College—$1,000—Washington Technical Institute—$1,000—and District of Columbia Teachers College—$1,000. These funds are used for a variety of reasons including receptions, gifts, flowers, expenses of guests, hosting meetings, dues in professional organizations, and emergency items not budgeted for—1931.

TAXICAB SERVICE STUDY—$25,000

Section 27: First. Authorizes and directs the Public Service Commission to conduct a study of the taxicab industry in the District of Columbia. The study is to include the adequacy of service and regulations, and the feasibility of installing meters.

Second. Within 6 months following enactment of this act, the Public Service Commission is required to deliver a final copy of its study with recommendations to the Commissioner of the District of Columbia and to the District of Columbia Council. The District of Columbia Government must transmit its recommendations and final report to Congress within 90 days thereafter.

COSTS

H.R. 8250 being an authorization bill, the costs hereof are entirely within the determination of the D.C. Appropriations Subcommittee.

Current appropriations or projected costs of the items or projects authorized by the various sections of the bill are set forth above.

Enactment of the reported bill does not require or anticipate any increased expenditures or new appropriations, except, first, the additional cost, estimated at $3 million, for medical services referred to and authorized in Section 5; and second, the costs of the taxicab study estimated at $25,000 referred to and authorized in section 27.

VOTE

H.R. 8250 was approved and ordered reported by voice vote of the committee on June 4, 1973.

Mr. GROSS. Mr. Speaker, I move to strike the last two words.

Mr. Speaker, I take this time to ask the gentleman a question or two concerning this $25,000. Why can this study not be carried on by personnel within the District City Council, or other areas in the District government that can carry on a study of the taxicab situation in the District of Columbia? As a matter of fact, the taxi cab situation in Washington has been studied ever since I came to Congress.

Mr. REES. The feeling of the committee was the study should be made specifically by the Public Service Commission and the feeling was expressed in the letter we had from the District of Columbia that there would have to be some authorization for appropriation for the study. We have a letter on that and they feel a $25,000 authorization would take care of this. This is not the appropriation, it is an authorization, and it does not mean they will spend the $25,000, but if this is needed for outside counsel or for the department staff for the Public Service Commission, that is the authorization for $25,000.

Mr. GROSS. Does the gentleman have any idea how many studies have been made on this subject?

Mr. REES. There have been studies but each of them seemed to me to be of just part of the taxi service.

The purpose of this study is to look at the overall concept of the taxi service and how it should be improved. The other aspect is that taxi service should be part of the comprehensive transportation system of the District of Columbia and I do not think there has been a study since the Metropolitan Transportation Agency went into business. There might have been a study but no action was ever taken on any studies.

Mr. GROSS. This, too, could result in another study with no action taken. They could spend this $25,000 and still have no action. I understand that $25,000 is not the largest amount of money this Congress will deal with in respect to the District of Columbia or any other area within the purview of the Federal Government, but as hard up as the District of Columbia pretends to be on all occasions I simply cannot understand why there should be another $25,000 spent for this purpose. If somebody can give me a logical reason I will vote for it, but I just cannot understand why another $25,000 should be spent for a study as to whether there ought to be meters in taxicabs.

Mr. REES. I hope this would be the last study and I would hope sometime in the future we might get things like taxicab regulations in the District of Columbia regulated.

Mr. GROSS. I will say to my friend, the gentleman from California, those are famous last words around here: I hope this will be the last authorization for thus and so and thus and so and thus and so.

Mr. REES. I hope I will still be here so I can take action on this the next time this request is made for taxicab service studies.

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

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

Mr. COLLIER. Mr. Speaker, I suppose there are many other cities that have taxicabs as part of an approved transportation service. Has any other city had a study made like this to make a determination as to what would be the best service and the most feasible way to operate taxicabs on the public streets? I know of none. Does the gentleman know of any?

Mr. REES. I do not know of any. I have not planned to go out and find out if there were other studies. This is about the District of Columbia and why should the District of Columbia not have its own system. Also the District of Columbia operators are independent and own their own cabs. Most of the time during rush hours one cannot find a cab. We have the problem of three different agencies in the city government plus the Congress of the United States regulating taxis. There are many problems in the District of Columbia which are unique to the District of Columbia and they are not common to the other places. In California we have a different system. The problems here are unique.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it has to be mentioned in this bill there are items identified that the Appropriations Committee formerly appropriated money for and they felt the authorization should be provided for in this bill in order to avoid points of order on these items when we consider the District of Columbia appropriation bill. I am in thorough agreement with the principal thrust of this bill. It is believed to be needed by the District of Columbia Appropriations Subcommittee.

I want to make it clear that one of our Members, the gentleman from California (Mr. KETCHUM) could not be here today and he is very much opposed to this study of the taxi industry which is a provision contained in this bill, but again here we have here an omnibus bill that contains some provisions unacceptable in part of in totality by some of us.

Of course, it would have to be stricken by amendment if it were taken out of this bill, but it does require, of course, a study that comes back to Congress. Frankly, I would have preferred that it not be in the bill, but by and large, I think the bill is a good bill in that it is sought by the District of Columbia Appropriations Subcommittee and is one that on balance can be supported.

Mr. BROYHILL of Virginia. Mr. Speaker, I wish to express my support for the bill, H.R. 8250, the principal purpose of which is to provide authorization for certain programs and activities of the government of the District of Columbia. Actually, the District Government has been carrying out all of these functions for some years. The problem, however, is that they have been "authorized" only through inclusion in District of Columbia appropriation legislation—and, as my colleagues are aware, any such legislative authorization in an appropriation bill is subject to a point of order when brought before this body for approval.

I recall that, several years ago, it came to our attention that there were more than 90 such unauthorized activities which were being funded annually in District of Columbia appropriations bills. Since that time, all but 26 of these items have received proper authorization. Now, at the request of the House Subcommittee on District of Columbia Appropriations, we are seeking to remedy this remaining part of the problem.

The programs and activities of the District of Columbia Government for which authorization is sought in this bill are relatively minor in nature, and do not involve large amounts of money. They include such items as funeral and burial expenses for indigent persons, fire protection services for District of Columbia institutions located outside of the District, discharge and release payments to released prisoners, snow, and ice removal from the city's streets, and Civil

Defense matching funds. There is no question whatever that these activities are all necessary, and there is no reason why they should not receive the proper authorization to assure their continuance and the appropriation of the necessary funds.

Section 27 of H.R. 8250 authorizes and directs the District of Columbia Public Service Commission to conduct a study of the taxicab industry in the District of Columbia, including the feasibility of permitting meters in the cabs. The Commission is further directed to transmit its final report and recommendations to the District of Columbia Commissioner and the District of Columbia City Council within 6 months of the date of enactment of this legislation. The city government, in turn, is directed to consider the Commission's report and findings and then transmit its own recommendations as well as the final report of the Commission to the Congress within 90 days thereafter.

The question of taxicab meters in the District, as opposed to the present zone system, is a highly controversial one, as some of the large taxicab companies operating in the city have sought the installation of meters for some years, while the smaller companies and the independent cab operators have generally opposed such a measure.

The present taxicab zone system in the District was instituted in the early 1930's by an act of Congress, and at about the same time a rider on a District of Columbia appropriation bill forbid the use of appropriated funds for any study or consideration of a return to the former meter system. I recall also that in about 1956, the House Committee on the District of Columbia conducted very extensive public hearings on this question, and concluded that the zone system is more suitable for taxicab operation in the District.

Despite these former findings by the Congress, however, I can see no objection to the Public Service Commission studying this and other matters pertaining to the overall operation of the taxicab industry in the Nation's Capital, inasmuch as any recommendations which they or the city government may make as to the meter question must be submitted back to the Congress for legislative consideration. At the same time, however, I wish to emphasize that my support for section 27 of this bill is in no way to be construed as approval on my part for the return to the meter system for taxicabs in the District of Columbia. That issue is not before us at this time, and with that understanding clearly established, I am pleased to support the passage of the bill H.R. 8250.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McKINNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members:

The vote was taken by electronic device, and there were—yeas 268, nays 84, not voting 81, as follows:

[Roll No. 205]

YEAS—268

Abzug	Gray	Parris
Adams	Green, Oreg.	Passman
Addabbo	Green, Pa.	Patten
Anderson, Calif.	Griffiths	Pepper
Andrews, N.C.	Grover	Perkins
Annunzio	Gubser	Pettis
Ashley	Gude	Peyser
Aspin	Gunter	Pickle
Barrett	Guyer	Pike
Bennett	Hamilton	Poage
Bergland	Hammer-schmidt	Podell
Bingham	Hanley	Price, Ill.
Boggs	Hansen, Idaho	Pritchard
Boland	Hansen, Wash.	Quie
Bolling	Harrington	Rangel
Bowen	Harsha	Rees
Brasco	Harvey	Regula
Bray	Hechler, W. Va.	Reuss
Breaux	Heinz	Riegle
Breckinridge	Helstoski	Robinson, Va.
Brooks	Henderson	Rodino
Broomfield	Hicks	Roe
Brotzman	Hogan	Rogers
Brown, Calif.	Holt	Roncalio, Wyo.
Brown, Mich.	Holtzman	Roncallo, N.Y.
Brown, Ohio	Horton	Rooney, Pa.
Broyhill, N.C.	Hosmer	Rose
Broyhill, Va.	Hungate	Rosenthal
Buchanan	Hutchinson	Roush
Burgener	Ichord	Roybal
Burke, Calif.	Johnson, Calif.	Ryan
Burke, Fla.	Johnson, Colo.	St Germain
Burke, Mass.	Johnson, Pa.	Sandman
Burlison, Mo.	Jones, Ala.	Sarasin
Burton	Jones, N.C.	Sarbanes
Byron	Jones, Okla.	Saylor
Carey, N.Y.	Jordan	Schneebeli
Carter	Kastenmeier	Schroeder
Cederberg	Kazen	Seiberling
Chappell	Keating	Shipley
Clark	Koch	Shriver
Clausen, Don H.	Kuykendall	Slack
Clay	Kyros	Smith, Iowa
Cleveland	Latta	Snyder
Cochran	Leggett	Staggers
Collins, Ill.	Lent	Stanton, J. William
Conte	Litton	Stanton, James V.
Conyers	Long, La.	Stark
Corman	McClory	Steed
Coughlin	McCloskey	Steele
Cronin	McDade	Steiger, Wis.
Culver	McEwen	Stephens
Daniel, Robert W., Jr.	McFall	Stokes
Danielson	McKay	Stratton
Davis, S.C.	McKinney	Stuckey
de la Garza	McSpadden	Studds
Dellenback	Macdonald	Sullivan
Dellums	Madden	Symington
Denholm	Madigan	Talcott
Dent	Mahon	Taylor, Mo.
Derwinski	Mailliard	Taylor, N.C.
Diggs	Mallary	Teague, Calif.
Downing	Mann	Thompson, N.J.
Drinan	Martin, N.C.	Thomson, Wis.
Dulski	Mathias, Calif.	Thornton
du Pont	Matsunaga	Tiernan
Eilberg	Mazzoli	Udall
Erlenborn	Meeds	Van Deerlin
Esch	Mezvinsky	Vanik
Evans, Colo.	Miller	Veysey
Evins, Tenn.	Mills, Ark.	Vigorito
Fascell	Minish	Walsh
Findley	Mink	Wampler
Flood	Mitchell, Md.	Ware
Forsythe	Mitchell, N.Y.	Whalen
Fountain	Moakley	White
Frelinghuysen	Mollohan	Whitehurst
Frenzel	Moorhead, Pa.	Whitten
Frey	Morgan	Widnall
Fuqua	Mosher	Wiggins
Gettys	Moss	Williams
Giaimo	Natcher	Wilson, Bob
Gibbons	Nelsen	Wilson, Charles H., Calif.
Gonzalez	Obey	
	O'Hara	
	Owens	
Winn	Wyman	Young, Ill.
Wolff	Yates	Young, Tex.
Wright	Yatron	Zablocki
Wyatt	Young, Alaska	Zion
Wydler	Young, Ga.	Zwach

NAYS—84

Abdnor	Gilman	O'Brien
Alexander	Ginn	Price, Tex.
Archer	Goldwater	Randall
Armstrong	Goodling	Rarick
Bafalis	Gross	Rinaldo
Baker	Haley	Roberts
Beard	Hanrahan	Rousselot
Bevill	Hays	Runnels
Blackburn	Hillis	Ruth
Brinkley	Hudnut	Satterfield
Burleson, Tex.	Hunt	Scherle
Carney, Ohio	Jarman	Sebelius
Casey, Tex.	Jones, Tenn.	Shuster
Clancy	Kemp	Sisk
Collier	King	Spence
Collins, Tex.	Landgrebe	Steiger, Ariz.
Conlan	Long, Md.	Stubblefield
Crane	Lott	Symms
Daniel, Dan	Lujan	Teague, Tex.
Davis, Wis.	McCollister	Thone
Dennis	Mathis, Ga.	Towell, Nev.
Devine	Milford	Treen
Dickinson	Minshall, Ohio	Waggonner
Duncan	Mizell	Wilson, Charles, Tex.
Edwards, Ala.	Montgomery	Wylie
Eshleman	Moorhead, Calif.	Young, Fla.
Flowers	Myers	Young, S.C.
Flynt	Nichols	
Froehlich		

NOT VOTING—81

Anderson, Ill.	Fish	Melcher
Andrews, N. Dak.	Fisher	Metcalfe
Arends	Foley	Michel
Ashbrook	Ford, Gerald R.	Murphy, Ill.
Badillo	Ford, William D.	Murphy, N.Y.
Bell	Fraser	Nedzi
Biaggi	Fulton	Nix
Biester	Gaydos	O'Neill
Blatnik	Grasso	Patman
Brademas	Hanna	Powell, Ohio
Butler	Hastings	Preyer
Camp	Hawkins	Quillen
Chamberlain	Hébert	Railsback
Chisholm	Heckler, Mass.	Reid
Clawson, Del	Hinshaw	Rhodes
Cohen	Holifield	Robison, N.Y.
Conable	Howard	Rooney, N.Y.
Cotter	Huber	Rostenkowski
Daniels, Dominick V.	Karth	Roy
Davis, Ga.	Ketchum	Ruppe
Delaney	Kluczynski	Shoup
Dingell	Landrum	Sikes
Donohue	Lehman	Skubitz
Dorn	McCormack	Smith, N.Y.
Eckhardt	Maraziti	Steelman
Edwards, Calif.	Martin, Nebr.	Ullman
	Mayne	Vander Jagt
		Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Gerald R. Ford.
Mr. Rooney of New York with Mr. Arends.
Mr. Dominick V. Daniels of New Jersey with Mr. Anderson of Illinois.
Mr. Hébert with Mr. Rhodes.
Mr. Holifield with Mr. Michel.
Mr. Rostenkowski with Mr. Railsback.
Mrs. Chisholm with Mr. Eckhardt.
Mr. Cotter with Mrs. Heckler of Massachusetts.
Mr. Delaney with Mr. Quillen.
Mr. Blatnik with Mr. Andrews of North Dakota.
Mr. Fulton with Mr. Shoup.
Mr. Gaydos with Mr. Biester.
Mr. Howard with Mr. Mazzoli.
Mr. Kluczynski with Mr. Powell of Ohio.
Mr. Melcher with Mr. Skubitz.
Mr. Murphy of New York with Mr. Conable.
Mr. Nedzi with Mr. Ruppe.
Mr. Waldie with Mr. Del Clawson.
Mr. Murphy of Illinois with Mr. Smith of New York.
Mr. Badillo with Mr. Metcalfe.
Mr. Reid with Mr. Fish.
Mr. Hawkins with Mr. Biaggi.
Mrs. Grasso with Mr. Cohen.
Mr. Brademas with Mr. Ashbrook.
Mr. Davis of Georgia with Mr. Steelman.

Mr. Dingell with Mr. Huber.
Mr. Donohue with Mr. Robison of New York.
Mr. Hanna with Mr. Bell.
Mr. Karth with Mr. Martin of Nebraska.
Mr. Dorn with Mr. Butler.
Mr. Sikes with Mr. Hinshaw.
Mr. Ullman with Mr. Camp.
Mr. McCormack with Mr. Chamberlain.
Mr. Edwards of California with Mr. Vander Jagt.
Mr. Foley with Mr. Hastings.
Mr. Fisher with Mr. Mayne.
Mr. Nix with Mr. Fraser.
Mr. Landrum with Mr. Lehman.
Mr. Roy with Mr. Patman.
Mr. William D. Ford with Mr. Preyer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks in connection with the bill just passed.

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

There was no objection.

AUTHORIZING THE DISTRICT OF COLUMBIA COUNCIL TO REGULATE RENTS

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 4771) to regulate the maximum rents to be charged by landlords in the District of Columbia and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 4771

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 "District of Columbia Rent Control Act of 1973".

STATEMENT OF FINDINGS

SEC. 2. The Congress hereby finds—

(a) that a serious emergency exists in the District of Columbia by reason of the shortage of leased or rental residences which has caused serious overcrowding and increasing rents which are contrary to the public health, safety, and general welfare of the tenant and the District of Columbia; and

(b) that unless rents for these leased or rental residences are stabilized, disruptive practices and abnormal conditions in the leased or rental residence market will occur which will produce serious threats to the orderly function of the housing market and the economy in the District of Columbia.

DEFINITIONS

SEC. 3. As used in this Act, the following terms shall mean and include the following unless the context shall require another construction:

(a) "Commission" shall mean the Temporary District of Columbia Housing Rent Commission created by this Act.

(b) "Rent" shall mean the entire amount of money, money's worth, bonus, benefit, or gratuity demanded, received, or charged by the lessor or landlord to a lessee or tenant as a condition of occupancy and use of a residence and its related facilities including, but not limited to, charges for parking and utilities and the use of recreational facilities if provided.

(c) "Person" shall mean an individual, corporation, partnership, association, joint venture, or any other organized group of individuals or the legal successor or assigns or representatives of the foregoing.

(d) "Residence" shall mean a room, apartment, efficiency, group of rooms, or a single family dwelling or other resident rented, leased, or offered for rent or lease for dwelling purposes as a unit in a constructed unit used or which may be used as a dwelling place located in the District of Columbia.

(e) "Landlord" shall mean an owner, lessor, sublessor, assign, or other person receiving or entitled to receive the rents or benefits thereof for the use or occupancy of any residence as herein defined and it shall also mean the agent of the foregoing.

(f) "Tenant" shall mean a tenant, subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy or the benefits thereof of any residence as herein defined.

COMMISSION

SEC. (4). (a) There is hereby created a Temporary District of Columbia Housing Rent Commission for the District of Columbia to be composed of nine members, one of whom shall be designated Chairman, to be appointed by the District of Columbia Commissioner with the advice and consent of the City Council in such manner as to assure that at least two members shall represent the interests of the landlords in the District of Columbia and that at least two members shall represent the interest of tenants in the District of Columbia. All of the members shall be residents of the District of Columbia. The terms of office for each individual shall expire at the end of two years, unless that individual shall have been removed for cause and the place filled with another who shall serve for the unexpired term.

(b) Each member of the Board shall be paid compensation of $50 per day while performing duties under this Act, except that no compensation under this Act shall be paid to an employee of the government of the District of Columbia or of the United States.

(c) The Commission shall have power to adopt, promulgate, amend, or rescind such rules, regulations, or orders as it may deem and find to be necessary or proper to effectuate the purposes of this Act. In addition, the Commission shall employ such personnel or consultants as are necessary at such rates of compensation as may be fixed by the Commissioner of the District of Columbia. Upon the request of the Chairman of the Commission, each department of the District of Columbia is further authorized to furnish such assistance or information as may be necessary for the Commission to effectively carry out this Act.

SEC. 5. (a) Notwithstanding any other provision of law, with respect to any lease of or implied contract for occupancy of a residence, it shall be unlawful for any person to demand, charge, accept, or receive from any tenant any rent for the use or occupancy of a residence at a rent greater than the rent which exceeds the highest monthly rent previously charged prior to January 11, 1973, for the same residence plus—

(1) 2.5 per centum thereof with respect to each consecutive twelve-month period beginning at the end of the preceding period of occupancy provided that the residence shall meet all of the rules, regulations, or orders which may be issued pursuant to the District of Columbia Housing Regulations; and

(2) the actual amount of any increase in tax, fee, or service charge levied by the District of Columbia or the United States after the beginning of the preceding period of occupancy (and not previously charged to any lessee) and allocable to that residence: *Provided,* That the residence shall meet all of the rules, regulations, or orders which may be issued pursuant to the District of Columbia Housing Regulations; and

(3) a sum equal to 1.5 per centum per month or its prorated equivalent for other rent payment intervals of that part of the costs of any capital improvement completed on or after January 11, 1973, that is allocable to that residence until the costs of the improvement has been fully recovered or until the improvements ceases to benefit the tenant: *Provided,* That in no event shall the sum charged in this subsection exceed 7.5 per centum of the base rent which was charged at the end of the preceding period of occupancy: *And further provided,* That in no event shall there be any charge or allocation for any expenditures made to assure compliance with the District of Columbia Housing Regulations.

(b) In cases where operation of the foregoing subsection (a) would cause serious financial hardship to a landlord, exceptions therefrom may be granted by the Commission upon application of any person claiming such hardship. Any tenant or other affected person shall be entitled to submit relevant evidence to the Commission in connection with an application made by a person pursuant to this section. Exceptions granted by the Commission shall be within guidelines which shall have been set down pursuant to public hearings and approved by the City Council. No exceptions shall be granted except after notice of a hearing shall have been published and the tenants of the affected residence been effectively noticed of such a request. The Commission shall provide for such rules and regulations as will assure the effective implementation of this section; but, no notice shall be effective if given in less than ten days. Such proceedings shall be accorded "contested case" treatment under the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1509).

(c) In the case of any residence not leased for occupancy at any time during a twenty-four month period immediately preceding the entering into of a lease or implied contract for occupancy of such residence, the rent charged during the term of occupancy provided in such lease or implied contract shall not exceed the fair market value of rental for comparable facilities.

(d) Where a landlord and a tenant shall have agreed to pay an increased rent which is in excess of the amounts set forth in this Act, it shall be the duty of the landlord to refund the difference and adjust the rental rate, whether or not there shall have been any written or implied contract or lease, without demand upon him by the tenant.

SEC. 6. (a) No landlord shall take any retaliatory action against any tenant who exercises any right conferred upon him by this Act or by any rule, regulation, or order issued pursuant thereto. For purposes of this subsection, retaliatory action shall include, but not be limited to, any action or proceeding to recover possession of a residence or action which would increase rent, decrease services, increase the obligations of a tenant, or bring an undue or unusual inconvenience, violation of privacy, harassment, or reduction in the quality or quantity of service or be any form of threat or coercion.

(b) Neither shall any landlord reduce any service customarily heretofore provided by him to tenants unless such reduction shall result in an affirmative reduction of rent over that which was paid during the preceding period of occupancy and shall not unduly result in an inconvenience to the health, safety, or general welfare of the tenants.

REMEDIES

SEC. 7. (a) Any aggrieved person or class of persons including the Commission through the Commissioner of the District of

Columbia may commence a civil action against any person who is alleged to have violated this Act or any rule, regulation, or order issued pursuant thereto in the Superior Court of the District of Columbia to require compliance therewith. In any action under this paragraph, the Commission, through the Commissioner of the District of Columbia, if not already a party shall have the right to intervene.

(b) The court, in issuing any order, in any action brought pursuant to this section, shall award costs of litigation (including reasonable attorney and witness fees) to any successful plaintiff or plaintiff intervenor.

CRIMINAL PENALTIES

SEC. 8. Any person who willfully violates this Act or any rule, regulation, or order promulgated pursuant thereto shall be fined not more than $5,000 for each such violation.

TERMINATION

SEC. 9. The life of this temporary Commission shall terminate two years from the date of enactment unless it shall have been decided after public hearing, by a majority of the members of the City Council that the findings of fact as set forth in section 2 of this Act continue to exist and shall require the continuation of this Commission. Any such extension shall be valid for one year unless additionally extended for periods not to exceed one year. Appointments of members for the extended terms shall be as set forth in section 4(a) of this Act except that the terms shall be for one year.

With the following committee amendment:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "District of Columbia Rent Control Act of 1973".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "rent" means the entire amount of money, money's worth, bonus, benefit, or gratuity demanded, received, or charged by the lessor or landlord to a lessee or tenant as a condition of occupancy and use of a residence and its related facilities including, but not limited to, charges for parking and utilities and the use of recreational facilities if provided.

(b) The term "residence" means a room, apartment, efficiency, group of rooms, or a single family dwelling or other residence rented, leased, or offered for rent or lease for dwelling purposes as a unit in a structure used or which may be used as a dwelling place located in the District of Columbia. This term shall not include any room or space rented, leased, or offered for rent or lease which is located in a hotel, motel, or other unit used for transient occupancy.

(c) The term "landlord" means an owner, lessor, sublessor, assign, or other person receiving or entitled to receive the rents or benefits thereof for the use or occupancy of any residence as herein defined and it shall also mean the agent of the foregoing.

(d) The term "tenant" means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession or to the use or the occupancy or the benefits thereof of any residence as herein defined.

(e) The term "Council" means the District of Columbia Council established under Reorganization Plan Numbered 3 of 1967.

(f) The term "person" means an individual, corporation, partnership, association, joint venture, or any organized group of individuals or the legal successor or assigns or representatives of the foregoing.

POWERS OF THE DISTRICT OF COLUMBIA COUNCIL

SEC. 3. (a) Within sixty calendar days after the date of enactment of this Act, and thereafter at such times as the Council deems necessary, the Council shall hold public hearings to determine whether a situation exists in the District of Columbia by reason of the shortage of leased or rental residences which is causing serious overcrowding or increasing rents which are contrary to the public health, safety, and general welfare of the tenants and the District of Columbia. If the Council makes such a determination then the Council is authorized to adopt such rules as it determines necessary and appropriate to regulate and stabilize rents in the District of Columbia, including rules regarding retaliatory action specifically prohibited under section 5 of this Act. Such rules may be terminated at any time by a majority vote of the Council.

