temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Louis W. Kiemme
Lynn I. Nilson

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subjected to the qualification therefor as provided by law:

James D. Arnold	William E. Larson
Richard A. Baker	Peter G. Lynch
Robert J. Beaudry	John M. McLaughlin
Peter K. Budnikas	Ernest W. Meharra
James C. Cecil III	Richard C. Miller
Gary W. Coatoam	Gordon J. Nolan
Steven G. Detsch	John M. Peacock
Robert M. Dunlap	James R. Ponsler
Paul S. Forsberg	Kenneth E. Pyle
David W. Foulk	Paul N. Ross
Joseph I. Frazier	Theodore Schneider
Marlin E. Gher, Jr.	Floyd T. Sekiya
Daniel P. Golden	John J. Simkovich, Jr.
Joseph B. Hansen	Charles E. Spann
Stephen R. Hoyem	Elwood R. Stultz, Jr.
Wayne L. King	Martin T. Tyler
John F. Kriz, Jr.	Lewis W. Williamson
Glenn A. Kurtz	Robert A. Witherspoon
Charles W. Lander	

The following-named U.S. Navy officers to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Randall L. Harrington	Russell Meyer
Oscar L. Majure, Jr.	Michael J. O'Sullivan, Jr.

Owen B. Klapperich, U.S. Navy officer to be a temporary commander in the Chaplain Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named U.S. officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

David S. Harrer	Roger A. Potter
Victor C. Heath	Harold D. West
Francis C. Johnson	Harold A. Westervelt
Lawrence A. Jones	David C. Ziegler
Thomas A. MacLean	

John H. Leonard, U.S. Navy officer to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Richard J. Blair, EX-LT, USNR to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Frederick E. Janney, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent rear admiral and a temporary rear admiral in the Navy, subject to the qualification therefor as provided by law.

Daniel J. Harrington, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the Navy, subject to the qualification therefor as provided by law.

Richard A. Weiss, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the Supply Corps of the Navy, subject to the qualification therefor as provided by law.

John D. Fauntleroy (civilian college graduate) to be a commander in the Judge Advocate General Corps in the Reserve of the U.S. Navy for temporary service, subject to the qualification therefor as provided by law.

Martin R. Plaut, U.S. Navy officer, to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Robert N. Conrad, U.S. Navy officer, to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Berkley Rish, U.S. Navy officer, to be a captain in the Medical Corps in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

John R. Musser, U.S. Navy officer, to be a commander in the Medical Corps in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Joseph A. Adamo	Fred A. Clavelli
Louis J. Alfieri	Bruce N. Coburn
Charles M. Anderson	Robert D. Cole
Stephen P. Anderson	Walter B. Cole
William C. Asmussen	Marlyn N. Collins, Jr.
Roger V. Bartholomew	Michael P. Connors
Phillip G. Batten	Edwin R. Cox
Peter A. Bensch	Bobby J. Cranor
Clyde Berry, Jr.	Alan A. Davis
William F. Best	Richard W. Dean
James W. Bloomer II	Paul E. Desilets
William K. Bolinger	James F. Deucher
Procesco V. Borgueta	Kenny I. Dever III
James G. Brewer	William D. Dilmore, Jr
Alfred N. Briggs II	
John A. Brouse, Jr.	James R. Dixon
Budd C. Brown	Gerald A. Donato, Jr.
John E. Brown, Jr.	Gary R. Doty
Henry M. Caldwell	Steven G. Erick
Robert D. Callier	John D. Evanoff II
Wallace R. Cameron, Jr.	Dwight H. Everett
	Michael F. Farley
Richard C. Chandler	David E. Franks
Max C. Chapman	James W. Freeman, Jr.
Bill M. Christiansen	Donald H. Frisch
Theodore M. Gallo	Lynn R. Mather
Alan V. Gary	Ronald J. Matoushek
Jonathan P. Geer	John T. McComb
Bennie R. Green	Michael E. McDonald
John D. Griffith	Anthony R. McKibben
James R. Gross	Richard G. Merten
Michael J. Guertin	David D. Molsberry
Orrin "E" Haberman	Glenn D. Myers
Daniel P. Haddow	Frederick A. Nelson
Stephen A. Halsey	Randall G. Oliver
Lynn K. Hanna	Christopher D. Owens
Edward L. Hardeman	Thomas P. Pannell
Roy C. Harness	John C. Parry
Paul D. Harrison	Stephen R. Paulson
Robert F. Harrison, Jr.	John L. Pratt
Douglas R. Hart	Frederick L. Rickman
Charles R. Hilton	Keith A. Roberts
Gary Q. Hopper	Chesley B. Robison
Elmore M. Hudgens	Thomas R. Roesch
William E. Huebner	George F. Rowland
Gary A. Hughes	Robert W. Sanders
Joseph F. Hulsey	Clarence W. Schultz
Richard M. Hunt	Thomas B. Service
Gary R. Iversen	Ronald K. Shirley
Andrew E. Jackson	Alan M. Sipe
Jan P. Jarvis	Richard G. Slonim
Kenneth M. Jenison	Calvin T. Stafford
Michael E. Jenkins	Dale L. Sumner
Robert E. Jenkins	William D. Sweet
Michael W. Johnson	Scott A. Swenson
Warren H. Johnson	Robert C. Tannehill
*Charlie A. Jones, Jr.	John Thogerson II
Gary L. Karr	Ira F. Thompson, Jr.
James H. Kendall	Geoffrey L. Travers
Jack A. Kinnaird	William C. Troxell
Raymond L. Kinsaul, Jr.	John A. Turley
	James Valdivia, Jr.
Brian E. Koenig	William A. Vernier
Brady N. Kraft	Oran J. Viator, Jr.
Joseph Krenzel	Anthony J. Vinnola, Jr.
Pamala A. Kuhn	
William F. Lathers	David B. Walker
Conrad A. Laurvick	George T. Wasenius
Gary B. Linton III	Veron M. Watson
Stephen D. Lisse	Dale A. Weathers
David L. Londot	Steven L. Wesco
Randall K. Maroney	Robert C. West
William R. White	Laurent B. Wood
Vern F. Wing	Terry J. Zeiler

Billy C. Bradford, to be reappointed from the Temporary disability retired list as a permanent chief warrant officer W-2 and a temporary ensign in the Navy, limited duty (electronics) subject to the qualification therefor as provided by law.

Thomas A. Schultz (Naval Reserve Officer) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 10, 1973:

In the Coast Guard

Coast Guard nominations beginning David M. Donaldson, to be lieutenant (j.g.), and ending Rudolph L. Carpenter, Jr., to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1973.

Coast Guard nominations beginning John G. Cwiek, to be lieutenant, and ending Michael J. Goodwin, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1973.

Coast Guard nominations beginning Peter A. Morrill, to be captain, and ending Daniel B. Charter, Jr., to be captain, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 1973.

In the National Oceanic and Atmospheric Administration

National Oceanic and Atmospheric Administration nominations beginning Joseph A. Sowers, to be lieutenant, and ending Thomas G. Russel, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on October 3, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, October 10, 1973*

The House met at 12 o'clock noon.

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

In Him who strengthens me, I am able for anything. Philippians 4: 13 (Mofatt).

O Lord, our God, come richly into our hearts as we bow our heads in this circle of prayer. With Thee is love and when love lives in us we are free from fear and filled with faith. In our minds may there dwell the thoughts of peace for our world, enthusiasm for our country, and good will for Thy children.

Keep open the doors of our spirits to Thee and all of life will be brighter with each step we take into this new day. Sustain us with the light that never fades, the strength that never fails and the wisdom that never falters. Glory be to Thee, O Lord Most High. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 7352. An act to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners.

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

S. 2470. An act to amend the Consolidated Farm and Rural Development Act.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9590, TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1974

Mr. STEED. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on H.R. 9590, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–570)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1974, 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 amendments numbered 5, 10, 13, 19, 22, 23, 24, 25, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 17, 18, 27, 29, 30, 35, and 45, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,892,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$72,250,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$23,375,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$18,500,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,000,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$96,000,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,350,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$60,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 14, 15, 16, 20, 21, 26, 31, 32, 33, 34, 37, 38, 40, 43, 44, 46, 47, 48, 49, 50, and 51.

TOM STEED,
JOSEPH P. ADDABBO (except as to No. 9),
EDWARD R. ROYBAL (except as to No. 9),
LOUIS STOKES (except as to No. 9),
TOM BEVILL,
GEORGE E. SHIPLEY,
JOHN M. SLACK,
GEORGE MAHON,
HOWARD W. ROBISON,
JACK EDWARDS,
JOHN T. MYERS,
CLARENCE E. MILLER,
E. A. CEDERBERG,
Managers on the Part of the House.

JOSEPH M. MONTOYA,
JOHN L. MCCLELLAN,
BIRCH BAYH,
GALE W. MCGEE,
HENRY BELLMON,
MILTON R. YOUNG,
MARK O. HATFIELD,
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 amendments of the Senate to the bill (H.R. 9590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, 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.

TITLE I—TREASURY DEPARTMENT

Office of the Secretary

Amendment No. 1: Appropriates $17,892,000 for salaries and expenses instead of $17,600,000 as proposed by the House and $18,185,000 as proposed by the Senate.

Bureau of Alcohol, Tobacco and Firearms

Amendment No. 2: Appropriates $72,250,000 for salaries and expenses instead of $71,500,000 as proposed by the House and $73,000,000 as proposed by the Senate.

Bureau of Customs

Amendment No. 3: Appropriates $221,200,000 for salaries and expenses as proposed by the Senate instead of $222,200,000 as proposed by the House.

Bureau of the Mint

Amendment No. 4: Appropriates $23,375,000 for salaries and expenses instead of $23,750,000 as proposed by the House and $23,000,000 as proposed by the Senate.

Internal Revenue Service

Amendment No. 5: Appropriates $531,683,000 for accounts, collection and taxpayer service as proposed by the House instead of $530,000,000 as proposed by the Senate.

Amendment No. 6: Appropriates $620,430,000 for compliance as proposed by the Senate instead of $622,430,000 as proposed by the House.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Disaster relief

Amendment No. 7: Appropriates $400,000,000 as proposed by the Senate instead of $100,000,000 as proposed by the House.

Economic stabilization activities

Amendment No. 8: Appropriates $55,000,000 for salaries and expenses as proposed by the Senate instead of $60,000,000 as proposed by the House.

Office of Management and Budget

Amendment No. 9: Appropriates $18,500,000 for salaries and expenses instead of $16,000,000 as proposed by the House and $19,100,000 as proposed by the Senate.

Office of Telecommunications Policy

Amendment No. 10: Appropriates $2,070,000 for salaries and expenses as proposed by the House instead of $1,500,000 as proposed by the Senate.

Special Action Office for Drug Abuse Prevention

Amendment No. 11: Appropriates $26,000,000 for special fund for drug abuse instead of $21,500,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Special Assistance to the President

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which would appropriate $675,000 to provide special assistance to the President.

Special projects

Amendment No. 13: Deletes language proposed by the Senate which would appropriate $1,000,000 for expenses necessary to provide staff assistance for the President in connection with special projects.

The White House Office

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would authorize the President to pay individuals at such per diem rates as he may specify and for other personal services with-

out regard to the provisions of law regulating the employment and compensation of persons in the government service.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would provide for official entertainment expenses of the President, to be accounted for solely on his certificate.

TITLE IV—INDEPENDENT AGENCIES

Advisory Commission on Intergovernmental Relations

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter stricken and inserted by the Senate, insert the following: "and the provisions of Section 7(e) of the Act of August 16, 1973 (Public Law 93–100), $1,036,000." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

Amendment No. 17: Appropriates $240,000 for salaries and expenses as proposed by the Senate instead of $200,000 as proposed by the House.

General Services Administration

Public Buildings Service

The Conferees are aware that the amounts recommended herein may prove insufficient to finance the General Services Administration programs covered by this bill and that a supplemental request may be required.

The Conferees have been advised that in order to comply with the requirements of the Anti-Deficiency Act, R.S. 3679, a deficiency apportionment may have to be made, pending enactment of a supplemental request, and further, that reduction-in-force actions may have to be initiated. It is not now and has never been, the intention that denial of the full amount of the budget estimate requested should result in a reduction in employment.

The Conferees therefore fully expect the Office of Management and Budget to apportion funds to the General Services Administration in such a manner that reduction-in-force actions will not be required pending the submission and action on a supplemental appropriation request. Specifically, the Conferees would not view such an apportionment, accompanied by submission of a supplemental request, as being in violation of R.S. 3679.

Amendment No. 18: Appropriates $480,582,000 for operating expenses as proposed by the Senate instead of $390,582,000 as proposed by the House.

Amendment No. 19: Deletes language proposed by the Senate which would provide $100,000,000 by transfer from the construction appropriation for fiscal year 1973.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter stricken by the Senate, insert the following: "after submission to the House and Senate Committees on Appropriations,". The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate, insert the following: ": Provided further, That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 22: Restores language proposed by the House which would provide for the transfer of $82,000,000 from the 1974 appropriation for Public Buildings Service, Operating Expenses, and deletes language proposed by the Senate which would provide for the transfer of $82,000,000 for repair and improvement of public buildings from the appropriation for construction for fiscal year 1973.

Amendment No. 23: Restores language proposed by the House which would appropriate $2,572,000 for construction, public buildings projects, and deletes language proposed by the Senate.

Amendment No. 24: Deletes language proposed by the Senate.

Amendment No. 25: Provides for the reversion to the Treasury of $203,312,000 as proposed by the House instead of $18,740,000 as proposed by the Senate.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds to remain available until expended for sites and expenses, public buildings projects.

Expenses, United States court facilities

Amendment No. 27: Appropriates $7,000,000 as proposed by the Senate instead of $7,512,000 as proposed by the House.

Federal Supply Service

Amendment No. 28: Appropriates $96,000,000 for operating expenses instead of $95,000,000 as proposed by the House and $97,000,000 as proposed by the Senate.

National Archives and Records Service

Amendment No. 29: Appropriates $33,230,000 for operating expenses as proposed by the Senate instead of $33,000,000 as proposed by the House.

Amendment No. 30: Provides that $730,000 shall be available for allocations and grants for historical publications as proposed by the Senate instead of $500,000 as proposed by the House.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds to remain available until expended in connection with allocations and grants for historical publications.

Property management and disposal service

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter stricken and inserted by the Senate, insert the following: "That none of the funds available under this heading shall be available for transfer to any other account nor for the funding of any activities other than those specifically authorized under this heading: Provided further, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing that during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language concerning the maintenance and disposal of materials in the national and supplemental stockpiles.

Office of Administrator

Amendment No. 35: Appropriates $3,000,000 for defense mobilization functions of federal agencies as proposed by the Senate instead of $3,370,000 as proposed by the House.

Administrative operations fund

Amendment No. 36: Provides for a limitation on the Administrative Operations Fund of $42,350,000 instead of $40,000,000 as proposed by the House and $44,703,000 as proposed by the Senate.

General Provisions—General Services Administration

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing for a two percent transfer authority between operating expenses appropriations for the General Services Administration.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate, insert the following: "Sec. 5. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval Facility, Seattle, Washington, to any person or entity for aviation use unless and until (A) the Administrator of General Services has transferred to the National Oceanic and Atmospheric Administration title to that portion of such facility as has been requested by the National Oceanic and Atmospheric Administration; and (B) the City of Seattle, Washington, the County of King in the State of Washington, and the State of Washington have each approved a plan for aviation use of a portion of such facility." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

United States Tax Court

Amendment No. 39: Appropriates $5,760,000 for salaries and expenses as proposed by the House instead of $5,480,000 as proposed by the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate insert the following: *"Provided further,* That $1,280,000 of this appropriation shall remain available until expended for equipment, furniture, furnishings and accessories, required for the new Tax Court building and, whenever determined by the Court to be necessary, without compliance with Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)." The managers on the part of the

Senate will move to concur in the amendment of the House to the amendment of the Senate.

Department of Defense

Defense Civil Preparedness Agency

Amendment No. 41: Appropriates $60,000,000 for operation and maintenance instead of $63,500,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 42: Appropriates $22,000,000 for research, shelter survey, and marking instead of $24,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds to remain available until expended.

