TO BE DIETITIAN DIRECTOR

Lois G. Robinson

TO BE SENIOR DIETITIAN

Esther C. Namian
Audrey J. Paulbitski

TO BE DIETITIAN

Barbara H. Dennis

TO BE THERAPIST DIRECTOR

John R. Desimio
Jean M. Gosselin
Howard A. Haak

TO BE SENIOR THERAPIST

John L. Echternach — Michael J. Oliva
Norma J. Ewan — Donald E. Shipley

TO BE THERAPIST

William W. Haley — Jonathan T. Spry
Donald S. Henderson — Leonard A. Stone

TO BE SENIOR ASSISTANT THERAPIST

Robert E. Mansell

TO BE HEALTH SERVICES DIRECTOR

Daniel A. Hunt — Clarence F. Szwed
Lucia N. Mason — James L. Verber
Roberta E. Peay

TO BE SENIOR HEALTH SERVICES OFFICER

Martha G. Barclay — Carol A. Lewis
Karst J. Besteman — Joseph K. Owen
Lawrence D. Burke — Pauline N. Rabaglino
Dwight W. Glenn — John F. Roatch
Isom H. Herron III — Chandler C. Waggoner

TO BE HEALTH SERVICES OFFICER

Harold A. Bond — Stanley A. Edlavitch
Joseph A. Brennan, Jr. — Barbara A. Maxwell
William J. Brown — Bert L. Murphy
David W. Callagy — Edward B. Radden
James E. Davis — Elmer G. Renegar, Jr.
David L. Duncan — Carolyn Rolston
Edwin P. Yarnell — Edwin P. Yarnell

# HOUSE OF REPRESENTATIVES—*Tuesday, October 9, 1973*

The House met at 12 o'clock noon.

Rev. Vernon N. Dobson, Union Baptist Church, Baltimore, Md., offered the following prayer:

O God, we take too seriously our problems and too lightly the affliction of others.

In these deliberations, help us to help the helpless, the bruised and burdened, the aged and afflicted, little children who have no lobby and their mothers.

Stab us fiercely with the sense that our votes may be the difference between a person eating or starving, being ignorant or educated; having the opportunity to vote or not to vote.

And should we fail them, never fail to demand that we seek an excellence for which we were made but may never know.

Lest our feet stray from the places our God where we met Thee; lest in our hearts drunk with the wine of the world we forget Thee, shadowed beneath Thy hand, may we forever stand firm.

True to Thee God, our Rock and our Redeemer. 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.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on October 4, 1973, the President approved and signed bills of the House of the following titles:

H.R. 5451. An act to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes;

H.R. 8917. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes; and

H.J. Res. 753. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate passed without amendment bills of the House of the following titles:

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1378. An act for the relief of James E. Bashline;

H.A. 1462. An act for the relief of John R. Poe;

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe; and

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands.

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

H.R. 1321. An act for the relief of Mrs. Doninga Pettit;

H.R. 5106. An act for the relief of Flora Datiles Tabayo; and

H.R. 8877. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8877) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. EAGLETON, Mr. YOUNG, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BROOKE, Mr. STEVENS, and Mr. SCHWEIKER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 278. An act for the relief of Manuela C. Bonito; and

S. 1016. An act to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 795) entitled "An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1141) entitled "An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special gold and silver coins commemorating the Bicentennial of the American Revolution, and for other purposes."

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

S. 205. An act for the relief of Jorge Mario Bell;

S. 798. An act to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes;

S. 912. An act for the relief of Mahmood Shareef Suleiman;

S. 1064. An act to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification;

S. 1075. An act for the relief of Imre Pallo;

S. 1728. An act to increase benefits provided to American civilian internees in Southeast Asia;

S. 1852. An act for the relief of Georgina Henrietta Harris;

S. 1871. An act to amend the Youth Conservation Corps Act of 1972 (Public Law 92-597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps, and for other purposes;

S. 2399. An act to amend title 44, United States Code, to provide immunity for the

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Government Printing Office, the Public Printer, and other officers and employees of the Office;

S.J. Res. 99. Joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week";

S.J. Res. 155. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol;

S. Con. Res. 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency; and

S. Con. Res. 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document.

The message also announced that Senator HARRY F. BYRD, JR., was appointed as an additional conferee on H.R. 9286, authorizing funds for military procurement for fiscal year 1974, and that Senator HOLLINGS was appointed as an additional conferee on House Joint Resolution 727, making further continuing appropriations for fiscal year 1974 until the sine die adjournment of this session of Congress.

## THE REVEREND VERNON N. DOBSON

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

Mr. MITCHELL of Maryland. Mr. Speaker, the morning prayer was given by Rev. Vernon N. Dobson, minister of the Union Baptist Church, Baltimore, Md.

The highest tribute that can be given any man is to simply say, "He is a man." Reverend Dobson is a man but more than that, he is an experience in which strength and humility, compassion and pride, belief and commitment are intertwined.

In the city of Baltimore and in the State of Maryland, throughout the years, Vernon Dobson has provided leadership to every movement designed to benefit blacks, the poor, the oppressed, and the exploited. He has recognized that we cannot stand aloof from the political process and out of that recognition and the selfless giving of himself we have gained political victories. I am positive that I also speak for Judge Joseph C. Howard of the Supreme Bench of Baltimore when I say that his election to the court and my election to the House of Representatives would not have been made possible without the guidance and direction of Reverend Dobson. He has sought to introduce the essential moral and ethical religious experience into the body politic of the city of Baltimore and the State of Maryland. This man is reviled in some quarters because of his unyielding advocacy on behalf of blacks, necessitous people, and victims of political, social, and economic exploitation, but in far, far many more quarters he is revered and loved because he gives himself, the whole man, to the cause of a common humanity. He is a man. He is indeed my brother whom I love.

## APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 727, FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. MAHON, WHITTEN, PASSMAN, NATCHER, FLOOD, SMITH of Iowa, CEDERBERG, RHODES, MICHEL, and CONTE.

## SENSE OF THE HOUSE REGARDING MIDDLE EAST HOSTILITIES

Mr. O'NEILL. Mr. Speaker, on behalf of the gentleman from Michigan, the distinguished minority leader (Mr. GERALD R. FORD) and myself, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 582

*Resolved,* That it is the sense of the House that we deplore the outbreak of the tragic hostilities in the Middle East and that we support the use of the good offices of the United States by the President and the Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities, and, further, that the House expresses its hope for a more stable condition leading to peace in that region.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, this resolution, as I understand it—and there are no copies available other than those to be found in the CONGRESSIONAL RECORD of this morning—contains this provision: "and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities."

Has this House ever approved a resolution calling upon Israel's military forces to go back to the lines they occupied prior to the 6-day war?

Mr. O'NEILL. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the distinguished majority leader.

Mr. O'NEILL. Well, actually I really cannot answer that question, because I really do not know, but I do know that this was, as you know, filed in the Senate yesterday and passed that body unanimously, and the gentleman from Michigan and I have offered it.

Mr. GROSS. What the other body does by way of a resolution of this nature is one thing; what we in the House do is another.

Is this resolution subject to amendment?

Mr. O'NEILL. Well, I really cannot answer that, either.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, is this resolution subject to amendment?

The SPEAKER. If the unanimous consent request for consideration of the resolution is granted and the previous question is not ordered, it is subject to an amendment being offered.

Mr. GROSS. Mr. Speaker, there is no copy of the resolution available to us other than the resolution as read by the Clerk. None of the Members, other than the leadership, have a copy of it. I have no way of knowing where to offer a written amendment. Adoption of an amendment to strike out the language which I have read would make it acceptable to me, but any resolution containing language that the Arabs go back to the positions they occupied as of the day hostilities started is unacceptable in view of the fact that this House never insisted after the 6-day war, that Israel, which started that warfare, return to its former positions.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. I think that the aim of this resolution and particularly that specific language is to achieve a cease-fire, and the best temporary basis for that is to reestablish the boundaries that existed at the time the hostilities began 3 or 4 days ago. Once that has been achieved, that is, the cease-fire and the reestablishment of those boundaries, then the aim would be to seek the permanent negotiated settlement which everybody has been striving for over a long period of time.

It seems to me, in the light of what I understand General Dayan recently said, for example, that these lines that were in existence prior to the recent outbreak are not necessarily the lines that would end up in the permanent negotiated settlement. Therefore, in order to achieve the cease-fire and end the fighting, this is the only practical way to draw those boundary lines at this time.

I would hope that the gentleman—and I know he is as interested as I am or anyone else is in achieving a cease-fire—will see that this is the most practical way to indicate our intention at the present time.

Mr. GROSS. I do not agree with the gentleman that this resolution in its present form is the only way we can deplore the outbreak of hostilities in the Middle East. Let us now deal with an even hand. If we are going to establish conditions let us say to both sides that they go back to the territories they occupied after the 6 days of previous hostilities in 1967.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

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

Mr. O'NEILL. Mr. Speaker, I should

like the record to show that by agreeing to the resolution we are really supporting the position that was taken by the President of the United States, and the Secretary of State, Mr. Kissinger, already on this, and that we do not want to set exactly any lines, because all of the lines are still subject to negotiations, and the other lines have been in existence for many, many years. We are merely supporting the President of the United States and the Secretary of State, Mr. Kissinger, in their actions, and with what they are trying to accomplish over the weekend.

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

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

Mr. YATES. Mr. Speaker, the resolution does not state what the position of the United States will be ultimately. The resolution, as it appears in the record, simply urges the parties to go back to the lines they occupied prior to the start of current hostilities, in order that negotiations might begin for an ultimate peace. This does not commit the United States to any position.

Mr. GROSS. It does commit the Members of this House if they vote for the resolution as supporting this kind of a settlement because it says:

. . . and the return of the parties involved to the lines and positions occupied by them prior to the outbreak of current hostilities, . . .

Mr. YATES. As a temporary step, as a basis for negotiations for a permanent peace.

Mr. GROSS. That is not what the resolution says.

Mr. YATES. But we are making that kind of legislative history in support of the resolution in the dialog between the gentleman from Iowa and myself.

As I understand the purpose of the resolution it is that the parties shall go back to their starting positions, and that then they can start negotiating toward settlement for bringing peace to the Middle East. On the basis of this conversation I believe that that can be read into the resolution.

Mr. GROSS. Let me ask the gentleman a question.

Mr. YATES. The gentleman certainly may ask me a question.

Mr. GROSS. A question to which I did not receive an answer earlier. That is: Did this House ever pass a resolution saying to Israel that it should withdraw its forces to the lines and positions established prior to the 6-day war?

Mr. YATES. I am not sure whether the House has done that. I think the House has passed a resolution in support of the United Nations resolution of May, 1967, but I do not know whether the House has gone beyond that in the way the gentleman interrogates.

Mr. GROSS. I would support this proposal as a sense of the House of Representatives resolution with the language to which I have referred stricken from it. I cannot support the resolution when it in effect directs the Arabs to withdraw from the positions they now occupy rather than the positions they occupied prior to the outbreak of hostilities. I want to deal evenhandedly with both sides in this situation in the Middle East, and there is no way that can be done with the present language in the resolution.

Mr. YATES. Will the gentleman yield further?

Mr. GROSS. Yes, I yield further to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, it is my understanding that the purpose of the resolution is to have the parties return to the lines they occupied prior to the outbreak of the current hostilities. This would place the Israelis where they were at that time and the Arabs where they were. Any other position would further complicate the picture. This is an even-handed approach.

Mr. GROSS. On one hand, you take no exception, you do not object to Israel taking over territory, you do not protest that, but you do protest in this case the Arabs recapturing their own lands by insisting they go back to the lines they occupied prior to the current hostilities before negotiations can begin.

Let us deal evenhandedly with both sides in this or any other resolution.

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

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

Mr. WOLFF. Mr. Speaker, it has been stated in some reports that the Israelis may have crossed over to the other side of the Suez Canal. Would the gentleman not want the Israelis to come back to the east side of the Suez Canal?

Mr. GROSS. Let that be a matter of negotiation.

Mr. WOLFF. That is what we are trying to do.

Mr. GROSS. Let that be a matter of negotiation. Moreover, that is only a report, as the gentleman says; is that not true?

Mr. WOLFF. That is correct.

Mr. YATES. If the gentleman will yield further, I think that that report has been substantiated.

But the point we are trying to make——

Mr. GROSS. I do not know that that is correct. I have seen pictures of the pontoon bridges where the Egyptians crossed the Suez Canal. I have seen photographic evidence of that.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

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

Mr. YATES. Mr. Speaker, it seems to me we are in agreement with what the gentleman wants seeking negotiations for peace. This resolution moves in that direction.

Mr. GROSS. Let us just take out this language, and I am sure we can agree. At least, I can. But I am not about to support a resolution that says to the Egyptians in this case that they are to return to the positions they occupied prior to the opening of their hostilities when no such requirement was made upon Israel in their conquest of a very substantial amount of territory after the 6-day war in 1967.

Mr. YATES. Mr. Speaker, the purpose of the resolution is to provide a basis for the parties to start negotiations. Requiring Israel to return to the pre-1967 boundaries is a move away from negotiation and peace. Such a move would place Israel's survival in jeopardy.

Mr. GROSS. Why should we establish the basis for it here? That is up to the principals in their negotiations.

Mr. YATES. I agree with that. That is the reason for directing them to return to the boundary lines. That was the purpose of it, may I say to the gentleman from Iowa. The gentleman's position would do away with any reasons for negotiations. He would grant the Arab position without any discussion or agreement.

Mr. GROSS. I would suggest to the gentleman from Illinois that we try to work out some arrangement whereby this resolution can be amended. I am perfectly willing to go back to it later today if given the opportunity to offer an amendment.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, my position is I should like to follow along and be consistent with what the President of the United States and the Secretary of State are trying to do at the present time.

Mr. GROSS. I am not sure what the President and the Secretary of State are trying to do at the present time. Certainly I do not think we have to be consistent with the other body in approving a bad resolution.

Mr. Speaker, I deplore the fact that fighting has broken out in the Middle East. I hope that hostilities end immediately and peace is promptly established. In those respects I agree with the resolution.

I do not believe it is the business of the Congress of the United States to lay down any of the terms or conditions. I supported the so-called Gulf of Tonkin resolution and I will always regret my vote for it. I do not intend to again make that mistake.

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

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

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## APPOINTMENT OF CONFEREES ON H.R. 8877, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Penn-

sylvania? The Chair hears none, and appoints the following conferees: Messrs. FLOOD, NATCHER, SMITH of Iowa, CASEY of Texas, PATTEN, OBEY, Mrs. GREEN of Oregon, Messrs. MAHON, MICHEL, SHRIVER, CONTE, ROBINSON of Virginia, and CEDERBERG.

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development, for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

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

There was no objection.

## FISCAL YEAR 1972 REPORT, NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed:

*To the Congress of the United States:*

I am transmitting herewith the National Capital Housing Authority's fiscal year 1972 report which summarizes the major steps taken during that period to supply public housing for the citizens of the District of Columbia.

RICHARD NIXON.

THE WHITE HOUSE, *October 9, 1973.*

## 1972 ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-122)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed with illustrations:

*To the Congress of the United States:*

The 1972 Annual Report of the Department of Housing and Urban Development is herewith transmitted to you.

RICHARD NIXON.

THE WHITE HOUSE, *October 9, 1973.*

## THE WAR IN THE MIDDLE EAST

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

Mr. ADDABBO. Mr. Speaker, once again, we see the Middle East plunged into brutal and unnecessary warfare. Once again, the best efforts of international diplomacy have yielded to unreasoning hatreds, and innocent people go to their deaths for it.

There will be no winner in this latest series of battles between Israel and its enemies, no matter which side is forced to give ground. Death and destruction make losers of us all, just as they do for those persons who will die or be maimed in the actual fighting.

I, of course, support the resolution offered by the gentleman from Massachusetts, our majority leader (Mr. O'NEILL) and the resolution offered by Mr. LEHMAN of Florida. It is the least this Government can do to help Israel repel yet another invasion of its territory.

The hopes and dreams of a better life for all the persons of the Middle East cannot ever be realized until some way is found to maintain a permanent peace in that part of the world.

We must help find a way that will force all political leaders everywhere to realize that aggression is not the way to stability.

I urge President Nixon to do everything within his power, as I know he is doing, to halt this latest outbreak of fighting as quickly as possible. But when that is accomplished, I would hope that in some way the assembled nations of the world could find a way to force the nations of the Middle East to live without constant fighting, and sit down together to work out their differences without ouside interference, which Israel has sought these many years. I do not expect miracles, and there is no way to force people to like what must be done. But it is in the interests of all people everywhere to halt war. Nowhere is it more important than in the Middle East.

## ISRAEL ONCE AGAIN IN COMBAT FOR ITS SURVIVAL

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

Mr. BINGHAM. Mr. Speaker, once again the State of Israel is locked in combat for its survival. It is hard to find words to express our revulsion that the attack against this State occurred on Yom Kippur, the most sacred day in the Jewish calendar.

The U.S. representatives at the United Nations have done well in calling for a cease-fire on the lines of October 4 and I trust that the administration will continue to maintain that position.

But more action is needed. There is evidence that the fight so far has been hard. The Soviet-supplied SAM missiles have been effective against the Israeli planes. It is urgent that the United States should speed delivery to Israel of the planes we have already agreed to supply them with.

I would support the gentleman from Florida (Mr. LEHMAN) in a resolution he will offer calling for such urgent delivery and for loans of those planes we have contracted to deliver but which have not yet been constructed.

It is important that we maintain the position that direct negotiations between the Arabs and Israelis will represent the solution to the conflict. The proposal offered by the gentleman in the other body, the chairman of the Foreign Relations Committee, is wholly unrealistic and deserves no support.

Mr. Speaker, the following is the text of a telegram which I sent to the President on this urgent matter today:

President RICHARD M. NIXON,
*The White House,*
*Washington, D.C.:*

The despicable attack by Egypt and Syria on Israel requires strong and immediate action by the United States. Your efforts in the United Nations to obtain a cease-fire and a return to the October 4, 1973, lines are commendable, but the present make-up of the Security Council makes effective actions by that body unlikely. The United States must make sure that Israel continues to have sufficient planes, tanks and other military equipment so as to be able to repel the Arab aggression and to defend the security of Israel in the future. To that end I have joined with a number of my colleagues in urging that deliveries of American planes and tanks already contracted for be speeded up. The completed Phantom and Skyhawk jets should be delivered immediately. As for those planes which are contracted for but which have not yet been built the United States should make equivalent planes available on a loan basis from our existing stocks.

Congressman JONATHAN B. BINGHAM.

## The GREAT PROTEIN ROBBERY: NO. 5

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

Mr. STUDDS. Mr. Speaker, on June 13, I introduced a bill, H.R. 8665, to extend U.S. fisheries jurisdiction to cover coastal species out to 200 miles from our coast, and to cover anadromous species such as salmon throughout their migrations, except in the territorial seas and fishing zones of other nations. This bill was filed simultaneously in the Senate by Senator WARREN G. MAGNUSON of Washington. This legislative action was taken in direct response to a current and urgent crisis—the serious depletion of our marine resources by steadily increasing foreign fishing in the waters off our coasts.

This bill is designed as an interim measure, pending international agreement on expanded fisheries jurisdiction at the upcoming United Nations Law of the Sea Conference. In view of the difficulty of international negotiation, and recognizing that a period of several years will pass after signature of the agreement before it will be ratified and thereby enter into force, I believe it is imperative to establish, in the interim, effective conservation measures to protect and preserve our protein-rich marine resources.

It is important to realize that H.R. 8665 would not extend our territorial sea, nor would it affect merchant trade, navigation, or any other rights that now exist under international law. But it

most definitely would allow us to regulate foreign fishing in our coastal waters and preserve our marine resources as an essential source of protein for years to come for all the people of the world. This legislation, in short, would stop the great protein robbery by massive foreign fleets occurring right now off our shores.

## BANKING AND CURRENCY COMMITTEE APPROVES AUDIT OF THE FEDERAL RESERVE SYSTEM

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

Mr. PATMAN. Mr. Speaker, last Thursday, on a 21-to-8 vote, with 4 voting present, the Banking and Currency Committee reported out a bill calling for a full audit of the Federal Reserve System by the General Acounting Office. This a major step forward in requiring accountability by the Nation's monetary managers.

It has been a longstanding disgrace that this agency, which handles billions of dollars of public moneys annually, has been exempt from the scrutiny of any outside audit for so many years. The members of the committee have made a highly commendable move in protecting the public's right to know in this most vital area of Government operations.

The efforts to gain an audit have been in the face of emotional and, at times, unreasoning, opposition from the banking community and the Federal Reserve Board. They have been able to block it for many years, but at long last we are getting broad support for an audit.

Mr. Speaker, I am hopeful that the House will ratify the committee's action. Approval by the Congress will lift a veil of secrecy that has shrouded the Federal Reserve System for 60 years.

It is nothing short of amazing that this agency has been able to shut out the GAO and maintain this deep secrecy in view of the magnitude of public moneys which it handles.

The 20 bond dealers who handle the Federal Reserve's Open Market Committee operation deal in more than $738 billion in Government securities annually—three times the volume of the New York Stock Exchange and yet we have left all of this unaudited.

## THE MILITARY ALL-VOLUNTEER CONCEPT—SIXTH SEGMENT

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

Mr. MONTGOMERY. Mr. Speaker, to continue my 1 minute, I have noticed that Israel has completely mobilized its reserve units, but back here in the United States Fred Hoffman of the Associated Press has filed a story that the Pentagon has started another study on ways and methods to make further cuts in the Reserve and National Guard.

Col. Jake Carlton, of the Reserve Officers Association, in a press release said the cuts in the Army Reserve and the Army Guard could be as much as 48,000 personnel.

There is another study in the Pentagon to eliminate nine Air Guard squadrons and to disband the Naval and Marine Reserve Aviation program. In the Senate there has been talk of legislation to let the Air Guard absorb the Air Reserve.

Mr. Speaker, in my opinion one of the best buys the taxpayers receive is a well trained guardsman and reservist. On the average we pay him for about 63 days of training a year.

Mr. Speaker, we need another study by the Pentagon about as much as I need another hole in my head.

## AN ATTACK UPON CONGRESS

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

Mr. WOLFF. Mr. Speaker, I rise to respond to an attack upon the integrity of the Congress of the United States this past Sunday on "Face the Nation."

To respond to such a ridiculous charge may be thought by many to lend substance to its utter fiction.

But to debase the institution of the Congress of the United States by charging that it is controlled by some "sinister external Zionist force" is to impair the entire Congress' credibility and challenge individual Members patriotism.

At a time when this Nation still suffers the trauma of a recent war and at a time when the institution of the Executive is perched precariously as it is, for one to further weaken public faith in the Congress, the last hope of the people, stands as an act of irresponsibility and wanton disregard for the best interests of this Nation.

## PREJUDICE IN THE U.N.

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

Mr. SIKES. Mr. Speaker, the United Nations, which seldom takes actions worth noting, is maintaining its reputation for negativity. Outside of voting against U.S. objectives, which it does frequently, it has little that can be called consistent policy.

The U.N. supervises some world organizations which have made creditable accomplishments. They probably could be carried on as well without the topheavy overhead of the U.N. This we should explore. We are hooked on minimum payments of 25 percent to U.N. costs, however exorbitant they may be. Neither the administration nor the leadership in Congress has shown a disposition to cut the amount of these payments. Taking the world organizations such as those on food and children out of the U.N. would be a way to insure savings.

The U.N. now has another opportunity to take a firm stand on bringing peace to the Middle East. Additional platitudes are anticipated but the U.N. is almost certain to take no meaningful steps.

Last week, the delegations of 101 of the U.N.'s 134 member states walked out when South Africa's foreign minister delivered a speech. This rank show of prejudice does little to improve confidence in the U.N. It is simple courtesy to hear out a speaker, even when you do not agree with him. Prejudice in the U.N. is out of place.

Until the U.N. begins to measure up to the responsibilities entrusted to it, where is there justification for refusals to look seriously at its reason for being?

## ARAB-ISRAELI CONFLICT

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

Mr. LONG of Maryland. Mr. Speaker, in the last few days there has occurred an act of aggression of which the whole world cannot fail to take notice, the attacks on the forces of Israel. This war was not of Israel's will or initiative and the peace was shattered on Israel's holiest day, Yom Kippur, the Day of Judgment.

The fact that this was a surprise attack on Israel has been very costly to Israel. In these just 4 days of war, the Israel Embassy has just informed me the was has cost Israel $1 billion. In other words, one-fifth of the entire annual gross national product of Israel has gone down the drain there for 4 days of war.

The Israelis need help. This attack by Egypt and by Syria and by the various other Arab nations that joined with them is not a limited attack. It is obvious that the Arabs seek to gain back all their territorial losses and to destroy Israel if they can.

Syria and Egypt have committed all their forces; all are amassed at the battle line, and the one country which can give Israel help is the United States.

This Congress and the entire American community has no alternative but to give all the help to Israel that it possibly can. The survival of Israel, the spiritual home of 16 million of the world's most gifted people, is now at stake.

## ARAB-ISRAELI CONFLICT

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

Mr. MEZVINSKY. Mr. Speaker, I strongly support all efforts to bring an immediate halt to the senseless bloodshed in the Middle East and a return to the 1967 cease-fire lines. I urge the administration to continue its efforts to convince all parties involved of the necessity of face-to-face negotiations. Warfare and propaganda have failed again and again to resolve this dispute. The time for negotiation is long past due.

## PIPELINE CONFERENCE COMMITTEE

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

Mr. MELCHER. Mr. Speaker, progress is gradual on the pipeline conference

committee. There are differences of vast amounts between the House and Senate versions of the bill. There are nongermane amendments in the Senate version, many of which have merit and which the House conferees will want to give serious consideration to.

On protecting the environment, the House version of the bill is much better, both as general legislation and as it affects the oil-gas pipelines of the country and also the trans-Alaska pipeline.

In open committee hearing before the Committee on Interior and Insular Affairs, and in extended free debate here on the House floor, we made our position on environmental protection superior to that which was passed by the Senate.

The recent communication from the Department of the Interior in reply to Senate inquiries on the trans-Alaska pipeline would result in watering down the House version to protect the environment.

I believe the House conferees, in upholding the House position, should hold strongly on these environmental points.

## ISRAELI-ARAB WAR: A NEW TRAGEDY

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, I support and urge the speedy adoption by the House of the O'Neill-Ford resolution introduced today deploring the tragic outbreak of hostilities in the Middle East and calling for an immediate cease-fire and a return of Arab and Israeli forces to the position they occupied before the Arab nations' surprise attack began on Saturday.

This shocking aggression came on the Jewish peoples' most sacred day, Yom Kippur, the Day of Atonement. This is a day when the people of Israel were in prayer and fast, and vulnerable to attack and temporary loss of ground.

While we pray for a quick end to the fighting and mourn over the loss of so many lives, we once again must admire the courage, strength and determination of the Israeli people as they unite to defend their tiny nation's right to exist within secure and defensible borders. I am also proud of the response among thousands of New Yorkers as they unhestitatingly give their blood, their financial and moral support to the embattled Israelis.

In the midst of uncertainty about the outcome of this renewed warfare, it is clear that the longer the fighting goes on, the more difficult it will be to contain the battles and the more remote the hope of reaching a reasonable solution and a genuine turn toward a lasting peace.

The initial contacts between President Nixon and Soviet leader Leonid Brezhnev and their statements looking toward containment of the fighting have been somewhat reassuring. In the spirit of détente, the Soviet Union should join the United States in supporting a return to the cease-fire lines that had kept the Middle East in a state of relative stability since the 1967 war.

Once peace is restored, the United Nations, the United States and the other major powers must use all the diplomatic means at hands to obtain direct negotiations between the Arab nations and Israel to work out an enduring political settlement for the Middle East.

In the meantime, it is also urgent that our Government continue to fulfill its commitments to the Government of Israel and I therefore join in cosponsoring a bill today by Representative LEHMAN calling for an acceleration of shipment of aircraft which we have contracted to send to Israel. This is especially necessary now because of the reported loss of Israeli aircraft due to the Egyptian and Syrian aggression.

## DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 581

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9682) to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes, and all points of order against sections 202, 204, 713, 722, and 731 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the text of the bill H.R. 10597 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. If said amendment in the nature of a substitute is not agreed to in the Committee of the Whole, it shall then be in order to consider without the intervention of any point of order the text of the bill H.R. 10693 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. If said amendment in the nature of a substitute (H.R. 10693) is not agreed to in the Committee of the Whole, it shall then be in order to consider without the intervention of any point of order the text of the bill H.R. 10692 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. At the conclusion of the consideration of H.R. 9682 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9682, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 1435, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9682 as passed by the House.

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 501]

| | | |
|---|---|---|
| Alexander | Dorn | Jarman |
| Anderson, Ill. | Eckhardt | Lent |
| Andrews, N.C. | Esch | Lott |
| Ashbrook | Eshleman | McEwen |
| Badillo | Evans, Colo. | Madigan |
| Biaggi | Evins, Tenn. | Mailliard |
| Brooks | Fish | Mezvinsky |
| Brotzman | Flynt | Mills, Ark. |
| Brown, Ohio | Foley | Minshall, Ohio |
| Buchanan | Ford, | Moorhead, Pa. |
| Carter | William D. | Moss |
| Casey, Tex. | Frelinghuysen | Murphy, N.Y. |
| Chisholm | Frey | Reid |
| Clark | Gettys | Riegle |
| Collier | Goldwater | Rooney, N.Y. |
| Collins, Ill. | Griffiths | Sandman |
| Conyers | Guyer | Sisk |
| Coughlin | Hanna | Treen |
| Crane | Heckler, Mass. | Wilson, Bob |
| Cronin | Heinz | Wydler |
| Davis, Wis. | Holifield | Wylie |
| Denholm | Hudnut | |

The SPEAKER. On this rollcall 370 Members have recorded their presence by electronic device, a quorum.

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

## SHATTERED PEACE IN THE MIDDLE EAST

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

Mr. BURTON. Mr. Speaker, peace in the Middle East was once again shattered as Syrian and Egyptian troops launched an attack on Israel this past weekend on Yom Kippur, the most holy of the Jewish holy days.

The New York Times pointedly opened its editorial, "Suicidal Course" this morning with these words:

By deluding themselves once again into military adventurism as a cure for political frustration, the leaders of Egypt and Syria seem to have succeeded only in placing themselves and their peoples—as well as peoples in many lands . . . in great peril. They risk emerging from the conflict they sparked in a posture far worse than before.

Every single hour's delay in terminating the combat brings not only more human tragedy to Arabs and Israelis alike; it could push any political resolution of the 25-year confrontation ever deeper into a troubled future.

Egypt and Syria have flagrantly violated the cease-fire. Their aggression is in direct contrast to the restraint repeatedly shown by Israel in the face of months of military buildup by her Arab neighbors. Israel has responded to attack. She seeks

only to protect her people from this latest Arab onslaught.

The road to peace, Mr. Speaker, is not the path of armed conflict; nor will peace be achieved by more death and destruction. Peace in the Middle East now, as over the past 25 years, can only be achieved by negotiation between the nations directly involved. Israel has repeatedly demonstrated restraint under great military pressure from the Arab world. She has repeatedly demonstrated her willingness to negotiate directly with her Arab neighbors so as to lessen tensions. If we are to have the possibility of lasting peace in the Middle East. Such negotiations are now imperative.

## DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

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

Mr. Speaker, this rule which was reported from the Committee on Rules last week provides for an open rule with 4 hours of general debate on this bill, the so-called home rule bill, H.R. 9682. It waives points of order routinely and necessarily against sections 202, 204, 713, 722, and 731 of the bill for failure to comply with the provisions of clause 4, rule XXI, which have to do with appropriations language not being in order in such a bill. It provides that it shall be in order to consider without the intervention of any point of order the text of three substitutes which may be offered as amendments. No. 1, the so-called Broyhill substitute, is H.R. 10597. The second, the so-called Green-Nelsen substitute, is H.R. 10693, and the third, the so-called Nelsen-Green substitute, is H.R. 10692.

The rule also provides for getting the bill to conference by substituting under the Senate number the language of the House-passed bill. It occurs to me that it might be helpful if I tried to outline what I understand to be the actual parliamentary situation in addition to the more or less technical situation provided for by the rule.

I am well aware that this may not stand up, but when the rule came out, I felt very strongly that given the circumstances that existed, the bill should not be considered under the rule, but I have called it up, and I am supporting this rule because of the developments which have taken place since.

When it came out the provision requiring that it be read by section seemed to me an ideal vehicle for obstructionism. I have had some opportunity to observe bills handled under a section-by-section reading and under a reading by title and I felt very strongly that it was preferable for anything as controversial as the committee reported bill to be read in the more orderly fashion of by title rather than by section.

Since that time, since my very strong objections to that rule were stated, a number of developments have taken place, and without in any way suggesting that the Broyhill substitute and the Green-Nelsen substitute are not in order and need not be taken seriously, I would suggest that at the moment the situation apparently is one in which the committee bill is solely a vehicle for the consideration of two substitutes. The first is the substitute to be offered by the gentleman from Minnesota (Mr. NELSEN) and the other is the substitute to be offered by the chairman of the committee, the gentleman from Michigan (Mr. DIGGS) with the support of a majority of the Committee on the District of Columbia. I would like to insert in the RECORD first the statement which appeared in the RECORD on yesterday by the gentleman from Michigan (Mr. DIGGS) describing the changes from the committee bill of his new bill and also a "Dear Colleague" letter of October 9 signed by a significant number of the members of the Committee on the District of Columbia, including the distinguished chairman of the Committee on the District of Columbia, describing the differences between the original bill and the substitute to be offered by the gentleman from Michigan (Mr. DIGGS).

Mr. Speaker, I ask unanimous consent to insert certain relevant material in the RECORD.

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

There was no objection.

[From the CONGRESSIONAL RECORD, Oct. 8, 1973]

STATEMENT BY HON. CHARLES C. DIGGS, JR.

Mr. Speaker, because of the unusual parliamentary situation, the original committee sponsors will offer an amendment in the nature of a substitute during the floor debate on H.R. 9682, the self-government bill for the District of Columbia.

The substitute contains six important changes which were made after numerous conversations and sessions with Members of Congress and other interested officials and citizens. These changes clarify the intent of H.R. 9682 and accommodate major reservations expressed since the bill was ordered reported last July.

Other than these changes, the committee substitute follows the committee bill, H.R. 9682.

The changes made by the substitute are as follows: First, budgetary process—no change in the congressional appropriation role; second, change election for Mayor and City Council from partisan to nonpartisan; third, authorization of power for the President over the local police in an emergency; fourth, further Federal oversight re the City Council; 30-day layover for effective date of legislative actions of the City Council; Presidential authority to sustain veto by the Mayor.

Fifth. Judiciary: Continued Senate confirmation of judges; automatic reappointment for judges rated "well qualified" or "exceptionally well qualified" by the tenure commission; and

Sixth. Reservation of congressional authority; additional limitations on City Council; Prohibit Council from changing functions or duties of District of Columbia U.S. attorney and District of Columbia U.S. marshal; prohibit changes in statutes under titles 22, 23, 24 of District of Columbia Code—the Criminal Code.

It is agreed by the committee members who have carefully fashioned this bill after months of hearings and weeks of markup sessions that the bill will now carefully balance the local interest and Federal interest in the Nation's Capital. I trust the House will agree and give approval to this bill for an effective new government for Washington, D.C.

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U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., October 9, 1973.*

DEAR COLLEAGUE: Because of the unusual parliamentary situation regarding H.R. 9682, the Self-Determination bill for the District of Columbia, the undersigned Members of the D.C. Committee will offer an amendment in the nature of a substitute during the Floor debate.

The Committee substitute contains six important changes which were made after numerous conversations and sessions with Members of Congress and other interested parties. These changes clarify the intent of H.R. 9682 and accommodate major reservations expressed since the bill was reported out.

They are as follows:

1. Budgetary process. Return to the Existing Line Item Congressional Appropriation Role.

2. Change Election for Mayor and City Council from Partisan to Non-Partisan.

3. Authorize the President in an Emergency to Take Control of D.C. Police Force.

4. *Further* Federal Oversight re City Council:

(a) Require a 30-day Lay-Over for Effective Date of Legislative Actions of the City Council.

(b) Give the President Authority to Sustain the Veto by the Mayor When Overridden by the City Council.

5. Judiciary:

(a) Require Senate Confirmation of Judges.

(b) Provide for Automatic Reappointment for "Exceptionally Well Qualified" and "Well Qualified" judges as determined by the Commission on Judicial Disabilities and Tenure.

6. Reservation of Congressional Authority—*Additional* Limitations on Council:

(a) City Council Prohibited from Changing Functions or Duties of U.S. Attorney and U.S. Marshal in D.C.

(b) City Council is prohibited from making changes in Statutes Under Titles 22, 23 and 24, of the D.C. Code—the Criminal Code.

Other than these changes, the committee substitute follows the committee bill, H.R. 9682.

For further information the undersigned, their staffs and the staff of the House District Committee welcome your inquiries.

Sincerely,

Charles C. Diggs, Donald M. Fraser, Thomas M. Rees, Brock Adams, Walter E. Fauntroy, Romano L. Mazzoli, James J. Howard.

Les Aspin, John Breckinridge, Fortney H. (Pete) Stark, Gilbert Gude, Charles B. Rangel, Henry P. Smith, III, James R. Mann, Stewart B. McKinney.

I hope that this matter is going to be considered in an orderly fashion. I hope that the real contest which exists will lend itself to orderly consideration, and it is basically for this reason that I have described that I support the passage of this rule. Under other circumstances I might have opposed it, but I have the impression, and I hope it is a valid impression, that this is going to be considered in an objective, orderly and serious fashion. It is a terribly serious issue and it deserves orderly consideration, and I hope that is what it is going to get under this proceeding and with these developments. I hope the Members will take the time to take a look prior to the debate on the amendments at the changes that have been made and the choices that are presented.

Mr. Speaker, I think this rule should be adopted.

I reserve the balance of my time.

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

Mr. BOLLING. I yield to the gentleman from California.

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

Mr. Speaker, I want to get this straight in my mind. The bill H.R. 9682, which is the committee bill, the gentleman has observed is merely a vehicle. Is that the gentleman's observation?

Mr. BOLLING. Mr. Speaker, my observation is that from a parliamentary point of view it is the way in which the matter comes before the House. The committee bill is really not a bill which is at issue because the chairman of the committee and a majority of the committee have accepted very substantial changes which are contained in a substitute which will be offered by the chairman of the committee, and that as I understand it is where the real contest will come, between the so-called Nelsen proposal and the substitute bill to be offered by the gentleman from Michigan (Mr. DIGGS).

Mr. KETCHUM. If the gentleman will yield further, is the substitute offered by the gentleman from Michigan, the chairman of the committee, in this document I hold called the committee print?

Mr. BOLLING. I would anticipate that it is. I have not looked at that particular document, but there is a committee print.

The material that I propose to insert details the changes which I presume are contained in that committee print.

Mr. KETCHUM. Would then a committee print be the result of activity of a meeting of that committee to agree that a committee print be made?

Mr. BOLLING. I do not believe that that necessarily is so. There are a great many committee prints that are the product of an order by the chairman that there be a committee print.

Mr. KETCHUM. Would it be normal that the chairman of that committee would notify the members of that committee that such activity was taking place?

Mr. BOLLING. The gentleman now speaking is certainly not in a position to comment on that, because of the fact that he does not have any detailed knowledge of the rules of the Committee on the District of Columbia, the manner in which the Committee on the District of Columbia operates, and the point the gentleman is trying to get at. I am just simply not competent to answer that question.

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

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

Mr. Speaker, I might say that if anybody in this House knows which bill he is for on home rule right now, I would like to have him raise his hand, because we now have a committee bill, a committee print, through substitutes made in order by the Rules Committee and everybody has an amendment.

When this legislation was before the Committee on Rules, we did look into it very intensively for 3 days. I might say, Mr. Speaker, since I have been on the Rules Committee, I do not believe we have ever heard a bill where there was such a divergence of opinion among committee members as to what was in the bill reported to the Committee on Rules. Yet, we were supposed to act responsibly on it and report a measure back to the House for action.

In interrogating the chairman of the committee, he revealed that he had several amendments to the bill notwithstanding the fact that his committee was supposed to have spent 6 months preparing it for House consideration. Other committee members have amendments they are going to offer. Now we find after the Committee on Rules has acted on this legislation, H.R. 9682, the bill reported by the committee after some 6 months consideration, the District Committee has suddenly come up with another bill they call a committee print.

I was quite taken aback by the colloquy which just preceded me.

Is it true, Mr. Speaker, that not one Member of the minority was notified that the committee was going to have a meeting to report out a new committee bill. If so, it is a violation of the committee's own rules.

Under the rules of the Committee on the District of Columbia, this so-called closed meeting had to be voted on by the members of the committee. So how can they possibly present a committee print to this House without violating the rules of the House?

Mr. Speaker, I do not think that we do this House proud by following a procedure such as has taken place during the committee consideration of this bill.

In the last week we have been advised after the fact, if you please, of various clandestine meetings which have taken place behind closed doors on this bill.

I am astounded—I am astounded that the people's House—and this is the people's House—would undertake to consider legislation affecting the Federal city of these United States under such circumstances. I deplore such behind the scenes activity.

Mr. Speaker, I think that the best thing that we could do for the honor of this House, to do justice to this so-called home rule bill, is to send the bill back to the committee, let it open up its doors to the public, let the proponents and opponents appear to testify, and then let it decide what is best for the people of the United States and for the people of the District of Columbia.

The committee members do not know what is in this committee print. The Members of the House do not know. I dare say not more than one or two or possibly three Members of the House have read this so-called committee print which I now have in my hand. It was not made available to any one until today.

Is this the way to legislate? I believe not.

Mr. Speaker, I call attention to the fact that Members who appeared before our committee testifying on various sections of this bill ought to have time in which to prepare themselves. I was astounded when I interrogated a member of the committee who indicated he had spent most of his time on the bonding section of this bill. I have reference now to H.R. 9682. He apparently did not know the Federal payment will be first obligated to the payment of any bonds which may eventually be levied under the authority contained in this legislation.

I call attention, Mr. Speaker, to page 74 of the bill considered in the Rules Committee, H.R. 9682. The language starts at the bottom of page 74:

> To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

Mr. Speaker, I picked up the committee print to find out whether that language was contained in this new bill that the committee wishes the House of Representatives to consider today. I would like to quote from page 72 of this so-called committee print, the same language:

> To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

This means that the Federal payment, we are going to be voting here in the House of Representatives year after year, would first become obligated to make up any deficit in the sinking fund to be used to pay bonds before being used for any other purpose. The so-called bonding authorities did not know this provision existed.

I wonder who wrote this bill?

Mr. Speaker, this legislation deserves a good, hard look by the Members of this House, because it is important legislation. We are dealing with our Federal City. This is the city of all the people of these United States. It does not belong to the District of Columbia Committee or to the people who happen to reside here. This city belongs to the people of the United States, and let us not forget it. It is the Capital for all the people.

Mr. Speaker, there are so many things needing clarification in this bill, so many things in need of light, that the Rules Committee granted the 4 hours of debate rather than the requested 2 hours.

Mr. Speaker, we have made in order three different substitutes.

We are going to read this bill section by section. There was even objection to doing that. The proponents wanted to read the bill by title only. Certainly the Members have a right to know what is in this bill. To acquaint them with its contents, since it is apparent we will have to write this legislation on the floor, the bill must be read section by section.

After this House finishes its work, we will be asked to vote on conference report, Mr. Speaker. I am forced to ask, has the conference report already been agreed on?

I do not know if a story which appeared in the Washington Post, Tuesday, October 9, can be believed. The story quotes the chairman of this committee.

It reads as follows:

> Diggs said he and Senate District Committee Chairman Sen. Thomas Eagleton (D. Mo.) "have an understanding of the product we will consider once it gets to conference.

If a home rule measure passes the House, difference between that bill and the Senate-passed measure will have to be worked out in a conference between the two Houses of Congress. The Senate bill would give the City Government substantially more authority than the new amended version of the House bill.

Further quoting from the article, it reads as follows:

"When it gets to conference, we will be fighting for the strongest bill we can get," said Diggs.

Now, that is pretty clear. What happens to this clandestine committee print now before this House when it gets into conference? Are we now wasting our time considering it?

Mr. Speaker, let me just point out a couple of things in conclusion. There is a provision in this bill, H.R. 9682, which would grant unlimited reprograming authority to the District of Columbia over all funds, including those previously appropriated and unobligated. No requirement is included in the bill for prior congressional notification, approval, or consultation.

The provision that would grant this unprecedented authority is contained in section 449, and it reads as follows:

The Mayor, with the approval of a majority of the Council, may provide for (a) the transfer during the budget year of any appropriation balance then available for one item of appropriation to another item of appropriation, and (b) the allocation to new items of funds appropriated for contingent expenditure.

Mr. Speaker, we know that departments of the Federal Government do not have such authority as would be granted under this language, and I must admit, not having had the time since I came on the floor to read this new committee print, that I do not know whether this authority is contained in it or not. Hopefully, this authority is not in that committee print and will not be in any legislation that might pass this House.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I did not arrive here until after the first remarks were made concerning the rule under which we are operating.

Do I understand that the committee print now is to be the bill that is to be considered under the 5-minute rule.

Mr. LATTA. Mr. Speaker, in answer to the question asked by the gentlewoman, we have not amended the rule, we have not had another meeting of the Committee on Rules, and the only way they can offer it is as an amendment.

Mrs. GREEN of Oregon. An amendment to another bill?

Mr. LATTA. An amendment to H.R. 9682.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield further?

Mr. LATTA. Certainly.

Mrs. GREEN of Oregon. Mr. Speaker, may I say to my colleagues that I shared the concern of the gentleman who is in the well when I read the morning paper and the quotation attributed to the chairman of the committee that had already discussed the conference product with Senator EAGLETON. Before the Members of the House have even had a chance to debate the bill, before we have even had a chance to cast any votes on the bill or any amendment, before we have had any chance to make any decision, there has apparently been an agreement about what the conference product will be.

I suggest to the House that from my experience of serving on conference committees, I have seen how substitutes that have been adopted by overwhelming majorities in the House were just simply washed down the drain, and all of the action, 3 or 4 or 5 days in House debate and votes, has been done away with.

It seems to me that there is no more important change in the rules of the House than that those Members who sincerely—actively support a substitute bill which is successful shall be the majority of the conferees.

I say that knowing full well that there must be compromise between the other body and the House. However, when the majority of the conferees are opposed to the action taken by the House and it is given away in the conference with the Senate, we might just as well save ourselves today and tomorrow and whatever other time is taken in debate.

I seriously suggest to the House, not just with respect to this bill but with respect to all bills, that we immediately petition the Speaker of the House and the minority leader—more than half of the Members of the House—so the majority of the conferees of the House will be those who actively and sincerely supported the substitute bill, whatever it is, that was adopted in the House, until such time as an official rule can be adopted that would require this under the rules of the House.

It seems to me if over half the Members of the House would sign such a petition, all Members would somehow to be protected when we go to conference and not have decisions made before we even have a chance to vote.

I thank the gentleman.

Mr. LATTA. Mr. Speaker, I thank the gentlewoman.

Let me say that the gentlewoman was before the Committee on Rules and convinced this Member that we should seriously consider a Federal enclave as provided in her bill.

We should protect the Federal property. The gentlewoman's bill would protect that property without involving any private property. Under the provisions of H.R. 9682, in case of a riot, I would fear for the city as the President would not have the authority to mobilize the police force of this city as he may see fit.

I understand that they have taken some corrective measures in this area in the committee print, but once again I have not previously been shown a copy of it and therefore cannot comment on it.

There are so many things in this legislation which need explanation and full discussion: I am firmly convinced the only way Members can become knowledgeable on this very important piece of legislation is to send it back to the committee and let committee hold public hearings.

Mr. Speaker, I reserve the balance of my time and I now yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, the bill that this rule makes in order is the most far-reaching, complicated, and confusing bill that this House has had the opportunity to consider for a long time.

It will change the constitutional structure of the Nation's Capital, it will erode the Federal interest therein, and it will invade the rights of 209 million people insofar as their interest in this Nation's Capital is concerned, merely to turn over the rule and the control of this city to 750,000 people.

There are 132 pages in this bill, and I submitted to the Committee on Rules that it was not understood by the sponsors of the legislation, who caused letters to be sent to the various congressional districts by the League of Women Voters and by Common Cause and many other organizations telling the Members of this body to support this bill if they favor self-government.

These people did not even understand what was in the legislation.

Now we are told that an attempt will be made to rewrite the bill on the floor of the House, after it was subjected to 6 months of so-called thorough consideration by the Committee on the District of Columbia.

The gentleman from Ohio (Mr. LATTA) referred to yesterday's drafting session as a clandestine meeting. It was certainly not a meeting of the House Committee on the District of Columbia. I am a member of the minority of that committee, and I did not receive a notice of any meeting. The ranking minority member on the committee, the gentleman from Minnesota (Mr. NELSEN) did not receive a notice. But I understand that this clandestine meeting was attended by some people from downtown who were up here telling the sponsors of this latest version of the bill what to put in the substitute measure. So we will be called upon to take this substitute, this clandestine committee bill, as a substitute.

I say it is a confusing piece of legislation.

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

Mr. BROYHILL of Virginia. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, the gentleman referred to a meeting, and I would ask the gentleman from Virginia whether the press was excluded?

The press was excluded from the meeting where they were drafting the new bill but was attended by people from downtown who were not members of the committee.

Mr. BROYHILL of Virginia. The press was excluded. But they did include people from downtown who were not Members of the Congress or of the committee.

I say to the Members that this is a confusing substitute being brought forth at the last minute by the sponsors of the original committee bill, which was

supposedly used as a yardstick to measure whether we as Members of the Congress were supporting self-government for the people of the District of Columbia.

I say to the Members that this is an act of intellectual dishonesty and of arrogance. We even had one Member of the body ask the chairman of the National Democratic Committee to threaten the seats of various Members of this body if they did not vote to pass the original bill, lock, stock, and barrel.

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

Mr. BROYHILL of Virginia. If the gentleman will permit me to conclude my statement I will then yield to the gentleman from Minnesota.

Mr. Speaker, I submit that there are many alternatives available if we are sincerely interested in self-government, or a voice in the management of their affairs for the people of the District of Columbia. There are many alternatives that would protect the Federal interests, and that is what most of us are concerned with.

So we are considering right now making three alternatives in order. They are offered sincerely, and each one of those alternatives does protect the Federal interest and will provide a maximum voice for the people in the District of Columbia, consistent with that interest.

Mr. ADAMS. Mr. Speaker, would the gentleman yield on the rule, and on the gentleman's particular amendment for a question?

Mr. BROYHILL of Virginia. I will be glad to yield to the gentleman from Washington when I have finished my statement.

The main objection of the supporters of the committee bill to these alternative measures is that they will deny the people of the District of Columbia control and rule of the Nation's Capital. But these alternatives do provide a proper voice for the people of this city. If we are sincere and want to provide that voice and at the same time protect the Federal interest in this Federal City, then I suggest we choose one of those alternatives that will be offered later in the course of our consideration of this bill.

So far as my part in these proceedings is concerned, I will not vote for any bill that will deny to the people I represent, and all other American citizens, their right of control and voice in the management of our Nation's Capital.

Now, Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I just want to make the record very, very clear that the reason the supporters of the original bill met to discuss some changes was because the rule that came out of the Committee on Rules forced us to move to a substitute because changes we desired to make could not have been made in the main committee bill. I am sure the gentleman from Virginia is enough of a parliamentarian to understand that.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Speaker, would the gentleman from Virginia (Mr. BROYHILL) remain on the floor for a moment so that I might ask the gentleman a question regardng the rule?

Mr. Speaker, one of the problems that we have involving the rule and that caused us to have the meeting was that the rule put in order three substitutes. It is a very unusual rule, and because of the nature of the rules of the House a substitute becomes in order at the beginning of the bill, and therefore the original bill would never be read; the substitute, whichever it might be, would be read.

I notice that the first substitute that is in order is referred to as H.R. 10597, which is the bill of the gentleman from Virginia (Mr. BROYHILL). So that we might know—and I do want the House to consider in an orderly fashion this matter because I think it is very important, as the gentleman from Ohio pointed out—we are trying to work with the rule appropriately. Is the gentleman going to offer his first substitute as provided in the rule? If he will so state to the Members, then the sponsors of the original bill can make a decision as to whether or not to offer a committee substitute to the gentleman's bill or to offer a committee substitute at some other point, either before or after the gentleman's bill.

We are trying to accommodate the House by having the original bill that we spent so many months on, read. I would say to the gentleman, after reading his bill, H.R. 10597, that it is almost identical to the committee bill in many respects. He reserved his rights before the committee, and this Member as the chairman of the subcommittee appreciates that. The other two substitutes that are proposed were never presented to the subcommittee, were never presented to the full committee, and we saw them first when the Committee on Rules met. Therefore, I cannot comment on those, but I do want to comment on the gentleman's substitute and find out if it is going to be presented so that the committee chairman and the other Members who sponsored the original bill can determine whether we want to sponsor a committee substitute on which way is the most appropriate way to proceed so that the House can work its will.

Mr. BROYHILL of Virginia. Is it the gentleman's intent and the chairman's intent to offer a clandestine, watered-down new version of the home rule bill in lieu of this bill which has been studied for 6 months and has so much tremendous support?

Mr. ADAMS. I will state to the gentleman from Virginia—and I will let the chairman speak for himself during general debate as to how he wants to proceed with the matter—that what we need to know first because the rule so provides—I am staying with the rule now rather than the substance; I will be happy to discuss the substance of the bill with all of the House on general debate, and that is what the 4 hours are for—we have the situation that H.R. 9682, which we worked on, will not be read if the gentleman's substitute is offered.

Therefore, our intention is to try to get before this body as closely as possible what the committee worked on with whatever changes are indicated.

The chairman has indicated it publicly, and will indicate in debate that the sponsors of the bill are willing to try to accept, in order to get a good bill before the House, basically H.R. 9682, and the gentleman's bill is basically H.R. 9682. So if he could help us out as to how we are going to present this, we could end up with H.R. 9682 that everyone is familiar with—and debate the gentleman's enclave section and the provisions of the chairman's substitute amendment. The House could work its will on that essential piece of legislation.

Mr. BROYHILL of Virginia. The main objective of the gentleman from Virginia is to offer to the Members of this House a constructive alternative to a bad committee bill. The gentleman has already admitted that they are offering a bad committee bill. I do not know what the gentleman has provided in his watered-down, clandestine bill. I do not think it is necessary for me to reveal my strategy at this moment.

Mr. ADAMS. Then the gentleman from Virginia has no present inclinations?

Mr. BROYHILL of Virginia. The gentleman from Washington is changing his strategy every day or every few minutes, so I do not know what strategy he wants.

Mr. ADAMS. I might state to the committee that again it was made very clear that at all meetings of the subcommittee, the open meetings, everybody was invited to appear before the committee who wanted to appear. All points of view were considered. The basic work product that has come out is H.R. 9682. The Committee on Rules in its wisdom decided to consider a substitute, and, therefore, we are trying to carry out the rule that was given.

The SPEAKER. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman from Missouri yield?

Mr. BOLLING. I yield 2 minutes to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Do I understand that all members of the House Committee on the District of Columbia were notified of a meeting yesterday or today?

Mr. ADAMS. There has been no meeting of the House Committee on the District of Columbia. The only meeting that has taken place was among the sponsors of H.R. 9682 when there was presented on Thursday a rule that authorized H.R. 10597, H.R. 10692, and H.R. 10693 as substitutes which would be read and considered before H.R. 9682, a committee bill, would not even be read.

Therefore then the sponsors of H.R. 9682 have attempted to decide how this can be presented with whatever changes the sponsors of it might want to make. There has been no meeting of the committee, any more than I do not know whom the gentleman has met with on his bill, and I assume the gentlewoman from Oregon and other people who have sponsored substitutes have met with their cosponsors and have decided how

they might want to present their bills under the rule which has been granted.

Mr. BROYHILL of Virginia. But why was it printed as a committee print? Is that to indicate that the committee has acted on this legislation?

Mr. ADAMS. Not in the least. If the gentleman is happier we would be happy to have placed on top of this document the words "the Diggs amendment" or "substitute" or whatever the gentleman might like. This is a committee document. It is an attempt to let the Members of the House know what is going to be done.

Mr. BROYHILL of Virginia. In order for it to be a committee print, would it not have to be authorized by the committee?

Mr. ADAMS. Certainly not. The gentleman could have a committee print created which is not authorized by a committee vote. The only bill out of the committee which has any meaning is the bill authorized by that committee.

Mr. BROYHILL of Virginia. Who authorized this committee print to be printed?

Mr. ADAMS. Certainly the chairman of the committee. If the gentleman wants one of his own printed, I am sure the chairman will authorize the printing of one for him.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I had not intended to take the time of the House during the rule, but there have been so many unfortunate misrepresentations that have been made in the past few minutes that I think it is important to set the record straight before we get into the general debate.

The first thing is to underscore what the gentleman from Washington said. The substitutes that will be before this committee first saw the light of day when the Rules Committee met. They were never presented to the subcommittee, they were never presented to the full committee, and they were never presented after the August recess, and they were never presented until the Rules Committee met, and then for the first time we had unveiled what the opponents were going to offer.

Let me make clear we had asked those who did not agree with the self-determination measure to come forward with their proposals, and we did not see them until the very last minute at the Rules Committee meeting.

The second point: We were forced to a substitute as a strategy, because under the parliamentary situation the main committee bill would never get read under the procedure that is required to be followed. Substitutes will be offered one after another at the beginning of the reading of the committee bill. The main committee bill would remain unamendable. We could not make any accommodations in it while we were considering those substitutes, and that, of course, would put the committee majority at an enormous disadvantage.

Finally it was the supporters of the bill who got together and decided on making six basic modifications. The six modifications are very easily understood. One gives back to the Appropriations Committee its full power and responsibility that it has today, the line item appropriation.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the minority leader.

Mr. GERALD R. FORD. Does that modified language include the authority of the Committee on Appropriations to reprogram, and it does not leave the reprograming in the hands of the city officials?

Mr. FRASER. The answer is that under the explicit terms of this committee substitute the Congress is able to attach whatever conditions it wants to in the appropriation measure. It says that explicitly.

Mr. GERALD R. FORD. Line item in the bill and the right to reprogram during the fiscal year?

Mr. FRASER. They can prohibit reprograming or they can limit it or they can define it in any way they wish.