(b) With respect to any hearing held under this section, the Council shall afford interested persons an opportunity to participate in such a hearing through submission of written data, views, and arguments, with an opportunity to present oral testimony. The record and findings made in such hearings shall be the basis for the adoption of such rules by the Council.

THE COMMISSION

SEC. 4. (a) In the event the Council adopts rules under section 3 to stabilize and regulate rents, the Council is authorized to establish a temporary District of Columbia Housing Rent Commission (hereinafter referred to as the "Commission") for the District of Columbia to carry out and enforce such rules. Such Commission shall terminate on the forty-fifth day after the date of termination of the rules adopted by the Council under section 3. Such Commission shall be composed of nine members, appointed by the Commissioner of the District of Columbia with the advice and consent of the Council. No more than two members appointed to the Commission shall be appointed from among persons who are representative of the interests of the landlords in the District of Columbia. No more than two members shall be appointed from among persons who are representative of the interests of tenants in the District of Columbia. All members of the Commission shall be residents of the District of Columbia. Each member shall serve until the termination of the Commission, or for one year, whichever is shorter. The members shall select a chairman of the Commission from among the members of the Commission.

(b) Each member of the Commission shall be paid compensation of $50 per day while performing duties under this Act, except that no compensation under this Act shall be paid to an employee of the government of the District of Columbia or of the United States.

(c) The Commission shall have power to adopt, promulgate, amend, or rescind such rules or orders as it may deem and find to be necessary or proper to effectuate the purposes of this Act. In addition, the Commission shall employ such personnel or consultants, including legal counsel, as are necessary, at such rates compensation as may be fixed by the Commissioner of the District of Columbia. Upon the request of the Chairman of the Commission, each department of the District of Columbia is authorized to furnish such assistance or information as may be necessary for the Commission to effectively carry out this Act.

(d) In addition the Commission shall be authorized to—

(1) receive and review complaints by tenants in the District of Columbia with respect to any violation of the rules of the Council adopted under section 3, or of any rule or order of the Commission with respect to the enforcement and the administration of such rules; and

(2) in cases where operation of the rules adopted by the Council would cause serious financial hardship to a landlord, grant exemptions therefrom upon application of any landlord claiming such hardship, except no exemptions shall be granted until after notice of a hearing with respect to the application for such an exemption shall have been published and the tenants of the affected residence shall have been afforded an opportunity to submit relevant evidence to the Commission in connection with such application.

RETALIATORY ACTION

SEC. 5. No landlord shall take any retaliatory action against any tenant who exercises any right conferred upon him by this Act or by any rule or order issued pursuant thereto. For purposes of this subsection, retaliatory action shall include, but not be limited to, any action or proceeding to recover possession of a residence or action which would increase rent, decrease services, increase the obligations of a tenant, or bring an undue or unusual inconvenience, violation of privacy, harassment, or reduction in the quality or quantity of service or be any form of threat or coercion.

JUDICIAL REVIEW

SEC. 6. (a) Any person or class of persons aggrieved by any decision of the Commission, or by any failure on the part of the Commission to act, may seek judicial review of such decision or failure by filing a petition for review in the Superior Court of the District of Columbia. The Commission on its own initiative, may commence a civil action to enforce the rules of the Council or of the Commission. Such an action brought by the Commission shall be brought in the Superior Court of the District of Columbia.

(b) The Superior Court, in issuing any order in any action brought under this section, shall award costs of litigation (including a reasonable attorney and witness fee) to any successful plaintiff.

CRIMINAL PENALTIES

SEC. 7. Any person who willfully violates any provision of this Act, or any rule promulgated by the Council under section 3, or any rule or order of the Commission, shall be fined not more than $5,000 for each such violation.

TERMINATION

SEC. 8. The provisions of this Act, and all rules, orders, and requirements thereunder, shall terminate at the end of the one-year period beginning on the date of enactment of this Act, except that as to offenses committed, or rights or liabilities incurred, prior to such expiration date, the provisions of this Act, and such rules, orders, and requirements, shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.

EMERGENCY RENT CONTROL ACT REPEALED

SEC. 9. The District of Columbia Emergency Rent Act of 1951 (D.C. Code, secs. 45–1601—45–1611) is hereby repealed.

Mr. DIGGS. Mr. Speaker, I would like to commend the distinguished Representative from the Third District of Kentucky (Mr. MAZZOLI) for his perseverence and leadership as the chairman of the Subcommittee on Labor, Social Services and the International Community of the Committee on the District of Columbia. The principal provisions of the bill are as follows:

The bill transfers to the District of Columbia City Council the authority, after holding public hearings to determine the need to adopt such rules as it deems appropriate to regulate and stabilize rents in the District of Columbia, and to enforce the provisions of section 5 prohibiting retaliatory actions. The council is directed to hold such public hearings within 60 days of enactment of the bill, and thereafter at such time as

it deems necessary while it remains in effect.

The bill also authorizes the District of Columbia Council, in the event that it adopts rent regulations, to establish a temporary District of Columbia Housing Rent Commission to carry out and enforce such regulations. The Commission is to consist of nine members, appointed by the Commissioner subject to Council approval, and is to include no more than two representatives of landlord interests and no more than two representatives of tenant interests. The Commission is empowered to promulgate such rules or orders as it deems necessary to carry out the purposes of the legislation and the rules adopted by the District of Columbia Council, under the legislation. The Commission is authorized to receive and review complaints by tenants with respect to violations, and to grant exemptions to landlords who show proof that the Council's rent regulations would cause serious financial hardship.

Landlords are forbidden to take retaliatory action of any kind against tenants as a result of actions taken under this legislation. Retaliatory action is defined to include such steps as eviction, harassment, and reduction of services.

Persons aggrieved by decisions of the Commission, or failures of the Commission to act, may seek judicial review in the District of Columbia Superior Court. It also provides that the Commission, on its own initiative, can commence a civil action to enforce rules promulgated hereunder. It directs the superior court to award costs of litigation to any successful plaintiff.

This bill establishes penalties of up to $5,000 for each violation of any provision of this legislation or rule promulgated hereunder.

Termination of all provisions of the bill 1 year after the date of enactment.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. MAZZOLI) who has supervised the hearings on this important subject before our committee.

Mr. MAZZOLI. Mr. Speaker. H.R. 4771, as amended, is very simply a measure giving D.C. City Council a limited authority to establish rent controls in the District of Columbia.

Let me refer the Members to pages 2, 3, and 4 which in a brief and readable way sets forth the principal provisions of this bill.

H.R. 4771 is permissive in nature. It grants to the D.C. Council—for a 1-year period only—the power to invoke rent controls if—on the basis of public hearings—the Council determines such a course of action to be necessary and appropriate.

The only mandatory feature of H.R. 4771 is the requirement that the District of Columbia Council hold hearings within 60 days of the enactment of this legislation to make a determination as to whether rent stabilization measures are needed.

In today's debate, you will hear this bill described as several things it is not.

For example, the press calls this bill a major test of D.C. home rule.

Certainly, H.R. 4771 does grant standby authority to local government. It does shift decisionmaking from Congress to local government.

In this respect, it is similar to the philosophy of some home rule bills now pending.

But, in other respects, it's a different situation altogether.

H.R. 4771 transfers rent control authority only for 1 year. Ultimate rent control power remains with Congress. After 1 year, all this comes to a "screeching halt" unless Congress acts to extend the grant of authority.

I also believe here is a distinct difference in transferring authority to locally appointed officials and in transferring authority to locally elected officials.

In my opinion—one who intends to vote against home rule could vote for H.R. 4771.

Some will attack H.R. 4771 as being unnecessary or redundant. Because the D.C. Council under its general police powers, already possesses authority to invoke rent controls.

Let me stress that your subcommittee early in the consideration of this measure sought to get a firm answer to that question.

The answer we got, both from the City Council and the Mayor-Commissioner, was unanimous. We were told the legislation is both needed and desired by the District government because it does not now have this power.

I quote from Mayor Walter Washington's letter which is printed on page 7 of the committee report accompanying H.R. 4771:

> I endorse the position taken by the City Council in its testimony that the District government needs and should have authority to initiate and administer a local program rent control.

Elsewhere in the same letter, Mayor Washington states:

> The District government is of the opinion that it would be advisable for the Congress to delegate to the city standby authority over rents.

Mr. Speaker, this is precisely what H.R. 4771 does.

It does not impose rent controls. It simply gives the District government standby authority to do so.

Spoken for local landlord and real estate groups told the subcommittee that they have not met total success in their attempts to get all apartment operators to voluntarily agree to keep rent increases within the industry's suggested guidelines.

A majority of the D.C. committee felt that some action is necessary to provide the "stick in the closet" necessary to make voluntary controls succeed.

My colleague and a valued member of my subcommittee, the gentleman from Idaho (Mr. SYMMS), has written minority views in the committee report.

He is against the bill and cites the relationships he feels exists between rent controls and unacceptable numbers of abandoned rental units. For example, in New York City.

Let me just say—students of the New York situation seriously question whether rent controls cause abandonment.

Surveys have shown that other factors, such as the age of the abandoned units and neighborhood changes play significant roles as well.

And, abandonment is a serious problem in many cities which do not have rent controls. Thus, I believe it is hard to pin the spectre of abandonment on rent control.

In this regard, under H.R. 4771, if the D.C. Council elects to impose rent controls, it would be authorized to establish a temporary commission to carry out the rules and regulations.

The commission would also have authority to grant exceptions to landlords faced with serious financial hardship. Thus, any landlord legitimately facing the prospect of abandonment because of rent controls could lay his case before the temporary commission and possibly receive relief.

One final objection might be mentioned.

That is the contention that rent controls, once imposed, are impossible to remove. Since the authority granted under H.R. 4771 expires 1 year after the date of enactment, there is no danger of the community being locked into long-term controls. We, here in Congress, retain full control.

In conclusion, let me state that our committee received widespread evidence of severe rent increases in the District of Columbia since the end of January 11 of phase 2.

But, we were of the opinion that the imposition of rent controls was a decision best reached by local officials.

This is what our bill does. I ask your support for it at this point, I wish to further describe H.R. 4771.

The purpose of this legislation (H.R. 4771) as set forth in House Report 93–259 is to authorize the District of Columbia Council to adopt such rules as it deems necessary and appropriate to regulate and stabilize rents in the District of Columbia, and to require that the Council hold public hearings within 60 days after the enactment of this bill to determine whether such regulations are needed.

NEED FOR THE LEGISLATION

The committee, during its hearings, received detailed testimony as to the tightness of the housing market in Washington, D.C., and the exceptionally low vacancy rate among rental units. Reference was made to a June 1972 report from the U.S. Department of Housing and Urban Development, which showed the vacancy rate in the District of Columbia was only 1.8 percent for all residences and 2.6 percent for apartments. By comparison, the committee was told that the nationwide vacancy rate is 5.6 percent.

Testimony from tenants' groups included allegations of widespread rent increases in the District of Columbia since the termination of phase 2 economic stabilization controls. A number of these reported increases were in excess of 20 percent. One list submitted to the committee contained the names of some 70 District residents reporting rent increases since January 11 averaging 13.7 percent. The committee was advised of one instance involving a rent increase of nearly 100

percent; namely, from $77 a month to $145 a month, as of March 1, 1973.

In addition, the committee received from the District of Columbia government the results of a telephone survey, encompassing 497 completed interviews, which showed that 65 percent of the respondents had received rent increases since January 1, 1973. Nearly 40 percent of the households contacted in the survey had experienced rent increases of 5 percent or more. Six percent of the respondents in the District government's survey reported rent increases of 10 percent or more.

In view of the representations as to the area's abnormally low vacancy rate, and the reported rent increases, the committee agreed that rent control authority is needed by the District of Columbia government as a necessary tool for the protection of the general welfare in a residentially impacted area.

The committee also took note of the fact that adjacent jurisdictions in Maryland have seen fit to implement rent controls this year.

PRINCIPAL PROVISIONS OF THE BILL

SECTION 3—DISCRETIONARY POWERS OF THE DISTRICT OF COLUMBIA COUNCIL

First, to identify the need for rent controls: In view of the somewhat sketchy statistical information on recent rent increases which was made available to the committee, the committee believes that the District of Columbia Council should hold further fact-finding hearings before reaching a determination as to the appropriateness of rent controls at this time. The committee decided against defining in the bill any specific conditions under which rent controls should automatically be imposed or "triggered." The committee decided that strong consideration should be given to such factors as overcrowding and the unavailability of rental alternatives, as reflected in such measurements as vacancy rates. The committee however, chose to leave it up to local officials to devise the best methods for determining such conditions, and to make the decision as to whether conditions have become so critical as to require relief.

Second, to define the scope of rent controls: Similarly, the committee believes that the District of Columbia Council, if it so desires, should be able to exercise full discretion as to the scope of its rent regulations, if it deems such action necessary. The Council should be able to choose whether it wants to impose across-the-board regulations, or whether it wants to tailor regulations to meet specific problems or relieve specific hardships.

The committee noted that other jurisdictions, in enacting rent control regulations, have established various exceptions, such as high-priced rental units, newly constructed or converted units, owner-occupied homes, educational and charitable institutions. The committee made no fixed judgements about these or other possible exceptions, but believes the Council should have sufficiently flexible authority to make such judgments on the basis of its hearings.

Third, to determine levels for setting maximum rent regulations: The committee is of the view that full latitude should be given to local authorities, in this instance, the District of Columbia Council. Whether the Council chooses to establish a cost-justification formula, to roll back rents to a specified date, or to allow increases within a fixed percentage, is a public policy determination best reached at the local level. The committee is of the opinion, however, that maximum rental rates should, to the extent possible, be determined in such a way to yield landlords a fair net operating income.

Fourth, to establish safeguards against retaliatory action: It is the opinion of the committee that the District of Columbia Council should also have the opportunity to adopt rules regarding retaliatory actions, which are specifically prohibited under section 5 of the bill.

Fifth, to approve appointments to the temporary District of Columbia Housing Rent Commission: The committee, in authorizing the establishment of the Commission to carry out and enforce any rent regulations which the Council may adopt, provided that members of the Commission be appointed by the District of Columbia Commissioner, with the advice and consent of the District of Columbia Council.

SECTION 4.—DISCRETIONARY POWERS OF THE COMMISSION

First, to receive and review tenant's complaints: The committee's bill as reported, gives the Commission full authority to receive and review complaints by tenants with respect to any violations of rent regulations adopted by the Council and any violations of the prohibitions against retaliatory action. The committee believes that the Commission should function as a first avenue of relief for aggrieved parties.

Second, to grant hardship exemptions for landlords: In cases where the rent regulations adopted by the Council would cause serious financial hardship to a landlord, the Commission is empowered to grant exemptions. The committee approved a requirement that such exemptions should not be granted, until notice of the hearing is given and affected tenants have been afforded an opportunity to submit evidence concerning the application for an exemption.

HISTORY

As originally introduced, the proposed legislation set forth a formula for the direct imposition of rent controls in the District of Columbia for a 2-year period, following which the District of Columbia Council would be empowered to extend controls for periods not to exceed 1 year each.

The Subcommittee on Labor, Social Services, and the International Community in its study of this legislation, conducted 2 days of public hearings, April 16 and 19, 1973, during which testimony was taken from both landlord and tenant representatives about rent increases in the District of Columbia since January 11, 1973, when phase II, economic stabilization controls were terminated.

Representatives of the District of Columbia government also testified to the effect that the District government does not presently have legal authority to enact rent control regulations. Both the Commissioner and the District of Columbia Council requested congressional action to transfer such authority, on a standby basis, to the District of Columbia government.

The testimony taken by the subcommittee revealed that no definitive study of the current rental situation in the District of Columbia exists.

LEGISLATIVE BACKGROUND

Research shows that rent controls for the District of Columbia have in the past been established by act of Congress, but such authority has never been transferred to the District of Columbia government.

The first legislation dealing with rent control in the District of Columbia appears to have been Public Resolution 31 (40 Stat. 593) enacted by the 65th Congress, second session, on May 31, 1918, which, in effect, froze rents in the District "until a treaty of peace" was concluded between the United States and Germany.

Public Resolution 31 was superseded by title II "The Food Control and District of Columbia Rents Act," Public Law No. 63, 66th Congress, first session, (41 Stat. 298), which was enacted on October 22, 1919, and provided for a commission appointed by the President, with consent of the Senate, to set fair and reasonable rents in the District of Columbia. As enacted, this statute was to terminate "two years from the date of passage." However, the act was extended in 1921, 1922 and 1924 and remained in effect until May 22, 1925.

The latest rent control legislation for the District of Columbia was enacted by the 77th Congress, first session, as Public Law 327, on December 2, 1941, (55 Stat. 788). The 1941 enactment provided for an "office of Administrator of Rent Control" with the administrator appointed by the Commissioners of the District of Columbia and authorized to adjust the maximum-rent ceiling, initially set at the January 1, 1941, level, applicable to housing accommodations in the District. Initially, this legislation was to terminate on December 31, 1945, but was extended, generally for one-year periods, in 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952 and 1953, until July 31, 1953. This legislation, although expired, remains on the books. Section 9 of H.R. 4771 repeals this act.

COST

As of the date of filing of this report, no estimate of cost of this proposed legislation has been received by the committee from the District government.

However, it is anticipated that the enactment of H.R. 4771 will involve little, if any, additional costs to the District.

VOTE

H.R. 4771 as amended was approved and ordered reported by voice vote of the committee on June 4, 1973.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in opposition to the pending legislation. I hate to find myself in disagreement with the statement made by my friend, the gentleman from Kentucky, but this legislation is superfluous and therefore unnecessary. The Economic Stabilization Act of 1970, as

amended, gives authority to the Cost of Living Council to set rent controls nationwide, by region, or in any particular community. Many of the area representatives met with Dr. Dunlop, of the Cost of Living Council, talking about the matter of rent increases in the area, and we were assured by him that he had the legal authority to impose rent controls in any section of the metropolitan area of Washington.

The Council is constantly compiling information to determine whether or not it is necessary to impose rent controls on any section of this country.

I submit, therefore, Mr. Speaker, that this legislation is redundant and unnecessary.

Second, Mr. Speaker, the hearings on this legislation certainly showed that there was no preponderance of evidence that rent control is necessary here in the District of Columbia. Here is what the Assistant to the Commissioner for Housing Programs said to the committee, and I quote:

> A case for rent controls in the District of Columbia is not reflected in the relatively few letters complaining about rent increases received by the Mayor and the City Council in recent months.

Here is what the Director of the D.C. Office of Planning and Management said to the committee, in part:

> We haven't been flooded by letters about rent increases.

A spokesman for the Building Owners and Managers Association reported to the committee that after a series of television ads and newspaper ads asking that complaints by aggrieved tenants be written in or phoned in to their office, they received only 81 complaints in total up to the end of the month of April; and 75 of those complaints were from tenants in one apartment project.

Then, the committee report refers to a survey that was taken by the statistical systems group asking what rent increases have been experienced in the District since January 11; 497 interviews were made, the committee report says. And 65 percent said that they had received some sort of rent increase since January 11. However, 35 percent of those interviewed said they had not received any rent increase; and of the 65 percent who did, 26 percent had received less than a 5-percent increase; 33 percent had received from a 5- to 10-percent increase, and only 6 percent, Mr. Speaker, had received a rent increase since January 11 in excess of 10 percent. Does that indicate any need for an additional authority for rent control to be imposed here in the Nation's Capital?

I was very glad to hear the gentleman from Kentucky point out that this bill had nothing to do with home rule.

Certain newspaper articles on this proposed legislation have stated that our action on this bill will be a test of sentiment for home rule in the District of Columbia. I want to say that this statement is preposterous, and that this measure has nothing whatever to do with home rule. The only issue involved here today is whether we should give the District government a superfluous authority to act on the single subject of rent controls in the Nation's Capital.

By all means let us not confuse the issue by any ridiculous references to home rule.

That brings up an interesting question, Mr. Speaker. Why transfer the authority to impose rent control from one presidentially appointed group to another presidentially appointed group?

We now have experts in the Cost of Living Council working on this subject, and if rent control here in the Nation's Capital is needed I can assure the Members, as we have been assured by the Council, that such controls will be imposed. So why delegate this authority to another appointed group that is not as competent to deal with the subject as the group that already has the authority?

Mr. Speaker, I urge that this bill, this superfluous bill, this ridiculous bill be voted down.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of the bill as amended by the committee. I also want to express my appreciation for the fine work of the gentleman from Kentucky who has devoted so much time to this bill to assure that the will of the Congress and the needs of the people of this city are met and reconciled. He has done an admirable job and his patient guidance and consideration should not be overlooked in these hours of debate on this bill.

As most of you know, the past several months have seen the rate of rent increases in Washington rise drastically. In some instances, increases were as high as 100 percent. Indeed, in a survey conducted by the city government, it was determined by 65 percent of the sample had experienced some rent increase. Unfortunately, many of these increases were not reasonably related to increases in costs. Rather, they were the result of two principle factors:

One. The rapid removal of the phase 2 constraints without any transition of effective prohibition against a landlord who would raise rents to recover lost excess profits from the controls; and

Two. The very low vacancy rate which tends to drive prices upward. We in the District have an overall vacancy rate of 1.8 percent as opposed to the national average of 5.6 percent. Thus, we have not only a sellers' market; we have a captive market because there is no place to where one can move even if he wanted and had the funds to do so.

This problem is not confined to the city alone. It is one which affects the entire Washington metropolitan area and it has been addressed by every jurisdiction in one form or another. Maryland, for example, has a State-enacted rent control law. Montgomery County enacted an even stiffer local law. The Virginia counties have, with some degree of success, negotiated an agreemnt with some landlords; but, they did it only after successfully threatening the imposition of rent controls. It is not totally effective; but, it is nonetheless more than the District of Columbia is now able to do. The city government does not believe that the existing statutes provide an adequate basis upon which to promulgate rent controls. Consequently, the city has no bargaining power with the landlord groups and it has no ability to impose any kind of regulation which may tend to ameliorate the rent increases.

Now, frankly, I would have preferred that the committee and that this House adopt my original bill which would have imposed control. The prevailing wisdom of the committee, however, persuaded the adoption of enabling legislation much along the line of that which Dr. Dunlop, Chairman of the Cost of Living Council, recommended in a meeting with members of the Washington area delegation. At that time, he indicated that there was not enough evidence to justify a national rent control bill; but, that the situation in the Washington area could justify the exercise of the local option for control. Your committee, after 2 days of very complete hearings, felt that they did not want to directly impose the controls. Rather, they wanted the city government, which is closer to the problem, to make that determination in conjunction with some guidelines. The bill does require the city to hold hearings for a determination of whether controls should be imposed; but, the bill does not impose the control. If they city elects to have control, they will run for only 1 year unless we pass another bill to extend them or allow the city to extend them.

One year is far too short in my estimation. I am hopeful that we will not need an extension; but, if we do we can come back to the Congress and make our case, which if it is persuasive, will give rise to another bill. I settled for this compromise because rent control is not a panacea to the housing ills. Indeed, if one is not careful, it can become a scourge. This bill recognizes that fact and provides control only for the purpose of allowing some relief in uncontrolled and unjustified rental increase.

I suspect that some Members believe that enabling legislation and the fact are one and the same. That is not correct. The city government, when it appeared before our committee made it quite clear that they would consider and support rent control only after it was exceedingly evident that this was the only mechanism by which relief could be provided. It seems to me that this city's leadership is as capable of making a forthright and honest determination as any other body—including the Congress. Consequently, I again urge support for this bill which, like the other bills which are before you, is innocuous.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I urge the approval of the House on H.R. 4771. The gentleman from Kentucky has done an admirable job in holding hearings, in markup and in steering this legislation through the District of Columbia Committee.

Mr. Speaker, enactment of this legislation for the District of Columbia is a vital step. It is one which is fully in keeping with the position of administration spokesmen, particularly Dr. John Dunlop, Director of the Cost of Living Council, who have urged that the prob-

lem of excessive rent increases since the lifting of phase II controls be addressed and solved by local authorities. County governments in the neighboring jurisdictions of Prince Georges County, Md., under the leadership of Bill Gullett, county executive, and my home district of Montgomery County, under the leadership of County Executive James Gleason, have taken strong leadership with respect to this problem in those sections of the metropolitan area. I urge that we in Congress convey authority to the local officials, in the District of Columbia to take similar action if deemed necessary upon further investigation.

And I wish to add here that both the Mayor-Commissioner and the Council have expressed the opinion that the District needs and should have authority to initiate and administer a local program of rent control on a standby basis. Let us now grant this to them.

We must also take into consideration the nature of the housing market in Washington, and in particular, the low-vacancy rate in this city, hovering around 1 to 2 percent, as compared to 5.6 percent nationwide. We truly have a seller's market in Washington. Informal surveys taken in this area have revealed rent increases in the past months ranging up to 50 percent, with the average hovering around 12 percent. Dr. Dunlop, in speaking for the administration states that the Washington area, along with other major metropolitan areas, particularly in the northeastern section of the United States, is experiencing a particular problem in this regard.

Lastly, Mr. Speaker, let me make one point very clear. The authority granted to the City Council under H.R. 4771 is for a 1-year period only. We in the committee do not believe permanent rent controls to be wise public policy. This is a crucial point. Furthermore, while I believe strongly that we must transfer authority to act if deemed necessary by the Council, I believe we should confine ourselves to the immediate problem in view of the fact that the Government Operations Subcommittee of the District Committee is now considering self-government legislation and the reorganization of the District government in light of the recommendations of the commission headed by the distinguished gentleman from Minnesota (Mr. NELSEN). We should not constrain them in any sense in their efforts along these lines. Thus I favor the 1-year transfer.