Department of Health, Education, and Welfare Health Services and Mental Health Administration

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter stricken and inserted by the Senate, insert the following: "$6,000,000, of which $3,000,000 shall be available only for transfer to the General Services Administration for the purpose of disposal of the medical stockpile." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Commission on the Review of National Policy Toward Gambling

Amendment No. 45: Appropriates $250,000 for salaries and expenses as proposed by the Senate instead of $200,000 as proposed by the House.

TITLE VI—GENERAL PROVISIONS

Departments, agencies, and corporations

Amendments Nos. 46, 47, 48, 49 and 50: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate concerning employment of aliens by the United States Government.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate concerning the employment and authority of guards for government buildings.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference, with comparisons to the fiscal year 1973 total, to the 1974 budget estimate total, and to the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1973	$5,837,466,000
Budget estimates of new (obligational) authority (as amended), fiscal year 1974	5,373,345,000
House bill, fiscal year 1974	4,844,723,000
Senate bill, fiscal year 1974	5,123,352,000
Conference agreement, fiscal year 1974	5,233,189,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1973	−604,277,000
Budget estimate of new (obligational) authority (as amended), fiscal year 1974	−140,156,000
House bill, fiscal year 1974	+388,466,000
Senate bill, fiscal year 1974	+109,837,000

TOM STEED,
JOSEPH P. ADDABBO
(except as to No. 9),
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(except as to No. 9),
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(except as to No. 9),
TOM BEVILL,
GEORGE E. SHIPLEY,
JOHN M. SLACK,
GEORGE H. MAHON,
HOWARD W. ROBISON,
JACK EDWARDS,
JOHN T. MYERS,
CLARENCE E. MILLER,
E. A. CEDERBERG,
Managers on the Part of the House.

JOSEPH M. MONTOYA,
JOHN L. MCCLELLAN,
BIRCH BAYH,
GALE W. MCGEE,
HENRY BELLMON.
MILTON R. YOUNG,
MARK O. HATFIELD,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

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

There was no objection?

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

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the managers have until midnight to file a conference report on 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 Massachusetts?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-569)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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," having met, after further, full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 44.

The committee of conference report in disagreement amendment numbered 45.

EDWARD P. BOLAND,
JOE L. EVINS,
GEORGE E. SHIPLEY,
J. EDWARD ROUSH,
ROBERT O. TIERNAN,
BILL CHAPPELL,
ROBERT N. GIAIMO,
GEORGE MAHON,
BURT L. TALCOTT,
JOSEPH M. MCDADE,
BILL SCHERLE,
EARL B. RUTH,
E. A. CEDERBERG,
Managers on the Part of the House.

WILLIAM PROXMIRE,
JOHN MCCLELLAN,
JOHN O. PASTORE,
BIRCH BAYH,
LAWTON CHILES,
FRANK E. MOSS,
CHARLES MCC. MATHIAS, JR.,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,
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 further conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, 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 report:

TITLE IV—GENERAL PROVISIONS

Amendment No. 44: Deletes language proposed by the Senate to further restrict the purchase, hire, operation and maintenance of passenger motor vehicles for the department and agencies contained in this Act.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to include language to permit the Federal Communications Commission to utilize not to exceed $425,000 of its appropriation for necessary capital improvements, and insert the new section number as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1974 recommended by the committee of conference, with comparisons to the fiscal year 1973 amount, to the 1974 budget estimate, and to the House and Senate bills for 1974 follows:

	Amounts
New budget (obligational) authority, fiscal year 1973	$20,884,223,000
Budget estimates of new (obligational) authority, fiscal year 1974	18,617,453,000
House bill, fiscal year 1974	19,070,954,000
Senate bill, fiscal year 1974	19,118,373,063
Conference agreement	19,056,500,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1973	−1,827,723,000
Budget estimates of new (obligational) authority, fiscal year 1974	+439,047,000
House bill, fiscal year 1974	−14,454,000
Senate bill, fiscal year 1974	−61,873,063

EDWARD P. BOLAND,
JOE L. EVINS,
GEORGE E. SHIPLEY,
J. EDWARD ROUSH,
ROBERT O. TIERNAN,

BILL CHAPPELL,
ROBERT N. GIAIMO,
GEORGE MAHON,
BURT L. TALCOTT,
JOSEPH M. McDADE,
BILL SCHERLE,
EARL B. RUTH,
E. A. CEDERBERG,
Managers on the Part of the House.

WILLIAM PROXMIRE,
JOHN L. McCLELLAN,
JOHN O. PASTORE,
BIRCH BAYH,
LAWTON CHILES,
FRANK E. MOSS,
CHARLES McC. MATHIAS, Jr.,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 727, FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on House Joint Resolution 727, making further continuing appropriations for the fiscal year 1974, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93-566)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 727) "making further continuing appropriations for the fiscal year 1974, 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 House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

SEC. 2. The third proviso of section 101(a)(4) of such joint resolution is amended to read as follows: ": *Provided further*, That the aggregate amounts made available to each State under Title I-A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be less than 90 per centum of such amounts as were made available for that purpose for fiscal year 1972, and the amount made available to each local educational agency under said Title I-A shall not be less than 90 per centum nor more than 115 per centum of the amount made available for that purpose for fiscal year 1973:".

And the Senate agree to the same.

GEORGE MAHON,
JAMIE L. WHITTEN,
OTTO E. PASSMAN,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
NEAL SMITH,
E. A. CEDERBERG,
JOHN J. RHODES,
ROBERT H. MICHEL,
SILVIO O. CONTE,
Managers on the Part of the House.

JOHN L. McCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
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 of the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: Inserts Senate language with an amendment providing that the aggregate amounts made available to each State under title I-A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be less than 90 per centum of such amounts as were made available for that purpose for fiscal year 1972, and the amount made available to each local educational agency under said title I-A shall not be less than 90 per centum nor more than 115 per centum of the amount made available for that purpose for fiscal year 1973.

The managers agree that this should only be looked upon as an interim solution to a very complex problem. Deficiencies in the present formula under which eligibility is determined must be corrected. The managers are aware that new legislation is currently being developed in the authorizing committees, and urge early appropriate action.

Amendment No. 2: Deletes House language.

Amendment No. 3: Inserts provision, as proposed by the Senate, exempting the Export-Import Bank of the United States from the requirement that the funding rate for activities covered by the foreign assistance appropriation bill shall not exceed one-quarter of the annual rate as provided by the joint resolution.

House Joint Resolution 727 extends the continuing resolution (Public Law 93-52) until the sine die adjournment of this session of Congress. It supersedes House Joint Resolution 753 which temporarily extended the date of Public Law 93-52 from September 30, 1973, to October 11, 1973, pending completion of conference action on House Joint Resolution 727.

GEORGE MAHON,
JAMIE L. WHITTEN,
OTTO E. PASSMAN,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
NEAL SMITH,
E. A. CEDERBERG,
JOHN J. RHODES,
ROBERT H. MICHEL,
SILVIO O. CONTE,
Managers on the Part of the House.

JOHN L. McCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

MAKING IN ORDER CONSIDERATION TOMORROW OF CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 727, FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow to consider the conference report on House Joint Resolution 727, making further continuing appropriations for the fiscal year 1974, and for other purposes.

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

There was no objection.

A CRITIQUE

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

Mr. BRINKLEY. Mr. Speaker, the code of the Old West—let the bad guy strike first—has again been imposed upon the State of Israel. The passivity of the United Nations in tolerating Arab aggression contrasts sharply with its quick and severe condemnation of any Israeli retaliation however justified. Such an attitude fosters a climate of hatred, engenders a feeling of justification, and led to the unleashing of military force by the Arab States against Israel. Yet, notwithstanding the certain knowledge of Arab buildup along her borders, Israel made no hostile moves. This did not placate Egypt and Syria in their lust for war, and the dead bear testimony and the dying bear witness to the fact that Israel's road to peace has been treacherously undermined.

World opinion should be jolted into positive censure of Egypt and Syria. Let America lead the way.

FIRE PREVENTION WEEK

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

Mr. DORN. Mr. Speaker, during this National Fire Protection Week, October 7-13, it is a special pleasure to pay tribute to our dedicated and devoted firefighters.

Mr. Speaker, during National Fire Prevention Week we are sponsoring a bill aimed at reducing the death and destruction caused by fires. This bill would provide our local firefighters with improved tools and more training; it would provide more firefighting research and assistance for local fire-prevention and establish a National Fire Academy.

We will continue our efforts in support of another bill we sponsored to provide $50,000 benefits to the widow and dependent children of firemen and law enforcement officials killed in line of duty.

This is one of the most dangerous of all professions—at least 40 out of every 100 firefighters are injured each year. The death rate is shocking.

Fire is a growing national problem. Almost 12,000 Americans die from fire each year—and more than 300,000 are

injured. The dollar cost is more than $11 billion.

FIRST ANNUAL CARL ALBERT PRIZE ESTABLISHED AT ST. PETER'S COLLEGE, OXFORD UNIVERSITY

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

Mr. BRADEMAS. Mr. Speaker, I take this time to inform the House of an event which must give pleasure to every Member of this body.

On October 6, 1973, our distinguished Speaker, the Honorable CARL ALBERT, presented the first annual Carl Albert Prize in ceremonies at St. Peter's College, Oxford University, England, where Mr. ALBERT studied as a Rhodes Scholar and of which he is an Honorary Fellow.

As one who also had the privilege of studying at Oxford as a Rhodes Scholar, as did our distinguished colleague, the gentleman from Maryland (Mr. SARBANES) I am particularly pleased to see this recognition of the achievements of our distinguished Speaker by the Oxford College at which he studied.

Mr. Speaker, the Carl Albert Prize, valued at 100 pounds and open to all students regardless of nationality, was awarded to the outstanding senior student at St. Peter's. The prize is patterned after a similar award at the University of Oklahoma.

Mr. Speaker, both the Carl Albert Prize at Oxford and the Carl Albert Award at OU were made possible through gifts of Mr. and Mrs. Julian J. Rothbaum of Tulsa. Mr. Rothbaum is a former president of the University of Oklahoma board of regents and a longtime friend of Speaker ALBERT.

The award at OU was begun in 1966 and is presented each year to the outstanding senior in the College of Arts and Sciences. Mr. Rothbaum and Sir Alec Cairncross, the headmaster at St. Peter's, began to make final plans for presentation of the Carl Albert Prize after Sir Alec attended the Carl Albert Award ceremonies in Norman in 1972.

At that time Sir Alec said:

St. Peter's is extremely proud of Mr. Albert's association with the College and is pleased that the Carl Albert Prize will soon become an important part of our academic life.

Dr. Paul Sharp, president of the University of Oklahoma, commented:

The Carl Albert Prize and the Carl Albert Award unite both Oxford and O.U. in paying tribute to one of the most honored graduates of both institutions.

Mr. Rothbaum, who accompanied the House Speaker to England, said both awards were instituted to "recognize high academic excellence which has been the guiding force in CARL ALBERT'S life."

Mr. Rothbaum said:

While this great American's political achievements are well documented, not enough is known about his outstanding academic record at every level of his educational career. Hopefully, this award will inspire other young scholars to follow in the Speaker's footsteps.

As many Members of the House know, our distinguished Speaker attended the Flowery Mound rural school—formerly known as Bug Tussle—in Pittsburg County for 8 years. At the end of his first school year his teacher, Mrs. Lottie Ross, remarked:

Carl Albert is the best student I have had in all my 14 years as a teacher.

Though forced to drop out of school temporarily in the eighth grade, CARL ALBERT was graduated from McAlester High School as valedictorian of his class with a 4-year grade average of more than 96, the highest ever recorded up to that time. He was also president of his class, president of the student body, a member of the State championship debating team, and winner of a national oratorical contest which gave him a 3-months trip to Europe.

CARL ALBERT then entered the University of Oklahoma where his accomplishments included: Member of Phi Beta Kappa, Phi Eta Sigma, and the debating team; winner of a national oratorical contest on the Constitution of the United States; president of the student council; award of Dad's Day Cup as the outstanding male student; election by the student body as the best all-around student; and winner of the Rhodes Scholarship.

Mr. Speaker, upon his graduation from the University of Oklahoma in 1931, Dr. William B. Bizzell, the university's president, said:

Carl Albert is the most brilliant student ever to attend this university.

I might here note, Mr. Speaker, that CARL ALBERT was graduated from the University of Oxford with honors in two degrees—a bachelor of arts degree in laws and a bachelor of civil laws degree.

NEGOTIATED PERMANENT SETTLEMENT NEEDED IN MIDDLE EAST

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

Mr. SMITH of Iowa. Mr. Speaker, I am very concerned about the situation in the Middle East. When I visited there a year ago, I became convinced that the mental attitude of the parties involved is such that they would fight to the end and the stakes are considered so high that the involvement can go much beyond that geographic area.

The people of Israel are determined to protect their homeland which the United States and others helped to reestablish following World War II; and, therefore, they are not willing to yield the territory gained in 1967 which they feel is necessary as a practical matter to protection of their borders and to their very existence. On the other hand, their neighbors consider it to be their land and many of their people still live there.

The only settlement which will have the necessary support for permanence is one negotiated by the parties and acceptable to the parties themselves. We must do all we can to get the parties involved to negotiate a permanent settlement.

THE CASE OF VALERY KUKUI

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

Mr. LONG of Maryland. Mr. Speaker, emigration from the Soviet Union is not free! The protests, arrests, and trials related to Soviet emigration policies continue.

On December 1, 1970, Valery Kukui, a young engineer from Sverdlovsk, and nine additional Sverdlovsk Jews signed an open letter protesting the Leningrad death sentences. Kukui was subjected to harassment, and in March 1971, the Kukui family applied for exit visas to Israel.

Kukui was arrested and in June 1971, was sentenced for 3 years to Novaya Labor Camp. In November 1971, his wife, Ella, visited him and found him ill, and his health has continued to deteriorate.

In March 1973, Ella, who had managed to emigrate to Israel with their daughter wrote that neither she nor his parents had heard from Valery for almost 9 months and that she feared for his life.

Free emigration is a human right which this Congress must affirm by passing the Vanik amendment in full; that is, by denying trade credits and guarantees to the Soviet Union, as well as most-favored nation status, until the Soviet Union allows free emigration.

SCHOENAU PROCESSING

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

Mr. FISH. Mr. Speaker, today, I am reintroducing a resolution calling upon the President to redouble his efforts to persuade the Austrian Government to reopen the Schoenau processing, and at this point in the RECORD, I would like to insert the full text of my resolution along with a list of the cosponsors:

COSPONSORS

Mr. Gerald R. Ford, Mr. Addabbo, Mr. Bell, Mr. Biaggi, Mr. Brasco, Mr. Cronin, Mr. Drinan, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Flood, Mr. Gilman, Mrs. Heckler of Massachusetts, Mr. Minish, Mr. Moakley, Mr. Podell, Mr. Rees, Mr. Rinaldo, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Sarbanes, Mr. James V. Stanton, Mr. Symington, Mr. Thone, Mr. Won Pat, Mr. Walsh, Mr. Ryan, and Mr. O'Brien.

H. CON. RES. 341

Whereas in the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world; and

Whereas Jews in the Soviet Union are denied the means to sustain their identity inside Russia; and

Whereas thousands of Soviet Jews have chosen to emigrate from the Soviet Union to seek a life free from religious oppression in the State of Israel; and

Whereas the Schoenau center in Austria has for many years played a vital role in the processing and orientation of thousands of Russian emigrants; and

Whereas in response to Arab terrorism the Austrian Government has decided to close the Schoenau center: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense

of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) impress upon the Austrian Government the grave concern of the American people that capitulation to terrorists encourages further attempts at blackmail; and

(2) call upon the Austrian Government to allow the processing center at Schoenau to continue to operate; and

(3) utilize formal and informal contacts with foreign officials in an effort to have the order closing the Schoenau facility rescinded; and

(4) urge all governments to take whatever actions are necessary and cooperate with international organizations to permit and facilitate the travel of refugees.