The second change is to go from partisan elections to nonpartisan elections. This removes most of the problems about any modifications in the Hatch Act in order to permit employees of the Federal Government to run for local office.

The third change says that the President will take charge of the Police Department of the District of Columbia in any emergency.

The fourth change says that any action by the local City Council must lie over for 30 days in case the Congress wants to act to head it off. Another part of the change gives the President of the United States the right to sustain the Mayor's veto if the Mayor is overridden.

This came from the White House as a request and we have put it in the committee substitute.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, on the right of Congress to override, is there any procedure set up in the legislation where we are guaranteed the right to consider prior to the 30 days?

Mr. FRASER. The provision is that there is a 30-day lie-over and in the bill it explicitly makes clear the continuing authority of Congress to override any action that might be taken by the District; an action, I might say, we hope we will not have to exercise.

Mr. GERALD R. FORD. But there is no provision comparable to the ones that we now have on reorganization plans?

Mr. FRASER. There is in the case of changes to the basic charter of the city. If the City Council proposes a change in the basic charter and it is approved by the voters, it still may be vetoed by the House or the Senate within a fixed time period. I think it is 60 days, as I recall. The exact time is 45 days excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session.

The next change requires that appointments of judges be confirmed by the Senate, instead of the City Council, as was in the original committee bill, and provides that any judge that has served his 15-year term, who is found by the Commission on Judicial Disabilities and Tenure to be well qualified is automatically entitled to reappointment.

Then the City Council is prohibited from changing the functions or the duties of the U.S. attorney or the U.S. marshal, and the City Council is prohibited from making any changes in the criminal law applicable to the District. Changes in the three titles are forbidden.

These changes, we think, make the committee substitute very much more acceptable. We hope Members will listen attentively to a further description of it during the general debate.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker and Members of the House, I have been in the process of legislating since 1935. In all that time, I have never seen such a mixed up mess, as far as procedure of handling legislation important to the Nation is concerned.

Yesterday I heard rumors of a meeting going on, and I walked over to the minority office. Outside the door were cameras, all over the place. The press was irate about the fact they had been chased out of the meeting.

I said, "Do not feel bad. I have not been asked, either."

So now we get a print that we are supposed to digest and legislate on. There is criticism that we did not offer our substitute far enough in advance. My substitute was introduced on the 2d of October, and it came as no surprise to any member of the committee.

I told the members of the committee during the hearings that I was going to offer a bill containing many of the recommendations of the Nelsen Commission, and that I also had some ideas about how the City Council ought to be set up, which I would include.

So now we find ourselves faced with this situation. May I say, had my substitute bill been adopted, we would not have had to change anything. We did not disturb the court reform bill of 1970. The normal budget process was left intact. All the way through, each one of the major provisions that are now being patched up would have been taken care of. So I am surprised at the committee, who sat for such a long time with an adequate staff, while I sat over there with only a couple of staff people on our side.

Now we have to come in at the 11th hour with a print that the committee has really never reviewed, that some of us who are on the minority side were never even advised of, and have had to hear of by the rumor mill and what one read in the paper. And sometimes that has been misrepresented, I think, because I notice that one member was said to have agreed, and he told me that he never did.

I have noticed that even the White House has been listed as having agreed, and I do not believe that is true.

I do know about the substitute bill I am offering, however. The gentleman

from Florida (Mr. FUQUA) worked with me on the Commission. John Duncan, a former Commissioner, and Don Fletcher, former assistant to the mayor, and Mr. McIntire, from Baltimore, an expert on the subject, worked with us. We put a lengthy report and recommendations together and spent $750,000 of the taxpayers' money, and we sort of gave it little blessing. Our recommendations are partially treated in this home rule bill, but the recommended provisions have been changed in many instances.

I am reminded of the story of the girl who came in to buy the goods for her wedding dress. The clerk asked, "Is it your first or your second wedding?" She said, "It is my first, but what is the difference?" And he said, "At your first wedding, the goods are white and at the second wedding lavender." She said, "Make it white, with just a little touch of lavender."

In this bill we have got a little lavender there, but really the recommendations of the Nelsen commission have been changed a good deal.

I do not quite know what to say. It is regrettable that we could not sit down in committee, when we had extensive changes that went in the direction of the Commission report. Perhaps we could have worked out our differences to the benefit of all concerned.

To legislate this way, in my judgment, is not to have good legislation, when we are dealing with the Nation's Capital, your Nation and mine. I believe it is regrettable indeed.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, two preceding speakers have indicated that they never saw the substitute bills until the day the Rules Committee met.

It is my understanding that the gentleman from Minnesota offered many of the recommendations of the Nelsen Commission during the committee hearings and reserved the right to introduce a substitute bill in the House, and the members of the committee were pretty well aware of the provisions that would be included in that substitute bill.

Also, in terms of a second bill which has to do with retrocession to the State of Maryland, I introduced that bill last year when I was on the D.C. Commission. I know that when I am considering any legislation I look up every single bill that has been offered by any Member of the House, to compare it to the provisions we would be considering in the new bill. So surely the members of the Committee on the District of Columbia had at hand, if they wished to study it, one of the substitute bills the gentleman from Minnesota (Mr. NELSEN) and I are cosponsoring—the so-called retrocession bill which let me repeat is basically the bill I introduced last year when I served on the District of Columbia Committee.

Let me say something else in terms of retrocession. I very much doubt that the Congress this year, or the people, are ready for this. However, in the long run as I see it any action we take today which does not give to the people of the District of Columbia full voting rights, and that means in the Senate and in the House, and does not provide that vote for those national officials who will decide on taxation, we really will not be granting full citizenship. Any bill that falls short of that, whether it is the committee bill or the committee print or the bill the gentleman from Virginia (Mr. BROYHILL) is introducing, or another substitute I am introducing, let no one be fooled, it is not going to settle the problem, for we are going to be faced with the same demands for the franchise next year or the year after. There may be other alternatives—but it seems to me Congress must look at statehood or retrocession—preserving forever the Federal City, federally controlled.

The most ardent supporters of home rule in the District of Columbia have said that the committee bill is cryptocolonialism at best. There was a person on TV a couple of Sundays ago, I am told representing Common Cause, who said, "This does not provide what we want, but we will take it at this time and then we will come back."

The Members of the House ought to realize that they are only making a temporary decision today—or tomorrow. Common Cause advocates and League of Women Voters representatives and NAACP and many of today's House advocates of the committee bill will be back for the full franchise.

Obviously, we have not had an opportunity to look at the committee print which, by the way did not see the light of day until this morning.

If we listen carefully, we would be led to believe that the only reason why this committee print was being introduced was because of the parliamentary situation. I am not persuaded that is quite the case, because I understand there are several substantive changes that were brought about because of the substitute bill that has been offered.

There are several flaws in the committee bill and the new committee point—as I understand that document.

Let me—at this time, discuss only one major deficiency—and that is the absence of a provision for a Federal enclave. In the bill which the gentleman from Minnesota (Mr. NELSEN) and I support, we have drawn a line around the White House, the Kennedy Center, all the Federal Agency and Department buildings, the U.S. Capitol, the building which we are in today, and all of the House Office Buildings as well as all of the Senate Office Buildings; we say this will be the Federal enclave and the President of the United States will appoint a Director of National Capital Services. The authority of this Presidentially appointed Director will extend over police protection, fire protection, sanitation, and control of—access to all streets and roads in this Federal City—the city that belongs to my constituents in Oregon—yours in New York or Iowa or Minnesota or in any other State of the Union.

Mr. Speaker, I have not yet had one person answer the question. Why does the proposed city government, an elected Mayor and the City Council as proposed in the committee bill insist upon control over the U.S. Capitol Building and the House Office Buildings and the Senate Office Buildings? I believe this is extremely critical.

Now, if I may, I will refer to legislation in 1967. Many of you were here then and remember when I introduced an amendment to the legislation concerning the war on poverty, a very controversial debate. The amendment provided that the community action programs should be under the direction of the elected officials in the various cities across the country, that the elected officials were the ones who ought to have the responsibility.

Mr. Speaker, who opposed that, on the basis that we could not trust City Hall, that he would be creating a Tammany Hall—that there was hardly anything worse than City Hall bosses? The Washington Post, the New York Times, the League of Women Voters, and the NAACP, and some of the House Members who are the strongest supporters of the committee home rule bill today made common cause in an effort to defeat that amendment on the ground that we cannot trust City Hall—citizens could not obtain their rights by going to locally elected officials.

Then, Mr. Speaker, may I ask this question: If we are going to have an elected city government here, why do the former opponents of all city halls across the country decide that in this city government we will have complete trust in not only the administration of all Federal programs and all local programs—but we will put complete trust in it to have jurisdiction over this Capital and all Federal buildings.

Why?—why if city halls in New York, Detroit, Portland, Los Angeles, Sioux City—Memphis—et cetera—are so bad—why do these same people now believe that this City Hall in Washington, D.C., is going to be so great—we should give them authority over the U.S. Capitol and the House Office Buildings and the Senate Office Buildings and the White House and the other exclusively Federal buildings? This is a question which I believe we must face.

Do you—as a Representative elected in Michigan or Massachusetts or Washington or Kentucky, want the newly elected local mayor and city council and their appointed chief of police, to have the final say—the finale responsibility on the following:

Police control and protection over all Federal buildings, including the Capitol—the Senate and House? Fire protection and control over the Federal Enclave.

Complete reliance on local—District of Columbia—retail delivery of water services to Enclave.

Reliance on local D.C. sanitation—trash, et cetera services—except those contracted for by GSA for Federal buildings and those provided by the Park Service—to Enclave.

Local D.C. health regulations extend to all restaurants, et cetera, in Federal buildings in Enclave.

Local D.C. Criminal Code—crimes,

criminal procedure, and prisoners and their treatment—apply to criminal offenses—except certain U.S. offenses—that occur in Enclave.

Local D.C. control over highways and streets in Enclave.

Local control over subway operations within Enclave.

Local control over motor vehicles, traffic regulations.

Presidential Inaugural ceremonies—preservation of public order during period controlled by D.C.

Utilities—electric, gas—regulation for Enclave under local D.C. control.

District of Columbia may issue permits to construct conduit—electric—systems through or under surfaces of Enclave.

District of Columbia Metropolitan Police will have jurisdiction over subway facilities in Enclave.

The SPEAKER. The time of the gentlewoman from Oregon (Mrs. GREEN) has expired.

Mr. LATTA. Mr. Speaker, I yield 2 additional minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman very much.

It seems to me that this is one of the biggest flaws in the committee bill; I congratulate the chairman of the committee and those who met yesterday to try to meet some of the very serious objections which have been raised. There are other powers given to the locally elected Mayor—that no other Mayor in the United States has; I want to discuss them later.

But for now—the Federal control over the Federal City is most critical. As I said before the Committee on Rules, it does not seem to me that a person who happens, by accident many times or by choice, to live 3 or 5 miles away from the Capitol building should try to insist that he must have a greater voice—greater control over the Government buildings, over the Capitol, or the White House, the House and Senate Office Buildings, than an individual who happens to live 3,000 miles away, as my constituents do, or 300 miles away or 30 miles away.

Why is it that the people who live 3 or 5 miles away, on one side of the Potomac River only, should have a greater voice than anybody else? Why is this, for them, a requirement for home rule?

This Capital belongs to all of the people of the United States. To all our constituents, to 20 million of them who come here every year, this is their Capital. They are concerned about how it is governed, they are concerned about how it is managed, and they are not willing to relinquish that to a locally elected government in which they have no voice. Unless I can be persuaded that there is a good reason why people who live 5 miles away should have control over this situation, with their elected Mayor, his appointed Chief of Police, then I simply cannot vote for the bill, because I believe it does a disservice to the constituents of my district who consider this their Capital and believe as did President Taft when he said:

Washington intended this to be a Federal city, and it is a Federal city, and it tingles down to the feet of every man, whether he comes from Washington State, or Los Angeles, or Texas, when he comes and walks these city streets and begins to feel that "this is my city; I own a part of this Capital, and I envy for the time being those who are able to spend their time here." I quite admit that there are defects in the system of government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgment of history that the result vindicates the foresight of the fathers . . . it was intended to have the representatives of all the people in the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the nation, and this as the representative of that nation.

Mr. BOLLING. Mr. Speaker, I have one speaker left and I do not propose to be in the situation of losing the last word in this case.

The SPEAKER. The gentleman who sponsored the bill may desire to close the debate.

Does the gentleman from Ohio wish to yield any further time?

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I cannot say all I want to say in 2 minutes, but I would like and will use those 2 minutes to talk about the general idea of so-called home rule and my opposition to it.

I come from Indiana and represent 475,000 Hoosiers. We seem to feel that the Capital City belongs to us. It belongs to all the people of America.

There has been a lot of discussion today as to whether we are dealing with the committee print or the chairman's print or some other print, but I would like to remind all of the Members of Congress who have their own constituencies that this city was established by congressional action and it is the Capital City.

Yes, there is a lot of talk about the Federal interest and the local interest, but I beg to tell you that the Federal interest must be the only legitimate interest in our Capital City. Of course, in practice there will be some difference of opinion, but this is our Capital City.

I cannot for the life of me see any reason why we should at this time under the pressures of the proponents of the so-called home rule bills, whoever they are, consider shrinking the National City and why we should shrink it down to an enclave or turn the control of the city over to the local people who have chosen to come here to make the big money that people make working for this U.S. Government.

Of course, there are a few people who were born here, but how many people originally came to this city other than to work in the Capital City or to supply goods and services to the U.S. Government?

Mr. Speaker, trying to stay within my time limitation, I certainly want to make it abundantly clear again that I think we are dealing with a proposition that we have no right to deal with other than through a constitutional amendment.

This is the capital of the greatest country in the world, I suggest that we defeat this rule and forget the whole matter.

Mr. BOLLING. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I opened the debate by saying that I supported the rule because I thought there would be a reasonable and objective consideration of the matter. It is already quite clear that there will not be this type of consideration, but I still support the rule, because at this point I think the House owes it to itself to deal with the matter.

There are a great many things that have been said that reveal a great sadness as to the way in which this matter is being considered, that is, there are a few people who know a very great deal about the bill and the subject who have very violent opinions on it. That is their perfect right, but it leaves the rest of the Members in an extraordinarily awkward situation, because they have to take on faith somebody else's view.

There are just straight absolute disagreements as to fact, and I hope it will be possible during the consideration of the bill to look at the matter objectively. It is terribly and critically important, and it involves the rights of a large number, hundreds of thousands of people here in the District of Columbia. It involves the United States and its seat of government. It involves the rights of all the people of the United States.

I very much hope that the debate which takes place in the 4 hours and under the 5-minute rule will attempt to put the matter a little bit back into objectivity.

I have been here for 25 years and have had some involvement in debate on this subject and others, and I find this beginning pretty shocking. It seems to me we deserve more objectivity and we deserve less absolute assurance on the part of each person who speaks that he has all wisdom and all virtue.

I hope we will accord to the membership of the House some opportunity to make a reasonable decision which will then be carried out all the way through to the end of the legislative process.

The chairman of this committee has tried to compromise this matter in the committee, and since it left the committee. I am not the least bit interested in finding fault with anybody, I am interested in seeing that this rule is adopted so that we can proceed to the orderly consideration of a matter that deserves our best judgment, and not our worst prejudices.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. LATTA. 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 346, nays 50, not voting 38, as follows:

[Roll No. 502]

YEAS—346

| | | |
|---|---|---|
| Abdnor | Edwards, Ala. | McKinney |
| Abzug | Edwards, Calif. | McSpadden |
| Adams | Eilberg | Macdonald |
| Addabbo | Erlenborn | Madden |
| Anderson, Calif. | Esch | Madigan |
| Andrews, N.C. | Fascell | Mahon |
| Andrews, N. Dak. | Findley | Mallary |
| Annunzio | Fish | Mann |
| Archer | Flood | Maraziti |
| Arends | Flowers | Martin, N.C. |
| Armstrong | Foley | Mathias, Calif. |
| Ashley | Ford, Gerald R. | Matsunaga |
| Aspin | Forsythe | Mayne |
| Badillo | Fountain | Mazzoli |
| Bafalis | Fraser | Meeds |
| Baker | Frelinghuysen | Melcher |
| Barrett | Frenzel | Metcalfe |
| Beard | Fulton | Mezvinsky |
| Bell | Fuqua | Michel |
| Bennett | Gaydos | Milford |
| Bergland | Gettys | Miller |
| Biaggi | Giaimo | Minish |
| Biester | Gibbons | Mink |
| Bingham | Gilman | Mitchell, Md. |
| Blatnik | Ginn | Mitchell, N.Y. |
| Boggs | Goldwater | Mizell |
| Boland | Gonzalez | Moakley |
| Bolling | Grasso | Mollohan |
| Bowen | Gray | Montgomery |
| Brademas | Green, Oreg. | Moorhead, Pa. |
| Brasco | Green, Pa. | Morgan |
| Bray | Grover | Mosher |
| Breaux | Gubser | Moss |
| Breckinridge | Gude | Murphy, Ill. |
| Brinkley | Gunter | Myers |
| Brooks | Hamilton | Natcher |
| Broomfield | Hammer-schmidt | Nedzi |
| Brotzman | Hanley | Nelsen |
| Brown, Calif. | Hanrahan | Nichols |
| Brown, Mich. | Hansen, Idaho | Nix |
| Broyhill, N.C. | Hansen, Wash. | Obey |
| Broyhill, Va. | Harrington | O'Brien |
| Burgener | Harsha | O'Hara |
| Burke, Calif. | Harvey | O'Neill |
| Burke, Fla. | Hastings | Owens |
| Burke, Mass. | Hawkins | Passman |
| Burlison, Mo. | Hays | Patten |
| Burton | Hechler, W. Va. | Pepper |
| Butler | Heckler, Mass. | Perkins |
| Byron | Heinz | Pettis |
| Carey, N.Y. | Helstoski | Peyser |
| Carney, Ohio | Henderson | Pickle |
| Chamberlain | Hicks | Poage |
| Chappell | Hillis | Podell |
| Chisholm | Hinshaw | Preyer |
| Clancy | Holifield | Price, Ill. |
| Clark | Holtzman | Pritchard |
| Clausen, Don H. | Horton | Quie |
| Clay | Howard | Railsback |
| Cleveland | Hungate | Randall |
| Cochran | Ichord | Rangel |
| Cohen | Johnson, Calif. | Rees |
| Collins, Ill. | Johnson, Colo. | Regula |
| Conable | Johnson, Pa. | Reid |
| Conte | Jones, Ala. | Reuss |
| Corman | Jones, N.C. | Rhodes |
| Cotter | Jones, Okla. | Riegle |
| Culver | Jones, Tenn. | Rinaldo |
| Daniel, Dan | Jordan | Robinson, Va. |
| Daniel, Robert W., Jr. | Karth | Robison, N.Y. |
| Daniels, Dominick V. | Kastenmeier | Rodino |
| Danielson | Kazen | Roe |
| Davis, Ga. | Keating | Rogers |
| Davis, S.C. | Kemp | Roncalio, Wyo. |
| Davis, Wis. | King | Roncalio, N.Y. |
| de la Garza | Kluczynski | Rooney, Pa. |
| Delaney | Koch | Rose |
| Dellenback | Kuykendall | Rosenthal |
| Dellums | Kyros | Rostenkowski |
| Dennis | Leggett | Roush |
| Dent | Lehman | Roy |
| Derwinski | Litton | Roybal |
| Diggs | Long, La. | Ruppe |
| Donohue | Long, Md. | Ryan |
| Downing | Lott | St Germain |
| Drinan | Lujan | Sarasin |
| Dulski | McClory | Sarbanes |
| Duncan | McCloskey | Satterfield |
| du Pont | McCollister | Saylor |
| Eckhardt | McCormack | Schneebeli |
| Edwards, Ala. | McDade | Schroeder |
| Edwards, Calif. | McFall | Sebelius |
| Eilberg | McKay | Seiberling |
| Erlenborn | McKinney | Shipley |
| Esch | McSpadden | Shoup |
| Fascell | Macdonald | Shriver |
| Findley | Madden | Shuster |
| Fish | Madigan | Sisk |
| Flood | Mahon | Skubitz |
| Flowers | Mallary | Slack |
| Foley | Mann | Smith, Iowa |
| Ford, Gerald R. | Maraziti | Smith, N.Y. |
| Forsythe | Martin, N.C. | Staggers |
| Fountain | Mathias, Calif. | Stanton, J. William |
| Fraser | Matsunaga | Stanton, James V. |
| Frelinghuysen | Mayne | Stark |
| Frenzel | Mazzoli | Steele |
| Fulton | Meeds | Steelman |
| Fuqua | Melcher | Steiger, Ariz. |
| Gaydos | Metcalfe | Steiger, Wis. |
| Gettys | Mezvinsky | Stephens |
| Giaimo | Michel | Stratton |
| Gibbons | Milford | Stubblefield |
| Gilman | Miller | Stuckey |
| Ginn | Minish | Studds |
| Goldwater | Mink | Sullivan |
| Gonzalez | Mitchell, Md. | Symington |
| Grasso | Mitchell, N.Y. | Talcott |
| Gray | Mizell | Taylor, N.C. |
| Green, Oreg. | Moakley | Teague, Calif. |
| Green, Pa. | Mollohan | Teague, Tex. |
| Grover | Montgomery | Thompson, N.J. |
| Gubser | Moorhead, Pa. | Thomson, Wis. |
| Gude | Morgan | Thone |
| Gunter | Mosher | Thornton |
| Hamilton | Moss | Tiernan |
| Hammer-schmidt | Murphy, Ill. | Towell, Nev. |
| Hanley | Myers | Treen |
| Hanrahan | Natcher | Udall |
| Hansen, Idaho | Nedzi | Ullman |
| Hansen, Wash. | Nelsen | Van Deerlin |
| Harrington | Nichols | Vander Jagt |
| Harsha | Nix | Vanik |
| Harvey | Obey | Veysey |
| Hastings | O'Brien | Vigorito |
| Hawkins | O'Hara | Waldie |
| Hays | O'Neill | Walsh |
| Hechler, W. Va. | Owens | Wampler |
| Heckler, Mass. | Passman | Ware |
| Heinz | Patten | Whalen |
| Helstoski | Pepper | White |
| Henderson | Perkins | Whitehurst |
| Hicks | Pettis | Whitten |
| Hillis | Peyser | Widnall |
| Hinshaw | Pickle | Wiggins |
| Holifield | Poage | Williams |
| Holtzman | Podell | Wilson, Charles H., Calif. |
| Horton | Preyer | Wilson, Charles, Tex. |
| Howard | Price, Ill. | Winn |
| Hungate | Pritchard | Wolff |
| Ichord | Quie | Wright |
| Johnson, Calif. | Railsback | Wyatt |
| Johnson, Colo. | Randall | Yates |
| Johnson, Pa. | Rangel | Yatron |
| Jones, Ala. | Rees | Young, Alaska |
| Jones, N.C. | Regula | Young, Fla. |
| Jones, Okla. | Reid | Young, Ga. |
| Jones, Tenn. | Reuss | Young, Ill. |
| Jordan | Rhodes | Young, S.C. |
| Karth | Riegle | Young, Tex. |
| Kastenmeier | Rinaldo | Zablocki |
| Kazen | Robinson, Va. | Zwach |
| Keating | Robison, N.Y. | |
| Kemp | Rodino | |
| King | Roe | |
| Kluczynski | Rogers | |
| Koch | Roncalio, Wyo. | |
| Kuykendall | Roncalio, N.Y. | |
| Kyros | Rooney, Pa. | |
| Leggett | Rose | |
| Lehman | Rosenthal | |
| Litton | Rostenkowski | |
| Long, La. | Roush | |
| Long, Md. | Roy | |
| Lott | Roybal | |
| Lujan | Ruppe | |
| McClory | Ryan | |
| McCloskey | St Germain | |
| McCollister | Sarasin | |
| McCormack | Sarbanes | |
| McDade | Satterfield | |
| McFall | Saylor | |
| McKay | Schneebeli | |
| | Schroeder | |
| | Sebelius | |
| | Seiberling | |
| | Shipley | |
| | Shoup | |

NAYS—50

| | | |
|---|---|---|
| Bauman | Hogan | Powell, Ohio |
| Bevill | Holt | Quillen |
| Blackburn | Hosmer | Rarick |
| Burleson, Tex. | Huber | Roberts |
| Camp | Hutchinson | Rousselot |
| Cederberg | Jarman | Runnels |
| Clawson, Del | Ketchum | Ruth |
| Collins, Tex. | Landgrebe | Scherle |
| Conlan | Landrum | Sikes |
| Devine | Latta | Snyder |
| Dickinson | Martin, Nebr. | Spence |
| Dingell | Mathis, Ga. | Steed |
| Fisher | Moorhead, Calif. | Symms |
| Goodling | Parris | Taylor, Mo. |
| Gross | Patman | Waggonner |
| Haley | Pike | Wyman |
| Hébert | | Zion |

NOT VOTING—38

| | | |
|---|---|---|
| Alexander | Dorn | Lent |
| Anderson, Ill. | Eshleman | McEwen |
| Ashbrook | Evans, Colo. | Mailliard |
| Brown, Ohio | Evins, Tenn. | Mills, Ark. |
| Buchanan | Flynt | Minshall, Ohio |
| Carter | Ford, William D. | Murphy, N.Y. |
| Casey, Tex. | Frey | Price, Tex. |
| Collier | Froehlich | Rooney, N.Y. |
| Conyers | Griffiths | Sandman |
| Coughlin | Guyer | Stokes |
| Crane | Hanna | Wilson, Bob |
| Cronin | Hudnut | Wydler |
| Denholm | Lent | Wylie |

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Evins of Tennessee against.

Until further notice:

Mr. Hanna with Mr. Crane.
Mr. Denholm with Mr. Buchanan.
Mrs. Griffiths with Mr. Stokes.
Mr. Flynt with Mr. Carter.
Mr. Murphy of New York with Mr. Collier.
Mr. Mills of Arkansas with Mr. Brown of Ohio.
Mr. Conyers with Mr. Alexander.
Mr. Casey of Texas with Mr. Ashbrook.
Mr. Dorn with Mr. Coughlin.
Mr. Evans of Colorado with Mr. Anderson of Illinois.
Mr. William D. Ford with Mr. Cronin.
Mr. Eshleman with Mr. Frey.
Mr. Mailliard with Mr. Froehlich.
Mr. Sandman with Mr. Guyer.
Mr. Wydler with Mr. Hudnut.
Mr. Lent with Mr. Wylie.
Mr. Minshall of Ohio with Mr. McEwen.
Mr. Bob Wilson with Mr. Price of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DIGGS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9682), to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DIGGS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9682), with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. DIGGS) will be recognized for 2 hours, and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 2 hours.

The Chair now recognizes the gentleman from Michigan (Mr. DIGGS).

Mr. DIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the Constitution first became the supreme law of the land, almost two centuries ago, the world has changed tremendously. The timelessness and flexibility of that document has proved time and again that that evolution has been incorporated into the basic framework of the government.

The enunciated ideals of the Founding Fathers have been brought to the concrete by the consistent legislative efforts to achieve full citizenship for more and more Americans. The expansion of these ideals has widened the scope of citizens' rights of participation from the narrow confines of the 18th century to include women, those 18 to 21 years of age, racial minorities, and the poor.

Rights of self-government have time and time again been proved to apply to all citizens; all, that is, except the people of the District of Columbia.

To put the debate today in perspective, it should be noted that the people of the District of Columbia are the only American citizens who have had the right of self-government taken away from them by the Congress.

James Madison wrote, in Federalist Paper No. 43, that the residents of the Nation's Capital "Will have their voice in the election of the government in which the authority is exercised over them, and a municipal legislature for local purposes derived from their own suffrages will of course be allowed them."

This was clearly the intent of our Founding Fathers. So at its founding in 1802 the city was set free from State pressure and was constituted with a government of an appointed mayor and a 12-member city council elected by the people of the city.

Through the years the structure of the local government was changed several times but the rights of self-government

were not taken away until 1874 when a Presidential appointee—and I underscore that; a Presidential appointee—mishandled the city's finances and cases of graft were uncovered in the local government. So the continuity of the democratic tradition was ruptured and local government control was assumed totally by the Congress.

During the past 20 years there has been a locally inspired effort to revive and restore local self-government of the District, which has been associated in by people outside of the District all across this country.

Now, on the 11th of August 1967, a new plan for reorganizing the government of the District of Columbia became law, known as Reorganization Plan No. 3. The 1967 plan abolished the existing three-man Board of Commissioners of the District and created in its place a single commissioner and a city council, all appointed by the President. The plan added no new functions or powers to the District of Columbia government not already granted, nor did it alter the relationships between the District government and the Congress.

So today the members of the Committee on the District of Columbia come before the House with a new proposal which we believe offers the people of the District of Columbia an opportunity in exercising their rights once more and yet with adequate safeguards for the Federal interest component.

This Chamber will hear many expressions on this whole matter. Many questions will be raised and many arguments proposed. But many of these arguments will echo those heard in this Chamber a quarter of a century ago when in 1948 the issue was debated, and in 1965 when it again came to the floor.

When one reads these debates it is interesting to see that the same doubts, the same uncertainties, the same reservations were expressed then as will undoubtedly be voiced during the debate which ensues, and some of which has already been expressed on the floor.

These arguments include those of the constitutionality of a congressional grant of self-determination, the concept that Congress supports the city budget, the reorganization of the local government without transfer of responsibility, the lack of efficiency of a local government, the complexity of the bill, and the concept that the District of Columbia is a Federal city and thus belongs to all of the people of the United States.

Each of these arguments, in my view, is fallacious and is mostly used as a rationale for really denying the full citizenship to the residents of the city.

Mr. Chairman, first, the questions of constitutionality could be summed up by discussing the Supreme Court case of the District of Columbia against Thompson in 1953. The Supreme Court in that case ruled as follows:

> On the issue of home rule, however, Congress may grant self-government to the District of Columbia to the same extent as it may do in the case of territories.

Mr. Chairman, I might add that that decision was a unanimous one, indicating that there was no dispute in the highest court of the land about the constitutionality of any congressional grant of self-determination to the District. The rights granted to the District in the present proposal in no way conflict with the Constitution of the United States in principle or in practice. It is, rather, one more step in the continuing expansion of the rights of American citizenship.

Now, the concept often implied in arguments against self-determination that the Congress or the Federal Government supports the district in revenues or city financing is another matter. The residents of the city, I might remind the Members, pay income taxes and local property taxes and sales taxes and any number of special fees and assessments common to other jurisdictions throughout the country. In fact, the revenues of the district make up some 80 percent of the district budget, the Federal payment resulting in the remaining part of the moneys necessary to run the city of Washington.

Mr. Chairman, it has been argued that reorganization must come first without self-government. But reorganization of the District government without recognition of the people's rights is little more than the reshuffling of a stacked deck by the dealer. The cards may be in a different order, but those in the game have no more chance of winning than before.

In our present situation the stakes involved go to the very heart of the American system of government. The question is one of fundamental rights, the rights of citizens to elect their own local officials and run the affairs of their community themselves.

Arguments have been raised concerning the lack of efficiency of a local government. It is, in fact, more wasteful and inefficient for the Congress to act as the local legislature of the city, deciding local matters as to whether kite flying should be allowed in the city or what the laundry tax should be. These matters have required the time and the attention of the Congress and have required that some 28 legislative steps be taken, just as in the case of the most vital national bills.

Certainly local self-government could not fail to be more efficient than this, in terms of efficient allocation of a national legislator's time.

And in a city with the highest percentage of college graduates of any jurisdiction in the country, can we really believe that the people have no capacity for efficient self-government?

On the question of complexity, I argue that this bill is not incomprehensible. It is only complex to the extent that it deals with a complex question: How do we undo the wrongs that have been perpetuated against the citizens of the District in denying them the rights of citizenship?

How to undo wrongs that have been perpetuated against citizens of the District in denying them the rights of citizenship.

Finally, there have been arguments that the District of Columbia is a Federal city and thus belongs to all of the people of the United States. If one were to carry that argument to its logical conclusion, one would state that many of the buildings here belong to all of the people in the District or people in the country to dispose of as they wish. The present administration has argued to the contrary, however, and when there were demonstrators in several Federal buildings the administrations claimed that the buildings and agencies belonged to them.

Others have stated similar contradicting arguments during related incidents of demonstrations.

Mr. Chairman, I might add in response to the apprehensions of the gentlewoman from Oregon, if she will look on page 94 of the committee print and its comparable section in the draft committee print, I call her attention to the provision that says:

> (b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

Mr. FRASER. Will the gentleman yield at that point?

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. FRASER. I just want to say what the chairman of the committee said deserves to be underscored. The argument is made in the House—and this was made during the debate—that there was danger of somebody controlling the Federal enclave. That is really sheer fiction. The Capitol Grounds, the Washington Monument, and the Mall are all run by the Department of the Interior. The Federal executive branch runs the White House. We run the Capitol. This idea that there is some hazard to the control of these Federal properties is a pure fiction which has no foundation in fact of any kind.

As I understand it, some people say that we ought to seal that off and put in our own traffic control lights and contract for fire department service and ask the police department to come in on ordinary routine crash matters and have a contract with them.

As far as the property is concerned, it is already under the control of the Federal Government and various executive branch agencies.

This is just one of the tactics of fear that we will hear for the next 4 hours. I hope and I know that this House is more sensible than to be thrown off balance by such arguments as this.

Mr. DIGGS. I thank the gentleman for his contribution.

Mr. Chairman, the members of the House Committee on the District of Columbia have given this bill much time and energy and enthusiasm for more than 6 months in order to bring a sound and reasonable bill before the House for its consideration. This bill is not an overnight effort. The statistics with regard to how this product came before the House are impressive indeed.

The committee considered more than 12 bills presented to it involving all kinds

of self-determination concepts. Hearings and markup sessions were held beginning last February 8 and went on until the 31st of July. Almost half of those days were devoted to hearings on recommendations of the Nelson Commission on questions of economy and efficiency and good government. In total some 17 individuals and 35 organizations presented oral testimony. This included not only local citizens and citizen organizations and representatives of local agencies and local political parties and the District government but others concerned with the Federal interest. All individuals and organizations requesting to testify or to present written testimony were given the opportunity to do so.

The Subcommittee on Government Operations under the able leadership of the gentleman from Washington (BROCK ADAMS) on its own initiative met with and secured the recommendations of political scientists and urban specialists and experienced public officials and others.

Extensive research was conducted on the governments of other cities, including comparison with 17 American cities with comparable size to Washington, D.C., along with the relationship between the State capitals and their local governments, plus other national capitals.

Then after the bill was reported out of the subcommittee, 42 more amendments were made by the full committee during the markup sessions.

So as a consequence of this exhaustive research and in-depth work this bill was reported out of the full committee by the overwhelming vote of 20 yeas and 4 nays. This is a very, very significant statistic, perhaps the most impressive of all since it represents not only a bipartisan agreement, but support for the first time from Members from all sections of the country, from the Deep South, from border States, from the Midwest, from the Northeast, from the Northwest, and from the Far West, so that this is a product which we can truly say is a national concensus.

But the history of this measure does not stop here. Since July 31 during and following the recess, I have personally held numerous meetings with many Members of the House and the other body plus the White House, to solicit views on all aspects of this bill to further clarify the intent of the committee. These conferences have been frank, they have been open, and they have been helpful. I deeply appreciate the advice and counsel that has been provided. I have listened, and I have to the extent of my ability attempted to incorporate all reasonable or constructive ideas.

Other members of the Committee on the District of Columbia have also been working the same route, and we have pooled our information and have carefully weighed the suggestions. As a result of these discussions and our own thorough reanalysis of every section of this bill, we have prepared a substitute which retains all of the basic provisions of H.R. 9682, but with six easily understood changes.

So, in sum, this bill, H.R. 9682, as amended by our proposed substitute, is a product of many minds and many hours, and on balance, in my view, the best of an available and passable measure.

Mr. Chairman, this is an historic day for the Nation's Capital, and I would ask each Member to consider seriously the relationship between the Congress and the people of the District of Columbia. Our Nation's Capital is a reservoir of the most unused, underused and misused local human resources from the international community to representatives of national organizations, to the transit day-time community and to the proud 800,000-some people who call Washington, D.C. their home. We have some of the world's most talented people in this community, and it certainly is not fair to suggest that a locally elected government is going to be one which is short of the kind of standards that prevail in our own local communities. The partnerships that are demanded to insure progress in this city must be built on mutual trust and respect with permanent and yet flexible alliances among all of the elements of the community. And any alliance is impossible when one element of the community, the creative leadership of the local community, is stifled and ridiculed as not being quite good enough to exercise their right to govern themselves. The Members of this body recognize that no freedom is real and no emancipation is enduring which does not provide the power to protect one's rights.

Without even the limited power this bill gives to the citizens of the District, the growth and development of all elements of this unique community will stagnate. In my view, the Congress and the people of the District of Columbia and the people who cross its boundaries daily must recognize their common interests.

Bridges across the Potomac must be augmented by bridges of understanding and cooperation. The life of the city and the life of the suburbs are intermingled, and this House chamber is bound to the same soil as the generations of citizens who live in its shadows, unable to participate in democracy. It is for that reason and based upon that intermingling concept that the notion of an enclave, walled city, a fortress as it were, around the Capitol Grounds is repugnant to me. There is no geographic line that can separate this Nation's Capital from the rest of this community.

For all of these reasons, Mr. Chairman, I think that the bill should be supported.

Mr. Chairman, I should like to yield 5 minutes to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, as you know, article I, section 8, clause 17 of the Constitution provides that Congress shall exercise exclusive legislation in all cases whatsoever over the District of Columbia.

In order to comply with the provision of the Constitution delegation of home rule to the residents of the District must be given with the express reservation that the Congress may at any time revoke or modify the delegation in whole or in part, and, further, that the Congress may take such action as in its wisdom it deems desirable with respect to any municipal action taken by the people or the government of the District. Congress must retain full residual and ultimate legislative jurisdiction over the District in conformity with the constitutional mandate.

As Members of Congress we have no right to ignore the provision of the Constitution concerning the District of Columbia and powers and duties granted which are in conflict with the provision of the Constitution would be held unconstitutional by the Supreme Court. Any bill which grants additional rights and responsibilities to the people of the District in dealing with the municipal problems must protect the Federal interest and preserve the constitutional authority of the Congress over the Nation's Capital. In order to accomplish this purpose, such legislation must reserve the right of Congress to legislate for the District at any time and on any subject and to retain in the Congress the appropriations power over the District of Columbia Budget, Federal payment, and all reprograming requests along with the right of the House or the Senate to veto legislative acts by the District government which are in conflict with the constitutional provision.

Mr. Chairman, I may know as much about the operation of the District government as any Member of Congress. I have served as a member of the Committee on Appropriations for 19 years and during this period of time have served on three subcommittees on the Committee on Appropriations with one of the subcommittees being the Subcommittee on District of Columbia Budget. I am chairman of the District of Columbia Budget Subcommittee and have served in this capacity since 1961.

I have never voted against any legislation which complies with the constitutional provision concerning the operation of the District of Columbia. I supported all of the legislation and the proposals which brought about the right of the District of Columbia residents to vote for President and Vice President; to elect a nonvoting delegate; reorganize the court system; approved the change in 1967 from the commissioner type government to the government organization in operation at this time, and a number of other proposals which granted additional rights and duties to the residents of our Nation's Capital. All of these proposals, in my opinion, Mr. Chairman, meet the provisions of the Constitution and were steps in the right direction.

Our Nation's Capital like a number of other large cities is faced with major problems which become more serious each year. We now have some 748,000 people in the city of Washington, and the census for 1970 showed that we had 756,510 people in our Nation's Capital. Middle class black and white families are rapidly leaving the city of Washington. Crime is a serious problem here and welfare and education are two additional problems which certainly become more serious each year. As chairman of the District of Columbia Budget Subcommitee, and as

a member of this subcommittee for 19 years, I have made every effort to see that adequate funds were appropriated for the operation of our Nation's Capital. The year that I was elected to the Committee on Appropriations and was placed on the Subcommittee on the District of Columbia Budget the total budget for our Nation's Capital amounted to $139,578,760. The Federal payment was $20 million. The budget for fiscal year 1974 under which the District of Columbia is now operating approves the expenditure of a total of $1,199,498,000. This includes a Federal payment of $187,450,000. In 1961 when I became chairman of the subcommittee the District of Columbia budget totaled $223,086,004. The Federal payment was $25 million. In 1970 the budget for the District of Columbia was $641,111,821 and the Federal payment was $116,166,000. The amounts requested over the years have with few exceptions been granted in full. Reductions have been in the main small, and in many instances were volunteered by the city officials at the time they appeared before our subcommittee.

In addition to the $187,450,000 Federal payment, the District of Columbia will receive $57,400,000 in revenue sharing funds. Capital outlay consists of money borrowed from the Federal Treasury and this amount for fiscal year 1974 totaled $138,178,000. In addition, Federal grants amounted to $232,784,100. That portion of the District of Columbia budget for fiscal year received from the Federal Government totals $615,812,100.

With only some 748,000 people in the District the total employment of 38,747 of course is more than adequate.

Mr. Chairman, we have made every move possible to see that adequate funds are appropriated for the public school system here in our Nation's Capital. Our children must be taught to read and write and to obtain a good education. We have now a pupil-teacher ratio in our elementary schools of 25.2, which is one of the best in the country. Since 1961 we have constructed 3,228 new classrooms at a total cost of $303,337,463. The total number of projects is 118 and the number of projects, along with the number of classrooms and total amount expended is one of the highest in our country and the amount expended per capita is probably the highest in this country. Our total per capita expenditure for education in our Nation's Capital for fiscal year 1974 is $1,358. This is one of the highest in the Nation. The national average is a little over $700. For public schools we will have a total of $165,896,300 for fiscal year 1974. In addition to this amount the public school system will receive $28,561,600 in Federal grants. For human resources we recommended and Congress approved a total of $218,443,000 for fiscal year 1974. For public assistance we recommended and Congress approved total expenditures of $99,067,500. The local amount totals $52,372,200 and the Federal expenditures total $46,695,300. We now have 118,000 people on public assistance in the District of Columbia, and it is estimated that during the present fiscal year of 1974 this number will go to 120,000 people. This is about 1 out of every 7 in our Nation's Capital. This is a serious problem in Washington and one that our committee has attempted to help the District of Columbia officials solve for many years.

The city of Washington now has control over two city colleges—the Federal City College and the Washington Technical Institute. Mr. Chairman, I voted for the legislation which provides for the operation of these two colleges, but I still have serious doubts as to whether or not our Nation's Capital can operate and fund these two colleges. We have had serious problems with one and notwithstanding the fact that we have had four classes graduate; this college has never been accredited.

Crime is a serious problem in our Nation's Capital and every year for the last 19 years we have appropriated every dollar requested which will fund and place into operation an adequate police force. During the testimony before the committee this year the chief of police stated that Congress had given him every dollar that he had requested for this purpose. We now have 5,100 police officers and this number is one of the highest per capita in the country and the amount expended for the operation of our Metropolitan Police Department of $110,669,000 is the highest per capita of any city comparable in size in this country. Some 18 million people come to visit our Nation's Capital each year and certainly these people should be permitted to visit Washington and be fully protected. I recall, Mr. Chairman, in 1968 when we had disorders here in our city, the number of visitors dropped below 14 million. The per capita salary budget for the Metropolitan Police Department is 66.28 percent. This is the highest in the country in cities comparable in size to our Nation's Capital.

Mr. Chairman, in order to comply with the provision of the Constitution concerning the operation of our Nation's Capital, Congress must reserve the right to legislate for the District at any time on any subject and to retain in the Congress the appropriations power over the District of Columbia budget, Federal payment, and all reprograming requests along with the right of the House or the Senate to veto legislative acts by the District government which are in conflict with the Constitutional provision. The bill submitted by the distinguished gentleman from Michigan (Mr. DIGGS) the chairman of the Committee on District of Columbia, complies with the constitutional provision concerning the operation of our Nation's Capital, and the chairman has assured me that the bill to be presented to the President of the United States for his signature carries out all of the provisions that I have just mentioned.

Mr. Chairman, I support the bill presented to the House by the chairman of the District of Columbia Committee today, and respectfully request the committee to approve this legislation.

Mr. DIGGS. Mr. Chairman, I yield to the gentleman from Washington (Mr. ADAMS) such time as he may consume.

Mr. ADAMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I simply want to state quickly to the committee what will be proposed in the committee substitute, which is basically the bill that the subcommittee and the committee worked on for so many days.

The committee spent over 15 days in hearings in the subcommittee and 12 days in markup. I think every Member of the majority or minority side will agree that every opportunity was given for the presentation of every viewpoint, and certainly every amendment that everyone wanted to present was both considered and voted up or down.

The same was true in 3 days of hearings in the full committee, which the chairman called to be certain that any groups that had not been heard before the subcommittee had additional time, and there were an additional 8 days of markup.

The purpose for which I address the committee today is, first, to state that for many years I have labored in the vineyard of the District of Columbia and in this House to try to have the Congress of the United States, if it were going to exercise full jurisdiction over every jot and title of operation in the District, to at least do it well.

I have found, and I know those Members who have been a part of the sessions have found, that those who are often most violent in saying there should not be locally elected officials are the same people who we find the most difficult to bring to the floor and to consider individual measures as to how the District of Columbia should work. Certainly our history of the past few years has indicated that we need input from locally elected officials.

I appreciate very much the remarks the chairman of the full committee on this subject and the remarks of the chairman of the Subcommittee on Appropriations of the Appropriations Committee (Mr. NATCHER) that this bill meets every constitutional test and its sole purpose is to provide locally elected government for the local officials of this area. It is hard for me—very hard, to know why anyone opposes that concept.

Every person in this Congress is elected. Every person comes from a jurisdiction with officials who are elected. The whole fabric of the United States is based on the election of officials and those elected officials being responsible to the electorate for their acts.

This is the Federal City with both Federal and local interests. The gentleman from Minnesota (Mr. NELSEN) and I have spent years working on the problems of the Federal interest and of the local interest and trying to mate those two concepts. That is what this bill does. The Congress and the local officials in this area are going to be involved in a partnership of running this city from now until whatever date, if ever, the people of the United States amend the Constitution of the United States. And we understand that.

But when we appoint from the Federal Government local officials and then talk with them, we are talking to ourselves No matter how fine those officials may be, we violate the whole concept that we

all believe in, that in a democracy the people elect their own officials.

So that is what we have done with this bill.

In its structure it starts at the very beginning by establishing those two principles, that the Federal Government shall be involved in the affairs of the District in providing for the Federal interest and that a local government shall be elected and that local government shall deal with local problems.

The second title of the bill incorporates almost in total the Nelsen recommendations as they were presented to the committee.

I want to make this very clear and I know the gentleman from Minnesota and the members of the minority will support me in this. At every point in our hearings we asked for every Nelsen recommendation that was drafted. When some were not ready we waited for those. We have incorporated in this bill everything that was ready. There were certain ones that were not ready; for example, a personnel system. We understand that should be examined also, but it was very complicated and in the time period we had we were unable to have that drafted.

The Subcommittee on Government Operations will consider additional parts of the Nelsen recommendations as they are ready.

I want to emphasize that title II of the original bill and title II of the committee substitute provide for the transfer of agencies as recommended by the Nelsen commission. It tries to correct fragmentation. It carries out the suggestions of creation of independent agencies such as the Armory Board, the Public Service Commission and others.

So this bill is basically a mating of the Nelsen commission recommendations and the fundamental and simple concept that there should be an elected government for the District of Columbia.

We were also very careful, and we patterned this on what is done in nearly every city of the United States, to create a city charter, so that the people could examine how their government would function and vote it up or down. So title III creates the fact that there will be a charter, and this charter will be approved or disapproved by the local people.

Title IV sets up the various branches of the government; legislative, executive, judicial. Again, it is patterned on every government in the United States at the local level.

We brought in every expert we felt could contribute. We examined the structure of other cities, and I can say that we have created a charter for examination by the Members that is valid, honest, and is comparable to those of their cities.

In title IV we recognized the fact that the Congress had reorganized the judiciary only recently, and, therefore, we left the judiciary where it is, with the exception of creating and strengthening, on the recommendations of the bar associations of the United States, a commission created from lawyers in the area to recommend appointments and to recommend reappointment of the judges.

Now in the committee substitute we have agreed that they can be reappointed if they are found by a commission of their peers to be well qualified.

Mr. Chairman, the judiciary has been left where it is, and no matter what the Members may hear in this debate, I will state to them, and I will answer every Member who wants to argue any point about it, that the judiciary has been left as it is. The only thing that is changed is that there would be an appointment on recommendation of this commission by the executive of the District of Columbia, the Mayor, and confirmed by the Senate. Removal is also accomplished by a tenure commission based on the Missouri plan.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

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

Mr. DENNIS. Mr. Chairman, just so I will understand the statement on that point, does the gentleman's statement mean that the appointing power will now be in the Mayor rather than the President of the United States?

Mr. ADAMS. The gentleman is correct.

Mr. DENNIS. That is a rather fundamental change which I think the gentleman slightly passed by perhaps.

Mr. ADAMS. I did not intend to. That was my next point which I was going to make with regard to the judiciary, and that is that the appointing power has been changed but in a very limited fashion. We did not feel that we could use the Missouri plan, which is a Tenure Commission, and have it recommending to the President of the United States, so we had it recommending to the local executive authority, with confirmation of that appointment by the Senate.

This is a means of trying to make the judicial appointment and removal system the best we know how to make it, from the experience that has occurred in the United States.

We considered recommendations of life appointments, we considered recommendations of electing the judges, and this was the best that we could devise.

Finally, Mr. Chairman, on the borrowing authority, we have established a borrowing authority similar to that of every other city in the United States. It has a limitation on it in terms of the total amount that can be borrowed, based upon the revenues of the city, and it requires voter approval for general obligation bonds. If each of the Members will examine our local cities, we will find this is patterned upon what our people do.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

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

Mr. FRASER. Mr. Chairman, I just wanted to emphasize the gentleman's point concerning the Mayor's appointment of judges.

As I understand it, the Mayor is confined to choosing from a list that is prepared by the Judicial Nomination Commission, a majority of the members of which are appointed either by the President or the Speaker of the House or the President of the Senate?

Mr. ADAMS. The gentleman is correct.

Mr. FRASER. Those three officials appoint five of the nine, with the local bar appointing two more, and the Mayor appointing two, and that is from the list that that Judicial Nomination Commission submits to the Mayor, from which the Mayor must choose, and then it goes to the Senate for ratification or confirmation?

Mr. ADAMS. The gentleman is correct. I was reserving for later my statement on that, because I thought there might be questions on the exact composition. The gentleman from Minnesota is absolutely correct.

That was worked out with the gentleman from Kentucky (Mr. BRECKENRIDGE) and many other Members who were working very hard on it to assure that this was done as precisely as possible and with the best possible input.

Mr. Chairman, I wish next to turn briefly to the fact that we followed the Nelsen recommendation on creating independent agencies.

These independent agencies are part of the Government but function like the independent agencies in your hometown. The Board of Elections is an independent agency, and so is the Zoning Commission, the Public Service Commission, the Armory Board, and the Board of Education.

I think, also, Mr. Chairman, we should discuss the reservation of congressional authority. We have proposed in the committee substitute, as indicated by the gentleman from Kentucky and as was basically in the original bill, the fact that there will be a layover period of time for the effectiveness of any local action.

The Congress has the power to legislate on anything. The Constitution so states and we have so recognized. This appears in title VI of the bill. The council has broad authority, but in title VI we limited certain specific items such as imposing a tax on the property of the United States, lending the public credit for any private undertaking, repealing any act of the Congress which concerns the functions or property of the United States not limited or restricted in its application exclusively to the District, to changing title XI of the District of Columbia Code regarding the jurisdiction of the courts.

We have said also that there should not be a change in the criminal statutes. The reason for that is that there is proposed before the Committee on the District of Columbia at the present time a commission to review the criminal code. There will be hearings on that, so that for the present time we know where we are with it and can move on that subject without bringing it into this bill, which basically provides a structure of locally elected government.

Finally, Mr. Chairman, we would like to present to the committee the fact that the appropriation process stated by the gentleman from Kentucky has been left as it is. This is a complicated subject and is one I know the Congress in future days will want to consider. The chairman of the Subcommittee on Appropriations has often talked with us about it, and

I am sure there will be further conversations as to whether the system is working under the bill we have proposed and how it is working and what changes, if any, should be made. We have taken that issue from this bill, so that there is purely presented to this committee, without any extraneous issues, the fact as to whether or not you believe in a locally elected government. Everybody says they do; so, if they do, when this bill comes up for a vote, the Members will have their chance to vote for it.

Mr. Chairman, I omitted one thing. I see the gentleman from California on his feet. He is interested in partisan versus nonpartisan elections. Because of the implications of the changes in the Hatch Act and the great worry of some Members about that provision, we have provided in the committee substitute for nonpartisan elections of the Mayor and of the City Council.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yielded to the gentleman from California.

Mr. BELL. I want to commend the gentleman for his very excellent statement and the comments he made. I certainly do concur in the conclusion on nonpartisan elections. I think it is a very correct decision and action, because this is the way it is done in local elections in California, Oregon, and other States. It is a step in the right direction and is for the good of the legislation.

Mr. DENNIS. Will the gentleman yield?

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

Mr. DENNIS. For a point of information, I would ask the gentleman when the council passes a bill under your measure and you have a 30-day layover, what are the prerogatives of Congress during that 30-day period of time with respect to the legislative situation?

Mr. ADAMS. If it is a charter amendment, and that has to be also approved by the people, either House can veto it. If it is a statutory amendment then the Congress simply can pass a bill, a statute, saying that local law shall have no effect. Congress is not limited to doing it within 30 days, but if it is greatly upset about it then it has 30 days so that the local law would never go into effect.

Mr. DENNIS. But it would take an act of the Congress and it could not be vetoed by the action of either House?

Mr. ADAMS. That is correct, on general legislation. We have maintained the constitutional power intact.

Mr. DENNIS. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

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

Mr. NELSEN. Mr. Chairman, in reference to the Hatch Act dealing with the election of the President and Vice President, which are partisan offices, are there any provisions in this bill that deal with the activities of the employees of the District of Columbia that are enjoying civil service and that are now under the Hatch Act, will they be permitted to just promiscuously get involved in partisan politics?

Mr. ADAMS. We have left the Hatch Act provisions alone in going to the nonpartisan election provision.

Mr. NELSEN. I thank the gentleman.

Mr. DIGGS. Mr. Chairman, I reserve the balance of my time.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, the consideration of this bill is perhaps one of the most important considerations that this House will ever have as it deals with the government of this Nation's Capital.

On the home rule question, which is basically I guess what we are talking about, we find in the Congress—and this is traditional—three different groups. We have those who are totally opposed to any kind of consideration. We have those who would go too far in the other direction so that those who may live distant miles away really lose their voice. And we have those who are sort of in the middle, who recognize that this city now has a population of 750,000 people or less, and circumstances have changed as far as municipal affairs are concerned, and the well-being of this city.

I have been one of those who has supported constantly, over a period of years, a movement towards more local involvement and more, shall we say, harnessing of the local manpower in the interest of the District of Columbia, but at the same time always trying to preserve the dominance of our national city, because this is our national city.

Coming from my farm in Minnesota, my parents were immigrants, and one of the greatest thrills of my life is to see the Capitol illuminated at night. It is my Capitol, and it is the Capitol of those who live here, but it is not theirs alone, it belongs to every citizen of this country.

I remember representing our U.S. Government and going over to the funeral of the King of Denmark, the home country of my dad and mother, and to see that big plane, the United States of America painted on its side and the flag—It was a great thrill. But I can see from arguments here where some of my colleagues overlook the fact that this is a Federal city. They want to give the residents a total voice and still my voice. I can also look back and see that many in the House have overlooked the fact that there are local problems. So I have been one of those who have constantly been moving in the direction of trying to give more authority and more jobs to the people who live here in the District of Columbia, feeling that involvement is good.

I supported, as the gentleman from Kentucky (Mr. NATCHER), did, provision for local residents to vote in the election of President and Vice President, giving the people a chance to vote here.

One of the other steps we took years ago was the elected school board, feeling this function was principally local, and the local school board should be elected by the people. But to my surprise, when I proposed that they be given authority to tax to raise money for the schools during hearings on home rule, they did not want that authority. They did not want it. Then came a nonvoting delegate of the District of Columbia. It was my maneuver that made it possible for this bill to pass. I wanted to give the District of Columbia a vote in the Congress of the United States, but I did not want to give my voice away.

We may go on, then, and talk about the Administrative Procedures Act, which is another thing we did to give residents a legal voice in what goes on in their government and one of the things that is often overlooked. Few people even know about it. Another thing I sponsored was a bill that gives to the District of Columbia the advantage of land-grant moneys as did other cities of the United States. That was my bill. Our purpose was to give the money to the Washington Technical Institute, because that fits the category of the land-grant moneys.

What happened? The Federal City College grabbed half of it and charged an administrative fee besides, and the Washington Technical Institute had to wait a year to get their money. I proposed legislation that would give them the money, and I was charged as being irresponsible by the nonvoting delegate in the press. But I was right then and I am right now in my "home rule" bill.

Sitting on the committee—and I have been there for quite a few years—it seems as though many of us have to serve on the District of Columbia Committee for awhile when we come to Congress. I have never been able to get off. I have asked to be relieved of the responsibility several times, but it seems that I have been fairly successful in trying to work out compromises.

I felt kind of bad when in our committee time after time and time after time they would criticize the city government for spending too much. Yet there was never any move made to try to figure out how we could make it a better city with improved government and services. So I came up with this idea of the Little Hoover Commission, which has later been named the Nelsen Commission, and we spent $750,000.

We had on this commission some experts on government and fine men who knew the District. We had Tom Fletcher, the assistant to the mayor; JOHN DUNCAN, the former Commissioner; and Don FUQUA who was chairman of one of the subcommittees. I must say when I started to add the score, I guess I was the only Republican. However, we were all interested in a common goal, and that was the well-being of our Nation's Capital.

We came up with recommendations all across the board trying to improve the city, trying to make it a better city with recommendations for improved organization and services that have now been accepted by the majority in their committee print. However many of the Nelson Commission recommendations have been altered, as I pointed out. There is a little lavender in quite a few of them, but any way we did do a job. I think the committee report will be a good handbook to look at, looking to the future, and I am sure that many of our recommendations will later follow.

Right from the beginning it was my endeavor to keep the Commission report separate and the home-rule issue separate. It was my feeling that one might damage the possibility of the other. I was unsuccessful in that venture. The committee voted me down. Anyway many of the recommendations are incorporated but in an unsatisfactory way. I am rather pleased now to see a trend in the committee where every time I turn around they amend the bill to get it closer to the Nelsen-Green bill—H.R. 10692.