I urge prompt and favorable action on H.R. 4771, if we are to insure that the residents of the Nation's Capital receive equitable treatment in these inflationary times, as determined by those closest to the situation—local officials. Let me say, finally, if my Democratic colleagues will pardon me, that this grant is in the very best tradition of Republican philosophy of local self-determination. I urge my colleagues to give H.R. 4771 their full support.

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

Mr. GUDE. I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding.

I would like to point out, in keeping with what is said and in consonance with his statements, the senior Senator from Texas, in his minority views on the Economic Stabilization Act (S. 398) earlier this year, stated that there are a few areas of very tight housing markets such as Washington, D.C., and he mentions northern New Jersey as well, in which the increases have been extensive.

In those minority views, the Senator from Texas asserted that in such areas where local conditions may indicate that rent controls are needed, action should be taken by local officials.

That is exactly what the bill before us today attempts to do. It is completely in keeping with the Senator's views as published in the Senate's committee report on S. 378.

The Senator goes on to suggest in this report of his that there is a need for a local authority to handle the situation as it deems to be advisable after it makes its own scrutiny of the situation and makes its own examination.

That is simply all that this bill (H.R. 4771) does, and I believe it is a good bill.

Mr. GUDE. This bill in no way puts rent controls on the District of Columbia, as the gentleman points out. It leaves it up to the local officials. Their authority expires in 1 year, and then they would have to come back to the Congress.

Mr. SYMMS. Mr. Speaker, I move to strike the requisite number of words.

(Mr. SYMMS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SYMMS. Mr. Speaker, I think the issue has been joined and examined well by both sides, and I commend the gentleman from Kentucky (Mr. MAZZOLI) for his statement and the way he handled this matter in subcommittee.

I should point out to you that this bill, which we are discussing here today, is much better than the one that was first considered by the committee and was amended in the subcommittee.

However, I believe we are being naive if we do not realize that this bill will bring rent control into the District of Columbia no matter whether or not we cloud that issue by giving the District Council the authority to study the issue and then set up rent control.

Because I am concerned about the long-range situation here in the District of Columbia as it relates to housing, I consider that I must oppose this bill.

We can use many other examples, but I recall that in France in 1918 they put rent controls on temporarily to ease the shortage of housing and high rent situation, and they are still in effect. That has been over 50 years ago.

In Germany they have not had rent controls since the end of World War II, and the rent is lower in Germany than it is in France, and Germany is a much more attractive a market for developers than is France.

We have also seen a similar situation happen in New York City, where temporary rent controls have lasted 30 years.

I read in the Washington Post this morning that builders of the District of Columbia area are interested in coming back into the District of Columbia from the Maryland and Virginia suburbs, because of the water and sewerage problems and the moratoriums that exist in those areas. The District is just now becoming an attractive market and we are effectively undermining that prospect with this bill. If we step in now and give permit controls to be placed in effect in the District of Columbia, we will be detracting from the incentive of people to come here and build badly needed units and we do that at the first time in years when developers, the real estate industry and builders are showing interest in the District.

I should like to point out that in 1972, the cost of fuel oil increased by 60 percent, the cost of water went up 42 percent, the cost of electricity went up 21 percent, and the cost of labor went up 40 percent. Some of these costs are "pass-ons" which will be added to rent even under controls—but many cannot be passed-on.

If we arbitrarily try to freeze rents, or delegate the authority to do that, we will really be slowing down the process of increasing the number of housing units in the District. The circumstances are now ripe and the money is now available for the first time in years, let us not thwart this opportunity by passing rent control. We must recognize that a free market is the best way to solve the problems of lower rent by permitting money to come into the District of Columbia to provide adequate housing in a variety of price ranges.

In my statement appearing in the report accompaning this bill I pointed out that historically rent controls have resulted in a waste of space. Thus rent controls make the problem more acute—spacewise—at the time we claim we are trying to correct it.

If we will look down the road for 10 years from now, we will see we will really hurt the people in the District of Columbia who need apartments and rental properties the most.

These are the reasons, among others, why I oppose the bill. I insert at this point my minority view which appears in the report accompanying H.R. 4771, as amended:

MINORITY VIEW OF CONGRESSMAN STEVEN D. SYMMS

H.R. 4771, as amended, which would allow the imposition of rent controls on the District of Columbia by action of the District Council, will, in my view, have disastrous effects on the housing situation in this city if such controls go into effect.

Although this bill is well-intentioned, all experience with rent control laws in other cities and countries, would lead us to expect that the end result will be less housing, lower quality housing and more expensive housing, especially for those who are least able to pay and who are in greatest need.

I understand that in New York City, for example, where rent controls have had 30 years to demonstrate their true effects, over 700,000 usable apartment units have been abandoned simply because owners could no longer afford the prohibitive costs of maintaining them. When so many units go off the market, the result is obvious: the rents on the remaining units must go still higher or else they too will be abandoned. This is the major reason why rents in uncontrolled apartments in New York City are now 250%

higher than similar apartments in Washington, D.C.

When rents are controlled, but the costs (such as pass-ons of the order of water and sewerage fees) of maintaining and improving housing are not kept down, no other result is possible. The apartment industry in this city has in fact just come through 16 months of rigid federal rent controls which failed to allow adequate rent increases to offset increases in operating costs. I am informed that in 1972 in the District of Columbia, the cost of fuel oil increased by 60%, sewer and water costs went up by 42%, electricity costs 21%, and labor costs rose by 40%.

If property owners cannot expect to meet their costs, much less receive a fair return on their investment, we the Members of Congress in acting on this bill should ask ourselves—where is the capital to finance new buildings going to come from? Yet, it is policies such as these which worsen the housing shortage and divert investment from housing, where it is sorely needed, to other sectors of the economy.

More fundamentally, government rent control is simply nothing more or less than a particular form of price control; its consequences, therefore, are essentially the same as those of government price control in general. Optimists believe that rent controls can "protect" tenants from rising prices, while at the same time, not have a harmful effect on landlords and not discourage the new housing construction.

What actually happens, however, mainly adversely affects housing and housing demand. Wasteful use of space is encouraged. People in the market for, or seeking, housing are discriminated against in favor of those who already have housing. As rent control continues, historically it appears that the effects uniformly become worse. New housing is not built because of the lack of incentive (in fact, because of positive discouragement!). Because of wasteful use of space and the abandonment of many buildings, the rents in remaining buildings tend to be forced up to a level higher than they would have been in a free market. (As a concession to the marketplace, governments usually end up exempting certain apartments from rent control; these rents then go sky high. This has already happened in New York City.)

Many apartments will also inevitably deteriorate in quality. Pressed by rising costs, landlords may either have to skimp on repairs or ultimately abandon their houses altogether. A very rigid building code (such as I understand we now have in the District of Columbia) also contributes to this result by imposing higher and higher costs on landlords. Certainly we can expect no lavity in this regard given rent controls.

If the free market were allowed to operate on the other hand, property-owners would be allowed to earn a fair profit and more people would be encouraged to invest to increase our housing supply. As more houses are built, and supply comes close to or exceeds demand, then the relative prices of rents will come down and more people will be able to afford more and better housing. Those tenants who for one reason or another have low incomes and cannot afford to pay market rents can be helped in other ways as individuals in need without distorting the market process.

Experience in nearby Virginia, where a pact has been brought into existence to insure voluntary rent controls, will show, I predict, that such an approach will operate more fairly and equitably and have a less harmful effect on the housing situation, both near term and long term, than this bill which we take up today on the Floor. I know that the bill, as amended, authorizes the District Council to study the situation before putting rent controls into effect; but let us not fool ourselves, gentlemen, this is merely the first step toward rent control. If we did not contemplate rent control, we would not be taking this first step. I hope that none of us are so naive as to contemplate that six months from now, we will not see rent controls in effect in the District of Columbia.

In my view, there is not sufficient evidence that rent increases in the District have on the whole been economically unrealistic or unfair. Until such evidence is forthcoming, I believe we should heed the experience of New York and other cities and avoid the debilitating effects on the city of Washington which rent controls would inevitably create.

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

Mr. SYMMS. I yield to the gentleman from Louisiana.

Mr. TREEN. What will be the situation after the first year is over? I understand the authority in the enactment of this bill would be for only 1 year. What would happen to rents then? Assuming controls were imposed, because of market pressures being up—and that would be the only reason one would impose rent controls—what would happen at the end of the year? Is there any thought that the pressures would not be there then? What type of increase would we have at the end of the year?

Mr. SYMMS. Mr. Speaker, compared with other areas, this marked pressure will be worse next year than it is now if we impose rent controls, so the pressure will be right back on the House to act on the measure. The pressure will be such that we cannot discuss this issue as objectively as we do today.

I think the gentleman from Louisiana (Mr. TREEN) makes a good point. The pressure will be there next year, and if the rent controls are taken off, then rents will skyrocket and the pressure will come right back into the House.

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

Mr. SYMMS. I yield to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Speaker, I noticed from the report that it has been indicated the estimate of cost could not be made, but there is expected to be very little cost. Yet I notice in the bill itself, in section 6, that anyone aggrieved by any decision of the Commission may seek judicial review and any successful plaintiff may be awarded attorney's fees.

I will ask the gentleman, is there any provision made to recover these costs by every plaintiff who is successful to get attorney's fees? Does the gentleman know, are there any other instances where a governmental body, as the defendant, has to pay out attorney fees?

Mr. SYMMS. Mr. Speaker, in answer to the gentleman's question, no, I do not know of any.

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

Mr. SYMMS. I would be happy to yield to the chairman of the subcommittee, the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, in answer to the question of the gentleman from Louisiana (Mr. TREEN) in these situations, the defendant would pay. Now, in those unusual occurrences where the government itself is a defendant, possibly then the government would have to pay, but we do not envision that would be the commonplace situation. More frequently, it would be a common defendant who, if such defendant were found to be in violation of the law as passed by the District, would have to pay, or such defendant would have to pay the reasonable attorney fees in that respect.

Mr. TREEN. Mr. Speaker, if the gentleman will yield further, along that line, we do not suggest this bill to state that the Government itself must pay attorney fees, but we point out the explicit language of the bill that it could be anticipated that the Government as defendant could be forced to pay.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, first, may I compliment the chairman of the subcommittee, who, I think, did a very good job in amending the original bill so as to put this measure in acceptable form for consideration by the House.

The original bill would have put percentage increases that were allowable and generally would have had us legislate a rent control bill, set in concrete as it were, for the District of Columbia. An odd approach for a home rule advocate. Under the revised bill legislative oversight and review are carefully preserved in the Congress while delegated some considerable authority to the District Council. The revised bill moves in the direction of sensible harnessing of local authority within prescribed limits that I believe you the Members of Congress will go along with. To move to a related subject for a moment, I want to make some further remarks, regarding a disposition to tie this type of legislation to the home rule legislation. The subcommittee chairman, (Mr. MAZZOLI) has effectively denied and decried this action.

However, I must admit that there seems to be a disposition in our committee generally to try to wrap up the Nelsen Commission study recommendations with the home rule issue. I regret this. Both should be able to stand or fall on their own merits. I want to point out that when we passed the Little Hoover Commission legislation late in the 91st Congress—which later came to be known as the Nelsen Commission—we kept the two issues separate because we did not want to confuse the two. In fact, many who today are trying to use those recommendations to sell home rule earlier opposed the Nelsen Commission because they feared it would become a charter commission. Why cannot they both stand on their own feet and be examined on their own merits?

I want to say, as Chairman of the Nelsen Commission, that the approach in this bill utilized by Chairman MAZZOLI is in accord with the Nelsen Commission approach. I assure you that there are many, many necessary changes for the city government that should and can be enacted into law that should not be sunk by virtue of tying too many controversial things together.

I regret that that is the way we seem to be going. I kept the home rule and little Hoover Commission measures separate earlier, feeling that if we did not, we could not get the greatly needed com-

mission study. Now I am afraid the tables are turned so that some of the needed legislative recommendations in the study may be in jeopardy because of getting too many things involved in an omnibus home rule bill.

I noticed in the press a story that I wanted to dribble the legislation out that gave legislative effect to our commission's recommendations. It did not give attribution to the source of the rumor, but I hope we do not get into a situation of quoting rumors but that we attribute statements backed up by identified authors. I do not have a large staff—in fact one professional. And, we are drafting our bills as fast as we can. Since I am the only one doing it—it takes time.

Those of us who serve on the District of Columbia Committee from way out in Midwest are trying to make our contribution to improving the city government. The Nelsen Commission report did that. I hope our efforts do not become bogged down in controversial provisions of bills charged with emotional issues so that if one fails they all fail.

At this point I wish to go into some of the details and background of the bill, I shall try not to repeat matters I discussed earlier.

H.R. 4771, as amended by the committee, does not directly impose rent control in the District of Columbia, but instead it authorizes the District of Columbit Council for only a 1-year period to conduct a study. In the event the Council adopts rent control regulations, it is authorized to establish a temporary District of Columbia Housing Rent Commission to carry out and enforce such regulations. The Commission as established by the Council would be authorized to receive and review complaints by tenants with respect to violations and to grant exceptions to landlords who establish proof that the Council's rent regulations would cause them serious financial hardship.

I am not a strong advocate of rent controls, especially in the District of Columbia where we have had difficulties in the past in enticing construction money and development money into the community. There is one view, as one of the minority Members expressed in the report accompanying this bill, that rent controls could act as a depressant on an already depressed and unfavorable housing situation in the District of Columbia.

However, the subcommittee chairman, Congressman MAZZOLI, has vastly improved upon the bill referred to the committee with the amendments that he has submitted to change and alter H.R. 4771.

First, the bill provides for the termination of all provisions of this bill 1 year after the date of enactment. Now Congress can extend it, if they wish, but the measure still has to come back to Congress so that determination can be made, even assuming the District Council were to hold their hearings and, in fact, imposed rent controls during the year from the date of enactment to 1 year later.

This approach, I might add, is one which I believe the Congress endorses—the concept of limiting the effective date where there is any transfer of authority to the District Council to give the Congress an opportunity to review how the act is being administered and whether, in fact, they want to continue it. The approach is one which I endorsed in the Nelsen Commission recommendations in areas where there was transfer of authority from the Congress to the Council. I perceived that the majority of Congress agrees with this.

This is probably as good a time to point out that some say this bill is a test for home rule. I disagree with those who make that appraisal and so does the subcommittee chairman.

Second, this bill repeals the District of Columbia Emergency Rent Act of 1951. I might point out at this time that the authority we transfer to the District Council is similar to that delegated by the Congress to the three-member Board of Commissioners in 1941. It is written a little differently, but the delegation of authority is not much different. As a matter of fact, this bill, inasmuch as it does not provide for rent control but merely for a study and permits the Council to implement a rent control system, does not, in fact, go as far as the 1951 enactment. However, I do believe that the committee is doing again what I endorsed in the Nelsen Commission report when they call up and repeal pieces of legislation which no longer are serving any useful purpose and should be revised, amended, or repealed. This piece of legislation would effect that desired result.

The first legislation dealing with rent control in the District of Columbia appears to have been Public Resolution 31 (40 Stat. 593) enacted by the 65th Congress, second session, on May 31, 1918, which, in effect, froze rents in the District "until a treaty of peace" was concluded between the United States and Germany.

Public Resolution 31 was superseded by title II "The Food Control and District of Columbia Rents Act," Public Law No. 63, 66th Congress, first session (41 Stat. 298), which was enacted on October 22, 1919, and provided for a commission appointed by the President, with consent of the Senate, to set fair and reasonable rents in the District of Columbia. As enacted, this statute was to terminate "2 years from the date of passage." However, the act was extended in 1921, 1922 and 1924 and remained in effect until May 22, 1925.

The latest rent control legislation for the District of Columbia was enacted by the 77th Congress, first session, as Public Law 327, on December 2, 1941, (55 Stat. 788). The 1941 enactment provided for an "office of Administrator of Rent Control" with the Administrator appointed by the Commissioners of the District of Columbia and authorized to adjust the maximum-rent ceiling, initially set at the January 1, 1941, level, applicable to housing accommodations in the District. Initially, this legislation was to terminate on December 31, 1945, but was extended, generally for 1-year periods, in 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, and 1953, until July 31, 1953. This legislation, although expired, remains on the books. Section 9 of the bill repeals this act.

As originally introduced, the proposed legislation set forth a formula for the direct imposition of rent controls in the District of Columbia for a 2-year period, following which the District of Columbia Council would be empowered to extend controls for periods not to exceed 1 year each.

The Subcommittee on Labor, Social Services, and the International Community in its study of this legislation, conducted 2 days of public hearings, April 16 and 19, 1973, during which testimony was taken from both landlord and tenant representatives about rent increases in the District of Columbia since January 11, 1973, when phase II, economic stabilization controls were terminated.

Representatives of the District of Columbia government also testified to the effect that the District government does not presently have legal authority to enact rent control regulations. Both the Commissioner and the District of Columbia Council requested congressional action to transfer such authority, on a standby basis, to the District of Columbia government.

The testimony taken by the subcommittee revealed that no definitive study of the current rental situation in the District of Columbia exists. However, the Commissioner did submit findings based on a telephone survey involving 497 completed interviews. There was substantial testimony indicating that recent rent increases in the District of Columbia may have resulted in widespread hardship. The subcommittee was informed that the Cost of Living Council has identified the Washington, D.C., area as one of the Nation's tightest housing markets.

The committee decided against legislation to directly impose rent controls in the District of Columbia, and voted instead to transfer authority to the District of Columbia Council for a 1-year period.

Again, I want to say to Mr. MAZZOLI that the original bill we had was totally objectionable. His efforts moved in a sensible direction, and I want to compliment him for the fine work he did in the committee.

Mr. BROYHILL of Virginia. Will the gentleman yield?

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

Mr. BROYHILL of Virginia. I want to join with the gentleman in commending the chairman of the subcommittee for making a vast improvement over the original bill.

But the gentleman from Minnesota has also pointed out that this bill was unnecessary and that there was ample existing authority for the imposition of rent control in the District of Columbia if it is determined to be necessary.

Mr. NELSEN. In answer to the gentleman, I will say the original bill was so totally unacceptable that we felt relieved when this measure came along, because it is really consistent with the transfer of authority recommendation contained in the Nelsen Commission report and would appear to be something that the Cost of Living Council has authority to do under existing law.

I thank the gentleman.

I will yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Would the gentleman agree that if this bill does encourage

rent controls and we still have a shortage of housing 5 years from now, the pressure will then be on for more public housing in the District?

Mr. NELSEN. That is a possibility.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. NELSEN was allowed to proceed for 2 additional minutes.)

Mr. NELSEN. But I want to mention that we must also consider the law, if any on the subject, in the adjoining jurisdictions. Maryland has rent controls, Virginia does not. We should not put into law anything that would stand in the way of development in the District of Columbia as opposed to what is taking place in the corresponding communities around us, such as Virginia and Maryland. The bill was modified, I would say, so as to have much more acceptable provisions in it, in my judgment. But what you suggest is a distinct possibility.

(By unanimous consent, at the request of Mr. GUDE, Mr. NELSEN was allowed to proceed for 2 additional minutes.)

Mr. GUDE. One brief question to the gentleman. I see the gentleman from Washington is here. Let me say there was no intention in the committee to try to deal with the Nelsen provisions on a piecemeal basis. There is a problem with rent control in the District, and it happens that the vehicle the committee devised to deal with that problem coincides with it.

Mr. NELSEN. I understand, but he misunderstands me. I was referring to home rule legislation. I was not referring to the rent control bill.

Mr. GUDE. So there was no effort to do that.

Mr. NELSEN. Not as to the rent control bill. I thank the gentleman.

Mr. ADAMS. Will the gentleman yield?

Mr. NELSEN. I am most happy to yield.

Mr. ADAMS. I was most pleased to hear the gentleman's remarks complimenting the chairman of the subcommittee, and I agree with him. We are doing everything we can to implement portions of the Nelsen Commission report regarding organization of the Government. I was hopeful the gentleman's remarks where he indicated that this effort might be sunk by attaching it to home rule did not mean the gentleman was opposed to having some type of elected officials here in combination with the structural reports, because I thought we were both in agreement that this might be a good way to proceed.

Mr. NELSEN. I do not think that that is quite an accurate statement of my position. I have always taken the view that the recommendations of the commission report should stand on their own feet legislatively. I think they have merit enough on their own to insure their enactment. An omnibus home rule bill approach—a little of this and that, much of which may be controversial—and also containing our commission recommendations is a hazardous path for our hard work and over $700,000 in cost to complete our commission studies. I am confident the House Members prefer it the way I suggest and Subcommittee Chairman MAZZOLI's action in disassociating home rule from this rent control bill does, I submit, enhance its chance of passage. The margin will not be as great as if the issue was not raised but now I think it will pass.

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I might say to the gentleman from Minnesota (Mr. NELSEN) so that we can be clear about this, that we have tried, and I would ask the gentleman if this is not true, to implement as many of the portions of the report as are presently available, and that all these are being considered. We simply have not been able to receive drafts of all of them, and as soon as we receive drafts we will either include them in separate legislation or within the bill itself.

So I would ask the gentleman once more if he sees any incompatibility with proceeding to work on as many of these recommendations on the determination of the Government within certain areas, if the gentleman feels it really is incompatible because the Commission report has stated that it should not be involved with any hesitatiton in our going forward with the election of local officials? I would say if that is not true, then I have been operating under a misconception.

Mr. NELSEN. The Congress, it is true—and I do not want the Commission report damaged because it had too many things to be carried out by it, and considered. Your elected official proposition in my judgment should have been a separate piece of legislation. And that is about as far as I would discuss it at this time.

Mr. ADAMS. I will discuss it more later, but I did want to indicate to the gentleman that our problem is that portions of the legislation were not available on the Nelsen Commission implementation, and that becomes inextricably intertwined when you start to determine what agencies will go in the Department and who will be charged with appointing the people that are going to be put in.

I want to point out that we are trying to follow the Commission recommendations with all due consideration in wanting to go ahead, and I hope that the gentleman from Minnesota will be with us.

Mr. NELSEN. As Mae West used to say, "Come up and see me some time."

Mr. ADAMS. I will do so again, as I have in the past.

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

Mr. ADAMS. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate the kind comments made by the gentleman. Mr. Speaker, I would like to remind the Members of the House, since we are about to get a motion on the previous question, I would like to remind the Members of the House as to what we are voting on today. It is not a vote upon home rule, and it is not upon reorganization as my good friend, the gentleman from Minnesota (Mr. NELSEN) I am sure knows, and it is not upon the broad question again, I say, of home rule, but what we are voting on here in H.R. 4771 is a very simple thing, and that is to allow the local government to, if it sees fit, following public hearings, to make a simple declaration that the matters retained within its sphere are against the public health and welfare, and that, accordingly, some kind of rent control, some kind of stabilization should be invoked. That is all that we have before us. We do not have the Byzantine question of home rule, we simply suggest that they may go forward with this matter should they see it is necessarily fit to do so.

So I would hope that all the Members of the House keep that in mind when they are called upon to vote on this measure.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill and the committee amendment.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROYHILL of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 144, present 1, not voting 78, as follows:

[Roll No. 206]

YEAS—210

Abzug	Clancy	Gibbons
Adams	Clark	Gilman
Addabbo	Clay	Gonzalez
Alexander	Cleveland	Gray
Anderson, Calif.	Collier	Green, Pa.
Annunzio	Collins, Ill.	Griffiths
Ashley	Conte	Grover
Aspin	Conyers	Gubser
Barrett	Corman	Gude
Bell	Coughlin	Gunter
Bennett	Culver	Hamilton
Bergland	Danielson	Hanley
Bingham	Davis, S.C.	Hansen, Wash.
Boggs	de la Garza	Harrington
Boland	Dellums	Harsha
Bolling	Dent	Hechler, W. Va.
Brasco	Diggs	Heinz
Breaux	Drinan	Helstoski
Breckinridge	Dulski	Hicks
Brinkley	Duncan	Holtzman
Brooks	Eilberg	Horton
Brotzman	Erlenborn	Hosmer
Brown, Calif.	Esch	Hungate
Brown, Mich.	Eshleman	Hunt
Buchanan	Evans, Colo.	Johnson, Calif.
Burke, Calif.	Evins, Tenn.	Jones, Okla.
Burke, Fla.	Fascell	Jordan
Burke, Mass.	Findley	Kastenmeier
Burlison, Mo.	Flood	Kazen
Burton	Forsythe	King
Byron	Frelinghuysen	Koch
Carey, N.Y.	Frenzel	Kyros
Carney, Ohio	Frey	Leggett
Chappell	Gettys	Lent
	Giaimo	Long, La.