APPOINTMENT OF CONFEREES ON S. 2335, FOREIGN ASSISTANCE ACT OF 1973

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1973".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 2. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(2) In section 102, relating to statement of policy—

(A) insert "(a)" immediately after STATEMENT OF POLICY.—"; and

(B) add at the end thereof the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the economic progress of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) United States assistance should concentrate in particular on the development of employment-intensive technologies suitable to the less developed countries.

"(3) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

"(4) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those public service institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(5) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(6) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries.

"(7) Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part shall have the responsibility for coordinating all United States development-related activities. The head of that agency should advise the President on all United States actions affecting the development of the less-developed countries, and should keep the Congress informed on the major aspects of United States interests in the progress of those countries."

(3) At the end thereof, add the following new sections:

"SEC. 103. FOOD AND NUTRITION.—In order to alleviate starvation, hunger, and malnutrition, and to provide basic services to poor people, enhancing their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $282,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 104. POPULATION PLANNING AND HEALTH.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to the funds otherwise available for such purposes, $141,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 105. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.—In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purpose of this section, in addition to funds otherwise available for such purposes, $94,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 106. SELECTED DEVELOPMENT PROBLEMS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation, power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $47,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 107. SELECTED COUNTRIES AND ORGANIZATIONS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $28,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 108. APPLICATION OF EXISTING PROVISIONS.—Assistance under this chapter shall be furnished in accordance with the provisions of titles I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"SEC. 109. TRANSFER OF FUNDS.—Notwithstanding section 108 of this Act, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision. The provisions of sections 610(a) and 614(a) of this Act shall not apply to this chapter.

"SEC. 110. COST-SHARING AND FUNDING LIMITS.—(a) No assistance shall be furnished by the United States Government to a country under sections 103–107 of this Act until the country provides assurances to the President, and the President is satisfied, that such country will provide at least 25 per centum of the costs in any fiscal year of the entire program, project, or activity with respect to which such assistance is to be furnished, except that such costs borne by such country may be provided on an "in-kind" basis.

"(b) No assistance shall be disbursed by the United States Government under sections 103–107 of this Act for a project, for a period exceeding thirty-six consecutive months, with efforts being made before, during, and after such period, to obtain sources of financing within that country and from other foreign countries and multilateral organizations.

"(c) No amounts made available under sections 103–107 of this Act shall be obligated for any follow-on project which links that project with any other project without further congressional authorization.

"SEC. 111. USE OF RECEIPTS.—Not more than one-third of the receipts made available under section 203 of this Act may be used for purposes of any one of sections 103–107 of this Act in any fiscal year.

"SEC. 112. LIMITATION ON GRANTS.—Not more than 50 per centum of the aggregate of the funds appropriated each year under sections 103–107 of this Act shall be used for making grants.

"SEC. 113. DEVELOPMENT AND USE OF COOPERATIVES.—In order to strengthen the participation of the urban and rural poor in their country's development, not less than $20,000,000 of the funds made available for the

purposes of this chapter shall be available during the fiscal years 1974 and 1975 only for assistance in the development of cooperatives in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life.

"SEC. 114. MULTILATERAL APPROACHES TO DEVELOPMENT.—Greater efforts should be made to promote and support sound multilateral approaches to the development of foreign countries. Therefore, the Secretary of State shall undertake consultations with multilateral organizations (including the United Nations) for the purpose of determining (1) how soon and which such multilateral organizations would be able to administer foreign assistance funds transferred to them by the United States Government for programs, projects, and activities for the development of foreign countries, (2) the kinds of such programs, projects, and activities which those organizations are able and will be able to administer, (3) likely methods for the administration of those programs, projects, and activities, and (4) the expectation of increased contributions by other countries to such organizations for those programs, projects, and activities. Not later than six months after the date of enactment of this section, the Secretary shall make a report to the President and the Congress with respect to his consultations, including such recommendations as the Secretary considers appropriate.

"SEC. 115. PROHIBITING POLICE TRAINING.—No part of any appropriation made available to carry out this or any other provision of law shall be used to conduct any police training or related program for a foreign country. This section shall not apply with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, or with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States.

"SEC. 116. PROHIBITING USE OF FUNDS FOR ABORTIONS.—None of the funds made available to carry out this part shall be used in any manner, directly or indirectly, to pay for abortions, abortifacients drugs, or devices, the promotion of the practice of abortion, or the support of research designed to develop methods of abortion. The provisions of this section shall not apply to any funds obligated prior to the date of its enactment.

"SEC. 117. INTEGRATING WOMEN INTO NATIONAL ECONOMICS.—Sections 103–107 of this Act shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort."

DEVELOPMENT LOAN FUND

SEC. 3. Section 203 of the Foreign Assistance Act of 1961 is repealed.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 4. Section 214 of the Foreign Assistance Act of 1961 is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) To carry out the purposes of this section there are authorized to be appropriated to the President for the fiscal year 1974, $19,000,000, which amount is authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for fiscal year 1974, $6,500,000 in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) On or before the termination of thirty days after the convening of the second regular session of the Ninety-third Congress, the Secretary of State shall submit to the Congress, for consideration in connection with Department of State authorization legislation, such recommendations as he considers desirable for assistance to schools, libraries, and hospital centers for medical education and research, outside the United States, founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States."

HOUSING GUARANTIES

SEC. 5. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$349,900,000".

(2) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

ALLIANCE FOR PROGRESS

SEC. 6. Section 252(b) of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"(b) There are authorized to be appropriated to the President for each of the fiscal years 1974 and 1975, $900,000 for grants to the National Association of the Partners of the Alliance, Inc."

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 7. Section 292 of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for each of the fiscal years 1972 and 1973, $125,000,000" and inserting in lieu thereof "for the fiscal year 1974, $125,000,000, and for the fiscal year 1975, $150,000,000".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 8. Section 302 of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(1) In subsection (a), relating to authorization, strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof "for each of the fiscal years 1974 and 1975, $127,822,000".

(2) In subsection (b)(2), relating to Indus Basin development grants, strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and in lieu thereof "for use in each of the fiscal years 1974 and 1975, $14,000,000".

CONTINGENCY FUND

SEC. 9. Section 451(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a) There are authorized to be appropriated to the President for each of the fiscal years 1974 and 1975 not to exceed $23,500,000, to provide assistance authorized by this part primarily for disaster relief purposes, in accordance with the provisions applicable to the furnishing of such assistance."

INTERNATIONAL NARCOTICS CONTROL

SEC. 10. Section 482 of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000 for the fiscal year 1973, which amount is" and inserting in lieu thereof "$40,000,000 for the fiscal year 1974, and $30,500,000 for the fiscal year 1975, which amounts are".

PROHIBITIONS AGAINST FURNISHING ASSISTANCE

SEC. 11. The first full paragraph of section 620(e)(1) of the Foreign Assistance Act of 1961 is amended by striking out "no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection." and inserting in lieu thereof "the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress."

EMPLOYMENT OF PERSONNEL

SEC. 12. Section 625 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the agency primarily responsible for administering part I of this Act shall become participants in the Foreign Service Retirement and Disability System:

"(A) persons serving under unlimited appointments in employment subject to subsection (d)(2) of this section as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

"(B) a person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, if (i) such person shall have served previously under an unlimited appointment pursuant to such subsection (d)(2) or a comparable provision of predecessor legislation to this Act, and (ii) following service specified in clause (i) of this subparagraph, such person shall have served continuously with such agency or its predecessor agencies only in positions established under the authority of sections 624(a) and 631 (b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any agency of the United States Government, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (A) at the end of the month in which he reaches age seventy, or (B) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty. However, no participant shall be mandatorily retired under this paragraph, while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which

begins more than one year after the date of its enactment except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with section 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of subsection (e) of this section shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended."

ADMINISTRATIVE EXPENSES

SEC. 13. Section 637(a) of the Foreign Assistance Act of 1961, relating to authorizations, is amended by striking out "for the fiscal year 1972, $50,000,000 and for the fiscal year 1973, $50,000,000" and inserting in lieu thereof "for each of the fiscal years 1974 and 1975, $24,000,000".

PEACE CORPS ASSISTANCE

SEC. 14. Section 638 of the Foreign Assistance Act of 1961 is amended by striking out "PEACE CORPS ASSISTANCE" and inserting in lieu thereof "EXCLUSIONS".

COORDINATION

SEC. 15. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him and the Congress with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the head of the agency primarily responsible for administering part I of this Act, who shall be the Chairman; the Under Secretary for Economic Affairs, Department of State; the Assistant Secretary for International Organization Affairs, Department of State; the Assistant Secretary for International Affairs, Department of the Treasury; the Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture; the Assistant Secretary for Domestic and International Business, Department of Commerce; the Deputy Under Secretary for International Affairs, Department of Labor; the President, Export-Import Bank of the United States; the President, Overseas Private Investment Corporation; the Special Representative for Trade Negotiations, Executive Office of the President; and the Executive Director, Council on International Economic Policy.

"(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission, and the President shall keep the Congress advised of his actions under this subsection.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The Chairman of the Development Coordination Committee shall report annually to the President and the Congress, and at such other times as requested by the Congress or any appropriate committee thereof, on United States actions affecting the development of the low-income countries."

LIMITING ASSISTANCE TO PORTUGAL

SEC. 16. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 659. LIMITATION ON ASSISTANCE TO PORTUGAL.—(a) The Congress declares that it is the policy of the United States that no military or economic assistance furnished by the United States, nor any items of equipment sold by or exported from the United States, shall be used to maintain the present status of the African territories of Portugal.

"(b)(1) The President of the United States shall, as soon as practicable following the date of the enactment of this section make, a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African territories of—

"(A) assistance furnished under the Foreign Assistance Act of 1961, as amended, after the date of the enactment of this section;

"(B) defense articles or services furnished after such date under the Foreign Military Sales Act, as amended;

"(C) agricultural commodities or local currencies furnished after such date under the Agricultural Trade Development and Assistance Act of 1954, as amended, or any other Act; or

"(D) items that have a military application for which validated export licenses are granted after such date for export to Portugal or its territories.

"(2) The President shall include a report similar to that specified in paragraph (1) of this subsection in each year at the time of submitting the budget request for foreign assistance. Such report shall also specify the steps being taken to implement the policy contained in this section.

"(c) All assistance, sales, and licenses referred to in subsection (b) of this section shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance, or item so furnished or exported, after such date, has been used in support of Portugal's military activities in its African territories. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal. The authority contained in section 614 of this Act shall not apply to programs terminated by reason of this section."

POSTWAR RELIEF AND RECONSTRUCTION IN SOUTH VIETNAM, CAMBODIA, AND LAOS

SEC. 17. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V—POSTWAR RELIEF, REHABILITATION, AND RECONSTRUCTION IN SOUTH VIETNAM, CAMBODIA, AND LAOS

"SEC. 801. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for the relief, rehabilitation, and reconstruction of South Vietnam, Cambodia, and Laos, especially humanitarian assistance for refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities or conditions relating to those hostilities, and reconstruction assistance for the rebuilding of civilian facilities damaged or destroyed by those hostilities in South Vietnam, Cambodia, and Laos. Assistance for such purposes shall be distributed wherever practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies.

"SEC. 802. AUTHORIZATION.—(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $376,000,000 which amount is authorized to remain available until expended.

"(b) Of the funds appropriated pursuant to subsection (a) of this section for the fiscal year 1974, not less than $10,000,000 shall be available until expended to support humanitarian programs of the Indochina Operations Group of the International Red Cross in South Vietnam, Cambodia, and Laos.

"SEC. 803. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs, which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children, who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in subsection (a) of this section. Of the funds appropriated pursuant to section 802 of this Act for the fiscal year 1974, $7,500,000 shall be available until expended solely to carry out the purposes described in such subsection (a). Not more than 10 per centum of the funds made available to carry out such subsection (a) may be expended for the purposes referred to in clause (2) of such subsection. Assistance to carry out the purposes referred to in such subsection (a) shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States or South Vietnamese voluntary agencies.

"SEC. 804. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 802 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 805. CONSTRUCTION WITH OTHER LAWS.—All references to part I of this Act, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part. The provisions of section 655(c) of this Act shall not apply with respect to funds made available for fiscal year 1974 under part I, this part, and section 637 of this Act."

TERMINATION OF INDOCHINA WAR

"SEC. 18. No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia.

LIMITATION ON USE OF FUNDS

"SEC. 19. No funds authorized or appropriated under any provision of law shall be made available for the purpose of financing directly or indirectly any military or paramilitary operations by foreign forces in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand unless (1) such operations are

conducted by the forces of the government receiving such funds within the borders of that country, or (2) specifically authorized by law enacted after the date of enactment of this Act.

WEST AFRICAN FAMINES

"SEC. 20. In regard to the famine in West Africa, the President shall consult with international relief organizations and other experts to find the best way to forestall future famine conditions in West Africa, and he shall report to Congress as soon as possible on solutions to this problem of famine and further propose how any of these solutions may be carried out by multilateral organizations.

POLITICAL PRISONERS

SEC. 21. It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

TERMINATION OF ASSISTANCE IN INDOCHINA

SEC. 22. (a) It is the sense of the Congress that the Agreements on Ending the War and Restoring Peace in Vietnam, and protocols thereto, signed in Paris, France, on January 27, 1973, will be effective only to the extent that the parties to such agreements and protocols carry out the letter as well as the spirit of those agreements and protocols. It is further the sense of Congress that the United States should not furnish economic or military assistance to any such party, or make any sale, credit sale, or guaranty to or on behalf of any such party, unless that party agrees to comply, and does comply, with those agreements and protocols.

(b) This section shall not apply to the provision of food and other humanitarian assistance which is administered and distributed, under international auspices or by United States voluntary agencies, directly to persons and not through any government.

ACCESS TO INFORMATION

SEC. 23. Subsection 634(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394 (c)) is amended—

(1) by striking out "(1)"; and

(2) by striking out all after the phrase "so requested" and inserting in lieu thereof a period and the following: "The provisions of this subsection shall not apply to any communication that is directed by the President to a particular officer or employee of the United States Government or to any communication that is directed by any such officer or employee to the President."

ENTRY OF SOVIET JEWS INTO AUSTRIA

SEC. 24. (a) The Senate finds that the Austrian Government's decision to close the main, if not the only, transit facility for Soviet Jews jeopardizes the fate of Soviet refugees.

(b) It is, therefore, the sense of the Senate that the President should take immediate and determined steps to—

(1) impress upon the Austrian Government the grave concern of the American people;

(2) urge the Austrian Government to revive and continue to permit group travel by Soviet Union emigrants through Austria on their way to freedom and new lives; and

(3) urge all governments to take whatever actions are necessary to permit and facilitate the travel of refugees.

ALBERT SCHWEITZER HOSPITAL

SEC. 25. There is authorized to be appropriated to the President for fiscal year 1974 $1,000,000 to make grants, on such terms and conditions as he may specify, to the Albert Schweitzer Hospital in Gabon.

WORLD FOOD SHORTAGES

SEC. 26. (a) It is the sense of the Congress that the United States should provide full participation in efforts to alleviate current and future food shortages which threaten the world.

(b) The President shall take immediate steps to initiate a high level commission to study and report on the world food situation through 1985 in consultation with relevant international agencies where possible and appropriate. The report should include estimates of world production and utilization, barriers to increase world productivity, the adequacy of transportation and distribution facilities, the known or anticipated world availability of agricultural inputs such as fertilizer, the impact of energy shortages on agricultural production, future sources of protein including sources from the seas, projections of humanitarian food assistance requirements, and the role of national trade policies in facilitating and encouraging the productive capacities of world agriculture.

(c) To provide a minimum level of security for the peoples of the world from suffering hunger and malnutrition the President shall cooperate with the appropriate international agencies such as the Food and Agricultural Organization of the United Nations to establish an international system of strategic food reserves. Such a system of world food reserves should provide for an equitable distribution of the direct and indirect costs between producer and consumer nations.

(d) To bring appropriate attention to the current and potential threat to world security and social welfare the President shall instruct the Special Representative for Trade Negotiations to issue a formal request before the member nations of the General Agreement on Tariffs and Trade to explore means for assuring equitable access by all nations of the world to national markets and basic resources such as mineral and agricultural supplies.