I will not say that I think I dealt with a stacked committee.

But I also want to say that the committee now begins to recognize that some of the recommendations I made and some of the recommendations made by the Commission are valid and should be adopted. They are moving in that direction every time they rewrite the committee bill H.R. 9682.

So what did we do in our Commission report? We did what everybody says they are doing now. We tried to separate the parochial interests from the national interests, transfer to the local people things that are local, keeping always in mind that the Federal City is a predominant thing. I want to say to those who live here in the District of Columbia, whether they are black or white, their concern should be the same as mine. It is their Federal city first, and the local problems would be handled by separate municipal authority in the Nelsen-Green bill.

So we transferred to the local city government in our bill H.R. 10962, the Redevelopment Land Agency which will be under city control, the National Capital Housing will be under city control, and the Manpower Administration will be under city control, and the Municipal Planning Office will be under city control. The comprehensive plan for the District is established by the National Capital Planning to protect the Federal interest. So we did make those transfers that we are talking about.

What happened in the committee? When the bill was considered I was over at the hearing, and a pro home rule group came in and objected to the provisions of the bill on planning. Then some modifications occurred to accommodate them on planning. Not enough but some.

Next the judges came in, and again a change was made. May I say that the Court Reform Act is a good act and I had a great deal to do with it when it passed the House. The judges pointed out the backlog has been reduced by virtue of the approach in that legislation. Now I think we are amending that District of Columbia Court Reform Act in this bill. Even in the new and latest rewrite of the committee bill, the judges will be appointed by the Mayor to be confirmed by the Senate in the committee rewrite. The Senate does not want to give the President a voice in the appointment of judges but they want it over there. That is in the Senate bill and I think they are wrong.

Now then we may go to the budget. Again if we are to determine what the Federal payment ought to be, we need to examine what the expenditures have been in the District and how they compare with other cities. I am pleased to note that there has been a movement toward changing it so that the Congress will be in control of appropriations.

But before I forget about it I mentioned some of the things that I have done relative to the interest of this city. For years we have had people going to the schoolhouses and having their pictures taken pointing to an old textbook to show their interest in education—and that was the end of it. But we will find the Washington Technical Institute was my bill. The Federal City College was my bill. I was out for the commencement of the WTI and there were 400 graduates. There were 87 percent who had a job the day they graduated. Believe me, they are not critical of my interest in the District of Columbia.

But then comes the consideration of the home rule legislation. So we have some very busy people down here who are telephoning all over the country, and here we have the document by Common Cause. They say that the chief opponent is the senior Republican on the committee, ANCHER NELSEN, of Minnesota. They say I am the chief opponent of home rule—and yet I have given the District more home rule than any other member of the committee. So the Common Cause publication goes on to say that the opposition is based on racism. There was not a single one of those graduates at the WTI who felt I was a racist, because for the first time those graduates had an opportunity of going to a good school and learning a craft and getting a job and becoming successful in their own community and having earning power and pride and having their families live here and making a contribution.

So now when we come down the stretch, we then get a committee print to replace a committee bill H.R. 9682 which a week ago all the sponsors were saying was a great bill.

As I pointed out, I came by the committee yesterday and as I came by, the cameras were outside—there are always cameras around—and inside there was a committee meeting, not of committee members; there were about 40 or 50 people from downtown. You might as well have a meeting at Hogates, as far as discussing the affairs of our committee report.

No one in the minority was not advised of it. I still have not read the committee print report. I only know what I have been told today. I still say there are many things that are wrong with the committee bill and we will point them out to you tomorrow. However I should compliment those who met, in that they are now becoming aware of the fact that what I proposed in the first place in H.R. 10962 was sound and salable. I urge them to join me in voting for H.R. 10962.

When I deal in legislative processes, I always look for the attainable goal, for a course I can follow, for one that I can reach; so under the bill that Mrs. GREEN and I have introduced, we took the Nelsen Commission report and took out of it many of the important things that we placed in the committee bill. We left it exactly the way these experts wrote it.

We then put in an elected city council. Then we found this business, if we elect a mayor, the mayor appoints the chief of police. Now, the President appoints the mayor and the mayor then appoints the chief of police, which leaves the line of authority all the way to the President, where it ought to be, and traditionally in the District of Columbia that has always been it.

Now, there is some accommodation for emergency conditions. I am wondering if the President is going to have to declare an emergency to get up to deliver the inaugural address.

I do not know just how the mechanics of this work out, but I want to say this, that if I have been criticized for coming in with a substitute that was introduced October 2, the committee then should be subject to a very, very severe criticism, because they come in today with no bill, just a committee print and we do not know what is in the 129-page substitute.

I endorse the principle of "home rule" for the District of Columbia.

I am committed to full citizenship rights for all U.S. citizens consistent with the Constitution.

I have a record of solid achievement as the ranking minority member of the House District Committee in expanding the rights of self-government for District citizens and their representation in the Congress:

First. I was one of those who pushed for and succeeded in obtaining rights for citizens of the District of Columbia to vote in Presidential elections.

Second. I was one of the authors of the bill that provided the District of Columbia with an elected school board.

Third. I was the author and helped assure the passage of the bill that provided for the nonvoting delegate for the District of Columbia—the first such delegate for the District in approximately 100 years.

In addition to the above, I was one of those who supported the adoption of an Administrative Procedures Act for the District of Columbia that insured that residents had an opportunity to be heard before administrative agencies of the District of Columbia government.

I was the author of the provisions of the bill providing for the Washington Technical Institute, which has been in my opinion one of the most successful institutions created in the District of Columbia in the last 50 years.

I introduced the bill that permitted the establishment of a commission to study the efficiency in the District of Columbia government, and after its creation, I served as Chairman of that Commission. We spent $750,000 and considerable time and effort in putting that report together. It is a good report—one that has been endorsed by Government officials, Members of Congress, residents of the District, District government officials, and citizens' groups throughout the city.

Commencing in January of this year, I strongly urged the members of the House District Committee that rather than get the Nelsen Commission's recommendations mixed up with the issue of "home rule," that we keep them separate.

They were kept separate when the Commission study was being conducted so as not to interfere with the issue of "home rule," if it were brought up before the Congress. It seemed to me only fair and in the interest of the city and its residents and the country as a whole that if in the Congress we could address the issue of "home rule" independent of the issue of good government, which the Nelsen Commission addresses. However, my advice, which I gave freely out since January, was largely ignored. Time after time I implored those seeking "home rule" in the District of Columbia, as well as those of us who are Members of Congress and involved in this matter, please not to get these issues intertwined so that perhaps both might be dealt a death blow.

My advice, unfortunately, has been largely ignored. We have a bill report out by the House District Committee, H.R. 9682, which has the Nelsen Commission recommendations and "home rule" intertwined within it. I tried in the full committee to separate them, but I did not have sufficient votes to do so. I tried in the committee to urge its membership to limit the provisions of "home rule" to attainable goals and there again, I was unsuccessful.

I think we have seen the past few days the controversial provisions contained in this bill have surfaced in the Rules Committee and in the entire House. Unless my judgment is amiss, the grasp of H.R. 9682 is beyond the reach or accomplishment of its proponents. Unfortunately, in this 132-page bill bristling with controversy, it goes well beyond attainable goals that this House would endorse.

I indicated before the full committee on more than one occasion that I would introduce an alternative for the House of Representatives to act upon, an alternative which placed the recommendations of the Commission which I headed in a form in which, in my opinion, the Commission intended they be implemented. I favored including in such provisions the addressing of the issue of representation of the local interest fulfilled in a way that would not do damage to the Federal interest, because this Nation's Capital belongs to all of us. It is your Nation's Capital, and it is my Nation's Capital. It is your constituent's Nation's Capital, and it is my constituent's Nation's Capital.

My alternative bill protects the Federal interest in the District of Columbia in many ways, but the principal way is that it provides for an appointed Commissioner, as is the case today. It is important that the police power, and I do not mean by this just policemen and police protection, but the police power generally as that term is contained in the Constitution, rests with the Federal Government, either the Congress or the President.

It is true that the District of Columbia is written into several bills enacted by this Congress to give them the benefits thereof by saying that all the States shall participate in this or that program and also the District of Columbia. Now it seems to me that as long as the Commissioner is appointed by the President, the fact that we provide these additional benefits to the District of Columbia, which is basically a city, gives them advantages which they may therein ultimately have, but since we in the Congress act as a State legislature and as long as the Commissioner by and large acts as the President's delegate to serve as its Governor for many purposes, then I think the constitutional provision giving the Congress exclusive legislative authority, placing the Federal interest in the District above that of the local parochial interest where there is potential or actual conflict is resolved in favor of the Federal interest.

I had occasion recently to introduce into the RECORD one of the finest speeches on the issue of "home rule" that I have ever read. It is President Taft's address given in the District of Columbia some 64 years ago. In it, he addresses an issue which the proponents of "home rule" are using today to try to frighten Members of Congress into voting for something that goes beyond what their commonsense tells them is right in the circumstances. They are being told that a vote against "home rule" is racist. They are being told that a vote against "home rule" is a vote against the principle upon which this Nation was founded.

First I am going to address the issue of what the principles of our Founding Fathers were as President Taft saw them. He said:

> I have gotten over being frightened by being told that I am forgetting the principles of the fathers. The principles of the fathers are maintained by those who maintain them with reason, and according to the fitness of the thing, and not by those who are constantly shaking them before the mass of the voters when they have no application.

President Taft also said that one does not apply principles, even that of self-government, to illogical and absurd ends and states, as I quote below, that the application of the principle of self-government in the Constitution that was to apply in other parts of the country was limited as it was to apply in the District of Columbia.

> This was taken out of the application of the principle of self-government in the very Constitution that was intended to put that in force in every other part of the country, and it was done because it was intended to have the representatives of all the people in the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the nation, and this as the representative of that nation.

Now let me turn to the charge of racism that was made. The Common Cause, which is an organization headed by Mr. John Gardner, who served as Secretary of Health, Education, and Welfare, under President Lyndon Johnson, has circulated a newsletter suggesting an unspoken reason of those opposing "home rule" is racism, and that those opposing it are distrustful of the largely black electorate in Washington.

This is a very cruel and unsupportable charge when applied to every Member of the Congress. I resent this, as I am sure, many of you resent it. It is a strange and unusual and curious charge coming from Mr. Gardner, who claims to be 99 $^{44}/_{100}$ percent Rinso white. I am willing to place my record on the line with Mr. Gardner's any time and any place.

If my record of previous laws passed in recent years with respect to the District of Columbia, the work I have done for this community, some of which I have set forth above, does not withstand the most minute scrutiny—I would be very surprised.

I am greatly disappointed and disgusted that any organization purporting to be responsible should choose to follow such a low political role in quest of a legislative objective.

Let us pursue this further for a moment. Now Delegate WALTER FAUNTROY, who occupies a seat which my bill provided for in 1970, recently was quoted in the press as having "threatened a black voters campaign against white Congressmen who vote against a home rule bill for the District."

As I understand it, the Coalition for Self-Determination, on which Mr. FAUNTROY serves and which I understand either Mr. Gardner serves or whose program he has endorsed, is housed largely in the offices of Common Cause. Common Cause has offered the Coalition for Self-Determination office space, telephone services, and so forth, all this accounting to the reporters who have called me advising me that Self-Determination had been calling people in my district telling me that I must support H.R. 9682, even though in my opinion it is a bad, unacceptable bill.

Mrs. GREEN of Oregon and I addressed a letter to our colleagues in the House explaining in some detail the problems we had with the committee bill, H.R. 9682, and how our proposed alternative, H.R. 10692, we believe improves on the committee bill. Surely it protects the Federal interest. It insures, as the Constitution provides, that—

> The Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District . . . the seat of the Government of the United States.

On the other hand, H.R. 9682 creates a city-State, virtually all State legislative, executive, and judicial authority transferred to the local "home rule" government. I know that my home State of Minnesota, where I served in the legislature for a number of years, did not delegate the type of authority we are delegating here in the committee bill to the city of St. Paul, which serves as the capital of the State of Minnesota. I seriously doubt whether any State legislature in any of the 50 States of these United States would delegate to the capital of their State the authority similar to that which the committee bill would delgate to the District of Columbia where the Congress serves as the State legislature pursuant to the Constitution.

I can fairly well guarantee you that the mayor of St. Paul, Minn., does not appoint the circut judges in the city of St. Paul, nor does he appoint any of the supreme court justices in the State of Minnesota. Yet, the committee bill would provide that the elected mayor of Washington would appoint 43 circuit judges

and 9 judges—the equivalent of justices of the supreme court of Minnesota.

Now, if there is any Congressman in the Chamber today who would provide this kind of authority to the mayor of the capital of his State, I wish he would come down at this time and tell me about it so that we can insert that in the RECORD at this point.

Again I would like to inquire whether any Member of this Chamber believes that his State legislature would grant the type of legislative authority, general in nature—such as that employed by a State, to the city council in his State capital. Having served in the State Legislature of Minnesota, I doubt very much whether the Legislature of Minnesota would be willing to do that. Yet, this is what the committee bill would have you do for the District of Columbia City Council—the elected City Council—which they provide for in this bill. That Council and the elected mayor could pass, with three exceptions, legislation which would become law immediately—no veto authority in the Congress or President—immediately, and the only way we could undo what the local government had done if we disagreed with it would be to to pass an act and have it signed by the President to overcome what the local government had done. Even then, the local enactment would be in effect until it could be changed.

I do not say this to frighten or scare you—I only say it because I do not think it makes good sense—I do not think it is constitutional, and I think it does what President Taft suggested—it carries the principle of self-government to a rather illogical and absurd result.

I am quite ready to admit, together with President Taft, that there are defects in the system of government in which the Congress is bound to look after the government of the District of Columbia. But I submit, as I did, that the judgment of history vindicates the foresight of our forefathers in establishing the District of Columbia as the seat of the Federal Government, and providing that at the seat of the Federal Government the Federal Government's interests would always be protected. The committee bill doen not protect that Federal interest, and the fact that it is now being recognized in the newspapers and on the media is evidence that the bill just plain goes too far.

I think you should listen attentively to the other alternatives which have been proposed and have been aired in the Rules Committee. However, I do not know that the Congress at this point is willing or ready to address the permanent solution to the problem which exists here—or whether they ever will or not, I am not sure, and I think it is good that the citizens of the District of Columbia and the people of this country—all of our constituents back in our congressional districts—understand the problem here at the seat of the Government.

I strongly urge institutions such as the League of Women Voters to be more objective in their analysis of the issue of "home rule," as well as the bills that are presented. It does no good to deal in gross terms with the issue of "home rule" with constituents anywhere from 50 to 3,000 miles from the District of Columbia, when we are dealing with a 132-page controversial bill on "home rule."

I have talked to people in my district, as well as other districts, and asked them if they would like the capital of their State to have the same authority as the committee bill would give to the local government here and almost without exception, the answer was "no." So, I would ask people and organizations to be reasonable when they discuss this issue—not to pursue principles to their extremes and to absurd results.

I have been successful by and large, I believe, in the legislation that I have been interested in for the District of Columbia. I trust that it has been good for the District—certainly it was intended to be in their interest. Yet, at the same time, I serve on the House District Committee because I feel that it is an obligation which I owe my constitutents who also have an interest in their Nation's Capital. During the campaigns back home, when this issue was raised, I told them that. Right now, there are approximately 20 million visitors coming to this Capital every year, whch means that within 10 years or so, hopefully every person in this country has an opportunity to come here and see their Capital and enjoy some of the special benefits of our monuments, our cultural centers, and, yes, of even meeting their Congressman and seeing them here on the floor. I want the interests of those 200-odd million out there protected in their Nation's Capital, just as well as I want to see the local interest addressed.

My bill, H.R. 10692, does this. I urge you to support it and vote for it. It contains many of my Nelsen Commission recommendations; it provides for an elected council, and it permits other improvement in the local government that will mean good government for the residents and protection for the Federal interest for those 200-odd million people who also have an interest here.

At this point I wish to insert in the RECORD the article published by Common Cause:

GET BEHIND DRIVE FOR D.C. HOME RULE

It is a basic tenet of a democratic system that citizens should elect their public officials. It is the only way to hold officials responsible to the public. Yet in the District of Columbia—better known as Washington, D.C., the national symbol of representative government—local citizens do not have home rule.

They play no part in choosing the officials who have ultimate control of city affairs—the 535 members of Congress. Congressmen set the taxes and the budget, and generally act as the legislative council for the city. The President of the United States appoints the mayor and city council members for Washington.

The U.S. Senate recently passed a D.C. home rule bill for the eighth time in 14 years. The vote was 69 to 17. A similar bill has never passed the House of Representatives, largely because the committee chairman in charge of D.C. affairs was, until this year, a South Carolina Congressman adamantly opposed to D.C. home rule.

This year the chief opponent is the senior Republican on the Committee, Ancher Nelsen (Minn.). All the same, there is a good chance of D.C. home rule passing if the 435 members of the House are prodded by their constituents at home.

A vote by the House is expected around Sept. 24. The House Committee on the District of Columbia, under Chairman Charles Diggs (Mich.), is now finishing work on a home rule bill and is expected to strongly recommend, for the first time, self-government by D.C. citizens.

We urge Common Cause members to write to their Representative before Sept. 24 and urge passage of the D.C. home rule bill, HR 9056. The address is: House of Representatives, Washington, D.C. 20515.

Ask for support of provisions for an elected mayor and city council with full legislative and fiscal authority over local affairs.

There are two principal arguments made against D.C. self-government, and one unspoken one.

Some Congressmen stress Washington's uniqueness as the Federal Capital and argue that D.C. self-government might damage federal rights in the city. These are highly exaggerated fears. The House and Senate home rule bills exempt federal property from the city's jurisdiction and authorize Congressional review—and veto, if necessary—of acts passed by the elected city council.

Other Congressman support the local Statehood Party's efforts to make the District of Columbia the 51st state. Home-rule advocates, fighting an uphill battle to win House approval of an elected city government, say statehood hopes are like pie in the sky. They describe long-time Congressional opponents of home rule who now endorse statehood—Rep. Joel Broyhill of Virginia is a prominent example—as wolves in sheep's clothing.

The unspoken argument against home rule is based on distrust of a largely black electorate. The fine performances in office by Mayor Walter Washington, the appointee of the last two Presidents, and Walter Fountroy, the elected, non-voting D.C. Delegate to the House, both of whom are black, would dispel such opposition if it were not based on racism. That is an unpleasant truth, but one that has been largely responsible for House inaction on D.C. self-government in the past.

Common Cause has been working steadily for D.C. home rule since 1970. We lobby as part of Self-Determination for D.C., a coalition of 51 national and 60 local organizations. Richard Clark, of Common Cause's legislative staff, is chairman of Self-Determination's national board. Among leading participants in the Coalition are the United Church of Christ and United Presbyterian Church, the League of Women Voters, NAACP, NEA, United Auto Workers and several other unions.

As House action nears, volunteers have flooded into our offices to help make the home rule drive a success. Many more would be welcome. Call Dick Clark.

At this point I wish to insert in the RECORD a comparison of H.R. 9682 as reported by the committee and my bill, H.R. 10692, cosponsored by Mrs. GREEN of Oregon:

COMPARISON OF HOME RULE BILLS

| D.C. COMMITTEE BILL H.R. 9682 | NELSEN-GREEN BILL H.R. 10692 |
|---|---|
| *Executive* | *Executive* |
| Mayor is elected in a partisan election for 4 years. | Mayor continues to be appointed by President as provided by Reorganization Plan No. 3 of 1967. |
| *Council* | *Council* |
| Council members (8 from wards and 5 at large) are elected in partisan elections for term of 4 years. | Council members (8) are elected in nonpartisan elections—one from each ward. |
| *Judiciary* | *Judiciary* |
| Judges of Superior Court (43) and D.C. Court of Appeals (9) (Art. I, U.S. Constitutional Courts) to be appointed by elected Mayor for 15 year term from a list submitted by D.C. Judicial Nomination Commission. Mayor need not reappoint sitting judge found exceptionally well qualified by Commission. | No change in 1970 D.C. Court Reform Act providing for nomination and appointment of judges—President appoints, Senate confirms. |
| *Executive authority* | *Executive authority* |
| Elected Mayor has near total appointive authority over heads of District departments and agencies and members of certain boards (except Judicial Commissions where it is partial), including police and fire chiefs. Also broad appointive authority to National Capital Planning Commission. | Appointed Mayor continues to have certain appointive authority (in many cases upon the advice of the President, inasmuch as many officers perform functions which offset the Federal interest or carry out the equivalent of state functions). |
| *Legislative* | *Legislative* |
| Congressional control, "ultimate legislative control" (i.e., veto), occurs only after the fact—and really involves "repeal" of a law that has gone into effect immediately after Mayor signs the act, except in three instances. Final Congressional "repeal" by both Senate and House could take one day or one year. (In case of local bond issues—up to 14% of District revenues—what happens if Congress does repeal but not before 6 months after the bonds are sold?) On the other hand, the Council may amend, repeal or supersede prior Acts of Congress except in certain areas such as taxation of property of U.S. | Congress retains present Constitutional authority "exercise exclusive Legislation in all Cases whatsoever, over such District . . ." Delegates broad municipal (not State) legislative authority to local government (i.e., set unlimited rates—up or down—on income, sale and user taxes) subject to Congressional (40 legislative days) and Presidential (10 days) veto before taking effect. |
| *Federal payment* | *Federal payment* |
| Unlimited lump sum unallocated Federal Payment authorized for 4 years. | Establishes procedure for recommending changes in existing $190 million annual authorization. |
| *Appropriations* | *Appropriations* |
| (1) Mayor prepares budget on assumption that expenditures shall not exceed revenues. Council reviews budget. (2) Budget and request for Federal Payment forwarded to Office Management and Budget for *comment* (on Federal Payment request only) and forwarding to Congress.<br>(3) Congress may examine budget but may appropriate only a lump sum unallocated Federal Payment. Congress may not establish line-item control over any item in D.C. budget. (4) Complete line-item appropriation control delegated to City Council. | Legislatively implements Nelsen Commission recommendations retaining and strengthening existing budget and appropriation process. Congress retains line-item *control* over entire D.C. budget. |
| *Reprogram authority* | *Reprogram authority* |
| D.C. Council given unlimited reprogram authority. Mayor (without even Council approval) can reprogram up to $25,000 in funds with no limitation on the number of such $25,000 transfers. | No such transfer (reprograming authority). |
| *Election laws* | *Election laws* |
| Partisan elections. Provides exemptions to Hatch Act for employees in the Federal competitive or excepted service (including most D.C. employees). Authorizes District Government to set up own personnel system. | Non-partisan elections. Continues personnel system as it is in the District. |
| *Board of Education* | *Board of Education* |
| Provides near autonomy to D.C. Board of Education in that it prepares and executes its own budget. Bill permits Board to establish its own operational control over accounting, procurement, building maintenance and management, personnel system, and its own control over the school system's capital improvements programs. Does not give Board authority to raise its own taxes. | No change in current procedures and authority. |
| *Planning* | *Planning* |
| Two Comprehensive Plans (one for Federal establishment and projects and one for local government), minimum of 4 out of 12 members appointed by local officials to Federal agency, delay not finality in planning. | One Comprehensive Plan (Federal), appointments to Federal agency to reflect Federal interest, local government assured two members, finality of decision assured. |
| *Monumental area* | *Monumental area* |
| Under jurisdiction of locally elected government (except for some existing, but limited, authority in Capitol and U.S. Park Police). | Presidentially appointed Director of National Capital Service who will have responsibility for a consolidated (Capitol Police, U.S. Park Police and Executive Protective Service) police force, fire protection, etc., in Monumental city and abutting Federal property. |

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Also, at this point in the RECORD I wish to insert the dissenting views we prepared when H.R. 9682 was reported out by the committee:

DISSENTING VIEWS

INTRODUCTION

The principle of home rule and the transfer of some measure of self-government for the citizens of the District of Columbia are goals which are endorsed by the undersigned provided that there is adequate protection of the Federal interest.

However, H.R. 9682 addresses the issue of home rule in a manner that would be so detrimental to the Federal interest, best expressed in the specific Constitutional provision (Article I, Section 3, Clause 17) which reserves to the Congress the authority to "exercise exclusive" legislative control over the District, that it cannot be supported.

The problems entailed in providing some measure of self-government or home rule to the District of Columbia have invariably involved the question of how the Federal interest could be protected, while at the same time the local interest would be assured. This is evident from a review of the House debate when home rule legislation was last considered in 1965.

Since 1801, when the Federal government moved to the District of Columbia, the Congress has wrestled with the problem of local and national elected representation. In some instances, the Congress has in fact granted some measure of self-government to one or another of the local governments (two county and three city at one time) making up the District of Columbia. Since 1874 when Congress established a Commissioner form of government for the District of Columbia, repealing the Act of 1871 that provided for a partially elected legislative assembly, the

Congress has continued to wrestle with this problem.

There has been progress in recent years:

In 1961, Article XXIII amended the Constitution so as to permit residents of the District for the first time to vote for the President and Vice President.

In 1968, Congress passed legislation providing for a locally elected school board.

In 1970, Congress provided for the Office of Non-Voting Delegate from the District, which provides representation in the House of Representatives (including membership on the House District Committee).

Congress obviously considered that the public school system was one functional area that could be delegated to the administration of locally elected officials. It is true that there is some interest in insuring that those individuals who are part of the international community, i.e., foreign embassies, chanceries, etc., in the District of Columbia, have adequate facilities and educational opportunities in the local public school system. However, by and large, it was considered that the interest there was predominantly local and could properly be delegated by Congress to be administered by a locally elected school board with that board setting local policy.

However, the other functions performed in the District of Columbia, be they items of police protection, public works, transportation, planning, courts or criminal prosecution, are less susceptible to this division of Federal and local interests; and, accordingly, whenever questions have arisen on the expansion of authority of the local government and an attempt has been made to separate out the local interest, it was found inevitably that the Federal and local interests in most areas were inextricably interwoven.

Our forefathers, the founders of this nation, in their wisdom established the District of Columbia and indicated clearly that the Federal interest in this District of Columbia must always be the dominant interest. H.R. 9682 virtually puts the Federal government back where it was when it was located in Philadelphia with a local interest predominant, and with the opportunities for confrontation between the local government and the Federal government also back where they were before the District of Columbia was created.

Thus, what we see is not a balanced home rule concept in H.R. 9682, not an adherence to the Constitutional provision that the Congress shall have exclusive legislative authority in the District, but an abdication of Congressional authority over the District of Columbia and an elevation of "home rule" to the point where it exceeds that of any city in the United States. Many of those who testified in support of home rule and who support H.R. 9682 call what would be created by this bill a "city-state," a concept nowhere to be found in the Constitution.

There is no question but what our founding fathers established the Federal government as supreme in the District of Columbia and excluded state government interference by providing for the cession of property from Virginia and Maryland to the District of Columbia so that the Federal government would be supreme in this area. It flies in the face of the Constitutional provisions, i.e., making the Federal government the state legislature of the District of Columbia, to transfer virtually all authority, as is true in H.R. 9682, to the local government. Heretofore, when there was a transfer of local authority to governmental entities within the District of Columbia, those entities were constituted as either local municipal governments or county governments, or else their legislative authority was severely restricted in the delegation of authority by Congress as it was in 1871.

The breadth and sweep of the extreme degree of delegation of authority to the local government in H.R. 9682 substantially infringes on the Federal interest, if it does not indeed constitute an unconstitutional delegation of authority.

SOME MAJOR OBJECTIONS TO H.R. 9682

In their analysis of H.R. 9682, the undersigned have found that their principal points of objection to the bill, all of which are developed in some detail later in these views, fall into two major categories:

*I. Endangered Federal interests*

The Federal interests in the Nation's Capital would be endangered by certain provisions of this bill, which if put into effect would also eliminate the traditional and constructive Federal and local partnership which has always existed in the District of Columbia. They are as follows:

Transfer of authority over the Metropolitan Police Force to local control;

Elimination of Congressional appropriation control over D.C. spending—which includes a substantial amount of the Nation's taxpayers' money;

Elimination of Presidential appointment of judges in District of Columbia courts;

Exemption to the Hatch Act, which could serve as a precedent and lead to a return of the "spoils system" in government service;

Delegation of such broad legislative authority as to be unconstitutional or permit excessive "experimental" local legislation.

*II. Endangered and altered Nelsen Commission recommendations*

The undersigned deplore the inclusion of many of the recommendations of the Nelsen Commission, which were developed through long, careful, and costly deliberations, as part of this bill whose principal thrust, home rule for the District of Columbia, is highly controversial. This combination certainly places the legislative implementation of these recommended improvements to the District of Columbia government in jeopardy. In addition, many of the recommendations, or elements thereof, have been altered, in varying degrees, by the authors of this bill to suit their purposes.

The following is a subject matter identification of such endangered and altered Nelsen Commission recommendations, or elements thereof, which are discussed in greater detail later on in these views:

Establishment of RLA as an instrumentality of the District Government.

Establishment of NCHA as an agency of the District Government.

Transfer of certain NCPC functions to District Government.

Authority of City Council.

Compensation for members of City Council.

Establishment of independent District Government personnel system.

Appointment of City Administrator.

Scope of District Government municipal planning.

Form of annual budget presentation.

Congressional appropriations procedure for total District Government budget.

Content of multi-year operating plan.

Content of multi-year capital improvement plan.

Establishment of standards for accounting system.

Penalties for exceeding apportionments.

Relaxation of reprograming authorities.

Method of financing capital improvement program.

Protection of Federal interest in comprehensive plan for the District of Columbia.

Extent of autonomy granted Board of Education in budget preparation process.

Extent of authority granted Board of Education in budget execution process.

Elements to be considered in developing intercity expenditure and revenue comparisons for use in proposing level of annual Federal Payment.

Authorization and appropriation process for Federal Payment.

INEFFECTIVE RESERVATION AND EXCESSIVE DELEGATION OF CONGRESSIONAL AUTHORITY

H.R. 9682 is a curious, and somewhat ambiguous, mixture of broad grant of legislative authority to the Council and an apparent attempt to limit the reservation of the legislative authority of Congress.

It is *dangerously* long and excessive in its grant of legislative authority and short on reserving to Congress "ultimate legislative authority," which is not defined, as opposed to restating the language in the Constitution reserving legislative authority to Congress.

The authority of Congress over the District of Columbia is simply and succinctly stated in the Constitution, Article I, Section 8, Clause 17, and any attempts to depart therefrom should receive the most detailed examination possible:

"The Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States . . ."

The judgment that there are serious problems that would result from the delegation of legislative authority contained in H.R. 9682 is borne out by the discussion below.

*Some background on earlier delegations of authority in the district*

There being considerable doubt as to what is intended to be created by H.R. 9682 and what powers can constitutionally be granted under the circumstances, it may be helpful to the Members of the House to review to some extent what has historically and legislatively been done before in the establishment of local governments, especially in light of the "exclusive Legislation" provision that appears in the Constitution.

The historical background of the "exclusive Legislation" clause has been researched by the Library of Congress wherein it is concluded that ". . . nowhere in the published discussion surrounding the drafting and ratification of the Constitution, with the exception of Federalist Paper Number 43 [the research paper of the Library of Congress states that "the authorship of this paper is attributed to James Madison. In its discussion of the exclusive legislation clause of the Constitution, this paper defends the 'indispensible necessity of complete authority at the seat of government' and also contains an oft-quoted phrase, whose interpretation varies, concerning the right of residents of the territory to be ceded for the Federal district to elect a local government."] are the perceived or presumed political rights of the residents of the Federal district ever mentioned." (See Appendix A, *The District of Columbia "Exclusive Legislation" Clause of the U.S. Constitution, The Historical Background: 1783–1789,* The Library of Congress, July 3, 1973.)

Congress has been legislating on the organization and legal authority of local government in the District of Columbia since 1801, after it had formally finalized the movement of the Federal Government to the permanent seat of government.

It can be generally said that there was a layering or hierarchy of local government in the District of Columbia in the early 1800's. There were in the portions of the District ceded by Virginia and Maryland the following local governments:

Former Maryland portion—
The County of Washington;
The City of Georgetown, and
The City of Washington.
Former Virginia portion—
The County of Alexandria, and
The City of Alexandria.

By and large, the cities had municipal charters and the counties were administered by magistrates, appointed by the President,

who acted as Boards of Commissioners. In its sphere of authority, the County of Washington was authorized, for example, to recover certain general county expenses from the cities of Washington and Georgetown. The cities of Washington and Georgetown had certain elected officials, but the authority they exercised was totally municipal (ordinance-making). The Federal Government was at the top of the hierarchy of governments in the District of Columbia exercising substantial legislative, executive and judicial control.

Of course, in 1846, the Virginia portion of the District of Columbia was retroceded to the state of Virginia.

The principal earlier enactment relied upon by those who claim that broad legislative authority may be granted by Congress to a local government is the Act of February 21, 1871 (16 Stat. 419). (See Appendix B, an excerpt from a research paper, *"A Statutory History of Local Government in the District of Columbia 1801–1878,* the Library of Congress, July 23, 1973.)

The act provided for a variety of appointed officials and a lower "house of delegates" within the legislative which was to be an elective body. The breakdown was as follows:

Executive—

Office of Governor—appointed by President.

Office of Secretary—appointed by President.

Board of Public Works—appointed by President.

Board of Health—appointed by President.

Register of Wills and Recorder of Deeds—appointed by President.

Board of Police—appointed by President.

Legislative—

Council (11 members)—appointed by President.

House of Delegates (22 members)—elected.

Judiciary—

Municipal judges—appointed by President.

The legislative powers reserved to Congress or otherwise limited in the act of February 21, 1871, were extensive, as illustrated by the following single provision.) (See Appendix B):

The act provided that: . . . the legislative assembly shall not pass special laws in any of the following cases, that is to say: For granting divorces; regulating the practice in courts of justice; regulating the jurisdiction or duties of justices of the peace, police magistrates, or constables; providing for changes of venue in civil or criminal cases, or swearing and impaneling jurors; remitting fine, penalties, or forefeitures; the sale or mortgage of real estate belonging to minors or others under disability; changing the law of descent; increasing or decreasing the fees of public officers during the term for which said officers are elected or appointed; granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatsoever. The legislative assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to the District or to any municipal corporation therein, nor shall the legislative assembly have power to establish any bank of circulation, nor to authorize any company or individual to issue notes for circulation as money or currency.

And that: . . . the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, subject nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted.

And additionally that: . . . the said legislative assembly shall not have power to pass any ex post facto law, nor law impairing the obligation of contracts, nor to tax the property of the United States, nor to tax the lands or other property of non-residents higher than the lands or other property of residents; nor shall lands or other property in said district be liable to a higher tax, in any one year, for all general objects, territorial and municipal, than two dollars on every hundred dollars of the cash value thereof; but special taxes may be levied in particular sections, wards, or districts for their particular local improvements; nor shall said territorial government have power to borrow money or issue stock or bonds for any object whatsoever, unless specially authorized by an act of the legislative assembly, passed by a vote of two-thirds of the entire number of the members of each branch thereof, but said debt in no case to exceed five per centum of the assessed value of the property of said District, unless authorized by a vote of the people. . . .

And finally the act stipulated that "no expenditure shall be made by the said legislative assembly of funds appropriated by Congress, for objects not especially authorized by acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects."

On the other hand, the legislative powers granted to the local government in the 1871 enactment read as follows:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.

"SEC. 18. *And be it further enacted,* That the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted."

The question as to what authority could be delegated by Congress to the local government under the 1871 enactment was considered by the Supreme Court in *District of Columbia* v. *Thompson,* 346 U.S. 303 (1953). In that case, criminal informations were filed in a criminal case charging the defendant with violating the Acts of the Legislative Assembly of the District of Columbia of June 20, 1972, and June 26, 1973. The informations were quashed on the grounds that the enactments had been repealed by the Organic Act of 1878.

While it is a labored decision rife with dicta, the Court upheld the survival and validity of the aforementioned Acts, ruling that "these anti-discrimination laws governing restaurants in the District are 'police regulations' and acts 'relating to municipal affairs' ". The reasoning, dicta, and conclusions of the Court in reaching its decision indicate that, at least as respects the delegation of authority as stated in the 1871 *territorial* enactment, care should be taken to insure that Congress does not wind up delegating greater legislative authority to the local District Government than is reasonable or violative of the Federal interest. Because if the language in the Supreme Court decision were to be held by some future decision to apply to "general legislative enactments" of a locally elected legislature, great mischief could result.

*Curious mixture but broad delegation of legislative authority*

Section 717(a) of H.R. 9682 establishes the "status of the District" by directing that it "shall remain and continue a body corporate" as provided in the Organic Act of 1878, which establishes the District Government as a body corporate:

"The District of Columbia shall remain and continue a body corporate, as provided in Section 2 of the Revised Statutes relating to the District (D.C. Code, Sec. 1–102). Said Corporation shall continue to be charged with all the *duties, obligations, responsibilities, and liabilities,* and to be vested with all of the *powers, rights, privileges, immunities and assets* respectively, imposed upon and vested in said Corporation or the Commissioner." (Emphasis supplied.)

Section 2 of the Revised Statutes as contained in Section 1–102 of the D. C. Code indicates what duties, etc., are charged to and what powers, etc., are visited in that body corporate that would continue:

"The District is created a government by the name of the 'District of Columbia,' by which name it is constituted a body-corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and *exercise all other powers of a municipal corporation* not inconsistent with the Constitution and laws of the United States and the provisions of this Code." (R.S. D.C., 2; June 11, 1878, 20 Stat. 102, ch. 180, 1.) (Emphasis supplied.)

However, H.R. 9682 in Section 302 would then expand considerably on the legislative power delegated to the District by paraphrasing the grant of legislative authority given to the Legislative Assembly in 1871. It is undoubtedly intended by Section 302 to expand the legislative authority given the District to that of a state and limit it only by the provisions of Article I, Section 10, of the Constitution.

It is thus not clear exactly what H.R. 9682 would do in the grant of legislative authority. In Section 717(a), it would appear to grant relatively unlimited municipal authority to the District. Section 302 would appear to grant legislative authority enjoyed by states.

Is what H.R. 9682 creates a "City-State" as the sponsors suggested in Committee, but upon which the bill is silent except by inference? What authority does the Congress have to create a City-State?

Certainly, H.R. 9682 goes well beyond the earlier home rule enactment of 1871. The 1871 enactment created a territorial government, with territorial governments as they have been and are established today (see Title 48, U.S. Code). Many of the Federal interest protections which were contained in the Act of 1871 (nearly all principal executive, and all judicial, appointive power was in the President, (see discussion earlier), especially the delegation of legislative authority as it was *constrained* and circumscribed in that Act, do not appear in H.R. 9682.

Except for the limitation on the Council as it relates to Title 11 of the D.C. Code, the limitations on the Council that would be imposed by Section 602 are by and large those which are imposed on states.

Thus, H.R. 9682 would delegate the full range of legislative authority from Congress to the local government. The District would be able freely to "experiment" with legislation, in such areas as social welfare, that the Congress would refuse to enact, or that could

damage the spirit as well as the substance of the Federal interests.

In such instances where the local Council would go beyond the bounds that Congress desires, Congress would be left with its "ultimate" power to set it aside (Section 102). If the District re-enacted the same legislation, there would ensue a "legislative dance" between the District and the Congress that could presumably only be terminated by the Congress specifically forbidding the Council to pass any act on such subject again.

H.R. 9682, rather than restricting the legislative authority of the Council, might be said to commit the Congress to engage in this "experimental" legislative process, the results of which no one could predict.

Assuming *arguendo* that the *Thompson* case permits the Congress to grant the type of broad general legislative authority contained in H.R. 9682 without infringement of the Constitution, Article I, Section 8, Clause 17, the Federal interest in the District of Columbia would be subject to relatively the same dangers that it was before the Constitution was adopted.

As noted below in part from an address given by President William Howard Taft at a banquet in his honor on May 8, 1909, it is pointed out that the demands to protect the Federal interest in the Nation's Capital are reasonable, and the caution against its being controlled by a parochial spirit that could damage it are sound:

"Washington intended this to be a federal city, and it is a federal city, and it tingles down to the feet of every man, whether he comes from Washington State, or Los Angeles, or Texas, when he comes and walks these city streets and begins to feel that 'This is my city; I own a part of this Capital, and I envy for the time being those who are able to spend their time here.' I quite admit that there are defects in the system of government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgment of history that the result vindicates the foresight of the fathers.

"Now, I am opposed to the franchise in the District; I am opposed, and not because I yield to anyone in my support and belief in the principles of self-government; but principles are applicable generally, and then, unless you make exceptions to the application of those principles, you will find that they will carry you to very illogical and absurd results. This was taken out of the application of the principle of self-government in the very Constitution that was intended to put that in force in every other part of the country, and it was done because it was intended to have the representatives of all of the people in the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the nation, and this as the Representative of that nation."

NO RESERVATION OF AUTHORITY OVER LOCAL LEGISLATION, LOCAL POLICE POWER, ETC., TO THE PRESIDENT

It is entirely appropriate that the acts of a subordinate legislative body to which Congress has delegated power to enact provisions for the government of the District of Columbia should also submit its enactments to the President for his approval. Such a provision (reserving power to the Executive) would be consistent with the purpose and intent of Article I, Section 7, Clause 17, of the Constitution reserving to the Congress the authority to exercise "exclusive Legislation" for the District of Columbia. The President in Article I, Section 7, Clause 2, of the Constitution has veto authority over all bills passed by the House and the Senate. Under H.R. 9682 the local government would be able to pass acts that could, for instance, limit the authority of the local police or the Mayor to provide full and cooperative police protection in emergency demonstrations in the city unless recompensed at a rate deemed inappropriate to the President, and yet the latter would be powerless to prevent such an enactment from becoming law. Moreover, while H.R. 9682 reserves some "ultimate authority" to Congress over legislation and attempts to provide special oversight procedure for the Congress to nullify acts of the local government amending the charter, the President is effectively cut out from such review. The President, on the other hand, has veto power over enactments of the local legislatures for Guam, 48 U.S.C. 1423i.

In addition, the President's control over the Metropolitan Police Department, indirectly through the appointment of the Commissioner, is terminated by H.R. 9682. Other significant curtailment of Presidential authority includes the termination of his appointment power of local judges and the reduction in appointment power as to membership on the National Capital Planning Commission, a Federal agency.

The principal area where the President has some authority left is in the review of the budget performed by the Office of Management and Budget; however, it should be noted that his authority is limited to "comments" (Section 502) on the D.C. budget only as it relates to the Federal payment.

Because the Federal-local interests are inextricably intertwined in this Nation's Capital, the absence of any Presidential appointive authority in the executive and legislative branches of the local government and the lack of any control over the local government by the President constitute a clear and present danger that the Federal interest would be damaged when the local authority is not used or is misused.

THE DANGER IN THE NATIONAL GOVERNMENT'S DEPENDENCE UPON LOCAL GOVERNMENT FOR PROTECTION

On June 21, 1783, from 80 to 250 troops gathered around Independence Hall in Philadelphia where the Continental Congress was in session. The established government of the State of Pennsylvania refused protection to the Continental Congress on the grounds that "the Militia of Philadelphia would probably not be willing to take arms before their resentments should be provoked by some actual outrage; that it would hazard the authority of Government to make the attempt, and that it would be necessary to let the soldiers come to the city, if the officers who had gone out to meet them could not stop them." This dangerous prospect of a national government being dependent upon a local government for protection was obviously one of the procuring forces that resulted in the adoption of Article I, Section 8, Clause 17, of the Constitution providing that the Congress shall "exercise exclusive legislation in all Cases whatsoever over such District" of Columbia. (See Appendix A attached to these Views for a more detailed discussion.)

It, therefore, should be of major concern that H.R. 9682 places *local control over the police power in the District* (the District of Columbia Metropolitan Police Department).

Since the President would no longer appoint the D.C. Commissioner, this measure of control over the appointment of the Chief of the Metropolitan Police Force would shift from the Federal government to the local government should H.R. 9682 be enacted into law.

The following information provided by the Congressional Research Service of the Library of Congress indicates that the Metropolitan Police Department was established and has been maintained with substantial Federal control since 1861:

*Congress establishes the Metropolitan Police Department of the District of Columbia*

Congress by an act of August 6, 1861 (12 Stat. 320) provided that ". . . the Corporations of Washington and Georgetown, and the county of Washington, outside of the limits of said corporations, are hereby constituted, for the purposes of this act, into one district, to be called 'The Metropolitan Police District of the District of Columbia'."

The act provided for Federal control of the Metropolitan Police through a board of "five Commissioners of Police, appointed by the President of the United States with the advice and consent of the Senate . . ." Three of the commissioners were to be "appointed from the city of Washington, one from Georgetown and one from the county of Washington at large, for the term of three years, and until their successors are qualified, unless sooner removed by the President."

The act furthermore provided that ". . . it shall be the duty of the board of police hereby constituted, at all times of the day and night, within the boundaries of the said police district, to preserve the public peace, to prevent crime and arrest offenders . . . and to enforce and obey all laws and ordinances of the city councils of the cities of Washington and Georgetown which are properly applicable to police or health, and not inconsistent with the provisions of this act."

The act stipulated that ". . . the said police force shall consist of a superintendent of police, ten sergeants of police, and such number of police patrolmen as the board may deem necessary, not exceeding for the regular service, one hundred and fifty. The said officers hereby created for the said police force shall be severally filled by appointment from the board of police . . . and that the qualifications, enumeration, and distribution of duties, mode of trial, and removal from office of each officer of said police force shall be particularly defined and prescribed by rules and regulations of the board of police, in accordance with the Constitution and laws of the United States applicable thereto . . ."

Additionally, the act provided that ". . . . the board of police . . . shall promulgate all regulations and orders through the superintendent of police, who shall take the place of the Mayor of the city of Washington or Georgetown, as being head of the police departments or force in the said cities, but always subject to the orders and regulations of the board of police . . ."

The act further provided that ". . . the board of police may, also, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony or celebration, appoint as many special patrolmen, without pay, from among the citizens as it may deem advisable . . . and that the board of police is hereby invested with all the powers now conferred by law upon the mayors of Washington and Georgetown in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect the property, and preserve the public tranquility."

Finally, the act of August 6, 1861 provided that ". . . the board of police . . . shall possess all the power and authority heretofore conferred by law upon the auxiliary guard of the city of Washington, established by an act . . . approved August twenty-three, one thousand eight hundred and forty-two [5 Stat. 511], and all acts in amendment thereto, and said auxiliary guard or watch is hereby abolished; and said board of police shall possess all the power and authority heretofore conferred by law upon the mayor or any other officer or officers of the cities of Washington and Georgetown respectively, as the heads therein

of the respective police departments or organizations of those cities . . ."

An act of July 16, 1862 (12 Stat. 578) provided that ". . . the members of the board of police, the superintendent, and secretary, are hereby vested with all the powers conferred by law upon notaries public and justices of the peace in the District of Columbia." In addition, in the act of August 6, 1861 (12 Stat. 320, 324) there was a clause providing that ". . . the board of police shall have power to issue subpoenas, attested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations."

An act of July 23, 1866 (14 Stat. 212) amended the acts of 1861 and 1862 to provide that ". . . the chief executive officer of the police shall hereafter be styled major; the present sergeants shall be called lieutenants; the roundsmen called sergeants, and the patrolmen called privates; and that in addition to the officers and employees the commissioners of the metropolitan police, in the District of Columbia, are now authorized by law to appoint, the said commissioners be authorized to appoint one captain, who shall be the inspector of the force, command it in sickness or absence of the major, and perform other such duties as the commissioners may direct . . ." The 1866 act also provided that ". . . it shall be unlawful for any person or persons keeping an ordinary restaurant, saloon, or other place where spirituous liquors are sold within the District of Columbia, to give, sell, or dispose of any intoxicating drinks without a license approved by the board of police . . ."

*The Metropolitan Police Board and the Organic Act of 1878*

Congress by an act of June 11, 1878 (20 Stat. 102) provided the District of Columbia with a municipal government administered by a three member board of commissioners appointed by the President of the United States with the advice and consent of the Senate. Although often amended and modified somewhat by a congressionally approved Reorganization Plan in 1967, the act of 1878 remains the basic organic act (charter) of the present municipal government of the District of Columbia.

Concerning the Metropolitan Police, the act of June 11, 1878 provided that ". . . the board of metropolitan police . . . shall be abolished and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia . . ." (20 Stat. 107). Therefore, the governing body and appointing authority of the Metropolitan Police remained a presidentially appointed entity—the new Board of Commissioners of the District of Columbia.

*Selected actions since 1878 concerning the Metropolitan Police*

An act of February 28, 1901 (31 Stat. 819) provided that ". . . the Metropolitan police force shall consist of one major and superintendent, one captain and assistant superintendent, and such number of captains, lieutenants, sergeants, privates . . . and others as Congress may from time to time provide."

Pursuant to Reorganization Plan No. 5 of 1952 (66 Stat. 824), effective July 1, 1952, the Metropolitan Police Department was reorganized and the top officer of the Department was designated the "Chief of Police." The Board of Commissioners continued to appoint the newly designated top officer of the Metropolitan Police.

Reorganization Plan No. 3 of 1967 (81 Stat. 948), effective August 11, 1967, provided for abolishing the Board of Commissioners of the District of Columbia and transferring certain powers of the Board to a "Commissioner of the District of Columbia" appointed by the President of the United States with the advice and consent of the Senate. The Commissioner has come to be popularly called the "Mayor," although this referent has no statutory basis. The Commissioner, a presidential appointee, exercises the former authority of the Board of Commissioners to appoint the Chief of Metropolitan Police Department. The President of the United States, therefore, appoints the Commissioner (Mayor) of the District of Columbia who in turn has the authority to appoint the Chief of Police.

The District of Columbia has historically been the scene of potential and actual disorders because it is the Nation's Capital; and these have ranged from the Bonus March in the 1930's to more recent demonstrations in the 1960's and 1970's, in at least one of which there was a threat to prevent the Federal government from opening for business.

As the seat of the Federal government the District of Columbia has tended to become more the focal point and centerpiece of national demonstrations in recent years. Some evidence of this can be obtained from an examination of the following record of District of Columbia National Guard's support of the Metropolitan Police Department since late 1967:

RECORD OF MILITARY SUPPORT TO CIVIL AUTHORITIES BY DISTRICT OF COLUMBIA NATIONAL GUARD

| Number and date | Activity | Strength | Duty days |
|---|---|---|---|
| 1. Oct. 21–22, 1967 | Anti-Vietnam demonstration protest march | 1,648 | 2 |
| Duty days, subtotal for calendar year 1967. | | | 2 |
| 2. Apr. 5–16, 1968 | Washington, D.C., civil disturbance | 1,854 | 12 |
| 3. June 6, 1968 | Funeral of the late Senator Robert F. Kennedy | 1,390 | 1 |
| 4. June 19, 1968 | National Solidarity Day mass march | 1,555 | 1 |
| 5. June 23–26, 1968 | Support of District of Columbia Metropolitan Police Department during the closing of Resurrection City. | 1,582 | 4 |
| 6. Oct. 9, 1968 | Shooting incident: Male citizen shot by policeman.[1] | 49 | 1 |
| 7. Nov. 2–3, 1968 | Shooting incident: Female citizen shot by policeman.[1] | 723 | 2 |
| Duty days, subtotal for calendar year 1968. | | | 21 |
| 8. Jan. 18–19, 1969 | Preinaugural activities [1] | 1,694 | 2 |
| 9. Jan. 20, 1969 | Support of District of Columbia Metropolitan Police Department during inauguration. | 1,694 | 1 |
| 10. Apr. 4–6, 1969 | Support of District of Columbia Metropolitan Police Department and other agencies in preservation of law and order.[1] | 1,576 | 3 |
| 11. May 9, 1969 | Howard University disorders [1] | 835 | 1 |
| 12. Oct. 15, 1969 | War moratorium demonstrations [1] | 578 | 1 |
| 13. Nov. 14–16, 1969 | Moratorium and antiwar demonstrations | 2,260 | 3 |
| Duty days, subtotal for calendar year 1969. | | | 11 |
| 14. Apr. 4–5 1970 | Victory March [1] | 2,329 | 2 |
| 15. May 8–10, 1970 | Antiwar protest | 1,786 | 3 |
| 16. May 24, 1970 | Lorton Reformatory disturbance | 8 | 1 |
| 17. July 4, 1970 | Honor America Day celebration | 1,367 | 1 |
| 18. Oct. 2–4, 1970 | Dr. McIntyre March for Victory | 1,776 | 3 |
| Duty days, subtotal for calendar year 1970. | | | 10 |
| 19. Apr. 23–25, 1971 | National Peace Action Coalition | 1,558 | 3 |
| 20. May 2–6, 1971 | May Day antiwar demonstration | 1,919 | 5 |
| 21. May 8, 1971 | Dr. McIntyre March for Victory [1] | 904 | 1 |
| 22. Oct. 25–26, 1971 | People's Coalition for Peace and Justice | 2,145 | 1 |
| 23. May 20–21, 1972 | Antiwar activities | 1,153 | 2 |
| 24. Jan. 19–20, 1973 | Support of inaugural activities | 2,344 | 2 |

[1] Standby alert status

There is no question but what under H.R. 9682 were those same demonstrations or activities against the Federal government to arise in the future that the Metropolitan Police Department would be under local control. It is important to note that despite the fact that the Metropolitan Police Department had grown to approximately 5100 members by 1971, substantial support was still needed from the National Guard. However, under H.R. 9682, the President *could not respond* to the need for militia support of local government without the express request of the locally elected Mayor. Section 39–603 of the D.C. Code provides that the Commissioner (who is now the President's appointee and has worked closely and cooperatively in these matters) may call on the President for aid in the event of a tumult of disorder and that the President shall order out the D.C. National Guard in support of the civil authorities.

The fact that under H.R. 9682 the Mayor would have to request the militia or National Guard assistance is a matter of grave concern given the historical precedent of Philadelphia and the incidents in recent years where certain state officials delayed in seeking Federal assistance where ultimately it was needed.

It would appear to be no answer that the Congress may ask the President to bring in Federal troops, or that the President may himself order them in, when protection is deemed necessary as was done in 1787 in Philadelphia. However, the answer to this in 1787 was to establish a seat of government in which that problem could be avoided; yet, H.R. 9682 raises the issue once more.

However, the question of the Federal government's dependence on the Metropolitan Police Department goes deeper than just those occasions where demonstrations occur in the Nation's Capital. One has only to read President John Tyler's State of the Union message in 1841 and the House District Committee's response to it to realize that there was concern for crime in the Nation's Capital then as it might affect "Members of Congress, their constituents having business at the seat of Government, Executive officers, the representatives of foreign Powers located here and resident citizens." Certainly this is as true, if not more so, today when the number of visitors per year exceeds 20 million, and the international community is larger than at any time in history.

Moreover, the Metropolitan Police Department and the Commissioner are constantly

called upon by the Federal government, and have responded quickly, in providing protection to the President and foreign heads of state (such as Secretary Brezhnev). The cooperation in emergencies or steps that might and perhaps should be taken to prevent or deal with emergencies have always been easily handled heretofore by the Federal and local officials, especially since the local officials have been Federal appointees, who have obviously cooperated to give preeminence to the protection of the Federal interest—especially as it relates to the protection of those who perform the Federal functions at the seat of government.

THE JUDICIARY

Part C of Title I entitled the District Charter, Sections 431, 432, 433, and 434, would (1) vest the judicial power of the District in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia; (2) continue the D.C. Commission on Judicial Disabilities and Tenure with some amendments of the "District of Columbia Court Reform and Criminal Procedures Act of 1970" relating thereto; and (3) create a D.C. Judicial Nomination Commission that would, among other things, take the appointive power from the President (for the courts mentioned in (1) above) for D.C. judges and place it in the Mayor.

Perhaps of primary importance is the fact that the Council under the general grant of legislative authority in Section 302 (presumably limited only by Section 602(a)(4) as to Title 11 of the D.C. Code relating to "Organization and Jurisdiction of the Courts") would be able to alter, amend, repeal, or supersede virtually any law including Titles 22, 23 and 24 of the criminal code.

It is totally unclear from the bill whether, for instance, if Title 22 of the D.C. Code were amended by the Council, the criminal action would thereafter be commenced in the name of the United States (which is now the case for all felonies and misdemeanors carrying a penalty of one year or more) or whether the action would be filed in the name of the District of Columbia. Inasmuch as the prosecution of all felonies and major misdemeanors are currently handled by the United States Attorney for the District of Columbia in the name of the United States (rather than the D.C. Corporation Counsel) this is an important and unresolved question in this bill.

Also of great importance in this area is the fact that police protection of the Federal interest in the Nation's Capital is closely related to the prosecution (currently the United States Attorney) and the judiciary. For instance, in the May Day Anti-War Demonstration of 1971, literally thousands of persons had to be processed through the local courts by the Metropolitan Police and the U.S. Attorney's Office. This demanded the closest kind of cooperation which it would appear Congress would be well to insure continues. Whether a court system largely, if not totally, locally controlled would be responsive to the Federal interest in such instances in the future is open to question.

Certainly, the transfer of authority and control over the local courts from the Federal to the local government would be a significant departure from the past. As noted in the research paper, Appendix C, *A Statutory History of the Judicial System of the District of Columbia*, prepared by the Library of Congress, June 25, 1973, the appointment of local judges and control over the courts and procedures have generally always been under the jurisdiction of the President and Congress.

It is worthy of note that H.R. 9056, the predecessor bill to H.R. 9682, contained provisions that were highly objectionable to the local judiciary and, accordingly, some changes were made. (For instance, Section 602(c) of H.R. 9056 appeared to permit the locally elected Council to reorganize and even change the jurisdiction of the D.C. courts 18 months after it took office.) The Chief Judge of the District of Columbia Court of Appeals continues to express misgivings, of his own and those of the Joint Committee on Judicial Administration, as to existing provisions in H.R. 9682 as appear in a letter dated August 24, 1973:

DISTRICT OF COLUMBIA COURT OF APPEALS,
*Washington, D.C., August 24, 1973.*

Hon. ANCHER NELSEN,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN NELSEN: I wish to acknowledge and respond to the request in your letter of August 9, 1973, for my comments on the provisions of H.R. 9682 as they relate to the District of Columbia court system.