McCloskey	Price, Ill.	Stubblefield
McDade	Pritchard	Stuckey
McEwen	Quie	Studds
McFall	Rangel	Sullivan
McKay	Rees	Symington
McKinney	Reuss	Taylor, N.C.
Macdonald	Riegle	Teague, Calif.
Madden	Rinaldo	Teague, Tex.
Mailliard	Rodino	Thompson, N.J.
Mann	Roe	Thornton
Matsunaga	Rogers	Tiernan
Mazzoli	Roncalio, Wyo.	Udall
Meeds	Roncallo, N.Y.	Van Deerlin
Mezvinsky	Rooney, Pa.	Vanik
Miller	Rosenthal	Veysey
Mills, Ark.	Roush	Vigorito
Minish	Roybal	Walsh
Mink	Ryan	Ware
Mitchell, Md.	St Germain	Whalen
Mitchell, N.Y.	Sarasin	White
Moakley	Sarbanes	Widnall
Mollohan	Schroeder	Wilson,
Moorhead, Pa.	Seiberling	Charles H.,
Morgan	Shipley	Calif.
Mosher	Shriver	Wolff
Moss	Sisk	Wright
Natcher	Slack	Wyatt
Nelsen	Staggers	Wydler
Nichols	Stanton,	Wyman
Obey	J. William	Yates
Owens	Stanton,	Yatron
Patman	James V.	Young, Fla.
Patten	Stark	Young, Ga.
Pepper	Steele	Young, Tex.
Perkins	Stephens	Zablocki
Peyser	Stokes	Zwach
Podell	Stratton	

NAYS—144

Abdnor	Hanrahan	Poage
Andrews, N.C.	Hansen, Idaho	Price, Tex.
Archer	Harvey	Randall
Armstrong	Hays	Rarick
Bafalis	Henderson	Regula
Baker	Hillis	Roberts
Beard	Hinshaw	Robinson, Va.
Bevill	Hogan	Rose
Blackburn	Holt	Rousselot
Bowen	Hudnut	Runnels
Bray	Hutchinson	Ruth
Brown, Ohio	Ichord	Sandman
Broyhill, N.C.	Jarman	Satterfield
Broyhill, Va.	Johnson, Colo.	Saylor
Burgener	Johnson, Pa.	Scherle
Burleson, Tex.	Jones, Ala.	Schneebeli
Carter	Jones, N.C.	Sebelius
Casey, Tex.	Jones, Tenn.	Shuster
Cederberg	Keating	Skubitz
Clausen,	Kemp	Smith, Iowa
Don H.	Kuykendall	Snyder
Cochran	Landgrebe	Spence
Collins, Tex.	Latta	Steed
Conlan	Litton	Steiger, Ariz.
Crane	Long, Md.	Steiger, Wis.
Cronin	Lott	Symms
Daniel, Dan	Lujan	Talcott
Daniel, Robert	McClory	Taylor, Mo.
W., Jr.	McCollister	Thomson, Wis.
Davis, Wis.	McSpadden	Thone
Dellenback	Madigan	Towell, Nev.
Denholm	Mahon	Treen
Dennis	Mallary	Waggonner
Derwinski	Martin, N.C.	Wampler
Devine	Mathias, Calif.	Whitehurst
Dickinson	Mathis, Ga.	Whitten
Downing	Michel	Wiggins
Edwards, Ala.	Milford	Williams
Flowers	Minshall, Ohio	Wilson, Bob
Flynt	Mizell	Wilson,
Fountain	Montgomery	Charles, Tex.
Froehlich	Moorhead,	Winn
Fuqua	Calif.	Wylie
Ginn	Myers	Young, Alaska
Goldwater	O'Brien	Young, Ill.
Goodling	O'Hara	Young, S.C.
Green, Oreg.	Parris	Zion
Gross	Passman	
Guyer	Pettis	
Hammer-	Pickle	
schmidt	Pike	

ANSWERED "PRESENT"—1

Haley

NOT VOTING—78

Anderson, Ill.	Brademas	Cotter
Andrews,	Broomfield	Daniels,
N. Dak.	Butler	Dominick V.
Arends	Camp	Davis, Ga.
Ashbrook	Chamberlain	Delaney
Badillo	Chisholm	Dingell
Biaggi	Clawson, Del	Donohue
Biester	Cohen	Dorn
Blatnik	Conable	du Pont
Eckhardt	Howard	Powell, Ohio
Edwards, Calif.	Huber	Preyer
Fish	Karth	Quillen
Fisher	Ketchum	Railsback
Foley	Kluczynski	Reid
Ford, Gerald R.	Landrum	Rhodes
Ford,	Lehman	Robison, N.Y.
William D.	McCormack	Rooney, N.Y.
Fraser	Maraziti	Rostenkowski
Fulton	Martin, Nebr.	Roy
Gaydos	Mayne	Ruppe
Grasso	Melcher	Shoup
Hanna	Metcalfe	Sikes
Hastings	Murphy, Ill.	Smith, N.Y.
Hawkins	Murphy, N.Y.	Steelman
Hébert	Nedzi	Ullman
Heckler, Mass.	Nix	Vander Jagt
Holifield	O'Neill	Waldie

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Dorn against.

Mr. Rooney of New York for, with Mr. Fisher against.

Mr. Cohen for, with Mr. Hébert against.

Mr. Maraziti for, with Mr. Landrum against.

Mrs. Chisholm for, with Mr. Steelman against.

Mr. Dominick V. Daniels of New Jersey for, with Mr. Camp against.

Mr. Robison of New York for, with Mr. Huber against.

Mr. Gaydos for, with Mr. Martin of Nebraska against.

Mr. Holifield for, with Mr. Quillen against.

Mr. Murphy of Illinois for, with Mr. Butler against.

Mr. Nix for, with Mr. Ashbrook against.

Mr. Rostenkowski for, with Mr. Shoup against.

Until further notice:

Mr. Metcalfe with Mr. Hanna.

Mr. Murphy of New York with Mr. Gerald R. Ford.

Mr. Blatnik with Mr. Arends.

Mr. Brademas with Mr. Rhodes.

Mr. Hawkins with Mr. Smith of New York.

Mr. Cotter with Mr. Anderson of Illinois.

Mrs. Grasso with Mr. Biester.

Mr. Davis of Georgia with Mr. Chamberlain.

Mr. Dingell with Mr. Fish.

Mr. Edwards of California with Mr. Del Clawson.

Mr. William D. Ford with Mr. Broomfield.

Mr. Reid with Mr. Conable.

Mr. McCormack with Mr. du Pont.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Nedzi with Mr. Hastings.

Mr. Donohue with Mrs. Heckler of Massachusetts.

Mr. Roy with Mr. Mayne.

Mr. Sikes with Mr. Powell.

Mr. Delaney with Mr. Railsback.

Mr. Foley with Mr. Ruppe.

Mr. Fulton with Mr. Vander Jagt.

Mr. Fraser with Mr. Karth.

Mr. Lehman with Mr. Ullman.

Mr. Waldie with Mr. Preyer.

Mr. Eckhardt with Mr. Badillo.

Mr. Kluczynski with Mr. Biaggi.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the bill H.R. 4771.

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

There was no objection.

PERSONAL EXPLANATION

Mr. MITCHELL of New York. Mr. Speaker, on Friday, June 8, it was necessary for me to be in my district to fulfill a longstanding commitment to address the legislative study group of the Rome, N.Y., Council of Church Women United. As a result, I was not present when the House agreed to the conference report on H.R. 2246, to extend the Public Works and Economic Development Act of 1965.

I have been an advocate of EDA for a number of years and had I been present, I would have voted in favor of the conference report. I was pleased to learn that it passed 276 to 2.

In addition, Mr. Speaker, had I been present Friday for the vote on H.R. 7670, I would have also voted in favor of that measure to authorize appropriations for certain maritime programs of the Department of Commerce. I was pleased to see the measure approved by the substantial positive vote of 266 to 10.

I would like to point out, in closing, that when I made the pledge to appear in my District on Friday, June 8, it was the general understanding of the House not to have Friday sessions. That understanding was changed at the last minute.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on Friday, June 8, 1973, I was called to New York on district business and regrettably was unable to attend the legislative session. If I had been present I would have voted as follows:

H.R. 7670, authorizing appropriations for fiscal year 1974, for certain maritime programs—aye

Conference report on H.R. 2246, amending the Public Works and Economic Development Act of 1965, to extend the authorizations for a 1-year period—aye

EDUCATION AND NATIONAL UNITY

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

Mr. LANDRUM. Mr. Speaker, Dr. Rufus Carrollton Harris, formerly president of Tulane University, New Orleans, La., and as well a former dean of its school of law, an intimate friend and counselor of our beloved friend, the late Hale Boggs, and his charming widow, LINDY, is now president of Mercer University.

Dr. Harris has never been afraid to disclose his opinions and convictions on issues of national interest, and his concern for the dangers inherent in some of our Washington capers was described last week to the graduating class of Mercer University in a profound and articulate speech entitled "Education and National Unity." The entire speech follows, and I hope you will read it:

EDUCATION AND NATIONAL UNITY

(By Rufus Carrollton Harris)

LADIES AND GENTLEMEN: The god Janus in Roman religion was custodian of the universe. He was able to see at the same time both ahead and behind him. He was thus represented with two faces suggesting wisdom and vigilance, depending on what he saw when looking backward, or what he foresaw when looking ahead. I shall allude briefly to the contemporary educational and national endeavor and to portions of their future directions, i.e., looks forward and backward at the same time—almost!

Throughout much of the period of the 1960's, education was criticized, abused and scorned. The critics were not all bad, but were nearly always too Olympian, too unrealistic, too ill-tempered and too imprecise. In spite of those extensive attacks and tensions, the educational arrangements in America were carried on, even though timidly. They were driven chiefly to emphasize procedures and means rather than substance and ends. Today they must be advanced courageously, and must relate to ultimate values. This requires consideration of several questions.

(1) Did the polemical tempests and zones in the educational reform literature of the 1960's obscure the differences between goals and fantasies? A goal is an intention to achieve by purposive action a preferred outcome, stated in advance. In a fantasy no intervention of thought is allowed because of imposed intrinsic restraints. This suggests the necessity of posing the purposes of liberal education, and what we may do to achieve them.

(2) What is there, if anything, in education's long tradition which should be perpetrated? What, in other words, is the content of our loyalty to the university ideal? What obligations has education cherished toward contemporary society which we desire to continue? What are the prospects that two important loyalties—one to a traditional university ideal, the other to the society in which we live—can be reconciled?

Our concept of quality education, which term is generally fouled by the politicians, means quality in the transmission, enlargement and discovery of knowledge. In that process the element of tradition which we wish to preserve chiefly is the continuous polishing of one mind by another, the basic formula for this is simple. The essential ingredients are a reflective, disciplined and learned man willing to teach; an intelligent, motivated student willing to learn. Given these ingredients, the university ideal of quality can be realized whatever other shortcomings there may be, but without them no institution can realize the ideal. It is the quality of teaching which we chiefly seek to preserve.

(3) Is the basic notion of education OK? The question is not as absurd as it sounds. This question does not merely raise such issues of whether the present generation of students are a group of unruly, impolite, spoiled youngsters, or that college professors are fuzzy-minded theorists. The question is much more fundamental. Most Americans probably believe that education is sanitary, wholesome and reinforcing of traditional values, but they have some uneasiness that it may not be solely any of these. They assert that it may not be safe! It is all right they say as long as it does not get young people peeping or inquiring into things they should not know about.

There is a strong impulse in everyone to make sure that children remain as innocent as possible. We are fond of asserting that "a little learning is a dangerous thing," and what we don't know won't hurt us. St. Augustine said this as well as anyone when he advised innocence or ignorance for the faithful, asserting that "it is not necessary that the Christian probe into the nature of things, nor be alarmed lest he should be ignorant of the force and number of the elements; that it is not necessary that he understand the form of the heavens, the species of animals, plants, stones, rivers and mountains. It is enough for him to know that the only cause of all created things, whether heavenly or earthly, is the goodness of . . . God. . . ." For St. Augustine education was definitely not OK. He probably would not have sent his children to college if he had any. He knew that if the church fathers wanted the mass of humanity to accept unquestioningly what they were told about the nature of things, they should not let people get involved with education. Those who are really serious about it are willing always to push the props from under things which many people would wish to remain stable. We grow by the clash between childhood ways and adult patterns which age forces on us. Even though education is by definition a process by which the truths of the past are preserved, it is also a process that constantly tests asserted truths to see if they really are that way. Learning, though exciting, is a hazardous process, and it is not for people who are afraid of having their minds changed.

(4) And why is mind changing so difficult? And so important? Should education be expected to ease this condition? Such difficulty is not always a matter of ignorance. It is not always refusals to hear new evidence. In most instances it is a matter of hearing only that which fits an already committed belief. But it is worth asserting over and over again that it is not so difficult for the intelligent person to accept what experience confronts him with. Such persons have observed too often how old appearances fade before new discovery. But there are some who are unwilling to receive anything which they dislike—or which their prejudices reject. This suggests why so many Americans are racists. If a free people cannot change its mind and action, how long can it remain free? Or how long cherish any value in a democratic society? This is why the Wategate exposures have been so difficult.

It is important that we understand cynical and immoral efforts to undermine our constitutional processes. The American public should comprehend that Watergate is not just another political scandal, but part of an immoral and sinister assault on constitutional government. It is not just more dirty politics. It is doubted that there has been such bribing, tailing, jailing, tapping, harassment, vituperation, and lying in our history.

The fact that so many of the White House men were not bent on personal enrichment but were conspiring in a power grab to subvert our constitutional processes is not adequately realized. Corruption is no stranger to American politics, but that which makes this case particularly dangerous is that the corruption was not greed but the subversion of the American political process. The specific criminal acts, the knowledge of such acts, the cover-ups of the acts, the fraudulent conspiracies to conceal them; the perjury; the subornations of perjury; the cynical attempts and temptations at bribery, sometimes direct and sometimes indirect; the use of the FBI, the CIA and other secret police; the power ploys to put away or to imprison adversaries and even friends, to prevent them from testifying—all reveal new understandings of the White House moral and ethical boundaries. The frame of mind of many of the Watergate conspirators is almost as alarming as their deeds. I refer to their unquestioning submission to the presumed voices of authority. None of the actors bothered to ascertain if their acts really had the backing of the White House, even though they knew that their acts were illegal.

While "Divinity doth hedge a king," it does not do as much for a President. That is a difference between the two offices. In recent weeks we have heard the expression "the sacred office of the Presidency." In our Constitution there is no such thing. He cannot override the law. Any action taken by the President in the name of the American government which will not bear the scrunity of Congress has no justification constitutionally. There is not enough understanding of this. If authority commits burglary, we must not be willing to help authority cover it up; if authority prefers lies, we must not decry the news media for telling us the truth. It was by such means that the Nazis made Auschwitz acceptable; they made it easy to ignore. The mark of a free people is inquisitive surveillance. Any other course is the real subversion of a free society.

Prosecution of the guilty is of course important at Watergate, but it is not chiefly so. The more important items are: (1) not to permit Watergate to be taken as mere confirmation of a melancholy resignation to accept it as more dirty wrong doing in Washington; (2) not to permit the politicians in the White House or elsewhere to employ the force of their position and power to smother an awakening of the national conscience and to escape the great retribution which they have earned; (3) not to permit them to force us to remain the intellectual prisoners of Watergate. The national unity will remain in shreds until we can find the way to correct the danger Watergate thrust upon us.

Critics of the American colleges suggest that they should be converted into instruments for direct social reform; or transformed into continuing experiments on the conditions of the good life; or changed into supermarkets where educational effort is determined by consumer preference. Liberal arts colleges cannot be ordained in behalf of a desired national unity. That must flow incidentally. There is no point to inquiries about the purposes of liberal education unless there is confidence in the worth of the university as a social institution, and unless there is a preference of some types of education over others. Indiscriminate diversity will offer little for our needs. This does not mean that there is any denial of proper emphasis on the concept of variety. Since people vary, so must education. But at the same time this insight often has been debased because it has rested on political compromise. The disparagement of intellect in the name of social reform, existential meaning, or pedagogical innovation rests on the thesis that thought is only a mask for emotion; that ideas must be superimposed on power; that books are only substitutes for experience. Against that the college stance asserts that the urge to know, to understand, to indulge curiosity is important to basic human impulses; and that perception of fact and pattern and the cultivation of tastes, sensibilities and competence are public treasures as well as private joys.

The transfer to students of responsibilities that were formerly held *in loco parentis*, and the new structure of campus governance provide added opportunities for moral growth. Since the students themselves establish parental rules, dormitory regulations and campus demeanor, they are now charged to ponder the elusive character and requirements of the concept of "community." They must come daily to reflect on what are the rights and burdens of a citizen in organized social life, for the college years are now marked by declining authoritarianism, dogmatism, and prejudice. Students will learn to accommodate mindless and imperious wants to the requirements of community existence. The ethos of campus democracy will require an equality of concern for all constituencies.

The University as an institution has no partisan ethical message excepting only its fidelity to the values of freedom without which scholarship cannot prosper. It assumes endless competition. But like the metaphor of the marketplace applying to ideas and values, it expects no final victors. The intellectual equivalent of monopoly is totali-

tarianism; both destroy the possibility of choice. Since all provisional commitments must compete with the heritage of the past and the still unimagined formulations of the future, it would be presumptuous and arrogant to "settle" questions, to arrive at "ultimate" solutions, to dispose of issues, in ways which pre-empt the intellectual prerogatives of future generations. If the history of ideas is likewise the history of error, it is always conceivable that today's law is tomorrow's folly. Only one who sees all, like Janus, could tell us the judgment of history while it is yet unknown.

"Ladies and Gentlemen of the Graduating Classes: Your Alma Mater has sought to direct your attention both to social and to individual goals. Her success may be measured in part by how closely and in what ways they are aligned. You possessing personal integrity, breadth and depth of learning, civility, compassion, and commitment to democratic values and justice, simultaneously honor the educational goals of a university, and the broader purposes of society.

"Ours now has become a dangerously fragmented society. The personal qualities of leaders in American government, commerce and industry, and the professions are a legitimate source of general concern. The belief and actions of a relatively small number of persons in our society exert an influence beyond their number. The decisions that shape men's lives are increasingly made in secret chambers, and those decisions are moved by special knowledge which is withheld from the ordinary citizen.

"Your Alma Mater expects you to be useful to your time. From our present difficulties, you will attempt to establish a new unity of the people, one demanding not only more integrity in government, but also more candor. The young people in this nation have earnestly sought to speak to our culture about public deceit, only to be clubbed and decried as knuckleheads or idealists. They may be listened to now with more respect. You are needed in determined efforts to eliminate corruption in politics and to strengthen ethics in government.

"Our public happiness now rests, in part, upon the reality of national power being exercised responsibility; that it will be uniformly restrained; and that it will be controlled by civilized values—values which were learned first in the academy—yes, in the academies everywhere. May God be with you."

THE FINAL RITES OF HARRY S TRUMAN: A BROTHER BY ADOPTION—COMPANION BY CHOICE

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

Mr. RANDALL. Mr. Speaker, as I have recently observed on this floor, the spring 1973 issue of the Freemason, official publication of Grand Lodge A.F. & A.M. of Missouri, contains a wealth of detailed information, not only about the longtime service of President Truman to his masonic fraternity, but also an account of the elaborate plans which had been carefully and painstakingly made for the funeral of a President.

In the publication referred to, there appears an article which reveals the fact that Mr. Truman had personally requested a masonic service as well as a religious service at his funeral.

Of the six close friends who resided in the Kansas City area previously named to assist in overseeing the plans for the funeral, only Brother H. Roe Bartle, former mayor of Kansas City survived.

It was my high honor, accompanied by Mrs. Randall, to be admitted to the small but beautiful Truman auditorium on the afternoon of December 28, 1972, for the final rites.

At the conclusion of the Truman masonic service, consisting of a funeral oration presented by most worshipful brother W. Hugh McLaughlin, the grand master of the Grand Lodge of Missouri. I distinctly recall Mayor Bartle, the only survivor of the group of six leaning forward and whispering to Governor—and brother—Warren E. Hearnes, saying:

It makes you proud that you are a mason and can really share in this moment.

I read into the RECORD at this time an account of those final rites as it appears at page 50 of the Freemason for Spring 1973 as follows:

THE FINAL RITES OF HARRY S TRUMAN: A BROTHER BY ADOPTION—COMPANION BY CHOICE

The details of President Truman's funeral had been planned many years in advance. He had requested a Masonic service as well as religious. Six close friends in the Kansas City area had been named to assist in overseeing the plans. Only Bro. H. Roe Bartle, former mayor of Kansas City, survived. While not in the best of health, Brother Bartle shared ar[illegible] worked closely with the Truman family and the military in carrying out the former President's requests.

The Grand Lodge of Missouri was officially represented by Grand Master W. Hugh McLaughlin. He was accompanied by Deputy Grand Master Walter L. Walker and Past Grand Master Martin B. Dickinson.

The Masonic portion of the service on December 28, 1972 was presented by M. W. Brother McLaughlin and was delivered from the stage of the small auditorium in the beautiful Truman Library and Museum in Independence. The services were broadcast and telecast nationally and internationally reaching millions and millions of people throughout the world. Many of them had been touched and uplifted by the spirit of brotherly love exemplified in both the public and private life of Missouri's most distinguished native son and lifelong resident.

BARTLE COMMENT

Brother Bartle, Grand Orator of Missouri in 1954–55 and an intimate friend of Truman's for nearly 40 years, joined with thousands and perhaps millions of other Freemasons in expressing unstinting praise of the presentation made by M. W. Brother McLaughlin.

"It was superb, eloquent in its simplicity, dignified. He captured the true spirit and meaning of the fraternity. I have never felt as proud of being a member of the masonic fraternity as I did at the conclusion of the grand master's remarks," said Bartle. "I leaned forward and tapped Gov. (and Bro. Warren E.) Hearnes on the shoulder and I told him 'that was a magnificent presentation. It makes you proud that you are a mason and can really share in the moment.'"

M'LAUGHLIN

M.W. Brother McLaughlin prepared the masonic service under a great deal of pressure. The masonic portion of the service was first "off" and then "on," and "off and on" again before it was finally confirmed the day before the service. Finally, the grand master was told he would have only five minutes and that the limitation on time must be strictly observed. The grand master tailored the service for the time allotted, writing and rewriting. His work speaks for itself.

REGARDING HOUSE CONCURRENT RESOLUTION 157, AND OTHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN), is recognized for 10 minutes.

Mr. TREEN. Mr. Speaker, this morning I had the opportunity to testify before the Fish and Wildlife Subcommittee of the Committee on Merchant Marine and Fisheries on House Concurrent Resolution 157, and others. This resolution which I introduced, with 54 cosponsors, expresses a national policy with respect to support of the U.S. fishing industry and it reads as follows:

Whereas the position of the United States in world fisheries has declined from first to seventh place among the major fishing nations;

Whereas there has been a continuing decline in domestic production of food fish and shellfish for the last five years;

Whereas our domestic fishing fleet in many areas has become obsolete and inefficient;

Whereas intensive foreign fishing along our coasts has brought about declines in stocks of a number of species with resulting economic hardship to local domestic fishermen dependent upon such stocks;

Whereas assistance to fishermen is very limited as contrasted to Federal aid to industrial, commercial, and agricultural interests;

Whereas United States fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent;

Whereas some 60 per centum of the seafood requirements of the United States is being supplied by imports;

Whereas the United States fisheries and fishing industry is a valuable natural resource supplying employment and income to thousands of people in all of our coastal States;

Whereas our fisheries are beset with almost unsurmountable production and economic problems; and

Whereas certain of our coastal stocks of fish are being decimated by foreign fishing fleets: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened, and all steps be taken to provide adequate protection for our coastal fisheries against excessive foreign fishing.

SEC. 2. The Congress also recognizes, encourages, and intends to support the key responsibilities of the several States for conservation and scientific management of fisheries resources within United States territorial waters; and in this context the Congress particularly commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs.

LIST OF COSPONSORS

Mr. Teen, Mr. Blackburn, Mr. Bowen, Mr. Burgener, Mr. Casey of Texas, Mr. Cohen, Mr. Robert W. Daniel, Jr., Mr. Dellenback, Mr. Derwinski, Mr. Downing, Mr. Drinan, Mr. Fisher, Mr. Harrington, Mr. Huber, Mr. Ketchum, Mr. Pritchard, Mr. Rarick, Mr. Sikes, Mr. Waggonner, Mr. Whitehurst, Mr. Won Pat, Mr. Young of Alaska, Mr. Anderson of California, Mr. Breaux, Mr. Burke of Massachusetts, Mr. Cronin, Mr. de Lugo, Mr. du Pont, Mr. Edwards of Alabama, Mr. Fu-

qua, Mr. Grover, Mr. Gunter, Mr. Haley, Mrs. Holt, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Leggett, Mr. Long of Louisiana, Mr. Matsunaga, Mr. Moakley, Mr. Murphy of New York, Mr. Passman, Mr. Pepper, Mr. Podell, Mr. Sarasin, Mr. Stubblefield, Mr. Studds, Mr. Talcott, Mr. Teague of California, Mr. Wyatt and Mr. Young of South Carolina.

I was very pleased with the support I received from my colleagues on the Merchant Marine and Fisheries Committee when I testified and I am optimistic about the adoption of the resolution.

For the over 50 colleagues who supported me on this resolution I am attaching my statement so that they may have the opportunity to read it:

STATEMENT BY CONGRESSMAN DAVID C. TREEN

(Regarding H. Con. Res. 157, et al; to express a national policy with respect to support of the U.S. fishing industry)

Mr. Chairman and members of the Subcommittee—The subject before you this morning is not only one of the most important issues facing the American fishing industry today, but it is also an issue which will have much impact on the future of our nation as a whole. As such, the need for a healthy and vital United States commercial fishing industry must concern each and everyone of us.

As a member of the Merchant Marine and Fisheries Committee, I have become increasingly aware of the great potential of our American commercial fishing industry—and of the inadequate attention which government has paid to developing that potential.

I am not one of those who believes that every worthwhile cause must have a lot of the taxpayer's dollars thrown at it, and I have observed with dismay the tendency of some industries to pay more attention to procuring Federal support than to running competitive enterprises. I do feel, however, that when a domestic industry has legitimate interests which may be affected by negotiations between the United States and other governments, those interests ought to be protected. American citizens engaged in international commerce have a right to look to their Government to mitigate the adverse effects of actions by other nations.

Equally, there are domestic problems, research and development for example, confronting our fishermen and states which demand regional, or national solutions. And I believe the Federal Government can be instrumental in helping the states to coordinate programs designed to encourage a strong fishing industry.