(e) The President shall submit a report to the Congress no later than December 31, 1973, concerning the progress made in implementing the provisions of this section and should forward to the Congress by June 30, 1974, any recommendations he deems advisable for legislation required for United States participation in an international food reserve.

(f) To provide the Secretary of Agriculture the flexibility with which to respond to such emergencies Public Law 480 is amended as follows: The last sentence of section 401 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking the period and inserting a comma and the following: "unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act.".

(g) In making any assessment which would affect or relate to the level of domestic production the Secretary of Agriculture should include in his estimated overall utilization the expected demands for humanitarian food assistance through such programs as Public Law 480.

ASIAN DEVELOPMENT BANK

SEC. 27. Section 17 of the Asian Development Bank Act (Public Law 92-245, March 10, 1972) is hereby amended by striking out "$60,000,000 for fiscal year 1972, and $40,000,000 for fiscal year 1973", and inserting in lieu thereof "$100,000,000".

GOVERNMENT OF INDIA LOAN SETTLEMENT

SEC. 28. The United States Government may not agree to any settlement with the Government of India with respect to sums owed by that Government to the United States Government on sales and loans made pursuant to law, unless—

(1) that settlement provides for the Government of India paying all of such sums owed; or

(2) Congress, by law, specifically authorizes settlement in an amount which is less than all of such sums owed.

PRISONERS OF WAR AND INDIVIDUALS MISSING IN ACTION

SEC. 29. (a) The Congress declares that—

(1) the families of those one thousand three hundred individuals missing in action during the Indochina conflict have suffered extraordinary torment in ascertaining the full and complete information about their loved ones who are formally classified as missing in action;

(2) United States involvement in the Indochina conflict has come to a negotiated end with the signing of the Vietnam Agreement in Paris on January 27, 1973, and section 307 of the Second Supplemental Appropriations Act, 1973, requires that "None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States force, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.";

(3) the question of the return of prisoners of war and accounting for individuals missing in action and dead in Laos is covered by article 18 of the Protocol signed by representatives of the Lao Patriotic Front (Pathet Lao) and the Royal Laotian Government in Vientiane on September 14, 1973 (which implements article 5 of the Agreement signed by the Pathet Lao and that government in Vientiane on February 21, 1973, requiring the release of all prisoners "regardless of nationality" captured and held in Laos), and paragraph C of such article 18 provides that, within "15 to 30 days" from the date of the signing of the Protocol, each side is to report the number of those prisoners and individuals still held, with an indication of their nationality and status, together with a list of names and any who dies in captivity; and

(4) few of the United States men lost in Laos during the military engagements in Indochina have been returned, and with knowledge about many of these men has yet been fully disclosed, and the North Vietnam ceasefire provisions calling for inspection of crash and grave sites and for other forms of cooperation have not been fully complied with.

(b) It is, therefore, the sense of the Congress that—

(1) the provisions for the release of prisoners and an accounting of individuals missing and dead, as provided for in article 18 of the Protocol signed on September 14, 1973, by the Pathet Lao and the Royal Laotian Government, be adhered to in spirit and in deed; and

(2) the faithful compliance with the spirit of the Laotian Agreement and Protocol on the question of individuals missing in action will encourage all parties in Indochina to cooperate in providing complete information on all nationals of any nation who may be captured or missing at any place in Indochina.

INTERNATIONAL NARCOTICS CONTROL

SEC. 30. Chapter 8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), relating to international narcotics control, is amended—

(1) by inserting in section 481 "(a)" immediately after "INTERNATIONAL NARCOTICS CONTROL.—";

(2) by inserting in section 481 "(b)" immediately after the first sentence and before the beginning of the second sentence which reads, "In order to promote";

(3) by striking out of section 481 the fourth

sentence to the end which begins with "The President shall suspend" and inserting in lieu thereof:

"(c) The President (or his delegate) shall cause to be suspended all foreign assistance, tangible or intangible, including but not limited to gifts, loans, credit sales, or guarantees to each country, except as provided in subsection (b) of this section, when such aid is rejected by the Congress in accordance with subsection (b) of section 482 of this Act.";

(4) by striking "SEC. 482.", and inserting in lieu thereof "SEC. 483."; and

(5) by inserting the following:

"SEC. 482. (a) The President shall make an affirmative finding that a country is taking adequate steps, as set forth in subsection (c) of this section, to control the production, distribution, transportation, and manufacture of opium and its derivatives within ninety days of the enactment of this section and each year thereafter, which finding shall be submitted to the Congress the first day of June of each year.

"(b) Within ninety days following the submission of such affirmative findings, the Congress may adopt a concurrent resolution rejecting such findings as to any or all countries, whereupon the President shall immediately suspend all foreign assistance to such country in accordance with section 481 of this chapter.

"(c) The Secretary of State, after coordination and consultation with all other departments or agencies involved with the control of the production, distribution, transportation, and manufacture of opium and its derivatives, shall set forth those measures which constitute a good faith effort to control illicit opium and its derivatives. Such measures may reflect the individuality of a country, but shall include the following:

"(1) the enactment of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(2) the establishment of a viable agency to enforce criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(3) the vigorous enforcement of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(4) the full cooperation of such country with all United States departments or agencies involved in the interdiction of the supply of illicit opium, and its derivatives, into the United States;

"(5) the establishment of border procedures for the interdiction of opium and its derivatives, out of or into such country;

"(6) the destruction of all illicit opium and its derivatives after its evidentiary use has expired; and

"(7) the establishment of detailed procedures for the control of all legal production, transportation, distribution, or manufacture of opium and its derivatives.".

RIGHTS IN CHILE

SEC. 31. It is the sense of the Congress that (1) the President should deny Chile any economic or military assistance, other than humanitarian assistance, until he finds that the Government of Chile is protecting the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should be prepared to provide asylum and resettlement opportunities under appropriate provisions of the Immigration and Nationality Act to a reasonable number of political refugees; (4) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (5) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile.

BUREAU OF HUMANITARIAN AND SOCIAL SERVICES

SEC. 32. It is the sense of Congress that the President should establish within the Department of State a Bureau of Humanitarian and Social Services to be headed by an Assistant Secretary of State who is appointed by the President by and with the advice and consent of the Senate. The Bureau of Humanitarian and Social Services should provide continuing guidance and coordination to policies, activities, and programs within the executive branch relating to humanitarian assistance for refugees and victims of natural disasters, migration ad visa affairs, international human rights, liaison with the United Nations and other appropriate international agencies or nongovernmental organizations, and such other humanitarian and social affairs as the Secretary of State may prescribe.

HUMANITARIAN ASSISTANCE IN SOUTH ASIA

SEC. 33. The President is authorized to furnish humanitarian assistance, on such terms and conditions as he may determine, to the United Nations High Commissioner for Refugees (UNHCR) in support of the repatriation and exchange of minority populations between Pakistan and Bangladesh. There is authorized to be used by the President for the purpose of this section $6,000,000 for the fiscal year 1974, out of funds authorized and appropriated to carry out this Act.

AMENDMENT OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: On page 1, strike all after the enacting clause of the Senate bill S. 2335, and insert in lieu thereof the following:

That this Act may be cited as the "Mutual Development and Cooperation Act of 1973".

SEC. 2. The Foreign Assistance Act of 1961

CHANGE OF TITLE OF ACT AND NAME OF AGENCY

is amended as follows:

(a) In the first section, strike out "this Act may be cited as 'The Foreign Assistance Act of 1961' " and insert in lieu thereof "this Act may be cited as the 'Mutual Development and Cooperation Act' ". The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "STATEMENT OF POLICY.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with those countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development, and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) The economic and social development programs to which the United States lends support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs, and arrangements should be continually sought to provide stability and protection for such private investment.

"(8) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities.".

(c) At the end thereof, add the following new sections:

"SEC. 103. FOOD AND NUTRITION.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300,000,000 for each of the fiscal years 1974 and 1975, which amounts

are authorized to remain available until expended.

"SEC. 104. POPULATION PLANNING AND HEALTH.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 105. EDUCATION AND HUMAN RESOURCE DEVELOPMENT.—In order to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 106. SELECTED DEVELOPMENT PROBLEMS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 107. SELECTED COUNTRIES AND ORGANIZATIONS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $50,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 108. APPLICATION OF EXISTING PROVISIONS.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"SEC. 109. TRANSFER OF FUNDS.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

SEC. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to fiscal provisions, is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part VI of this Act".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 5. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended, as follows:

(a) In section 211(a), relating to general authority, in the last sentence immediately after the word "assistance" insert the word "directly".

(b) In section 214, relating to authorization for American schools and hospitals abroad, strike out subsections (c) and (d) and insert in lieu thereof the following:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President for the fiscal year 1974, $20,000,000, and for the fiscal year 1975, $20,000,000, which amounts are authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1974, $7,000,000, and for the fiscal year 1975, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) Amounts appropriated under this section shall not be used to furnish assistance under this section in any fiscal year to more than four institutions in the same country, and not more than one such institution shall be a university and not more than one such institution shall be a hospital.".

HOUSING GUARANTIES

SEC. 6. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$305,000,000".

(b) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In section 235(a)(4), relating to issuing authority of the Overseas Private Investment Corporation, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

(b) In section 240(h), relating to agricultural credit and self-help community development projects, strike out "June 30, 1973" and insert in lieu thereof "June 30, 1975".

ALLIANCE FOR PROGRESS

SEC. 8. Section 252(b) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization of appropriations, is amended to read as follows:

"(b) There are hereby authorized to be appropriated to the President for the fiscal year 1974, $968,000, and for the fiscal year 1975, $968,000, for grants to the National Association of the Partners of the Alliance, Inc. in accordance with the purposes of this title.".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 9. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1972 and 1973" and inserting in lieu thereof "1974 and 1975".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 10. Chapter 3 of part I of the Foreign Assistance Act of 1961, relating to international organizations and programs, is amended as follows:

(a) At the end of section 301, relating to general authority, add the following new subsection:

"(e)(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

"(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

"(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem

appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.".

(b) In section 302(a), strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof, "for the fiscal year 1974, $127,800,000 and for the fiscal year 1975, such sums as may be necessary".

(c) In section 302(b)(2), strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and insert in lieu thereof "for use in the fiscal year 1974, $15,000,000, and for use in the fiscal year 1975, $15,000,000,".

(d) Section 302(d) is amended to read as follows:

"(d) Of the funds provided to carry out the provisions of this chapter for each of the fiscal years 1974 and 1975, $18,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund ".

(c) In section 302(e), strike out "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973" and insert in lieu thereof "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975".

CONTINGENCY FUND

SEC. 11. Subsection (a) of section 451 of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended as follows:

(a) Strike out "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000" and insert in lieu thereof "for the fiscal year 1974 not to exceed $30,000,000, and for the fiscal year 1975 not to exceed $30,000,000".

(b) Strike out the proviso contained in the first sentence of such subsection and at the end of such subsection add the following: "In addition to the amounts authorized to be appropriated by this subsection, there are authorized to be appropriated such additional time to provide relief, rehabilitation, and related assistance in the case of extraordinary disaster situations. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 12. (a) Section 481 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by inserting "(a)" immediately after "INTERTATIONAL NARCOTICS CONTROL.—" and by adding at the end thereof the following new subsection:

"(b)(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, per calendar quarter, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, per calendar quarter, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.".

(b) Section 482 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000" and all that follows down through the period at the end of such section and inserting in lieu thereof "$50,000,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended.".

COOPERATIVE ECONOMIC EXPANSION

SEC. 13. Part I of the Foreign Assistance Act is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—COOPERATIVE ECONOMIC EXPANSION

"SEC. 495. COOPERATIVE ECONOMIC EXPANSION.—The President is authorized to use up to $2,000,000 of the funds made available for the purposes of this part in each of the fiscal years 1974 and 1975 to assist friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under section 211, in the procurement of technical assistance from United States public or private agencies or individuals. Assistance under this chapter shall be for the purpose of (1) encouraging development of natural resources of interest to the United States, (2) encouragement of a climate favorable to mutually profitable trade and development, and (3) stimulation of markets for United States exports. Any funds used for purposes of this section may be provided on a loan or grant basis and may be used notwithstanding any other provision of this Act."

MILITARY ASSISTANCE

SEC. 14. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1974".

(b) In section 506(a), relating to special authority, strike out the words "the fiscal year 1972" wherever they appear and insert in lieu thereof "the fiscal year 1974".

(c) Section 513 is amended—

(1) by striking out "THAILAND.—" in the section heading and inserting in lieu thereof "THAILAND, LAOS, AND VIETNAM.—(a)"; and

(2) by adding at the end thereof the following new subsection:

"(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos or Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.".

(d) Section 514 is repealed.

SECURITY SUPPORTING ASSISTANCE

SEC. 15. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1974 not to exceed $125,000,000 of which not less than $50,000,000 shall be available solely for Israel".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 16. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 541. STATEMENT OF PURPOSE.—The purpose of this chapter is to establish an international military education and training program which will—

"(1) improve the ability of friendly foreign countries, through effective military education and training programs relating particularly to United States military methods, procedures, and techniques, to utilize their own resources and equipment and systems of United States origin with maximum effectiveness for the maintenance of their defensive strength and internal security, thereby contributing to enhanced professional military capability and to greater self-reliance by the armed forces of such countries;

"(2) encourage effective and mutually beneficial relationships and enhance understanding between the United States and friendly foreign countries in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress; and

"(3) promote increased understanding by friendly foreign countries of the policies and objectives of the United States in pursuit of the goals of world peace and security.

"SEC. 542. GENERAL AUTHORITY.—The President is authorized in furtherance of the purposes of this chapter, to provide military education and training by grant, contract or otherwise, including—

"(1) attendance by military and related civilian personnel of friendly foreign countries at military educational and training facilities in the United States (other than the service Academies) and abroad;

"(2) attendance by military and related civilian personnel of friendly foreign countries in special courses of instruction at schools and institutions of learning or research in the United States and abroad;

"(3) observation and orientation visits by foreign military and related civilian personnel to military facilities and related activities in the United States and abroad; and

"(4) activities that will otherwise assist and encourage the development and improvement of the military education and training of members of the armed forces and related civilian personnel of friendly foreign countries so as to further the purposes of this chapter, including but not limited to the assignment of noncombatant military training instructors, and the furnishing of training aids, technical, educational and informational publications and media of all kinds.

"SEC. 543. AUTHORIZATION.—To carry out the purposes of this chapter, there are authorized to be appropriated to the President $30,000,000 for the fiscal year 1974. Amounts appropriated under this section are authorized to remain available until expended.

"SEC. 544. ANNUAL REPORTS.—The President shall submit no later than December 31 each year a report to the Congress of activities carried on and obligations incurred during the immediately preceding fiscal year in furtherance of the purposes of this chapter. Each such report shall contain a full description of the program and the funds obligated with respect to each country concerning which activities have been carried on in furtherance of the purposes of this chapter.".

(b) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 503(d), relating to general

authority, is amended by striking out the comma and the words "including those relating to training or advice".

(2) Section 504(a), relating to authorization, is amended by striking out "(other than training in the United States)".

(3) Section 510, relating to restrictions on training foreign military students, is repealed.

(4) Section 622, relating to coordination with foreign policy, is amended as follows:

(A) In subsection (b) immediately after the phrase "(including civic action)" insert the words "and military education and training".

(B) Subsection (c) is amended to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(5) Section 623, relating to the Secretary of Defense, is amended as follows:

(A) In subsection (a)(4), immediately after the word "military", insert the words "and related civilian".

(B) In subsection (a)(6), immediately after the word "assistance", insert a comma and the words "education and training".

(6) Section 632, relating to allocation and reimbursement among agencies, is amended by inserting in subsections (a), (b), and (c) immediately after the word "articles", wherever it appears, a comma and the words "military education and training".

(7) Section 636, relating to provisions on uses of funds, is amended as follows:

(A) In subsection (g)(1), immediately after the word "articles", insert a comma and the words "military education and training,".

(B) In subsection (g)(2), strike out the word "personnel" and insert in lieu thereof the words "and related civilian personnel".

(8) Section 644, relating to definitions, is amended as follows:

(A) Subsection (f) is amended to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but shall not include military educational and training activities under chapter 5 of part II.'.