At the outset I should like to express my appreciation of the continuing interest which both the Chairman and the Committee have shown in obtaining the views of the District of Columbia judiciary concerning in the proposed modifications to the present court system contained in the so-called Home Rule legislation. Indeed, H.R. 9682, as finally reported out, has adopted a number of the suggestions we have previously made both in writing and in oral testimony before the Committee, and we are grateful that we have been able to make a contribution in this regard.

I should be less than candid, however, if I did not state that the Joint Committee on Judicial Administration, established by D.C. Code 11–1701, among others, to make recommendations to the Congress concerning the organization and operation of the local courts in the District, views with considerable concern and disapproval that provisions in H.R. 9682 (Section 433(c)) which vests absolute discretion in the elected Mayor *not* to reappoint any judge even though an independent commission, composed of both lawyers and laymen, has evaluated favorably his prior performance on the bench. It is ironic that H.R. 9682, intended by the Committee to establish a model of government for the federal city, should contain a provision which is so plainly at odds with the trend throughout the United States in favor of merit selection and retention of judges whose competency has been established by citizen commission.

It is the unanimous opinion of the members of the Joint Committee on Judicial Administration that Section 433(c) of H.R. 9682 is inimical to the establishment and maintenance of an independent and effective judiciary for the District of Columbia because it diminishes the opportunity for continuation on the bench of judges of proven competence and discourages the talented lawyer in active practice from considering judicial service. We have so stated to the Chairman in our letter of July 27, 1973, and have transmitted to him a proposed amendment, copies of which I enclose for your review.

For my own part, I also have serious misgivings concerning another provision of H.R. 9682, *viz.*, Section 433(a), which changes the method of appointment of judges followed in the District of Columbia since the beginning of the 19th Century, including the period from 1871 to 1878 when the District had an autonomous territorial form of government with a legislative assembly elected by the voters. During all these years the President has appointed, with the advice and consent of the Senate, judges to the District of Columbia courts of general jurisdiction. Section 433(a) abruptly departs from this practice by vesting the power to appoint the 53 judges who now comprise the District of Columbia Court of Appeals and Superior Court in the Mayor, with the advice and consent of the Council.

If H.R. 9682 were a statehood bill, vesting the power of judicial appointment in the chief executive of the newly established state subject to confirmation by the elected legislature, this provision might be a logical step. But the pending bill does not confer statehood on the District and indeed could not do so without an antecedent Constitutional amendment. The bill expressly reserves ultimate legislative authority in Congress (Section 601), exempts the National Planning Commission and other agencies from control of the local government (Section 602), makes any legislative action of the Council subject to a veto in either house of Congress (Section 604), and authorizes the Comptroller General of the United States to audit the accounts and operations of the District government (Section 736).

Thus, the proposed legislation is much more analogous to the kind of county or municipal charter bills which are enacted from time to time by state legislatures to confer some measure of home rule upon county or city governments. I know of no state, however, which authorizes officials of cities or counties, even those exercising a great degree of autonomy, to appoint judges of appellate courts or trial courts of general (i.e., unlimited) jurisdiction. To the extent that power to fill judicial vacancies has ever been conferred upon mayors of cities, it has been applicable only to petty courts whose functions are limited to the trial of misdemeanors and small claims.

Judges who must, of necessity, decide multitudes of problems concerning the city and its government could be expected to be far less independent in their rulings if they were in essence responsible to the chief executive of that city than if the appointment and removal power were vested in a more remote authority. This consideration and the precedents elsewhere suggest that the appointing power remain with the President, who in this respect could be analogized to the Governor of a State, rather than to be transferred to the Mayor.

It is my judgment that the two provisions in the Judiciary part of H.R. 9682 to which I have addressed myself above are at the heart of maintaining the independent and effective judiciary to which the citizens of this constitutionally unique city are entitled and for which we are all striving. For that reason I have set forth at some length the view of the five judges who are the duly constituted members of the Joint Committee created by Congress to act as spokesman for the courts concerning the critical omission from H.R. 9682 of any mandatory provision for the retention of those judges who are deemed competent by a citizen's commission. I have also stated again my own view that the bill's elimination of the President's traditional power to appoint judges to the District of Columbia courts of general jurisdiction has the unfortunate effect of subjecting these judges to local political influences and subtle pressures when they are called upon to review in the course of their judicial duties, actions of the very municipal authority who will ultimately determine their reappointment.

I am grateful for your continuing interest in these important matters and I hope my letter has been responsive to your request.

Faithfully yours,

GERALD D. REILLY,
*Chief Judge, D.C. Court of Appeals.*

There are serious questions related to the transfer of the local judiciary to the local government which only years of litigation could resolve were H.R. 9682 to become law.

FEDERAL PAYMENT, BUDGET AND FINANCIAL MANAGEMENT

In the budget and financial management area, H.R. 9682 proposes a financial management system that is unnecessarily complicated, confusing, and contradictory. Even wrapped in the attractive mantle of portions of a few selected Nelson Commission recommendations, it contains little that would inspire the District taxpayer to look with confidence to the long-range financial stability of the Nation's Capital, or the Congress to continue its constructive and fair-share approach toward meeting the District's rapidly increasing financial needs and commitments.

Congressional oversight of the appropriation process is an acknowledgement by the Congress of its obligation to all the Nation's taxpayers, who give a substantial measure of financial support to the operation of the District of Columbia Government. This concept of obligation of Congress was best stated in a recent Senate report (Senate Report No. 91–1122, p. 2):

"To some extent, by the same token, your committee has recognized its obligation to all of the Nation's taxpayers, who give a substantial measure of financial support to the operation of the District of Columbia Government; the logical complement of the appropriation of an annual Federal payment is oversight and reform in the interest of productive economy at least."

Traditionally, Congress has met its obligation to all of the Nation's taxpayers in giving its substantial measure of financial support to the operation of the District of Columbia Government through the Federal Payment by conducting a line-item examination and control of the entire District budget. Under H.R. 9682 this Congressional line-item control would be abolished. About fifty percent of the total annual financial needs of this city, housing the seat of our Federal Government, are financed from the Federal Treasury through the direct Federal Payment, revenue sharing funds and other Federal grants. Yet, H.R. 9682 would reduce the role of Congress in the District's budget process to examining *only* the annual request for the Federal Payment. The Federal Office of Management and Budget would be permitted to submit comments to the Congress on the Mayor's proposed level of the Federal Payment, and the total Congressional budget impact on the District would be limited to a review of *only* that "lump sum unallocated" amount.

As a purely practical matter, the proposal is virtually impossible of achievement. The District budget does not identify the detailed purposes for which the Federal Payment is to be reserved any more than it does for funds expected to be collected from the local sales tax, the real estate tax, or the income tax. One has only to examine the interrelationship of the thousands of items in the total District budget to realize that such an identification would be purely arbitrary or an exercise in futility. Were such a specific deliniation logical, practical, and supportable by accounting records, the basic process of determining the amount of Federal Payment would be relatively simple. Experience shows this not to be the case.

What is contemplated in H.R. 9682 is a system whereby the City Council would (1) approve an annual budget of a specific sum; (2) subtract from that sum the total revenue it believes could be raised from local and grant (mainly Federal) sources (See table below) and (3) then present Congress with a bill for the difference between the two—the Federal Payment. Personnel ceilings would be set and specific programs and capital projects would be "appropriated" *only* by the City Council. The Congress' role would be limited to providing the "lump sum *unallocated*" Federal Payment *without the* normal Congressional examination of the total District budget and the benefits that usually flow from that examination. Congress would also be excluded from any role in approving subsequent reprogramings, this authority being reserved for the Mayor up to amounts of $25,000 or less, and *without limitation* above $25,000 to the City Council.

FEDERAL AID TO THE STATES AND TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 1972 SUMMARY [1]

| State | Population [2] | Grand total |
|---|---|---|
| Alabama | 3,444,165 | $677,932,832 |
| Alaska | 300,352 | 185,268,927 |
| Arizona | 1,772,432 | 292,171,721 |
| Arkansas | 1,923,295 | 394,388,315 |
| California | 19,953,134 | 4,093,766,545 |
| Colorado | 2,207,259 | 431,656,591 |
| Connecticut | 3,032,217 | 446,727,929 |
| Delaware | 548,104 | 96,248,106 |
| District of Columbia | 756,510 | 563,693,355 |
| Florida | 6,789,443 | 830,505,686 |
| Georgia | 4,589,575 | 838,681,005 |
| Hawaii | 768,561 | 163,355,434 |
| Idaho | 712,567 | 136,036,111 |
| Illinois | 11,113,976 | 1,760,275,272 |
| Indiana | 5,193,669 | 544,674,726 |
| Iowa | 2,825,041 | 325,075,166 |
| Kansas | 2,249,071 | 297,971,713 |
| Kentucky | 3,219,311 | 598,560,952 |
| Louisiana | 3,648,180 | 727,314,734 |
| Maine | 922,043 | 191,262,787 |
| Maryland | 3,922,399 | 547,387,077 |
| Massachusetts | 5,869,170 | 1,101,058,095 |
| Michigan | 8,875,083 | 1,339,026,501 |
| Minnesota | 3,805,069 | 636,871,147 |
| Mississippi | 2,216,912 | 578,016,112 |
| Missouri | 4,677,369 | 717,899,510 |
| Montana | 694,469 | 181,406,034 |
| Nebraska | 1,483,791 | 203,727,824 |
| Nevada | 488,738 | 94,609,178 |
| New Hampshire | 737,681 | 94,733,522 |
| New Jersey | 7,168,154 | 1,040,730,738 |
| New Mexico | 1,016,000 | 294,841,004 |
| New York | 18,190,740 | 4,402,876,295 |
| North Carolina | 5,082,059 | 736,261,900 |
| North Dakota | 617,761 | 127,007,505 |
| Ohio | 10,652,017 | 1,208,150,946 |
| Oklahoma | 2,559,268 | $500,668,133 |
| Oregon | 2,091,285 | 439,259,289 |
| Pennsylvania | 11,793,910 | 1,621,144,880 |
| Rhode Island | 949,723 | 178,306,968 |
| South Carolina | 2,590,516 | 407,913,375 |
| South Dakota | 665,507 | 132,168,863 |
| Tennessee | 3,924,164 | 703,618,422 |
| Texas | 11,195,730 | 1,647,956,038 |
| Utah | 1,059,278 | 220,179,039 |
| Vermont | 444,732 | 108,504,501 |
| Virginia | 4,648,494 | 622,860,150 |
| Washington | 3,400,169 | 633,632,781 |
| West Virginia | 1,744,237 | 448,176,141 |
| Wisconsin | 4,417,933 | 524,980,442 |
| Wyoming | 332,417 | 127,427,733 |
| Puerto Rico | 2,712,033 | 469,749,666 |
| Virgin Islands | 62,468 | 64,129,531 |
| Other territories, etc | | 86,168,481 |
| Adjustments or undistributed to States | | 103,599,041 |
| Total | | 35,940,614,779 |

[1] Source: Department of the Treasury, Fiscal Service, Bureau of Accounts, Division of Government Financial Operations document entitled "Federal Aid to States, Fiscal Year 1972."
[2] Bureau of the Census, Decennial Census, 1970.

Under H.R. 9682 Congress would abdicate its role in the budgetary control process for the Federal City by being limited to the function of making "a lump sum unallocated Federal payment" to the District each year. The traditional Congressional appropriation process whereby problems are uncovered and funds are made available for specific items of expenditure, "the logical complement of the appropriation of an annual Federal payment," would be reserved exclusively to an elected City Council.

The citizens of the District should be concerned whether this removal of Congress from the appropriation process is more or less likely to encourage a fair-share Federal input to the District's financial woes and whether proper priorities would be applied to the many critical fiscal crises facing the District.

A discussion of just two areas—debt service payments for capital projects and retirement funding for policemen and firemen—illustrates some of the staggering costs the District will be facing in the near future. The extent of these and other financial commitments are just beginning to be revealed to the citizens of the District following recommendations made by the Nelsen Commission. As shown in the table below, annual debt service costs for capital projects alone will rise from *$39,000,000* in 1974 to *$162,880,000* in 1984. These costs do not take into consideration any estimated inflationary considerations and any new projects added after 1979. (See table below taken from *District of Columbia 1974–79*, Capital Improvement Program, D.C. Government, May, 1974.)

DEBT SERVICE PROJECTIONS BY AGENCY

[In thousands]

| | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Public schools | $9,400 | $11,300 | $16,000 | $22,200 | $28,800 | $31,200 | $33,900 | $36,800 | $39,000 | $41,000 | $41,000 |
| Library | 2,400 | 2,500 | 2,800 | 3,000 | 3,300 | 3,500 | 3,700 | 3,800 | 3,900 | 3,900 | 3,900 |
| Recreation | 400 | 600 | 1,000 | 1,600 | 2,100 | 2,700 | 3,200 | 3,600 | 4,000 | 4,200 | 4,200 |
| Police | 500 | 600 | 1,000 | 1,300 | 1,600 | 1,700 | 1,800 | 1,800 | 1,800 | 1,800 | 1,800 |
| Fire | 200 | 200 | 400 | 700 | 800 | 800 | 800 | 800 | 800 | 800 | 800 |
| Economic development | 0 | 20 | 20 | 60 | 70 | 80 | 80 | 80 | 80 | 80 | 80 |
| Federal City College | 900 | 900 | 1,300 | 2,000 | 2,700 | 4,400 | 6,400 | 7,500 | 7,600 | 7,600 | 7,600 |
| District of Columbia Teachers College | 0 | 40 | 60 | 200 | 400 | 400 | 400 | 400 | 400 | 400 | 400 |
| Washington Technical Institute | 400 | 600 | 1,100 | 3,000 | 5,200 | 6,200 | 7,300 | 8,300 | 8,400 | 8,400 | 8,400 |
| Human resources | 1,700 | 2,000 | 2,400 | 3,000 | 3,500 | 3,700 | 3,900 | 4,300 | 4,600 | 4,700 | 4,700 |
| Corrections | 1,500 | 1,500 | 5,300 | 7,800 | 9,600 | 9,900 | 10,200 | 10,400 | 10,500 | 10,600 | 10,600 |
| District of Columbia courts | 0 | 0 | 220 | 1,000 | 3,200 | 4,900 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| General services | 600 | 700 | 1,400 | 2,000 | 2,600 | 2,900 | 4,000 | 4,900 | 6,300 | 6,900 | 7,400 |
| Metro | 8,000 | 12,300 | 15,500 | 21,800 | 26,600 | 26,700 | 27,300 | 27,300 | 27,300 | 27,300 | 27,300 |
| General government | 0 | 600 | 600 | 600 | 600 | 600 | 600 | 600 | 600 | 600 | 600 |
| Highways and traffic | 6,400 | 7,600 | 8,900 | 10,800 | 11,000 | 11,500 | 12,600 | 14,300 | 15,600 | 16,200 | 16,300 |
| Environmental services | 7,200 | 9,000 | 12,200 | 15,000 | 16,000 | 16,700 | 17,500 | 19,300 | 21,200 | 22,500 | 22,800 |
| Total | 39,600 | 50,460 | 70,200 | 96,160 | 118,070 | 127,880 | 138,680 | 149,180 | 157,080 | 161,980 | 162,880 |

Note: Estimates are based on the fiscal years 1974–78 multi-year plan updated to include projects in the 1974–79 capital improvements program.

An even more serious financial crisis faces the District in the area of retirement costs for policemen and firemen as illustrated by the following facts:

Retirement costs for District policemen and firemen are running at a level equal to about 40% of the active duty payroll. (The retirement costs are, of course, in addition to the costs of the active duty payroll.) Neither the District nor Congress has established a retirement fund for these employees, and all retirement costs are paid out of annual operating expenses. With the District's liberalized early retirement policy coupled with an inordinately high percentage of disability retirements (over 80%), retirement costs are continuing to rise rapidly and will reach a level equivalent to 116% of the active duty payroll in the year 2060. These costs again will be in addition to the active duty payroll itself. In point of fact, the annuitant payroll will exceed the active duty payroll. If a retirement fund were started now, retirement costs could be leveled off at about 61% of the active duty payroll costs, but to do so would require the infusion of about $254 million during the next 18 years. If this is not done, the added costs will total about $2 billion through the year 2060. (See *Issue Analysis: An Aid to Program Decision-Making in Urban Government,* D.C. Government, November, 1972).

This is an example of an issue raised by the Nelsen Commission which is largely, or perhaps totally, undisclosed by H.R. 9682. In this connection, the Comptroller General's suggestion recommending that this problem be addressed in Section 422(3) appears later in a discussion of Section 422.

These foregoing two examples highlight the importance of the traditional fair-share Congressional approach and the desirability of encouraging that approach through a continuing and substantive Congressional involvement in the traditional review of the total District's budget as envisioned by the drafters of the Constitution, Article I, Section 8, Clause 17.

Congress in the past has exerted a most constructive and beneficial influence with respect to the building and operation of this Federal City. Under H.R. 9682, this constructive and beneficial influence would be greatly diminished, if not, in fact, eliminated. Even the role of the Comptroller General, long accepted as a potent force for building effective management techniques and encouraging economy in administrative practices, would be severely circumscribed by this bill, unless as suggested by the Comptroller General the word "may" as contained in Section 736 is read to be equivalent to the word "shall." The Comptroller General's examination of the accounts and operations of the District Government, as now expressly stated in Section 736, would be optional rather than required as is the case presently. H.R. 9682 can be said to eliminate these traditional checks and balances. The extent of attention given the District by the Comptroller General has traditionally been protective of the Federal interest in the Nation's Capital in that he has informed Congress and the President of problems involving the accounts and operations of the District of Columbia government.

The unique Federal interest in our Nation's Capital must be protected and the constructive and beneficial influence of the Congress encouraged by improving the traditional fiscal and financial relationships between the District Government, District citizens, the Congress, the President, the Federal Office of Management and Budget, the Department of the Treasury, and the Comptroller General. This relationship is more likely to promote increased credibility and greater future financial responsibility in all parties involved in the annual budget process than the abrupt change proposed in H.R. 9682.

HATCH ACT EXEMPTIONS

Section 740 of H.R. 9682 would exempt from the provisions of the Hatch Act—which prohibits Federal (including District of Columbia) employees "in the competitive or excepted service" from taking an "active part in political management or in political campaigns (5 U.S.C. S. 7324(a)(2))."—Federal and District employees who qualify as candidates for the Council or Mayor during a primary or general election.

In addition, it would appear that a further exemption of the Hatch Act exists in that Section 733 of H.R. 9682 would permit Federal and District employees to be appointed and serve on a political partisan Board of Elections.

Furthermore, Section 402(d), setting forth the qualifications for holding the office of member of the Council, provides, among other things, that "No person shall hold the office of member of the Council, including the office of Chairman, unless he . . . (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith . . ."

The foregoing provision could lend itself to an interpretation that gives further exemption under the Hatch Act. For instance, if a Council member were to serve in the Federal Government as a consultant and be paid actual expenses, he would under the existing provisions of the Hatch Act be prevented from participating in partisan political activity on the day for which he was so paid. Section 402(d) would appear to grant an exemption for these kinds of employees.

There is little, or no, question but what a provision permitting Federal and District employees to participate in local politically partisan elections (Section 740) or to serve on a locally partisan politically appointed Board of Elections (Section 733), or to serve on the Council (Section 402(d)), while at the same time serving as a consultant to the Federal Government compensated for actual expenses (even though this latter status may be subject to interpretation on a factual case-by-case determination by either the Civil Service Commission or the courts as to whether or not the individual comes within the provisions of the Hatch Act) will to a large extent totally nullify the effect of the Hatch Act prohibiting certain political activity in the District of Columbia.

It is difficult to conceive of an exemption that is more likely to strike a death blow to the Hatch Act than one that offers the protection of the career service to one who is seeking a politically partisan elective office. Whether intended or as a result of oversight, it is highly probable that the foregoing provisions in this bill would have that result.

Proponents of this bill might well see a golden harvest in political contributions from the pockets of Federal and local employees were they able to successfully and indirectly initiate the repeal of the Hatch Act. Exemptions such as those contained in this bill could well open the door to a reversion to the "spoils system" which the Hatch Act was initially enacted to correct.

The Supreme Court decision on June 25, 1973, in *U.S. Civil Service Commission v. Letter Carriers,* ----- U.S. ----- (1973) upholds a constitutional challenge to the Hatch Act and its reasoning is worth calling to the attention of Members of Congress:

> We unhesitatingly reaffirm the *Mitchell* holding that Congress had, and has, the power to prevent Mr. Poole and others like him from holding a party office, working at the polls and acting as party paymaster for other party workers. An Act of Congress going no further would in our view unquestionably be valid. So would it be if, in plain and understandable language, the statute forbade activities such as organizing a political party or club; actively participating in fund-raising activities for a partisan candidate or political party; becoming a partisan candidate for, or campaigning for, an elective public office; actively managing the campaign or a partisan candidate for public office; initiating or circulating a partisan nominating petition or soliciting votes for a partisan candidate for public office; or serving as a delegate, alternate, or proxy to a political party convention. Our judgment is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees.
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> Such decision on our part would no more than confirm the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service, and that the political influence of federal employees on others and on the electoral process should be limited.
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> In 1966, Congress determined to review the restrictions of the Hatch Act on the partisan political activities of public employees. For this purpose, the Commission on Political Activity of Government Personnel was created. 80 Stat. 868. The Commission reported in 1968, recommending some liberalization of the political activity restrictions on federal employees, but not abandoning the fundamental decision that partisan political activities by government employees must be limited in major respects. 1 Report of Commission on Political Activity of Government Personnel, *supra.*
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> This account of the efforts by the Federal Government to limit partisan political activities by those covered by the Hatch Act should not obscure the equally relevant fact that all 50 States have restricted the political activities of their own employees.
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> Until now, the judgment of Congress, the Executive and the country appears to have been that partisan political activities by federal employees must be limited if the Government is to operate effectively and fairly, elections are to play their proper part in representative government and employees themselves are to be sufficiently free from improper influences. *E.g.,* 84 Cong. Rec. 9598, 9603; 86 Cong. Rec. 2360, 2621, 2364, 9376. The restrictions so far imposed on federal employees are not aimed at particular parties, groups or points of view, but apply equally to all partisan activities of the type described. They discriminate against no racial, ethnic or religious minorities. Nor do they seek to control political opinions or beliefs, or to interfere with or influence anyone's vote at the polls.
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> What was discussed above are express exemptions to the Hatch Act contained in H.R. 9682. There still remains for discussion the question of how the locally elected District government would institute its own local District merit system under its delegated authority to legislate.

H.R. 9682 would (under Section 422) permit the District of Columbia government to enact its own District government merit system or systems once the charter was approved and the local government established. Section 422(3) provides that "The system may provide for continued participation in *all or part* of the Federal Civil Service System . . ." The only apparent guideline in this section in delegating this authority to the Council is that the system should be "at least equal" *in benefits* to legislation now in effect enacted by Congress.

Thus, no doubt the locally elected Council under H.R. 9682 would be permitted to retain

all the benefits and advantages that District employees now enjoy under the Federal Civil Service, and it would give total exemption from any restriction over political activities of their own employees, notwithstanding the fact that, as noted by the Supreme Court in *CSC v. Letter Carriers, supra,* ". . . that all 50 states have restricted the political activities of their own employees," and the fact that we in the Congress have consistently applied the Hatch Act to District government employees.

AN OPPORTUNITY FOR IMPROVEMENT

Washington, D.C., is located in one of the fastest growing metropolitan areas in the nation. The citizens of this area earn one of the highest per capita incomes in the nation, and through the presence of the Federal Government, enjoy a relatively stable economy. Nevertheless a variety of economic, sociological, and demographic factors have interacted to produce a critical fiscal disparity between the District and its environs to the extent that the District of Columbia itself has been left with the metropolitan area's most costly citizenry in terms of the need for provision of services, public assistance and facilities.

The future offers little basis for optimism: A substantial suburban population growth is predicted, while the District's population is expected to continue to decline.

An increasing concentration of "high fiscal cost" citizens is expected in the District, reflecting lower income relative to the suburbs, poor housing relative to the suburbs, and a continuing increase in public assistance case loads. (One out of every six District residents is now receiving some form of public assistance.)

A larger growth of per capita taxable resources appears more likely in the suburbs than in the District.

A probable decline in taxable resources for the District can be predicted as the percentage of the District's physical land area available for taxation continues its historic decline through takings by the Federal Government, the District Government, foreign embassies, universities, and other tax exempt entities or organizations.

The District's expenditure demands each year exceed yields from existing revenue sources despite the massive influx of Federal revenue sharing funds. Steep increases in the local property tax and more intensive utilization of nonproperty taxes probably will continue to be required aggravating the exodus of capital and upper income residents to the suburbs.

Congress, carrying out its designated Constitutional role through its legislative and appropriation process, has been the only balance wheel. By exercising its beneficial influence through a fair-share approach toward absorbing the financial impact of the Federal presence, Congress has averted even more chaotic conditions. The drafters of H.R. 9682 now propose to remove the balance wheel at a time when the District is desperately trying to regain population lost to the suburbs—a more inappropriate time could not have been chosen.

What then is appropriate at this time? Congress has a unique opportunity through implementation of the Nelsen Commission Report to continue to insure a fair-share Federal commitment to the Federal City's costs and to enact other recommendations to provide economy, efficiency, and improved services in the transaction of the local government's business.

Nelsen Commission recommendations

Early in 1971, while the Commission was organizing to commence its work, President Richard M. Nixon sent a message to Congress recommending that the Commission's responsibility be broadened to include consideration of expanded self-government and stating that he would submit legislation extending the life of the Commission to prepare a second report on the subject of "expanded self-government for the District of Columbia." Congressional and other advocates of home rule prevailed upon the President at that time to reconsider his proposal, believing such action would jeopardize home-rule legislation then pending before the 92d Congress. The suggested legislation was not submitted.

Those who objected to any expansion of authority of the Nelsen Commission because they considered that it might jeopardize home rule were in error. They are also in error now in jeopardizing the legislative implementation of the Nelsen Commission by entwining them in this unacceptable home rule proposal.

President Nixon is fully justified in his September 10, 1973, message to the Congress, recommending rapid action on the Nelsen Commission's recommendations:

"The Nelsen Commission's recommendations deserve careful consideration. If enacted, these proposals would greatly strengthen the capability and expand the authority of the City's government and moderate the Federal constraints over its operation. Once again, I urge rapid action by the Congress."

Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. HARSHA).

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Chairman, there are several provisions in the committee bill, H.R. 9682, which cause me concern, and most of those provisions which do cause me concern still are retained in the committee print; that is, the committee print which was reported out today and which will be offered as a substitute at some time during the pending proceedings.

One area addressed by the pending bill which I cannot support is that related to law enforcement and the administration of justice in the District of Columbia. In particular I am troubled by two aspects of this subject.

First, section C of title IV proposes to grant to the Mayor of Washington the power to nominate judges for the Superior Court and the Court of Appeals, both courts of general and comprehensive jurisdiction. The Mayor is circumscribed in the use of this authority in that his selections first must be approved by the Nominating Commission and then confirmed by the City Council.

For the Mayor to be given such authority would be unique among the cities of the Nation. The mayor of New York or Chicago or Los Angeles, or even of Cleveland in my home State, does not have like power. I can see no justification for making an exception to this general rule for the Mayor of this Capital City.

While I discern no justification for such an exception, I can discern some harm thereby.

In its actions in 1970 restructuring the local courts for the District, Congress took abundant care to see that these judges had total independence to rule as they saw fit under the law on all questions that came before them. The independence built into the present system could be destroyed by putting the local judiciary into a position of dependence—for reappointment and even possibly for adequate funding—on the very same officials they have a legal responsibility to oversee.

I much prefer the present system which provides great distance in the appointive process between the selecting and confirming entities on the one hand and the judges and decisions they have to render on the other. Such a system is working presently in the District of Columbia and I do not feel this is the time or manner to alter a new and effective judicial system constructed with great thought and care by Congress just 3 years ago.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Minnesota.

Mr. FRASER. I do not know whether the gentleman was here earlier when I had a colloquy with the gentleman from Washington, but the power of the Mayor on appointment is limited to a list of nominees to come from a judicial commission, the majority of which are appointed either by the President or the Speaker of the House or the President of the Senate, plus two more members from the local bar, with only two members appointed by the Mayor. So the Mayor does not have an unfettered power of appointment. He has to pick from a list which comes from this Commission, and he must reappoint a judge if the Commission on Judicial Disability and Tenure decides he is qualified.

Mr. HARSHA. That is not in the bill before the committee. It may be in the committee print. Many of us have not had an opportunity to see the committee print.

Even if that is the case, there is no other city in the United States where the Mayor has the right to make appointments to the bench of judges serving on courts of general jurisdiction.

Mr. FRASER. These are not Federal courts; these are local courts.

Mr. HARSHA. I understand that. However, they are still courts of general jurisdiction and appellate courts.

Also, under existing law the Superior Courts of the District of Columbia have the right to pass on rules and regulations of the present City Council, and the District Court of Appeals has that right in the legislation. That is set forth in the bill. So I do not believe the Council in any circumstance should be passing judgment on judges who are ultimately going to pass judgment on some actions of the Council. If there is a provision to remove the verification of the appointment by the Council and let the Senate do it, that certainly is a step in the right direction.

Mr. FRASER. Mr. Chairman, the gentleman is correct. That is what is in the committee bill.

Mr. HARSHA. That does not obviate the problem of the Mayor's making appointments, which I understand is still contained in either bill.

Now, Mr. Chairman, a related matter which is of concern to me is the effect of the pending proposal on the functions and responsibilities of the U.S. Attorney's office in the District vis-a-vis the local Corporation Counsel. The 1970 Court Reform Act provides that the U.S. attorney

is the prosecutor for all felonies and serious misdemeanors under the District of Columbia Code. Since the effective date of the act, February 1, 1971, the U.S. Attorney has made substantial progress in making Washington a nationwide model for law enforcement.

For example, the period between arrest and indictment has been dropped from 90 days to a median time of some 30 to 35 days. The number of felony prosecutions has increased from about 2,200 to almost double that.

A model automated information system called "promis," the first in the Nation, has been installed and is being manned by trained expert supervisory prosecutorial personnel.

Mr. Chairman, this type of impressive and constructive progress should not be interrupted or terminated. I am concerned that some of the supporters of H.R. 9682 believe that that bill would interrupt that progress and terminate that service, and those same Members who believe that about the parent bill also have the same reservations about the substitute or the committee print.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. If the gentleman will wait just a minute, I will yield later, because I do wish to engage in a colloquy with him concerning this subject.

Now, I do not have that reservation personally, because my reading of section 602(a)(3) that the Council—

Shall have no authority—to—enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District.

Convinces me, or that language convinces me that under this bill all present functions undertaken by the U.S. Attorney would remain in that office and could be removed therefrom only by act of Congress.

Mr. Chairman, I will now inquire of the distinguished chairman of the subcommittee if that is his opinion of either H.R. 9682 or of the committee print which is to be offered as a substitute.

It is clear that any act to amend the laws relating to the jurisdiction of the U.S. Attorney for the District of Columbia is an act "which concerns that function—of the United States." The law pertaining to conduct of prosecutions in the District of Columbia is set out in section 23–101 of the District of Columbia Code. Subsections (a) and (b) of that section list those prosecutions which are conducted by the Corporation Counsel in the name of the District of Columbia. Subsection (c) provides that:

All other criminal prosecutions shall be conducted in the name of the United States by the U.S. Attorney for the District of Columbia or his assistants, except as otherwise provided by law.

Under section 602(a)(3) of H.R. 9682, the Council could not enact legislation affecting the balance of prosecutorial responsibilities between the U.S. Attorney and the Corporation Counsel because it would be altering a "function" of the United States. Such an action is forbidden by the restrictions in section 602.

Mr. Chairman, is that also the judgment or intent of the distinguished chairman the cosponsor of this legislation?

Mr. ADAMS. Mr. Chairman, I would agree with the gentleman in his interpretation.

To make it very clear and to provide a system so that the Members would understand, we have in the proposed substitute, on page 89—and this is section 602(a)(7)—stated the following, and this is a prohibition:

The Council shall have no authority to—

Enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia.

And it is the intent of that section that the present prosecutive operation remain as it is until the Congress of the United States in its wisdom changes it.

Mr. HARSHA. Now, what page is that on?

Mr. ADAMS. That is in the committee print. That is on page 89. It starts at the bottom of page 89, line 24, and it continues over to the top of page 90, lines 1 through 4.

Mr. HARSHA. Mr. Chairman, I thank the gentleman. Then I am correct in this assumption, that in either bill we are talking about which was reported out of the Committee on the District of Columbia there is no intent whatsoever to change the present jurisdiction of the Attorney General's office or the Justice Department in its prosecutorial efforts in dealing with the courts and crime in the District of Columbia?

Mr. ADAMS. That is correct. Neither bill changes that operation in the District of Columbia.

Mr. HARSHA. I thank the gentleman and certainly appreciate his clarification. That was not the case with the original bill, and I am very happy to see it in here.

Mr. Chairman, that obviates my asking a number of questions relative to that issue.

I would call the attention of the committee to the fact that at the appropriate time I intend to offer an amendment to take the appointment of the judicial branch of the Government away from the Mayor or local politicians and leave it in the hands of the President of the United States.

I think it is imperative, if we are going to have a model government in the city of Washington, that we should move the third branch of the Government, the judicial branch of this Government, as far away from local politics as we can. We have made great strides with the court Reorganization Act, and the judicial system has improved tremendously in the last 2 or 3 years.

Part of the statutory requirements for the reorganization work have recently been implemented. I think it would certainly be a step backward if we failed to continue on with the progress which we have already made.

I have set out in these remarks a few of my concerns with H.R. 9682 and the committee print as reported from the District Committee as they relate to law enforcement in Washington. I would hope that a majority of my colleagues would share these concerns and see to it that the District of Columbia is assured of the continued high quality of its judiciary and its prosecutorial office. We should make certain by our actions on the pending measure that the appointive process for judges for the local courts and the balance of responsibility for prosecution of major offenses in the District of Columbia remain as they are today. The present system works; it produces fair and effective justice for Washington. It should be left alone.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Chairman, one of the questions we hear voiced most frequently in any discussion of home rule for the District of Columbia is the Federal interest and the fact that the U.S. Capital belongs to all 200-odd million Americans.

There is nothing about this bill nor the committee action on the bill that obviates any part of the Constitution, which the bill clearly states that that is the fact. In all of the deliberations for home rule there has never been any suggestion that the people of the District of Columbia have any more right to control this Capital or the grounds or the parks or the monuments or 1600 Pennsylvania than all of the rest of the people of this great country.

What we have tried to discuss, I think, and what I must compliment the chairman of the committee for, is having the most open hearings and being the most patient and hard working that I have ever seen in all of my short tenure in this great body.

What we have been concerned with is trying to bring together the national interests with regard to our historic buildings, monuments, and traditions and to see that the God-given right of the citizens of this city is retained so that they can be concerned with their own interests and their own streets and with their own police department.

Every single part of this bill and every deliberation I have sat in on has been aimed at trying to protect the Federal interests while giving the people of the District the right as American citizens to have an interest in how their Government operates, in other words, a compromise between the congressional Federal interest and the interests of 700,000-odd citizens of Washington who have for far too long been powerless to control their destiny.

Very briefly I would like to addres the committee on the steps we have taken to try to protect the Federal interest and the Presidential interest in our Capital.

First of, it is inherent in this bill, as it is in the Constitution of the United States, that nothing we do here today will ever remove the constitutional authority of the Congress to legislate with

regard to the District of Columbia. Congress may legislate at any time on anything concerning the District and any part of the District. Under this bill, either House of Congress can veto any decisions on modifying the city charter which they find objectionable. In the committee print a 30-day layover for any legislation has been supplied so that the Congress may have 30 days in which to review the legislation and, if necessary, to pass legislation which would override the City Council's action. After the 30-day period the City Council action becomes law. The Congress may at any time, however, legislate to override any action of the City Council.

And as a practical matter we all know, sitting on the Committee on the District of Columbia, that if Congress were so disturbed by the new City Council legislation, that the pressure of a Presidential veto in the long run of the situation would bring it to an end.

The Federal payment has been returned to where it constitutionally belongs, the Congress, with a line item review of where it is to go, and what the budget is to be composed of. The GAO is required to audit all movements of the budget within the District of Columbia. We require a balanced budget within the District of Columbia. We require a debt ceiling, a debt percentage limit within the new government of the District of Columbia.

The court system, so carefully established in this body in the 1970 District of Columbia crime bill, is preserved. The role of the U.S. marshal is preserved. The role of the U.S. attorney is preserved. The Senate has the confirmation power over judges. No planning may be done by the city of District of Columbia, or by the city or State of the District of Columbia, without being referred to a national commission, the National Capital Planning Commission, for possible veto and most certainly for review in all instances.

Have we protected the Presidential interests in the Capital City? First of all, we have given the President——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKINNEY. Mr. Chairman, would the gentleman from Minnesota yield me 4 additional minutes?

Mr. NELSEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, we have given the President the power of appointment to the National Capital Planning Commission. The Secretary of the Interior runs the property under his control. The Department of Defense runs the property under their control. We have given the President three judicial nomination commission appointments. On the Commission on Judicial Power and Tenures we have given him three appointments.

There are further powers that the committee print has given the President, and one of the very important ones is the emergency power over the police of the District, and the ultimate authority to sustain without question the veto of the Mayor of the city if the Council overrides his veto, and the President should happen to agree with that veto.

Mr. Chairman, I would suggest to the Members that the criticism we hear of a last-minute committee print is an invalid criticism, because in every stage of the markup of this bill it has been open for input and it has been open for ideas, and the chairman of the committee and most of the members of the committee have been willing to compromise at any point with what they considered to be the majority will of the Congress.

The only bills that I have never seen before, nor been asked to consult on, were those that suddenly appeared on October 2 of this year, and were before the Committee on Rules along with the committee bill, and were unknowns to all of us until that time.

Every change in the bill that the Members will see in the "Dear Colleague" letter they received today from many of us on the committee, are changes that have been considered by the committee. Testimony has been heard by the committee, and the fact is that the committee did not put those into the bill, because we did not feel they were necessary, and now we feel that for the pragmatic political passage of a home rule bill they are. And I would claim to the Members that they protect our Federal interests, and the Presidential interests in this city without doubt.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McKINNEY. May I have an additional 30 seconds

Mr. NELSEN. Mr. Chairman, I yield 15 additional seconds to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I would just finish by saying to the chairman that we today are very concerned about preindictment, so let us not preindict the citizens of Washington to their right of home rule, let us give them a chance, and this bill is the method to do it.

The CHAIRMAN. The Chair will announce that the gentleman from Michigan has consumed 51 minutes, and the gentleman from Minnesota has consumed 36 minutes.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, at the outset I should like to emphasize two points to establish my credentials as being a friend of the Nation's Capital. The first point I should like to make is that I will yield to no Member insofar as my interest in the welfare of the people living here in the District of Columbia is concerned. I know them by the thousands; I know them as friends and neighbors; I know them as business people, having done business with them.

I have worked continuously for the economic improvement and development of the Nation's Capital because, as was pointed out earlier by the distinguished chairman, the gentleman from Michigan (Mr. DIGGS), we cannot succeed unless the suburbs and the inner city grow together.

I have consistently supported and fought for improvement in the Nation's Capital during the 21 years I have been a Member of this body. I have fought for better conditions for the policemen and firemen, better pay and retirement benefits for the schoolteachers, and for a great many public works projects, including the Metro system.

I fought for and supported the building of the stadium known as the RFK Stadium, the Kennedy Cultural Center, the new Convention Center. I worked hard in support of the crime bill, and a great deal of other major legislation for the benefit of this city. So I somewhat resent any Johnny-come-lately coming up here now and setting some phony standard that one is supposed to comply with in order to prove that he is for the people of the Nation's Capital.

I also wish to state most emphatically that I do not oppose the principle of home rule, of the greatest possible degree of self-government for all the people of this Nation, including the citizens of the District of Columbia. My sole reservation is that in granting such home rule to this city, we in the Congress must assure the safeguarding of the Federal Government's inherent interest in our Nation's Capital.

I submit that my record of 21 years of service as a Member of this body will attest to my desire to provide as great a degree of self-determination to the citizens of the District of Columbia as is consistent with the Federal interest in the seat of our Nation's Government. For example, I was one of the sponsors of the act of 1960 which gave District citizens the right to vote for President and Vice President. In addition, I lent strong support to the legislation which provided for the elected District of Columbia Board of Education, and also to the bill which gave the District its nonvoting Delegate to the U.S. House of Representatives. And furthermore, on two different occasions I testified at length before the House Committee on the Judiciary urging support for a bill which would give the District voting representation in the Congress.

The sponsors of this home rule bill have asked us to buy a pig in a poke, a complicated bill that they now admit is a bad bill and want to rewrite on the floor of the House. Let me say this, Mr. Chairman, that the idea that any Member of this body would threaten to defeat a colleague because he did not rubberstamp this legislation brings the discussion of this subject to a new low and is beneath the dignity of the House of Representatives.

It is quite obvious to me that virtually all of the people who have been loudly and persistently urging the enactment of this bill into law have been doing so on the basis of the emotional appeal of self-government for all people, but with no knowledge whatever of the provisions that H.R. 9682 actually contains.

In the first place, I want to point out that this bill would by no means "restore" the degree of self-government which existed in the District of Columbia from 1871 until 1874. The act of 1871, in fact, established only a very limited degree of self-determination, indeed, to the District, with the retention of strong con-

trols by the Federal Government. That act provided for an elected 22-member house of delegates, and a Governor and an 11-member council, all appointed by the President with the advice and consent of the Senate, as were the members of both the board of health and the board of public works. Thus, the elective powers extended to the citizens were quite limited. Furthermore, the assembly's legislative authority was quite restricted under the law.

By contrast, H.R. 9682 as reported would delegate to a totally elected government of the District of Columbia the most complete authority ever granted to any subsidiary governmental body in the history of this Nation—to the extent that serious question of constitutionality may be involved. Further, this unprecedented grant of local governmental power will remove from the Federal Government all effective control over the inherent Federal interest in the city, which was established for the sole purpose of providing the seat for its operation.

The legislative power of the District would "extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States." This sweeping authority would include the power to amend, repeal, or supersede acts of Congress, in fact, virtually all the present provisions of the District of Columbia Code. Also included would be the power to impose new taxes, except for a commuter tax which is specifically forbidden. A lottery could be enacted into law at once, however, or a parking tax for the purpose of militating against commuters from the suburbs, including those driving into the District to do business with the Federal Government.

As for the pretense that the constitutional authority of the Congress to legislate for the District and to amend or repeal acts of the city council offers any real protection of the Federal interest, I trust that none of my colleagues will be deceived by this fiction.

As we all know, "repeal" legislation is very difficult to enact. Also, most acts of the local City Council would go into effect immediately, so that any nullifying action by the Congress would be tardy at best, as well as being impractical in the normal order of congressional business. Thus, to all intents and purposes, the Congress would be divested of all real power of control over a local governing body whose acts could seriously jeopardize the Federal Government's legitimate interest in many ways.

Further, the President would also lose virtually all of his power over the District as well. For example, he could no longer exercise his traditional and constitutional power of veto over District of Columbia legislation. In this connection, it should be noted that in most territorial legislation, the President may veto territorial acts passed over the veto of the Governor of the territory. Also, under the provisions of this bill, the President would be stripped of his power to appoint the judges of the District of Columbia courts. The transfer of this authority to the Mayor of the city is unprecedented, since in no other city in the United States are judges of any courts of general jurisdiction appointed by officials of the local government. This provision has been severely criticized by the Federal judiciary and the organized bar.

Another most serious deficiency of this bill is the transfer of police power and authority in the city to the local government. The Chief of the Metropolitan Police Department would be appointed by an elected Mayor, rather than by a Presidentially appointed Commissioner as at present.

To appreciate the grave importance of this ill-conceived transfer of authority, we need only recall certain events of the year 1783, when the Congress was meeting in Philadelphia, near the end of the Revolutionary War. A mob of disgruntled soldiers marched upon the Congress, surrounded the meeting hall, and threatened and interrupted the business of the Congress. Appeals by the Congress to the officials of the city of Philadelphia and of the Commonwealth of Pennsylvania brought no assistance whatever. Thus, lacking any power of control over the situation, the Congress was obliged to flee like fugitives to Princeton, N.J., there to reconvene and get on with the business of execution of the Revolutionary War.

This ugly incident was one major reason for the subsequent location of the seat of our National Government here in the District of Columbia, where there could be no Federal dependency upon any local governmental control. And it would be unthinkable, in my opinion, for this Congress to accept today any proposal such as that in H.R. 9682 which would expose the Congress and the entire Federal establishment in the District to that same risk which proved so disastrous in the past.

On the facade of the Federal Archives building here in Washington, there is an inscription which reads:

The Past is Prologue . . . Study the Past.

Let us by all means be guided in this instance by these words of deepest wisdom.

Some of the major fiscal provisions of H.R. 9682 are also completely incompatible with the Federal interest in the District. First, the President's degree of control over the District of Columbia's budget, through the Office of Management and Budget, would be reduced to merely "commenting" upon the amount of the District's request for its annual Federal payment. Even more serious, however, would be the removal of the traditional oversight by the Congress over the District's budget through the appropriations process. The sponsors of this bill claim glibly that the Congress would retain its power to "review" the District's proposed budget. The truth is, however, that the Congress would no longer be allowed to alter or delete any item whatever in the District's budget as submitted. Rather, the Congress could only appropriate each year a "lump-sum, unallocated Federal payment" to the District of Columbia.

This proposed elimination of all effective Federal control over District of Columbia spending is truly alarming in view of the amount of Federal taxpayers' money involved. For fiscal year 1973, for example, the District's total financial resources available were $1,450,200,000, of which the funding from the Federal Government amounted to $750,800,000, or 51.7 percent.

Furthermore, there is no question whatever that this percentage of Federal involvement may be expected to increase in future years, since the District government shows no disposition to retrench in its spending programs, and the city apparently will not be able to increase its own tax revenues appreciably from their present levels. For example, it is estimated that the city's debt service costs for capital improvements will soar from $39.6 million in 1974 to $162.9 million in 1984, and most of this added burden will unquestionably fall upon the Federal Government.

Under these circumstances, for this Congress to approve this unprecedented "power grab" proposal would be a totally unwarranted dereliction of our responsibility for the expenditure of and accounting for Federal funds.

This bill would also delegate to the council and the Mayor unlimited reprograming authority over all funds, with no requirement for notification of Congress nor for congressional approval of such reprograming. This means that the city government could use funds previously appropriated by the Congress for the construction of a certain building, for example, for some totally different purpose, and even for some project which had previously been denied by the Congress in appropriation legislation. Thus, this provision would actually permit the local government to nullify actions of the Congress in connection with previouslly appropriated funds.

I am seriously concerned also about the matter of proper limitations which should be placed upon borrowing by the District government. This bill provides that general obligation bonds cannot be issued in an amount which would cause the debt service cost thereon to exceed 14 percent of the city's revenues in any fiscal year, which would appear to establish a sound fiscal limit on the city's indebtedness as far as it goes. However, the bill also provides for interim loan authority for the District, by authorizing the Mayor to accept loans from the U.S. Treasury in amounts which may be required to complete capital projects for which construction funds shall have been authorized or appropriated by the Congress prior to the effective date of the city charter, and also to pay the District's share of the cost of the Metro system.

The purpose of this authority, I assume, is to assure the continuation of funding for these projects during the period prior to the effective date of the District's proposed new borrowing authority through the issuance of bonds. In addition, the bill also provides authority for borrowing to meet anticipated appropriations, through the issuance of short-term negotiable notes in a total amount not to exceed 1 percent of the total appropriations for the year. I am disturbed by the fact that the debt serv-

ice costs involved in these latter authorizations do not appear to be included in the 14-percent formula limitation referred to above.

This could obviously permit the city to incur debt service costs in excess of its ability to pay; and again, should this occur, the Federal taxpayers will certainly be called upon to pay the bill.

I object also to a section of the bill which provides for the division of the District into a number of neighborhood council areas, with an elected advisory neighborhood council in each such area.

These neighborhood councils, according to the bill, are intended to advise the District government regarding matters of public policy, including planning, streets, recreation, social services, health, safety, and sanitation, and also may conduct programs for the welfare of the people in the individual neighborhood council areas. In order to perform these functions, the advisory councils will be authorized to employ staff and to expend public funds for various public purposes. Also, additional powers and duties may be delegated to the neighborhood councils by acts of the city council.

In order to meet the expenses of the operation of these advisory councils, the bill provides for the apportionment among the councils of a sum not less than 1 cent per $100 of the assessed valuation of the taxable real property in the city, from the real property tax revenues; and in addition, the council is empowered to authorize other additional methods of financing as well.

On the basis of the current assessed value of the taxable real property in the District of Columbia, this means that a minimum of some $450,000 will be spent to finance these advisory neighborhood councils, and the actual cost in excess of that figure is entirely unpredictable.

I am opposed to this entire concept, as an unwarranted expenditure of public funds which would inevitably be passed along indirectly to the Nation's taxpayers. I do not believe that these advisory neighborhood councils will provide any benefit to the citizens of the city even remotely commensurate with the cost involved. It is my further opinion that active citizens' associations and federations thereof can and will perform the function of advising the city council of the needs and interests of the people in every section of the city, and thus provide adequately for a productive relationship between the council and the citizens with respect to individual neighborhood problems and needs. This is the role of the citizens' associations and federations which operate at no public expense in other communities throughout the country, and I am convinced that they can be equally effective here in the Nation's Capital.

I also see a danger to the Federal interest in the provisions of this bill relating to the National Capital Planning Commission, which is a Federal entity responsible for planning and development for the Federal Establishment both in the District of Columbia and in the suburban jurisdictions of the metropolitan area.

At present, the NCPC consists of 12 members, two of whom are the District of Columbia Commissioner and Deputy Commissioner. Under the provisions of H.R. 9682, however, the NCPC's membership would include the Mayor and the chairman of the city council, as well as two other members appointed by the Mayor. Thus, the District's representation on this vitally important Commission would be doubled, to consist of 4 out of the 12 members. I feel strongly that this would give the District overrepresentation on an agency whose function relates to the Federal entity in the city, and that this quota would create an even more serious imbalance of District representation on this Commission as it determines the planning and development of the Federal Establishment in the suburban areas of Virginia and Maryland.

Also in connection with planning and the Federal interest, the bill provides that the District of Columbia Zoning Commission may not adopt an amendment to the zoning regulations or map until such amendment has been submitted to the NCPC, and the NCPC has sent to the zoning commission its report and recommendations on the matter. However, the bill does not state that after receiving the NCPC recommendations, the zoning commission must abide by them. Thus, the issue of the NCPC being provided with its rightful authority to protect the integrity of the Federal Establishment in these proposed zoning changes is not met.

This power of the District of Columbia Zoning Commission is the more disturbing in view of the makeup of the zoning commission as provided in this bill. The commission is to consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor with the advice and consent of the Council. Thus, the zoning commission will be dominated by the appointees of the Mayor, and certainly the power of this commission to override objectives of the NCPC to proposed amendments to the city's zoning regulations and maps raises serious doubt as to the protection of the Federal interest in this area.

I see another problem in the provision of this bill which directs the District government to establish its own personnel merit systm not earlier than 1 year nor later than 5 years after the effective date of the District charter. Personnel benefits must be at least equal to those previously provided by congressional legislation, and the District's personnel system may provide for continued participation in all or part of the Federal civil service system.

The bill is silent, however, with respect to responsibility for any portion of the approximately $865 million of unfunded liabilities for the policemen, firemen, and teachers' funds, as well as the undetermined liability for the approximately 26,000 District employees presently covered under the Federal retirement system should the District government elect not to continue to participate in the Federal civil service retirement system.

At present, the ultimate responsibility of the retirement systems for all District of Columbia government employees resides in the Federal Government, since most of them are under the civil service retirement system, and the systems for retired policemen, firemen, and professional employees of the Board of Education were created by acts of Congress. Thus, in spite of the total lack of a retirement fund for policemen and firemen, and the existence of considerable unfunded liability with respect to teachers and the civil service employees of the city, there is an ample element of dependability upon the Federal Government which minimizes the danger of such retirees losing their pensions through lack of reserve funding.

However, should H.R. 9682 be enacted into law, then this stability factor will no longer exist, since the funding for all city retirees will be the sole responsibility of the newly created District of Columbia elected government. Certainly the element of risk in this case will be heightened considerably under these circumstances.

In fairness to all District employees, this bill should contain a requirement to provide separately for a determination to be made regarding the Federal Government's total liability for District employees' retirement credit and the amount of funds which should be paid in this connection to the District by the Federal Government. As a matter of fact, the U.S. Comptroller General recommended exactly this provision as a part of any home rule bill for the District of Columbia.

Another serious problem area in H.R. 9682 involves a provision that a person who is employed in the competitive or excepted service of the United States may run as a party candidate for the office of Mayor or member of the council. Should he be elected, however, such a person would have to resign his government position.

This special exception to the Hatch Act is not permitted in elections anywhere else in the United States. The Hatch Act was designed to protect employees in the competitive or excepted service of the Federal Government and the District of Columbia government from partisan political pressures which could militate seriously against the proper performance of their duties as government employees. I believe this protection to be not only proper but essential, and can see no justification whatever for this exception in the case of candidates for local office in the District of Columbia. A government employee could suffer the same detriment to the performance of his duties as a result of his partisan candidacy in such a campaign for election as by any other form of participation therein, or more so. Furthermore, the same impelling reason for such a candidate not being permitted to retain his Government employment status while serving in public office as an elected partisan candidate applies equally well to his period of candidacy for that office.

I am unalterably opposed to this exemption to the Hatch Act, because it might well serve as a precedent which could lead to a complete breakdown of the Hatch Act and a return to the political "spoils system" which was once rife throughout the government service.

Finally, I object to the provision in H.R. 9682 which would amend the State and Local Assistance Act—Revenue Sharing Act—of 1972, so as to repeal the provision therein that should the District of Columbia enact a commuter tax upon nonresident workers in the city, the amount of revenues derived from such a tax would be deducted from the city's revenue sharing payment for any fiscal year.

I realize that there is a provision in H.R. 9682 which was designed specifically to forbid the District government from enacting such a commuter tax. However, I can see no reasonable objection to retaining the provision in the Revenue Sharing Act referred to above, as an additional assurance against such a levy.

Mr. Chairman, these items I have cited represent in the aggregate an insuperable barrier to any favorable consideration of this bill by a Congress which must be cognizant of its deep, abiding responsibility for the vested and inalienable rights of all the 200 million citizens of the United States to whom this city belongs, as the Capital of their Nation. These citizens look to us, their duly elected representatives in the Congress, to protect those rights and to defend their heritage.

In truth, H.R. 9682 as reported is a veritable hodgepodge of controversial provisions, many of which as I have cited would constitute an outright betrayal of the rightful Federal interest in this city. Furthermore, to attempt to bring this maze of imperfection to any semblance of acceptability by amendment in these proceedings today would be impracticable if not impossible.

Mr. ADAMS. Will the gentleman yield?

Mr. BROYHILL of Virginia. Let me finish my statement and I will be glad to yield. If the gentleman does not agree with me——

Mr. ADAMS. It is just that the gentleman is leaving a point out. I want to ask about his substitute.

Mr. BROYHILL of Virginia. I refuse to yield at this time.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. NELSEN. I yield an additional 5 minutes to the gentleman from Virginia.

Mr. Chairman, many of these bad features of the bill have not been improved in the clandestine, watered down, and ad hoc committee version. But enter in these proceedings, several of us are going to offer constructive alternatives that we talked about during debate on the rule. These constructive alternatives will grant the people of the District of Columbia a voice, a maximum voice in the management of their own affairs; but the most important thing about the substitute alternatives we are going to offer is that they will protect the Federal interests and the interests of all the people. If the people of this Nation knew and understood what was in this bill and what was in the substitute, there would be overwhelming opposition to the committee bill. We would have enthusiastic support for the substitute measures.

Now, let me just read a portion of a letter, Mr. Chairman, that I received from one of my constituents. I think it puts the explanation of the reasons for opposition to this legislation in the proper perspective. I am just going to read the letter in part. It is contained in the report of the home rule bill that the committee reported out back in 1965.

He says in part:

My basic objections, however, concern what I feel are two much more vital areas.

He is talking about his objections to home rule.

The first is the question of district revenues.

He goes on to say what it is costing the Federal Government to operate the Nation's Capital, that this financial responsibility cannot be cast aside.

Then he comes to the second objection:

My second—and primary—objection arises from a conviction that Washington belongs to 160 million people in this Nation, not a mere fraction of them who happen to live within its borders.

When Americans come here, they're not vacationing in just another city. New York and Chicago are more entertaining; Miami and Phoenix are more healthful; Los Angeles is more glamorous.

They come because this is the city that symbolizes the workability and the greatness of representative government. They come because this is the city whose streets have been walked by 36 Presidents. They come because every sidewalk and every building rings with the names of greatness; La Follette, Taft, Calhoun, Clay, Webster, Marshall, Norris, and a hundred others.

Washington visitors come to stand outside the gates of the Executive Mansion—and to wish its occupant well, even though they may have voted against him. And that is why they come: Not to visit a city, but to experience government.

It is a selfish request, to ask that 70 million American families be denied the privilege of governing their city, their Capital.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Minnesota.

Mr. FRASER. I want to ask the gentleman about his statement of a constructive substitute to be offered. There are three authorized. I wonder if the gentleman would enlighten the House as to which of the three he is referring to, or is it a new one altogether?

Mr. BROYHILL of Virginia, Mr. Chairman, that is the second time today that question has been asked.

I do not see any reason why the gentleman from Minnesota, or the gentlewoman from Oregon, or the gentleman from Virginia should reveal to the gentleman from Minnesota what our strategy is as of the moment.

Tomorrow will be another day, and the rule provides that any of our three bills can be offered as substitutes for the committee bill. We may not have decided as yet. I say, "may not have decided."

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Washington.

Mr. ADAMS. The gentleman was quite critical of the committee bill on planning and the establishment of the manner in which the National Capital Planning Commission, the Zoning Commission, and the local planning agency work. In examining the substitute, pages 36 and 37, it appears to me to be identical to the committee bill on pages 14 to 16. In fact, in quickly reading the gentleman's bill over the weekend, H.R. 10597, the first substitute, it looks to me to be almost identical with the original committee bill, except for the enclave.

Mr. BROYHILL of Virginia. The intent of the gentleman from Virginia, other than the establishment of the enclave, was to make my substitute identical to the committee bill with three or four exceptions, such as the preservation of the courts and appointment of judges by the President; and to provide for the L'Enfant area, the old town of Washington, to be under the control of the National Capital Planning Commission insofar as zoning is concerned. I was very careful to provide for that protection in the legislation.