We have known for some time the almost unlimited possibilities offered by the sea as a source of food for the world's growing population. It has been estimated that the present annual world catch, which has doubled in the last 10 years, could be trebled again without depleting future world resources.

What is lacking is the technology and the industrial muscle to realize the full potential of these resources. Where technological advances have been made, it has frequently resulted from the efforts and the scientific expertise of Americans. But all too frequently it has been the commercial fisheries of other nations—Peru, Japan, the Soviet Union, Mainland China and others—who have capitalized on the American discoveries, with the enthusiastic and magnificent backing of their governments. Meanwhile the United States has dropped to sixth in worldwide production of fish products, yet our consumption has increased along with our balance-of-payments deficit.

In 1971, the United States catch of Fish, Crustaceans, Mollusks, and other Aquatic Plants and Animals ranked a poor sixth in millions of pounds of live weight. In terms of Dollar Value our country ranks an equally poor fifth.

Catch of fish, crustaceans, mollusks, and other aquatic plants and animals—1971

A. In million of pounds (live weight)

1. Peru	23,394
2. Japan	21,815
3. U.S.S.R.	16,175
4. Mainland China	15,168
5. Norway	6,779
6. United States	6,100

B. In value—millions of dollars

1. Japan	$2,708
2. Mainland China	1,955
3. U.S.S.R.	1,480
4. Philippines	651
5. United States	643

In addition to our decline in the ranking of world fisheries, there has also been a continuing decline in the domestic production of food fish and shellfish in terms of volume.

U.S. LANDINGS OF FISH AND SHELLFISH

	Human food		Total[1]	
	Million pounds	Million dollars	Million pounds	Million dollars
1968	2,347	468	4,160	497
1969	2,321	492	4,337	527
1970	2,537	565	4,917	613
1971	2,400	595	4,969	643
1972	2,310	[2]658	4,710	[2]704

[1] Total includes landings for human consumption and for industrial products (processed into meal, oil, fish, solubles, shell products, bait, and animal food).

[2] Although these figures represent a record value in dollar columns, there has been a decline in the number of pounds landed.

If these figures seem startling to you there is little immediate amelioration to the problem in sight. According to the National Oceanic and Atmospheric Administration's report entitled *"Need to Establish Priorities and Criteria for Managing Assistance Programs for U.S. Fishing-Vessel Operators,"* about 60% of the vessels in the U.S. commercial fishing fleet are more than 16 years old, and 27% have been in service for more than 26 years. With the substantial advances in fishing technology in recent years many of the vessels are considered economically, if not physically, obsolete.

The Marine Resources Panel of the Commission on Marine Science, Engineering and Resources further reported that:

". . . the U.S. fishing fleet lagged behind competitive foreign fleets in vessel design, fishing gear, fish detection equipment, propulsion systems, and harvesting methods. This lag is made more serious by the fact that U.S. fishermen are in constant competition with foreign fishermen at fishing grounds where U.S. vessels had operated exclusively in the past and for markets in the United States."

The report continues:

". . . even though the world catch has more than tripled in volume and the number of vessels in the U.S. has increased over 50%, the U.S. fleet's fish catch has remained generally stable since 1945. Also from 1945 to 1970 fish utilization in the U.S. more than doubled. This increasing demand was met by imports which rose over 824 percent since 1945 and which accounted for nearly 60 percent of the total U.S. fish supply in 1970."

Gentlemen, the United States' fishing industry is one of our nation's most valuable resources. In my own state of Louisiana, for example, the fishing industry is not only an integral part of the economy, but it is also clearly tied to the culture and history of the state. The waters of the Louisiana coast have achieved the recognition of producing some of the greatest shrimp breeding in the world. In 1969 Louisiana was the first state in the history of the nation to produce more than one billion pounds of fishing products. In 1971 Louisiana led all the states in volume of landings with 1,071 million pounds, followed by Virginia 664 million pounds, California 640 million pounds, and Alaska 390 million pounds.

I believe strongly in the concept of home rule and I oppose the trend toward a strong centralized government in Washington. And indeed, our fishing industry has operated with an absolute minimum of federal assistance in the past. However, the problems confronting the fishing industry today demand what we, in the U.S. Congress, give formal recognition to the fact that this nation wants and needs a healthy commercial fishing industry. And it is this recognition we will give our fisheries if this resolution is adopted.

It makes no sense to approach problems of the magnitude I have discussed on a piecemeal, catch-as-catch-can basis. I believe we need more than an aspirin, or band-aid approach to help the industry. What we need is a unified approach to meet the problems of the industry. In short, we need a policy of national scope.

I think the importance of this resolution is illustrated by the wide variety of support the resolution has received—from environmentalists, from the AFL–CIO Maritime Department, from state governments—Maine to California—from the National Oceanic and Atmospheric Administration and most importantly from those who derive their livelihood from the fishing industry itself.

The Atlantic State Marine Fisheries Commission, the Gulf States Marine Fisheries Commission and the Pacific Marine Fisheries Commission, whose membership represents nearly every state with a sea boundary, also fully support this resolution. It is with the help of these associations that we can reach out to all segments of the industry to determine what needs to be done to bring about the healthy revitalization the industry needs.

I wish to emphasize that this resolution does not supplant legislation which other Congressmen have introduced and will be introducing to address more specific problems; nor does it endorse a hand-out approach to this or any other industry. It does, however, formally establish a national policy in favor of a strong fishing industry. This will raise to the level of official policy that which has always been in line with the national interest; the recognition of our commercial fisheries as an indispensable national resource, which can play a key role in solving international economic problems, and those just interests must be a factor in our domestic and foreign policies.

In conclusion, let me point to the wide bipartisan Congressional support this resolution has received. Senator Eastland's S. Con. Res. has 44 Senate sponsors. On the House side, this resolution has 54 sponsors (16 of whom are members of our own Merchant Marine and Fisheries Committee) from 22 states, Guam and the Virgin Islands. Thus 98 members have indicated their support for this resolution with their sponsorship.

I would like to thank the distinguished members of this subcommittee for their interest and will try to answer any questions you may have concerning this resolution.

LAW ENFORCEMENT TOOL FOR THE DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, on June 7 I introduced a bill to provide for the District of Columbia to enter into the Interstate Compact for the Supervision of Parolees and Probationers. Since the inception of the District of Columbia Crime

Act, major crimes in our Nation's Capital have been cut in half while rates continued to climb in most areas of the country. The enactment of this bill will provide an important law enforcement tool which will enable the District of Columbia to cooperate with surrounding jurisdictions.

For decades law enforcement and correctional agencies throughout the country have been concerned with interstate crime. In 1934, Congress passed the Crime Control Consent Act. This act permitted two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime, and for other purposes. In September 1937, 25 States joined together and drafted a uniform law designed to strengthen law enforcement. The Interstate Compact for the Supervision of Parolees and Probationers has today been approved by all 50 States.

Mr. Speaker, the Interstate Parole and Probation Compact is the first formal interstate agreement to have been ratified uniformly throughout the Nation.

This compact enables the States to act as each other's agents in the supervision of persons on probation or parole, and provides an efficient method for permitting such persons to leave one State and take up residence in another. The original State is kept well informed of each individual's progress and whereabouts by the receiving State. The compact also provides for the return of serious violators to court or prison without expensive and time consuming extradition proceedings. Thus, a parolee or probationer can be sent to another State with the assurance that he will be adequately supervised there.

The Interstate Parole and Probation Compact gives the probationer and parolee better opportunities for adjustment, with full protection to society. However, certain basic criteria are involved. In the great majority of cases, the probationer or parolee should be a resident of the receiving State, or should have family ties in that State, or should be able to obtain legitimate employment. While these criteria are basic, transfer of supervision from State to State may be obtained for other reasons through mutual agreement of the compacting States. One of the essential ingredients of the compact is the agreement by the State to exercise the same care and treatment for incoming individuals as it provides for its own probationers and parolees.

Prior to the adoption of the Interstate Parole and Probation Compact, only very incomplete probation and parole statistics were available. Figures on the interstate movement of these persons are now compiled on an annual basis by the Council of State Governments. Such statistics are still somewhat incomplete. However, statistical reports prepared by the council within recent years show that more than 15,000 adult cases annually are handled under the compact by all signatory States. This in itself, is proof that the compact has focused attention on the desirability of maintaining crime control.

Crime problems transcend State boundaries. A giant step forward was taken by the States when they adopted the Interstate Parole and Probation Compact. From its inception in 1937, the compact has established an impressive record. It has demonstrated its worth and effectiveness in dealing with common probation and parole problems on a nationwide basis. Its provisions have helped the States and the Federal Government to render the service which is expected of them by the public.

SHOCKING DEVELOPMENTS IN THE FPC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, yesterday I was shocked to read a report in the Washington newspapers that an official of the Federal Power Commission ordered the destruction of records which purported to document a nationwide shortage of natural gas. Less than 2 weeks ago, the Commission, citing a critical drop in reserves, approved an increase of 73 percent in the wellhead price of natural gas produced by three firms—Texaco, Tenneco, and Belco Petroleum. These increases will be passed on directly to the consumer in higher costs.

Such blatant tampering with public documents represents an outrageous fraud on the American consumer. An immediate investigation should be launched to determine who was responsible for this reprehensible act.

Unfortunately, this incident is not isolated. The entire drift of Commission activity in the last 4 years has been to neglect increasingly the interests of the American consumer. The Commission is populated now by "industry men"—officials who are sympathetic to industry and seem to believe that what is best for big oil is best for the Nation as well.

For this reason, the nomination of Robert Morris to the FPC is a particular disappointment. As I testified before the Senate Commerce Committee, Mr. Morris' nomination would only serve to insure complete and total industry dominance of the Commission. Mr. Morris is a lawyer from San Francisco whose clients have included Standard Oil of California. What is disappointing about his nomination is the total exclusion on the Commission of any representative of the consumer. Because of this exclusion, the Commission has become merely a soundbox for petroleum interests. The destruction of public records only reinforces the necessity to appoint at this time one individual unquestionably committed to preserving and promoting the public interest.

The role of the Commission in our present energy mess is critical. Our root problem has been the shortage of natural gas. Last winter, when gas became more prevalent utilities and industries began to shift to oil as an alternative fuel. The excessive demand for oil triggered the shortage of fuel oil. As the refiners strained late into the winter to meet this demand, they neglected to build up their gasoline stocks. So now we are facing spot gasoline shortages which may spread to nationwide rationing.

The vital question is whether or not the natural gas shortage is real. The producers claim that government regulation has discouraged the exploration for new gas. They maintain that regulation only hinders production and reduces supplies.

This argument is reasonable only on the assumption that the market is competitive. In this industry there is ample evidence that the market is not free—that it is controlled by a small number of large firms. It is important to note that there is growing dissension within the Federal Power Commission staff on the direction of recent Commission decisions. The power of monopoly is the power to control supply. If the supply shortage is merely a manifestation of monopoly power, the only ones to suffer will be the consumer. With no restraint on the level of prices, the consumer will be bilked of billions of dollars each year in higher gas prices.

Accurate information on reserve levels is absolutely essential to the development of a rational policy of regulation. Up to now the Commission has relied on unsubstantiated claims of the American Gas Association and secret reports filed by producers. It is the responsibility of the Commission to verify the accuracy of these reports, but it has refused to fulfill this responsibility. In doing so it has trampled the public trust.

The destruction of public documents has dealt a crippling blow to public confidence. The Commission can work to restore confidence only by making a full and complete disclosure of reserve statistics, indicating how they have been gathered and the criteria for evaluation. It is time to call a halt to the lies and distortions that have plagued the recent history of the FPC's mission. I call on Chairman Nassikas to cooperate fully with the Congress in attempting to clear the air. The response of the Commission to its lawful responsibilities to protect the consumer is only as adequate as the Commissioners decide. It is time Congress and the Commission fully realize these responsibilities. We must prevent any further degradation of the Commission. At the same time the public trust must be restored by the publication of facts relating to production and reserves so that the American people can proceed to understand and to solve our energy problems.

THE DETERIORATING SITUATION IN THE MIDDLE EAST

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

Mr. HAMILTON. Mr. Speaker, the Middle East appears on the brink of more hostilities. I rise not as an alarmist but to urge and encourage our Government to try in the next several weeks to defuse the Middle East "powder keg" and give peace prospects some of the momentum

they had 2 years ago, but have been losing steadily in the last few months. This is not time for inaction or for waiting for others to act.

In addition to the grave situation in Lebanon, there are signs that Egypt, frustrated by the no-war, no-peace stalemate, may undertake some military action in Sinai in the near future. Whether the breaking of the cease-fire and the resumption of hostilities between Egypt and Israel will be accompanied by any Libyan, Syrian, or Iraqi participation or the cutting off or reduction of oil production by some or all of the oil-rich states can only be a matter of conjecture today. But they remain real possibilities which we all should seek to avoid. The recent trip to the Arabian peninsula by an Egyptian military leader comes at a time of increased Egyptian efforts to coordinate Arab policies in the event of renewed hostilities and at a time of explicit Saudi Arabian warnings that in the event of any armed conflict its options may be severely reduced and it may not be able to meet Western or American, fuel needs.

Mr. Speaker, such threats should not be dismissed lightly. The Egyptian Government may well be aware that more destruction and more defeats will be suffered in renewed hostilities with Israel and that the Government itself might be weakened or toppled. But the Egyptians seem to hold the belief that renewed fighting may also force new and, from their viewpoint, more favorable diplomatic efforts by the great powers. Even the certain failure of an apparently desperate military venture may not dissuade the Egyptians from resort to the military option.

For the United States, the year 1973 may be the "Year of Europe," but it might be well to think also in terms of new, imaginative and vigorous diplomatic efforts in the Middle East this year. If the interim settlement idea we have proposed is now dead and the Rogers plan proposed in December 1969 no longer viable in its stated form, perhaps the United States should suggest other lines for the parties to reach some accommodation and thereby avoid further conflict.

Two such lines might be worth pursuing:

First, we might try to develop a phased settlement approach rather than the interim settlement idea. Such a time-related, phased-withdrawal peace plan between Israel and Egypt, for example, might involve a concession by Israel to return Sinai to Egyptian sovereignty the moment Egypt signs a formal peace with it. Israel would then proceed to withdraw by stages that would go hand in hand with a defined progression from formal peace to normal neighborly relations and be contingent upon such a progression. Such concepts could help build peace, step by step, might be self-enforcing and do not demand single steps greater than the present capacity of states in the region to undertake at any given time.

Second, we might encourage a Geneva-type conference on the Middle East in which Israelis, Palestinians, Egyptians, Jordanians, and Syrians and their international friends convene to discuss the terms of peace. The success or failure of past Geneva conferences on other international disputes are not criteria for rejecting or accepting this concept.

The gravity of the situation in the Middle East is such that each and every possible alternative should be pursued in order to bring the various parties to the conference table and away from uneasy cease-fire lines.

PEOPLE'S (COMMUNIST) PARTY OF PANAMA MANIFESTO SUPPORTS PRO-RED REVOLUTIONARY GOVERNMENT OF PANAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in the course of many addresses in the Congress, I have stressed the long-range U.S.S.R. strategy to secure the control of strategic waterways, including the Suez Canal and Panama Canal. The Suez Canal is already under effective Soviet domination through its nationalization in 1956 by Egypt and since 1967 has been closed. Since 1964 the Panama Canal has been the subject of diplomatic negotiations between the United States and Panama, an announced objective of which on the part of officials in the executive branch of our Government is the surrender of control over the U.S.-owned Canal Zone to Panama allegedly to secure "better treaty relationships" with that country. To many of our more thoughtful and knowledgeable citizens such action on the part of our officials is absolutely incredible.

Recently, I received a copy of the March 16, 1973, Manifesto of the People's "Communist" Party of Panama of which Ruben Dario Sousa is the secretary general of its political bureau, which is most significant. This manifesto—

Denounces the "U.S. colonial enclave" of the U.S.-owned Canal Zone;

Distorts Panamanian history by ignoring vital facts such as U.S. support of the secession of Panama from Colombia, the U.S.-guaranty of Panamanian independence, and the transformation of the isthmus from the pest hole of the world into a model of tropical health and sanitation;

Demands the termination of U.S. sovereignty over the Canal Zone;

Charges falsely that the United States is responsible for the "backwardness in Panama;"

Ignores the fact that the Panama Canal and U.S. agencies in the Canal Zone have brought enormous benefits to Panama giving it the highest per capita income in Central America and making Panama the greatest single beneficiary of the Canal;

Demands the removal of the U.S. southern command from the Canal Zone and surrender of that U.S. territory to Panama;

Reveals that the U.S. Ambassador to Panama recently publicly stated that Panama is the "sovereign power" in the Canal Zone, which is erroneous; and

Calls for abolition of the U.S. Canal Zone.

In view of the pro-Cuban and pro-Soviet attitude of the present Panama revolutionary government and the Red infiltration of it by Communist agents, the objectives set forth in the manifesto are not surprising. Furthermore, it documents the fact that the real issue at Panama is not U.S.-control over the Panama Canal versus Panamanian but continued U.S. sovereignty over the Canal Zone versus U.S.S.R. control. This is the issue that must be faced.

Because of the importance of the indicated manifesto being known to all Members of the Congress, responsible officials of the Executive, editors and writers on the canal question, I quote a translation of it as part of my remarks.

[Source: Panamanian pamphlet, dated Mar. 16, 1973]

THE PEOPLE'S PARTY MANIFESTO

The hour has come to put a stop to the U.S. enclave in Panama.

The session of the U.N. security council in Panama is a further step in our struggle for national liberation.

At the request of the Panamanian Government and in accordance with the majority of the members of the Security Council this important organ of the United Nations is now holding its sessions in the city of Panama.

Vis-à-vis this unique occurrence, the People's party, the Marxist-Leninist Party that represents the working classes of Panama, the Party that has inherited the anti-imperialist banner of the Communist Party during the 30's when the tenants' struggles were fought and in which workers, farmers and men like Cristobal Segundo and Jose Del Carmen Tunon took part, once more wishes to manifest that it is solidly supporting the patriotic position of the Panamanian Chancellery that has denounced the existence of the U.S. colonial enclave in our territory and requested the Security Council during its present meeting to totally eliminate it.

We Panamanian Communists who have frankly supported the most logical positions adopted by the present government and, in particular, the struggle of the Chancellery for a more independent international policy as far as the denunciation of imperialism and colonialism is concerned, consider that Panama is now living in a new historical era in view of the fact that some of the most important slogans which the Panamanian proletariat, headed by the People's Party, had put on its banner a few decades ago and for which its most outstanding leaders had been jailed, exiled or put to death, are acknowledged today by the large masses including the national government.

THE PANAMANIAN REPUBLIC—NOT A YANKEE INVENTION

The history of our country will quickly be enriched by another culminating point in the life of our nation which is the brilliant realization of the common objective of the country's large worker masses, that is, the materialization of the goal aspired by the Panamanian society during the 19th and 20th century, namely *an independent State*. Let us not forget that it is the workers, the farmers, the middle democratic and progressist strata, the intellectuals, the students and the sensible military confronted with imperialism as well as the elements of the national bourgeoisie that constitute the nu-

cleus of those forces that will insure the successful end of this large trajectory.

The Panamanian people have been known for their specific characteristics since the latter part of the Spanish colonial period and when the nation obtained its independence on November 28, 1821, it decided by its own free will to join the powerful state that Bolivar was creating at that time (Colombia, Ecuador, Venezuela). Yet, that nation was condemned to fail on account of the landholding oligarchy which, at that time, was in control of the government. In the Isthmus of Panama autonomist and independent tendencies developed. They always sought to project forward what we may consider was the historical personality of the Panamanians. The separatist and autonomist movements of 1830, 1840 and 1855 testify to that.

As a result of the great crisis that occurred after the construction works at the French Canal site were suspended and due to the devastating war of the 100 Days (1890–1902), the Panamanians were faced with the problem of shaping their own destiny and the necessity to establish their own state. Yet, when on November 3, 1903 Panama finally became separated from Colombia, the United States iniquitously benefited from that situation and imposed with the Panama-U.S. treaty of that day its control over the country thereby converting it into a semi-colony or a puppet state.

The land-owning and mercantile oligarchy, loyal to its class interests and antagonistic to national concerns, agreed to the United States settlement and thus contributed to Panama's conversion into a semicolony.

Yet, immediately, the popular forces vividly felt the effects that hurt their interests. Already since the first years of the Republic they started a tenacious struggle whose aim was to shake the imperialist yoke.

And this state of condition which for many decades has been testifying to the indomitable spirit and sacrifices of the people of Panama is now to culminate in the creation of the independent national state.

END OF THE COLONIAL ENCLAVE—YANKEE GO HOME

The Canal Zone (1,432 square kilometers) (553 square miles) is a typical colonial enclave that has been imposed on us. It divides our country in two parts. The existence of this Yankee colony in Panama has obstructed the consolidation of our nation, slowed down our economic development, brought under U.S. control our political development and attacked our culture.

The Canal Zone with its "governor," its U.S. laws, its educational system, its English language and its own university, through its adherence to customs that are alien to our way of life, with its discriminatory racial and antisocial methods, its power to expulse Panamanian citizens from her area of "jurisdiction" (that is, from our own territory) constitutes, therefore, sort of a colony within our Republic which is something that is in open contradiction to our existence as an independent and sovereign nation and contrary to the U.N. Charter. Therefore, the time has come to put an end to this colonial enclave.

THE CANAL ZONE AND THE CANAL ARE SUCKING THE BLOOD OF THE PANAMANIAN PEOPLE

U.S. propaganda supported by the representatives of those forces in favor of backwardness in Panama have always desired that Panama as an economic entity exclusively belong to the Canal Zone. For this reason we have a certain degree of development, culture and hygiene. According to them our "manifest destiny" is to depend on the Americans. The imperialists and local traitors who have carried forward this false thesis have forgotten that the United States thanks to the Canal has saved billions of dollars as far as her merchant and war ships are concerned, that by the fact of not raising the tolls she has saved many more billions of dollars with which we Panamanians have subsidized the Yankee monopolies.

As a matter of fact, the United States owes Panama billions of dollars for all the timber it has taken out of the Canal Zone, for the water of the Chagres river used for hydroelectrical power, for her population, for the operation of the locks, for the ships that pass through the Canal and likewise for export to other countries. To this we have to add the business she makes through the sale of U.S. postage stamps in the Zone and the fact that she has illegally used our geographic position for the establishment of military bases for which she has obtained benefits that go into billions of dollars.

OUT WITH THE YANKEE MILITARY BASES

Imperialist power, on the one hand, and the surrender of past oligarchic governments on the other hand enabled the Americans to establish a military complex for which no provisions exist in the absurd 1903 treaty. The Canal Zone was converted into a strategic base where, much to the dishonor of the Panamanians, there exist today the Southern Command and centers of military preparedness for the training of Latin American soldiers, as for instance Fort Gulick. Their aim is to intervene when changes occur in Latin America. From this point of view Panama vis-a-vis the United States is merely an extension of a military and strategic area. Our country, therefore, has thus been changed into a typical Latin American country.

For some time the United States maintained that the military bases were necessary for the defense of the Canal in case of war. Then she came up with the expression that such a military power was for "the continental defense of democracy and the free world." Thus she made of the Zone part of her aggressive military strategy exposing in this manner Panama to the devastating effects of a possible military confrontation. Panama, a peace-loving country, that has been struggling for her national liberation, does not want to be a peon in U.S. militant policy. Under no circumstances will she allow its territory to be used for the leveling and subjugation of other countries.

For this reason, the people of Panama have been shouting: "Out with the Yankee military bases. Out with the so-called school of 'The Americas.'"

IN THIS NEW ERA OF WORLD HISTORY THERE WILL NOT BE SMALL COUNTRIES. VIETNAM IS A GOOD EXAMPLE

Today is not 1925 when an oligarchic government requested U.S. intervention to smash the tenants' movement. In his speech at the beginning of the present session of the Security Council, General Omar Torrijos, Chief of the Panamanian government, said without beating about the bush: "We have never been, we will never be an Associate state, a colony or protectorate and we won't neither add an additional star to the flag of the United States."

Today the domestic situation is quite different; people's awareness has strengthened on account of the tremendous struggles of the past. All the experience the people of Panama have gathered in those battles is now being utilized. The government's anti-imperialist military and civilian forces, the working classes, the farmers, the students and the enlightened sectors of the middle class and those of the national bourgeoisie are marching toward their goal which is to remove once and for all the oligarchy from its positions of political and economic power. This march takes place in a new epoch in world history when imperialism is in its decline and unable to do any longer those things it did in 1903. The important factor at that time was the existence of the socialist camp that has liberated approximately half of the world population from the capitalist yoke, that is, the socialist camp in which the Soviet Union has principally distinguished herself for her outstanding help to those people that have been fighting for their liberation and economic development.

The socialist camp reached the shores of America thanks to the unequalled Cuban revolution. In this new epoch in world history the movement for the national liberation of the peoples has likewise distinguished itself by the fact that it has almost totally eliminated colonialism in the world in addition, it plays an important role in advanced capitalist countries where workers are engaged in the liquidation of monopolies.

Within this worldwide political framework little Panama can do her share to contribute to the success of the Security Council that is holding its sessions in our beautiful capital. Our party, the People's Party highly appreciates this new world situation which made possible the triumph of the people's forces in Vietnam, the accomplishments of the beloved Cuban revolution, the progress of the people of Chile and Peru and their anti-monopolistic and antioligarchic measures and the triumph of all the people who are fighting against imperialist oppression.

The more Panama learns how to use more resolutely the favorable conditions of this new epoch the quicker she will achieve total liberation. Therefore, one of the measures to be taken after the holding of the Security Council's meetings is an immediate expansion of our international relationships so that they will comprise all the countries of the world.