(B) There is added at the end thereof the following new subsection:

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicans, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

PROHIBITIONS

SEC. 17. (a) Section 620(e) of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to expropriation, is amended by striking out paragraph (1), by striking out "(2)" at the beginning of paragraph (2), and by striking out "subsection: Provided, That this subparagraph" and inserting in lieu thereof "section (as in effect before the date of the enactment of the Mutual Development and Cooperation Act of 1973): Provided, That this subsection".

(b) Section 620(n) of such chapter, relating to equipment materials or commodities furnished to North Vietnam, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "unless the President finds and reports, within thirty days of such finding, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House that such assistance is in the national interest of the United States. The President's report shall contain assurances that the Government of North Vietnam is cooperating fully in providing for a full accounting of any remaining prisoners of war and all missing in action.".

(c) Section 620 of such chapter is amended by adding at the end thereof the following new subsection:

"(x) No assistance shall be furnished under this or any other Act to any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by the United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other actions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

EMPLOYMENT OF PERSONNEL

SEC. 18. Section 625 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to employment of personnel, is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited appointments in employment subject to section 625(d)(2) of this Act as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

"(B) A person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, provided that (1) such person shall have served previously under an unlimited appointment pursuant to said section 625(d)(2) or a comparable provision of predecessor legislation to this Act, and (2) following service specified in proviso (1) such person shall have served continuously with the Agency for International Development or its predecessor agencies only in positions established under the authority of sections 624(a) and 631 (b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provsions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (a) at the end of the month in which he reaches age seventy or (b) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty: *Provided*, That no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any office or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this

subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsection 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended.".

REPORTS AND INFORMATION

SEC. 19. (a) Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by striking out subsection (f) and inserting in lieu thereof the following new subsections:

"(f) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan, and each contract of guarantee or insurance, theretofore made under this Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credt terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability; Provided, however, That this report shall report individually only those loans, contracts, sales, extensions of credit, or other transactions listed above in excess of $1,000,000.

"(g) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available, showing—

"(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

"(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

"(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

"(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.".

(b)(1) The President of the United States shall, as soon as practicable following the date of the enactment of this Act, make a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African colonies of—

(A) assistance furnished under the Foreign Assistance Act of 1961 after the date of the enactment of the Mutual Development and Cooperation Act of 1973,

(B) defense articles or services furnished after such date under the Foreign Military Sales Act (whether for cash or by credit, guarantee or any other means), or

(C) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954.

"(2) Any assistance or sales referred to in the preceding paragraph shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance or item so furnished after such date has been used in support of Portugal's military activities in its African colonies. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal.

ADMINISTRATIVE EXPENSES

SEC. 20. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorizations for administrative expenses, is amended by striking out "for the fiscal year 1972 $50,000,000, and for the fiscal year 1973, $50,000,000," and inserting in lieu thereof "for the fiscal year 1974, $53,100,000 and for the fiscal year 1975, $53,100,000".

FAMINE AND DISASTER RELIEF AND AFRICAN SAHEL DEVELOPMENT PROGRAM

SEC. 21. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 639 and inserting in lieu thereof the following new sections:

"SEC. 639. FAMINE AND DISASTER RELIEF.—Notwithstanding the provisions of this or any other Act, the President is authorized to furnish famine or disaster relief or rehabilitation or related assistance abroad on such terms and conditions as he may determine.

"SEC. 639A. FAMINE AND DISASTER RELIEF TO THE AFRICAN SAHEL.—(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related assistance in connection with the drought in the Sahelian nations of Africa.

"(b) Notwithstanding any prohibitions or restrictions contained in this or any other Act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $30,000,000 to remain available until expended, for use by the President, under such terms and conditions as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken Sahelian nations of Africa.

"SEC. 639B. AFRICAN SAHEL DEVELOPMENT PROGRAM.—The Congress supports the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.".

ADMINISTRATIVE PROVISIONS

SEC. 22. Chapter 2 of part III of the Foreign Assistance Act of 1961, relating to administrative provisions, is amended by adding at the end thereof the following new sections:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

"(b) The President shall prescribe appropriate procedures to assure coordination among the various departments and agencies of the United States Government having representatives in diplomatic missions abroad.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages and working conditions in the United States.

"SEC. 640C. SHIPPING DIFFERENTIAL.—For the purpose of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (49 Stat. 1985; 46 U.S.C. 1241(b)), funds made available for the purposes of chapter 1 of part I or for purposes of part VI may be used to make grants to recipients under this part to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.".

MISCELLANEOUS PROVISIONS

SEC. 23. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended by adding at the end thereof the following new sections:

"SEC. 659. ANNUAL NORTH ATLANTIC TREATY MILITARY ORGANIZATION REPORT.—(a) The Secretary of Defense and the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, on or before January 15 of each year a report of—

"(1) the direct, indirect, and unallocated costs to the United States of participation in the North Atlantic Treaty Organization (hereinafter in this section referred to as the 'Organization') for the last fiscal year preceding the fiscal year in which the report is submitted;

"(2) the estimated direct, indirect, and unallocated costs to the United States of participation in the Organization for the fiscal year in which the report is submitted;

"(3) the amounts requested from Congress (or estimated to be requested) for the direct, indirect, and unallocated costs to the United States of participation in the Organization for the first fiscal year following the fiscal year in which the report is submitted;

"(4) the estimated impact of expenditures related to United States participation in the Organization on the United States balance of payments including a detailed description of the offsets to such United States expenditures.

For each such direct, indirect, and unallocated cost, the Acts of Congress authorizing such cost and appropriating funds for such cost shall be listed next to such cost in the report.

"(b) For the purposes of this section—

"(1) the term 'direct costs' includes funds the United States contributes directly to any budget of the Organization (including the infrastructure program);

"(2) the term 'indirect costs' includes funds the United States spends to assign and maintain United States civilian employees for the Organization, funds spent for Government research and development attributable to the Organization, contributions to the Organization sponsored organizations, and military assistance furnished under part II of this Act, and sales of defense articles or defense services under the Foreign Military Sales Act, to member nations of the Organization; and

"(3) the term 'unallocated costs' includes (i) funds the United States spends to maintain United States Armed Forces committed exclusively or primarily for the Organization in Europe, the United States, or on the open seas, or to remove such Armed Forces from such commitment, and (ii) funds the United States spends on facilities constructed and maintained for such forces.

"(c) All information contained in any report transmitted under this section shall be public information, except information that the Secretary of Defense or the Secretary of State designates in such report as information required to be kept secret in the interest of the national defense or foreign policy.

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 24. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"CHAPTER 1. POLICY

"SEC. 801. STATEMENT OF POLICY.—It is the purpose of this part to (1) authorize immediate high-priority humanitarian relief assistance to the people of South Vietnam, Cambodia, and Laos, particularly to refugees, orphans, widows, disabled persons, and other war victims, and (2) to assist the people of those countries to return to a normal peacetime existence in conformity with the Agreement on Ending the War and Restoring the Peace in Vietnam, the cease-fire agreement for Laos, and any cease-fire agreement that may be reached in Cambodia. In this effort United States bilateral assistance should focus on critical problems in those sectors which affect the lives of the majority of the people in Indochina: food, nutrition, health, population planning, education, and human resource development. United States assistance should be carried out to the maximum extent possible through the private sector, particularly those voluntary organizations which already have ties in that region.

"CHAPTER 2.—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, including especially humanitarian assistance to refugees, civilian war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia, and Laos. No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam.

"SEC. 822. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $632,000,000, which amount is authorized to remain available until expended.

"SEC. 823. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 822 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 824. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parents, as the case may be, have irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

"'(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 822 for fiscal year 1974, $5,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 percent of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a). Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies.

"CHAPTER 3.—CONSTRUCTION WITH OTHER LAWS

"SEC. 831. AUTHORITY.—All references to part I, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part.".

MEANING OF REFERENCES

SEC. 25. All references to the Foreign Assistance Act of 1961 and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development and Cooperation Act and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961 and to the Agency for International Development, respectively.

FOREIGN MILITARY SALES

SEC. 26. The Foreign Military Sales Act is amended as follows:

(a) Add the following new subsection at the end of section 3 of chapter 1, relating to eligibility:

"(c) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on or after the date that the President determines that such country has violated any agreement it has made in accordance with paragraph (2) of subsection (a) of this section or section 505(a) of the Mutual Development and Cooperation Act or any other provision of law requiring similar agreements. The prohibition contained in the preceding sentence shall not apply on or after the date that the President determines that such violation has been corrected and such agreement complied with. Such country shall remain ineligible in accordance with this subsection until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not reoccur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned.".

(b) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(c) In section 24(a) of chapter 2, relating to guaranties, strike out "doing business in the United States".

(d) In section 24(c) of chapter 2, relating to guaranties:

(1) strike out "pursuant to section 31" and insert in lieu thereof "to carry out this Act"; and

(2) insert "principal amount of" immediately before the words "contractual liability" wherever they appear.

(e) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof $450,000,000 for the fiscal year 1974".

(f) In section 31(b) of chapter 3, relating to authorization, strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only" and insert in lieu thereof "and of the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $760,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only".

(g) In section 33(a) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b))" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)"; and

(3) strike out "$100,000,000" and insert in lieu there of "$150,000,000".

(h) In section 33(b) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(i) In section 33(c) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "expenditures" and insert in lieu thereof "amounts of assistance, credits, guaranties, and ship loans";

(2) strike out "of cash sales pursuant to sections 21 and 22,"; and

(3) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(j) In section 36 of chapter 3, relating to reports on commercial and governmental military exports, strike out subsection (a) and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

(k) In section 37(b) of chapter 3, relating to fiscal provisions, insert after "indebtedness" the following: "under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of

dispostion to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are hereby made available for such obligations)".

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

SEC. 27. (a) The President or his delegate shall seek, as soon as possible, a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

(1) periodic transfer of unencumbered capital resources of such trust fund, and of any future repayments or other accruals otherwise payable to such trust fund, to—

(A) the Inter-American Foundation, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

(B) the United States Department of State to be administered by the Mutual Development and Cooperation Agency for purposes of sections 1 and 2 of the Latin American Development Act; and or

(C) subject to the approval of the Department of State, to the United States Treasury for general uses of the Government; and or

(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries.

(b) Any transfer of utilization under this may be agreed to between the United States and the Inter-American Development Bank.

(c) Any transfer under subparagraph (A) of subsection (a) (1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his designee shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section.

SEC. 28. Notwithstanding any other provision of law, no funds authorized by this act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an act of Congress assistance to North Vietnam is specifically authorized.

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

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

There was no objection.

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and BROOMFIELD.

ANNOUNCEMENT BY HOUSE RULES COMMITTEE

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

Mr. MADDEN. Mr. Speaker, at today's Rules Committee meeting, it was agreed by the members of the committee that after the House session adjourns next Monday, October 15, no more rules will be accepted by the committee for hearings or consideration during the remainder of the first session of the 93d Congress.

The only possible exception will be concerning some critical legislative bill pertaining to domestic or foreign affairs not now in evidence or foreseen by the House leadership.

It was also the unanimous opinion of the Rules Committee members that this Congress should terminate all business on or before Wednesday, November 21, so the Members can have sufficient time before the Christmas holidays to report on the accomplishments of the first session of the 93d Congress.

CONFERENCE REPORT ON H.R. 7645, DEPARTMENT OF STATE APPROPRIATION AUTHORIZATION

Mr. HAYS. Mr. Speaker, I call up the conference report on the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 9, 1973.)

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

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

There was no objection.

The SPEAKER. The gentleman from Ohio (Mr. HAYS) is recognized.

Mr. HAYS. Mr. Speaker, the conference report which I have called up is on H.R. 7645, a bill authorizing appropriations for the Department of State for this fiscal year. This bill has shuttled back and forth between the House and Senate. Members will recall that the original conference report was rejected by the House because of two nongermane amendments in the original Senate amendment to the House bill. One of these dealt with foreign military base agreements and the other with access to information by the Congress.

When the House rejected the original conference report, it sent back to the Senate what was a House amendment consisting of the conference report minus the two sections which were held nongermane.

The Senate then sent back to the House an amended version of the House amendment including modified language on the two sections that this body had rejected and asked for another conference. The House agreed.

As a result of this further conference the Senate receded on the two provisions. That is all that is in the conference report that is now before the House.

To sum up this complicated procedure, the original conference report without the two sections that were nongermane is the final product of the efforts of the conferees.

I expect that next year the matters that were in disagreement this year will be presented to the House in a way in which they can be discussed strictly on their merits and not on procedural points.

Mr. Speaker, I urge the House to accept the agreement reached by the conferees.

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

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I should like to commend the gentleman from Ohio and the other House conferees for their refusal to accept the nongermane amendments on the part of the other body.

Mr. HAYS. I thank the gentleman.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. 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. 504]

Anderson, Ill.	Evins, Tenn.	Nichols
Brown, Calif.	Fraser	Perkins
Brown, Ohio	Frey	Powell, Ohio
Buchanan	Goldwater	Reid
Burke, Calif.	Gray	Sandman
Chisholm	Hanna	Sikes
Clark	Kyros	Skubitz
Collier	Lent	Sullivan
Crane	Litton	Teague, Tex.
Cronin	Lott	Yates
Denholm	Mailliard	
Edwards, Ala.	Mills, Ark.	

The SPEAKER. On this rollcall 400 Members have recorded their presence by electronic device, a quorum.

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

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 9682 and include extraneous matter.

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

There was no objection.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

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 further 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.

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 further consideration of the bill H.R. 9682, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Michigan (Mr. DIGGS) had 13½ minutes remaining, and the gentleman from Minnesota (Mr. NELSEN) had 24½ minutes remaining. Before the Committee rose, the gentleman from Michigan yielded back 3½ minutes of his time, reserving 10 minutes for himself. The gentleman from Minnesota yielded back 14½ minutes of his time, reserving 10 minutes for himself.

The Chair recognizes the gentleman from Michigan.

Mr. DIGGS. Mr. Chairman, I reserve my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I have here in my hand several pages analyzing the committee print. This is the only analysis that I have seen, because time has not permitted adequate attention to a bill that could be so important to the Nation's Capital.

I want to say that as a result of the way we have legislated, blame can be attached to both sides. Our substitute came October 2, this one coming in at the 11½th hour before we moved on the floor, and certainly it could not possibly be considered.

Now, this morning I tried to get the minority Members together with the idea of examining the bill, to see how accommodations could be made—and I think they can be made—that would move in the direction that I think is the wishes of all Members—not all, but many Members.

I want to say that yesterday we found accommodations were made to the budgetary process of the District of Columbia, which I helped to arrange.

More important than that is the matter of the courts, and all the way through this bill I think there are things that should have been attended to and could be attended to, and we could reach arrangement of those differences, if we had a little time.

There is nothing I would welcome more than a replay of what the Chairman and I were involved in a year ago when the bonding process for the transit system was involved and the teachers' pay was involved.

At that time the gentleman from Michigan (Mr. DIGGS) came to me and said, "Could we meet?"

And I said, "We can," and we did, and we decided what should be done, and we did it.

There is nothing I would welcome more at this time than that there could have been a recess on this process where we could sit down and review some of these objections that we have on our side and some of the desires that seem to be on the other side.

May I say now that I can almost say "I told you so," because really the committee, the majority now, is buying almost entirely the recommendations that we made, with some exceptions, with a little change added in here and there all the way. I think we could iron it out.

Mr. Chairman, I would now like to yield the remainder of my time to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman from Minnesota very much for yielding me this time.

Last evening and early this morning I had the first opportunity really to go over the committee print and to find out the changes that had been made. I join with my colleague from Minnesota in commending the committee for incorporating several of the recommendations that we have in the substitute bill.

The appropriation line item has been restored to the bill. Certainly, if there are Federal expenditures, then there is a Federal responsibility to see to it that these funds are wisely spent.

The reprograming has been deleted from the bill so that the Mayor and Council could not just reprogram the funds that the Congress has appropriated. Neither could the Mayor reprogram up to $25,000 without even Council approval. They have deleted the council's jurisdiction over the elected school board and put in a provision so that the President has 10 days in which to sustain the Mayor's veto if the Council overrides the Mayor's veto.

Mr. Chairman, if I may, let me go on to some of the parts of the bill that I think this House must very seriously consider.