Mr. ADAMS. And that already exists, does it not, in the old legislation?

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The time of the gentleman from Virginia has expired.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I listened with considerable interest to the gentleman from Virginia in his effort to describe the substitute we are proposing as a clandestine bill, a watered-down bill. He seemed to lay great stress on trying to characterize it in somewhat derogatory terms.

I welcome the gentleman's effort. I was always taught, since I have been a young person, that is the tactic someone uses when he does not have very good arguments on the merits.

I would hope the committee would not follow the example of the gentleman from Virginia but rather would focus on the specific changes that are in the committee substitute, rather than attempting to label them with erroneous descriptions which are misleading.

I am almost certain as I stand here that the gentleman from Virginia did not develop his substitute in a large, open meeting to which we were invited, because I know I was not invited when he drafted his substitute. The same may be said of the other two substitutes. I was not invited to the session to discuss those two substitutes. There was no suggestion which I heard that I could have a role in that.

So, when the supporters of the main committee bill get together to work out certain changes they think will improve the chances of the bill, it does not seem to me that action warrants the label attached to it by the gentleman from Virginia, of being done in a clandestine fashion, since it was the same fashion in which the other substitutes were put together.

I should like to deal very briefly with the comments made by the gentleman from Minnesota about the work of his commission.

First I want to acknowledge the very genuine and prolonged service the gentleman has given to the District of Columbia through his work on the District of Columbia Committee. He has been an enormously constructive influence and

he has taken an interest in important matters which affect the lives of the people of the District, and I would want to make clear for myself that any disagreement we have today and tomorrow on the merits of a self-determination bill should in no way reflect on the very dedicated service he has rendered, a service which is widely appreciated in the District itself.

Let me say first that we sought in the self-determination bill to do two things. One was to take a careful look at the recommendations of the Nelsen Commission and to incorporate those changes on which we could get substantial agreement. The second was to provide a system of local elections for the positions on the City Council and for the position of Mayor, And that is what we did.

There were extensive hearings held before our committee on the proposals of the Nelsen Commission.

Mr. Chairman, I have an index of the hearings which shows page after page of testimony on the various recommendations of the Nelsen Commission.

It was somewhat of a surprise that in the dissenting views on the final committee bill the dissenters complained that we had incorporated recommendations of the Nelsen Commission. I will quote exactly what the language is in the dissenting views. It says as follows:

> The undersigned deplore the inclusion of many of the recommendations of the Nelsen commission, which were developed through long, careful, and costly deliberations * * *.

The reason the dissenters deplored it was because they did not like the fact that these recommendations went into a bill that is controversial.

The controversial nature of the bill stems from the fact that it gives the voters of the District the right to vote for their councilmen and their Mayor.

I only wish to say on behalf of the committee majority that we agreed that the Nelsen commission recommendations were developed through long, careful, and costly deliberations, and that they deserved to be incorporated in any bill which comes before this committee and before the House.

That is precisely what has taken place. We have incorporated these recommendations transferring the Redevelopment Land Agency to local government, transferring the National Capital Housing Authority to local government, transferring the local planning functions from the National Capital Planning Commission to local government, but leaving with the National Capital Planning Commission the authority and the responsibility to protect the Federal interest, transferring the local functions of the District of Columbia Manpower Administration to local government, and establishing a Municipal Planning Office to perform local comprehensive planning.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRASER) has expired.

Mr. ADAMS. Mr. Chairman, I yield 30 additional seconds to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I will not take up the time of the committee to go through all the changes we have made in response to the recommendations of the Nelsen commission, but I will simply say we took those which appeared to be sound and on which there was no substantial controversy. I think their inclusion strengthens the bill. I hope that at some point we will win the support of the gentleman from Minnesota (Mr. NELSEN) because we have done such a careful job in bringing in so many of the proposals which he wisely made.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, great commendation is due the gentleman from Michigan (Mr. DIGGS) for his leadership, as well as the gentleman from Washington (Mr. ADAMS), who has done so much to make the legislation that is before us possible, as well as the gentleman from Minnesota, who has made a substantial contribution.

Mr. Chairman, I rise in support of the District of Columbia Self-Government and Governmental Reorganization Act. I do so, Mr. Chairman, in the full spirit and tradition of the Republican Party with respect to strong and effective local self-government and suffrage for all.

Nearly 100 years ago, the Republican Party in its platform of 1888, spoke of the "sacred American principle of local self-government." Earlier party platforms declared that the "work of the Republican Party is unfinished" until the truths enunciated in the Declaration of Independence—with specific reference to the derivation of just governmental powers from the consent of the governed—are obeyed.

Throughout the years the Republican Party and its spokesmen have championed the cause of self-determination and strong local government. President Calvin Coolidge expressed this principle most eloquently in 1925 when he stated in an address at Arlington, Va.:

> Our country was conceived in the theory of local self-government—it is the foundation principle of our system of liberty. It makes the largest promise to the freedom and development of the individual. Its preservation is worth all the effort and all the sacrifice it may cost.

By the 1940's, the Republican Party's great traditional drives for local self-government and suffrage for all had become quite specific regarding the city of Washington, stating directly: "We favor self-government for the residents of the Nation's Capital." President Nixon has reaffirmed this principle in his latest State of the Union address to the Congress.

In fact, Mr. Chairman, it is little wonder that the Republican Party has endorsed self-government with such vigor. Ripon, Wis., the site of the founding of the Republican Party, lies in the heart of that part of the United States, including the great States of Minnesota and Wisconsin, which has nurtured the principles of populism and self-determination.

A belief in strong and effective local self-government is not a new idea, Mr. Chairman. A belief in self-determination for the residents of the District of Columbia is not a radical idea. It is an idea whose time has come. It is a goal, the attainment of which we face today. Let us grasp this opportunity to put into practice what we have been professing for years. In so doing, we will not be departing drastically from tradition. In fact, we will be strengthening Republican ideals and, moreover, we will effectuate changes quite similar to those that are already in effect for many local governmental bodies, and which are gaining increasing ground in other parts of the country. Home rule for cities and other local units as granted by State legislatures is a fact and has been an ever-increasing trend.

Arkansas, Missouri, and Illinois are just some of the States which have authorized a form of home rule for local governments in the recent past. And why is this done? Simply to enable these governmental units to more effectively and efficiently address the problems they face on a daily basis to meet the needs of the residents of those localities in the most direct manner. Local bodies must have clear lines of authority: only in this way can they be responsive to the demands of the citizenry for effective planning programing and delivery of services.

And so Mr. Chairman, the status of the District of Columbia as the Nation's Capital is unique. I firmly believe that we have provided adequate protection of the Federal interest in Washington in this self-government legislation. And the broad range of administrative problems facing the District Government is really quite similar to that faced by the other major cities of this country. Arguments for efficiency and strength in local government are certainly no less applicable here.

Let us once and for all grant to the residents of the District of Columbia the same rights as those enjoyed by all other Americans. I urge my colleagues, particularly my Republican colleagues, support of meaningful self-government for Washington by supporting the substitute to be offered by the committee chairman.

Mr. ADAMS. Mr. Chairman, I yield 10 minutes to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Thank you.

Mr. Chairman, 200 years ago the Founding Fathers of this great Nation of ours assembled in a city appropriately called the City of Brotherly Love, Philadelphia, Pa., to write the Declaration of Independence which was to become the basis for our claim to the right to self-determination as a people.

During the course of their deliberations, they asked a young lawyer from Virginia if he would go out and closet himself to write for their consideration a preamble fit for that Declaration of Independence.

That young man did that, and when he emerged from his room and came to the Chamber he presented a document which was to become indelibly etched in the fabric of the world's great declarations. Wrote he:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are

Life, Liberty, and the Pursuit of Happiness—that to secure these Rights governments are instituted among men deriving their just powers from the consent of the governed.

That young man, whose name incidentally was Thomas Jefferson, was simply saying that there are some rights that are inalienable, that are God-given, that the kings and Parliaments cannot give, and that therefore they have no moral power to take away. Thomas Jefferson was here addressing himself to a principle as old as the Scriptures and so sound as the Judeo-Christian doctrine of freedom of will.

We come here today on the eve of the 200th anniversary of the founding of history's finest democracy, to ask the Members of this great body to acknowledge what Congress cannot really give and what this Congress has no moral power to take away—the right to self-determination.

We are coming here to ask the Members of this House to right an historic wrong. It is not right that nearly 800,000 people who pay between 75 and 80 percent of the revenues required to run this city should have no voice in determining how that money is expended. That is wrong. It is not right that 800,000 citizens be taxed $900 million in Federal taxes every year, and have not one vote on what the Federal Government does with that money. That is wrong.

It is not right that the people of this city cannot elect their own Mayor and their own city council. That is wrong.

As I say, I urge you my fellow Members of the Congress to right these historic wrongs.

Your Committee on the District of Columbia has given the Members of this Congress an opportunity to begin to right that wrong to do what is right. We have labored long and hard over 9 months with 100 hours of hearings and markup sessions on the subject. They have come up with a bill which balances, I believe, the right of the people of this community to self determination on the one hand, while at the same time more than adequately protecting the Federal interest on the other.

The Members will hear throughout the course of the debate the fact that both H.R. 9682 and the committee substitute protect the Federal interest in seven different ways. I hope that the Members will bear in mind as they consider this bill the fact that under the substitute, as under the original bill, that Congress retains the right to legislate at any time on any matters affecting the District of Columbia. I hope that the Members will bear in mind the fact that under both bills the control of the Federal payment rests squarely in the hands of the Congress of the United States.

I hope that the Members will recognize, as the gentleman from Virginia (Mr. BROYHILL) recognizes, that the veto power is retained in the Congress over any actions which the people of the city might take in amending the charter which is herein set forth.

I hope that the Members will remember that we continue the criminal justice system as it was set up under the District of Columbia Crime Act of 1970. The bill establishes a process for the selection of judges here that insulates the court from pressures from either the legislative or the executive branch of the District government.

Under this bill, the city's planning functions still come under the veto authority of the National Capital Planning Commission, our Federal protection arm. If, moreover, there are Members who fear that there may be any fiscal irresponsibility in the new government, the committee has provided for three audits of the fiscal records and expenditures, of the elected government.

So I ask the Members to examine this bill and make their judgment on the basis of the merits of the issue in light of the principles which we have established in this country. The question of self-government for the people of the District of Columbia has often been clouded by the issue of race. It is true that some few Members unfortunately may be moved to oppose this measure for reasons no more substantive than race prejudice. This an issue of principle that should be debated and decided upon on the basis of the merits of the issue and not on the basis of racial prejudgments. In that regard it is not a Democratic or Republican bill; it is not a black or white bill; it is a people's bill.

I am grateful for the kind of support that I and black elected officials across this Nation have received for this measure. I am grateful that these are Members of this Congress who are not going to be clouded by that old issue.

I think now of a fellow minister of mine who serves in this Congress, who is a Republican, who has looked at the merits of this bill and has announced to his people that he intends to support it because it is right; that he intends to stand with his Governor in his own State of Alabama, Gov. George C. Wallace, who during a visit to this area some years ago affirmed his support of Home Rule for the District of Columbia as a principle closely akin to his position on States rights.

Because of the way in which the rule has been structured, it will in all probability be impossible to secure a direct vote on H.R. 9682 on which for nearly 9 months and through 100 hours of hearings and markup, claimed the attention of the District Committee. Becauss that rule will not permit us to vote directly on it, I urge the Members to support the committee print which our chairman of the District Committee, the Honorable CHARLES C. DIGGS, JR., intends to introduce. I ask the Members to give a vote on the basis of conscience and not a vote on the basis of expediency.

An old Methodist minister on one occasion said that on some issues cowardice asks the question: "Is it safe to take a position?" Vanity asks the question: "Is it popular?" and expediency asked the question: "Is it politic to take a position?" But he said conscience always asked the question: "Is it right?"

I urge the Members to support this bill, not because it is popular or politic or expedient, but because it is right. When the Members support it because it is right, when they give a vote on conscience, they will be giving the people of the District of Columbia a victory. It will not be a victory of blacks over whites or Democrats over Republicans or suburbanites over city dwellers or the young over the old; it will be a victory that transcends all of these distinctions. It will be a victory of right over wrong, of justic over injustice. In that victory we will all shine, black and white together, Democrat and Republican together, Protestant, Catholic, Jew, and gentile together. Together we shall move this Nation one more significant step toward the high grounds of principles that gether, Protestant, Catholic, Jew, and of Columbia, it failed to live.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman from Minnesota yield 1 minute to the gentleman from the District of Columbia?

Mr. NELSEN. I yield 1 minute to the gentleman from the District of Columbia.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. BROYHILL of Virginia. Mr. Chairman, I heard the gentleman refer to racism, and I regret that he had to bring that into the discussion because I do not think anybody else has looked upon this matter as a racist matter.

Let me ask the gentleman regarding his threat to 50 or 60 of his colleagues that he would work to run a black Independent against them and help to cause their defeat if they failed to support this legislation, would the gentleman call that racism or what "ism"?

Mr. FAUNTROY. I am happy the gentleman has raised that point because the fact is that I have not and did not do what the gentleman just said that I did.

Mr. BROYHILL of Virginia. The paper quoted the gentleman.

Mr. FAUNTROY. No; the paper did not quote me, sir. It is true that I have asked black elected officials of this Nation to write their Congressmen and they have written by the thousands and not one of them threatened any Congressman and not one of them asked the Congressman to do anything racist.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I of course, along with some of the other Democratic Members have heard from many black organizations and black churches and people. I have had the usual letters of support that Hale received from these same organizations and same persons when he was in Congress. The letters have been thoughtful, courteous, and very well presented, asking that we give the people of the District of Columbia the right to vote and to be full American citizens, and in no way has there been any undue pressure.

I might say the League of Women Voters of New Orleans and the League of Women Voters of Jefferson Parish, the two parishes in my district, are fully in support of this measure, as are many

other organizations, and they have nothing to do with race or color.

Mr. FAUNTROY. Mr. Chairman, I take this opportunity to say in defense of the distinguished ranking minority member of the District of Columbia Committee that at no point in the course of our discussions have I had any reason to feel that any imputation of racism to him had any basis in fact whatever and I refer specifically to the references the gentleman made in this well just a few moments ago about the suggestion that his opposition to the committee bill was on racist grounds. I want to set the record straight. I do not believe that and I think the majority of the Members of Congress, indeed all the Members of Congress know that not to be the case.

Mr. NELSEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to comment about a statement that was made a moment ago about the dissenting views deploring the inclusion of the Nelsen commission report in the bill. The title of this section in the dissenting views is "Endangered and Altered Nelson Commission Recommendations," and it reads:

> The undersigned deplore the inclusion of many of the recommendations of the Nelsen Commission, which were developed through long, careful, and costly deliberations, as part of this bill whose principal thrust, home rule for the District of Columbia, is highly controversial. This combination certainly places the legislative implementation of these recommended improvements to the District of Columbia government in jeopardy. In addition, many of the recommendations, or elements thereof, have been altered, in varying degrees, by the authors of this bill to suit their purposes.

I want the record to read as it does in the report and not out of context.

Now I thank the Delegate from the District of Columbia for his observations, on the fact that I have not a scintilla of racism.

I neglected to comment on the Common Cause blast that Mr. John Gardner, the "Rinso-white" John Gardner got his linen soiled a little when he started throwing racist allegations against those who may not approve of the bill.

Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Chairman, I want to speak briefly today about the judiciary section which is contained in the committee bill and in the committee substitute, known as the committee print.

In 1970 this Congress approved the District of Columbia Court Reform and Criminal Procedure Act. Great progress has been made under this act, and today, despite an increase in the number of trials and appeals, the calendars of both the trial and appellate courts here in the District of Columbia are reasonably current.

The committee bill and the committee substitute will continue this progress. In my estimation, it will make the judicial system in the District of Columbia a model for the entire Nation in its integrity, its separation from politics and political pressures, its practical guarantees of the ablest judges and its attraction for younger attorneys to devote their professional lives to the judicial function.

In the first place, the committee bill and the committee substitute preserve the present court system of the District of Columbia, the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, with the same jurisdiction as these courts now have under the 1970 act. The judges continue to be appointed for 15-year terms, with a mandatory retirement age of 70. The present sitting judges are grandfathered in.

Further, under the committee bill and the committee substitute, the new District of Columbia Council is specifically prohibited from enacting any legislation or rule relating to the organization and jurisdiction of the District of Columbia courts.

Also, the committee substitute prohibits the city government from changing the District of Columbia Criminal Code and from changing the functions or duties of the U.S. Attorney's Office, which now prosecutes serious crimes in the District of Columbia courts, or of the U.S. Marshals, who now serve in the District of Columbia courts.

While the committee bill provides that the mayor shall appoint the judges of District of Columbia courts, the committee substitute provides that these appointments must be confirmed by the U.S. Senate, which is the present practice.

An innovation in the committee bill, which in my estimation is a great step forward, is the creation of a District of Columbia Judicial Nomination Commission. This is a variation of the Missouri plan for selecting judges and represents the growing trend in the United States toward the selection of able and qualified judges, as insulated from politics and political pressures as possible.

The bill provides that the mayor, in nominating a new judge, subject to Senate confirmation, as I have stated, shall make the nomination from a list of at least three and not more than five candidates recommended to him by the District of Columbia Judicial Nomination Commission, all of which candidates must meet the qualifications for judgeships set forth in the bill.

The District of Columbia Judicial Nomination Commission shall consist of nine members, who must be members of the unified District of Columbia Bar, two to be appointed by the Board of Governors of the unified District of Columbia Bar; two to be appointed by the mayor from lists of not less than three nominees for each such commission position submitted by the council; one to be appointed by the Speaker of the House, one to be appointed by the President of the Senate, and three to be appointed by the President of the United States.

This is, obviously, a broad-based commission with a strong input from the Federal Government. It should go a long way toward insuring a judiciary of the highest caliber in the District of Columbia.

Presently there exists a District of Columbia Commission on Judicial Disabilities and Tenure composed of five members.

The committee bill continues this Commission, but expands its membership to nine to be appointed in the same manner as the District of Columbia Judicial Nomination Commission; that is, two by the board of governors of the unified District of Columbia bar; two by the Mayor from a list of not less than three nominees for each Commission position to be filled, submitted to the Mayor by the Council; one by the Speaker of the House of Representatives; one by the President of the U.S. Senate, and three by the President of the United States.

The functions of this Commission on Tenure remain as they are now, that is, to monitor the performance of the judges of the District of Columbia and to suspend, retire, or remove judges of the District of Columbia courts as provided in the bill—for conviction of a felony, willful misconduct in office, willful and persistent failure to perform judicial duties, medical or physical disability likely to become permanent, et cetera.

The committee substitute, which is the committee print, also provides that the Tenure Commission must evaluate the judicial performance of any judge of the District of Columbia who desires reappointment at the end of his term, and if the Tenure Commission finds that he or she is qualified or well-qualified to continue to serve as a judge of the District of Columbia the Mayor must reappoint such judge.

I shall be happy at this point to yield to the gentleman from Kentucky, Mr. BRECKINRIDGE, if he so desires, since he was chiefly responsible for securing the inclusion of this provision in the committee print.

Does the gentleman from Kentucky desire to have me to yield? If so, I yield.

Mr. BRECKINRIDGE. I thank the gentleman for yielding.

Mr. Chairman, I should like at this point to make very brief reference to the history of judicial appointment and retention as it has emerged over the period of the past 60 some years.

Back in 1913 the American Adjudicature Society undertook professionalization of the bar and more particularly the professionalization of the bench and the removal thereof from partisan influences and political considerations to the extent practicable.

In 1937 the American Bar Association adopted as a matter of policy and principle the principles espoused by what has now come to be known as the Missouri Plan.

We have been in continuing consultation with the American Adjudicature Society and through them with the American Bar Association in effecting inclusion of that language in the bill before us in the substitute amendment, which complies with this provision.

I should like to observe, Mr. Chairman, that some of the comments which have been made on the floor today have been made, if I understand them correctly, without reference to the amended form which is presently before the House as a substitute amendment.

The provisions for a merit bar and

bench are simply as follows. It is provided that there shall be either a committee or a commission to consist of professional members, with the constitution of the proposed commission for the nomination of the members of the District of Columbia Bar, as has been described by the gentleman from New York.

A similar but separate membership commission is also provided for, to insure protection. This gives us two of the three legs that insure a professionalization of the bench and the removal of the administration of justice and the enforcement of law from partisan considerations; namely, a nominating commission that appoints on the basis of qualification and second, an appointive authority, be that appointive authority the Governor of a State or, contrary to what was said today, the mayor of a city, as is the case in New York, as is the case in Denver, Colo., as is the case in Kansas City, Mo., as is the case in Atlanta, Ga., and is the case elsewhere. And, lastly, retention on a merit basis.

The exact language, I believe, is important to our consideration today. If I may I will briefly allude to that.

The amendment as drafted provides that in the event the Judicial Tenure Commission determines that a sitting judge who has declared for renomination is exceedingly well qualified or that he is well qualified then and in that event he shall be automatically continued in office for another term. In the event that the Commission finds that judge is qualified as distinguished from being exceedingly well qualified or well qualified then and in that event he may or may not exercise an option to nominate that judge for reconsideration by the U.S. Senate. In the event he does so nominate, the Senate may or may not consent.

The last category is an unqualified finding by the Tenure Commission. In the event that the Tenure Commission determines that a sitting judge is unqualified then and in that event he may not under any circumstances be either renominated or reappointed.

These briefly, Mr. Chairman, are the provisions of the substitute amendment. They bear the endorsement of the American Judicatory Association, and I am authorized to say, of the American Bar Association. They constitute model legislation which can be pointed to throughout the land.

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York (Mr. SMITH) has expired.

Mr. NELSEN. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Chairman, I will say that, all in all, I recommend to the Members this judicial section as set forth in the committee substitute. It is forward looking. It brings power of appointment to the mayor but hedges this power with the kind of safeguards which should make the judicial system of the District of Columbia one of the outstanding judicial systems in the Nation.

Mr. Chairman, I urge the Members to support the committee substitute.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, I rise on this historic occasion in strong support of H.R. 9682, a bill to reorganize the government of the District of Columbia and to provide self-government for the District. I want to salute the diligence and resourcefulness of Chairman CHARLES DIGGS and the whole District committee in developing a home rule bill that balances both the demands of the District of Columbia residents to have the basic civil rights which all of us and our constituents enjoy and the demands to protect the predominant Federal interest in the Nation's Capital.

Mr. Chairman, I also wish to congratulate the gentleman from Kentucky (Mr. NATCHER) for the part which I know he has played with the gentleman from Michigan (Mr. DIGGS) in putting together an amendment or a compromise which will be offered on the floor tomorrow and with which all of us are so happy and hope will be accepted.

Mr. Chairman, for the first time in 100 years a committee of the House of Representatives has analysed in detail all aspects of local self-government for the District of Columbia and has referred to the full House an omnibus bill.

I am pleased to see the House District Committee has refrained from adopting measures just because they appear popular with one group or popular with another. The committee instead has sought to strike a statesmanlike balance among competing claims and has delivered a bill that I believe this House can pass and should pass.

First, this bill will enable the residents of the Nation's Capital to elect all members of their City Council and their Mayor. Can we do less in the Capital of our Nation?

Second, the bill grants the local government the power to pass local laws and taxes to govern the daily affairs of its citizens.

Third, the bill enables the President or either House of Congress to veto a local Council action if, for some reason, that action appears unwise. And fourth, this bill establishes a District of Columbia Federal payment trust fund with a 4-year authorization for lump-sum annual Federal payments in amounts determined through the congressional appropriations process.

Fifth, the bill enables the Congress to review annually the expenditures of funds by the local government to make sure that sufficient attention is paid to the need of the Federal Government for basic services—adequate police protection, careful traffic control, clean water, easy access for our employees and visitors, suitable protection for foreign dignitaries, and the like.

Sixth, the bill authorizes the local government to plan for its future development and empowers a Federal body, the National Capital Planning Commission, to review local plans for their impact on the Federal Government's functions and interests.

We all know that this bill—or any home rule measure—cannot assure success for the District of Columbia. The bill merely provides a governmental framework of checks and balances between local and national interests. The bill deligates responsibility to local officials for local programs. There cannot be any buck-passing. We in Congress will have ample power to check any local abuses but we will not have to be involved in the day-to-day affairs of this city of 750,000 people.

The bill will not end crime, slums, racial discrimination or unemployment. It will not keep people from making irrational statements or from cheating or stealing. But it will make local officials accountable for their acts both to local citizens and businessmen and to the President and the Congress.

The House District Committee has bent over backward to protect all interests in the Nation's Capital. I, for one, do not see how a better bill would be prepared by any other group of legislators.

Once again, I want to congratulate the chairman of the committee and the chairman of the Subcommittee on Appropriations and all those who have worked with them. The time has come to pass a home rule bill for our Nation's Capital.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. MANN).

Mr. MANN. Mr. Chairman, we have listened today as representatives of both parties have given lipservice to the idea of self-determination, and certainly the American tradition would permit us to do no less.

What are our choices? The alternatives that have been proposed are retrocession, and the chief sponsor acknowledges that that is probably not legally attainable.

Mr. WILLIAMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

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

[Roll No. 503]

| | | |
|---|---|---|
| Abzug | Dingell | King |
| Alexander | Dorn | Koch |
| Anderson, Ill. | Duiski | Lent |
| Archer | Esch | Mailliard |
| Ashbrook | Eshleman | McEwen |
| Barrett | Evins, Tenn. | McKinney |
| Bingham | Fish | Mills, Ark. |
| Bolling | Ford, Gerald R. | Minshall, Ohio |
| Brooks | Ford, William D. | Mitchell, Md. |
| Brown, Ohio | Frenzel | Murphy, N.Y. |
| Buchanan | Frey | Podell |
| Burton | Giaimo | Powell, Ohio |
| Carter | Green, Oreg. | Rarick |
| Casey, Tex. | Hanna | Reid |
| Clark | Hastings | Rooney, N.Y. |
| Collier | Heinz | Rosenthal |
| Conyers | Howard | Sandman |
| Crane | Hudnut | Schneebeli |
| Cronin | Jarman | Teague, Calif. |
| Culver | Jones, Ala. | Teague, Tex. |
| Davis, Ga. | Karth | Wilson, Bob |
| Denholm | | Wydler |
| Dennis | | Yates |

Accordingly the Committee rose; and the Speaker having resumed the chair,

Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9682, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 367 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of no quorum was made, the Chair had recognized the gentleman from South Carolina (Mr. MANN) for 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MANN. Mr. Chairman, as each of us seeks to give self-determination to every citizen in this country, and as in the District of Columbia we attempt to preserve the Federal interest, what are our alternatives?

First, I want to thank the chairman of the committee for the committee print. Too many times have I sat on this floor and heard 129-page amendments and substitutes proposed, without having the benefit of a copy.

It is in the best tradition of the legislative process that a committee charged with the responsibility respond to the reaction to its product by the Members of this House. The committee responded. The sponsors of the bill responded. They responded by working out an amendment which protected the Federal interest in the budgetary process.

Those Members who were here heard Mr. NATCHER of Kentucky, chairman of the Subcommittee on Appropriations for the District of Columbia, throw his support to the bill, because of the protection of the Federal interest in the appropriations process.

As we seek ways to protect the Federal interests, let us see what the alternatives are. Retrocession has been virtually conceded by its chief sponsor to be legally unattainable at this time.

The enclave reference has been made to this bill, the committee print, that it is a clandestine print. If there is anything clandestine going on around here, it is how the enclave would work. As I see the enclave, it says here that the President shall assure, and I quote from the Nelsen-Green bill, H.R. 10692, "that there is provided within the area specified in subsection (a), adequate police and fire protection, maintenance of streets and highways, and sanitation services" end of quote. Not mentioned were utilities, environmental control, planning, zoning, licensing, the interjurisdictional cooperation with Virginia and Maryland, the interjurisdictional cooperation with the District of Columbia government, the dual government.

I agree that the people of the United States have an interest in the District of Columbia; but they also have an interest as taxpayers in not having an unpredictable expense of operating two governments. They also have an interest as taxpayers in seeing that we as Congressmen attend to our job and not be a city council for the District of Columbia.



Somebody recognizes that. The sponsors of all the alternatives have provided, in their bills, that we should transfer the Redevelopment Land Agency, the National Capital Housing Authority, and to some extent, the District of Columbia Manpower Administration, and certain other functions to the District of Columbia, even though they propose an enclave system.

Now, is the Federal interest being protected? Let us see if we can explode a few myths.

The Capitol Police will still be here. The National Guard can still be called out by the President. The Department of the Interior is still going to operate the Mall. The White House is still going to be run by its agencies. The Secret Service can still call upon the Metropolitan Police for any emergency.

As a matter of fact, additional powers are granted in this bill to protect the Federal interests in the police area that are not there now, to give the President the right to declare an emergency and take charge of all the police forces, including the Metropolitan Police.

Let us just read one section and see if it really does not settle this entire issue:

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

The Congress of the United States still has its authority. The District of Columbia Committee still exists.

Happily, it will not be concerned with sanitation commissions and with closing alleys and determining whether or not one can fly kites. It will be concerned only with those broader aspects of oversight of the District of Columbia government. That is what the Congress of the United States is for, not to be a city council so long as the Federal interest is protected, and I submit it amply is.

Now, I would like to review with the Members the provisions of the committee bill with reference to the judiciary.

The Court Reform and Criminal Procedure Act of 1970 (P.L. 91–358) established a local court system for the District of Columbia with a local appellate tribunal, the District of Columbia Court of Appeals and a local trial court—the Superior Court of the District of Columbia. The act modernized the District of Columbia court system and during the 3-year, 3-step transitional period which was completed August 1, 1973 jurisdiction over local matters was transferred from the Federal courts to the local court system.

Under H.R. 9682 the judicial power of the District of Columbia is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The jurisdiction of the Superior Court remains as it was established by the Court Reform Act. Jurisdiction over any civil action, at law or in equity, brought in the District of Columbia—with the exception of such jurisdiction as is vested exclusively in a Federal Court—and jurisdiction over any criminal action brought under any law applicable exclusively to the District of Columbia is vested in the Superior Court. The District of Columbia Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, jurisdiction to review orders and decisions of the Mayor, the Council, or any agency of the District.

Few question the improvements made in the judicial machinery of the District of Columbia Court system as a result of the 1970 act. These improvements are left basically undisturbed by H.R. 9682.

The provisions of the Court Reorganization Act on jurisdiction over local matters were designed to assign to the U.S. District Court for the District of Columbia the status of a Federal court like other Federal district courts, with only such additional functions as relate to the national character of the District of Columbia, the seat of the Federal Government. The U.S. Court of Appeals for the District of Columbia is intended to be a Federal circuit court like all other Federal circuit courts, with only such additional functions as the jurisdiction of the district court from which it hears appeals or the national character of the circuit might warrant. The inevitable complement of these concepts consists of a congressional intent first, to create in the new Superior Court of the District of Columbia a local trial bench of general and unlimited jurisdiction, equivalent to a hypothetical State trial court with jurisdiction in the State over all court business, no matter how insignificant or how consequential. Second, the intended creation of purely Federal district and circuit courts has its complement in the assignment to the District of Columbia Court of Appeals the role of "highest court of the District of Columbia."

The Court Reorganization Act varies from the State analogy, however, by granting the President of the United States the same power to nominate and to make recess and other appointments of local judges and giving the U.S. Senate the same powers of advise and consent, which the President and the Senate possess with respect to Federal judges. H.R. 9682, however, would extend the State analogy to the process of the selection and appointment of judges to sit on the local courts while at the same time protecting the Federal interest in the appointment process. The Mayor is authorized to nominate, from nominees suggested by the Judicial Nomination Commission, and appoint with the advice and consent of the Council, all judges of the District of Columbia courts. Appointments are for 15-year terms, subject to mandatory retirement age 70.

The nomination Commission established by section 434 of the bill would consist of nine members who have the qualifications prescribed for persons appointed as judges for the District of Co-

lumbia courts and would be appointed as follows:

First, two members appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least 5 successive years preceding their nominations.

Second, two members appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

Third, one member appointed by the Speaker of the House of Representatives.

Fourth, one member appointed by the President of the Senate.

Fifth, three members appointed by the President of the United States.

Appointments to the Commission are staggered 6 year terms.

When a vacancy occurs on a District of Columbia court, the Commission must, within 30 days, submit a list to the Mayor of not less than three or more than five persons for such vacancy. If the vacancy is a result of the expiration of a term, the Commission must submit the list not less than 30 days prior to such expiration date. The Commission is authorized to submit to the Mayor upon his request an additional list of nominees if the Commission is satisfied that the additional list is necessary. However, no more than seven persons shall be recommended to the Mayor with respect to any one vacancy.

In order to be eligible for a nomination or an appointment as a judge in a District of Columbia court, the nominee must be:

First, a citizen of the United States.

Second, a member of the unified District of Columbia bar for at least 5 years.

Third, a bona fide resident of the District of Columbia for at least 90 days immediately prior to his nomination and continue as a resident of the District of Columbia as long as he serves as such judge.

Fourth, recommended to the Mayor for nomination and appointment by the Nomination Commission, and

Fifth, the nominee must not have served, within a period of 2 years prior to his nomination as a member of the Tenure Commission or the Nomination Commission.

This mechanism for the selection of judges to the local District of Columbia Courts is a form of the so-called Missouri plan which is in operation in a number of jurisdictions and is understood to work well. The Missouri plan is one of the newest and most innovative systems for the selection of judges in that it is a process somewhere between the election of judges, which is done in some States, and the strict appointment of the judges which is done in many other States. Instead a blue-ribbon group of individuals make very tight recommendations to the appointing authority and he must stay within it. The transfer of the authority to appoint local judges from the President to the Mayor, who must appoint from a list provided by the District of Columbia Judicial Nomination Commission could significantly improve the selection process of judges appointed to sit on a local bench. The new machinery would also insure a greater degree of independence from political control by the appointing authority and would avoid the political influences on the judiciary which sometimes results when judges are popularly elected.

The question of course comes up as to whether the Mayor, as a municipal officer of the city of Washington, should nominate judges—judges who will be considering all sorts of questions in which there will be ultimate decisions that might be in conflict with the municipal government. Any analogy with the judicial appointment process operative in other municipalities would not be appropriate inasmuch as the local court system in the District of Columbia is clearly more analogous to a State court structure than to a municipal court structure, a point which has been made in detail earlier.

Therefore the unique governmental organization of the District of Columbia makes the role of the chief executive officer something more than that of "Mayor" as the title is usually applied, especially when that office is juxtapositioned with the judicial structure existing in the District of Columbia. Moreover, the procedure provided for the appointment of local judges to the District of Columbia bench in H.R. 9682 guarantees the independence of the local judiciary and insures that any conflicts with the District government will be resolved without prejudice. All appointed judges must be prepared to render decisions contrary to the interest of the appointing authority, whether they be Federal judges, State judges, or municipal judges, if justice so requires. The District of Columbia judiciary would be no exception. However, the independence of the local judiciary and the mechanism for the selection of judges increases the objectivity and degree of judicial fairness of local judges. Nevertheless, as an extra precaution, the committee substitute now provides that the Mayor's appointment shall be subject to the advice and consent of the Senate.

A momentous contribution of the Court Reorganization Act of 1970 was the establishment of the District of Columbia Commission on Judicial Disabilities and Tenure. The Tenure Commission acts as guardian of the integrity and propriety of the local bench with such basic functions as oversight, persuasion, and formal determination—in connection with the ultimate duties of removal and involuntary retirement. In addition, the Tenure Commission is charged with the responsibility of preparing and submitting to the Mayor a written evaluation of a judge's performance when he is a candidate for reappointment. If the Mayor decides not to renominate he is required to submit a written statement of his reasons for not doing so accompanied by the written evaluation prepared by the Tenure Commission.

Under the committee bill, the new Commission would consist of nine members appointed as follows:

First, two members appointed by the Board of Governors of the United District of Columbia Bar.

Second, two members appointed by the Mayor from lists submitted by the Council.

Third, one member appointed by the Speaker of the House.

Fourth, one member appointed by the President of the Senate.

Fifth, three members appointed by the President of the United States.

In order to be eligible for an appointment to the Tenure Commission, a member must be: first, a citizen of the United States; second, a bona fide resident of the District of Columbia; and third, he must not be a Federal or District of Columbia employee.

The committee bill makes no substantial changes in the judiciary system as established by the 1970 Court Reorganization Act. Subtle refinements have been made consistent with a viable home-rule bill but at the same time independence of the local judiciary and the protection of the Federal interest in the District of Columbia have been adequately insured.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. I thank the distinguished chairman of the committee for yielding me this time.

As I said before, I commend the chairman and the other members of the committee who have made substantive changes in the original committee bill. I regret that I have not been able to be here for all the debate, and I do not know whether this particular point has been brought up or not. If it has, please forgive the repetition.

There was a letter which went to many Members of the House last week, over the signature of Bob Strauss. These remarks are addressed to my Democratic colleagues on this side of the aisle. The letter from Bob Strauss went perhaps to many of you who are present.

In that letter of September 28, the impression is given that the Democratic National Committee and the national party support the committee bill. In that letter it says:

> Our Party has endorsed this legislation—

Referring to the discussion which Mr. Strauss had with the gentleman from Michigan and the delegate from the District of Columbia.

I called Mr. Strauss about this, and I said:

> I am well aware of the plank that is in the National Democratic Platform and the pledge of Home Rule and full citizenship rights including representation in both Houses of Congress.

I asked Mr. Strauss to clarify his position. Was he as national chairman implying that he endorsed or that the national committee endorsed a particular bill?

Let me read his answer in a letter to me of October 4.

> Obviously I do not wish to get involved personally nor can I involve the party in controversy with respect to whether or not specific legislation meets or fails to meet the standard as set forth in the platform, or the support of any particular legislation relat-

ing thereto. It would be presumptuous on my part and an intrusion in an aspect of legislative matters where I have no business involving myself.

So far as our party is concerned, I say to my Democratic colleagues, no position has been taken on any one of the alternative bills that will face us this week.

Earlier today, I discussed my concern about the Federal enclave. Let me say to all my colleagues in the House, both Republicans and Democrats, that I am committed to full citizenship rights, and my record on home rule throughout the years I believe illustrates this. I was actively involved in the fight for Alaskan and Hawaiian statehood.

My concern about this legislation today stems from my membership on the District of Columbia Committee last year, in the last session of the Congress as well as prior interest as far back as the 1950's.

We have heard so much said and have heard Presidents quoted about full citizenship rights for the residents of the District of Columbia. May I ask my colleagues in this House who among you really believes that the election of a mayor, if the committee bill were to be adopted, and the election of city council members provides full citizenship or indeed provides representation for taxation matters?

The major decisions today are not made at the local level, and the heaviest taxation is not a burden as a result of city council action.

The major decisions affecting the lives of all of us and our children are those made at the national level, and Federal income taxes and social security taxes are burdens that all must bear. Unless there is representation in the Congress itself, there is still taxation without representation and there are no full citizenship rights.

So I ask, can we not do away with this farce that the committee bill or indeed H.R. 10692 grants full citizenship? Neither one does.

Let us debate the differences between the bills, and eventually, if full citizenship is to be granted and if indeed we believe that there should be no taxation without representation, then in my judgment in the long haul—and maybe that "long haul" will be a year away or one Congress away—we are again going to be faced with this business labeled "home rule" and the cries of those people who legitimately ask that the residents of the District have their full citizenship rights including the right to vote for Members of Congress.

So, Mr. Chairman, that is the reason one of the bills I introduced along with the gentleman from Minnesota provides for retrocession to Maryland of all of District of Columbia except as Federal enclave. There may be other alternatives, but I suggest that this time I know of only two.

The CHAIRMAN. The time of the gentlewoman from Oregon (Mrs. GREEN) has expired.

Mr. NELSEN. Mr. Chairman, I yield 10 additional minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. I thank the gentleman from Minnesota very much. So, Mr. Chairman, I say in the long haul we must do one of two things. We must face up to full citizenship rights and seriously consider retrocession of all of the District of Columbia except a Federal enclave to Maryland, just as we provided retrocession to the State of Virginia of what is now Alexandria County; then the individuals living there would have the right to vote for a Governor, for Representatives in the House, for Representatives in the U.S. Senate; they would have the same citizenship rights as every one of us sitting in this body today. The other alternative, as I see it, is statehood.

So I would contend that whatever we do today and tomorrow is going to result at best in an interim measure, and that we are really not settling anything.

As I said, I talked about the Federal enclave earlier today and that the Federal triangle—now—or under statehood or under retrocession ought to be forever under Federal jurisdiction. The Speaker who just preceded me felt that the Federal enclave was fully protected under the committee bill. I disagree with all the political pressures—the parochial interests—the demands made on a locally elected mayor.

Mr. Chairman, I suggest that the City Council and the Mayor under the committee bill can change many of the provisions that are in that bill just simply by a vote of the mayor and the city council. It is argued that it would come up to the Congress, and the Congress would have a right to veto or repeal that decision, but let me suggest that we have observed political blackmail at work in the last 2 weeks: that if certain Members did not support the committee bill, then they would have certain political problems in their congressional districts. My theory during my entire life has been that one never submits to blackmail the first time, because as soon as one submits to blackmail, he is stuck with further blackmail for as long as he lives.

If the mayor and the City Council should pass a particular piece of legislation and we do not in our hearts approve of it, think of the potential blackmail that we can be faced with next year and in all of the years to come. If we in the Congress do not approve or do not vote to support what the City Council has done, then we are going to be threatened with the same kind of political retribution that Members have been threatened with this last month.

I believe that the people in my district agree with one of our great U.S. Presidents, and I urge the Members to read the complete text of his speech. Because of time limitation, I will only read part of the remarks made by President Taft. He said, very eloquently:

> Washington intended this to be a Federal City, and it is a Federal City, and it tingles down to the feet of every man, whether he comes from Washington State or Los Angeles or Texas, when he comes and walks the city streets and begins to feel that this is my city.
>
> I am part of this capital and I envy for the time being those who are able to spend their time here. I quite admit * * *

President Taft said:

> * * * that there are defects in the Federal Government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgments of history that the result vindicates the foresight of our forefathers.

A little later on in that speech, he said:

> It was intended to have the representatives of all the people in this country control this one city and to prevent its being controlled by the parochial interests, by the parochial opinion that would necessarily govern men who did not look beyond the city to the grandeur of the Nation, and this as a representative of that Nation.

I think those words speak for millions of American people.

Now let us compare the committee bill and the substitute which is offered by the gentleman from Minnesota and myself.

Under the committee bill—and, as I understand it, in the committee print—there would be an elected mayor. Under the substitute bill we would continue to have the mayor appointed by the President.

It seems to me—and perhaps I am wrong and you may not agree with me but it seems to me that there is a fatal flaw in the argument of some who seem to believe that a Presidentialy appointed mayor necessarily is anti-District. Why? I know of no person, no person, who is more pro-District, in my judgment, and more honestly, more genuinely, more fairly representing the real concerns of the residents of the District of Columbia than Walter Washington. I think he is more pro-District and more concerned—and I say this very carefully—I think he as an appointed official is more pro-District and more honestly concerned than any elected official that I know of in the District of Columbia.

The substitute bill, continues the appointed Mayor, and it has an elected council of eight people, one from each ward. This is an attempt by Mr. NELSEN and myself to balance the Federal interest with the local concerns.

May I say, also, that in the Nelsen-Green bill the eight elected city councilmen could outvote the mayor—if a dispute arose and they believed the Mayor wrong.

The committee bill had partisan elections for the Mayor and the Council; I understand although I have not had time to read it, that the committee print changes them to nonpartisan. I must say that I favor nonpartisan elections for city officials and our substitute provides nonpartisan elections.

I come from a congressional district which is very heavily Democratic. If I were to look at it from a partisan view, I suppose I would insist all city officials in Portland, Oreg., be elected on a partisan basis, but I think we get better government by nonpartisan elections.

One of the major differences in the committee bill that compels me to support the substitute is the provision that the elected Mayor under both the committee bill and the committee print appoints, first of all, all of the judges except the Federal judges. The judges he would appoint compares, in my State of Oregon, to the judges of the circuit court

and the justices of the Supreme Court of Oregon. If anybody seriously suggested in Oregon that the mayor of my city was to appoint the circuit court judges and the State supreme court justices, they would be laughed out of the place; yet the elected Mayor under the committee bill appoints all of these judges.

Also, the elected Mayor under the committee bill—and I understand under the committee print—appoints the chief of police. This is quite a difference, and to me it is a critical one. Under the substitute bill we have an appointed Mayor appointed by the President and the appointed Mayor then appoints the chief of police. Think—if you will—of those who have been politically active in the District of Columbia—and who have won elective office. Think of the political pressures of their followers. Are you willing to have each and any one of them—if elected Mayor—appoint the chief of police with authority over the Capitol—the House Office Buildings.

I recall a statement that President Johnson made that seems to me to be of great importance. I do not know whether I quote every word correctly.

This was when he was majority leader of the Senate, He said and this may not be word for word—but substantively is accurate:

> Legislation must be considered not in the light of the benefits it would convey if properly administered, but in the wrongs that would be committed if improperly administered.

I beg the Members to consider the vote that they are going to cast tomorrow and to think of this: that legislation must be considered not in the light of the benefits that will be conveyed if properly administered, but the wrongs that would be committed if improperly administered.

Why is this so important? Because the chief of police under the committee bill—and as I understand, under the committee print—would have jurisdiction over what I have referred to as the Federal enclave—that I would like to see eventually as the Federal City forever under the jurisdiction of the Federal Government, forever under the jurisdiction of the 535 Representatives and Senators who are elected from each and every part of the United States.

There is another part of the bill, and I have not had a chance to read the committee print to see if it still remains in there, but as I understand it, we would have neighborhood councils and I believe that these are federally financed. Then these neighborhood councils would organize and have certain rights and privileges. I have no objection to neighborhood participation. I encourage it. I question setting it up by statue and federally financing them.

May I remind my colleagues of the countless problems that we had with the war on poverty. Those members who were here in the mid and late 1960's can remember the debates we had over "maximum feasible participation" where we in effect took away from the elected representatives of the people the rights to make those responsible decisions, and we gave the authority under the statute to neighborhood groups who supposedly were to operate in an advisory role. Because of the very small partcipation—the demagogs took over. Patrick Moynihan wrote a book on the shortcomings of maximum feasible participation. Tom Wolfe wrote the intriguing book "More Moving the Flak Catchers." Read them.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. NELSEN. Mr. Chairman, I yield 3 additional minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. But because such groups could point to their authority in the congressionally passed law, they could be special groups—perhaps very limited in numbers—but loud in voice who could put unlimited pressure upon all of us in the Congress at any time that they felt their particular interests were not being met.

These same neighborhood councils could put that same kind of pressure upon the elected mayor and the elected city councilmen.

I think the provision for federally financed neighborhood councils is a very unwise step.

Mr. Chairman, let me repeat, the legislation ought to be considered on the basis of the wrongs that might be done if not properly administered.

Let me turn to one other matter—and, if I am wrong, and it is not in the new committee print of today—then I would ask the chairman of the committee to correct me. As I understand it major changes to conform to our substitute bill have been made in the appropriations process. Again—at least until the bill comes out of conference—the Congress would have the right to consider appropriations on a line item basis.

It is my understanding that there is still in the committee print a bonding provision up to 14 percent of the city revenue. Is that correct?

Mr. REES. Mr. Chairman, if the gentlewoman will yield, yes. In no year can the amortization costs of all of the bonds exceed 14 percent of the revenue.

Mrs. GREEN of Oregon. I thank the gentleman from California.

Let me express my concern here. In Oregon, every single tax measure is subject to a referral, a vote by the people. We have a 6-percent limitation in Oregon on tax levies. I know that some States have more than 6 percent. I do not know how the committee arrived at the 14 percent. But it seems to me there is a great psychological difference between the way in which a resident of the District of Columbia would go to the polls to consider a tax measure on a bond issue up to 14 percent of the District's revenue, and the way a resident in my State would go to the polls to vote on a similar measure.

When I go to the polls in Oregon, and when my fellow Oregonians go and vote "yes" on a tax measure or a bond issue, they know that no one is going to bail them out. They know that if they vote that tax issue or that bond issue, they are going to have to pay it. I think this is a critical difference, because I believe that the people in the District of Columbia, and with some historical justification, might well go to the polls and vote for these improvements or whatever it might be up to the 14 percent with the thought in the back of their heads that if they were not able to make the payments, Uncle Sam would pick up the tab. That is exactly what would have to happen, because if they were not able to repay it, the Members would be faced with one of two alternatives: that of watching the District of Columbia go broke, go into bankruptcy, or pick up the tab.

I suggest that this is a very, very important issue.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. NELSEN. I yield 1 additional minute to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Let me refer to the year 1871 when there was home rule in the District of Columbia and they had some of the provisions—not nearly as many as in the committee bill, but they had some of these provisions; during those years they ran the District into so much debt that the Congress of the United States rescinded—in the 1870's—the home rule which had been granted and as I understand it—the main reason was because of the amount that the Federal Government had to pay for the debts which the District of Columbia had run up.

In conclusion, I urge the Members to consider all of the alternatives which are available and compare the most recently revised committee bill and the substitutes Mr. NELSEN and I are offering.

Do you want the Federal interest protected? Is there any reason a locally elected Mayor and City Council should insist on control over the Federal triangle, the Capitol—the Federal buildings? Should any mayor—elected or appointed—appoint judges—with the same jurisdiction as circuit court judges or State supreme court judges. These are only some of the issues for tomorrow's votes.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I speak in favor of the form that is before us now. It is entitled "Committee Print" and just came off of the presses today. I think that the committee print is a reasonable compromise, and especially in the area of what the relationship of the Committee on Appropriations and Congress will be to the District of Columbia. Really the relationship, if this legislation is passed, will be the same relationship that Congress now has with the District of Columbia budget, that no money can be spent by the District of Columbia. The appropriation is specifically authorized for that purpose by the Committee on Appropriations in the House and in the Senate.

This was the major compromise over the weekend, so that we have no change at all on budgetary control when we are discussing who will run the budget of the District of Columbia. I cannot say I am overjoyed by this compromise because I felt that much of the money spent by the District of Columbia is raised by the peo-

ple of the District. They nave to pay the taxes. They pay taxes, and if they raise about 65 percent of their budget, still all of this has to go through Congress on a line-item basis. But it was the wisdom in the various sessions we had over the weekend that it would be best that we not change this and that the appropriations process be exactly the same appropriations process that we have now.

There has been a great deal of discussion about bonding indebtedness of the District. Under the proposal before us there are two ways that the District can get bond-type money for capital projects. One is they can do just what they are doing now. They can be authorized by the Committee on Appropriations to borrow from the U.S. Treasury and then amortize that loan from the U.S. Treasury just as they would get money from a bond issue.

The second way is the specific authorization in this bill to allow the City Council to go into either general obligation bonds or revenue bonds. These would be amortized in the same way.

The top limit is 14 percent in that the principal and interest payments of all the total bond issues and the bonds from the Treasury cannot be over 14 percent of the total District budget for any one year. I think this is reasonable.

There is nothing in this bill that says if the District cannot pay on their bond issues that the Federal Government is going to bail them out. The District of Columbia is in the same position as any other city in the United States, whether it be Los Angeles or Cincinnati or Charlotte or wherever it might be, in that a general obligation bond issue is backed by the full faith and credit of any jurisdiction and, therefore, would have the first dip really into the money raised by that jurisdiction.

In this language it is specifically said that neither the Mayor nor the Council shall even come to the budget if that 14-percent figure is broken. I do not think the Appropriations Committee, even if that figure were broken by the Mayor or the City Council, would ever agree to having the 14-percent figure breached unless there was a dire emergency, and then it would be up to the Appropriations Committee to appropriate that money through a Federal payment.

There is one other thing. I do not care how many bond issues are passed by the District of Columbia; what a bond issue does is authorize money that can be spent for a specific purpose, and then, therefore, if money is to be expended from a bond issue that expenditure authorization must be approved by the Appropriations Committee of the House and of the Senate, so we have no runaway bonding in this bill.

I think this is a very solid bill. Much of the language in the bill which deals with the development of a financial program develops the concept of program budgeting and requires that there be a multiyear plan. Much of this language has been worked on for the past several months.

In fact, it was even picked up in several of the substitutes that will be offered tomorrow because I do not think the District has had a sound basis for planning the future and I do not think it has had a sound basis for evaluating present and future programs by using the budget as a really positive tool, not just to figure out where the money is going but also to figure out and evaluate the efficiency of the program.

It is very specific in this charter because it seems much of the reservation in this House has been because of the financial provisions. In the first place the Mayor has the duty to audit all the books of all his departments. In the second place there is created the post of District of Columbia auditor and he is appointed by the president of the council with the approval of the Council of the District of Columbia, and the auditor has the duty and the power to audit all the books of the District of Columbia in behalf of the city council or the legislative branch of the district of Columbia. In the third place at the back of the bill we also have the General Accounting Office audit of the books. All the books shall be made available for the District of Columbia for audit.

I think this is a very solid bill. I think the financial controls are stringent. I think it offers a concept of projection of budget cost, multiyear plans, and program budgeting.

I do know as one member of the committee we have spent 6 months and a great deal of time on this bill. I would ask for an "aye" vote when the committee print comes up for a vote tomorrow.

Mr. DIGGS. Mr. Chairman, I thank the gentleman from California for his valuable contribution, not only that which he has just articulated but also all through the proceedings since February 8, when examination of this matter was begun by our committee.

Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky, a member of the committee (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I wish to address myself to those sections of the committee's home rule substitute which lie at the very heart of the issue before us today—the provisions which will allow the citizens of the District of Columbia to elect their local government—a Mayor and a Council—just as the citizens of most of the other communities across our Nation do.

To me, this represents the most basic and fundamental precept of democracy—the right of self-determination.

Summarizing briefly, the committee bill calls for a Mayor and 13 Councilmen, elected to serve 4-year terms. The Council is to consist of one member elected from each of the District's eight wards and five members from the district at large. A Council Chairman is to be chosen from among the five at-large members by majority vote of the full Council. The Council Chairman will serve 1-year terms.

As other speakers have already explained, the unique nature of Washington as our Nation's Capital city dictates that the government of the District of Columbia be shared in large measure with Federal officials—and ample provision has been made to insure that appropriate Federal controls are maintained.

However, I wish to speak today about those aspects of municipal government, the protection of the health, welfare, and safety of the citizens who live and do business in the District, which are essentially local in nature.

I speak as one with some experience in local municipal politics, having mounted a campaign for mayor of my home city of Louisville, Ky., several years ago. While my campaign unfortunately fell a few votes short, the experience of that campaign was invaluable to me. It taught me lessons that serve me well today as a representative of my District in Congress. As a candidate for mayor, I went out into my home community as I never in my life had done before. I appeared before groups, I rang doorbells, and I talked to people on the streets and in the shopping centers.

It was an unparalleled educational experience. I listened carefully to people from all walks of life, from all sectors of the community. I learned about the problems of their everyday existence in the city, I learned of their aspirations, I learned how they felt about a great variety of issues—and why they felt that way.

It was an experience which no appointed official could ever fully appreciate. Whatever imperfections may surface from time to time in the course of our elective politics, I am convinced that the screening and sifting which occurs when candidates submit themselves to the judgment of the electorate is overwhelmingly beneficial.

As I stand today in this Chamber, I wonder how many of my distinguished colleagues—who have passed the test of voter selection—would be here today if we held our jobs by virtue of appointment of some higher authority not directly concerned with the problems and needs of our home districts. How many of us would have the contacts, or connections, or whatever it takes to win appointment? And how free would we be to work our conscience, if we were beholden to an appointive authority?

My colleagues, I believe we, better than most, know in our hearts that there is just no substitute for a system which holds public officials directly responsible to the people they serve. And we know there is no better way to attain such responsiveness than through the process of free and open elections.

Before closing, I would like to briefly comment on the proposed composition of the District Council under the committee's legislation. In Louisville, our entire 12-member board of aldermen is elected at large by citywide vote, although each must live in the ward he is to represent. Frankly, I find that method of election deficient.

The committee bill provides first for direct election of one councilman by the voters in each of the district's eight wards. This should provide spokesmen for viewpoints that may be unique to one neighborhood of one sector of the city. Second, there are to be five at-large councilmen, whose constituency and

viewpoint will be the welfare and best interest of the city as a whole. I think this is an excellent two-track approach.

Finally, I would just like to note that several substitutes for H.R. 9682 have been introduced. Some, I think, do violence to the proposition of establishing a responsive, elected local government.

One would have a Presidentially-appointed mayor, who by the simple stroke of his pen could veto the work of the elected council. Another would retrocede the largest part of the District to the State of Maryland without making clear provision as to what sort of government Washingtonians might ultimately expect. These substitutes, Mr. Chairman, do not satisfy my concept of the meaning of such phrases as "self-determination" or "home rule." They should be rejected. The committee substitute is a good bill and should be supported.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, it is an honor for me to add my support to the many and diverse voices calling for passage of H.R. 9682, a bill aimed at effecting a measure of self-determination for the citizens of the District of Columbia.

I believe we can all agree without any reservations whatsoever that nowhere in America should the principles of democracy be more firmly established than in the Nation's Capital. However, democracy is at its weakest in the District of Columbia, for it stands noticeably as a bastion of taxation without representation. By a cruel irony, a nation founded as a haven from tyranny and oppression denies to the citizens of its Capital City the very blessings for which it stands. Incredible but true, it is still accurate to describe the District of Columbia as "America's last colony."

Fresh in my memory is Hawaii's own struggle for self-determination. For far too many years, the Congress decided the destiny of Hawaii while its citizens had little or no voice in their own affairs. Many years of my life were devoted to Hawaii's struggle for statehood, and as I walked the Halls of Congress trying to develop support for Hawaii's cause, I encountered many of the same arguments I now hear advanced against home rule for the District of Columbia. I am no more impressed now than I was then by these same arguments.

I am sure the historians in this House are familiar with No. 43 of the Federalist Papers in which James Madison, one of the principle architects of our Federal Constitution, wrote that the prospective inhabitants of the Federal City "will have had their voice in the election of the government which is to exercise authority over them."

Madison was making clear his stand against any form of colonial status for the District of Columbia.

The citizens of Washington deserve to share in the right of self-government, the birthright of every American citizen. Passage of H.R. 9682 will symbolize our commitment to our heritage and to the cause of freedom, equality and justice for all our citizens.