THE CANAL ZONE MUST BE RETURNED TO THE REPUBLIC

The order of the day and something our Chancellery has always been stressing is the total incorporation of the Canal Zone into the Republic, that is, the complete liquidation of the so-called colony known as Canal Zone.

The Panamanian society has already sufficiently matured to be able to run the entire infrastructure that exists in the Zone. The Panamanian working class according to its own statement is in a position to take care of all the economic operations there and to handle those that may come up in the future. Panama, for her part, can successfully direct the social aspect of the economy and administration in the Canal Zone. Let us not forget that our people have not fought for the return of the Canal Zone to Panama to help certain sly individuals of the so-called private property class appropriate the Zone for their own ends so that they will play the role of new colonists.

As far as the Canal itself or another canal is concerned and apart from the fact that the people will not give up their claim to become its owners not after a century is completed but within a relatively short time, its status can be negotiated with the United States as soon as the colonial anachronistic enclave is abolished.

Of course, we must under no conditions perpetually mortgage the country. We must not allow the existence of large or small Canal zones in any part of the country. This is the decision of the people of Panama who are ready to die for its defense if need be. As long as the Panamanian government stands to this decision and as long as unity with the popular forces and the international movement is maintained, the present generation will reap the fruits some day in the future.

UNITY OF ALL THE PEOPLE. THE WORKING CLASS IN THE LEAD

The People's Party believes that the success of the U.N. Security Council's meeting in Panama will be a great triumph for the Panamanian government. It is a milestone in the long battle for liberation. We know

that the struggle will be harder as the days go by and that it will be full of risks of every kind. We know that Yankee imperialism will not give us our total freedom as a favor and that imperialism in its essence has not changed. What has changed is its way of attacking. For this reason, Mr. Sayre, U.S. Ambassador to Panama, has tried to throw sand in our eyes when he cautiously declared that he acknowledged that we are "the sovereign power" in the Canal Zone.

We understand that in order to achieve the total objective of our political, economic and social freedom and to establish a society without exploiters we must not only avail ourselves of the existing forces. The Panamanian masses must heighten their awareness and increase their organizational capabilities. For this reason, the more progressed sectors of the government must with greater determination support the popular movement and state with more detail the requirements for the revolutionary changes in the Panamanian society.

People of Panama: we are in the midst of a battle. In the struggle for sovereignty we must not overlook important aspects within the political process in which Panama is envolved: we have to make an all-out attack against the agrarian reform; we have to put a stop to our economic dependence on imperialism; we have to change education; we have to instill new spirit into our public administration; we have to revolutionize our culture; we have to educate the masses, consolidate and develop the social aspects of our state and cooperative economy. To tie these objectives into our struggle for the elimination of the colonial enclave is what we consider the lever that will bring about that change.

In this climate the main objective which we must derive from the meeting of the Security Council in Panama is the maximum effort that we have to make for the establishment of a formidable anti-imperialist Front composed of workers and farmers and of all other popular forces, that are not pledged to imperialism and oligarchy, forces that perhaps follow different ideologies but that march in closed ranks with the civilian and military sectors of the government, that is, those who have made this change in the Panamanian political situation possible. A wide, popular, democratic and patriotic Front that will get ready and that, furthermore, will make Panama safe from those recent imperialist threats.

The People's Party, first in the ranks, is shouting: "Here"

Long live Panama. Long live solidarity among all nations of the world. Abolish the Canal Zone.

For the Political Bureau of the People's Party.

RUBEN DARIO SOUSA,
Secretary General.

PANAMA CITY, *March 16, 1973.*

WAGE-PRICE FREEZE WITHOUT ROLLBACK THREATENS ECONOMIC DISASTER

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

Mr. O'HARA. Mr. Speaker, the Nixon administration, which has practiced economic brinksmanship ever since it came to power, is daily driving the Nation's economy toward a disaster of unprecedented proportions.

Every indicator published by the executive branch makes it perfectly clear that the American economy is in deep trouble—and that the situation grows worse with each passing day.

Consumer prices are rising at an annual rate of 9 percent. Wholesale prices are rising at an annual rate of 23 percent—which means that the prices consumers pay are going to go upward at an even faster rate than they have in the past few months. The wholesale price of food is now 29.1 percent higher than it was a year ago—and in the last 3 months, these prices have advanced at an annual rate of 43.4 percent.

All of these unconscionable price increases have taken place under an administration which came to office on the promise that it was going to curb "runaway" inflation. Far from curbing inflation, this administration has achieved the unenviable record of having established new inflationary records, and each month the old records tumble as consumer prices continue to shoot upward.

When the Nixon administration took office, the unemployment rate in the Nation was 2.6 percent. Today it is 5 percent—and for 35 consecutive months the jobless rate has been 5 percent or higher. In pursuit of its alleged anti-inflationary goal, this administration has succeeded in doubling the ranks of the unemployed, without in any way dampening the fires of inflation in the process.

For those lucky enough to have jobs, the situation is also grim. Fantastically inflated prices for food and other necessities are eroding their earnings—and their earnings are being held under a tight rein by this administration, which apparently sees something wrong in the average American family being able to afford the goods and service which are available in the marketplace. In fact, the working men and women of America are taking home less today in real wages than they were 6 months ago.

Of course not all Americans are suffering under the Nixon economic program. The banking industry is not suffering—the prime interest rate has now shot up to 7½ percent, which means that the lenders are enjoying higher profits as the cost of borrowing money continues to climb. Corporate America isn't suffering—corporate profits are running at a record annual rate of $113.1 billion, before taxes, up 26 percent from a year ago, as the big companies grow fat while prices continue their upward spiral.

In the face of these grim statistics, there is a growing demand that the administration reimpose a wage-price "freeze," and many of my colleagues in the Congress are looking backward, almost wistfully, on the "good old days" of phase 2.

But by all rights, any freeze at this point in history must be accompanied by a rollback of prices, profits, interests and rents to levels which existed at least a year ago—and the freeze must be one that extends across the board, so that the wealthy and the corporate interests will not be allowed to profit at the expense of the American consumer.

From the outset, this administration's economic policies have been unwise, unworkable, and unfair. They have worked to the advantage of the wealthy and the corporate interests who financed the Nixon election campaigns; they have worked to the disadvantage of the average American family, whose interests have never ranked very high in this administration's scale of priorities. This administration never should have been given a blank check by the Congress to control the economy, for it has demonstrated its inability to administer any economic program fairly and equitably. We never should have extended that authority, as we did a few weeks ago, in the face of the abysmal failure of this administration on the economic front.

If we are to continue down the road of controls, then the Congress should drastically amend the Economic Stabilization Act by making its provisions mandatory, by making them applicable to all sectors of the economy, and by rolling back prices, profits, interests, dividends and rents—so that the American consumer is able to feed, clothe and house his family within the limitations on his income which have been imposed from the start of phase 1.

THE CASE FOR CHEMICAL EXPORT CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 20 minutes.

Mr. RANGEL. Mr. Speaker, one of the profoundly disturbing and dangerous legacies of American involvement in the Indochina war may be the advent of the age of chemical warfare. For 8 years, until 1970, the United States employed the new infamous "Agent Orange," a teratogenic herbicide, in Southeast Asia. Besides inflicting immediate damage upon the land and people of Indochina, Agent Orange may very well have caused genetic damage to the Vietnamese people for generations to come.

Now we learn of the increasing use of toxic herbicides by North and South Vietnamese forces since the cease-fire accords.

Recent newspaper accounts clearly illuminate this fast-developing pattern of chemical aggression and destruction:

[From the New York Daily News, May 4, 1973]

CAMBO REBELS USE TOXIC GAS TO TAKE POST

The exact type of "toxic gas" used by the rebel forces was not disclosed. However, it was believed to be one of the varieties of tear gas, which has been used widely by the allies and fairly frequently by the Communists in South Vietnam.

[From the New York Times, May 9, 1973]

VIETCONG SAY SAIGON SPRAYED CHEMICALS

The Vietcong charged today that Saigon troops fighting in a Communist-held area had sprayed toxic chemicals that "ruined" more than 1,500 acres of land and caused serious illness to "large numbers of persons."

[From the New York Times, Apr. 6, 1973]

CONTAMINATION OF VIETNAM RIVER FISH LAID TO DEFOLIANT

Two Harvard biochemists have found that a component of a defoliant chemical used by United States forces in South Vietnam has contaminated fish and shellfish in Vietnamese waters and they say it may pose long term hazards for the human population.

[From the New York Daily News, May 2, 1973]

SOUTH VIET SHRIMP CALLED TAINTED BY DEFOLIANT

Japanese newspapers have quoted a South Vietnamese botanist as saying that marine life in the South China Sea has been contaminated by defoliant chemicals dropped on forests by American planes during the Vietnam war.

Tragically, the Vietnamese have learned quickly and thoroughly the American way of war.

USE OF U.S. HERBICIDES BY PORTUGAL AND THE REPUBLIC OF SOUTH AFRICA

It has recently come to my attention that the excessive amount of chemical herbicides that the U.S. Government and private business sell to Portugal and South Africa is being used to continue and intensify the colonial warfare in the Portugese colonies of Angola and Mozambique.

It appears that Portugese and South African airplanes are perpetrating a massive spraying of food crops, particularly cassava, to stifle support for the liberation movement that is rapidly growing amongst farmers and peasants in Angola and Mozambique.

A recent interview with members of the Angola liberation movement dealt with these tactics of chemical warfare:

The Portugese began dropping bombs this year (1970)—in April. Chemicals were dropped first on the fields—mainly cassava fields, but also other crops, whatever was visible. After the chemicals were dropped, destroying sweet potatoes and other crops, the Portugese continued dropping chemicals, and bombs, which affected the people. About 30 persons have died as a result of these chemicals. This was the first time we saw such airplanes. Some of the airplanes came low, and others flew above. They sprayed something over the fields. The next morning we discovered our cassava plants were dried out; they were rotten.

More recently, on August 23, 1972, the Times of Zambia reported that approximately 1,300 Angolans had fled across the border into Zambia seeking food after the poisonous destruction of their crops.

African-interest groups such as the Washington Office on Africa have sought to document and publicize this horrid affair. In their November 1972 newsletter, the group reported American involvement in the supplying of these chemicals for use in the African war.

Though we have been peddling herbicides to the governments of Portugal and South Africa since 1965, Department of Commerce figures show a sharp increase in sales since 1969:

U.S. sale of herbicides

[In dollars]

	Value
1969:	
Republic of South Africa	$1,200,516
Portugal	57,330
1970:	
Republic of South Africa	2,735,596
Portugal	343,980
1971:	
Republic of South Africa	3,623,896
Portugal	114,660

It is interesting to note that this rise in chemical sales paralleled the relaxation of export regulations pertaining to 2,4,5-T herbicide. For in 1970, this herbicide was taken from the control of the Office of Munitions Controls in the State Department and placed within the purview of the Department of Commerce, as a civilian commodity.

As we were beating our swords into ploughshares, the Portugese and South Africans were planning and implementing the reverse.

QUESTIONS OF LAW

I am not only incensed about U.S. involvement in this African war on moral and ethical grounds, but it is also clear to me that our chemical sales violate the precepts of international law.

Though the herbicides in question were shortsightedly removed from the munitions list three years ago, the 2, 4, 5–T sales are clearly transgressing the 1961 embargo of military material to Portugal and South Africa established under the Kennedy administration.

We are also violating the spirit and intent of the embargo created by the Security Council of the United Nations on August 7, 1973 which "solemnly calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa."

According to article 6 of the 1961 North Atlantic Treaty Organization—NATO—Agreement, the Portugese Government must submit written assurance to the United States that any munitions purchased will be employed exclusively in NATO areas. Angola and Mozambique are not members of NATO—remember too that in 1961, 2, 4, 5–T herbicide was on the State Department's munitions list.

The past 50 years, immediately following World War I, have seen a proliferation of protocols and resolutions adopted condemning the involvement, in any form, of nations in chemical aggressions. Included among these are the Washington Conference Resolutions of 1972 and the Geneva Protocol of 1925. The United States, by supplying the weapons of war to racist nations such as Portugal and South Africa, is unquestionably violating the meaning and intent of these and other declarations.

Most interesting and insightful is United Nations Resolution 2603A (XXIV) adopted by the U.N. General Assembly on December 16, 1966, which declares chemical warfare as being "contrary to generally recognized rules of international law." The resolution was agreed to by a vote of 80 to 3. The three dissenting nations were Australia, Portugal, and the United States—Australia was involved in chemical aggression in Indochina.

CHEMICALS TO SOUTH AMERICA?

In the supposed interests of developing markets and improving our balance of payments, the U.S. Government has been considering selling or giving away its supply of Agent Orange to South American governments, according to a recent article in Science Magazine, the publication of the American Association for the Advancement of Science. One of the nations especially interested in obtaining these cans of chemicals is Brazil, which is presently conducting "clearing" operations and relocating natives in the northwestern part of the country. Obviously, the herbicides will assist the Brazilian Government in its operations, considered to be "paramilitary" by an unnamed herbicide expert.

CHEMICALS CONTROLLED: AT HOME

In the spring of 1970, decisive steps were taken by the Department of Agriculture in relation to the use of 2,4,5-T herbicides.

In its notice to manufacturers, formulators, distributors, and registrants, the Department of Agriculture said:

Recent studies by the National Environmental Health Service of the Department of Health, Education, and Welfare have shown that the subcutaneous administration of high concentrations of the purest samples of 2,4,5-T that are practical to manufacture at the present time produce a significant number of fetal abnormalities in mice.

. . . the Secretary of Health, Education, and Welfare has advised the Secretary of Agriculture that exposure to this herbicide may present an imminent health hazard to women of child-bearing age.

On this basis, 2,4,5-T products were banned for use, first, in lakes, ponds, or on ditch banks; second, around the home, recreation areas, and similar sites; and third, on food crops intended for human consumption.

Last May the Environmental Protection Agency banned the dumping of Agent Orange and other chemical substances in the ocean.

Chemicals unfit for use in this country should not be peddled abroad. When the chemicals are used as instruments of violence, it is clearly time for decisive action.

In a March 13 letter, I sought to apprise President Nixon of how American chemicals are being put to use in southern Africa. I called upon the President to order the immediate cessation of all sales of herbicides to Portugal and South Africa. No action has, as yet, been taken.

It is clear to me that letters and cries of public outrage will not affect current policy.

LEGISLATION BEFORE CONGRESS

That is why I have introduced two pieces of legislation in the House of Representatives designed to halt the exportation of poisonous chemicals.

The Herbicide Export Control Act of 1973 will prohibit the exportation of 2,4,5-T herbicide.

The Chemical Warfare Prevention Act of 1973 will immediately ban the sale of herbicides to Portugal and the Republic of South Africa.

Obviously, the chemicals that are being exported are no more than a drop in the enormously large bucket of American trade and foreign commerce.

But to the citizens of Angola and Mozambique, these chemicals are the fodder for the brutal aggression being waged against them. To the concerned and caring members of the world community, these exports stain the good name and reputation of the United States.

By allowing and continuing the exportation of dangerous chemicals that are only effective and useful in war, we

are fast leading our planet toward physical and moral degradation.

It is clearly time to assert sanity and compassion in American economic and foreign policy. It is clearly time to blunt the reality that is, and the potential that exists for chemical warfare. It is to this end that my legislative endeavors and proposals are aimed.

TO FAITHFULLY EXECUTE THE LAWS?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, on January 20, 1969 and again on January 20, 1973, Richard Nixon took the following oath of office:

I, Richard Nixon, do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States.

In July 1970, at Mr. Nixon's direction, the White House prepared a top secret program of action to further "domestic intelligence." The plan included an elaborate docket of illegal activities that suggest wholesale disregard of our Constitution and the principles upon which our Nation was founded. Among the acts directed by Mr. Nixon against "suspect" Americans was spying by means of undercover agents and sophisticated electronic devices, opening their mail, burglarizing their homes and offices and direct spying on Americans living or traveling abroad.

As the distinguished Mr. Anthony Lewis of the New York Times points out, the parallels between President Nixon's involvement in the 1970 illegal "national security" program and President Truman's actions in seizing America's steel mills to prevent a strike during the Korean war are pertinent. In both instances the President has claimed "inherent power" under the Constitution to prevent a national "catastrophe."

The full statement by Mr. Lewis presents an enlightening bit of historical comparison:

IN THE NAME OF SECURITY

(By Anthony Lewis)

BOSTON, June 10.—To prevent a crippling strike during the Korean War, President Truman seized the country's steel mills. There was no law authorizing the seizure. But when the steel companies sued to get their plants back, Government lawyers said the President had inherent power under the Constitution to prevent such a national "catastrophe."

Then the trial judge, David A. Pine, put a question to the Government counsel, Holmes Baldridge: "If the President directs [someone] to take you into custody, right now, and have you executed in the morning, you say there is no power by which the court may intervene?"

Mr. Baldridge had some difficulty with that question, and the judge gave him overnight to think it over. The next day Judge Pine changed to what he termed an earlier question: If the President ordered Mr. Baldridge's home seized, would the courts be powerless because the President had "declared an emergency"?

"I do not believe any President would exercise such unusual power," Mr. Baldridge said, "unless in his opinion there was a grave and extreme national emergency existing."

"Is that your conception of our Government?" Judge Pine asked . . . "is it not your conception that it is a Government whose powers are derived solely from the Constitution?"

The question drove Mr. Baldridge to say that the Constitution gave only limited, specified powers to Congress and the courts—but gave the President "all of the executive power." Judge Pine observed dryly, "I see." Soon thereafter he rejected that claim of unrestricted executive power and ordered the steel mills returned to their owners.

The danger that Judge Pine so shrewdly exposed by his questions—the danger of a President governing by decree in the name of national security—is with us now in much more alarming form. President Truman's seizure order was a public act, subject to political debate and judicial testing. President Nixon used his vision of national security to cover secret orders that have been brought to light only by lucky accident.

On July 15, 1970, the White House prepared a Top Secret memorandum of decisions on the new program of "domestic intelligence." The New York Times published the memorandum last week. It will go down as one of the most chilling documents in American history.

Mr. Nixon directed intelligence operatives to intensify wiretapping and bugging of Americans deemed threats to the "the internal security," to open their mail, to break into their homes. He authorized security men to listen in to all overseas telephone calls and ordered the C.I.A. to increase its "coverage" of Americans traveling or living abroad.

The President did all that despite direct advice that some of the steps he ordered were illegal. Quite apart from what the present inquiries may show about his involvement in the Watergate crimes, those directives should disqualify him from office.

But the point of the 1970 memorandum is broader than Richard Nixon. It shows how vulnerable we are to the doctrine that those in power may violate the law in the name of what they consider "national security." Even a man then so highly regarded as Richard Helms of the C.I.A. apparently supported the 1970 program. Only J. Edgar Hoover dogged opposition forced Mr. Nixon to drop it.

One of the curious things about the United States is that again and again, we ask our judges to tell us the obvious—to tell us, for example, that the Constitution does not give Presidents power without limit. But then, as a great judge said, we need education in the obvious.

To restore in this country the sense of legitimacy that has been so shattered by Watergate we may once more need to have our judges speak some lasting American truths. When they do, they will find powerful support in the Supreme Court opinions affirming Judge Pine in the steel seizure case and rejecting the idea that a President may act as he wishes to meet what he defines as an emergency.

"Not so long ago," Justice Frankfurter wrote, "it was fashionable to find our system of checks and balances . . . outmoded—too easy. The experience through which the world has passed in our own day has made vivid the realization that the framers of our Constitution were not inexperienced doctrinaires.

"These long-headed statesmen had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power . . . the accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority."

IMPOUNDMENT AND FOREIGN AID

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

Mr. DANIELSON. Mr. Speaker, like many other Members of Congress, I receive a great deal of mail from my constituents asking why so much taxpayers' money is being spent for foreign aid, when we have such pressing domestic problems at home. This is a sentiment which I share.

This morning, in testimony before the House Committee on Foreign Affairs, I proposed an amendment to the Foreign Assistance Act of 1973 that would require the implementation of domestic programs as a condition precedent to foreign aid expenditures. Since impoundment is an issue of deep concern to Members of Congress, I would like to share with my colleagues this proposal which would provide a solution to the impoundment problem. My testimony is as follows:

IMPOUNDMENT AND FOREIGN AID

(Statement by Hon. GEORGE E. DANIELSON)

Mr. Chairman, and Members of the Foreign Affairs Committee, I wish to thank you for this opportunity to appear before you and express my thoughts on a matter which is not unique to our Foreign Aid program, but it is shared in common by all of the programs and activities of the Federal Government. I am convinced that the Foreign Aid Program and this Committee can play a very important role in solving that problem, namely, the problem of impoundment.

My purpose in appearing here today is to respectfully suggest to this Committee that language be included in the Foreign Assistance Act which will effectively solve the problem of Executive impoundment of funds which have been appropriated by the Congress, in laws which have been approved by the President (or passed into law over his veto), and are now a part of the duly enacted laws of the land.

PROPOSED ANTI-IMPOUNDMENT BILLS ARE INEFFECTIVE

The shortcoming of the proposals that have been offered so far to counteract impoundment is that they would not *prevent* the Executive from impounding,—they simply tell him, "Thou shalt not impound."

There is nothing new in this. The present laws of the land, in effect, say the same thing, for the Executive has no constitutional right to impound, no statutory right to impound, and no inherent right to impound. The Constitution specifically places on the Executive the absolute duty to ". . . take care that the laws be faithfully executed, . . ."[1]

And that means all of the laws of the land, not just some of them. That means appropriation laws as well as all other laws. The Executive does not have the right to selectively choose—cafeteria style—those laws which he will execute and those laws which he will not execute.

Footnotes at end of article.

Suppose the Congress should pass one of the pending anti-impoundment proposals. Will the President veto it? If he does, will we pass it over his veto? And, if we do, will he still impound?—And if he does, what do we do then?

Suppose we pass such an Act and the President signs it, and it become the law of the land, but the President nevertheless concontinues to impound. What do we do then? Congress could pass a resolution saying, "No! Stop impounding! We disapprove!" But will he continue to impound? If he does, what do we do then?

The most that can happen under this approach is that—if there is an impoundment—someone who has standing to sue will sue, and in 2 or 3 years the court will issue a judgment ruling that the impoundment was, indeed, illegal, and directing the appropriate government agency to release the funds. Meanwhile, the evil effects of impoundment will have prevailed, Government policy will have been frustrated, and the purposes of the law in question will have been nullified.

And what if the funds are not released despite the decision of a court? We must recall the words of President Andrew Jackson who said, "John Marshall has made his decision: now let him enforce it!" [2]

The fatal fallacy of this approach to the impoundment question is that it does not address itself to the real problem, namely, the Executive's *power* to impound. We all know that the Executive does not have the *right* to impound, but it is obvious to us all that nevertheless he does have the *power* to do so. He has the power to impound in any given instance by simply not using the money for its intended purpose.

I respectfully submit that there is only one effective way to solve the impoundment problem, and that is to take away the Executive's power to impound by making it literally impossible for him to do so. This would reach the heart of the problem. The Congress can easily do this by wording the language of authorization and appropriation bills so that the use of the funds provided in a given appropriation bill would be conditioned upon the corresponding use of the funds provided in other appropriation bills. Thus the Executive could not selectively execute and carry out his favorite government programs and activities unless he would also execute and carry out the other government programs and activities. He would truly be compelled to ". . . take care that the laws be faithfully executed, . . ."

THE FOREIGN ASSISTANCE ACT OF 1973 AND IMPOUNDMENT

The Foreign Assistance Act of 1973 is an ideal vehicle for statutory language which would help bring an end to arbitrary impoundment by the Executive.

We are all familiar with the old saying, "Charity begins at home," which accurately reflects the feelings of many Members of Congress and tens of millions of American citizens and taxpayers.

I propose that language be included in the Foreign Assistance Act of 1973 to provide that the use of U.S. Treasury funds for Foreign Aid would be conditioned upon the Executive also obligating or expending comparable appropriated funds to meet our critical domestic needs.

The language I propose is as follows:

Sec. —. (a) Unless the Congress shall provide otherwise in language expressly made applicable to this section, at any time during the fiscal year 1974, the amount obligated or expended pursuant to this Act for any program or activity authorized by this Act, expressed as a percentage of the amount appropriated for purposes of such program or activity, shall not be more than (___10___) percentage points greater than the amount obligated or expended at that time for any other program or activity authorized by Act of Congress, expressed as a percentage of the amount appropriated by the Congress for purposes of such other program or activity for the fiscal year 1974.

(b) For purposes of this section, the term "other program or activity" shall include any program or activity administered by or under the direction of the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Housing and Urban Development, the Department of Health, Education and Welfare, the Environmental Protection Agency and the Veterans' Administration.

The above language is similar to a provision which was included in the Foreign Assistance Act of 1971,[3] except that the above proposal would (1) provide for the concurrent and orderly execution of all affected government programs and activities; (2) provide for a reasonable and necessary amount of flexibility in the execution of different programs; and (3) provide a simple and effective procedure for changing the formula of expenditure in order to conform to changing circumstances.

The basic "working language" in the above proposal is that portion which reads,

". . . at any time during the fiscal year 1974, the amount obligated or expended pursuant to this Act for any program or activity authorized by this Act, . . . shall not be . . . greater than the amount obligated or expended at that time for any other program or activity authorized by Act of Congress. . . ."

This language, standing alone, would achieve the basic purpose of my proposal, namely, to compel the concurrent execution of all of the specified government programs and activities as a condition precedent to the execution of any of the programs and activities authorized by this Act, the Foreign Assistance Act of 1973. The Executive could not execute the programs provided for by this Act unless he also executed the programs referred to in subsection (b) of the proposed language. The basic language would be too rigid, however, and would not provide the flexibility which is required, as a practical matter, in implementing the many different programs and activities which would be affected.