In the committee bill there is a provision for bonding up to 14 percent. In the original committee bill there was a provision for a referendum so that the people of the District of Columbia could vote on that 14 percent bond issue. The committee print published yesterday has deleted this provision which would give the right to the people of the District of Columbia to approve or disapprove of that bonding provision.

It seems to me when the committee print keeps in the neighborhood councils which is something that we have had so much trouble with in the war on poverty program, and with the maximum feasible participation provision but deletes the provision which provides really meaningful participation by the people on the 14-percent bonding issue, then I think a disservice has been done. I hope that provision for a referendum should be restored.

May I go on to two other things, and the gentleman from Minnesota will discuss the other matters later.

Mr. FRASER. Will the gentlewoman yield?

Mrs. GREEN of Oregon. Very briefly.

Mr. FRASER. The gentlewoman raises a question on the change in the bonding provision. This morning in checking I find the reason for the change is that by restoring the existing financial relations between the Congress and the District, going back as we have now, that that was a part of the change, but there is no provision under current circumstances for referendums. These are controlled by the gentleman who chairs the subcommittee of the Committee on Appropriations which is involved with the District.

Mrs. GREEN of Oregon. I thank the gentleman very much.

I still think, if you are going to have a bonding provision and "participation in democracy," that you ought to have a referendum provision also. It should not be left to one Member—and only one apparently—to dictate his wishes on any bond issue. This is not "home rule."

The next thing concerning me is the appointment of judges by the Mayor of the city. As I said yesterday, I know of no city in the United States where the mayor is allowed to appoint such judges. At the present time the President appoints judges in the District of Columbia. The judges that the elected mayor is given the authority to appoint compare with the circuit court and the State supreme court judges in my State of Oregon. I think we ought to make a change here and we ought to retain the Presidential appointment we have now. Congressman NELSEN will offer that amendment and I urge its support.

I would keep the commission patterned after the Missouri plan for recommendations to the President and he would continue to appoint the judges in the District of Columbia.

There is also a provision that I will discuss later on which I thought yesterday was real, but as I study it I think it is far more imaginary than real. This is the

provision which provides for a 30 day wait before a law goes into effect.

Now, may I turn, Mr. Chairman, to one final change that is essential if we are really interested in this bill, and that is what I call the enclave of the Federal service area. I have yet to have one member of the Committee on the District of Columbia or one Member of this House explain to me why they feel that it is necessary to place this Capitol, the House Office Buildings, the Senate Office Buildings, the whole Mall area, the Kennedy Center, the White House, et cetera, under the jurisdiction of an elected Mayor and an elected City Council in the District of Columbia.

I also said yesterday that in the long run if we really are going to give full citizenship rights, which means the right to vote for Members of the House and Members of the Senate, where the major decisions are made affecting people's lives; if we are going to eventually do that then we have to go to Statehood, or retrocession, and in either case, Statehood or retrocession, I do not believe that the Congress would recommend that the Federal enclave, the Federal service area, be included as part of another State. I suggest it would be much more difficult to give the Federal service area to the elected City Council and then take it away than it would to give it to them in the beginning.

So, Mr. Chairman, I propose that there ought to be a provision that we would draw a line around the White House, the Kennedy Center, all the monuments, the Capitol, the Senate Office Buildings and the House Office Buildings in the Federal City, and I would include in that the military establishments, Fort McNair, et cetera; this would be the Federal service area. There would be a Presidentially appointed director of the Federal service area who would have jurisdiction over the police department, fire protection, over sanitation, the streets, the roads and the accesses to them.

I see absolutely no reason why anybody who wants the home rule vote for the residents of the District—and I favor home rule, and I favor full citizenship for all residents of our country—I see no reason why they should ask that they should have control over this Federal area any more than the people of Virginia or the people of Alexandria County who were one time a part of the District of Columbia, should insist that they have jurisdiction over this Federal City.

This Federal City, the Capitol itself, belongs to all of the people of this country. This is a different place than any other place in the United States. And the 20 million visitors who come here each year from every State of the Union consider this as their Capital. I think it should forever be under Federal jurisdiction, and Federal control.

The CHAIRMAN. The time of the gentlewoman has expired.

All time has expired insofar as the gentleman from Minnesota (Mr. NELSEN) is concerned.

Mr. DIGGS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I rise only to correct a misimpression flowing from the discussion of the Federal enclave. The fact of the matter is if you take a map and draw a line around the enclave proposed in the Nelsen bill, what it involves is Federal property now owned and administered by Presidential appointees, the Architect of the Capitol, the head of the General Services Administration, the Department of the Interior, and the Park Service. These are all Presidential appointees who run all of the property, and who control all of the property that is within the so-called Federal enclave. So what is being proposed is to put a fourth or a fifth supernumerary at $30,000 or $40,000 a year to consult with the GSA, the Department of the Interior, the Architect of the Capitol, so that he can ask, "Have you fellows got enough police protection? Have you fellows got enough fire protection? Have you fellows got enough sanitation service? Is your garbage pickup satisfactory?" That is all it amounts to.

This area is already under Federal control, it is under the control of Presidential appointees. To add another Presidential appointee to coordinate the existing Presidential appointees does not strike me as a matter that is earth-shaking or a matter that will contribute to the welfare of the Nation's Capital. This business of adding Presidential appointees to coordinate Presidential appointees can go on at length, and there is no evidence that this will improve the administration of this area, this federally owned and federally controlled area around the Mall, and the Federal buildings, and the monuments as we know them today.

So this business about the Federal enclave has been blown up out of all proportion.

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

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I would like to add that this would create the most monstrous planning problems here in the metropolitan area. We already have three jurisdictions involved, and this would make the situation even more difficult with a fourth jurisdiction added.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, first of all may I congratulate the Committee on the District of Columbia for bringing this matter to the floor.

I want to congratulate the distinguished chairman of the committee, the gentleman from Michigan (Mr. DIGGS) and the other members of the committee for the amount of work they have put into this issue which is important to the people of this District, to the Nation, and to the concept of democratic government.

As I say, the gentleman from Michigan has worked very hard, as have the other members of his committee, and the distinguished Delegate from the District of Columbia (Mr. FAUNTROY). The gentleman has tried and will try to the end of the consideration of this matter to accommodate those differences that can be accommodated without destroying the principle of home rule, which I think most of us favor.

Home rule in the District of Columbia is much more than a question whose time has come. It is a question whose time is long overdue.

Mr. Chairman, every President of the United States in my time in this House of Representatives has expressed his endorsement of the principle of home rule for the District of Columbia, and that goes back for more than a quarter of a century.

The right to elected representation is the heartbeat of democracy. Without it, democracy rings dull, lifeless and ineffective.

We have a commitment to a democratic government in this country. We have spent billions around the world. We have spent treasury, and we have spent blood, because we believed in the commitment to democracy. We believe that our system is the best on earth. If we deny the right to representation to those people who live in our capital, how can we insist that others throughout the Nation, yes, and even throughout the world, have a right to it?

Today this House has an opportunity to confer this basic right on citizens of the Nation's Capital. There are no wild-eyed tangents in this bill. It does not ask for utopia. It simply gives the people of this city the right to have some say in the government that most directly affects them on a day-to-day basis.

I believe that the bill as it will be finally approved by the committee will be a good bill with adequate safeguards. The Congress will retain its right to appropriate funds. Congress retains the power to legislate at any time on any matter pertaining to the District of Columbia.

This is a reasonable, well-balanced approach to self-government for the District. It may not go as far as some would like to go; it may go a little further than others would like to go; but let us support the distinguished gentleman who has brought this bill to the House and who is trying to bring to a vote a bill that will accomplish those things which all of us seek to accomplish.

I think the committee and its leadership deserve the support of the House. I supported home rule in 1948. I supported it in 1965. I strongly support it here today. Democracy in the District of Columbia is the business of all of the people of the United States.

Mr. RODINO. Mr. Chairman, I rise in strong support of this legislation which belatedly restores the right of local self-government to the citizens of the District of Columbia.

Although the principle of participatory democracy is fundamental to our system of government, this principle has been completely ignored insofar as the District is concerned. The citizens of our Nation's Capital are required to assume all of the obligations and responsibilities

of citizenship; yet they are denied the concomitant privileges and benefits of such citizenship. For example, they have no voting representation in Congress, no right of self-government and consequently little or no control over their own destiny.

The District of Columbia is today the ninth largest city with over three-quarters of a million people; but strangely enough it is one of the few world capitals whose residents do not enjoy the right of self-government or voting representation in the National Legislature.

The present method of governing the District of Columbia which precludes participation in the affairs of local government has frustrated and alienated many citizens of this city. By providing the residents of the Federal City with an opportunity to choose their own municipal leadership, we will extend to these individuals the basic democratic privileges which the citizens of every other city now enjoy. Even our territories and possessions have been granted some form of self-government; yet we have consciously denied the residents of our Nation's Capital a representative local government.

The bill before us today would correct this intolerable situation and I wish to commend the Chairman and members of the District of Columbia Committee for their fortitude in producing this comprehensive and historic legislation. In addition to establishing an elected mayor and city council form of government, this bill makes an earnest effort to implement the major governmental reform recommendations of the Nelson Commission.

Opponents of this legislation have consistently argued that a constitutional amendment is required to provide home rule since article I, section 8, clause 17 of the U.S. Constitution provides that Congress shall "exercise exclusive legislation in all cases whatsoever over such District" of Columbia. In my judgment this position is erroneous when we consider the provisions which are contained in this legislation. Under section 601 of the instant proposal, Congress specifically retains its constitutional authority to legislate, as well as amend or repeal any law or act passed by the 13-member District of Columbia Council. In addition, the bill sets forth several specific prohibitions against the Council's legislative authority, including, taxation of Federal property, taxation of personal income of nonresidents, and building height limits.

Since this bill reserves ultimate legislative authority in the Congress and establishes procedures to allow Congress to nullify acts of the Council, it certainly cannot be considered an abdication of Congress constitutional duties. Further, I sincerely believe that these review procedures, which are a necessary and constitutionally required safeguard, will not lead to congressional interference. In this regard, it is evident that local officials are ably qualified to manage the affairs of this city and consequently, I am confident that the congressional veto will be exercised infrequently.

Mr. Chairman, by asserting Congress' power to retain ultimate legislative authority over the District, this bill has responded to the primary objection of home rule opponents and at the same time it has carried out the intent of our Founding Fathers with respect to the District of Columbia. In Federal Paper No. 43, James Madison clearly described the intent of the framers of the Constitution when he stated:

> 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.

In addition to the constitutional and philosophical justifications for providing full citizenship rights to the residents of the District, there are many practical reasons for home rule. First of all, it is unthinkable that the Congress of the United States is engaged in the burdensome and time-consuming task of sitting as the City Council for the District of Columbia. This bill will effectively relieve Congress of the task of enacting legislation regulating kite-flying and snow removal, as well as establishing dog licensing fees. Certainly it is not in the best interests of this country, the citizens of my State, or the citizens of the District, that the time of this body is spent considering and debating such trivial and purely local matters.

Secondly, because local government in Washington, D.C., is not directly responsible to the citizenry of that city, the effectiveness of that government has been seriously impeded. I say this with great respect for, admiration of, Mayor Walter Washington and I commend him for the fine job he has done. However, under the existing system he is seriously handicapped in his endeavors. Unlike the mayors of other cities, his subordinates are often appointed by, and responsive to, the White House or some other constituency. Likewise, the Mayor himself is accountable only to the President and although the Mayor bears the primary responsibility for governing the city, he often lacks the appropriate and necessary powers to do so. Truly this undemocratic situation will be eliminated and an efficient government achieved only when those who are responsible for running the city are made directly accountable to the citizens of that city.

Finally, while this bill delegates certain functions and responsibilities to the Mayor and City Council, elected by the citizens of the District, every effort has been made to insure that the Federal interest in the Nation's Capital is protected. As a result of the safeguards, which have been incorporated into this bill, I am convinced that the Federal presence in this city will not be affected and that a constructive and cooperative partnership between the Federal City and the Federal Government will be established.

In my judgment, neither local self-government nor voting representation in Congress from the District will affect in any manner whatsoever the unique status of the District of Columbia as the seat of our Federal Government.

At this point, I wish to emphasize that home rule and voting representation in Congress are distinct and unrelated matters. With regard to the latter issue, my Committee on Judiciary has approved on two occasions a proposed constitutional amendment providing the District with full voting representation in Congress, but this matter has never reached the floor for a vote. If we are to provide full citizenship rights for the residents of Washington, D.C., it is imperative that we enact both of these proposals.

It has been almost 200 years since the birth of this Nation and almost 100 years since the right of self-government was taken away from the citizens of the District of Columbia. As we approach the Bicentennial celebration, no more fitting and proper action could be taken by the Congress than to establish a truly representative local government in our Nation's Capital. Participation by the people in the affairs of government—be it local or national—is the fundamental tenet of every representative form of government. It is past time to adhere to this principle for the inhabitants of our Federal City and I urge my colleagues to approve this historic legislation.

Mr. WALDIE. Mr. Chairman, I am lending my support today to a compromise self-determination bill for the District of Columbia which is now before the House of Representatives.

This legislation is not as strong as I would like it to be. But it reflects the best judgment of the House District of Columbia Committee as to what can best be obtained in the way of home rule at this point in history.

We should not be satisfied with this result, however. The skeleton of home rule for the District of Columbia must be filled out and I intend to support any measure in the future which is in that direction.

For generations, residents of the District of Columbia have been denied the basic rights of citizenship accorded Americans in all of the 50 States and the cities and counties within them.

This bill would allow the election of a mayor and city council for the first time on a nonpartisan basis. For many years these positions have been filled by appointment of the President—a procedure which has been simple but not reflective of the will of the people.

Advocates of home rule in the District of Columbia have done an admirable job in carrying the legislation this far. They can be assured of my support at any point to bring residents of the "last colony" out of the second-class citizenship category.

For too long Congress has turned a deaf ear to the needs of Washington residents desiring to govern their own affairs. This legislation shows that there is now some realization of that neglect.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 9682, the District of Columbia Self-Government and Governmental Reorganization Act.

The people throughout the United States enjoy the constitutional right of

local self-government, and it is time this right was extended to the citizens living in the District of Columbia. H.R. 9682, by replacing the present Presidentially appointed government with a locally elected City Council and Mayor, is a needed step in this direction. It was only recently that District of Columbia residents were allowed to vote for President, members of the Board of Education, and a representative in the House of Representatives. The Self-Government Act is the next step in granting basic rights to District of Columbia citizens.

However, I feel that the amendments added to H.R. 9682 on Tuesday are disappointing. It seems to me that the original bill without the amendments adequately protected the Federal interest and preserved the necessary constitutional authority of Congress over the District of Columbia. The new amendments, by retaining Federal control of the city's budget, court system, and criminal laws, would make any elected city government nearly as dependent on Federal authority as the present city government is. Additionally, the amendments would grant the Federal Government effective veto power over any City Council action which would severely hamper the genuine sovereignty that the city needs and deserves.

Despite these reservations, Mr. Chairman, the District of Columbia home rule bill we face today is definitely a step in the right direction and I urge each of my colleagues to join me in its support.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the District of Columbia Self-Government and Governmental Reorganization Act, a measure to extend to residents of the Nation's Capital the elementary justice so long denied them—home rule.

The Congress should be satisfied with nothing less than a genuine and balanced compromise embodying fundamental rights to local self-government and preserving legitimate Federal interest in the seat of our National Government.

This implies elements of governmental reorganization and reform, combined with advancement of self-determination through an elected Mayor and Council. While I greatly prefer the version originally reported by the committee, I recognize the considerations which prompted the offering of the committee substitute. Therefore, I support the committee substitute as offering, among all alternatives before us, the best prospect for enactment of legislation increasing self-determination for the District of Columbia during this session of Congress.

The Congress should get out of the day-to-day operations of the District of Columbia. At a time when so much national business is undone. it is absurd for us to spend our time on the details of this local government.

I fully recognize that no legislation seeking such comprehensive reform is perfect. And I have noted the series of objections raised in the dissenting views in the original committee report. But basically, two themes run through the objections: That the Federal interest would be short-changed, and that the people of the District of Columbia or their capacity for self-government cannot be trusted.