Today, the citizens of Washington are virtually disenfranchised. They are allowed the "privilege" of paying taxes, but not the right of selecting their own government, or determining how those tax revenues will be spent. They do choose a Delegate to Congress, but he is a nonvoting Delegate. Their right to help shape their own governmental structures is limited to selecting a School Board.

Not since 1874 have these disenfrancised Americans controlled their own affairs. After a century of an intolerable situation, it is imperative that we right this wrong, and pass H.R. 9682.

Home rule is not a partisan issue, nor should it be. It is a goal which has borne the endorsements of Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon. In discussing the principle of self-determination in 1960, the late President Dwight D. Eisenhower said:

> Human beings everywhere, simply as an inalienable right of birth, should have freedom to choose their guiding philosophy, their form of government, their methods of progress.

How appropriate his remarks are for the issue before us here today.

Home rule for the District of Columbia is one of the final chapters in America's long struggle to secure freedom for all its people. I am proud to have been part of Hawaii's struggle for statehood. As a Representative of the youngest State in the Union. I am equally as proud to stand here before you today, urging passage of H.R. 9682. Commitment to our Nation's heritage demands that we finally realize self-determination for the District of Columbia. Let us wipe out the last vestige of colonialism in America.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, the District of Columbia Self-Government and Governmental Reorganization Act, H.R. 9682, will assist the local government to coordinate and rationalize the existing series of overlapping laws governing the planning, zoning, and physical development of the District of Columbia. The bill recognizes the unique character of the District and would protect the three basic functions of the city regarding its physical development. These functions are: first, the seat of government for the Nation; second, the home of 750,000 people and numerous places of business; and third, the center of a region with nearly 3,000,000 people.

The Report of the Commission on the Organization of the District of Columbia government—the Nelsen Commission—identified as a serious obstacle to effective local government the incredible fragmentation and lack of coordination among agencies with planning responsibilities in the District of Columbia. This fragmentation among agencies derives from a series of separate laws governing zoning, planning, urban renewal, and public housing enacted by the Congress to meet immediate problems between 1920 and 1946 and not substantially revised since each law was enacted.

The District has a crazy quilt of agencies—some local, some Federal—that plan land use, roads, schools, parks, monuments, public buildings, renewal and housing projects. The National Capital Planning Commission—NCPC—has the major Federal and District planning role but it cannot affect local planning because it is not a part of the District government.

At the same time, because NCPC is designated as the District's planning agency, the District has no central planning authority of its own. The result is an unplanned municipal government. The resultant fragmentation produces inefficiency and imposes hardship on local citizens and businesses because of inordinate delay in reaching decisions. The lack of a legal planning mandate also creates coordination problems for the District government and between the District government and other agencies.

H.R. 9682 recognizes that a solution to this fragmentation of planning is essential for effective and efficient local government. In this regard, the bill follows the major planning, zoning, and redevelopment organizational recommendations of the Nelsen commission. The bill will: first, strengthen the role of NCPC as the principal planning agency for the Federal Government in the city and in National Capital region as a whole; second, permit the District government to undertake comprehensive physical, social, economic, and transportation planning directed at the needs of the residential and commercial city; and third, permit an on-going system of coordination and "checks and balances" between the Federal and local interests.

Under the bill the function of local planning, that is, planning for the residential and commercial city, would be carried out by a planning staff accountable to the Mayor and City Council. The bill specifically requires that citizens and property owners be consulted in local planning. The bill also directs the District government to consult with adjacent Maryland and Virginia jurisdictions on plans that might affect these areas.

As provided in the bill, the Mayor would propose local physical, social, economic, and land use and other comprehensive plans to the City Council for hearing and action following review by citizens and comment by neighborhood planning councils. Council approved plans would then be referred to the National Capital Planning Commission—NCJC—for review as to the impact of local plans on the interests and functions of the Federal Government.

NCPC would be retained as the principal Federal planning body. Its membership would continue to include representatives of the executive and legislative branches of the Federal Government as well as local citizens and the Mayor and Chairman of the City Council.

The bill requires coordination in Federal and local planning between the District and Federal Governments. In the

event that conflicts cannot be resolved, NCPC can veto local plans found to impact adversely on the Federal interest. After adoption, local and Federal plans would be combined into a single comprehensive plan for the National Capital. All local zoning actions must not be inconsistent with this plan.

The bill would retain a five-member District of Columbia Zoning Commission with two Federal members—the Architect of the Capitol and a representative of the Secretary of the Interior—and a five-member Board of Zoning Adjustment—BZA. One member of the BZA would continue to represent the interest of NCPC, and one the interest of the Zoning Commission.

The Zoning Commission and BZA would continue to handle zoning cases and applications and would be required to follow plans approved by the District government and NCPC. This is not the case currently. In fact, the bill insures Federal-local coordination by requiring the Zoning Commission to submit all proposed changes in the zoning regulations and maps for review by NCPC prior to their adoption.

In regard to housing and urban renewal, the bill would transfer the National Capital Housing Authority—NCHA—and the Redevelopment Land Agency—RLA—to the District of Columbia government. These agencies currently operate the public housing and urban renewal programs in the city. While their functions are purely local, these agencies are by statute federal agencies.

Because RLA and NCHA are not District agencies and because the District lacks planning authority, public housing and urban renewal projects are difficult to coordinate with municipal functions such as street cleaning, trash collection, recreation, health services and the like. Those that suffer the most from this fragmentation are the residents of urban renewal areas and public housing projects. Integration of RLA and NCHA into the municipal government can assist the District to administer a coordinated community development and housing program and to use special revenue sharing funds—if enacted by the Congress—in an efficient manner.

Delegation of planning and authority by the Congress to an elected Mayor and City Council is essential to an effective local government. It is inconceivable that local government can operate with a reasonable level of confidence and self reliance without the power to plan land uses. The philosophy of H.R. 9682 is that planning decisionmaking must be responsive to the electorate. The voters will have the right to remove officials whose land-use decisions they oppose. In this respect, there can be no real conflict between the economic development of the city and its citizens since, in the end, the voters control the process. In addition, the bill quite adequately protects the Federal interest in careful local planning. The National Capital Planning Commission, a Federal body, will be able to exercise a veto over unwise local planning decisions that would render less effective any function that is essential to the Federal establishment at the seat of government.

Mr. DIGGS. Mr. Chairman, may I inquire as to how much time we have remaining?

The CHAIRMAN. The gentleman from Michigan has 14½ minutes remaining, and the minority has 37½ minutes remaining.

Mr. DIGGS. Mr. Chairman, I am prepared to yield back the balance of any time I have in excess of 10 minutes so that I may reserve 10 minutes for the final debate tomorrow.

May I ask if this arrangement is satisfactory with the distinguished ranking minority member?

Mr. NELSEN. It is my understanding it is satisfactory on this side. We have 37½ minutes left here, and I have two requests for time on this side.

Mr. DIGGS. Will the gentleman yield back his time?

Mr. NELSEN. Except for that 10 minutes.

I now yield such time as he may use to the distinguished gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I want to commend the gentleman from Michigan (Mr. DIGGS) and the gentleman from Washington (Mr. ADAMS) for their efforts which culminate this afternoon in House consideration of home rule for the District of Columbia. In my opinion, the revised measure which the committee will offer tomorrow is a well-balanced plan which fully protects the interests of the citizens of the District as well as those of the Federal Government.

Mr. Chairman, I concur with those who interpret the constitutional delegation of congressional power to "exclusive legislation in all cases whatever, of such District" to mean that there can be no intereference by a State in District affairs, rather than to congressional control over all local functions. In Federalist Paper No. 43, James Madison specifically refers to the possible encroachment by a State in the District's proceedings. Furthermore, he clearly defines the status of those citizens residing within the District. As he wrote:

> They will have had their voice in the election of the government, which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.

The committee's propsal will return to local residents the control over their own affairs which Madison assured them they would have and which they indeed did possess over 100 years ago. It will do so in a manner which will end the present fragmented government, replacing it with a streamlined structure that will enable it to effectively meet the challenges of administering a large urban area.

Mr. Chairman, I believe it would be helpful to quote the entire clause 17 of article I, section 8 of the Constitution which concerns the District and the text of Madison's commentary on that clause:

ARTICLE I, SECTION 8, CLAUSE 17

> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Years, and other needful Buildings.

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> The indispensable necessity of complete authority at the seat of government, carries its own evidence with it. It is a power exercised by every legislature of the union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the general government on the state comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the confederacy. This consideration has the more weight, as the gradual accumulation of public improvements at the stationary residence of the government, would be both too great a public pledge to be left in the hands of a single state, and would create so many obstacles to a removal of the government, as still further to abridge its necessary independence. The extent of this federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use with the consent of the state ceding it; as the state will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government, which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the state, and of the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the state, in their adoption of the constitution, every imaginable objection seems to be obviated.
>
> The necessity of a like authority over forts, magazines, etc., established by the general government, is not less evident. The public money expended on such places, and the public property deposited in them, require, that they should be exempt from the authority of the particular state. Nor would it be proper for the places on which the security of the entire union may depend, to be in any degree dependent on a particular member of it. All objections and scruples are here also obviated, by requiring the concurrence of the states concerned in every such establishment.

Mr. NELSEN. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to what I believe to be H.R. 9682 and deplore the uncertain conditions under which we are considering this bill.

I have in my hand here, dated September 11, 1973, a copy of H.R. 9682 committed to the Whole House on the State of the Union and ordered to be printed. I also have in my hand a legislative digest that explains the original H.R. 9682. Furthermore I have in my hand a "Dear

Colleague" letter I received from the chairman of the Committee on the District of Columbia this morning talking about six major changes they will make in H.R. 9682.

I have heard within just the last few minutes that the committee print is finally off the press, and yet we are concluding debate without having even seen a full committee print.

Mr. Chairman, we have been told today that things have changed tremendously since our Founding Fathers selected Washington, D.C., as a national capital.

Incidentally, everything we do in this bill may be an exercise in futility because the Constitution definitely states that Congress will exercise exclusive legislation in all cases whatsoever over the District of Columbia. But as things stand today this is our national city, it is our Federal city, and the fact is that this city belongs to all of the citizens of the United States.

All of the Federal buildings constructed here and, yes, a large part of the municipal buildings, have been constructed by tax dollars taken from people all over this country. The tens of thousands of Federal employees here in Washington are paid by tax dollars taken from people all over this country, and these Federal jobs, of course, generate additional jobs.

Furthermore, tens of millions of dollars each and every year go into the annual budget of this, our national city. In grant money we spend per capita on Washington, D.C., our national city, more Federal grant money than on any other city.

A few years ago Congress did permit the Washington School Board directors to be elected by the residents of the District of Columbia. The former elected president of the Washington, D.C., school board, Marion Barry, was a man who had been arrested on numerous occasions, and a man who made a failure of the Pride program right here in Washington, D.C., when we were all looking forward to the Pride program achieving great success.

Rather recently I examined some of the facilities in our Washington, D.C., schools, and I could not really believe what I was looking at, the equipment was so old and the conditions so deplorable. Yet, here in this District of Columbia we are spending per pupil on education as much money as we are spending in some of the finest school districts in this country. I cannot help but ask myself, "where is the money going?"

Tens of thousands of people have been attracted to Washington, D.C., because of the numerous Federal jobs available, and the numerous other opportunities which Federal employees generate, and these people came here knowing that Washington, D.C., is governed by the President and the Congress.

My distinguished colleague from Hawaii said that the same arguments were used against Hawaii becoming a State, that were used today. I do not know of any Federal city in Hawaii. I was happy to see Hawaii become a State. I do not believe that the conditions that apply to Hawaii apply to the District of Columbia.

Furthermore, virtually any other section of our country that had enough space within which to locate the Federal city would be glad to take this Federal city with all of its Federal jobs and all of the tremendously favorable impact on their economy, into that State, and I am certain they would give the Congress and the President the right to govern the Federal city. I am confident that if a Federal city were built elsewhere we would not have such a tremendous drain on the Federal Treasury as we have in Washington, D.C.

I regret the racial overtones that have been introduced into the issue because they do not belong in this issue.

I was born and raised in Pennsylvania, born specifically on Pittsburgh's north side. I am a product of the Philadelphia public school system. Neither Pennsylvania nor the people of Pennsylvania have ever approved of segregation.

The fact remains that home rule for the Federal city of the United States of America is wrong, and I hope the Members of this House will vote against H.R. 9682 in whatever form it finally emerges.

Mr. NELSEN. Mr. Chairman, I yield 6 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the bill, H.R. 9682.

I oppose the bill for a number of reasons, two of which are directly related to matters affecting the defense of the National Capital area. These are matters of concern to your Committee on Armed Services.

First, under the bill as presented, the National Capital Planning Commission would become a locally controlled agency. The composition of the Commission provides for an even split between officers or appointees of the executive branch and members who would probably be inclined to favor District of Columbia interests. There is a body of opinion, however, which feels that some of the Presidential appointees might be unable to maintain their position with regard to conflicting Federal and local interests.

The National Capital Planning Commission, therefore, could become a means through which the local residents would make final decisions concerning the protection of the Federal interest with regard to defense needs in the Washington area. The National Capital Planning Commission would have virtual veto power over decisions as to what may or may not be built on local military installations.

The extent of this veto power is somewhat in doubt. However, the Armed Services Committee has received expert legal opinion which indicates that such veto power prevails over various authorization and appropriations acts unless specifically prohibited. The legal experts claim that this veto of Public Law by a local agency may even apply in time of war. No local government should be awarded such broad powers over defense matters or over the decisions of the Congress.

Second, the bill provides for an elected mayor for the District of Columbia rather than one appointed by the President.

There can be little doubt that the historically close working relationship between the Mayor and the President who appoints him would be diluted if the Mayor were elected rather than appointed.

The loss of this closeness is particularly significant in regard to the protection of the Federal Government in times of civil disturbance. Under section 39–603 of the District of Columbia Code, the Mayor may ask the President for militia assistance to local police forces by National Guardsmen in times of riot or mob violence. Over the past 6 years, on 24 separate occasions, the Mayor has asked the Commander in Chief for National Guard assistance to local authorities in maintaining the security of the Federal Government. Upon receipt of proper authorization, the Commanding General of the District of Columbia National Guard has then ordered out his forces and the Mayor has given them official local status as special policemen. This procedure has never caused a significant problem because the Mayor, as a Presidential appointee, has not been subjected to the same political pressures which face an elected official.

We have all seen how difficult it is, politically, for an elected official to call out the National Guard. We have seen damage to public and private property exceed that which would have accrued had there been timely decisions to call out the National Guard. The reluctance of a State Governor to take this action is understandable because of the potential political repercussions involved. This reluctance would be magnified many times in terms of the District of Columbia's unique situation, if a mayor were required to make this decision.

Under this bill, the President would have to await a request from a locally elected mayor before he could order out non-federalized National Guardsmen. Of course, the President could still order out a federalized National Guard, or the Congress could ask the President to do so, but there would be an increased reluctance in both branches of the Federal Government if the decision were at variance with the judgment of a locally elected official.

There have been recent disturbances in Washington, one of which was specifically organized to bring the Government to a standstill. Over 80,000 man-days of District of Columbia National Guard support have been required to maintain the peace in the District of Columbia since late 1967. This figure does not include almost 12,000 man-days of additional support by District of Columbia National Guardsmen in a standby alert status. With this experience in mind, I believe it would be unwarranted and unwise to change the relationship between the Mayor and the President and assume the risk of additional damage in and to the Nation's Capital.

Mr. Chairman, I have articulated only two objections to the bill. There are, however, many, many more. I urge my colleagues to defeat H.R. 9682.

Mr. RANGEL. Mr. Chairman, at issue

in this debate is whether or not 800,000 Americans are to have proper representation. This issue goes to the heart of our country's political history. Representation is what the Revolutionary War was all about. The Civil War brought about the full recognition of the black man as a human being and along with that the right to be represented by someone of his own choosing.

In discussing the inhabitants of the proposed Federal District, James Madison, the author of the Constitution, said in Federalist Paper No. 43:

* * * a municipal legislature for local purposes, derived from their own suffrage, will of course be allowed to them.

He was right; a local government structure was operated by the District citizens for 72 years. But ever since that time the Federal District has been run by Congress and the President through a temporary government structure instituted in 1874.

Since that time the Supreme Court in a unanimous opinion has said:

* * * Congress may grant self-rule to the District of Columbia.

The Senate has passed eight self-government bills. And Washington, D.C., has become the ninth largest city in the United States.

This means that the Federal District has more people than some States do. Yet Congress, more specifically the House of Representatives, continues to deprive the people of Washington, D.C., of the rights and responsibilities taken for granted by every other citizen of this country. Why will not the House let the Nation's Capital determine its own priorities and solutions to its problems?

Under congressional rule more than half of Washington has become a slum. A city that should be a model to the Nation and the rest of the world is a disgrace. Who is responsible for this? Not the poor black and Hispanic peoples who can do nothing about the higher prices they must pay because they live in a ghetto. Not the appointed officials who have no power to initiate local programs that would reduce the problems of the city. The people who are responsible for this city are right here in this Chamber.

Sometimes I wonder if there are some of my colleagues here who do not care what happens to the rest of this city and its people as long as the Federal enclave and the downtown district are maintained. We are responsible for this city. It does not make sense for us to be responsible for a city that has more people in it than some States do when we have no interests or constituents here. What do we know or care about what happens on 14th Street or in the Shaw area.

Our interests have been our constituents and the operation of the Federal Government, not the people of Washington, D.C. When faced with a conflict of interests between the people of Washington and our constituents back in our home districts it is only normal that we have represented our home districts interests over any others. What business do we have running the city? None. The people of Washington know what is best for themselves—we do not. How can we be responsible for a city that cannot turn us out of office if we do not represent the interests of the people.

That is why the people of the District of Columbia need somebody to represent them and to take up all of their problems. Whatever our good intentions and wishes, it is impractical and unreasonable for us to try and make laws concerning the District of Columbia. Basically all we should be concerned about is the Federal interest and not the interests of the city. There should be some body or structure that can advocate the District's position on matters concerning itself. This present system is denying the reality of American democracy for 800,000 people. I am not asking you to be revolutionary in supporting this bill, I am asking you to adhere to the basic American principles in which we believe and which many of us have fought for throughout the world.

The record of Congress in administering the District of Columbia speaks clearly in favor of self-government. A recent statement by Chief Wilson of the Washington metropolitan police department illustrates my point:

Few would disagree that crime reductions of the past three years reflect in large measure massive Federal initiatives, both in Presidential leadership and Congressional legislative action. Obviously, it is easy to argue that federal control of local affairs deserves credit for the crime reductions, but to make that agrument, one must also agree that federal control of local affairs shares most of the blame for the 12 years of crime increase.

The main reason for all the opposition to this bill, I think, is that there is a fear shared by many Members of this House that they would not be able to control the population of this city or keep them in their respective places once they were given self-government. There is this fear despite the fact that no law can be made by the City Council that at least one Chamber of Congress could not veto. Congress still would have the ultimate authority.

The budget, the judiciary, and the police control arguments are important but can be easily overcome if the Members of the House want to overcome them. I think the real problem many of those in this Chamber have with this bill is that this House if afraid to give home rule to the Federal District and face the reality of democratic self-government for the presently unrepresented 800,000 people of this city.

The denial of accountable self-government to the people of the District of Columbia is a shameful mockery of every democratic principle this country represents. Let us take the first step to end that mockery today.

Mr. FASCELL. Mr. Chairman, to date, there has been little mention of one key element of support for home rule in the District of Columbia, that of several distinguished Presidents of the United States. Every President, from Dwight D. Eisenhower, through Richard Nixon, has been more than explicit in his support for self-determination of the Nation's Capital.

On January 19, 1959, in his budget message to the Congress, President Eisenhower stated:

I again recommend that the Congress enact legislation to admit Hawaii into the Union as a State, and to grant home rule to the District of Columbia. It would be unconscionable if either of these actions were delayed any longer.

Home rule for the District has already been delayed 14 years since his message to the Congress.

In transmitting his suggested home rule legislation to the Congress, on July 15, 1961, President Kennedy indicated:

Restoration of suffrage and the responsibility to the people of the District for dealing with their municipal problems is long overdue. It is time to eliminate the last legal and constitutional anomaly in the United States and to reaffirm our belief in the principle that government should be responsible to the governed.

Restoration of suffrage and the responsibility to govern, to the people of the District of Columbia, is still overdue. The legal and constitutional anomaly, referred to by President Kennedy, is still in existence.

President Lyndon B. Johnson, in his message on home rule, made the following pertinent comments:

Our Federal, State, and local governments rest on the principle of democratic representation—the people elect those who govern them. We cherish the creed declared by our forefathers:

No taxation without representation. We know full well that men and women give the most of themselves when they are permitted to attack problems which directly affect them.

Yet the citizens of the District of Columbia, at the very seat of the Government created by our Constitution, have no vote in the government of their city. They are taxed without representation. They are asked to assume the responsibilities of citizenship while denied one of its basic rights. No major capital in the free world is in a comparable condition of disenfranchisement.

The citizens of the seat of our Government, the residents of our Nation's Capital, still have no vote in the government of their city. Their taxes are not represented.

President Richard M. Nixon, in his 1969, and 1970 messages to the Congress on the Nation's Capital, summed up the spirit of home rule most succinctly:

The District's citizens should not be expected to pay taxes for a government which they have no part in choosing—or to bear the full burdens of citizenship without the full rights of citizenship (1969)

I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the Nation's Capital. I would remind the Congress that the founding fathers did nothing of the sort. Home rule was taken from the District only after more than seventy years of self-government, and this was done on grounds that were either factually shaky or morally doubtful (1970)

The Congress of the United States continues to deny self-government to the residents of the District of Columbia. Many of the arguments against home rule are, again, either factually shaky, or morally doubtful.

Altogether, close to two hundred hard-fought years have progressed, with con-

tinuing battles over the grant of home rule to the District of Columbia. The rationales for not granting home rule have not changed. Those for Congressional granting of self-determination have not changed, except in their urgency.

I urge my colleagues to fully support H.R. 9682, and to at long last return home rule to the citizens of the District of Columbia.

Mr. DELLUMS. Mr. Chairman, one basic undergirding of a democratic society is the belief that each individual must be allowed to develop to his fullest potential. This, we have declared, is an inalienable right—one that must be protected and provided for at all cost. An outgrowth of this concept is the basic philosophical premise of American education. The philosophical thrust involved in this concept led to the phrase "universal education."

A strong adherence to this concept prompted the U.S. Supreme Court to state in Brown against Board of Education:

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognignition of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today, it is a principal instrument of awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

In our attempts to pursue this concept and to provide an arena for the educational development of the citizens of the District of Columbia, the pending home rule legislation was developed. Included in this legislation is our intention to grant to the District of Columbia Board of Education flexibility necessary to operate a modern public school system.

The portion of the committee bill concerning education is direct and simple. First, the status quo of the existing 11 member elected Board of Education is maintained. Second, authority is established for the Mayor and Council to determine budget appropriation levels for elementary and secondary education—but neither the Mayor nor the Board can specify how those funds are to be spent. The Board of Education is authorized to develop a detailed budget within the established level for expenditure of funds. In addition, the Superintendent of Schools is authorized to transfer or reallocate up to $25,000 with the approval of the Board—the same transfer authority vested in the Mayor, and with the same dollar limit.

What is being proposed in this bill is simply a proposition to bestow upon the District of Columbia Board of Education grants of authority generally enjoyed by most urban public school systems. Because of complexities involved in the operating of a public school system, changing priorities, arrival of unforseen contingencies, and lately, advent of court decree, it has been and is necessary for the school system to change strategies and redirect resources at a moments notice.

Under present arrangements, the school system—to a large degree—must solicit support of outside sources; namely, the District of Columbia government and the U.S. Congress, before it can take what otherwise would be characterized as timely and reasonable decision.

A recent dilemma expertly illustrates the problem.

Under requirement of the degree in Peter Mills et al. against District of Columbia Board of Education, the school system is required to provide a suitable and appropriate educational placement for every school-age citizen of District of Columbia—regardless of physical, mental, or emotional disability. The court expressly stated that in those instances where the system could not provide the needed services to meet the child's need within the system, the system must pay cost of the child attending outside facilities and institutions. Due to the fact that the system is not fully certain of the population that will be in need of these services—nor the total cost of providing such services, due to the variation in cost at respective institutions—it is virtually impossible for the system to adequately budget for these services.

Recently, 29 students were enrolled in an institution in Virginia. At this point the system had gone beyond its allotment for these services and was unable to enter a valid contract with the school, mainly because it could not establish a date certain when payment could be made.

The problem is not that the system is without funds—instead, it is that it is locked in by reprograming requirements; and reprograming action involving an excess of $25,000 must ultimately receive congressional approval. And the amount involved in this instance, was well over $25,000 and thus required legislative approval. As a result of delay, the institution issued an ultimatum that if payment was not received or that a date certain could be established for payment, then the 29 students would be expelled immediately.

I am sure that most persons would agree that this is equal to an emergency situation, but unfortunately, the school system did not have the necessary control of its resources to enable it to meet this emergency.

Passage of H.R. 9682 will eliminate this problem and many other administrative management problems associated with the operation of a large urban public school system.

This is characteristic of the myriad problems faced daily by the District of Columbia school system due to this lack of control. As a result, what has developed is a system plagued by a lack of morale, one constantly under attack, and often characterized as a "lousy" school system.

One way of eliminating these criticisms and these problems is simply to remove Congress from operation of a local school system. Such a move would not take from Congress any ultimate legislative power that it has over the District of Columbia. Instead, such action would allow those persons elected by the citizenry to perform those tasks for which they were elected; namely, to establish and design educational policy—and to provide for their complete implementation. Once this happened, it would insure that the elected board could deliver effective and efficient educational services to the citizens of the District of Columbia.

In light of the quote above from Brown against Board of Education, which was cited earlier, dealing with the overpowering importance of education in our present-day society, can we do less?

Should we not be about the business exhibiting to District of Columbia citizens that we are concerned about the overall development of education in the District?

This can be best accomplished by getting out of education in the District, thereby removing unnecessary encumbrances to the development of an excellent educational system—one that both the U.S. Congress and the citizens of the District can be proud of.

Mr. DE LUGO. Mr. Chairman, as the Delegate in Congress from the Virgin Islands, I can readily relate to the aspirations of the people of the District of Columbia for greater local autonomy. Likewise, I can perceive the inequity of basing the denial of self-government on historic curiosities which no longer have any validity, if in fact they ever did.

There are obviously unique considerations regarding the interests of the Federal Government which exist in the District of Columbia. However, a careful reading of H.R. 9682 abundantly demonstrates that these considerations are adequately protected. The constitutional authority of the Congress over our National Capital is preserved by provisions which: Reserve the right of Congress to legislate for the District at any time and on any subject; provide for a veto by either branch of Congress over any alterations in the municipal charter; retain in the Congress the appropriations power over the annual Federal payment; authorize audits of the accounts and operations of the District government by the General Accounting Office; and preserve the court system established by the Congress in the 1970 District of Columbia crime bill.

Members of the Congress have often stated that the Nation's Capital should be a model of civic progress to which the other cities of the country may look for inspiration.

Unfortunately, we have not achieved this ideal, but in many instances have provided examples of how not to attempt to solve urban ills. I believe that the responsibility for these failures lies substantially in the fact that the District of Columbia's affairs are managed by those unfamiliar with local problems—who owe their allegiance to constituencies geographically far removed, and who are many times motivated by partisan desires which are wholly alien to the needs of the local population.

Mr. Chairman, in 2 years this great Nation will commemorate the bicentennial of the end of domination by a po-

tentate and legislature who had total control over the destinies of the population, and yet were not responsible to that population. I, therefore, believe there can be no more fitting recognition of this anniversary than to provide the citizens of the District of Columbia now with the same right of self-determination for which our ancestors so valiantly sacrificed their lives and fortunes 200 years ago.

Mr. CLAY. Mr. Chairman, article I, section 8, of the Constitution gives the Congress legislative authority over the District of Columbia, but nowhere in the Constitution is it stated that Congress cannot delegate some of its authority over the District to local residents. Indeed, there is ample precedent in our history to support the constitutionality of such delegation. The history of the 75 years of home rule, in one form or another, for the Nation's Capital has been thoroughly explored by this Congress, as the 1965 debate on this very same issue—home rule—will attest. There have been numerous court tests of this same question—the authority of Congress to delegate some of its authority to District residents—and as recently as this year, July 31, 1973, to be precise, the U.S. Court of Appeals for the District of Columbia said:

> Congress, in legislating for the District, has all the powers of a State legislature, and Congress may delegate to the District government that full legislative authority, subject of course to Constitutional limitations to which all lawmaking is subservient and subject also to the power of Congress to at any time revise, alter, revoke the authority granted.

As I read the bill before us, H.R. 9682 seeks to do just that, grant some of our authority to elected officials of the District with the clear and unequivocable understanding that Congress reserves the right to legislate for the District at any time and on any subject. It seems to me that the issue before us is not whether Congress can delegate some of its authority over the District to local residents, for clearly the answer here is yes; but, rather, will Congress take such action, and I certainly hope that our answer here, too, will be yes. By your vote for H.R. 9682 you do not unconstitutionally surrender the sovereign rights and prerogatives of the Congress to legislate for the District of Columbia; rather, you give—indeed, you restore—to the people of this city, rights which are exercised by our constituents, to have a voice in purely local matters.

Mr. BADILLO. Mr. Chairman, I am pleased to rise in support of H.R. 9682, which seeks to restore a measure of self-government to the District of Columbia and which calls for a number of needed reforms in the present city governmental structure with a view toward achieving greater efficiency. As a co-sponsor of an identical bill, I am delighted the House is finally considering this critical issue and I am hopeful that prompt and favorable action will be taken today.

There is certainly little question but that this legislation is long overdue and that the Congress has waited much too long to grant to the almost 1 million District residents those rights, privileges and responsibilities of self-government which are enjoyed by other American citizens. Legislation calling for a form of self-government for the Nation's Capitol has been pending in the House for some 25 years since President Harry Truman, in a civil rights message to the Congress during the second session of the 80th Congress, urged that the District of Columbia be granted its own elective government. As President John F. Kennedy so aptly noted in his message on the same issue in 1961:

> It is time to eliminate the last legal and constitutional anomaly in the United States and to reaffirm our belief in the principle that government should be responsible to the governed.

For almost 100 years taxes have been assessed in the Capitol city without the consent of its citizens; officials have been appointed without the approval of District residents; and funds have been allocated with little reference to the requirements, desires or aspirations of the populace. Major decisions, which affect every aspect of the daily lives of those who live and work in the District, have been made by persons whose basic concerns and constituencies, for the most part, are far different from those of the District of Columbia. No one can deny the fact that equal rights and full citizenship have been cruelly and unnecessarily denied to District citizens. Surely the present status of the District of Columbia represents a stain on the national image. Affirmative steps must be taken to correct this long-standing injustice and restore to District citizens the basic right of electing the persons who govern them and having meaningful participation in the affairs of the city in which they live.

Some claim that the District is not ready for home rule or that District residents are not equipped to handle self-government. It must be clearly understood that this lack of self-government has done nothing more than seriously exacerbate a large number of the very complex economic and social problems with which Washington is beset. At the present time the city simply does not have the wherewithal or authority to begin to effectively cope with these many and varied urban difficulties—which are not terribly dissimilar from those of the other national metropolitan areas. The absence of its own governmental machinery and responsibility has gravely hampered the District's efforts to come to grips with these problems.

I believe that the legislation before us today not only represents a vital step in granting the right of self-government and self-determination to the District of Columbia but, by incorporating many of the recommendations of the Commission on the Organization of the Government of the District of Columbia, it seeks to streamline and modernize the functioning of the government and is aimed at securing greater efficiency. Further, the committee bill—particularly in light of the agreements made by the distinguished chairman of the District of Columbia Committee over the past several days—amply protects the Federal interest in the Capital City and preserves important congressional prerogatives in the operation of the city government. By retaining ultimate legislative authority and the approval of the city's judiciary among other aspects, there can be no doubt but that Congress stature vis-a-vis District affairs is preserved.

Over the past week or so we have been informed of various alternatives to the committee bill. While I do not question the motivation of the sponsors and supporters of these alternatives, I am afraid that they are generally ill considered and do irreparable damage to the cause of substantive home rule for the District. The measure which was reported out of the District of Columbia Committee, in my view, is a responsible bill which will lead to more efficient and more responsive government in this city and will permit the District's residents to have a voice in selecting those who will lead and govern them and in deciding on those varied aspects of municipal affairs which affect them directly.

Mr. Chairman, the House has been at this point on several occasions in the past yet District of Columbia home rule has failed to become a reality. We have an obligation to act and to affirm for the District residents those rights envisioned for all Americans by this country's founders. District of Columbia residents are American citizens just as are all of our constituents and we cannot in good conscience continue to relegate them to second-class status. We must not allow this opportunity to again slip from our hands and we must act without further delay to restore self-government to the Nation's Capitol.

Mr. NELSEN. Mr. Chairman, except for the 10 minutes that we had agreed upon, I have no further requests for time on our side.

Mr. DIGGS. Mr. Chairman, we have no further requests for time, with the exception of the 10 minutes.

Mr. Chairman, I ask unanimous consent to include in the RECORD at this time the committee print, which I intend to offer as a substitute amendment for the bill H.R. 9682.

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

There was no objection.

The amendment referred to is as follows:

AMENDMENT OFFERED BY MR. DIGGS

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## TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

### SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

### STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; to authorize the election of certain local officials by the registered qualified electors in the District of Columbia; to grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, to relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

### DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

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

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

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized

from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

REORGANIZATION

TITLE II—GOVERNMENTAL

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701—5-719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5-703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years, except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on July 1, 1974. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy; arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5-703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5-704(b)) is amended to read as follows: "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.".

(d) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103-5-116) shall be an agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (D.C. Code, sec. 1-1002), are amended to read as follows:

"(a)(1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is hereby created as a Federal planning agency for the Federal Government to plan for the Federal Establishment in the National Capital region, including the conservation of the important historical and natural features thereof.

"(2) The Commissioner shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Commissioner shall establish procedures for citizen involvement in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

"(3) The Commissioner shall submit the comprehensive plan for the District, and all elements thereof and amendments thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

"(4)(A) The National Capital Planning Commission shall, within forty-five days after receipt of a comprehensive plan or amendments from the Council, certify to the Council whether such plan or amendments have a negative impact on the interests and functions of the Federal Establishment. If within forty-five days from the receipt of such plan or amendments from the Council, the Commission takes no action, such plan or amendments shall be deemed to have no adverse impact on the Federal Establishment, and such plan or amendments shall be implemented.

"(B) If the Commission, within forty-five days after the receipt of such plan or amendments from the Council, finds such negative impact on the Federal Establishment, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's recommendations and findings, the Council may—

"(i) reject such findings and recommendations and request that the Commission reconsider such plan or amendments; or

"(ii) accept such findings and recommendations and modify such plan or amendments accordingly.

The Council shall resubmit such modified plan or amendments to the Commission to determine whether such modifications have been made in accordance with the findings and recommendations of the Commission. If, within fifteen days from the receipt of the modified plan or amendments from the Council, the Commission takes no action, such modified plan or amendments shall be deemed to have been modified in accordance with the findings and recommendations of the Commission, and it shall be implemented.

"(C) If within thirty days from the receipt of a request by the Council to reconsider such plan or amendments, the Commission again certifies to the Council that such plan or amendments have a negative impact on the Federal Establishment, such plan or amendments shall not be implemented.

"(D) The Commissioner and the Commission shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the comprehensive plan for the Federal activities in the National Capital developed by the Commission and the comprehensive plan for the District developed by the Commissioner, under this section.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. All citizen members shall be bona fide residents of the District of Columbia or its environs and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on July 1, 1974. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1-1002(e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1-1004), is amended as follows:

(1) Subsection (a) of such section is

amended by (A) inserting "Federal activities in the" immediately after "for the" in the first sentence, (B) striking out "and District" in such first sentence, and (C) striking out "within the District of Columbia" and "or District" in the third sentence of such subsection.

(2) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1–1005), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended by striking out "and District of Columbia" and "or District".

(2) Subsection (c) of such section is repealed.

(3) The first sentence of subsection (d) of such section is amended by striking out "and District".

(4) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1–1006) is repealed.

(f) Section 7 of such Act of June 6, 1924 (D.C. Code, sec. 1–1007), is amended by striking out "and the Board of Commissioners of the District of Columbia".

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1–1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section refered to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49–49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933 specified in subsection (a).

(c) (1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36–121—36–133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, sec. 36–123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position in which he was transferred, such position shall no longer be a position in such competitive service.

## TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act, subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except part C of such title, may be amended by—

(1) an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification; or

(2) a proposal initiated by a petition signed by a number of registered qualified electors of the District equal to 5 per centum of the total number of registered qualified electors, as shown by the records of the Board of Elections on the day such petition is filed, and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect unless within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was ratified either House of Congress adopts a resolution, according to the procedures specified in section 604 of this Act, disapproving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for proposing and ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

## TITLE IV—THE DISTRICT CHARTER

### PART A—THE COUNCIL

### Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia consisting of thirteen members, of whom five members shall be elected at large, and eight members shall be elected one each from the eight election wards established under the District of Columbia Election Act. The term of office of the members of the Council shall be four years beginning at noon on January 2 of the year following their election. Members of the Council shall be elected on a nonpartisan basis.

(b) The Chairman of the Council shall be elected in January of each year by a majority vote of the members of the Council from among the at-large members of the Council. In the case of a vacancy in the office of Chairman, the Council shall select one of the elected at-large members of the Council to serve as Chairman for the remainder of the unexpired term of the Chairman whom he replaces. The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(c) In the event of a vacancy in the membership of the Council, the Board of Elections shall hold a special election to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District during the ninety days immediately preceding the day on which the general election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of members of the Council beginning after the date of enactment of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, or days on which either House is not in session) after the date it was submitted, such change is disapproved by a resolution adopted by either House of Congress according to the procedure specified in section 604 of this Act.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $5,000 per annum, payable in equal installments, for each year he serves as Chairman.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the duties and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law. If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted by the Chairman of the Council to the President of the United States. Such act shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman of the Council shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman of the Council shall act in his stead. While the Chairman of the Council is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least one week intervening between each reading. No act shall take effect until one week after its final adoption: *Provided*, That upon such adoption it has been made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a speical or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia. The Mayor shall be elected, on a nonpartisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(b) (1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has been, during the ninety days immediately preceding the day on which the general election for Mayor is to be held, and is a resident of and domiciled in the District, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practically filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman of the Council shall become acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman of the Council. While the Chairman of the Council is acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman of the Council is acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman protempore, until the return of the regularly elected Chairman.

(c) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of Mayor next beginning after the date of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) after the date it was submitted, such change in compensation is disapproved by resolution adopted by either House of Congress according to the procedures specified in section 604 of this Act. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District

government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system or systems shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital Region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the comprehensive plan for the District, and amendments thereto, to the Council for revision or modification, and adoption by acts following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such comprehensive plan and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judiciary power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of nine members appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Tenure Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(2) Any member of the Tenure Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Tenure Commission.

(3) The Tenure Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Tenure Commission members.

(4) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(5) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e) (1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts.

(f) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a) (1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c) (1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Coumbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Coumbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) The Mayor shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434 and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of bode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the Mayor, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the Mayor a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the Mayor shall reappoint the declaring candidate as judge which reappointment shall be effective when made, without confirmation by the Senate. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the Mayor may submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the Mayor shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia, the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of nine members selected in accordance with the provisions of subsection (b) of this section. Such members shall serve for terms of six years, except that, of the members first selected in accordance with subsection (b) (4) (A), one member shall serve for two years and one member shall serve for four years; of the members first selected in accordance with subsection (b) (4) (B), one member shall serve for one year and one member shall serve for five years; the member first selected in accordance with subsection (b) (4) (C) shall serve for five years; and the member first selected in accordance with subsection (b) (4) (D) shall serve for three years. In making their respective first appointments according to subsections (b) (4) (A) and (b) (4) (B), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b) (1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District

and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia Courts in accordance with section 433 of this Act.

(4) Members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts and shall be appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(5) Any member of the Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the Mayor, for possible nomination and appointment, a list of not less than three nor more than five persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the Mayor may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office the Commission's list of nominees shall be submitted to the Mayor not less than thirty days prior to the occurrence of such vacancy.

(2) In the event any person recommended by the Commission to the Mayor requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the Mayor one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart I—Budget and Financial Management

FISCAL YEAR

SEC. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) The Mayor shall prepare and submit to the Council and to the Congress by January 10 of each year, and make available to the public, a budget for District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated existing or proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediate past three fiscal years;

(3) a multiyear capital improvement plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the report of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget, or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures for the forthcoming fiscal year in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the past three years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments for general obligation bonds must be made for bonds which have been issued, or for bonds which would be issued, to finance all projects listed in the capital improvement plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(a).

MULTIYEAR CAPITAL IMPROVEMENT PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loan appropriations made, and costs

actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor annual estimates of the expenditures, and appropriation necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to section 446 without revision but subject to his recommendations.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, after public hearing, shall by act approve the annual budget for the District of Columbia government, including any supplements thereto, and submit such budget to the Congress and to the Federal Office of Management and Budget. No amount may be expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the Council. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the Council authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with guidelines to be established by act by the Council to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, within ninety days after the end of each fiscal year, a complete financial statement and report;

(5) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all money receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange; and

(9) apportion all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, apportion such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms or receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this Act. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman of the Council, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his report.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603, the District is authorized to provide for the payment of the cost of its various capital projects by an issue or issues of general obligation bonds of the District bearing interest, payable annually or semi-annually, at such rate or rates as the Mayor may from time to time determine as necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price or prices as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for authorized capital projects. Such an act shall contain, at least, provisions—

(1) briefly describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project; and

(4) setting forth the maximum rate of interest to be paid on such indebtedness.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after

the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-government and Governmental Reorganization Act.

"_____,
"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment on an act authorizing the issuance of general obligation bonds—

(1) any recitals or statements of fact contained in such act or in the preambles of the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The general obligation bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of such bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. During each fiscal year approximately equal amounts of annual interest and principal shall be paid on such series. The difference between the largest and smallest amounts of principal and interest payable during each fiscal year during the term of the general obligation bonds shall not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the general obligation bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which such bonds and coupons shall be executed. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, within the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, or $5,000, or both, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligation bonds issued under this part shall be sold at public sale upon sealed proposals at such price as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 1 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c)(1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make periodic audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

TAX EXEMPTION

SEC. 485. Bonds, notes, and other obligations issued by the Council pursuant to this title and the interest thereon shall be exempt from District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdiction in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603.

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance undertakings in the areas of housing, health facilities, transit and utility facilities, college and university facilities, and industrial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related.

(b) The property, facilities, developments, and improvements being financed may not be mortgaged as additional security for bonds, notes, or other obligations.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, and shall not constitute a debt of the District.

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bond, note, or other obligation; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof.

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act of 1955 (D.C. Code, sec. 1–03) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act. One member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the act of March 1, 1920 (D.C. Code, sec. 5–412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5–413, et seq.) is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5–414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Amendments to the zoning maps and regulations shall not be inconsistent with the comprehensive plan for the National Capital. Zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code, sec. 5–417) is amended to read as follows:

"SEC. 5. No amendment of any zoning regulation or map shall be adopted by the Zoning Commission until such amendment is first submitted to the National Capital Planning Commission and a report and recommendation of the National Capital Planning Commission on such amendment shall have been received by the Zoning Commission, except that if the National Capital Planning Commission shall fail to transmit its opinion and advice wthin thirty days from the date of submisson to it, then the Zoning Commission shall have the right to proceed to act upon the proposed amendment without further awaiting the receipt of the report and recommendation of the National Capital Planning Commission.".

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnsh service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43–201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2–1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies.".

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards es-

tablished under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

PART G—RECALL PROCEDURE

RECALL

SEC. 496. (a) The Mayor, any member of the Council or of the Board of Education may be recalled according to the provisions of this section by the registered qualified electors of the elective unit from which he was elected. A recall may be instituted by obtaining recall petition forms from the Board of Elections, and by filing such petition with the Board, not later than ninety days after the date it was obtained from the Board, containing a number of signatures of the registered qualified electors in the elective unit of the official with respect to whom such recall is sought equal to 25 per centum of such registered qualified electors voting in the last preceding general election. A recall petition shall contain a statement of the reason for which the recall is sought. Within fifteen days (excluding Saturdays, Sundays, and holidays) after such petition is filed, the Board of Elections shall determine whether the petition is signed by the required number of registered qualified electors and whether each such person is a registered qualified elector of the applicable elective unit. Before the Board makes such a determination the Board shall, after notifying (by registered certified mail) the official with respect to whom such petition has been filed, if requested by such official, hold a hearing (in the manner prescribed for contested cases under section 10 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1509)) on the question of the sufficiency of such petition. After the Board determines that the petition is sufficient, the Board shall, within seventy-two hours after making such determination, notify the official (by registered certified mail) whose recall is sought of such determination. The Board shall take such steps as are necessary to place on the ballot at the next regularly scheduled general election in the District the question whether such official should be recalled.

(b) No petition seeking the recall of any official may be circulated until such official has held for at least six months the office from which he is sought to be recalled.

(c) Two or more officials subject to recall may be joined in the same petition and one election may be held therefor.

(d) If a majority of the qualified electors, voting in an election, vote to recall such official, his recall shall be effective on the day the Board of Elections certifies the results of such election. The vacancy created by such recall shall be filled immediately in the manner provided by law for filling a vacancy in the office by such official arising from any other cause.

(e) The Board of Elections shall prescribe such rules as are necessary or appropriate to carry out this part, including rules (1) with respect to the form, filing, examination, amendment, and certification of a recall petition filed under this part, (2) with respect to the conduct of any recall election held under this part, and (3) with respect to the manner of notification of the official who is the subject of a recall petition.

(f) For the purposes of this part, the term "elective unit" means either a ward or the entire District, whichever is applicable.

(g) The Board of Elections, for the purpose of any hearing held under this part, may by subpena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary or as may be requested by any of the parties to such hearing. A subpena of the Board may be served at any place within the District of Columbia, or at any place without the District within twenty-five miles of the place of the hearing specified in the subpena. The form, issuance, and manner of service of the subpena shall be the same as prescribed under section 942 of title II of the District of Columbia Code for subpenas issued by the Superior Court of the District of Columbia.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District made to the trust fund. Such Federal payment should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents comparable with residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District for the fiscal year ending June 30, 1975, and for each fiscal year thereafter the sum of $250,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5–405), and in effect on the date of enactment of this Act;

(7) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(8) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners).

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c) The Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act, resolution, or rule passed or adopted by the Council. Notwithstanding any other provision of this Act, no such act, resolution, or rule shall take effect until the

end of the thirty-day period (excluding Saturdays, Sundays, holidays, and any day on which either House is not in session) beginning on the date such act, resolution, or rule is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, except any act with respect to which the Council has determined that an emergency exists, according to the provisions of section 412(a), shall not be transmitted to the Congress under this section and shall become effective as provided in section 412(a).

LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice to the respective roles that the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b) No general obligation bonds shall be issued during any fiscal year in an amount which, including all authorized but unissued general obligation bonds, would cause the amount of principal and interest required to be paid in any fiscal year on the aggregate amounts of all outstanding general obligation bonds to exceed 14 per centum of the District revenues (less court fees and revenue derived from the sale of general obligation bonds) which the Mayor determines, and the District of Columbia Auditor certifies, were credited to the District during the immediately preceding fiscal year during which such general obligation bond would be issued. The Council shall not approve any capital project to be financed by the issuance of general obligation bonds, if such bonds could not be issued on account of the limitation specified in the preceding sentence. Obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the first sentence of this subsection.

(c) The 14 per centum limitation specified in subsection (a) shall be calculated in the following manner:

(1) Determine the dollar amount equivalent to 14 per centum of the revenues (less court fees and revenue derived from the sale of bonds) credited to the District during the immediately preceding fiscal year.

(2) Determine the amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and for general obligation bonds to be issued under projects already authorized by act of the Council.

(3) Estimate the amount of principal and interest to be paid during each fiscal year over the proposed term of the proposed general obligation bond to be issued.

(4) For each fiscal year, add the amounts arrived at for each such fiscal year under paragraphs (2) and (3).

(5) If in any one fiscal year the sum arrived at under paragraph (4) exceeds the amount determined under paragraph (1) then the proposed general obligation bond may not be issued, or the proposed capital project may not be approved.

(d) The Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. If at the time the Council approves any budget during any fiscal year a Federal payment has not been appropriated for such fiscal year, in estimating the amount of all funds which will be available to the District for such fiscal year the Mayor shall use—

(1) if no action has been taken by either House of Congress with respect to the Federal payment appropriation, the amount appropriated for the Federal payment for the immediately preceding fiscal year;

(2) if one House has taken action with respect to the Federal payment appropriation, that amount;

(3) if both Houses have taken action with respect to a Federal payment appropriation, but have appropriated different amounts, the lesser of such amounts; or

(4) if both Houses have taken action appropriating the same amount, that amount.

(d) No officer or employee of the District shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such officer or employee involve the District in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract is authorized by law.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a resolution of either House, the matter after the resolving clause of which is as follows: "That the ——— disapproves the action of the District of Columbia Council described as follows: ———.", the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

## TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

### PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ———, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District in this referendum.

"Indicate in one of the squares provided below whether you are for or against the charter.

"☐ For the charter

"☐ Against the charter.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of gen-

eral circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act (or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, or use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1–102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended by act or resolution as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof, and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a nonreimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under Section 3056 of title 18 of the United States Code and Section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVLOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) DISTRICT OF COLUMBIA.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government may be audited by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b) (1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within sixty days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof. Each single member district shall be nearly as equal in population as possible and shall be composed of not more than approximately five thousand persons.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regrading planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less

than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to the advisory neighborhood council established in this section.

EMERGENCY CONTROL OF POLICE

SEC. 739. Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

HOLDING OFFICE IN THE DISTRICT

SEC. 740. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act are amended to read as follows:

"(h)(1)(A) The Delegate and Mayor shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election. Each candidate for the office of Mayor in any general election shall be nominated as such candidate according to the provisions of subsection (j).

"(B)(i) A member of the office of Council (other than any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District in which the individual resides. An at-large member of the Council shall be elected by the registered qualified electors of the District in a general election. Each candidate for the office of member of the Council (including members elected at-large) shall be nominated as such a candidate according to the provisions of subsection (j).

"(ii) If in a general election no candidate for the office of Mayor, or member from a ward, or no candidate for the office of member elected at-large (where only one at-large position is being filled at such election), receives at least 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(iii) When more than one office of member elected at large is being filled at such a general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast for candidates for election at large in such election divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held as provided in subparagraph (ii) of this paragraph, and the candidate or candidates receiving the highest number of votes in such runoff election shall be declared elected.

"(iv) The Board may resolve any tie vote occurring in an election governed by this paragraph by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(v) In the case of a runoff election for the office of Mayor or member of the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes. In the case of a runoff election for the office of member of the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. If in any case (other than the one described in the preceding sentence) a tie vote must be resolved to determine the candidate to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(vi) If any candidate withdraws (in accordance with such rules and time limits as the Board shall prescribe) from a runoff election held to select a Mayor or a member of the Council or dies before the date of such election, the candidate who received the same number of votes in the general election next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such general election which is next highest to the number of votes in such general election received by a candidate in the runoff election and who is not a candidate in such runoff election shall be a candidate in such runoff election. The resolution of any tie necessary to determine the candidate to fill the vacancy caused by such withdrawal or death shall be resolved by the Board in the same manner as ties are resolved under paragraph (v).

"(2) The nomination and election of any individual to the office of Delegate shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i)(1) Each individual in a primary election for candidate for the office of Delegate shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred and fourteenth day before the date of such election.

"(2) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j)(1) A duly qualified candidate for the office of Delegate, Mayor, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election, and in the case of a person who is a candidate for the office of Delegate, Mayor, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one

hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates as Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k)(1) In each general election for the office of member of the Council (other than the office of an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any candidate who (A) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (B) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election. Such candidates shall be only those persons who (A) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (B) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Mayor the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (B) has been nominated directly as a candidate under subsection (j) of this section.

"(4) In each general election for the office of Delegate the Board shall arrange the ballots to enable to registered qualified elector to vote for any one of the candidates for such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of a special election under this Act, primary elections of each political party for the office of Mayor shall be held on the first Tuesday after the second Monday in September of every fourth year, commencing with calendar year 1974, and the general election for such office shall be held on the Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act are repealed, and paragraphs (4) and (5) of section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education.".

(7) Section 10(c) of such Act is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate or Mayor, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of candidate for the office of Delegate who has been declared the winner in the preceding primary election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and in no event shall any person be a candidate for more than one of the following offices in any one general election: Mayor, member of the Council, and member of the Board of Education."

(10) Section 15 of such Act is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other such office in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G of the VII shall take effect on and after the date of enactment of this Act.

(b) Title II shall take effect on and after July 1, 1974.

(c) Titles III and IV shall take effect January 2, 1975 if accepted by a majority of the registered qualified electors in the District of Columbia.

(d) Title VI and part B, C, D, and F of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District.

Mr. DIGGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9682) to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members be granted general leave to revise and extend their remarks with respect to the pending bill.

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

There was no objection.

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7645, THE STATE DEPARTMENT AUTHORIZATION

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a conference report on H.R. 7645, State Department Authorization.

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

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-563)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the amendment of the House and concur therein.

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WILLIAM S. MAILLIARD,
VERNON W. THOMSON,
*Managers on the Part of the House.*

J. W. FULBRIGHT,
JOHN SPARKMAN,
FRANK CHURCH,
CLAIBORNE PELL,
GEORGE D. AIKEN,
CLIFFORD P. CASE,
J. K. JAVITS,
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The first Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text. The House agreed to the first Senate amendment with an amendment which was a substitute for both the first Senate amendment and the House bill. The Senate agreed to the House amendment with a second Senate amendment which is a substitute for the House amendment, the first Senate amendment, and the House bill, and the House disagreed to the second Senate amendment.

The committee of conference recommends that the Senate recede from its amendment to the House amendment.

The differences between the House amendment and the second Senate amendment are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

FOREIGN MILITARY BASE AGREEMENTS

The Senate amendment contained a provision prohibiting the obligation or expenditure of funds for implementing certain military base agreements with foreign countries unless approved by concurrent resolution or the Senate gives its advice and consent to such agreements.

The House amendment contained no comparable provision.

The Senate receded. The managers of both the Senate and the House are concerned with the problem sought to be corrected by the Senate provision and strongly support the principle at stake. Both agree to pursue a legislative remedy to the problem in the next session.

ACCESS TO INFORMATION

The Senate amendment included a section to assure access to information from the Department of State for the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives. After the expiration of any 35-day period following a written request by either committee for any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody of the Department, none of the funds available to the Department shall be obligated unless and until the request has been honored. The only exclusion covered communications between the President and any officer or employee of the Department.

The House amendment did not contain a comparable provision.

The Senate receded.

In view of the fact that the original conference agreement, printed in H. Rept. 93–367, encompassed many items of difference between the House and the Senate on H.R. 7645 other than the two provisions which were before this second conference, the text of the joint explanatory statement from the original conference on all other items is reprinted below for informational purposes:

"The following table shows the sums in the House bill, in the Senate amendment, and in the conference agreement.

| | House | Senate | Conference agreement |
|---|---|---|---|
| Administration of foreign affairs | $282,565,000 | $277,219,500 | $282,565,00 |
| International organizations and conferences | 211,279,000 | 211,279,000 | 211,279,000 |
| International commissions | 15,568,000 | 15,568,000 | 15,568,000 |
| Educational exchange | 59,800,000 | 59,800,000 | 59,800,000 |
| Migration and refugee assistance | 8,800,000 | 8,800,000 | 8,800,000 |
| Salary increases | 9,328,000 | (1) | 9,328,000 |
| Devaluation adjustment | 12,307,000 | (1) | 12,307,000 |
| Liaison office in China | 1,165,000 | (1) | 1,165,000 |
| Security provisions | 50,000,000 | ---------- | 40,000,000 |
| Soviet Jewish refugees in Israel | 36,500,000 | 36,500,000 | 36,500,000 |
| Interparliamentary Union | 120,000 | ---------- | 120,000 |
| International Commission of Control and Supervision | ---------- | 4,500,000 | 4,500,000 |
| Mexico-United States Boundary Commissions | ---------- | 105,000 | 105,000 |
| Total | 687,432,000 | 613,771,500 | 682,037,000 |

[1] Sec. 3 of the Senate amendment authorized appropriations for necessary additional or supplementary amounts for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs."

"AUTHORIZATION FOR ADMINISTRATION OF FOREIGN AFFAIRS

"The House bill authorized an appropriation of $282,565,000 for the category 'Administration of Foreign Affairs'.

"The Senate amendment authorized an appropriation of $277,219,500 for this purpose.

"The Senate receded.

"CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

"The House bill provided specific authorizations for three additional or supplemental purposes: (1) for increases in salaries or other employee benefits; (2) for overseas costs resulting from devaluation; and (3) for the establishment of a liaison office in the People's Republic of China.

"The Senate amendment contained language that would permit appropriations for such additional or supplemental amounts as may be necessary to meet salary and employee benefit increases or other nondiscretionary costs.

"The Senate receded.

"PROTECTION OF PERSONNEL AND FACILITIES AGAINST TERRORISM

"The House bill authorized an appropriation of $50,000,000 for the protection of personnel and facilities from threats or acts of terrorism.

"The Senate amendment did not contain a comparable provision.

"The Senate receded with an amendment limiting the authorization to $40,000,000.

"RUSSIAN REFUGEE ASSISTANCE

"The House bill authorized an appropriation of $36,500,000 for fiscal year 1974 for assistance to Israel in the resettlement of Jewish refugees from the Soviet Union.

"The Senate amendment contained an identical sum but did not limit the authorization to the fiscal year 1974.

"The Senate receded.

"AVAILABILITY OF APPROPRIATIONS

"The House bill provided that appropriations made pursuant to sections 101 (a), (b), and (c) of the House bill (relating to authorities, functions, duties, and responsibilities in the conduct of foreign affairs; supplemental items; and protection against acts of terrorism) were authorized to remain available until expended.

"The Senate amendment limited such availability only to appropriations to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs. It did not include supplemental items.

"The Senate receded.

"AUTHORIZATION FOR INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION IN VIETNAM

"The Senate amendment authorized the appropriation of $4,500,000 for payment of the U.S. share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision, dated January 27, 1973.

"The House bill did not contain a comparable provision.

"The House receded.