FLEXIBILITY

Recognizing that all government programs do not and can not move at exactly the same pace, it is necessary to build flexibility into the proposed section. That flexibility is provided by the language which, in the example, permits a 10 percent variance in the rate of obligation and expenditure of funds appropriated for the several different programs and activities. I have used the figure of 10 percent arbitrarily; it could be a greater or lesser figure, as this Committee in its judgment may decide.

CHANGING CIRCUMSTANCES—CHANGE OF FORMULA

The proposed language recognizes that circumstances can change and that it may be necessary or desirable to change the variance formula to accommodate those changes. The first clause of the section provides:

"Unless the Congress shall provide otherwise in language expressly made applicable to this section. . . ."

Thus, the Executive and the Congress, working together (as they should) can quickly and easily vary the formula to adjust to changing needs resulting from changing circumstances, Whenever the Executive, in the management of the Government's business, might determine that money could be saved, all he would have to do is notify the Congress, and by resolution the Congress could provide for an appropriate change in the rate of expenditure—or could terminate it altogether. The Congress and the Executive could economize whenever a need is lessened or removed, or could accelerate expenditure whenever a need is increased. All the Executive has to do, if he finds a need to change the formula, is to send a message to the Congress asking for a variance in the formula and the Congress, by resolution, can quickly provide it.

EFFECTIVENESS OF PROPOSAL

My proposal would effectively prevent the executive from impounding appropriated funds contrary to the law and the will of Congress simply because he would be denied the use of appropriated funds for those programs he favors if he did not also use appropriated funds for those programs which he does not favor. This is because he would have no access to Treasury funds for one purpose if he did not also use them for the other specified purposes.

Article I, Section 9, clause 7 of the Constitution provides:

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law; . . ."

To implement this constitutional provision the Congress has provided by law that—

"The Treasurer shall receive and keep the moneys of the United States, and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned in the General Accounting Office, and not otherwise. . . ." (31 U.S.C. 147)

These provisions require the General Accounting Office to determine that the conditions of an appropriation law are met before a warrant for the disbursement of money from the Treasury can be countersigned.

PROPOSAL DOES NOT RECOGNIZE IMPOUNDMENT

While most other proposed "anti-impoundment" measures tacitly grant the Executive the right to impound, subject to veto or ratification by the Congress, my proposal does not recognize that the Executive has any such right to impound, and thereby fully preserves the separation of powers. I respectfully submit that this distinction must be preserved, for if there were a right of impoundment, the Executive would have, for practical purposes, a line-item veto. That concept is repugnant to our Constitution. We must remember that tacit approval grows strong as it becomes rooted in time.

WHY LINK IMPOUNDMENT TO THE FOREIGN ASSISTANCE ACT?

As I mentioned before, charity begins at home. We have many urgent and unmet needs right here at home. These are suffered by a broad segment of our society and our economy. They affect farmers and agriculture, the unemployed and wage earners, youth searching for summer jobs, medical care, hospitalization, housing, the elderly, education, our environment, veterans and a host of other groups, interests, and activities. While the desire to help the unfortunate in other lands is a commendable one, I am convinced that our first duty is to the people of the United States, our fellow citizens, and to our own country. I feel that we should commit our resources to solving our own problems before we send our substance abroad.

IMPOUNDMENT—A THREAT TO OUR CONSTITUTION

My purpose here today is not to carry a brief for those programs which have been nullified by current impoundments. As I suspect is the case with most of the Members of this Committee, I support some of those impounded programs, and I am not enthusiastic about others. My purpose today is to

Footnotes at end of article.

continue my effort to preserve and protect our Constitution by protecting the status of the Congress as a full and co-equal branch of our Government, and by trying to preserve the just and proper separation of powers. The separation of powers under our Constitution is the foundation of American Government. We must preserve and protect it.

This is not a personal matter: I am not dealing in personalities. This is not a partisan matter: I am not distinguishing political parties. I have been informed that other Presidents, at other times, and of other political parties, have impounded funds from time to time.

Presidents come and Presidents go. Congressmen come and Congressmen go. Majorities come and majorities go. And with each change the burdens and responsibilities of government shift from one to another. But our Constitution and the representative self-government which it provides must not go. It has served us well for nearly 200 years and, God willing, it can serve America for 200 years yet to come. The threat of impoundment is a threat to our Constitution and to our entire structure of Government. We must meet and end that threat, and this is the way to do it. There is no other choice.

FOOTNOTES

[1] Constitution of U.S., Article II, Section 3, clause 3.

[2] Andrew Jackson, as President, referring to the Supreme Court decision in *Worcester v. Georgia*, 3 Mar., 1832.

[3] Public Law 92–226, the Foreign Assistance Act of 1971. "Sec. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education and Welfare have been released for obligation or expenditure. * * *"

THE BETTER SCHOOLS ACT

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

Mr. PERKINS. Mr. Speaker, last Friday the U.S. Office of Education announced that it had abandoned its insistence that special revenue sharing for education, the Better Schools Act, must be enacted by Congress for the upcoming school year or there would be no Federal funding for any of the present programs. This recognition by the administration that the Better Schools Act will not be passed soon is long overdue. During the course of 32 days of hearings on education before the Committee on Education and Labor, we heard testimony from approximately 250 witnesses and none of these witnesses, with the sole exception of the administration, supported special revenue sharing for education. Every witness, except for the administration, endorsed an extension of the present Federal programs, although many suggested modifications and improvements. Therefore, I believe that the administration has only recognized reality when it has abandoned its position that it is the Better Schools Act or nothing for fiscal 1974.

Their new position though raises serious questions about the administration's commitment to education. According to the press release which I will insert after my remarks, HEW will only fund those programs which it wanted continued in one form or another under the Better Schools Act and it will refuse to fund those programs which it wanted to abandon under enactment of the Better Schools Act. This means that HEW will not pay any State Federal funds for school libraries, college libraries, or public libraries.

It also means that there will be no funding for "b" children in impact aid school districts. There will also be no Federal funds made available to strengthen State departments of education nor will there be aid for classroom equipment or minor remodeling.

In other words, what the administration is doing is trying to squeeze the present programs into the mold which they sought to cast in the Better Schools Act. This will mean that there will be at least one-half billion dollars less spent on elementary and secondary education.

This action by HEW makes all the more important swift congressional enactment of the Labor HEW appropriations bill. It also makes urgent the enactment of a continuing resolution which sets out a specific funding level for Federal education programs until the final passage of the Appropriations Act.

The confusion which has arisen because of the administration's insistence on special-revenue sharing is widespread throughout the country. Two weeks ago I sent a questionnaire to all 18,000 school districts in the country and the responses paint a grim picture of threatened teacher lay-offs and curtailment of programs due to the uncertainty of Federal funds. I would now like to insert in the RECORD several remarks.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 8, 1973.

DEAR ———, As you know, the Administration has proposed the Better Schools Act to combine into five broad categories some 32 existing categorical grant programs. The President's Budget for Fiscal Year 1974 also proposed a funding level of $2.5B for selected elementary and secondary education programs, or $2.8B including the School Lunch Program. Unfortunately, the Congress has not acted on the Better Schools Act, which we firmly believe to be a much improved means of financing Federal support for elementary and secondary education. At the same time, we are clearly mindful of the difficulties which the delay in enactment of this legislation has created, particularly as the end of the current fiscal year approaches.

It is certainly not the intent of the Executive Branch, nor, we believe, of the Congress to produce a result in which there is no Federal funding for education programs after July 1, and we are confident that this outcome will be avoided.

Accordingly, we are working with the Congress to resolve the funding problem for the 1973–4 school year and also to obtain enactment of the essential concepts contained in the Better Schools Act in time to become effective for the 1974–5 school year. Therefore, we think it safe to advise that you be guided by the amounts listed for the old programs as outlined in Attachment A, and as contained in the President's budget for 1974.

Please take such measures as you judge appropriate to share this information with the school districts within your jurisdictions.

Sincerely,

JOHN OTTINA,
U.S. Commissioner of Education-designate.

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Appropriation/activity	1972	1973	1974
Elementary and secondary education:			
Educationally deprived children (ESEA I)	$1,597,500,000	$1,585,185,000	$1,585,185,000
(a) Local educational agencies	1,406,565,000	1,362,172,431	1,362,172,431
(b) Handicapped children	56,381,000	75,962,098	75,962,098
(c) Neglected and delinquent	20,213,000	20,704,524	20,704,524
(d) Migratory children	64,823,000	72,772,187	72,772,187
(e) State administration	17,309,000	17,105,195	17,105,195
(f) Incentive grants	7,280,000	8,219,629	8,219,629
(g) Grants for high concentration of poor	24,804,000	28,063,936	28,063,936
(h) Advisory committee	125,000	185,000	185,000
Supplementary services (ESEA III)	146,393,000	146,393,000	146,393,000
(a) State grant program Handicapped:			
Handicapped (15 percent)	17,085,683	17,074,789	17,074,789
Other (85 percent)	96,818,872	96,757,140	96,757,140
(b) Special projects:			
Handicapped (15 percent)	3,015,120	3,013,198	3,013,198
Other (85 percent)	17,085,684	17,074,791	17,074,791
(c) State Administration	12,242,641	12,248,082	12,248,082
(d) Advisory committee	145,000	225,000	225,000
School assistance in Federally affected areas:			
Maintenance and operations (Public Law 874):			
(a) Payments to local educational agencies:			
Section 3(a) and Indians	189,335,000	227,150,000	232,000,000
Education for the handicapped: State grant program (EHA, part B)	37,500,000	37,500,000	37,500,000

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS—Continued

Appropriation/activity	1972	1973	1974
Occupational, vocational, and adult education:			
Grants to States for vocational education:			
(a) Basic vocational education programs:			
(1) Annual appropriations (VEA, part B)	$376,682,000	$376,682,000	$376,682,000
Handicapped (10 percent)	37,668,200	37,668,200	37,668,200
Disadvantaged (15 percent)	56,502,300	56,502,300	56,502,300
Postsecondary (15 percent)	56,502,300	56,502,300	56,502,300
Other (60 percent)	226,009,200	226,009,200	226,009,200
(2) Permanent appropriation (Smith-Hughes Act)	7,161,455	7,161,455	7,161,455
Handicapped (10 percent)	716,146	716,146	716,146
Disadvantaged (15 percent)	1,074,218	1,074,218	1,074,218
Postsecondary (15 percent)	1,074,218	1,074,218	1,074,218
Other (60 percent)	4,296,873	4,296,873	4,296,873
(3) National Advisory Committee	330,000	330,000	330,000
(b) Programs for students with special needs: (VEA, pt. B)	20,000,000	20,000,000	20,000,000
(c) Consumer and homemaking education (VEA, pt. F)	25,625,000	25,625,000	25,625,000
(d) Work-study (VEA, pt. H)	6,000,000	6,000,000	6,000,000
(e) Cooperative education (VEA, pt. G)	19,500,000	19,500,000	19,500,000
(f) State advisory councils (VEA, pt. A)	2,690,000	2,690,000	2,690,000
Vocational research:			
(a) Innovation (VEA, pt. D): Grants to States	8,000,000	8,000,000	8,000,000
(b) Research—Grants to States (VEA, pt. C): Grants to States	9,000,000	9,000,000	9,000,000
Adult education	51,300,000	51,300,000	51,300,000
(a) Grants to States	51,134,000	51,134,000	51,134,000
(b) National Advisory Committee	166,000	166,000	166,000
Grant total, Better Schools Act of 1973	2,497,016,455	2,522,516,455	2,527,366,455

A school superintendent from an Ohio school district wrote to me saying that his school district could lose $900,000 which it has been using to employ 79 full-time and 78 part-time teachers and other personnel for educational programs. He—unlike many other superintendents—has not told them as yet that they may not have jobs in September, and I would like my colleagues to read his reasons for not doing so. I believe they point out the dilemma faced by many school administrators.

He said:

We have not notified any of our Federally funded certified and non-certified personnel of termination of employment although they are aware of funding uncertainties. Our local funds cannot carry them beyond their Federally funded period. However, due to the fact that to terminate employment of the high caliber of certified and non-certified employees we have been able to gather around us would be absolutely impossible to re-assemble due to the feeling of insecurity and instability a termination would impose. The young children would suffer irrepairable damage.

We realize, due to State law, etc. we may be acting naively in this. However, we cannot believe that our Congressmen would allow these programs to come to such a chaotic end. Our parents have been much concerned and are doing, in their limited way, all they can to impress local people and their Congressmen of their feelings. We sincerely ask you and your committee to continue your efforts to see that these programs and their funding are continued.

We have both subjective and objective evidence that the money is being well spent from the standpoint of good business practices and more importantly from the standpoint of student gains.

He reported that the education of 15,904 students is jeopardized.

In my own congressional district, Sheldon Clark, superintendent of the Martin County School District, responded that $462,754 in Federal funds was spent for educating Martin County schoolchildren during the 1971–72 school year, and that 62 teachers and other personnel were hired.

But he has already had to tell 18 people that they may not have jobs during the coming school year, because of the uncertainty of Federal funding. And that means the education of 1,575 children in Martin County would be affected.

The questionnaires are still coming in, so I do not want to give totals, but I do want the House to hear some of the comments we are getting.

Here is a comment from a superintendent in Michigan:

I can report to you, and we can so testify if you like, that the Saginaw schools, as a result of Federal funds, have increased test scores significantly in our inner-city areas.

We have made a steady gain as a result of carefully and clearly developed compensatory education programs.

We feel very strongly that the President is wrongfully overlooking the success that has been achieved as a result of the Congressional appropriations of the 1960s and early 1970s.

A Missouri superintendent wrote:

Our major program is ESEA (1971–1972), but with the completion of our Area Vocational School, the situation could become even more desperate. Our Title I programs have been very productive and we believe the Vocational School will help us to reduce many additional needs of our students and the students in the school districts near us. The uncertainty from year to year and the multitude of guidelines are our biggest problems.

A superintendent from an Ohio school district said:

The most important funds are Title I ESEA, Title II ESEA DPPF, and Vocational. If these were curtailed we would be without remedial reading, school nurse and elementary library materials. We approciate all the help.

An Iowa school superintendent commented:

The deletion of Title I money will both affect our students who need extra help and those at the local parochial school. Remedial reading and summer programs in reading and mathematics will have to be drastically curtailed.

We are also in dire need for aid to vocational education. Money in Iowa is very limited and our people cannot keep pace with inflation.

And from New Mexico a superintendent wrote:

Our school district has definite need of continued Federal funding by virtue of the fact that the assessed valuation is low. For example, 38.64% of the district's land area comprises non-taxable Indian lands. Of the total school population, 30.64% of our students come from low-income families, further our school population is one of the fastest growing pupil populations in the state. Under P.L. 874 we have an enrollment of 523 (b) pupils, which with the lack of proper funding, our district would lose a minimum of $82,000 on this one count alone, which we can ill afford.

A New Jersey school superintendent indicated:

These programs are greatly appreciated by local districts. The only problem is the stability of them and the rapid changes in funds available. It is very hard to organize and schedule the regular running of a school and get a Federal program passed after the opening of school and change your plans. I hope future announcements of these can be done for the future.

From Oklahoma a superintendent writes:

We have no plans to employ any more than the one certified employee we have remaining. We will employ only teacher aides or other non-professional people who can be fired with a two week notice.

What has happened in federal funding for education this year should never have been allowed to occur. If the President is going to dictate the whole program perhaps we don't need a Congress.

Commented another superintendent from Ohio:

This federal money has been a very great benefit to the educational program in our school district. It represents about two (2) mills of our operating budget. Without the

federal money we will have to curtail our program because it will be nearly impossible to raise this amount locally. We have tried, but, due to the federal income tax, the people of our district can ill afford the extra burden. Locally our people are exerting extreme effort. These are just average wage earners but more, by far, is being paid by them than is being received in benefits, this is true especially as it concerns the federal government.

And, a superintendent from Pennsylvania says:

We feel that the continuance of federal funding is vital to our future educational planning endeavors. Enclosed you will find a brochure of our 1972–73 ESEA Title I program. Without future federal funding these programs will not be able to continue within our local budget.

We sincerely hope that future funding will continue to be available to supplement our existing educational program.

HAIG—THE PRESIDENT'S POLITICAL GENERAL

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

Mr. MOSS. Mr. Speaker, the continued assignment of Gen. Alexander Haig, Jr., as Chief of White House Staff constitutes a most serious compromise of both civilian and military institutions of our Federal Government.

The Chief of Staff of the President's White House establishment is a political function, and, under precedents followed for many years by Presidents of both major political persuasions, a partisan political function as well. Nothing in the character of this administration would justify the conclusion that the post is not partisan to at least the same degree as most prior administrations.

Mr. Speaker, I am also confident the general operates in violation of statute, and I cite section 973(b) of title 10 of the United States Code in objecting to Haig's serving as Presidential assistant while still Vice Chief of Staff of the U.S. Army:

Except as otherwise provided by law, no officer on the active duty list of the regular Army, regular Navy, regular Air Force, regular Marine Corps or regular Coast Guard may hold a civil office by election or appointment whether under the United States, a territory or possession or a state. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment.

A recent White House announcement informs us that General Haig will retire from active duty on August 1. He will then, we are informed, be appointed to the position of assistant to the President. Meanwhile, he will in the interim continue to perform his present duties, which will remain his responsibility after retirement from active duty. We already know he has been Haldeman's de facto replacement, with all that this connotes.

Such an announcement grievously compounds the injury already inflicted upon the traditional principle of separation of the military from civilian functions. General Haig has already occupied his present questionable legal status for upward of 2 months, and as of this day serves as a four-star general on active duty. That dual questionable status is slated to be maintained for another 2 months. One excuse offered is that this will enable him to get enough time in his present four-star rank to retire in that same grade. No matter whose convenience is served, and constitutional rules are not to be shunted aside to provide for anyone's well-being, in the process more violence is being done to honored principle while setting into semipermanence one of the most perilous precedents confronting democratic government. One, I might add, which no democracy, cherishing its status as such, dares allow.

The very announcement of his anticipated new status is a public admission by the President that General Haig's present post is inconsistent with provisions of Federal law. Here is an arbitrary assertion by the executive branch of a selective right to enforce those sections of a statute it finds convenient, while evading enforcement of those it finds inconvenient. Legality and intent of the Nation's founders are simply adjourned, a process not new to this incumbent.

On page 3395 of the Congressional Globe of May 12, 1870, we find an illuminating, highly prophetic statement during debate over the measure now at issue in regard to Haig's status. Senator Lyman Trumbull, Republican of Illinois and close friend of Lincoln, almost appears to be discussing what well may happen as the ultimate end of the present situation. He stated:

But the difficulty will be that if you allow officers upon the retired list to hold civil offices, the law will be evaded. Persons will be placed on the retired list for the purpose of giving them appointments . . . I think that this government is a civil government. It should be administered by civilians. The Army is subject to the civil authorities of the country; and I do not believe in having the civil offices of the country administered by the military authorities.

So here we encounter further evasion and an exacerbation of an insufferable compromising situation enveloping the Nation's professional Military Establishment. Already, the veracity of Generals Cushman and Walton has been publicly and repeatedly questioned. Those professional organizations they were and are associated with have in the process been compromised to an intolerable extent.

One further note in the June 7 Washington Post is worth noting. I quote from Michael Getler's story:

His lingering service in the White House was also causing some concern among a few generals, and had he stayed in the job and on active duty much longer, his clout coming back to the service might have been reduced, especially in a new administration. Haig can be recalled from retired to active duty status by the President in the future.

More than purely legal points are involved in the question of General Haig's status. What is really at issue is how much blurring of that long-established dividing line between the professional military and civilian authority, the Nation, and Congress will allow. Civil control of the military is jeopardized when professional military people, no matter how competent, are allowed to participate in and influence vital civil governmental processes, while retaining their career military status. This is what Haig is now doing.

This hallowed doctrine of mutual exclusion has been one of the main bulwarks supporting and guaranteeing representative government in this republic. It is a certainty that Haig's present dual status, if allowed to continue unchallenged and unchanged, encourages the breaching of this traditional, essential barrier. Every military professional in our establishment is at least aware of his rise through the political system while remaining cloaked in military symbols. Many a free society has been compromised because its civil institutions were breached by its professional military in times of stress in such a manner.

American history is studded with references to this subject, always emphasizing exclusion of military professionals from our political process.

George Washington was never a party candidate and never acknowledged any party, although he was identified with the Federalists.

James Buchanan, losing the Democratic nomination in 1852, attacked the Whig candidacy of General Scott in these words:

What fatal effects would it not have on the discipline and efficiency of the Army to have aspirants for the Presidency among its principal officers? How many military cliques would be formed?

By bringing an officer like Haig into his present compromising position, we encourage exactly what Buchanan so presciently foresaw. We also allow a tortuously twisting path, complete with unacceptable hazard to democracy, to be broken for other ambitious professional soldiers to follow in future times.

In other days, Attorneys General did not allow such appointments to even partially achieve legitimacy. In 1870, Gen. George C. Meade, victor of Gettysburg and a greatly honored soldier, was told he could not even exercise the functions of a park commissioner of the city of Philadelphia without vacating his military commission. The Attorney General indicated that the office of park commissioner had been established by an act of the State legislature. That act designated mode of appointment, term of office, and functions to be performed. Those were of a civil nature. Hence the distinguished general was barred from the office.

In 1873, the Attorney General held that Gen. William T. Sherman could not hold the position of Secretary of War, even temporarily, without vacating his commission as General of the Army.

Some generals, unlike General Haig, understood the principles involved, and did not allow themselves to be placed in a partisan political position. One such was perhaps our finest professional soldier of this century, Gen. George C. Marshall, who squelched a political boomlet for himself in World War II. In 1947, he said:

I will never be involved in political matters.

Woodrow Wilson, in a letter to Secretary of War Lindley M. Garrison, in August 1914, wrote:

MY DEAR SECRETARY: I write to suggest that you request and advise all officers of the service, whether active or retired, to refrain from public comment of any kind upon the military or political situation on the other side of the water . . . It seems to me highly unwise and improper.

Contrast this with the actions of General Haig on the night of Wednesday, May 23, 1973. Appearing before the Fordham University Club, dressed in civilian clothes and in his capacity as the President's replacement for H. R. Haldeman, he delivered himself of a speech which, conveniently, the White House press office has no available copies. Here is the first paragraph of one news story on that speech, appearing in the Washington Post:

General Alexander Haig, the new chief of staff at the White House, ignored the problems that Watergate has created for the President last night and instead gave a detailed account of how the Nixon Doctrine can help solve the problems of the world.

Today the Nixon doctrine is fraught with explosive political considerations. It asserts full support of previous alleged American commitments, stating that external assistance to an insurgency, as well as overt conventional attack, may lead to involvement of U.S. general purpose forces.

Implications of this doctrine, particularly after Vietnam and in light of the Cambodian situation, are obvious. Yet there was General Haig, in a totally political role, explaining it in civilian guise while holding the top White House political staff job. Yet he is now and was then, a four-star general on active duty holding the position of Vice Chief of Staff of the U.S. Army.

Contrast this recent astonishing exhibition with President Lincoln's words to Gen. Joe Hooker, when he appointed him to command the Army of the Potomac:

I also believe you do not mix politics with your profession, in which you are right.

More recently, Secretary of Defense Robert McNamara, made a similar point in no uncertain terms:

It is inappropriate for any members of the Defense Department to speak on the subject of foreign policy.

Harry Truman, no-nonsense defender of representative democracy that he was, had blunt words and orders on the subject, even prior to dismissing General MacArthur:

Until further notice from me, I wish that each one of you would take immediate steps to reduce the number of public speeches pertaining to foreign or military policy.

President Kennedy plowed that same furrow even more deeply in 1962:

The United States military, due to one of the wisest actions of our Constitutional founders, have been kept out of politics, and they continue their responsibilities, regardless of the changes of Administration. . . . There is no desire to restrain or prevent any military man from speaking. What we are concerned about, however, always is that they not be exploited for any partisan purpose. And I think, basically, it is for their own protection as well as for the protection of the country.

Yet Wednesday night, May 23, this four-star general on active duty acted as a political spokesman for this administration, no matter how this may be disclaimed. In the process, he became a political tool of this President, compromising the entire American Military Establishment and violating its most honored traditions.

I have queried the Pentagon's acting general counsel about Haig's status, and have received in return a rather unique answer. I include an excerpt from it here in my remarks:

Admiral Leahy served from 1942 to 1949 as Chief of Staff to the Commander-in-Chief, then President Roosevelt. Major General Wilton D. Persons, USA, Retired, served President Eisenhower as Chief of the White House Staff. Brigadier General Andrew Goodpaster served President Eisenhower as Staff Secretary. General Maxwell Taylor served President Kennedy as Military Adviser to the President.

First, I would like to go on record as commending the late Admiral Leahy for his outstanding loyalty in serving President Roosevelt until 1949, especially in light of the fact that FDR departed this world in early 1945.

Leahy was recalled in a military capacity to serve as Chief of Staff in time of war. Persons was on the retired list, unlike Haig, who had publicly stated his intention of remaining on active duty status with the Army. Goodpaster was relegated to military duties. Taylor was on the retired list when he served as official military representative to the President. He returned to active duty only when he subsequently became Chairman of the Joint Chiefs of Staff. I commend to the Acting General Counsel of the Department of Defense the study of history. It has a salutory effect upon accuracy at certain times.

Only the Goodpaster appointment may be termed similar to the Haig matter, and it involved a failure to observe the law. Therefore, there are no grounds today for justifying the Haig appointment, unless by citing, as the Counsel does, a previous illegal action.