As to the first, I consider that the veto and override powers retained by the Congress, rooted in the ultimate constitutional responsibility for the District, amply protect the Federal interest. What we are considering here is a delegation—not irreversible abandonment—of congressional authority. Therefore, should unexpected circumstances dictate, we would always be able to move to protect vital national interests.

These observations apply to H.R. 9682 as originally reported. But for those who remain concerned about the Federal interest, I note that the amended version goes far to strengthen and clarify the bill further in this respect; too far, in fact, in my judgment.

As to the second, I reject the suggestion that the citizens of any American city should be deemed incapable of self-government. Our traditions of local self-government, cherished by the communities in my own State of New Hampshire, are as old as the Nation. Their spirit was given new recognition as recently as our enactment of revenue sharing, potentially one of the most encouraging and far-reaching pieces of legislation we have enacted in recent years.

We might well question the wisdom of governmental decisions in many cities at many times, including some noted for their self-conscious claims to great sophistication. Yet abuse of a principle can never be a basis for its abandonment. In fact, the bill before us recognizes that congressional governance of this city has been less than an unqualified success. One of the principal tasks yet facing this Congress is reform of our own decisionmaking capability. We may not be satisfied with District of Columbia government reorganization to date. But in view of our own stubborn resistance to real reform, the Congress should be the last to criticize in this department.

Mr. Chairman, I have been discussing home rule for the District of Columbia. But I want to point out that some others would favor statehood. This I would reject for reasons I will not go into here. But there is full justification for giving full local self-government, as enjoyed by citizens elsewhere, to the District of Columbia. I urge colleagues to recognize the merit of this objective and advance its achievement by passage of this measure by a solid margin.

Mr. TIERNAN. Mr. Chairman, in 1874, the congressional delegate from the District of Columbia, Norton P. Chipman, after watching Congress overturn his constituency's self-government, stated:

> I must say that the party in control of Congress . . . has destroyed the only government we had, and has not given us a better one.

H.R. 9682 gives Congress a chance to redress that wrong.

Home rule means simply that the people of the District of Columbia will be allowed to exercise the same rights as any other citizen in the United States. It means nothing more or less than granting to Washingtonians the elementary duties and responsibilities that come to those who govern themselves. Home rule is democracy in action.

There is nothing radical about this bill. It protects the traditional and constitutional prerogatives of Congress in the District. It gives Congress direct control over the annual Federal payment, which will go through the normal appropriation process, and gives Congress a veto power over the actions of the city government. The Federal interest is protected by this bill.

The present District Government is a bureaucratic maze of overlapping jurisdictions, fragmented authorities, and muddled responsibilities. Effective government demands a more rational organization. This bill provides for such an organization, by putting into effect many of the recommendations of the Nelson Commission. The District would assume much more unified control of its planning, personnel, and financial functions, and would greatly improve its administrative capabilities. H.R. 9682 thus resolves any conflict between those who support home rule and those who make effective government more important.

For the first time in nearly 10 years the House is able to vote on self-government for the District of Columbia. Home rule will bring democracy, accountability, and responsiveness; the Nelson Commission recommendations will bring efficient and effective management and organization. Congress at last is able to improve the situation so graphically described by the aforementioned Mr. Chipman:

> There is not, I believe, within the range of christian nations, a spot as badly governed as this District, where Congress has exclusive jurisdiction. Taking the District of Columbia as an example of the wisdom of Congress, this nation would not exist twenty-four hours. . .

I urge my colleagues to vote in favor of H.R. 9682.

Mr. BELL. Mr. Chairman, I support the attempts of the gentleman from Michigan to work out home rule legislation that will be supported by a majority of the Congress. I am particularly pleased to see included in his legislation, a proposal to provide for nonpartisan elections in the District of Columbia. In 1965, when home rule legislation was last debated on the House floor, I offered an amendment to insure nonpartisan elections. That amendment passed and I am optimistic that the nonpartisan provision will be retained in the bill that is finally passed by this Congress.

A unique Federal-local relationship exists in the District of Columbia. This unique relationship will pose extraordinary problems for any municipal government in the District. We are forewarned that such problems exist, and must therefore provide safeguards against their ruining the prospects for successful home rule government in the city of Washington.

In my opinion, the most important safeguard that Congress can provide is nonpartisan election machinery for the new District government. The nonpartisan system has been successfully adopted in cities, large and small, throughout the country. It would be especially effective in dealing with the municipal problems affecting District home rule government.

The nonpartisan election system traces

its origins to my home State of California. During the past 50 years, this system has spread throughout the country as an answer to municipal ills brought on by the evils of local "spoils" politics. The nonpartisan municipal government has served as a model for good government in city halls from coast to coast. It has opened the door to political participation for citizens previously frozen out of community politics by the machine-ridden partisan system.

A nonpartisan election system would obviate the need to establish a double standard under the Hatch Act in order to permit Federal employees living in the District to participate in local politics. While it is true that such a double standard exists in other special areas, there is no justification for needlessly permitting it here in the Nation's Capital, at the very heart of our Federal employee system.

Second, a nonpartisan local election focuses on local issues and not on national party issues.

The elimination of national party considerations from essentially local political problems is the key to the successful operation of nonpartisan municipal governments. For example, just on that point alone, when it comes to matters such as parking meters and sewerage and so forth, there is no Republican-Democratic issue.

Third, under a nonpartisan system the chances of a local political power structure wielding corruptive influence are greatly diminished. Party affiliation becomes unimportant, and with the concentration of Federal governmental operations here in Washington, this takes on even greater meaning.

Fourth, the capable individual candidate comes to the fore in nonpartisan elections. The use of television and other public news media available here in the District would certainly bring out the best people for the right jobs.

National party affiliation in municipal politics is not necessary for the establishment of widespread community participation in local government—as has been proven in communities operating under nonpartisan election procedures.

As an extension of this, if there was a desire to appoint good people to local government offices, which I am sure there would be, such men or women would not be appointed on the basis of party affiliation but would be appointed on the basis of capability.

Again party affiliation becomes unimportant while the candidate becomes all important.

Fifth, the national trend in city government today is for such a nonpartisan system as this bill suggests.

It would seem to me commonsense for Congress to use the successful experience of other cities and provide the best for the city which the world will look to as the ideal in American government.

Mr. Chairman, the problems which will beset a home rule government in the District of Columbia will be complex under the best of conditions. As I have said, Congress must provide safeguards to assure that District home rule is given every chance for success. We want the District of Columbia to serve as a model for the Nation—indeed, for the entire world—in the operation of an efficient, honest municipal government. And we should therefore give the District the benefit of the experience of other communities. To saddle District home rule with a partisan political system, vulnerable to the worst excesses of wardheeler politics and machine rule, is to mock the very purpose and aim of this legislation. Only by establishing a nonpartisan election system—and by also opening the way for full community participation in local government affairs—can we reduce the element of Federal-local conflict in District municipal administration.

I ask that the House give District home rule a real chance to succeed. I ask that we look to the future of the Nation's Capital and its municipal political system. Let us provide the safeguard of nonpartisanship in local elections to guarantee that the city of Washington will enjoy the benefits of enlightened, progressive, and efficient local self-government.

Mrs. MINK. Mr. Chairman, a home rule bill is before the House for the first time in 8 years. I would like to take this opportunity to commend Congressman DIGGS and the District of Columbia Committee for their work in drafting this bill, H.R. 9682, and bringing it before the House. I would like to offer my wholehearted support for this bill.

The question of the relationship between local District self-government and the administration of national affairs has long troubled Congress. Congress has attempted to act as a part time city government with more confusion and frustration than good government resulting.

I believe the present relationship is a severe infringement upon the rights of the people of the District of Columbia as well as a poor means of coping with the problems of a complex Federal-local relationship. The current relationship between the people of the District and Congress has nothing to do with democracy. Seven hundred fifty thousand Americans are disenfranchised here, here at the seat of American Government.

Nothing shames me more than having to legislate for people to whom I am not directly responsible. My position as a legislator implies a proud and deeply responsible relationship with the constituency I serve, with the people who have elected me. Inherent in our political philosophy is the belief that no despot, no matter how benevolent, can govern better than an elected, responsible official. Ours are not philosophical concepts grounded in efficiency and convenience but the realized distinction between human dignity and servitude, between power and self-determination and powerlessness and despair.

Certainly Washington, D.C., is a unique city. It is the seat of our Federal Government and the setting for numerous national monuments and institutions. I think we sometimes forget that it is also the home of 750,000 people. They are proud of their city—not only as the Capital City but also as their home. They have a particular interest in their city's government and the means by which its future is determined.

Yet as presently ruled, theirs is the last voice to be heard, if it is heard at all. I do not wish to belittle the importance of this city as the Capital of our Nation but it is time to restore a proper balance to the relationship of Federal and District needs. It is an ironic and tragic commentary on our political system if the Nation can be governed only after the suspension of rights of 750,000 local residents.

Frankly I cannot envision a more inefficient and troublesome means of resolving the District-Federal dilemma than the current arrangement of direct congressional administration. As it now stands the people of Washington are denied their rights and the political expression of their hopes for their lives and homes while Congress attempts to be both a national legislature and a part time city government. It is an absurd relationship which is frustrating for both the District and Congress.

The day to day administration of this city is the primary concern of its residents; it should also be their primary responsibility. It has been suggested that the only way to insure the rights of the citizens of the District of Columbia is to cede its residential sections back to Maryland. I believe this sort of arrangement would do great violence to the strong, proud, and historically separate identity of the District of Columbia. I believe it is simpler, more efficient and more acceptable to simply grant home rule. This in no way endangers or interrupts the conduct of federal business but it does provide the District with the basic rights of all other American cities, the right to elect a Mayor and a City Council.

By continuing to legislate for the people of the District of Columbia, we violate the very principles that bring us here and give us authority in the name of the people. I urge this body to reaffirm the most basic right of self-government and to return to its principal purpose, the making of Federal legislation. I urge you to give your support to the fullest measure of Home Rule, to the District of Columbia Committee's bill, H.R. 9682.

Mr. DRINAN. Mr. Chairman, I rise in support of the substitute bill for the original committee bill on self-determination for the District of Columbia (H.R. 9682). I believe strongly that self-government has been an empty promise to the residents of the District of Columbia for far too long. It is hypocritical at least, that a country that prides itself on representative democracy should, through its elected Congress, deny self-government to the people of the Nation's Capital.

The committee substitute with which we are presented today is an effort to restore to the citizens of the District of Columbia some measure of self-government and to reorganize the machinery of local government to achieve maximum efficiency.

The original bill has undergone substantial changes in an effort to gain the support of a majority of the Members of the House. The original bill was reported out of the committee on July 31 by a vote of 24 to 4 with 1 Member voting present. The committee bill, a compro-

mise proposal resulting from several months of hearings, extensive markup, and debate in open session, is now presented in an amended version as the Diggs substitute. The amended version provides for some measure of self-government and for the reorganization of the District government in general accordance with the recommendations of the Commission on the Organization of the Government of the District of Columbia—Nelsen Commission.

The major provisions of the amended committee bill, which I support, include an elected mayor and city council, with the delegation from some legislative and fiscal authority over local affairs.

Mr. Chairman, I oppose the other substitute bills offered for the committee bill, including the Nelsen-Green government reorganization proposal, Nelsen-Green retrocession proposal, and the Broyhill Federal enclave proposal. None of these bills are as strong as the Diggs substitute in its coverage of key areas of concern such as the courts and judges, planning and zoning, the Federal payment, police control, congressional oversight of local action, and local representation.

The legislation before us deals with a fundamental right in our democratic society, the right of the people to govern themselves through their elected public officials. The Diggs substitute does not go far enough, but does represent an accommodation of the interest of the Members of the House of Representatives. The Diggs substitute would give the District a significant measure of self-government, including the right of the people to elect their own mayor and council and to assume many of the powers of the municipality. I support this as a first step. For almost 100 years, taxes have been levied on the residents of the Capital City without the consent of its citizens. Officials have been appointed without the approval of the residents of the District of Columbia, and funds have allocated and spent with little reference to the requirements, aspirations, or desires of the populace. There has been no justification for having those decisions which affect the daily lives of all the residents of the District be made by Members of Congress whose basic concerns and constituencies, for the most part, are far different from those of the District of Columbia.

I vote in favor of the home rule bill to restore the equal rights and full citizenship that have been undemocratically and unnecessarily denied to the citizens of the District of Columbia. This legislation is long overdue.

Mr. HOSMER. Mr. Chairman, I am opposed to these measures for a change in the manner in which the District of Columbia is governed for the same reasons that the Founding Fathers providing in our Constitution that a Federal City shall be the site for the whole Nation's Capital.

They had before them the repeated instances in other countries and in other times in history during which the mobocracy of the city in which some nation's government was located exercised undue and detrimental influence because of its hostile or because of its persuasive presence or both. They saw examples of the undisciplined actions of a city's residents derrogating a nation's interests to those of the city. They also saw examples of the disciplined actions of a city's local political forces achieving the same selfish end.

To forestall these subordinations of national interest to local interests in the new American Republic, the Founding Fathers wisely provided that the Capital of the United States should be located away from such influences, isolated and insulated from them to the extent possible.

I know of no change in people or politics or precepts that cause the reasoning of the men who founded our country and made it great to be any less imperative today than it was at the time the Constitution was written.

Therefore, I oppose this legislation and warn that not good, but harm, is likely to ensue should it be enacted.

Mr. RARICK. Mr. Chairman, Washington, D.C., is a Federal City. Is belongs to all the American people. It is their Nation's Capital and the seat of their Congress, their President, and their Supreme Court.

Article 1, section 8 of the Constitution provides "the Congress shall have the power" at clause 17, "to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 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, dockyards, and other needful buildings.

Thus the constitutional mandate is that Congress has the exclusive power to legislate over the Federal City. This is home rule for Washington, D.C., the authority of Congress over its home.

To abdicate our responsibility to the temporary inhabitants of the District of Columbia would not only make a mockery out of our oath to support and defend the Constitution, but would be a surrender of our trusteeship over the Federal City which belongs to all the American people. I do not believe we can amend the Constitution of the United States by an act of Congress.

Nor am I persuaded by the arguments that all of the people of the District want home rule. It may be that a vast overwhelming number, spurred on by emotional promises and one-sided news reporting, have been led to believe that home rule is panacea. When have all the American people ever been in step on any one issue? Especially is this true, if they understand the issues and the alternatives involved. Behind all of the smoke screens of statehood, home rule and colonization lie the same bedrock. What would the inhabitants of the District of Columbia gain from home rule that they do not now receive from an overly tolerant and beneficent Congress?

The pleas of poverty and poor people in the District are belied by the egalitarian test of average per capita income. The average income in the District is $6,265; in the Nation it is $4,492, and in my State of Louisiana $3,543. And certainly it must be remembered that the newspaper editors, the communications media as well as the League of Women Voters will not be running the District should this home rule bill become law. They may feel that their crusade of slogan saturation is persuasive for the good of all, but precedent, logic and experience from other situations should clearly demonstrate that the opinion-making establishment is a small minority which loses control of public reaction when it is out of step with the masses of people. After all, it was the rebellious mob at Philadelphia that convinced the Founding Fathers that the Congress could not meet, deliberate and legislate in a hostile environment. This was the reason a Federal city, controlled completely by Congress, was provided for in the U.S. Constitution.

The very concept of home rule for the District would give the inhabitants of this area unprecedented influence and advantage over the inhabitants of every other State in the United States. In fact, it may even be safe to say that without home rule, they, by close proximity and influence through the news media now enjoy an advantage over citizens of other States which is tantamount to a violation of equal protection of the law.

Legislation which does not have as its basic purpose the betterment of all the American people must be denounced for what it is; that is, special interest legislation. Home rule legislation is not for the enhancement of the American scene or to improve the lot of the American people.

The District of Columbia, our Federal City, the home of our Federal Establishment, is and must be retained as the property of all of the American people. If the Constitution is to be altered or circumvented, let it be by a constitutional amendment approved not only by the Congress of the United States, but as required by the necessary State legislatures so that again we are not accused of giving away a birthright of the American people which belongs to them, not to us or the inhabitants of the District.