"TRANSFER OF APPROPRIATION AUTHORIZATION

"The House bill authorized the transfer of unappropriated authorizations between paragraphs (1) through (5) of section 101(a) of the House bill. Such transfers were not to exceed 10 percent of the amount authorized by each paragraph.

"The Senate amendment had no comparable provision.

"The House receded.

"INTERPARLIAMENTARY UNION

"The House bill contained a provision to increase the authorization for United States participation in the Interparliamentary Union from $102,000 to $120,000.

"The Senate amendment did not contain a comparable provision.

"The Senate receded.

"USE OF FOREIGN CURRENCY FOR CONGRESSIONAL TRAVEL

"The Senate amendment contained a section modifying the restrictions on the use of foreign currencies in connection with travel by Members of Congress and requiring that overseas travel be financed (at a rate not to exceed $75 per day) directly out of funds appropriated to congressional committees for their operating expenses and removed all reporting requirements.

"The House bill contained a similar provision with respect to the amount ($75 per day) of local currencies which may be used for travel and changed the reporting requirement to eliminate publication of reports in the Congressional Record.

"The conferees agreed to an amendment requiring the Department of State to submit a report (during the first 90 days that Congress is in session in each calendar year) to the chairman of each congressional committee showing the amount of foreign currency (and the dollar equivalent thereof) expended during the preceding calendar year by each Member and employee with respect to travel outside the United States. Such reports are required to be available for public inspection in the office of each such committee.

"AMBASSADORS AND MINISTERS

"The House bill contained a provision that an individual nominated by the President as an ambassador or minister, at the time of his nomination, file with the Committee on Foreign Relations and with the Speaker of the House of Representatives a report of contributions made by him and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination. Such report shall be verified by the oath or affirmation of the nominee, taken before any officer authorized to administer

oaths. Individuals nominated from the career service or for the personal rank of ambassador or minister in connection with special missions not to exceed 6 months were excluded from the reporting requirement. The term "contribution" has the same meaning as given such term in the Federal Election Campaign Act of 1971.

"The Senate amendment did not contain a comparable provision.

"The Senate receded with an amendment which deleted the exclusion of individuals from the career service or those serving as ambassadors in connection with special missions not to exceed 6 months.

"NO FUNDS FOR NORTH VIETNAM

"The House bill contained a provision prohibiting the use of funds under this act to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

"The Senate amendment contained similar language as part of a provision relating to the involvement of U.S. forces in Indochina, which was agreed to by the conferees.

"The House receded in view of the fact that a similar prohibition is contained in section 15.

"AUTHORIZATION FOR INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

"The Senate amendment contained a provision raising the authorizations for certain projects of the International Boundary and Water Commission, United States and Mexico.

"The House bill contained no comparable provision, but a comparable bill was passed by the House in 1972.

"The House receded.

"USE OF POSTAL SERVICE FOR PASSPORT APPLICATIONS

"The Senate amendment contained a section that extended from June 30, 1973, to June 30, 1974, the authority of the Postal Service to execute passport applications.

"The House bill did not contain a comparable provision since the House had already passed an identical measure in a separate bill.

"The House receded.

"BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENT AND SCIENTIFIC AFFAIRS

"The Senate amendment contained a provision establishing within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs.

"The House bill contained no comparable provision.

"The House receded with an amendment. The effect of the conference agreement is to establish the new bureau; require that it be headed by an additional Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, without reducing the number of Assistant Secretaries now authorized for the Department; and require the Secretary of State to carry out his functions relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs through the new Assistant Secretary.

"AZORES AGREEMENT

"The Senate amendment included a section prohibiting the obligation or expenditure of funds to carry out the agreement signed by the United States with Portugal relating to the use by the United States of military bases in the Azores until such agreement is submitted to the Senate as a treaty.

"The House bill did not contain a comparable provision.

"The Senate receded.

"* * * * *

"RECOMMENDATIONS FOR PROMOTION

"The Senate amendment amended the Foreign Service Act of 1946 as amended to require the Secretary of State to recommend individuals for promotion in accordance with the rank order made by selection boards. In special circumstances the Secretary of State may recommend for promotion a Foreign Service officer who has been recommended for a promotion by a grievance panel.

"The House bill did not contain a comparable provision.

"The House receded with two amendments. The first permits the Secretary of State, in accordance with regulations, in special circumstances to remove the names of an individual from the rank order list to delay the inclusion of an individual until a subsequent list of promotions is transmitted to the President. The second amendment extends to Foreign Service Staff personnel and Foreign Service Reserve officers the right to be recommended for promotion as a result of a grievance board or an equal employment opportunity appeals examiner's recommendation. It also permits the Secretary of State to make retroactive promotions and additional salary increases based upon similar recommendations.

"REIMBURSEMENT FOR DETAILED STATE DEPARTMENT PERSONNEL

"The Senate amendment contained a provision requiring reimbursement to the Department of State for the services of certain State Department personnel detailed to other agencies or the White House.

"The House bill contained no comparable provision.

"The House receded with an amendment which exempted from the reimbursement requirement Department of State personnel detailed for 90 days or less.

"* * * * *

"OVERSEAS KINDERGARTEN EDUCATIONAL ALLOWANCES

"The Senate amendment contained a provision authorizing an educational allowance for kindergarten schooling for dependents of Government employees overseas.

"The House bill contained no comparable provision.

"The House receded.

"INVOLVEMENT OF U.S. FORCES IN INDOCHINA

"The Senate amendment contained a provision prohibiting the use of funds to finance the further involvement of U.S. military forces in hostilities in Indochina or to provide assistance of any kind to North Vietnam unless authorized by law.

"The House bill contained no comparable provision concerning further involvement of U.S. military forces in hostilities.

"The House receded with an amendment to make the restriction on U.S. military involvement effective on August 15, 1973. The managers on the part of both in House and the Senate emphasize that in reaching this agreement they in no way condone or endorse any military action the President has taken, or may take, before August 15, 1973, in Indochina. The prohibition against assistance to North Vietnam will still be effective on the date of enactment of this legislation.

"LIMITATION ON PUBLICITY AND PROPAGANDA PURPOSES

"The Senate amendment contained a provision prohibiting the use of funds under this act for publicity or propaganda purposes in connection with legislation pending before the Congress and for purposes of influencing the outcome of a political election. Similar provisions have been contained in the Department of State appropriations acts.

"The House amendment contained no comparable provision.

"The House receded.

"UNITED STATES MISSION ASSISTANCE TO MEMBERS OF CONGRESS AND STAFF

"The Senate amendment contained a section providing that Members of Congress and congressional employees traveling abroad on official business shall be given access to any part of the premises of the United States diplomatic mission if they have appropriate security clearance and, if possible, provided with office space in the mission. Further, such individuals shall be provided upon request with a copy of any communications with respect to them.

"The House bill did not contain a comparable provision.

"The Senate receded. It was the opinion of the committee of conference, however, that the Department of State should allow visiting Members of Congress and congressional investigatory personnel access to all parts of the premises of U.S. missions if they have adequate security clearances, appropriate working space if possible, and that Members and employees should be allowed to see any communications concerning them.

"FOREIGN SERVICE GRIEVANCES

"The Senate amendment contained a section providing details for the handling of grievances by Foreign Service personnel.

"The House bill had no provision on this subject.

"The Senate receded.

"HOUSING SUPPLEMENT IN NEW YORK

"The Senate amendment contained a provision authorizing the payment of a housing supplement for certain employees assigned to the United States Mission to the United Nations in New York.

"The House bill contained no comparable provision.

"The House receded with an amendment which puts a ceiling of 45 on the number of personnel assigned to the U.S. Mission to the United Nations who can be paid the supplemental allowance and authorizes a similar allowance for U.S. delegates and alternate delegates to the U.N. General Assembly who are not attached to the U.S. Mission.

"MUTUAL RESTRAINT ON MILITARY EXPENDITURES

"The Senate amendment contained a provision expressing the sense of the Congress on mutual restraint by the United States and the Soviet Union on expenditures for military purposes.

"The House bill contained no comparable provision.

"The House receded.

"EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

"The Senate amendment contained a provision modifying a provision of law relating to the expression of individual views by certain executive branch witnesses before congressional committees so as to include all officers and employees rather than only those officers appointed by the President and confirmed by the Senate.

"The House bill contained no comparable provision.

"The House receded."

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WILLIAM S. MAILLIARD,
VERNON W. THOMSON,
*Managers on the Part of the House.*

J. W. FULBRIGHT,
JOHN SPARKMAN,
FRANK CHURCH,
CLAIBORNE PELL,
GEORGE D. AIKEN,
CLIFFORD P. CASE,
J. K. JAVITS,
*Managers on the Part of the Senate.*

## ARAB-ISRAELI CONFLICT

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

Mr. PODELL. Mr. Speaker, there can be no doubt in anyone's mind that the current fighting in the Middle East was deliberately begun by Syria and Egypt.

Those nations will never be satisfied until they have destroyed Israel. For them to say, or even to intimate, that they merely want to recover the territory they lost to Israel in 1967, is the worst of lies. They want to see Israel destroyed.

The fighting has been difficult, and will get even harder. Every loss that Israel suffers, in men or materiel, is felt much harder than a similar loss by either Egypt or Syria. Israel is so much smaller, so greatly outnumbered. It is only by dint of her superior military position that she has kept the Arabs at bay even this long. Her strength lies in her constant state of preparedness, in her highly motivated army, and in her air force. The strength of the Israeli air force can be the key to this conflict, the difference between Israel's survival and destruction.

Israel has already lost many Phantoms. The exact numbers are not known but we do know that Israel cannot afford to lose even one plane. That is why we must act as quickly as possible to pass this resolution, so that Israel will be able to continue fighting until Arab aggression is repulsed.

There are planes that Israel has already purchased, which are already her's except for actual delivery. There is now every reason to speed up the delivery of these aircraft.

Any argument about controlling the arms race in the Middle East is made ludicrous by events. All of this Nation's efforts in regulating arms sales and deliveries, in casting about seeking a way out of the deadlock, have been rendered meaningless, by the actions of Egypt and Syria. The United Nations Security Council has refused to deal with the problem, perhaps because that body realizes that the situation has finally gone beyond being a topic of gentlemen's debates.

Earlier Security Council actions did nothing to prevent this outbreak of war. All the Security Council has ever done is to condemn Israel for her efforts to protect herself from attacks by Palestinian terrorists and Arab armies. Another Security Council resolution proposing an impossible solution and calling on both sides to stop hostilities would be worth less than the paper it is printed on. We are indeed fortunate that the United Nations are so far not dealing with the fighting in the Middle East.

The only way that the problems of the Middle East can be resolved is for Israel to win this war unequivocally. For it is only in this way that Arab States, and their minions, the Palestinian terrorists, will learn that true peace is the product of negotiations and political settlements. It is not up to the United Nations, the United States, Russia or any other power to force a settlement on the Middle East. Such a settlement must come out of the Middle Eastern nations themselves. Otherwise it will never work.

And the only way we will see a permanent settlement is, in my opinion, if Israel has a decisive victory in this war. To do so, Israel needs all the support which can be mustered. The Jewish community around the world has already made pledges of millions of dollars. This Congress is not being asked to make any further pledges of support to Israel. The world already knows that Israel has no stronger friend than the United States of America. What we are being asked to do, and what we must do, is to speed up the delivery of jets which have already been sold to Israel.

We want to see the fighting end, but we should also want to see it end permanently. We cannot any longer endure a continued state of tension in the Middle East. I fervently pray that out of this fighting will come a lasting peace, which will be negotiated between Israel and her Arab neighbors. Because of Israel's precarious position and small size, she must never appear weak before her neighbors. Otherwise, it would mean her destruction. That is why Israel must win this war, and that is why we must show our support by passing this resolution immediately.

## THE TAX AND LOAN ACCOUNT INTEREST ACT OF 1973

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

Mr. SEIBERLING. Mr. Speaker, I am today introducing a bill which would reform the system by which the Government banks a large portion of the taxpayers' money.

Mr. Speaker, at a time when the average citizen is no longer able to buy a home and when small businesses are closing their doors, all because of the unprecedented cost of borrowing money, it will come as a shock to many that the U.S. Treasury is allowing billions of dollars of Government funds to be held by commercial banks all over the country without earning 1 cent of interest for the taxpayers. Many persons will be equally shocked to learn that these same Government funds are providing the banks with the means of earning hundreds of millions of dollars a year of interest, not for the taxpayers, but for the banks.

Not many people know what happens to the social security and income taxes that are withheld from their paychecks or the money they pay to banks for savings bonds or Government securities. Little do they know that they go to commercial banks in the form of interest-free "tax and loan accounts." These funds are held by the banks, interest-free, until they are drawn by the U.S. Treasury to pay the bills of the United States.

The primary purpose of the tax and loan accounts is to minimize the effect of Treasury cash operations on the banking system and money markets, and hence the Nation's economy. They have performed this useful function ever since their creation in 1917. They also serve a secondary purpose of providing compensation to banks for various banking services they perform for the Government. However, the banks, particularly the big banks, have been over-compensated for their services, according to the GAO. The tax and loan accounts have become a Government subsidy to the banking industry at the expense of the American taxpayers.

Virtually all the Nation's commercial banks have tax and loan accounts, and in 1972 these accounts averaged about $5.7 billion. The greatest concentration of tax and loan account funds is in the big banks. According to a staff report of the House Subcommittee on Domestic Finance, the 50 largest banks in the country hold more than one-third of all tax and loan deposits. Eleven branches of foreign banks in the United States also hold substantial tax and loan accounts, amounting to $1.7 billion in 1972.

Although the money in the tax and loan accounts belongs to the U.S. Government, the banks are free to invest it as they choose and reap high rates of interest amounting to millions of dollars. By investing $5.7 billion in 3-month Treasury bills at an average annual interest rate of 6.5 percent, for example, the banking industry would have earned $373 million. At today's interest rates, hovering around 10 percent, it would have earned over half a billion dollars a year.

The actual cost to the banks of handling tax and loan accounts for the Government was recently estimated by the GAO to be about $25 million. The banks also perform other services for the Government for which no current cost data is available, although in 1963 they amounted to a cost of $109 million. These services include issuing savings bonds, paying savings bonds, purchasing Government securities, cashing Government checks, and reporting large or unusual currency transactions.

The value of these services to the Government is considerably less than the actual value of the tax and loan accounts to the banks, according to the GAO. Moreover, these services benefit not only the Government but the banks and their customers as well. Indeed, many banks charge their customers for the same services that the interest-free use of the tax and loan accounts supposedly compensate them for. Some banks will not cash Government checks unless the holder has an account at the bank.

Many of the banking services performed for the Government enable banks to attract additional customers by advertising themselves as "full-service" banks. The extra expense of performing such services for the Government is partially offset by the added income the banks receive from new accounts. Certainly the expense of handling savings bonds purchases on payroll deductions for corporations is more than offset by the income a bank receives for handling such payroll accounting.

Banks also profit from the purchase of Government securities for their customers. Presently, they are allowed to credit certain securities purchases to the Government's tax and loan accounts. This means that even though they are paying the Government for a purchase of securities, the money stays in their vaults and they are free to invest it until the Government withdraws it, usually not for an average of 12 days. The banks do save the Government millions of dollars

by underwriting the purchase of securities. But the value of the additional funds in the tax and loan accounts which the banks are free to invest is greater than the benefit to the Government.

In addition to giving the banks the luxury of the interest-free use of the taxpayers' money in return for services rendered the U.S. Treasury is paying some banks additional compensation for operating branch banks at military installations. In 1970, commercial banks were paid nearly $4 million for operating banking facilities at 222 installations in the U.S. and abroad. Chase Manhattan was paid more than $1 million for operating branch banks on military installations overseas in addition to having the interest-free use of the largest tax and loan account balance of any bank in the United States.

The tax and loan accounts might have some justification if the banks were required to participate in lending programs which benefited a majority of the American people. Such is not the case, however. Many prospective home-buyers are having difficulties in finding a bank which will give them a mortgage, even at today's high interest rates. Several students in my district have told me that they are having trouble finding a bank that will give a loan for their education, even if it is guaranteed by the Federal Government.

Small businesses are having difficulties in securing loans from commercial banks as well. In February, 1972, the 50 largest banks in the country held an average tax and loan balance of more than $2 billion. But in that same month, these banks had only 3,306 loans outstanding in conjunction with the Small Business Administration, which represents eight million small businesses throughout the country. These loans, totaling about $150 million, were 90 percent guaranteed by the SBA, virtually eliminating any risk to the banks, and the banks were free to charge whatever interest rates they wanted. Some charged as high as 11 percent.

This is an absurd situation. Commercial banks are collecting the tax money of the American people, investing it and reaping high rates of return, and lending it back to the American people at record-breaking interest rates.

The State of Maryland presently has a similar system of compensating banks for services they perform for the State government by giving them the interest-free use of certain State funds. However, the State has decided to reform its depositary system after discovering that the banks were billing the State anywhere from 1½ cents to 11 cents for cashing a check and being compensated up to 50 percent more than the actual cost of their services. Beginning next July, the State will pay the banks directly for their services, based on a standardized cost schedule, and invest the remaining State funds in interest-bearing accounts.

The bill I am introducing today would make similar changes in the Federal depositary system. My bill, the Tax and Loan Account Interest Act of 1973, would require banks to pay interest on tax and loan accounts at the Federal funds interest rate. The Federal funds interest rate is a fair standard of interest which fluctuates daily according to changes in the money supply. It is the interest rate which financial institutions pay each other for borrowing money overnight in order to meet reserve requirements. As of September 27, this interest rate was 10⅜ percent. Even when paying this interest on the tax and loan accounts, the banks would still be free to invest the taxpayers' funds at even higher rates of return.

Enactment of the Tax and Loan Account Interest Act would necessitate the paying of a reasonable fee to commercial banks for the various important services they provide for the Government. Such a fee should be based on a standardized cost schedule founded on a rational and periodical assessment of what the actual benefit to the Government of certain banking services is. Some distinction needs to be made between the extent to which bank services benefit the Government and the extent to which they benefit the banks and their customers.

The U.S. Treasury has not kept close track of what it is being billed for by the banks in recent years. The most recent cost analysis of expenses incurred by banks for performing services for the Government was done in 1964. The figures the Treasury used then were supplied solely by the banks themselves, and did not distinguish between the benefit of services to the Government on the one hand, and to the banks and their clients on the other.

The Treasury Department is presently conducting a study of the services for which the Government is compensating the banks, and it is expected to be completed later this fall. I am hopeful that the study will recommend that a more rational system of compensation for banks be established and that banks be paid directly for services they perform for the Government. Certainly it is time that we have some more up-to-date figures on what the Government is being billed for and a comprehensive reevaluation of what the Government should be billed for.

It is also time, in my opinion, that the U.S. Government became a little more businesslike—or, if you will, banker-like—in the arrangements it makes for the handling of the taxpayers' money. It is really incredible that the U.S. Treasury, which is paying astronomical amounts of interest on money borrowed from the banks and others, would allow up to half a billion dollars of potential revenue to be lost because of the mere supposition that it is receiving a compensating value in services rendered by the banks. It would be better for the Government to pay the banks for the fair value of such services even if such payments were comparable to the interest earned on tax and loan accounts. At least, the Government would then know what each of those services was costing and could make a proper accounting of the complete costs of the various programs involved. Only in this way can the Government determine whether the cost of having the banks perform such services is justifiable or whether some other method is preferable.

The GAO has been advocating that the Government collect interest on tax and loan accounts for the past 20 years. The House and Senate Committee which deal with banking affairs have held hearings on the subject in the past, but with no concrete results. The chairman of the Senate Subcommittee on Financial Institutions, Senator McINTYRE, has called for additional hearings, and I am hopeful that the House Banking and Currency Committee will also renew its consideration of this matter.

With all due deference to the respective committees with jurisdiction over the banking affairs of the country, I am today introducing the Tax and Loan Account Interest Act with the hope of drawing attention to the need for reforming the present tax and loan account system and gathering support for new hearings on this problem. The following Members join me in this endeavor: Mr. BROWN of California, Mrs. BURKE of California, Mrs. COLLINS, Mr. EDWARDS of California, Mr. FRASER, Mr. HELSTOSKI, Mr. KOCH, Mr. LEHMAN, Mr. MOAKLEY, Mr. ROSENTHAL, Mr. ROYBAL, Mrs. SCHROEDER, and Mr. THOMPSON of New Jersey.

## AFFIRM U.S. SUPPORT FOR ISRAEL

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

Mr. LEHMAN. Mr. Speaker, on the holiest day of the year for the Jewish people, Yom Kippur—the Day of Judgment, Arab armies from Egypt and Syria crossed the cease-fire lines to begin a new war against Israel.

This war will cause needless death for the Jews in Israel who sought only to live in peace. Death will also come to countless Arab soldiers who should have remained at home to build their own nations as Israel has done, rather than embark on hopeless military adventures.

There is no question that this was a premeditated act of aggression comparable to our own experience at Pearl Harbor. The parallel is even more clearly drawn when we remember that just last week the Arab States were meeting with Secretary Kissinger at the United Nations where they professed their wish for peace while the orders had already been given to prepare for war.

In response to the Arab attack, I urge my fellow Congressmen to join me in insisting that the U.S. Government immediately release to Israel all aircraft, tanks, and other military equipment which have been contracted for but not yet delivered—to balance the enormous amount of aircraft and other equipment which the Soviet Union has supplied to their allies, Syria and Egypt.

A number of my colleagues agree that the United States should seek to affirm American support for Israel at this crucial time. We are today introducing a resolution which calls for the immediate delivery of all U.S. aircraft and other equipment which Israel is scheduled to purchase from the United States under the current United States-Israeli agreement and to loan Israel U.S. aircraft and other equipment if the new planes and equipment are not yet constructed.

The history of the Middle East details the Arabs' use of the Sinai Desert and the Golan Heights to attack Israel.

In 1948 the Egyptian army moved from the Suez Canal, through the Gaza Strip, and into Israel as far as Ashdod. Another Egyptian column moved out of the Sinai Desert, through Beersheva, to the suburbs of Jerusalem. The Syrians attacked from the Golan Heights toward Mishmar Hayarden and Deganya. At a cost of 60,000 casualties, the State of Israel was born as a refuge for the Jewish people.

In the 1950's, the Egyptians organized units of saboteur-infiltrators to attack and kill civilians throughout southern Israel. Syrian-sponsored gangs did the same in the North. These infiltrators caused hundreds of civilian casualties. In addition, the sole southern Israeli port at Eilat was blocked by Egyptian gun batteries at Sharm el-Sheikh, overlooking the narrow Strait of Tiran.

To end the mounting Egyptian raids and to open up the port of Eilat, the Israeli's took control of the Sinai desert in 1956.

Only after solemn U.N. and U.S. guarantees of free Israeli navigation through the Strait of Tiran did Israel agree to withdraw from Sinai.

But in 1967 these solemn guarantees proved worthless. When Nassar massed his forces at the Israeli border 40 miles from Tel Aviv, ordered the U.N. Emergency Force out of the Middle East, and again closed the Strait of Tiran, no outside government or organization moved to affirm the previous pledges. Israel had to defend herself alone.

Throughout the mid-1960's, the Syrian border was in constant danger. Israeli settlements in the Hulah Valley and near the Sea of Galilee were repeatedly shelled by Syrian guns situated along the Golan mountain range. You may remember the news photos of armored Israeli tractors plowing the fields and young children growing up in underground shelters.

In the 1967 war hundreds of Israeli soldiers gave their lives to defend their land. When the fighting had ended, Israel controlled the Golan Heights and the Sinai Desert. Never again would the northern valley settlements be shelled or the southern port blockaded.

This history of Israel illustrates why Israel cannot give up these lands without coming to an understanding with her neighbors. If Israel were to give up these lands first, the shelling and the blockade and the saboteurs would surely come again—since the Arabs still refuse to accept Israel's right to exist.

If, as some would believe, the Arabs do accept Israel's right to exist, then let them recognize Israel. Let them sit down with Israel and negotiate their differences and have the normal relations of neighbors. The Arabs' refusal to recognize Israel means that they continue to believe in Israel's destruction.

A new generation of Arabs will someday emerge who will end the cycle of bloodshed and seek normal relations with Israel. Only then can Israel consider withdrawing from occupied territory.

In her defense against Arab attacks, Israel neither wants nor requires the assistance of American combat troops. Neither does Israel wish the help of the American Navy or Air Force. Israel does not even seek gifts of American military aid. Israel asks only for the right to purchase planes and other equipment that she cannot yet produce herself. The United States sells military equipment to dozens of countries throughout the world and Israel asks only to be numbered among them.

The United States has already agreed to sell Israel additional jet aircraft. While details of the agreement are secret, plane deliveries have been occurring monthly and were scheduled to continue into 1976. There are three reasons why the United States should immediately deliver the remaining planes which have been promised. First, there is the obvious need to replace those aircraft lost in the war. Second, there is the need to maintain the balance of power in the area by matching the Arab aircraft being replaced by the Soviet Union. Third, this action would show that the Congress and the American people support Israel's right to survival.

As a home for the persecuted and as a free democracy, America and Israel have much in common. Let us therefore proudly affirm our support for a nation and a people who are bravely fighting to defend their very existence.

The resolution follows:

H. CON. RES. 335

Expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel

*Resolved by the House of Representatives (the Senate concurring)*, That all aircraft and other equipment constructed for delivery to Israel pursuant to any agreement between the United States and Israel as of the date of the adoption of this resolution shall be immediately delivered to Israel. As soon as possible after the date of the adoption of this resolution, if all of the aircraft and other equipment provided for in any such agreement have not been delivered to Israel pursuant to such agreement or pursuant to the first sentence of this resolution, the United States Government shall deliver to Israel on loan the number of aircraft (of that type) and all other equipment which is so provided for but has not been so delivered.

## TRANSPORTATION AND DELIVERY OF MAIL

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

Mr. HARVEY. Mr. Speaker, I wish to take this opportunity today to announce my intention to offer an amendment to H.R. 9681, the Emergency Petroleum Allocation Act of 1973, when it comes to the floor.

Presently, section 4(b)(1)(A) reads:

Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority).

My amendment is very brief and simple. It would insert following the word including—

The transportation and delivery of mail by the United States Postal Service and including.

My purpose is to make clear in the language of the bill that the transportation and/or delivery of mail is a priority item for allocation of fuel. I would point out to my colleagues that the Interstate and Foreign Commerce Committee report, 93–531, does express on page 18 the intent of the committee to include mail transport and delivery in the category of public services.

May I only add that I am taking this action in light of the current financial difficulties of the U.S. Postal Service. The Post Office can ill-afford to be lacking of fuel for the transport and/or delivery of our mail.

My amendment, on page 12, line 6, reads as follows:

The transportation and delivery of mail by the United States Postal Service and including before "facilities".

## CLEAN PUBLIC WATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN), is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, every Member of Congress has a stake in H.R. 10203. I urge my colleagues to support that portion of this measure which covers lines 8 through 23 on page 61 of the measure reported by the Committee on Public Works.

If you drink and use water in the metropolitan area, you have a vital interest in this legislation. All of us in suburban Maryland depend on the supply of clean public water brought to us by the Washington Suburban Sanitary Commission from its Potomac River source.

Our colleagues in the House and the families who live in the Washington metropolitan area—whether it be in Maryland, Virginia, or the District of Columbia, they need and use water from the Potomac River to sustain their existence. All of us have had ample warning over several decades—from the Corps of Engineers, from the Washington Suburban Sanitary Commission, and from other water supply agencies and regional authorities to the effect that the Potomac River must be harnessed to avoid a water supply catastrophe.

The Washington metropolitan area almost experienced a water supply disaster in 1966, when drought conditions reduced the flow of the Potomac River on 1 day to a volume which was exceeded by public water withdrawals on another day. If the two conditions had occurred on the same date, there would have been air—not water—sputtering from the faucets of our homes and offices, the White House, all our agencies, the embassies, schools, hospitals—all would have been without water. The intakes for public water supply along the Potomac River would have been sucking dust, and millions of people would have been without water.

An underlying threat in this situation also is the probability of the loss of fire protection capability. A diminishing water supply means fire hydrants run dry when spigots run dry. What would happen to Washington, if it were visited by fire at a time when the public water system is short of supply? It would be a disaster.

Some might be inclined to say, "This is a local problem, which must be worked out with local money by the local agencies responsible for developing and producing a potable water supply for their service areas." The fact of the matter is, the Corps of Engineers and the local jurisdictions were well on their way toward solving this problem in 1963, when the President of the United States—supported by Members of Congress—abruptly preempted local interests by establishing a Federal Interdepartmental Task Force to erect a grand plan for the Potomac River. This was to be a plan that would provide a solution to control of the Potomac River for reliable water supply and also address other needs—recreation, pollution control, flood control, sediment control—in the Potomac Basin.

When the Federal Government stepped into the act, the involved operating agencies—organizations such as the Washington Suburban Sanitary Commission in suburban Maryland, the Washington Aqueduct-Corps of Engineers in the District of Columbia, and other public water purveyors—had reason to expect prompt decisions and helpful action by the executive and legislative branches of the Federal Government.

My own State of Maryland promptly stepped into line to pledge payment of its full share of allocated costs for the provision of reservoir capacity in the Potomac Basin. The WSSC, my household's supplier of public water, relied on the Federal Government to make good on its promise of progress on a plan to meet water needs in its service area. This WSSC service area includes about 1.2 million people in a 1,000-square-mile, bi-county community.

Regretfully, the Federal Establishment has failed to make good on its promises. Since 1966, there has been constant indecision and inaction with the ordering of study after study—with the burden generally borne by the Corps of Engineers.

Literally, the Washington metropolitan area lives in the shadow of disaster. We face the same threat of a "water crisis" that visited this community in 1966. The only difference between today's situation and our supply status in 1966 is that we are playing "water roulette" with a few hundred thousands more people that were occupying the "Metro" area 7 years ago. For these reasons, I am very pleased to see a beginning step in the development of two Potomac tributary reservoirs—one at Verona and one at Sixes Bridge—included in H.R. 10203. The Corps of Engineers estimates that it takes about 10 to 15 years to bring reservoir projects to "inservice" status—from the cradle of the planning stage to full maturity, but at least with this legislation we will be at a starting point.

Assuming this current measure does pass and timely legislation is approved in the future to bring these facilities online within 10 years, we still are faced with a decade of waiting and hoping that a drought such as the one we experienced in the 1960's will not visit us in the 1970's or early 1980's.

This period of waiting and hoping will be an uncomfortable experience for all of us—and it should weight heavily on the consciences of those who have had a part in delaying the provision of reserve water on the presently reservoirless Potomac River source.

H.R. 10203 also contains a provision for a Potomac estuary study and pilot program—to cost some $6 million—for the purpose of determining the feasibility of using water from this downstream source as a "pumpback" supply for the Washington metropolitan area. I have no quarrel with this innovative approach, but I would hasten to point out that constant cycling of estuary water through the water supply system, through sewage treatment facilities, through the estuary and back to the water supply system promises a probable buildup of natural components—minerals, chemicals, perhaps, even bacteria and viruses—to a point where dilution from reserve, fresh water will be essential.

Even if the estuary proposal does prove feasible—and I personally hope that it does—the Washington metropolitan area still will need the minimum reservoir program proposed by the Corps of Engineers to provide a supplement of fresh water and to maintain a more normal Potomac River flow during drought periods. I see no wisdom in providing a nominal amount—the proposed $1.4 million—to give us a planning and design start on the Verona and Sixes Bridge projects unless the Congress is prepared to carry this minimum program to timely fruition.

In short, this community needs the two proposed dams as soon as possible and it needs other solutions—such as the estuary program—to meet its short- and long-range water supply needs.

My own State of Maryland, which, by the way, "owns" the Potomac River, will be the first to lose out if something is not done to harness this exceptional community resource. For the benefit of all who may not be aware of the full history of this situation, I would like to recite some facts, which will illustrate the unfair position into which the Washington Suburban Sanitary Commission has been jockeyed.

In the 1920's, the Corps of Engineers began its first studies of the Potomac River. These investigations progressed to a point in 1946 when Congress received House Document 622. This was a Corps report recommending the development of 14 Potomac River reservoirs, to be built over a 20-year period. The initial project was to have been a major dam at Riverbend across the mainstream of the Potomac. Subsequent to this initial report, from 1950 forward, various congressional resolutions recommended reviews and updates of the plans. However, the Riverbend proposal was under constant consideration during this period.

When the Washington Suburban Sanitary Commission planned and built its Potomac River filtration plant, which opened in 1961, it had every reason to believe the Riverbend project was still alive and well; and the agency did what any prudent water supply utility would have done. It designed its raw water intake facilities on the river to anticipate the water levels that would prevail after construction of the reservoir facility downstream at Riverbend.

So, what happened? There was more Federal shifting, sifting and delays. In 1963, the Corps of Engineers came up with a new Potomac basin report, recommending the construction of 16 major dams, nine of which were to be completed by 1977. There was still a proposed mainstream dam, but the proposed site was moved from Riverbend upstream to the vicinity of the confluence of Seneca Creek and the Potomac River.

Overnight, the sound investment made by the WSSC in intake facilities to accommodate the previously proposed Riverbend impoundment became a poor investment. Subsequent Corps of Engineers and Federal Task Force proposals have done nothing to restore the full usability of these facilities, and the WSSC has been faced with the problem of modifying and adapting its intake structures to make the best of the "new ballgame" which makes the Commission dependent on the natural flow of the river as it passes Maryland's raw water pickup point.

Since 1967, the WSSC has attempted to obtain Federal permission—through the Corps of Engineers, the Congress, and other involved agencies—to construct a low-level diversion weir across half of the Potomac River at Watkins Island in order to channel sufficient amounts of water to its intake facilities under normal late summer flow conditions. Despite these efforts, including meeting every known Federal requirement including the preparation and submission of detailed information on environmental impact, the WSSC has been frustrated in its attempts to protect the basic water supply interests of its suburban Maryland customers at the point of intake.

As a result, almost every year and as recently as August 1973, when dry weather flows bring a drop in river flows and customer water needs are on the rise, the WSSC loses some of its intake capability. Consequently, WSSC has had to reduce the amount of water which can be pumped to its Potomac plant for processing and delivery to customers in the suburban Maryland community. It was touch-and-go during the late summer of 1973, and it will be touch-and-go in the future until the Washington Suburban Sanitary Commission has the necessary clearances from the Federal Government to do what must be done.

The weir-intake problem is not related to H.R. 10203, but it is a situation for which the Federal Government should take some responsibility. The WSSC acted in good faith when it designed its intake facilities for compatibility with the Riverbend Dam proposal; but, once it realized the signals had been changed, it stood ready to change this design and spend local money to adjust. And, yet, it has been stymied for years waiting for Federal clearances.

During the 1960's and continuing into the 1970's, the Federal Government has been fumbling the ball which it enthusiastically accepted in the 1963 handoff to the Federal Task Force. Only a "token" project—the Bloomington Reservoir—

has been approved and is slowly moving toward development as the first major Potomac Basin impoundment. I call it a token project as far as water supply is concerned, because it is calculated that water discharge from this facility to augment drought flows in the Potomac River would normally take 22 days to move downstream to increase flows available for intake by water suppliers in the Washington metropolitan area. And, with the present intake design problems in suburban Maryland I have previously outlined, there is no guarantee the WSSC could make full and proper use of this augmented flow when it does arrive.

The proposed Verona Dam, which is covered in H.R. 10203 which the House will soon be considering, is some 24 flow days away from the "Metro" area intakes; so, although it will be a help, it presents some of the same "travel-time" problems posed by the Bloomington project.

On the other hand, the Sixes Bridge proposal—also covered in H.R. 10203—is only 7 flow days from the area's intakes and holds promise of providing faster relief from dry weather flows in time of need.

Speaking of need, I would be remiss if I did not call the House's attention to the fact that in recent years, withdrawals from the Potomac River have exceeded the low river flow of record—388 million gallons per day which occurred on September 10, 1966—on at least 19 occasions since 1966.

Here are the flow records which provide us with this alarming picture of actual withdrawals exceeding the 388 million gallons per day low flow: Year 1966, 1 day, June 26, 381 million gallons per day; year 1969, 2 days—June 29, 387 million gallons per day, and July 3, 388 million gallons per day; year 1971, 3 days—June 15, 16, 17 at 402 million gallons per day, 387 and 393 million gallons per day, respectively; year 1972, 5 days, July 21, 22, 23, 24, 26 at 381, 398, 399, 387, and 381 million gallons per day, respectively; and year 1973, 8 days thus far—June 12, August 9, 10, 12, 13, 29, 30, at 406, 419, 396, 385, 387, 396, 395, and 398 million gallons per day, respectively.

This is a picture which shows the increasing demand on a water supply source which has not been modified in any significant way to accommodate the requirements of millions of people in this dynamic National Capital region.

According to a recent and authoritative study of the situation by consultants Black and Veatch, the average daily Potomac River water supply needs of the metropolitan area will reach 364 million gallons per day by 1980, and this translates into a probable peak demand in periods of high customer use, usually in hot, dry weather periods, of 770 million gallons per day. Thus, if the recorded low flow should occur again in 1980 when a peak demand hits, the deficit would be an astounding and disastrous 382 million gallons per day.

There has been a great deal of criticism of the WSSC, as well as the District of Columbia and other involved jurisdictions, for the sewage-handling predicament we face in the Washington metropolitan area. However, we should remember that just a few years ago the Federal Government put a ceiling on the ultimate capacity of the regional Blue Plains plant, which Maryland had been led to believe would be the facility to handle its sewage for the foreseeable future. At the same time, the Federal Government laid on new, revolutionary requirements for the addition of advanced tertiary treatment on all plants along the Potomac River in this region.

In effect, these requirements put pollution control agencies—such as the WSSC—in a terrible bind. They could not really forewarn their constituents that they would have a problem, because they could not anticipate the revolution in sewage-handling. They now are saddled with the time-consuming and costly task of solving the pollution control problem in accordance with Federal directives.

On the other hand, the WSSC and other agencies involved in the water supply problem have been able to anticipate their needs and have repeatedly acquainted the Federal Government and the public with information on what needs to be done to assure the maintenance of a reliable water supply for this National Capital area community. The sewer problem was certainly not all Maryland's or the District of Columbia's fault and the impending crisis situation in Potomac River water supply is definitely not the WSSC's or any other area water supplier's fault.

In fact, Mother Nature gave the Federal Government and the public fair warning in 1966 when she brought a severe drought to this region. For a few months, while the memory of near-disaster lingered in public and political minds, there was interest in moving forward with the reservoir program proposed by the Corps of Engineers and generally endorsed by every major water supplier in the National Capital area. After 1966, timely rains and resultant replenishment of river flows, lulled us into a false sense of security and apparently encouraged procrastination and second thoughts about plans for a Potomac reservoir system. Prompt approval of H.R. 10203 will get us back on course.

While awaiting Federal action, local jurisdictions have been studying ways they can help alleviate the problem through their own initiatives. The WSSC, for example, developed studies of possible alternatives, but the alternatives would be much more expensive in terms of dollar costs and disruption of established community life than the proposed Potomac Basin plan.

Early this year, the major water suppliers in this region—the WSSC, Fairfax County, Va., and the District of Columbia—retained a consultant to review all alternatives to their jurisdiction for cooperative programs designed to increase the reliability of their systems. One means of self-help, investigated by the consultant, was interconnection of the three systems to permit an interchange of supply. Such a program, estimated to cost more than $50 million, probably would be worthwhile from the standpoint of providing mutual assistance in the event of a plant breakdown or some other similar problem. However, it would not be a solution to the regional "water crisis," simply because none of the existing systems has enough reserve water to bail out neighboring jurisdictions when source water diminishes in a period of dry weather.

Through this study, the WSSC, the District, and Fairfax are updating their facts and making a thorough analysis of things they might do to help themselves. But, the basic conclusion must be that, regardless of what programs might be worked out as alternatives or supplements to the Corps of Engineers-Federal program, the corps plan still offers the least costly—in terms of dollars and human disruption—and most effective approach to the water supply problems in the National Capital area.

More than a year ago, the Washington Star published a series of articles which thoroughly described the history and lack of progress toward solution of this community's water supply crisis. It presented a picture of an approaching "Doom's Day," then spigots would run dry and millions of people would experience a thirst that could not be quenched. The reporter who wrote this series won a national award for his attempt to alert and alarm the people of the Washington area. As had happened during the drought of 1966, some citizens and public officials did open their eyes and urge solution of the recited problem. But, the new alertness was not sustained. Water continued to come from the region's spigots, and very little happened.

Now, Mr. Speaker, we have an opportunity and an obligation to face the problem. We cannot allow ourselves to be caught short of water if there is any available opportunity to avoid the crisis and foster progress on a solution to a problem which vitally affects the lives of us personally as well as the lives of our friends and neighbors in suburban Maryland, the District of Columbia, and suburban Virginia. We do not intend to let the Nation's Capital disappear in flames, because water is not available to fight fires.

As a partial atonement for inaction, I view H.R. 10203 as a sign of positive action on the part of Congress. This is an important beginning step toward our living up to the Federal commitment to bring some measure of needed relief. At this very moment, public officials in Maryland, Virginia, and the District of Columbia are working hard on a cooperative and essential plan for allocation of available flows in the Potomac River; and the success of this allocation procedure, no doubt, will hinge on the timely implementation of a reservoir program that will provide enough water to go around for all the people of the area. It is not really feasible to allocate a supply which, at times, may not exist.

If the Congress does not move now to solve this problem, we will deserve the full brunt of blame for a Washington metropolitan area without water if drought conditions produce low natural flows in the reservoirless Potomac River.

I would hope the spigots of this Capitol Building, the White House, and hundreds

of thousands of homes and businesses will not have to run dry before the Federal Government gives the area's water suppliers the help they need. We must take this positive step in anticipation of crisis, rather than waiting for the crisis to actually occur.

## TRIBUTE TO HONORABLE WILLIAM B. SAXBE

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

Mr. WHALEN. Mr. Speaker, I was very sorry to learn that my distinguished colleague and good friend, Senator WILLIAM B. SAXBE, today announced that he will not be a candidate for reelection in 1974.

As the incisive minority leader in the other body, HUGH SCOTT, put it in a comment to a reporter immediately afterwards: "What the Senate needs is more BILL SAXBES, not fewer." I concur entirely with HUGH SCOTT'S assessment and wish that the gentleman from Mechanicsburg had decided to give the Buckeye State and the Nation 6 more years of dedicated service. For reasons of his own which he declined to identify this morning, BILL told the reporters that he plans to return to the law and farming in Ohio.

In his one term in the Congress, BILL SAXBE has earned the respect and admiration of colleagues and the public for his candor, humor, and high intelligence. His style has been his hallmark—blunt and to the point—and oriented to the facts of the issue at hand. BILL has been a credit to the State in his pragmatic approach to the problems confronting the Congress and country. To say that he will be missed is an understatement.

I would be remiss, Mr. Speaker, if I did not make mention also of the excellent staff he assembled, an energetic, imaginative group of young people who gave him unstinting devotion in discharging his responsibilities. Because of the frequency of contact between our offices, I came to know many of these staff members personally. Bill Hoiles, administrative assistant, did a superb job in becoming quickly acclimated to the environment of the Senate and did a commendable job in overseeing the functioning of the office and staff. Legislative Assistant Vince Rakestraw has demonstrated consistently his excellent grasp of the legislative process, particularly as it functions in the other body. Mike Gertner, also a legislative assistant, is a bright young man who brought imagination and diligence to his assignments. Special Assistant Duke Portmann functioned in a variety of undertakings with dispatch and thoroughness in behalf of BILL SAXBE. These and the many other good people who comprise the staff of the Senior Senator have served with distinction to the credit of BILL SAXBE.

I wish BILL SAXBE well and respect his decision. I only wish that he had gone the other way and I am sure that this view is shared by the majority of Ohio's citizens.

## ON THE VICE PRESIDENT AND CONGRESS

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

Mr. TREEN. Mr. Speaker, those who saw reports of Mr. AGNEW'S speech in California recently got a good idea of the warm response he elicits from his audience. It was impressive even considering the partisanship of that particular group.

One must ask if there is not a message in his popularity. One must ask if there is not a message in his own reaction and performance. But above all, one must ask if the American system of justice is well served by letting the Vice President be tried in the press before he is indicted or tried by judge and jury. In the harsh light of this vast pretrial publicity, can he now obtain a fair trial in any court in the land?

I do not suggest for a moment that he be shielded from process by virtue of these developments, but I do suggest that we owe it to our constituents, and no less to ourselves, to expedite the resolution of this matter.

We are not dealing with the guilt or innocence of a single man, we are dealing with the vitality of the American system: faith, faith in people, faith in ourselves. Faith rests on our ability to discover and broadcast truth. Faith is shaken not by reality but by rumor—especially in these troubled times.

Expeditious process, either judicial or congressional, is the only way to expose the truth. There are thorny constitutional questions that would have to be resolved before any trial of charges against the Vice President can be made. Moreover, given the normal length of trials and appeals, the final resolution would be years off.

The U.S. House of Representatives has an opportunity to act with dispatch and provide an immediate focus on the truth. It has the opportunity to strengthen the country's faith in its government. It is not the crisis by which we are measured, it is by our response.

We must launch an investigation of the Vice President as he has requested. We must do this—not for him but for America. I hope there is not a person in this House whose partisanship transcends his loyalty to the foundations of good government. I know there is not a Member who is not well served by public faith in representative government.

We must act, and act now.

## TOWARD RESOLVING THE MIDDLE EAST CRISIS AND U.S. ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, the renewal of armed hostilities within the Middle East is deplorable.

We should view this new belligerence by Arab States with the utmost concern. It perils world aspirations for a lasting peace. It perpetuates the hostile attitudes characterizing the leadership of some of these peoples. It threatens once again the survival of Israel. It jeopardizes the lives of thousands of civilians, both Arab and Jew. It wastes the lives of men in uniform. And it raises at least the possibility of expansion into a global scope.

Reason has given way to emotion once again in man's history.

While its performance has been less than satisfactory in previous conflicts, particularly as they have related to this issue, if there were ever a point in time for the United Nations to exert its influence as a maker of peace, as it is charged by its own charter, then that time is now. Endless debate will produce endless indecision, or—at best—inadequate decision. Hostilities should cease, and a realistic mechanism for the resolution of the underlying causes of these hostilities must be instituted and enforced. Considering the attitude of a majority of the nations which now comprise the General Assembly, I question that body's ability or will to bring about such a cessation of hostilities or of devising such an unbiased mechanism and adhering to its products.

Such an appraisal can lead one to no other conclusion but that the United States must rapidly accelerate its attention to the full development of oil supplies other than those now held, as if for ransom, by some of the Arab nations. This Nation and our allies can no longer rely on the Arabs for oil. To do so is to continue to subject ourselves to international and economic blackmail by them.

This is no hypothesis; it is demonstrable fact. The news broadcasts of this hour speak of the increase of wellhead raw oil costs by the Arab oil-producing States, an increase done obviously to give these nations added leverage on the United States to effectuate a settlement to the present crisis which is more to the liking of the Arab States.

The United States should move immediately to a full inventory of the available fossil fuel supplies, with primary concentration on raw petroleum. Exploration of suspected untapped oil fields should commence. The vast Alaskan North Slope resources must be tapped and moved to areas of use. Technology for oil shale processing must be refined further. I believe we can have both adequate energy and adequate environmental protection at the same time, but we must move forward in these two areas now. To do otherwise is to invite continued abuse at the hands of belligerent Arab nations. To do otherwise is to jeopardize our commitment to Israel.

Mr. Speaker, I have introduced today a resolution of a bipartisan nature, that declares it to be the sense of the House of Representatives that a cease-fire based on the previous positions occupied would

best lead to the type of negotiations in which stability can return to the Middle East. At this point I include the resolution:

*Resolved,* That it is the sense of the House that we deplore the outbreak of the tragic hostilities in the Middle East and that we support the use of the good offices of the United States by the President and the Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities, and, further, that the House expresses its hope for a more stable condition leading to peace in that region.

## ADDRESS BY STANLEY NEHMER ON TRADE NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, a few days ago, I sent to each of the members of the Ways and Means Committee a copy of a speech made by Stanley Nehmer, former Deputy Assistant Secretary of Commerce and Director, Bureau of Resources and Trade Assistance. Mr. Nehmer directs our attention to some very valid points about the current trade bill. Since this bill will soon be before this body, I should like to submit Mr. Nehmer's speech for consideration:

THE TRADE BILL AND THE TRADE NEGOTIATIONS: A STATUS REPORT

(Remarks of Stanley Nehmer)

Fifty years of service in promoting American exports is an enviable record which few organizations can match. I add my congratulations to the many which the Overseas Automobile Club and its members have received during this Golden Anniversary Year. I was still in the Executive Branch when Secretary of Commerce Dent extended congratulations to you on behalf of President Nixon.

Our discussion today is very timely. In Washington, the Ways and Means Committee of the House of Representatives is wrestling with the Administration's trade bill, referred to as the Trade Reform Act of 1973. In Tokyo, a three-day Ministerial Meeting of the General Agreement on Tariffs and Trade (GATT) is underway to launch new multilateral trade ngeotiations. The two events are inextricably linked, for trade legislation is necessary to provide the authority for the U.S. to participate in the trade negotiations. Without the participation of the U.S., there will be no negotiations.

My remarks today will attempt to give you a status report on the trade bill and on the trade negotiations.

I

The Ways and Means Committee has been seized with the Administration's trade bill since it began public hearings on May 9, 1973. Fifteen volumes of testimony were heard from 18 Administration witnesses and 342 public witnesses including spokesmen for 62 industries from aluminium to zinc.

Since public hearings were concluded on June 15, the Ways and Means Committee has been engaged in the "markup" of the bill. Original predictions that the bill would be voted on by the House of Representatives before it took its month-long summer recess on August 3, gave way to predictions that it would at least be reported out of Committee by the August 3 recess. That target also proved to be unattainable. The latest predictions by the Committee are that it will complete its work on the bill by the end of September and the House will act on the bill some time in October.

It may be that the Committee will meet its latest target. If so, the odds are that the trade bill will be scaled down from the bill proposed by the Administration. Realistically, however, I would not predict final Congressional passage of the trade bill in 1973.

What has happened to make the progress of the trade bill so much slower than expected, or, at least, predicted?

The most widely-heard view in Washington is that the illness, and resulting frequent absence, of the distinguished Chairman of the Ways and Means Committee, Wilbur Mills, has left the Committee without effective leadership. I believe that this is only part of the reason. A much more fundamental reason lies in the fact that there does not appear to exist a sufficiently strong body of opinion that feels that a trade bill is necessary or urgent while at the same time varying degrees of opposition to the trade bill as proposed by the Administration exist.

II

A large part of the attitude of the American businessman today is summed up in a far-reaching article by Charles Bluhdorn, Chairman of Gulf and Western Industries, in the September 1 issue of *Business Week.* Bluhdorn's article is entitled "A Case for American Nationalism". His thesis is that "in these times of international crisis, the U.S. must first and foremost look out for its own interests." He is sharply critical of Americans for being "spendthrifts at home as well as philanthropists abroad," and of the Nixon Administration for its 1973 economic stabilization programs and its second dollar devaluation which, he says, made wheat cheaper for the Russians and oil more expensive for the U.S. Ultimately, he feels, "the answer to all our present problems is that we must find ways to restore faltering confidence in our economic system, in our government, in our leadership."

It is against this kind of attitude, which my conversations with businessmen indicate is not unique wth Mr. Bluhdorn, that the trade bill is finding tough going.

Let us look at some specifics.

The Administration's trade bill is designed to provide new authority to the Executive Branch to undertake a new round of trade negotiations. The last such negotiations in the Kennedy Round saw U.S. tariff duties reduced an average of 35%.

But many feel, correctly or not, that the U.S. did not receive reciprocity in the Kennedy Round, that tariff concessions granted to the U.S. have been negated by other countries' nontariff barriers, and that the tariff reductions made by the U.S. in the Kennedy Round were a major cause of the trade deficit of recent vintage.

The Administration's trade bill would permit unlimited increases or reductions in tariff rates through negotiated agreements. President Nixon has said "We are going to ask Congress for the right for our negotiators to go up or down. Only by going up can one get them (foreign governments) to go down with some of the restrictions they have." The Ways and Means Committee is reported to have decided to limit increases to 50 percent above statutory rates, but has retained the Administration's request for unlimited authority to reduce tariffs.

This "even-handed" approach to tariff rate adjustments is not meaningful. These adjustments must be in the context of trade negotiations. I have difficulty in seeing situations arise where our trading partners would agree in negotiations that the U.S. may raise tariffs.

The Administration's trade bill would provide the Executive Branch with advance authority to implement agreements to do away with certain non-tariff barriers. There are more than 800 of such restrictions used by countries throughout the world. The Ways and Means Committee is reported to have refused to grant such advance authority to the Administration.

But what about the little-noticed provision in the trade bill that would permit non-tariff barriers to be converted into fixed duties at equivalent or higher levels and then be phased down in five installments? Will this provision be used to remove the import quotas which the U.S. maintains on such agricultural products as raw cotton, wheat and wheat flour, sugar and dairy products, or as a replacement for the limitations on steel exports to the U.S. under the Voluntary Restraint Arrangement?

The Administration's trade bill would provide a less restrictive test than at present for invoking the "escape clause" when industries are seriously injured by imports. President Nixon said in his message to Congress on April 10 that ". . . damaging import surges, whatever their cause, should be a matter of great concern to our people and our government. I believe we should have effective instruments readily available to help avoid serious injury from imports and give American industries and workers time to adjust to increased imports in an orderly way."

In my judgment the promise of relief which the Administration holds out for American industries injured or disrupted by imports through its proposed bill is much greater than what can realistically be expected. The Administration's record in dealing with import problems does not instill confidence in the businessman that he can expect prompt or more effective relief under the proposed legislation than he was able to receive under the existing legislation, the Trade Expansion Act of 1962. Changing the name of the basic legislation from "Trade Expansion" to "Trade Reform" does nothing if the insertions do not exist, notwithstanding the rhetoric, to take action when injury occurs or is threatened.

The present legislation on the books since 1962, for example, would permit the Administration to provide relief for the nonrubber footwear industry. Over two and a half years ago, the Tariff Commission submitted to the President a split decision in an "escape clause" case on nonrubber footwear which President Nixon had initiated, the only President to have initiated such an investigation. There has been no action taken on this decision by the President, affirmatively or negatively, since he received the Commission's report. Yet this industry is steadily "going down the drain" because of inaction on its import problem by the Administration.

In the first half of 1973, the penetration of the domestic market by imported nonrubber footwear rose to 41%. It had been 30% in 1970 when the Tariff Commission made its investigation.

Imports in the first half of 1973 rose by 9% largely as a result of burgeoning imports from the developing countries, such as Argentina, Brazil, Mexico, Taiwan, Korea, Greece and Turkey. In the first half of 1972, nonrubber footwear imports from Argentina were only 60,000 pairs. A year later these imports totaled 1,600,000 pairs. Our devaluation actions have not affected imports from the developing countries which have generally devalued with the U.S.

Production of nonrubber footwear fell by 6.4% at a time when American industry in general is enjoying its greatest peacetime boom. It is anticipated that 1973 production will be the lowest in more than 20 years, perhaps as low as 500 million pairs. Accompanying the decline in output has been a closing of factories (almost 200 net closings since 1968) and a substantial loss of capacity (well in excess of 100 million pairs).

Employment fell by 3% in a year, or about 7,000 jobs, reducing the number of people di

rectly employed by this industry to less than 200,000.

The industry has petitioned, it has entreated, it has literally begged for relief. It has followed the procedures in the law—not only the "escape clause" but also the countervailing duty statute. In two countervailing duty petitions, it has produced evidence that the governments of Spain, Argentina and Brazil are subsidizing their nonrubber footwear industries. But to date, the domestic industry has received no relief of any kind from the Administration.

It is little wonder that those businessmen familiar with the nonrubber footwear situation, and perhaps with similar problems faced by other industries, are skeptical about the Administration's intentions in providing import relief.

The Administration's trade bill revises some of the countervailing duty provisions. One proposed change would set a time limit of one year when the Secretary of the Treasury must make a determination as to whether a foreign subsidy exists.

But the one-year limit would begin when the matter is presented to him by his staff. The Treasury Department staff has been agonizing over a complaint brought by Magnavox against allegedly subsidized TV sets from Japan since at least May 1972. In the Spanish nonrubber footwear countervailing case filed with Treasury in February 1973, Treasury has yet to announce that it is investigating the complaint.

The Administration's trade bill provides authority to retaliate against unfair trade practices of foreign countries. The President said in his April 10 message that he was asking "for a revision and extension of his authority to raise barriers against countries which unreasonably or unjustifiably restrict U.S. exports. * * * I will consider using it whenever it becomes clear that our trading partners are unwilling to remove unreasonable or unjustifiable restrictions against our exports."

But present legislation permits the imposition of import restrictions as a retaliation against unfair practices on agricultural products. Action limited to withdrawal of tariff concessions is permitted under present legislation for non-agricultural products. The Administration has been concerned over the import quotas on agricultural maintained by Japan which are inconsistent with GATT and over the common agricultural policy of the European Community which has affected our exports. Yet the existing legislation has been invoked only twice in its eleven-year history, both times on agricultural products, but never against Japan's import quotas or the European Community's common agricultural policy. It has never been invoked on non-agricultural products.

There are other provisions in the Administration's trade bill which have evoked concern and opposition. The proposal to extend most-favored-nation treatment to the Soviet Union has generated opposition because of criticism of the Soviet Union's emigration policies. The proposal to permit duty-free entry of industrial products from the developing countries has received opposition from industries which are concerned that these countries with their low labor costs and government programs to assist exports are the ones which create the most disruption in the U.S. market. The AFL-CIO reiterated its opposition to the bill on August 2, 1973 saying that it "provides no specific machinery to regulate the flood of imports. It does not deal at all with the export of U.S. technology and capital to other parts of the world where corporations can maximize profits and minimize costs at the expense of U.S. production and jobs. It does nothing to close the lucrative tax loopholes for American-based multinational corporations which make it more profitable for them to locate and produce abroad."

It is against this background that the trade bill is wending its way through Congress.

III

It has been more than six years since the Kennedy Round was concluded. Since then we have seen many significant developments affecting the world economy: The expansion of the European Community from six to nine member states; the development of trade deficits by the United States; a series of monetary crises leading to two devaluations by this country and revaluations by Germany and Japan; the later's emergence as a world economic power; growing energy crises faced by most industrialized countries; the imposition of an import surcharge by the U.S. in 1971 and of export controls on some basic agricultural commodities in 1973; and substantial increases in the export earnings of the developing countries through their exports of raw materials needed so badly elsewhere in the world.