When Presidential Press Secretary Ziegler announced the Haig appointment, he used the following words:

In his role as assistant to the President, General Haig will assume many of the responsibilities formerly held by H. R. Haldeman. These responsibilities include coordination of the work of the White House staff and administration of the immediate office of the President.

The position of Assistant to the President previously held by Haldeman is a civil office within the meaning of 10 U.S.C. 973(b), in that it is specifically created by law and has or may have duties imposed upon it which involve exercising some portion of the sovereign power.

I am not aware of any law which constitutes an exception to 10 U.S.C. 973(b) so as to authorize an officer on the active list of the Regular Army to accept that office or exercise its functions without immediately terminating his military appointment.

A flimsy excuse has been offered by the Pentagon; that Haig has not yet been actually appointed as one of the assistants to the President authorized by 3 U.S.C. 106. They also note that Haig's duties more nearly resemble the duties of Chief of Staff to the President, a position authorized under 10 U.S.C. 3531 to be filled by a general officer of the Army appointed by the President, by and with the advice and consent of the Senate.

If indeed he is to fill that role, then he must be confirmed by the Senate first. When queried, the White House responds that Haig is still in some kind of limbo. He has no official title. I submit that this is an intolerable situation, Illegal on its face.

Yet even a cursory reading of Ziegler's original announcement reveals that Haig is now fulfilling Haldeman's daily sensitive functions. Let us further examine some of Haig's recent activities. One of his recent duties has been to urge upon certain reporters and commentators the view that domestic surveillance, wiretapping, and related measures the President has confessed to instituting in 1969 have nothing to do with overall Watergate scandals in which these activities have become enmeshed.

Joseph Kraft, in a Washington Post column of May 29, refers to this role. So does John Osborne in the New Republic's June 9 issue. The latter indicates Haig has been justifying these actions in the name of national security, that all-purpose cover so much in vogue these days at the White House. Haig's performance makes him by definition a participant and abettor of the President's transparent effort to offer national security as an excuse for unprecedented lawbreaking by the executive branch.

The New York Times of May 29 contains a story by John Herbers which includes the following ominous note:

General Alexander Haig, Jr., the new Chief of Staff on an interim basis, is running the staff with military assistants. . . . He is in daily contact with Mr. Nixon almost as much as was Mr. Haldeman.

I am informed that at least two professional Army officers on active duty status are functioning in the capacity described above. One is a Lt. Col. Fred Brown. The other is a Major Joulwan. So as of latest notice, the most sensitive office in the White House staff setup is being manned by professional military officers on active duty. Is this legal by any stretch of the imagination? Should this be tolerated by a free government? By what right do these men occupy such places?

Yet it is when we place the Haig situation into a larger picture that the ominous aspects in our perspective emerge most clearly. Since World War II, there has been enormous expansion of the military into activities hitherto performed by civilians or not performed in our political system at all.

Increasing reliance by American Presidents on the National Security Council and its staff, instead of on the State Department, means that an organization with strong military orientation has replaced an overwhelmingly civilian insti-

tution as the central advisory organ for American foreign policy.

Overseas, nearly half of recent American foreign aid has taken the form of military assistance. Domestic intelligence gathering by our military has been brought to light, colored in the most menacing, negative tones. Massive spying on civilians who dissent has become a fact of life, carried out by our Military Establishment.

Increasingly, military units have been trained in performance of domestic missions. War has forced a growing alliance between the executive branch of Government and the military. Military officers did not necessarily seek these tasks. Rather, civilian authority, because it shirked its own responsibilities, pressed such new duties and roles upon them. However, once involved, the military plunged in with both feet. The Haig matter is only the latest, most vivid illustration of this cumulative erosion of the barrier separating political roles and military professionals.

We invite catastrophe for representative democracy by allowing this. By acquiescence in Haig's illegal status, we enable the President to accelerate the release of unexpected negative forces within our political system. At this moment of strain, our system is particularly vulnerable to such encroachments and violations. All the more reason for us to be doubly vigilant and even more jealous of our priceless liberties.

New trains are being brought into play on the traditional conception the professional military man has of his role. After Vietnam, this is doubly perilous for America. Once such new authority and capability for involvement are acquired by any group of military professionals, there is a deep natural reluctance to yield it back, whether or not the original need still exists.

Military men as a group tend to think in solely military terms insofar as alternatives are concerned. In some future crisis, either Haig or some other officer like him could be at a President's side, taking the most pessimistic view of events and focusing undue emphasis on force as opposed to negotiations.

General Haig hails from a hierarchical rather than an egalitarian organization. He is oriented to a group rather than to rights of individuals. He stresses obedience and discipline rather than freedom of expression. While I am sure he is a decent, honorable man, the President, by placing him in the most de facto political position in Washington, has elevated those very virtues that are the blatant negation of what this nation and our society stands for.

Our entire professional military establishment itself should be profoundly disturbed by the President's action and Haig's present position. Military participation in the policy process involves a degree of political activity inconsistent with nonpartisan tenets of their traditional professionalism. Haig is compromised as a military man, and in the process has compromised not just the Army, but all the services. At this point in time, after Vietnam and Watergate revelations, this is the last course our military should wish to pursue or be identified with in the congressional and public eye.

President Nixon has done a grievous disservice to the Nation at a critical juncture in our history. He has raised questions that must be resolved.

In furtherance of the effort to effect an early resolution of the issues raised I have on this date sent the following letter to the Comptroller General and urged in conversation his prompt ruling:

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I am in receipt of your letter of May 30, 1973, regarding the status of General Alexander Haig, Jr., at the White House. Your response to my letter leaves much to be desired in terms of explaining the General's legal status.

In seeking to define his legal position at the White House, the General Accounting Office accepted the White House explanation that legal advice from the Pentagon was relied upon. I also have queried the chief legal officer there and have received a totally unsatisfactory and even inaccurate answer. Here are some quotes from his response to my query, which may probably be the same answers he sent to you, and which you may have sincerely accepted on their face.

"Admiral Leahy served from 1942 to 1949 as Chief of Staff to the Commander-In-Chief, then President Roosevelt. Major General Wilton B. Persons, USA, Retired, served President Eisenhower as Chief of the White House staff. Brigadier General Andrew Goodpaster served President Eisenhower as Staff Secretary. General Maxwell Taylor served President Kennedy as Military Adviser to the President."

How enlightening to discover that Leahy's loyalty transcended the death of FDR in early 1945. Leahy was recalled in military capacity to serve as chief of staff in wartime. Persons was on the retired list, unlike Haig, who had indicated publicly his intention to remain on active duty status. Goodpaster's was a totally illegal appointment, and even so, his were strictly military duties. Taylor was on the retired list when he served as official military representative to the President. He returned to active duty only when he subsequently became chairman of the Joint Chiefs of Staff.

The Pentagon's chief legal officer's advisory to you and me obviously lacks substance and detailed precedents, making it a thoroughly unreliable document, and certainly not one on which to base any legal determination of so important a question.

The recent announcement that General Haig will retire from active duty on August first and then will be appointed as an assistant to the President only compounds the injury already done to our traditional principle of separation of the military from civilian functions.

He remains on duty at the White House while serving as an active duty four-star general for another two months, apparently violating the law every moment he maintains illegal dual status. The very announcement of his anticipated new status is a public admission by the Administration of Haig's present illegal status.

Here is an arbitrary assertion of a selective right on the part of the executive to enforce what section of law is convenient and to evade what portions are inconvenient. In the process, legality and precedent are adjourned.

Here again is public evasion of statutory responsibility, compounding the already compromising situation enveloping America's professional military establishment. The Comptroller General should rule and is hereby requested to rule that this contemplated move in fact and legality cannot be carried through under existing law.

Haig's recent activities raise further questions, making it all the more imperative for you to render a swift, decisive opinion.

General Haig is allegedly fulfilling a number of political roles. A prominent political columnist, Joseph Kraft, noted on May 29, that Haig is leaking privileged information about wiretapping. *The Washington Post* noted that he has made what can only be termed a blatantly political speech on the "Nixon Doctrine" at the Fordham Club recently, dressed in civilian clothes and in his capacity as a top White House functionary. Here is the first paragraph of that story from the May 24 issue of this paper:

"General Alexander Haig, the new chief of staff at the White House, ignored the problems that Watergate has created for the President last night and instead gave a detailed account of how the Nixon Doctrine can help solve the problems of the world."

It has also become known that Haig has brought a group of professional military officers, presently on active duty status, with him to the White House, and is running Haldeman's operation with these professional military personnel. One is a lieutenant colonel, the other is a major. Plus, there may be others we have not yet had brought to public notice.

The New York Times of May 29 carried a public mention of this situation in a story by John Herbers. Here is the appropriate quote:

"General Alexander M. Haig, Jr., the new chief of staff on an interim basis, is running the staff with military assistants. . . . He is in daily contact with Mr. Nixon almost as much as was Mr. Haldeman."

Repeated queries to the White House as to the official status of General Haig met with the response that he has no title.

I am requesting specific responses from your office to the following questions, which at the very least should be answered decisively before your office advises on the true legal status of a four-star general in administrative limbo. He seems to be both military and civilian at this point in time. In any event, his position is clearly unique and must be clarified.

Your ruling is called for on the following questions:

Is he presently a civil officer of the government or is he a military officer?

In the event of misconduct, who would he be answerable to, military or civil law?

Who is now the vice chief of staff of the United States Army, or who is the acting vice chief of staff?

Is he still chargeable to the Pentagon's budget at a rate of pay for a four-star general, including the perquisites of the office of the vice chief of staff, or is he now being maintained on the White House budget?

Is he exercising the functions of a civil office or not?

In view of the increasing number of questions surrounding his status and the functions he is allegedly performing, your answers will hopefully be swift.

Sincerely,

JOHN E. MOSS,
Member of Congress.

PROTECT THE WHALE

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

Mr. BINGHAM. Mr. Speaker, in the 92d Congress I introduced House Concurrent Resolution 387, a resolution calling upon the Secretary of State to negotiate a 10-year international moratorium on the commercial killing of all

whales and porpoises. That measure passed the House on November 2, 1971, and a similar bill passed in the Senate. This action reflected the increased American consciousness and awareness of the need to protect our world environment.

Subsequent international protest activity focussed attention upon the plight of the whale, which has been badly overhunted by nations who refuse to heed their responsibilities and obligations to preserve the resources of the seas for all mankind. Gradually, increasing pressures were exerted upon the often ineffective International Whaling Commission to reduce the quotas of permitted catches and the number of huntable species.

This month, the International Whaling Commission will hold its annual meeting in London, and I trust that the U.S. delegates to that conference will bear in mind the position which both Houses of Congress have taken on the need for a flat 10-year moratorium on whaling. Unless a decisive step of this nature is taken now, there soon may be no whales left for us to worry about.

The Washington Post recently published a fine editorial on the topic of the annual meeting of the International Whaling Commission and I include it to be reprinted in the RECORD at this point:

AN OPPORTUNITY TO PROTECT WHALES

It is a known fact that the many and persistent pressures brought by the American wildlife and conservation movement are beginning to have an effect. This is not only true in the United States but worldwide. On few issues is this more evident than on the matter of protecting whales. One of the largest animals that has ever lived (the blue whale is at least 25 times the size of an elephant), whales are majestic and intelligent creatures. Yet, perversely, man has hunted and slaughtered them, many species to the point of near extinction. It is to the credit of the government—including the Departments of State, Interior and Commerce, plus the Council on Environmental Quality—that determined efforts are now being made to protect the remaining whales of the sea.

A current goal of the United States is to obtain a 10-year moratorium on commercial whaling, except for hunting by aboriginal peoples. The United States has closed all its whaling stations and has banned the importation of whale products, with no adverse consequences. But other nations, mainly Japan and Russia, are still killing whales on the high seas. These species include the fin, sperm and sei. The whales are used for such frivolous purposes as dog, cat and mink food, automobile lubricants and cosmetic and food additives; all these uses have readily available substitutes, as the United States has proven.

This month in London, 14 nations will gather for the annual meeting of the International Whaling Commission. Aside from the United States, Japan and Russia, these include Argentina, Australia, Canada, Denmark, France, Iceland, Mexico, Norway, Panama, South Africa and Britain. What is needed goes beyond a mere declaration of "concern." Instead as the United States will urge, we need firm and specific measures that will lead to a 10-year moratorium. This is hardly a bold position; last year, at the Stockholm conference on the environment, the moratorium idea was approved by the attending nations by a 53-to-0 vote.

This month's meeting may offer one of the last opportunities for effective action. Only so many whales are left. Enough destruction has been done already—not only to the whales but also to the delicate balance of nature, of which, lest it be forgotten, man is also a part.

LIBERALIZE SOCIAL SECURITY BENEFITS FOR DEPENDENT PARENTS

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

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation aimed at improviding the status of surviving dependent parents who receive social security benefit payments on the basis of the earnings records of their deceased children.

The Social Security Administration estimates that a total of 26,000 parents of deceased workers are receiving benefits on this basis. New York City, approximately 1,200 parents are in this benefit category.

Existing social security law provides that benefits to surviving dependent parents will be paid at the rate of 82½ percent of the deceased worker's primary insurance amount. If two parents draw benefit payments on the basis of their deceased child's earnings record, each parent receives 75 percent of the worker's primary insurance amount. Last year's H.R. 1 raised widow's benefits to the full 100 percent of a deceased worker-spouse's primary insurance amount, but dependent parents' benefits were not similarly raised. For many elderly dependent parents, social security benefits constitute the sole source of income, and the oversight of the Congress in not raising the benefits of a single surviving dependent parent to the same 100 percent status which widows enjoy causes them considerable financial disadvantage.

The legislation which I am introducing provides that when a social security-insured worker dies, leaving a sole surviving dependent parent, if no other surviving dependents are actually or potentially entitled to benefits on the worker's wage record, then, beginning at age 65, social security benefits will be paid to the surviving parent at the rate of 100 percent of the worker's primary insurance amount. If the worker dies, leaving other dependents in addition to the dependent parent, the parent's benefits will continue as provided under present law, in order to avoid reductions in benefits paid to dependent widows and children under the family maximum provisions. As at present, dependent surviving parents would still be eligible to begin receiving benefits at age 62 at the rate of 82½ percent of the deceased worker's primary insurance amount.

Mr. Speaker, the dent which this proposed provision would make in the massive social security trust fund is insignificant in comparison to the improved conditions which it would provide for elderly dependent parents who outlive their children. I urge the Congress to give it serious consideration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COHEN (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. DOMINICK V. DANIELS (at the request of Mr. MCFALL), for today through June 20, on account of official business.

Mr. ERLENBORN (at the request of Mr. GERALD R. FORD), for June 12 through June 18, on account of official business.

Mr. GAYDOS (at the request of Mr. MCFALL), for today through June 12, on account of death in family.

SPECIAL ORDERS GRANTED

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

Mr. DENT, for 30 minutes, June 13, 1973.

Mr. GAYDOS, for 30 minutes, June 13, 1973.

Mr. RANDALL, for 15 minutes, today.

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

Mr. TREEN, for 10 minutes, today.

Mr. HOGAN, for 10 minutes, today.

Mr. KEMP, for 10 minutes, today.

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

Mr. VANIK, for 10 minutes, today.

Mr. HAMILTON, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. O'HARA, for 15 minutes, today.

Mr. RANGEL, for 20 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. DANIELSON, for 15 minutes, today.

EXTENSION OF REMARKS

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

Mr. SHUSTER.

Mr. RANDALL in three instances and to include extraneous matter.

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

Mr. DERWINSKI in two instances.

Mr. RINALDO in two instances.

Mr. CONTE.

Mr. WYMAN in two instances.

Mr. LUJAN.

Mr. KEATING.

Mr. RONCALLO of New York.

Mr. QUIE.

Mr. HAMMERSCHMIDT.

Mr. BAKER.

Mr. HOGAN in two instances.

Mr. STEIGER of Wisconsin.

Mr. ASHBROOK in three instances.

Mr. KEMP in three instances.

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

Mr. CONYERS in 10 instances.

Mrs. HANSEN of Washington in 10 instances.

Mr. ALEXANDER in five instances.

Mr. FISHER in four instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. LONG of Maryland.

Mr. MOORHEAD of Pennsylvania in 10 instances.

Mr. SISK.
Mr. WILLIAM D. FORD.
Mr. THOMPSON of New Jersey.
Mrs. SULLIVAN.
Mr. O'HARA in two instances.
Mr. BURKE of Massachusetts.
Mr. TAYLOR of North Carolina.
Mrs. MINK.
Mr. BRINKLEY.
Mr. SEIBERLING in 10 instances.
Mr. BINGHAM in three instances.
Mr. DULSKI in six instances.
Mr. VAN DEERLIN.
Mr. LITTON.
Mr. THORNTON.
Mr. HARRINGTON.
Mr. ANDREWS of North Carolina
Mr. DAN DANIEL.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 645. An act to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

S. 1115. An act to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4443. An act for the relief of Ronald K. Downie.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 8th, 1973 present to the President, for his approval, bills of the House of the following titles:

H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a one-year period; and

H.R. 4704. An act for the relief of certain former employees of the Securities and Exchange Commission.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 26 minutes p.m.), the House adjourned until Tuesday, June 12, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1018. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1019. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL.

1020. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Student Loan Insurance Fund for fiscal years 1971 and 1972, pursuant to section 105 of the Government Corporation Control Act and the Higher Education Act of 1965 (H. Doc. No. 93-113); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 689. A bill to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection; with amendment (Rept. No. 93-368). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BINGHAM:

H.R. 8563. A bill to amend title II of the Social Security Act to increase the amount of a parent's insurance benefit from 82½ to 100 percent of the primary insurance amount of the individual on whose wage record such benefit is payable in any case where the parent has attained age 65 at the time he or she files application for such benefit and there are no other persons actually or potentially entitled to benefits on the same wage record; to the Committee on Ways and Means.

By Mr. CONABLE (for himself and Mr. FRELINGHUYSEN):

H.R. 8564. A bill to amend section 4941(d)(2)(G) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. CRONIN (for himself and Mr. GILMAN):

H.R. 8565. A bill to amend the National Emission Standards Act to provide for the establishment of standards with respect to fuel consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. EVINS of Tennessee:

H.R. 8566. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H.R. 8567. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. DIGGS, Mr. HOWARD, and Mr. ANDERSON of Illinois):

H.R. 8568. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. KEATING:

H.R. 8569. A bill to provide for compliance with improved fire safety conditions in multifamily housing facilities designed for occupancy in whole or substantial part by senior citizens, and to authorize Federal assistance in financing the provision of more adequate fire safety equipment for such facilities; to the Committee on Banking and Currency.

By Mr. MOSS (for himself, Mr. DELLUMS, Mr. ECKHARDT, Mr. LEGGETT, Mr. LONG of Louisiana, Mr. NEDZI, Mr. PEPPER, Mr. ROSENTHAL, Mr. STARK, Mr. CHARLES H. WILSON of California, Mr. WRIGHT, and Mr. VAN DEERLIN):

H.R. 8570. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.R. 8571. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. RANGEL:

H.R. 8572. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the judiciary.

By Mr. RANGEL (for himself, Ms. ABZUG, Mr. BINGHAM, Mrs. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. HARRINGTON, Mr. LEHMAN, Mr. MOAKLEY, Mr. OBEY, Mr. PODELL, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, and Mr. TIERNAN):

H.R. 8573. A bill to prevent the exportation of certain substances and herbicides from the United States; to the Committee on Banking and Currency.

By Mr. RANGEL (for himself, Ms. ABZUG, Mr. BINGHAM, Mrs. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. HARRINGTON, Mr. LEHMAN, Mr. MOAKLEY, Mr. PODELL, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, and Mr. TIERNAN):

H.R. 8574. A bill to prohibit the exportation of herbicides from the United States to Portugal and South Africa; to the Committee on Banking and Currency.

By Mr. RARICK:

H.R. 8575. A bill to designate the Joseph H. Hirshhorn Museum and Sculpture Garden as the "Andrew Jackson Center"; to the Committee on Public Works.

By Mr. RHODES:

H.R. 8576. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. RONCALIO of Wyoming:

H.R. 8577. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Sweetwater River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

H.R. 8578. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Snake River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHUSTER:

H.R. 8579. A bill to establish a temporary embargo on the exportation of certain livestock feed grains; to the Committee on Banking and Currency.

By Mr. RHODES (for himself, Mr. UDALL, and Mr. CONLAN):

H.J. Res. 607. Joint Resolution authorizing the President to proclaim September 28, 1973, as "National Indian Day"; to the Committee on the Judiciary.

By Mr. GRAY:

H. Con. Res. 246. Concurrent resolution to commend the U.S. Capitol Police force and the Capitol Police Board on the occasion of the 100th anniversary of the designation of the Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol as the governing body of the Capitol Police force; to the Committee on Public Works.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. By the SPEAKER: A memorial of the Legislature of the State of Louisiana, requesting Congress to propose an amendment to the Constitution of the United States guaranteeing the right of the unborn human to life throughout its development; to the Committee on the Judiciary.

246. Also, memorial of the Legislature of the State of Nebraska, requesting Congress to propose an amendment to the Constitution of the United States concerning abortion; to the Committee on the Judiciary.

247. Also, memorial of the Senate of the State of West Virginia, requesting Congress to propose an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged or the incapacitated; to the Committee on the Judiciary.

248. Also, memorial of the Legislature of the State of California, relative to the definition of tax effort under the State and Local Fiscal Assistance Act of 1972; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

236. By the SPEAKER: Petition of the council of the county of Maui, Hawaii, relative to a Federal subsidy program for diversified farming in the State of Hawaii; to the Committee on Agriculture.

237. Also, petition of the board of trustees, town of Westcliffe, Colo., relative to a fuel shortage; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

AGRIBUSINESS GOT A FAIR SHAKE

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Monday, June 11, 1973

Mr. DOMENICI. Mr. President, last week while we were considering the Agriculture and Consumer Protection Act of 1973, I received a telegram from a constituent of mine expressing great concern. He asked me:

Why is the American Farmer, the food and fiber producer, looked upon as a lower class citizen in the American economic structure?

I felt this a very justified concern and a very good question. When we consider the disparity between what our Nation demands from its agriculture sector and the rewards that sector receives from meeting this demand, maybe we have treated our farmers as second-class citizens.

However, I sincerely believe that the passage of the Agriculture and Consumer Protection Act of 1973 will mark a change in direction for our farming communities. I hope that the new provisions embodied in this legislation coupled with increasing demand and production give the farmer for the first time in years an equal share in the increase in our national wealth.

This is the first comprehensive farm program which is geared to expand the supply of food and fiber to meet the ever-increasing domestic and foreign demand.

The Secretary of Agriculture has already released an additional 43 million acres for production which puts a total of over 380 million acres in crop production for what he calls "the greatest production effort in the history of U.S. agriculture" to meet new areas of demand.

New markets have been opened up with new trade agreements with foreign countries. Old markets have expanded with a worldwide elevation of the standard of living, causing a spiraling demand for higher protein food, particularly in the form of meat. In fact, meat consumption has doubled in Japan in the last decade and it is expected to double again this decade. Western Europe's market has expanded its meat consumption by 20 percent in the last few years. Most dramatic is the increase in per capita consumption of beef in the United States, an increase from 56 pounds in 1952 to approximately 116 pounds today.

The United States raises more meat animals and raises more of the feed grain to fatten these animals than any other country. Also, the highest protein supplement for meat is the soybean, of which 70 percent of the world's supply is grown in the United States. Since the rest of the world is not topographically or climatically suited to the growing of soybeans, the United States will continue to be a world supplier of this highly demanded feed supplement used to meet the continued increase in meat consumption.

What does this all mean to us? It means that the American farmer is the best producer of food in the world. One farmer produces enough to meet the needs of 51 people as compared to only 16, 25 years ago. With only 4.5 percent of our Nation's population our farm community has been able to not only produce enough to feed its fellow Americans, but it has produced enough to export sufficient food and fiber to whittle down our ever-growing balance-of-trade deficit. U.S. agriculture exports have almost doubled in the last decade and are continually contributing cash surpluses to our balance of trade. It is estimated that 1973 exports will be at $11.1 billion and will contribute a $3.3 billion cash surplus and that by 1980 our exports will be up to $18 billion. This ability of our agriculture sector to be a continuing strong net exporter is an invaluable asset to our international trading posture. In fact it may be the only real reliable remaining economic leverage the United States has in terms of international trade.

The new farm program gives the farm community the financial incentive and protection to continue to be the largest producer of food and fiber in the world. We have asked America's farmers to plant more acreage in the crop of their choice than ever before in history. We have further asked them to place their crop on the open market to receive their fair share of the market's wealth. We have asked the farmer, "With your great producing capacity, produce more than you ever have in history so that your Nation can take advantage of worldwide demands and help diminish our balance-in-trade deficit."

Mr. President, I submit that in view of all we have asked our farmers, we must accept our responsibility to provide them a means of protection in times of crises situations such as overproduction. By means of this legislation, we will provide this protection through the "target price" concept. By our action on S. 1888, we have told the farmer that if market prices rise above the target prices, they will receive a just reward for their productive capacity to the benefit of the entire world since there will be enough food and fiber to meet world needs at no cost to the taxpayer. If market prices fall below the target price, we, the taxpayers of America, will share in the risk we asked farmers to take in paying only the difference between market price and the target price.

Since this bill is designed to promote production and economic parity in the agriculture sector, an obvious additional benefit will be a greater share of the Nation's wealth going to our farm communities. This additional wealth will have a strengthening effect on our rural communities by eliminating various problems. It is my hope that the increase of money inflow to these communities will help stop the continued migration of people from our farm communities to the urban areas by enabling farmers to share their increased income with farmworkers and others who depend upon them. In short, there should be an increase in the quantity and quality of agriculture and agriculture-related employment opportunities.

Mr. President, it is my basic belief that it is the right of every American