Underway today in Tokyo is a Ministerial Meeting of GATT attended by some 80 nations. The purpose of this meeting is to launch a new round of multilateral trade negotiations. It is expected that a declaration of principles will emerge from the Tokyo meeting to guide the future GATT trade negotiations.

The so-called Tokyo Declaration will deal with further reductions or elimination of tariffs; the lowering or removal of nontariff trade barriers; the need to assist further the development of the developing nations; the elevation of living standards and welfare of the peoples of the world; the institution of safeguards to deal with situations of market disruption arising out of import competition; and the establishment of a Trade Negotiations Committee as the principal negotiating body for the multilateral trade negotiations.

One issue undoubtedly being debated in Tokyo is the interrelation between trade and monetary matters. The multilateral trade negotiations will be taking place concurrently with negotiations to reform the international monetary system, and the question arises as to the harmonization of the two negotiations. The U.S. has been of the opinion that a successful monetary system depends upon governments adopting measures to reduce trade barriers and liberalize trade. The European Common Market has taken the position that there should be no action on trade until decisions have been reached on monetary matters.

There is no question that the Tokyo Declaration will be agreed to by the conclusion of the conference tomorrow after differences have been papered over. The trade negotiations will be launched. They have already been referred to by some as the Nixon Round. A goal of 1975 for conclusion of the negotiations has been recommended by the GATT Preparatory Committee.

The problems ahead for the U.S. in the multilateral trade negotiations will be many and formidable. The benefits which will accrue to the U.S. will depend to a large extent on the philosophy which the U.S. adopts for these negotiations. We may, perhaps, have a clue in the historic speech made by Henry Kissinger in April 1973 in which he spoke of a new Atlantic Charter establishing a new relationship of harmony and cooperation between the U.S., Canada, Western Europe, and Japan. He said that "it is the responsibility of national leaders to insure that economic negotiations serve larger political purposes. They must recognize that economic rivalry, if carried on without restraint will in the end damage other relationships." In referring to the forthcoming trade negotiations, Kissinger said that "the United States intends to adopt a broad political approach that does justice to our overriding political interest in an open and balanced trading order with both Europe and Japan. * * * We see these (trade) negotiations not as a test of strength, but as a test of joint statesmanship."

These are certainly lofty hopes, innovative and challenging. But for the U.S. to enter comprehensive trade negotiations with an approach which says that international political objectives will transcend economic objectives, can only result in the U.S. again assuming the role of *demandeur*, the role of taking the initiative, of responsibility for a successful outcome, a role which the U.S. has played before in every post-war round of trade negotiations. As commendable as this role might be in terms of international statesmanship, it is also a liability at the negotiating table. The result in the past has been the failure of the U.S. to receive full reciprocity, something which the U.S. was willing to accept because of its desire for foreign policy reasons to see each round of trade negotiations successfully concluded and because of our confidence in our competitive strength and economic well-being.

The time for the U.S. assuming the role of leader in trade negotiations is past. The events of the last half-dozen years should certainly confirm for us today that we are no longer "top dog" in the world economy as we were in the twenty five years after World War II. The United States has displayed considerable initiative in getting the multilateral trade negotiations launched. But if we continue as leader, as *demandeur*, in the months ahead as the negotiations progress, instead of allowing others to play the key role, we will again come out of these negotiations without full reciprocity.

I should add that I am not sanguine that we will let others fill our traditional role. There is concern that no one else cares as much about these negotiations to put itself in the position of leadership that the U.S. occupied in previous trade negotiations. Furthermore, the desire of the Administration before it leaves office to have some major achievements in the international arena along the lines of the initiative of the Kissinger speech can only lead to a revival of the role which the U.S. previously played. Then we are bound to get a reprise of the tunes of yesteryear.

In this atmosphere it is essential that the business community convey its views to the Congress and the Administration on the shape of the trade bill and the course of the trade negotiations. The public hearings of the House Ways and Means Committee, and later of the Senate Finance Committee, are helpful, but not definitive. I am sure that members of these committees and of the two bodies themselves always welcome receiving views on various aspects of the legislation.

When trade negotiations commence it is important that the government negotiators receive advice at the policy and technical levels from industry. There must be a two-way flow of information, a full opportunity to exchange views and to develop a consensus, and a means to draw upon all national sources for information and expertise. The Chamber of Commerce of the United States has recommended a three-tier system to be part of the trade bill which would provide for the flow of information necessary for sound policy decisions, the participation of qualified people; and a mutuality of responsibility and functions. The Chamber's proposals are highly constructive and, if implemented, should go a long way to improving the chances of a successful negotiation for the U.S.

Thus, the weeks and months ahead as Congress shapes the new trade legislation will have much bearing on the shape of the trade negotiations in the months and years ahead. There is a role for new trade legislation and new trade negotiations. Let us hope that what the American people will receive in Washington and in Geneva will strengthen our country and its economy.

## TRANSPORTATION FOR THE ELDERLY

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

Mr. CHAPPELL. Mr. Speaker, one of the most progressive cities in our Nation, Jacksonville, Fla., has taken another step toward improving the living environment for its citizens. Recognizing the needs of elderly citizens to have good, inexpensive transportation, the city has adopted a reduced fare for riders over 65 years of age.

The Jacksonville Times Union, commenting on fare reduction in an editorial on August 16, stated in part:

Experience in other cities encourages the belief that the 10-cent bus fare voted by City Council for riders over 65 years of age will not prove as costly in lost revenue as operators of the public transportation system fear.

Similar experiments elsewhere have resulted in a big increase in bus patronage by senior citizens, with the increased volume largely offsetting the cost of the reduced fare. The elderly patrons were paying low fares for space previously largely unoccupied.

City Council unanimously adopted resolutions calling on the Jacksonville Transportation Authority to initiate the plan with the start of the new fiscal year October 1, and voted a $100,000 subsidy to make up any loss.

James Fortuna, Mayor Hans Tanzler's special assistant for older citizens' affairs, described it well as "a real wonderful, humane thing" which at relatively little public expense will free many elderly persons living on extremely modest incomes from heavy restraints on their mobility, or an embarrassing dependence on others.

Many such persons are otherwise able and eager to go downtown shopping, or take part in countless other activities that others take for granted, but are barred from doing so by present fares which could amount to $1 for a round trip if a transfer between routes each way were involved.

The Division of Family Services estimates there are about 39,500 persons over 65 in Duval County, almost one third of whom—12,245—have incomes below the federal poverty level.

Of this group, only 4,645 are receiving public old age assistance.

The difference between a dime and a quarter to these people is a big one.

Mr. Speaker, I wish to commend the city of Jacksonville for being sensitive to the needs of the people of this great city and for taking the kind of action that is truly meaningful to many thousands of our elderly citizens.

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## FOOD PRICE INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 30 minutes.

Mr. MEZVINSKY. Mr. Speaker, recently, the Department of Agriculture spent $42,000 for a week-long public relations program at a suburban Washington, D.C., shopping center. It was an extravaganza complete with Secretary Butz milking a cow. The objective was to make shoppers more sympathetic to the old Butz line that we consumers have really never had it so good.

The reason we gripe so much about rising food prices, Butz says, is not because we cannot afford good food. Rather, he believes that we are shocked at the supermarket because paying more for food takes away the luxuries—like that second week of vacation—that our large disposable income might otherwise buy.

Apparently, the administration believes that if we are stuffed with expensive public relations we will contently eat our $1.29 per pound hamburger. I do not think many of us are ready to swallow that kind of bunk even when it is iced with the USDA's "cheap food is gone forever" rhetoric.

Of course, there does not seem to be any prospect of cheap food in the immediate future. Despite optimistic Government predictions throughout this year, food price inflation now exceeds post World War II levels. We already pay more than 12 percent more for our food than we did at the beginning of this year and the administration warned us last week to brace our budgets for another 10 percent increase in the coming 6 months.

Food prices are three times more inflationary than other segments of the economy and profits in the food processing and manufacturing industries reportedly increased 22 percent in the first 6 months of this year.

Unlike so much of the numbers mumbo-jumbo spewing from the bureaucracy, these kinds of statistics are easily translated into a language that is perfectly clear at the supermarket check-out.

The important question most of us want answered now is whether, as we are told by the USDA, these inflated food prices are inevitable and here to stay.

We know that the weather adversely affected world food supplies and is partially responsible for higher food prices. Although we may not be able to control "Mother Nature," we must hope that the USDA has learned something about the need to predict shortages and will work to bring domestic food production in line with projected demands. We also must hope that the USDA will not allow the bungling of another wheat deal. Perhaps it will even crack down and staunchly regulate the commodity exchange so we would not see unchecked speculation again driving up the price of soybeans—and thus the cost of meat, bread, milk, and eggs.

Beyond these needed actions, there are other forces at work behind rising food prices that we must control if we are to bring down food prices.

The Monopolies and Commercial Law Subcommittee of our Judiciary Committee recently held lengthy hearings to investigate the effect which monopolistic tendencies in the food industry have on the prices we pay for our food. The hearings made clear that we pay more than we should for our food because of monopoly overcharges.

The Federal Trade Commission estimates that Americans pay at least $2.6 billion more for food annually than we would if we had a competitive food industry. According to the evidence heard during our food price hearings, the food-overcharge price tag probably runs as high as $20 billion, or close to $300 per family per year.

Of course, Secretary Butz and this administration do not mention this when they tell us that the days of "cheap food" are lost in the past. Instead, we are told that our farmers have never had it so good.

Just who are these farmers?

When we talk of the Nation's farmers these days, we have to include giant corporations like Tenneco, Boeing Aircraft, Greyhound, and Standard Oil of California, as well as the family farmers who traditionally have been the backbone of the country.

Many independent family farmers are being squeezed out of the fields as American agriculture and food processing and marketing undergoes a major reorganization, dominated by fewer and fewer ever-growing conglomerates.

Of course, the conglomerate farms do have an edge over the family farmer, but it does not come from greater efficiency. Even the USDA admits that a one- or two-man family farm is a more efficient operation than the oversized, over-administered operations run by conglomerates seeking profits derived from a volume business.

Conglomerates do have advantages over the small family farmer: they can subsidize financial losses in one product line by profits in another; they can receive very favorable credit terms; they can sell through nationwide organizations; and they can afford national advertising on a grand scale.

The pervasiveness of such conglomerates is clearly stated by Tenneco's boast that it controls some of our food "from seedling to supermarket."

As we move along supermarket aisles today we are confronted with a seeming myriad of products. However, if we take a closer look, we see that more and more of our brand name favorites can be traced back to fewer and fewer parent corporations. Corporate mergers have resulted in companies such as R. J. Reynolds, known for Camel and Winston cigarettes, marketing such brands as Hawaiian Punch, Chun King, Vermont Maid, College Inn, and My-T-Fine. It is little wonder that food industry power is becoming more and more concentrated. Who can compete with the clout of the new food industry giants—conglomerates like Aetna Life & Casualty Co., ITT, Occidental Petroleum, and Sears Roebuck?

What has this done to food industry competition? Food quality and food prices are no longer the real competitive tools of the industry. Competition is based increasingly on advertising, and profits reflect how much is spent for TV commercials.

"Gimmick" is the name of the game. The Secretary of Agriculture milks a cow to soothe the consumer who is being inundated with TV ads which urge us to accept absurdities like peach pudding

without peaches, tomatoes without vitamin A, and cheese without milk. "Try it, you'll like it" is about the extent of product information offered in today's food advertisements. If we had a truly competitive industry, companies would instead be trying to sell us the best product at the best price.

Not only does extensive advertising add millions of dollars to our food bills, the high cost of advertising creates an expensive barrier to entry into the food industry and therefore limits competition.

The evidence gathered by our subcommittee points toward the need for a vigorous antitrust enforcement in the food industry.

Such action can also be a useful weapon against the price-setting possibilities of raw market power on the commodity exchanges.

The wholesale prices of many of our essential staple foods are set by the prices on the exchanges. The cost of milk, bread, eggs, meat, and poultry which we are now buying reflects the soaring prices of wheat, corn, and soybeans traded on the commodity exchanges.

Witnesses told our subcommittee that skyrocketing prices on the exchanges cannot be attributed solely to the traditional price-setting factors of supply and demand. Instead, there is considerable evidence that rampant speculation by giant grain companies accounted for at least one-half of the baffling rise in soybean futures this past summer. It is believed that five or six grain companies control the vast majority of our marketed soybeans and that two companies control over 50 percent of our wheat exports. Despite such evidence there has been no antitrust investigation of the possible monopolistic power these corporate giants may exercise in setting wholesale prices of important food products.

Another area of consumer gouging in which antitrust action could bring relief is in meat prices on the Eastern seaboard. Our subcommitee was told that criminal elements have used bribes and kickbacks to control meat in New York City markets and push the price up as much as 5 cents per pound by the time the meat reaches the consumer.

One New York City brokerage firm has been reputed to control all of the pork sold in the city, and it is suggested that criminal elements wield such concentrated power and manipulate meat prices in other Eastern and Midwestern cities.

The effect of successfully prosecuting such abuses under our antitrust laws and assessing treble damages can be the key to knocking the criminal element out of the food business. Such action could also set a precedent and open a new arsenal of antitrust weapons to the Government in its fight against all organized crime.

The first step for these antitrust agencies should be to set priority guidelines for looking into highly inflated segments of the economy—like the food industry—in search of antitrust violations. As it is now, the Justice Department seems to operate solely on a "hot tip" basis. One hopeful sign is the recent announcement by Justice of its plans to more closely scrutinize areas of the economy which are most inflationary.

The FTC, which does have the economic resources to at least point out inflated areas of the economy, admits no plans to follow through with investigations of industries they believe have high monopoly overcharges. It was the opinion of several witnesses during our hearings, and the admission of the Justice Department, that our antitrust agencies really lack the capability to prosecute very many major lawsuits. Cases which are brought often take years to conclude and usually end in consent decrees or nolo contendere pleas which circumvent the possible benefits of assessing treble damages.

Of course, as a prerequisite to effective antitrust enforcement in the food industry, we must overcome the problems arising from the fact that we are basically ignorant regarding the state of competition in this sector of our economy.

One of the clearest facts which surfaced at our hearings was that data on profits, performance, investments and advertising expenditures are treated like state secrets because Government agencies are denied such data on a line of business basis.

Thus, for example, the FTC is unable to get economic information on the food subsidiaries of ITT because it cannot distinguish the profits of Hostess Twinkies from those of telephones. And, when supermarkets contend that theirs is a highly competitive industry, they do not provide the figures for regional and local markets that very well might show a level of concentration which is likely to reduce price competition. If our antitrust agencies could obtain this kind of industry data, the chances for more aggressive antitrust enforcement would be greatly enhanced.

What the consumers of this country want is effective action to solve the problem of high food prices. We are all tired of the defensive explanation about supply and demand, our costly affluent tastes, and the good old days.

As this summer's food hearings pointed out, anti-competitive forces, not simply Mother Nature, are responsible for rising food costs. It is time that we seek to solve the problems within our control and give the public some assurance that the prices we pay for food result from a fair and competitive marketplace. I think vigorous antitrust enforcement holds at least partial answer to the food price inflation problem we face today.

## COMMENTS ON ISAAC SHKOLNIK, A SOVIET JEW

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

Mrs. COLLINS of Illinois. Mr. Speaker, over the past few days, a number of my colleagues have taken a minute or more to relate cases of individuals who have been harassed by the Soviet Government because of their religious beliefs. I would like to present another chapter in this continuing tragedy.

Isaac Shkolnik, a citizen of the Ukranian SSR, is a husband, father, and of the Jewish faith. He was arrested in July 1972, after expressing his wishes to emigrate to Israel and has been detained since then. He was originally charged with "slandering the Soviet State" and sentenced to 10 years—later changed to 7 and charged with "industrial espionage."

Since this man has worked only as a laborer, a miner, and a mechanic—all in unskilled or semiskilled capacities—it seems unlikely that he possessed either the training or the opportunity to commit "industrial espionage."

We have a chance in this Congress to create an awareness on the part of the Soviet Union so that people there, whether Christians, Jewish, agnostic, or atheist can live in peace with their respective religious beliefs. We must adopt the full provisions of the Mills-Vanik bill to insure that this semblance of humanity exists.

## THREATS TO ISRAEL IN THE MIDDLE EASTERN WAR

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

Mr. DRINAN. Mr. Speaker, the aggression and violence by Egypt and Syria are a manifest violation of the mandate of the United Nations which has consistently warned all parties in the Middle East that they must proceed toward a stable peace by negotiation and not by violence.

The tragic situation in the Middle East demonstrates once again that the attempts of the U.S.S.R. to infiltrate and dominate this area of the world continue to have their terrifying influence and impact. At the same time the events that began when Israel's neighbor attacked this country on the solemn holiday of Yom Kippur are encouraging evidence that Israel is resourceful, steadfast, relentless, and uniquely determined to protect and preserve its territorial integrity.

On Monday, October 8, 1973, I was privileged to attend and address briefly a very moving and impressive rally by the Boston Committee for Solidarity with Israel. This event, called together within 24 hours, was attended by thousands of people apprehensive about Israel's fate and determined to do all within their power to promote a stable and lasting peace in the Middle East.

Each member of this vast crowd received a copy of the following memo drawn up in collaboration with the Jewish Community Council of Greater Boston by persons completely familiar with every aspect of the many struggles which Israel has waged to secure her boundaries.

Mr. Speaker, I attach herewith this document along with an expression of my hope that a permanent and peaceful set-

tlement in the Middle East may come within the immediate future.

BOSTON SOLIDARITY WITH ISRAEL RALLY, MONDAY, OCTOBER 8, 1973

AN ANALYSIS OF THE CONFLICT

Egypt and Syria have once again chosen to violate a cease fire. Their armed forces crossed the cease fire lines initiating another major war. The battle is still fluid; the outcome uncertain. But surely one must ask why have the Arabs started a war that they are likely to lose?

THE ARAB PLAN

A. Even a small territorial gain would be a victory—if it could be solidified by a UN intervention for the establishment of a new cease fire. If the Egyptians, for example, can retain a bridgehead on the East Bank of the Canal, the two armies will no longer be separated by water, and the pressure for an imposed settlement will have been enhanced. The Arabs' negotiating stance (if they choose to negotiate) would be stronger. Given the well-known UN pro-Arab bias and the "clout" afforded by Arab oil, a cease fire could be called as soon as the Egyptians consolidated any battle gains. They started this war in order to change the meaning and intent of UN Resolution 242. They seek to impose complete withdrawal of Israeli forces without linking it to a freely negotiated settlement and the establishment of secure boundaries. In this way they hope to set the stage for another round of war.

However, if the Israelis successfully counter-attack into Egyptian and Syrian territory, the Arabs count on the UN to bail them out. No cease fire will be passed by the UN Security Council unless and until the Egyptians approve it—no matter what they say in public.

B. The Arab aim is to put an end to the State of Israel. As Nasser freely admitted, even the ostensibly limited objectives of today are stepping stones to a definitive solution tomorrow—the destruction of the State of Israel. At the same time, they are secure in the knowledge that no Israeli victory, however swift and large, can threaten the continued existence of any Arab states. The Arabs, therefore, feel, that given the disposition of international power they have everything to gain by attacking Israel. They place little value on human life and can gamble with impunity since the international community is not disposed to restrain them.

HISTORICAL BACKGROUND

The attack by Egypt and Syria is only the most recent in a long and unremitting series of Arab aggressions against Israel going back to the formation of the State.

1. In November 1947 the United Nations voted to partition Palestine. The Arabs refused to accept the decision and immediately began country-wide assaults on the Jewish community in an attempt to "drive the Jews into the sea." In May of 1948, when the UN recognized the State of Israel, the full brunt of Syrian, Egyptian, Jordanian and Iraqui army units was concentrated on Israel in a concerted attack. The result, contrary to general expectation, was an Arab defeat.

2. In the years that followed, the Arab states refused to recognize the existence of Israel and their responsibilities under the UN Charter. After years of terrorist raids from Egyptian territory and Arab refusal to allow Israel its rightful maritime passage through the Suez Canal and also into the Red Sea via the Straits of Tiran the Israeli forces finally reacted and drove to the Suez Canal in 1956. Israel withdrew her forces, only on the basis of UN and other specific international assurances on the use of the Suez Canal and the Rea Sea, and the establishment of a UN presence in the Sinai and Sharm-el Sheik. Nevertheless, immediately upon the Israeli withdrawal, the Egyptians closed the canal to Israeli shipping. The Arabs continued to deny the right of Israel to exist. Terrorists soon resumed incursions along other frontiers. Moreover, the Arabs chose to maintain a "state of belligerency"—which meant that they claim the right to undertake any and all warlike acts. On the other hand the Arabs argued that Israel must be held to their cease fire obligations and had no right to respond.

3. In 1967, President Nasser of Egypt decided the time was ripe to reverse the verdict of 1956. He unilaterally expelled the UN peacekeeping forces from the Sinai; he closed the Straits of Tiran—thus cutting off Israel's lifeline from Eilat to Africa and the Far East, constituting, under international law, an act of war—and poured enormous quantities of armor and infantry into the Sinai right up to Israel's vulnerable front lines.

In Cairo and the other Arab capitals, as American television viewers will recall, officially-inspired mobs paraded, carrying banners with the skull and cross bones, and called for "Death to the Jews", while government radio stations interspersed martial airs with a call to "drive the Jews into the sea" and similar blood slogans. On June 5, Israel finally replied, destroying Egyptian and Syrian air power, and after Jordan bombarded Jerusalem, Israel responded to that attack.

In 1967, when Israel did not have defensible borders, she lost more men, proportionately, in 6 days of war than the U.S. lost in 10 years in Indo-China.

Israel and the world, hoped and believed, that this victory, so costly to both sides, would finally bring the Arabs to the negotiating table. But backed by the Russians and their allies in the United Nations, the Arabs attempted instead to rewrite history. They tried to convince the world that they were the victims instead of the criminal aggressors. They tried to regain their lost territory by diplomatic pressure, citing Israel's gains after each Arab attack and subsequent defeat, as evidence of Israel's "expansionist" tendencies—like the boy who killed his parents and asked the court for mercy as an orphan.

4. The Egyptians, who in 1967 were saved by the UN cease fire, broke a cease fire again by initiating massive artillery strikes against Israeli forces in what Nasser called "The War of Attrition". The Egyptians felt that they would wear the Israelis down by trading deaths. When the Israelis refused to acquiesce in their assigned role, and, by air srikes, caused great losses to Egyptian forces Egypt accepted a cease fire—this time arranged by the U.S. It was not even a few hours old before the Egyptians boldly used it as a cover for advancing Russian missile launches closer to the Canal in violation to the agreement it had made a few hours before.

5. Now, in October 1973, when they found it politically convenient, they have once again violated the cease fire and initiated hostilities.

CONSEQUENCES

What are the consequences of this Arab aggression likely to be if the Arabs are permitted once more, to escape the responsibilities of their actions?

1. It will make peace harder to achieve. Israel and thoughtful people throughout the world cannot be expected to soon forget this infamous Arab attempt at a Pearl Harbor, which occured on Yom Kippur, the holiest religious holiday in Judaism.

2. It will confirm Israel's conviction that Arab promises and agreements are not to be relied on; that cease fires are merely tactical conveniences to be shed when no longer wanted; and that the only assurance of safety and survival remains—defensible borders.

The Israelis are the survivors and heirs of the pogroms and concentration camps of Europe, and refugees and heirs of refugees from Arab lands. They have suffered and died enough and will not stand by and allow themselves to be decimated once again. They want and need peace more than the Arabs because they can afford war less and are a peaceful people; but the first step for peace must come from the Arabs.

RESOLVED

A true and lasting peace is now, as it has been in the past, the only sensible goal for U.S. policy in the Middle East.

Because we, as Americans and as Jews, are committed to real peace; because we see clearly the dangers, futility and immorality of continued appeasement of the Arabs, because we are tired of violence and bloodshed, and because, as has been seen over the past 25 years a truce is meaningless, an armistice is meaningless, a cease fire is meaningless, we declare our firm and unyielding solidarity with the people of Israel in their insistence upon secure, recognized and defensible borders, to be achieved in a settlement of Middle East problems through free and untrammelled negotiations between the parties directly concerned in the conflict.

Therefore, we call upon:

1. All thoughtful people to condemn and oppose the brutal Egyptian/Syrian aggression.

2. The U.S. to accelerate the flow of arms and economic aid to Israel and, in particular to replace immediately the equipment lost in the current fighting.

3. The President to maintain his long-range policy of the last 3 years, the essence of which is "no imposed solution" to the Middle East conflict.

4. All thoughtful people to recognize that the United Nations has prevented rather than aided the search for peace in the Middle East for 25 years. It has been morally bankrupt in its one-sided pro-Arab resolutions. In its present disposition it has no useful role to play in the resolution of this conflict. We, therefore, urge the U.S. to work for the restoration of the integrity of the UN by acting in accordance with the high ideals on which it was founded—even if we must stand alone.

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## CONGRESSMAN DANIELS PLEDGES FULL SUPPORT FOR ISRAELIS

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, like all Americans I am baffled by the events in the Middle East with the obvious contradictions between stories datelined Jerusalem, Damascus, Cairo, and Beirut. Out of this welter of conflicting accounts comes a clear picture of heavy fighting both in the Golan Heights and in Sinai.

Mr. Speaker, ever since its founding in 1948, the United States has supported Israel, the only viable democracy in the troubled Middle East. Today while the armed forces of that nation are locked in mortal combat with two far more numerous foes armed and equipped by the Soviet Union, I stand in this House to pledge once again my continued support for the gallant Israelis.

Israel must not die. With Israel rests a dream of people who long only to live at peace with their neighbors. We cannot permit this dream to be extinguished. We cannot permit democracy to go by default in the Middle East. I pledge to you, Mr. Speaker, and to all Members of this House my full support for the embattled Israelis.

## THE PROBLEM OF CONDOMINIUM CONVERSIONS

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

Mr. PATMAN. Mr. Speaker, today I wrote Secretary of Housing and Urban Development, James Lynn, asking that he look into the problems being created by the rapid conversion of rental units into condominiums.

Serious questions were raised about these developments in a series in the Washington Star-News by Miriam Ottenberg which indicates that many elderly people cannot afford to buy their apartments as condominiums and are being forced out. I am sure that there are a great number of low and moderate income families renting apartments who could not afford to come up with the funds necessary to buy these units and would be forced to move out and seek other shelter which is already in short supply.

Mr. Speaker, while we do not want to restrict the right of these developers to invest their funds, this does present serious problems for hard-working Americans who have budgeted for their later years and who are now being displaced. I have asked the Secretary of HUD to make a report to me concerning this problem and to determine what, if anything, can be done at the Federal level to alleviate the problems associated with the rapid conversion of existing rental units into condominiums.

I place in the RECORD a copy of my letter to Secretary Lynn:

U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., October 9, 1973.*

Hon. JAMES T. LYNN,
*Secretary, Department of Housing and Urban Development, Washington, D.C.*

DEAR SECRETARY LYNN: You are undoubtedly acquainted with the series by Miriam Ottenberg which has been running in the Washington Star-News concerning the very serious problems resulting from a rash of conversion of rental units into condominiums in the Washington area. While the Star-News series appears limited to the immediate area, it is reasonable to assume that similar developments are occurring in other major cities.

I was particularly disturbed about reports that elderly people are being displaced and placed under severe economic hardships by these sudden conversions. Many of these older people have saved through years of productive life and have budgeted carefully so that they could provide shelter for themselves. Many of them are in no position to pay out huge sums to buy their apartments and unfortunately credit is very difficult for these people to obtain.

Of course, the problems and the dislocations are not limited to the elderly. There are obviously many younger families and individuals who exist on modest incomes and who cannot afford to meet the financial demands of these conversions. In areas like the District of Columbia, where the vacancy rate is low, these problems are intensified greatly.

Certainly people have a right to invest their money and to handle the investment as they see fit. I am not suggesting that there should not be condominiums constructed or that existing rental units not be converted to condominiums. But I am suggesting that this presents a serious problem as outlined in the current Star-News series and it is something which should concern the Department of Housing and Urban Development which handles our Federal housing programs.

As Secretary of Housing and Urban Development, you are already aware of the difficulties in providing proper shelter for the elderly and others who must exist on low and moderate income and it is not in the public interest to have developments which worsen this situation. Frankly, I do not know what answers could be provided at the Federal level, but I am asking that your Department take a hard look at this situation as described in the Star-News series and report to me what, if anything, can be done to alleviate the problem. I am sure that many of these apartment buildings have been constructed with the aid of Federal insurance and this alone should provide a rationale for your Department looking into the situation.

Sincerely,

WRIGHT PATMAN,
*Chairman.*

## THE HOME RULE BILL

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

Mr. SIKES. Mr. Speaker, the so-called home rule bill pending before this body is bad legislation. It is bad from several points of view, not the least of which is the fact it likely is unconstitutional.

In very clear language, the Constitution vests in the Congress sole legislative authority over the District. This Congress cannot and should not attempt to circumvent that constitutional edict.

Aside from that is the fact that the bill offered by the District of Columbia Committee gives excessive power and authority to elected officials of Washington. It gives the Mayor and Council complete authority over the budget, even though taxpayers' money from across the Nation goes to pay for the operations of the city. It gives the Mayor authority equal to that of a State Governor in the appointment of judges. It strips the Congress of effective veto power over laws enacted by the city.

In short, Mr. Speaker, the bill runs counter to the Constitution in fact, and counter to commonsense in practice.

Several alternatives are being discussed, one of which would truly give the people of Washington the same status as other citizens of the United States. The Green-Nelsen bill (10693) would create a Federal enclave, thus abiding by the dictate of the Constitution, and it would retrocede the remainder of Washington to the State of Maryland. Under this proposal, the citizens of Washington would be able to vote for a Governor, U.S. Senators, State legislators, and voting Members of Congress in addition to their city officials. The committee bill denies the people these rights.

Also proposed is a compromise bill (10692) authored by Congressman NELSEN and Congresswoman GREEN. This would retain a Federal enclave plus congressional authority over budget and laws. In addition, it would provide an appointive Mayor, and Federal responsibility for the appointment of judges.

If those who speak for the people of Washington truly want to achieve a status equal to all other citizens, they will support the retrocession bill. But I seriously doubt that they want this. From all I have been able to learn, they are demanding equal status on the one hand, and special treatment on the other.

In all fairness and in line with the Constitution, if a new bill is to be passed, the retrocession bill offers most if the Congress is to give to the people of Washington that which they say they want—equal status with every other American.

There are many of us who seriously doubt the need for a new bill on home rule. We feel that a very substantial degree of self-government already has been given to the District of Columbia. The fact remains that Washington is a Federal city. It is supported in the main by taxpayers' money. It belongs to all the people. Unless Washington plans to become self-supporting, and of course it does not, there is no justification for the District to have its cake and eat it too.

## COMMODITY FUTURES MARKETS

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

Mr. SMITH of Iowa. Mr. Speaker, the Special Small Business Problems Subcommittee of the Select Committee on Small Business, which I am privileged to chair, has recently been holding hearings on the commodity futures markets. These futures markets have historically provided a place where farmers, and grain marketers and processors could contract to establish a price for their grain and livestock, thus eliminating the risk of tremendous price fluctuations which could cause their bankruptcy.

In recent years, these markets have undergone tremendous changes and have experienced explosive growth. For example, in 1964, futures trading in regulated commodities totaled some $60 billion, but by 1973 had grown to some $268 billion. In addition, there are multibillions of dollars in trading in unregulated commodities such as plywood, sugar, and cocoa.

Due to the immediate impact of these market changes upon the small businessman, whether he is a farmer, handler, processor, or marketer, and because of the ultimate impact upon the consumer in the form of higher food prices, my subcommittee was authorized to undertake a study of futures trading.

During the course of this study, we received expert testimony from farmer marketing co-ops, major grain companies, officials of the principal futures Boards and Exchanges, and from officials of the U.S. Department of Agriculture—Office of the Inspector General and the Commodity Exchange Authority.

All of the witnesses contributed valuable information and suggestions. Throughout their testimony is one common thought—the futures markets have experienced tremendous change, and this change dictates that the market operations must be thoroughly reviewed and modernized to permit the markets to resume their historic role as a source of price protection.

Although the subcommittee is still reviewing the materials presented at these hearings, will be issuing a detailed report with findings and recommendations and holding more hearings, certain major changes are obvious at the outset—some of which can be done by administrative rule by the Commodity Exchange Commission, some of which could be done by the Boards of Trade, and some of which will require congressional action.

Clearly required is the need to create a Securities Exchange Commission-type independent regulatory agency with sufficient stature to attract good personnel and more authority in place of the present CEA.

Many, many years ago, when the futures markets were largely regarded as "private clubs," and the inventory of commodities and financial resources were spread among thousands of local elevators, the CEA, with a minimal staff may have been all that was needed. But today, there are a few very large grain companies who own scores of local elevators and ship worldwide. They deal in millions of bushels or tons and have such economic resources that one or more traders may at times hold the majority of the long positions on the board. Also, some foreign companies are owned or partially owned by foreign governments and have tremendous resources available with which to indirectly affect the commodity markets by buying or selling at a fixed price from a large grain company which in turn hedges the transaction on the commodity markets. Under these circumstances, much more surveillance is necessary to assure freedom from abuses which would have wide repercussions.

The CEA has been criticized for at least the past decade for failing to keep pace with the growth of trading. In the last 10 years, it has only increased its staff by one-third, while trading volume increased some 400 percent.

Obviously, the CEA of today is understaffed and operating without the proper tools to regulate these markets which are running amok and are being dominated by a few giants. For example, in the first part of July, three large traders held 83 percent of the long position in the current soybean futures, that is, three companies controlled 83 percent of the contracts to buy soybeans. This situation, Mr. Speaker, is not unique to soybeans—in an instance this past month, one company held 67 percent of the long positions in the October cotton futures and necessitated the CEA's requesting the New York Cotton Exchange to cease trading.

This degree of control by a few large traders creates a situation for manipulation of the markets because the sellers cannot fulfill their contracts except at exorbitant prices. Creation of a new CEA will facilitate greater surveillance of this type of situation, but none of us should be led to believe that a new, expanded CEA will be a panacea.

In addition, there must be greater review and market surveillance by the individual markets, the major ones being the Chicago Board of Trade and the Chicago Mercantile Exchange, the latter of which, we were pleased to note, is taking greater strides in this direction.

Another immediate change is the need for alternate or multiple delivery points. At the present time, corn can be delivered only to Chicago to fulfill a future contract. More delivery points around the country would go a long way toward preventing "squeeze type" situations such as occurred in July with corn.

In this regard, the subcommittee is very pleased with the new attitude of the Chicago Board of Trade which admitted the need for additional delivery points and the subcommittee hopes they designate new sites very soon for the delivery of all commodities.

There also is the matter of floor traders who not only fill orders for customers but also buy and sell for themselves. Due to the inherent possibility of such a trader's taking advantage of his position and acting favorably to himself at the expense of his customer, such trading must be either prohibited or adequate safeguards developed to insure that the customer is fully protected.

Mr. Speaker, our Small Business Committee possesses some broad overlapping jurisdiction for the purpose of developing and bringing these kind of situations to the attention of other committees. It is imperative that the several legislative committees involved zero in on this matter and give all of us in Congress the benefit of their expertise in developing and recommending the needed legislative changes.

My subcommittee has obtained considerable information on this subject and will certainly cooperate with the legislative committees to insure that the needed changes occur, thereby permitting the futures markets to continue to exist.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRONIN (at the request of Mr. GERALD R. FORD), through October, on account of official business.

Mr. FREY (at the request of Mr. VANIK), for the week of October 9–12, on account of official business in Vienna, Austria and Israel.

Mr. LENT (at the request of Mr. GERALD R. FORD), for October 9 through October 18, on account of official business to attend the International Telecommunications Conference.

Mr. MURPHY of New York (at the request of Mr. O'NEILL), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KEMP) and to revise and extend their remarks and include extraneous matter:)

Mr. HARVEY, for 5 minutes, today.
Mr. HOGAN, for 60 minutes, today.
Mr. WHALEN, for 5 minutes, today.
Mr. COHEN, for 5 minutes, today.
Mr. TREEN, for 5 minutes, today.
Mr. BLACKBURN, for 60 minutes, on October 16.
Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. MANN), and to revise and extend their remarks and include extraneous matter:)

Mr. DENT, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. CHAPPELL, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MEZVINSKY, for 30 minutes, today.
Mrs. COLLINS of Illinois, for 5 minutes, today.
Mr. DRINAN, for 5 minutes, today.
Mr. DOMINICK V. DANIELS, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YATES and Mr. GROSS to revise and extend their remarks during debate on House Resolution 582.

(The following Members (at the request of Mr. KEMP) and to include extraneous material:)

Mr. WYLIE.
Mr. SCHERLE in five instances.
Mr. TREEN in two instances.
Mr. MCCLOSKEY in two instances.
Mr. STEELMAN.
Mr. GILMAN in two instances.
Mr. DERWINSKI in three instances.
Mr. RINALDO in five instances.
Mr. HOGAN in two instances.
Mr. HOSMER in three instances.
Mr. SCHNEEBELI.
Mr. HUBER.
Mr. WYMAN in two instances.
Mr. SMITH of New York.
Mr. RONCALLO of New York in three instances.
Mr. KEMP in two instances.
Mr. CARTER.
Mr. COLLINS of Texas in four instances.
Mr. BAUMAN in two instances.
Mr. WALSH.
Mr. FRENZEL in five instances.
Mr. WIDNALL.
Mr. BROOMFIELD in five instances.
Mr. SARASIN.
Mr. ARCHER.
Mr. DU PONT.
Mr. BROWN of Michigan.
Mr. FROEHLICH in two instances.

Mr. COUGHLIN.
Mr. ARMSTRONG.
Mr. ASHBROOK in three instances.
Mr. SEBELIUS.

(The following Members (at the request of Mr. MANN) and to include extraneous matter:)

Mr. RANGEL in 10 instances.
Mr. ICHORD in two instances.
Mr. BRADEMAS in six instances.
Mr. DINGELL.
Mr. RODINO.
Mr. CARNEY of Ohio in two instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. BINGHAM in 10 instances.
Mr. WALDIE in six instances.
Mr. CHAPPELL.
Mr. JAMES V. STANTON.
Mr. EDWARDS of California in three instances.
Mr. REES in three instances.
Mr. MINISH.
Mr. EVINS of Tennessee.
Mr. BADILLO in two instances.
Mr. HARRINGTON in two instances.
Mr. HAMILTON.
Mr. PATTEN in two instances.
Mr. STARK in 10 instances.
Mr. MEZVINSKY.
Mr. MOORHEAD of Pennsylvania in 10 instances.
Mr. JONES of Alabama.
Mr. CLAY.
Mr. CHARLES H. WILSON of California.
Mr. STUDDS.
Mr. ROSENTHAL in five instances.
Mr. VANIK.
Mr. SARBANES.

## SENATE BILLS AND JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills and joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 205. An act for the relief of Jorge Mario Bell; to the Committee on the Judiciary.

S. 798. An act to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes; to the Committee on the Judiciary.

S. 912. An act for the relief of Mahmood Shareef Suleiman; to the Committee on the Judiciary.

S. 1064. An act to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification; to the Committee on the Judiciary.

S. 1075. An act for the relief of Imre Pallo; to the Committee on the Judiciary.

S. 1728. An act to increase benefits provided to American civilian internees in Southeast Asia; to the Committee on Interstate and Foreign Commerce.

S. 1852. An act for the relief of Georgina Henrietta Harris; to the Committee on the Judiciary.

S. 1871. An act to amend the Youth Conservation Corps Act of 1972 (Public Law 92-597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps and for other purposes; to the Committee on Education and Labor.

S. 2399. An act to amend title 44, United States Code, to provide immunity for the Government Printing Office, the Public Printer, and other officers and employees of the Office; to the Committee on House Administration.

S.J. Res. 99. Joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week"; to the Committee on the Judiciary.

S.J. Res. 155. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol; to the Committee on Public Works.

S. Con. Res. 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency; to the Committee on House Administration.

S. Con. Res. 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document; to the Committee on House Administration.

## ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1378. An act for the relief of James E. Bashline;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands; and

H.R. 7976. An act to amend the act of August 31, 1965, commemorating certain historical events in the State of Kansas.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 278. An act for the relief of Manuela Bonito Martin;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes;

S. 1016. An act to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes;

S. 1141. An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special silver coins commemorating the Bicentennial of the American Revolution, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver and Edith McCarver;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1378. An act for the relief of James E. Bashline;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that Act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands; and

H.R. 7976. An act to amend the Act of August 31, 1965, commemorating certain historical events in the State of Kansas.

## ADJOURNMENT

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 10, 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:

1429. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize certain reimbursements, transportation for dependents, a dislocation allowance, and travel and transportation allowances under certain circumstances, and for other purposes; to the Committee on Armed Services.

1430. A letter from the Senior Vice President and General Counsel, Communications Satellite Corporation, transmitting Comsat's 10th Annual Report, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

1431. A letter from the Chairman, Administrative Conference of the United States, transmitting the annual report of the agency for fiscal year 1973; to the Committee on the Judiciary.

1432. A letter from the Attorney General, transmitting a draft of proposed legislation to make level IV of the executive schedule applicable to the U.S. attorney for the Central District of California and to the U.S. attorney for the Northern District of Illinois; to the Committee on Post Office and Civil Service.

1433. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed transfer of NASA lands at Bay St. Louis, Miss., to the State of Mississippi, pursuant to section 207 of the National Aeronautics and Space Act of 1958, as amended by Public Law 93–74; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

1434. A letter from the Comptroller General of the United States, transmitting that the Forest Service and the Bureau of Land Management should provide for the salvage of more useable dead or damaged trees to help meet timber demand; to the Committee on Government Operations.

1435. A letter from the Comptroller General of the United States, transmitting notice of a delay in submission of a report required by section 5 of the Federal Water Pollution Control Act Amendments of 1972 on a study of research, pilot, and demonstration projects for water pollution prevention and control and an assessment of conflicts between such programs; to the Committee on Public Works.

## 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. BLATNIK: Committee on Public Works. H.R. 10511. A bill to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements (Rept. No. 93–553). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 1920. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project" (Rept. No. 93–554). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 10252. A bill to change the name of the Trotters Shoals Dam and Lake, Georgia and South Carolina, to the Richard B. Russell Dam and Lake (Rept. No. 93–555). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 655. A bill to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif. (Rept. No. 93–556). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 974. A bill designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake". (Rept. No. 93–557). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 9611. A bill to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake. (Rept. No. 93–558). Referred to the House Calendar.

Mr. HAYS: Committee of Conference. Conference report on H.R. 7645. (Rept. No. 93–563). Ordered to be printed.

## REPORTS OF COMMITTEES ON PRIVATE 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. KEATING: Committee on the Judiciary. H.R. 2542. A bill for the relief of Jose Ramon Santa Maria. (Rept. No. 93–548). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 6116. A bill for the relief of Gloria Go. (Rept. No. 93–549). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 7363. A bill for the relief of Rito E. Judilla. (Rept. No. 93–550). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 7364. A bill for the relief of Virna J. Pasicaran. (Rept. No. 93–551). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 7684. A bill for the relief of Nicola Lomuscio. (Rept. No. 93–552). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 4172. A bill for the relief of Romeo Lancin; with amendment (Rept. No. 93–559). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 4445. A bill for the relief of Diana L. Ortiz; with amendment (Rept. No. 93–560). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 5759. A bill for the relief of Morena Stolsmark; with amendment (Rept. No. 93–561). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2634. A bill for the relief of Kevin Patrick Saunders (Rept. No. 93–562). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (for himself, Mrs. BOGGS, Mr. BROOKS, Mr. BURTON, Mr. MITCHELL of Maryland, Mr. MURPHY of New York, Mr. O'NEILL, and Mr. WHITEHURST):

H.R. 10789. A bill to provide for the continued operation of the Public Health Service hospitals which are located in Seattle, Wash., Boston, Mass., San Francisco, Calif., Galveston, Tex., New Orleans, La., Baltimore, Md., Staten Island, N.Y., and Norfolk, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER:

H.R. 10790. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. BURGENER:

H.R. 10791. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. EDWARDS of California (for himself and Mr. WIGGINS):

H.R. 10792. A bill to establish a uniform law on the subject of bankruptcies; to the Committee on the Judiciary.

By Mr. ERLENBORN (for himself and Mr. HUDNUT):

H.R. 10793. A bill to revise the Welfare and Pension Plans Disclosure Act and to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for their contributions to individual or employer retirement plans, by increasing contribution limitations for self-employed individuals and shareholder employees of electing small business corporations, by allowing tax deferral on certain lump-sum distributions from qualified retirement plans, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself and Mr. ANDREWS of North Carolina):

H.R. 10794. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. HUTCHINSON (for himself and Mr. RAILSBACK):

H.R. 10795. A bill for the general reform and modernization of the patent laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. McCORMACK (for himself, Mr. RARICK, Mr. FOLEY, Mr. VIGORITO, Mr. SYMMS, Mr. DELLENBACK, Mr. DERWINSKI, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HOSMER, Mr. KETCHUM, Mr. MARTIN of North Carolina, Mr. RUNNELS, and Mr. SEBELIUS):

H.R. 10796. A bill to authorize the Secretary of Agriculture to permit the use of DDT to control and protect against insect infestation on forest and other agricultural lands; to the Committee on Agriculture.

By Mr. McKINNEY:

H.R. 10797. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. MONTGOMERY:

H.R. 10798. A bill to provide for the conveyance of retained mineral rights by the United States to private surface landowners who acquired their land from a Federal land bank, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD of California:

H.R. 10799. A bill to amend the Internal Revenue Code of 1954 to permit individuals an itemized deduction for losses incurred in the sale or exchange of certain principal residences; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. MOAKLEY):

H.R. 10800. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the assignment of surplus real property to executive agencies for disposal and for other purposes; to the Committee on Government Operations.

By Mr. OBEY:

H.R. 10801. A bill to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. PATTEN:

H.R. 10802. A bill to consolidate and revise the laws relating to public health, to revise the programs of health services research and development, and to extend the program of assistance for medical libraries; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois:

H.R. 10803. A bill to amend title 10, United States Code, to provide more efficient dental care for the personnel of the Army and Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 10804. A bill to amend title 28 of the United States Code to provide for the investigation and prosecution of disciplinary proceedings against members of the bar of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 10805. A bill to amend title 28, Judiciary and Judicial Procedure, of the United States Code to provide for the membership of courts of appeals sitting en banc; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 10806. A bill to amend the District of Columbia Minimum Wage Act so as to

enable airline employees to exchange days at regular rates of compensation, and for other purposes; to the Committee on the District of Columbia.

By Mr. TEAGUE of Texas (for himself and Mr. McCORMACK):

H.R. 10807. A bill to amend the National Aeronautics and Space Act of 1958 to apply the scientific and technological expertise of the National Aeronautics and Space Administration to the solution of domestic problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. UDALL:

H.R. 10808. A bill to revise the boundary of Saguaro National Monument in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK (for himself, Mr. ECKHARDT, Mr. GAYDOS, Mr. MOORHEAD of Pennsylvania, Mr. VANDER JAGT, Mr. MOSS, Mr. TOWELL of Nevada, Mr. ADAMS, Mr. STARK, Mr. MITCHELL of Maryland, and Mr. GUDE):

H.R. 10809. A bill to authorize and direct the Secretary of Commerce to study applications of solar energy, to establish a system of grants for solar energy research, and to establish the Solar Energy Data Bank; to the Committee on Science and Astronautics.

By Mr. VANIK (for himself, Mr. WALDIE, Ms. SCHROEDER, Mr. McDADE, Mr. JOHNSON of Pennsylvania, Mr. GUNTER, Mr. SARBANES, Mr. FRASER, Mr. KEATING, Mr. STUDDS, Mr. EILBERG, Mr. CHARLES H. WILSON of California, Mrs. HECKLER of Massachusetts, Mr. SEIBERLING, Mr. YATRON, Mr. WON PAT, Mr. VIGORITO, Mr. MAYNE, Mr. MAZZOLI, Mr. MOAKLEY, Mr. NIX, Mr. ROE, Mr. FRENZEL, and Mr. BROWN of California):

H.R. 10810. A bill to authorize and direct the Secretary of Commerce to study applications of solar energy, to establish a system of grants for solar energy research, and to establish the Solar Energy Data Bank; to the Committee on Science and Astronautics.

By Mr. BERGLAND:

H.R. 10811. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BREAUX (for himself, Mr. GROVER, Mr. CLEVELAND, and Mr. DAVIS of South Carolina):

H.R. 10812. A bill to amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities; to the Committee on Public Works.

By Mr. BRINKLEY:

H.R. 10813. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. CEDERBERG:

H.R. 10814. A bill to amend the Truth-in-Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. DORN:

H.R. 10815. A bill to amend title 10, United States Code, to authorize special educational services for the dependents of active duty members of the uniformed services; to the Committee on Armed Services.

By Mr. FISH:

H.R. 10816. A bill to accelerate the effective date of the recently enacted increase in social security benefits; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. MITCHELL of Maryland, Mr. REES, Mr. HELSTOSKI, Mr. WON PAT, Ms. CHISHOLM, Mr. CONYERS, and Ms. ABZUG):

H.R. 10817. A bill to amend the Presidential Election Campaign Fund Act, and for other purposes; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 10818. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans; to the Committee on Veterans' Affairs.

H.R. 10819. A bill to amend title 38 of the United States Code in order to increase the rates of educational assistance, to otherwise improve the educational assistance program, and to establish a Vietnam-Era Veterans' Communication Center for the purposes of improving the effectiveness of Veterans' Administration programs for making veterans aware of benefits and services available to them under the veterans laws; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Pennsylvania:

H.R. 10820. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. LEHMAN:

H.R. 10821. A bill to amend the Higher Education Act of 1965 to remove the needs provision for families with income less than $15,000 a year from the student loan subsidy provision of that act; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 10822. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 10823. A bill to amend the Truth-in-Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

H.R. 10824. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

By Mr. SEIBERLING (for himself, Mr. BROWN of California, Mrs. BURKE of California, Mrs. COLLINS of Illinois, Mr. EDWARDS of California, Mr. FRASER, Mr. HELSTOSKI, Mr. LEHMAN, Mr. MOAKLEY, Mr. ROSENTHAL, Mr. ROYBAL, Mrs. SCHROEDER, Mr. THOMPSON of New Jersey, and Mr. KOCH):

H.R. 10825. A bill, the Tax and Loan Account Interest Act of 1973; to the Committee on Ways and Means.

By Mr. THONE:

H.R. 10826. A bill to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.J. Res. 755. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of June 17, 1974, as "National Right of Way Week"; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 756. Joint resolution to authorize and request the President to issue anually a proclamation designating the week beginning on the third Sunday of October of each year as "National Drug Abuse Prevention Week"; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 757. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee Public Works.

By Mr. O'NEILL (for himself and Mr. GERALD R. FORD):

H.J. Res. 758. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol; to the Committee on Public Works.

By Mr. VANDER JAGT:

H.J. Res. 759. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WYLIE (for himself, Mr. STRATTON, Mr. HILLIS, Mr. RUNNELS, Mr. BOWEN, and Mr. CLEVELAND):

H.J. Res. 760. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 761. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. RINALDO):

H. Con. Res. 333. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. HUBER (for himself and Ms. HOLTZMAN):

H. Con. Res. 334. Concurrent resolution offering honorary citizenship of the United States to Alexander Solzhenitsyn and Andrey Sakharov; to the Committee on the Judiciary.

By Mr. LEHMAN:

H. Con. Res. 335. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. COTTER, Mr. EDWARDS of California, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. KOCH, Mr. PEPPER, Mr. REES, Mr. ROSENTHAL, Mr. WALDIE, and Mr. WOLFF):

H. Con. Res. 336. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mrs. GRASSO and Mr. GUNTER):

H. Con. Res. 337. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. COTTER, Mr. EDWARDS of California, Mr. FASCELL, Mr. FISH, Mrs. GRASSO, Mr. GREEN of Pennsylvania, and Mr. GUDE):

H. Con. Res. 338. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. GUNTER, Mr. HOGAN, Mr. KOCH, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. PEPPER, Mr. PEYSER, Mr. PODELL, Mr. REES, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. VANIK, Mr. WALDIE, and Mr. WOLFF):

H. Con. Res. 339. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. BIESTER (for himself and Mr. PRITCHARD):

H. Res. 583. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. FASCELL, Mr. WHALEN, Ms. ABZUG, Mr. BINGHAM, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. KASTENMEIER, Mr. MCCLOSKEY, Mr. MOAKLEY, Mr. OBEY, Mr. REID, Mr. ROSENTHAL, Mr. ROYBAL, Mr. STEIGER of Wisconsin, Mr. WALDIE, and Mr. YOUNG of Georgia):

H. Res. 584. Resolution concerning protection of human rights in Chile, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FROEHLICH (for himself, Mr. KEATING, and Mr. RONCALLO of New York):

H. Res. 585. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. HARRINGTON:

H. Res. 586. Resolution deploring the outbreak of hostilities in the Middle East; to the Committee on Foreign Affairs.

By Mr. KEMP (for himself and Mr. RINALDO):

H. Res. 587. Resolution urging a cease-fire in the Middle East; to the Committee on Foreign Affairs.

By Mr. McKAY:

H. Res. 588. Resolution expressing the sense of the House of Representatives with respect to granting the Republic of China membership in the United Nations; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

311. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the National Guard and other Reserve elements; to the Committee on Armed Services.

312. Also, memorial of the Legislature of the State of California, relative to "buy American" legislation; to the Committee on Public Works.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD:

H.R. 10828. A bill for the relief of Kiyonao Okami; to the Committee on the Judiciary.

H.R. 10827. A bill for the relief of Kiyonao Okami; to the Committee on the Judiciary.

By Mrs. HOLT:

H.R. 10829. A bill for the relief of Randall L. Talbot; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

308. By the SPEAKER: Petition of Andres D. Mistica, Santa Cruz, Zambales, Philippines, relative to redress of grievances; to the Committee on Foreign Affairs.

309. Also, petition of the Schenectady County Democratic Committee, Schenectady, N.Y., relative to continuation of the broadcasting of the Watergate hearings; to the Committee on Interstate and Foreign Commerce.

310. Also, petition of Ernest L. Lovato, Albuquerque, N. Mex., relative to Indian representation on the Civil Rights Commission; to the Committee on the Judiciary.

311. Also, petition of C. L. Langness, Fargo, N. Dak., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

312. Also, petition of Mrs. Richard Haller, Ashland, Ky., relative to veterans' pensions; to the Committee on Veterans' Affairs.

# EXTENSIONS OF REMARKS

## SUSAN MARX REPORTS

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 1973*

Mr. WALDIE. Mr. Speaker, it is always a pleasure to share with this House the accomplishments of a friend and fellow Californian. In this instance it is Mrs. Susan Marx, of Palm Springs, who has proven that the good life is enriched by an inquiring mind and new interests.

Mrs. Marx was a former showgirl in the Ziegfeld Follies. She is a mother and housewife and recently completed 12 terms on her local school board. Now, Mrs. Marx has decided to go back to school as a student on the shipboard international studies program sponsored by Chapman College. In addition to studying oceanography, anthropology, and oriental art, Mrs. Marx will be sending back periodic reports to her local newspaper, the Desert Sun. I am pleased to offer her first article to my colleagues today:

YET ANOTHER CAREER IS LAUNCHED BY MRS. MARX

MID-PACIFIC.—I'm up top watching flying fish skim over brilliant blue water like little silver skipping stones, and trying to sort out my impressions of what this ship is all about. They're still in the jelling process but there are many roles to play and many goals to achieve.

The most important one, relationship, the experienced faculty established immediately.

The ship is not just a campus. It's a community of distinguished professors and students, adults form all points of the compass, on a first name basis.

The senior members know they need to compensate for the emotional security left at home with parents so that the younger members may relate to each other casually.

It would be good for parents to see these young people hopefully hanging around the mail boxes and hear them complaining "my mother promised to write me every day."

The faculty does not permit itself to spin off into an isolated academic isolated society. It came on this voyage to provide a unique experience for students.

The ship is beautifully organized for the pleasure and comfort of the student. Classrooms are lounges with classes brought into them, creating a comfortable rapport between prof and student to encourage discussion. String deck chairs are all over the decks for anyones' convenience. No one watches to see they are not moved.

It is very pleasant to see people of all ages engaged in swimming, volleyball, sunning in minuscule covering, reading in shaded areas or working in a library outfitted as if for a luxury cruise.

Each morning there are a few early ones walking or jogging the 10 lap mile, or watching the dawn and the sleepy ones crawl from their sleeping bags after a night under the stars.

There are quite a few teachers on sabbaticals, post grads, and others, like me, who are just getting around to their own education, or bringing it up to date.

Dress is of the beachcomber variety, but for the Captains Dinner the young men and women manage to come out of their tiny lockers beautifully groomed, much to their mutual amusement.

As I write we are approaching Hawaii where, although still in the U.S., we will make our first contact with foreign cultures. We then have nine more days at sea to prepare for the impact of the Orient and the real test of our ability to put aside Western judgements and values, as well as enjoy the many cultures of the Pacific on its own terms.

Everyone is comfortable and at peace.

It's the only way to go.

## A REPUBLICAN STATE CHAIRMAN'S MESSAGE TO YOUNG PEOPLE

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 1973*

Mr. WYMAN. Mr. Speaker, at a recent meeting of the Republican National Committee, David Gosselin, Republican State chairman of New Hampshire, had a message for young people. Mr. Gosselin's words have special significance in this period of mounting cynicism and public distrust of affairs governmental or persons political.

In short the New Hampshire State Republican chairman bid young people in this country to "get in and pitch" as the best way to win the ball game. This is good advice, particularly when one reflects that the principal beneficiary of attempting to build a sound, progressive, and strong country is the generation to whom Mr. Gosselin speaks.

I commend his message to the thoughtful consideration of readers of the RECORD:

GET IN AND PITCH

Recently on network television, Gordon Strachan, a former aide to H. R. Haldeman, was asked by a Senator what his advice would be to young people of America concerning a career in politics.

Mr. Strachan replied, "Stay away."

As the youngest State Republican Chairman in the United States, I think it is appropriate that I comment on Mr. Strachan's advice, seen by millions of young people throughout the country.

I think it's the worst advice I have ever heard. Furthermore, I think it is dangerous advice.

If the skillful pilots who fly our airliners decided to stay away, we wouldn't be holding this meeting today.