I cannot cast my people's vote in violation of the Constitution merely as a matter of appeasement for the emotions of the hour.

Mr. FRASER. Mr. Chairman, the language of sections 431, 432, and 433 of the committee substitute provides for merit selection of judges under the so-called Missouri Plan, long favored by the American Bar Association and the American Judicature Society. The following letter to Chairman DIGGS from John S. Clark, president of the American Judicature Society, illustrates the approval which the professional bar gives to the judicial appointment process in the D C. Self-Determination Act.

AMERICAN JUDICATURE SOCIETY,
Chicago, Ill., October 5, 1973.

Re: H.R. 9682.
Hon. CHARLES C. DIGGS, Jr.,
U.S. Representative,
Washington, D.C.

DEAR CONGRESSMAN DIGGS: I have heard of the constructive suggestions you made and the excellent manner in which you chaired

the meeting of the District of Columbia Committee of the House when the above bill was considered.

I am grateful to you for your interest in giving security of tenure to the judges in the District of Columbia.

The American Judicature Society is extremely interested in this bill, and we believe that choosing the judges on the basis of merit selection and giving them proper security of tenure would be a tremendous step in giving better justice to the residents of the District.

Thank you so much for your assistance, and all of us in the American Judicature Society will greatly appreciate your support of this important legislation.

My best wishes and best regards.

Cordially,

JOHN S. CLARK.

Mr. WON PAT. Mr. Chairman, it will come as no surprise to my colleagues in the House that I, as the Delegate to Congress from the Territory of Guam, wholeheartedly support H.R. 9682, a comprehensive Home Rule bill for the District of Columbia.

As the resident of an American territory, which until 5 years ago lacked the right to choose our own highest local officials, my sympathies naturally lie with those in the District of Columbia who ask that they too be granted this basic right of a free and democratic society.

I know that there are many who oppose a greater degree of self-determination for the residents of the District on the grounds that the bill provides insufficient checks to protect the Federal interest.

I cannot see, however, how extending self-government to the District will in any way pose an insurmountable problem to the residents of any State, territory, or to the Federal Government. Nor can I conceive that American citizens, who just happen to reside in the District, are any less capable of governing themselves than are any other citizens.

I remember all too well how, when Congress passed the legislation to give the American citizens of Guam the power to elect their Governor and Lieutenant Governor, a few in Washington feared that action would lead to problems for the Federal Government.

It was said that we were not ready for democracy. And others in the military feared that their rights in Guam would suffer. But, as those of you who know Guam are aware, those arguments have proven to be as specious as they were groundless. Indeed, Guam's relations with the Federal Government have improved. The residents of Guam have not used their increased rights to abuse their status as citizens, nor has the right of the Federal Government in Guam decreased beyond that which it has in any of the States.

As a strong believer in the principles of Jeffersonian democracy, I am confident that the residents of the District of Columbia will prove equally competent to administer their own affairs.

Granting self-determination to the District will not only be a sign of congressional greatness, but will additionally provide a welcome respite to those Members who could better use their time than by legislating kite-flying regulations.

For each of us, time is a most critical issue. We simply do not have the time we each need to become involved in all of the important matters of the day. I concur with many of my colleagues here today that the day of a Congressman is too full to be spent on mundane matters concerning local ordinances for the District of Columbia.

It is interesting to note that a similar attitude was expressed by Congressman PHILLIP BURTON, chairman of the House Territories Subcommittee, about the recurring need to amend the Territorial Organic Acts. Congressman BURTON rightfully regards his time as being too valuable to be expended on deciding purely internal matters for the American territories. And I believe that view certainly holds true for the District of Columbia.

Representative DIGGS, chairman of the District of Columbia Committee, and the members of his committee are to be commended for their diligence and efforts to extend the rights of full citizenship to the residents of this city by favorably reporting out the District of Columbia home rule bill, H.R. 9682.

As the Greek philosopher Mencius said over 2,000 years ago, "The people are the most important element in a nation; the sovereign is the lightest." As the elected Representatives of the most democratic Nation, let us today reaffirm our faith in the principles our Founding Fathers set down by passing on to the District of Columbia the cherished right of self-government.

Mr. EDWARDS of California. Mr. Chairman, H.R. 9682, the bill now before us to establish increased self-government for the citizens of the District of Columbia is long overdue. Since 1874, the residents of the District have not had a real voice in the determination of their local affairs, a right that exists for citizens in every other part of this Nation. At that time, the legislative assembly governing the District was abolished, and virtually complete control over local affairs reverted back to Congress.

In the last 25 years, many bills have been introduced in both houses of Congress to give the District varying degrees of self-government. Unfortunately, most of them were killed somewhere along the line of the legislative process. In 1967, Congress did legislate some major changes in the District's government structure, but District residents still lack true self-government, most particularly locally elected city officials.

In 1969, Congress created a National Commission, under the able chairmanship of our colleague ANCHER NELSEN, to study alternative ways of improving the effectiveness and economy of District of Columbia government. After a painstaking and thorough investigation, the Commission reported back to Congress.

Its finding were most helpful and many of its recommendations are included in the bill we have before us now.

H.R. 9682, as amended for final consideration, is not all that many of us felt was desirable and necessary for truly representative government for the District of Columbia. However, the District Committee, in particular Chairman DIGGS, has labored long and hard to provide us with legislation that not only gives the District of Columbia increased self-government, but which also retains sufficient congressional control to preserve the Federal interest in the Nation's Capital.

The right to elect a Mayor and City Council is certainly a major step forward and preferable to a city run by Presidential appointees. Elected officials, regardless of the extent of their powers, are always more responsive to the public.

Although these officials will not have control over city spending, they will have the power to propose a budget to Congress and to raise and lower taxes. Together with more openness in budgetary proceedings, this will provide greater cooperation between those who are concerned about the city and those who focus on government spending.

In addition, the bill provides new legislative powers for City Hall, places housing and urban renewal programs directly under the Mayor's office, allows the Mayor greater voice in the nomination of local judges, and provides voters the opportunity to amend and vote on the city charter and participate in neighborhood advisory councils.

Most significantly, the passage of H.R. 9682 provides a new opportunity for Members of the House, from all regional, economic, population, and ethnic districts, to join in reaffirming the principle of self-government—the most basic right of a citizen of a democracy. I urge my colleagues to join in support of this legislation.

Mr. MAZZOLI. Mr. Chairman, as a member of the Committee on the District of Columbia, I am proud to have been a part of the very serious and very painstaking effort that has produced the legislation which is before us today—the Home Rule Bill for the District of Columbia.

From the outset, it has been the objective of our committee to write a responsible bill, attuned to the political realities of this Chamber, which could be passed and enacted into law.

It now appears that we have been successful, and that the House today will take the historic step of assuring that the citizens of our Nation's Capital will regain the very basic democratic right of self-determination in their local government—a right that has been denied for the past 100 years.

As historic as the step we take today may be, we must all bear in mind that it is only a first step. The road to House passage of the District of Columbia home rule bill has been, of necessity, a road of compromise. Further steps remain to be taken.

I think that I can fairly speak for every one of my fellow committee members, when I say that none of us are fully satisfied with each and every provision in the bill presented today as our final work product. But I think we all fully appreciate that the compromises that have been made were worked out in good faith with but one objective in mind—the restoration of elected local government in Washington, D.C.

I am confident that the very existence of an elected Mayor and an elected Council will provide the District's citizens the means for articulating and prov-

ing their own case for further governmental authority in the future.

With the passage of this bill, the initiative for seeking solutions to local problems will, at long last, lie where it belongs—with elected officials responsible to the voters who are affected by those problems.

No longer will it be the responsibility of Congressmen from distant jurisdictions to respond to local problems which affect them only indirectly.

There will, of course, always be overriding Federal considerations in a Capital City such as this, and there is no question in my mind as to our ability to protect those Federal interests without unduly infringing on the free exercise of self-government in local matters.

Thus, the legislation we are about to pass today represents a landmark step toward an improved, more efficient and more just local government in our Nation's Capital City. It represents a reaffirmation of our belief in fundamental democratic principles. And, in future years, I predict we will see the evolution of a truly harmonious relationship between the caretakers of our Federal Government and a responsibly self-governed local citizenry.

In closing, let me simply say that it has been a great privilege to be associated with Chairman DIGGS, Congressmen ADAMS, FRASER, REES, Delegate FAUNTROY, and all the other Committee members and staff in this historic effort.

The seat and symbol of American democracy—the U.S. Capitol—has been witness today to the birth of a new democracy in the District of Columbia.

Mr. STOKES. Mr. Chairman, I rise to support complete home rule for the District of Columbia.

The District of Columbia is indeed the Last Colony. The Nation's Capital, the capital of democracy, is without democracy. More than taxation without representation has been the rule of political life for the citizens of this city for 99 years. Washingtonians have had to bear economic policy without representation, urban renewal without representation, criminal justice without representation.

There are 753,600 people in the District of Columbia, a larger population than 9 different States; 73 percent of the people are nonwhite. They are burdened with "foreign rule" by 535 citizens of other States, of whom only 4 percent are nonwhite. In terms of full political freedom for its citizens, white and nonwhite alike, the District of Columbia is no better off than Mozambique.

In fact, a citizen of this city may leave home in the morning, drive to work at the State Department or the Pentagon and make decisions affecting the villages of Mozambique, and still have no vote in how his own town is run.

Popular election of a Mayor and City Council will go far toward establishing full participatory democracy in Washington, D.C. Nonpartisan elections will enable thousands of people to engage in the process, who would otherwise be excluded by the Hatch Act. And with the involvement of elected neighborhood advisory councils, the everyday administration of this city may come closer to the grass roots level of control than is true in many big cities in this country.

When the city achieves full control of its own tax revenues, self-government will be a fact. Our experience with Home Rule legislation over the years, however, has shown us how difficult it is to get it all at once. If H.R. 9682 becomes law, it will take a historic giant step toward complete home rule for the District.

I would like for a moment to address the misgivings of some Members about complete home rule for Washington. It has been argued that this city is for all Americans, and should continue to be the special concern of all Americans through their elected Representatives. The Federal buildings, the historic monuments, the malls and parks, some argue, need Federal oversight to insure their proper maintenance and beauty.

But so much concern about the continued grandeur of the Jefferson Memorial and the Washington Monument tends to overlook the glaring fact, that if the citizens of this city are not free to make their hometown a living monument of democracy, all the other monuments are but hypocritical heaps of stone.

I believe Congress should retain an interest in the city budget commensurate with the Federal payment, but no more. Today that comes to about 20 percent of the city income. The Diggs substitute bill retains 100 percent interest in the District of Columbia budget. There is plenty of time to correct this discrepancy, after we take the historic step of granting rudimentary home rule. Experience will show us to what degree continuing congressional veto power over Mayor and Council decisions will help or harm this city. There will be plenty of time to make adjustments in these controls, perhaps to abolish them altogether.

I disagree entirely with the paternalistic argument that the experience of the elected District of Columbia School Board demonstrates that District citizens are not yet ready to govern themselves. This logic, transported back to the 1780's, would have claimed that political chaos in the newly independent colonies demonstrated that they should return to British rule.

The truth is, you cannot learn self-government without exercising self-government. What the experience of the elected school board does show is that a political situation one-tenth free and nine-tenths disenfranchised is inherently unstable. Removing what freedom there is, would achieve only the kind of stability that is total paralysis.

I see a certain political instability continuing in District of Columbia affairs, if home rule comes only a giant step at a time. It is my hope that this instability, this ferment for complete freedom, will hurry us through the next steps. To step backward, however, would only cripple this city more than it has been before.

At a time of rampant inflation, high unemployment, and increasing poverty for the already poor; at a time of environmental and energy crisis, of a new war in the Middle East and a still undying old war in the Far East, Congress simply cannot let itself be crippled by the business of running a city.

I am happy to give my full support to even this small measure of home rule for the District of Columbia. And I hope we will move rapidly to unburden ourselves of municipal cares, and permit the people of Washington to assume the full citizenship which is their birthright as Americans.

Mr. DIGGS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

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

TABLE OF CONTENTS

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

Sec. 101. Short title.
Sec. 102. Statement of purposes.
Sec. 103. Definitions.

TITLE II—GOVERNMENTAL REORGANIZATION

Sec. 201. Redevelopment Land Agency.
Sec. 202. National Capital Housing Authority.
Sec. 203. National Capital Planning Commission and Municipal Planning.
Sec. 204. District of Columbia Manpower Administration.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

Sec. 301. District Charter preamble.
Sec. 302. Legislative power.
Sec. 303. Charter amending procedure.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

Sec. 401. Creation and membership.
Sec. 402. Qualifications for holding office.
Sec. 403. Compensation.
Sec. 404. Powers of the Council.

Subpart 2—Organization and Procedure of the Council

Sec. 411. The Chairman.
Sec. 412. Acts, resolutions, and requirements for quorum.
Sec. 413. Investigations by the Council.

PART B—THE MAYOR

Sec. 421. Election, qualifications, vacancy and compensation.
Sec. 422. Powers and duties.
Sec. 423. Municipal planning.

PART C—THE JUDICIARY

Sec. 431. Judicial power.
Sec. 432. Removal, suspension, and involuntary retirement.
Sec. 433. Nomination and appointment of judges.

PARLIAMENTARY INQUIRY

Mr. HARSHA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARSHA. Mr. Chairman, is the Clerk reading the original bill or the committee print?

The CHAIRMAN. The Clerk is reading the original bill, H.R. 9682.

Mr. HARSHA. I thank the Chairman.

The CHAIRMAN. The Clerk will continue to read the bill.

The Clerk read as follows:

Sec. 434. District of Columbia Judicial Nomination Commission.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

Sec. 441. Fiscal year.
Sec. 442. Submission of annual budget.

Sec. 443. Multiyear plan.
Sec. 444. Multiyear capital improvement plan.
Sec. 445. District of Columbia Court's budget.
Sec. 446. Enactment of appropriations.
Sec. 447. Consistency of budget, accounting, and personnel systems.
Sec. 448. Financial duties of the Mayor.
Sec. 449. Control of appropriations.
Sec. 450. Accounting supervision and control.
Sec. 451. General and special funds.
Sec. 452. Contracts extending beyond one year.

Subpart 2—Audit

Sec. 455. District of Columbia Auditor.

PART E—BORROWING

Subpart 1—Borrowing

Sec. 461. District's authority to issue and redeem general obligation bonds for capital projects.
Sec. 462. Contents of borrowing legislation; referendum on bond issue.

PARLIAMENTARY INQUIRY

Mrs. GREEN of Oregon. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. GREEN of Oregon. Mr. Chairman, it was my understanding that the chairman of the committee yesterday repudiated the committee bill as it was reported out and gave the understanding to the House that they intended to offer as a substitute the committee print. Mr. Chairman, I have an amendment to the committee print at this point in section 462.

If we go by this point at this time and then the committee print is offered later, then I still have the right to offer the amendment to the committee print, is that correct?

The CHAIRMAN (Mr. BOLLING). An amendment to an amendment in the nature of a substitute could be offered at a later time.

Mrs. GREEN of Oregon. Then, it seems to me it would be beneficial to the Members of the House, in order that we can make a valid judgment as to whether the statements which were made yesterday by the distinguished chairman of the committee that they no longer really wished the House to consider the bill as reported out of the committee, but rather they wanted the House to consider the committee print which was made available—I know things change rapidly, but I wonder if the chairman of the committee could yield for a question there, or respond to a question. Have they changed their position?

The CHAIRMAN. The Chair would say that the question of the gentlewoman from Oregon is not a parliamentary inquiry of the Chair.

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS. Mr. Chairman, if it is the desire of the chairman of the committee to offer a substitute for the present bill, would the Chair state to this Member at what point it is appropriate to do that? It is my understanding that we are reading the table of contents and must start into the first title before that can be offered. Is that correct?

The CHAIRMAN (Mr. BOLLING). The Clerk would have to have read the bill through line 6, page 5, the end of section 101, prior to an amendment in the nature of a substitute being in order.

Mr. ADAMS. I understand, so that what we are doing now is simply reading to the point to which a substitute would be in order?

The CHAIRMAN. That is the understanding of the Chair.

The Clerk will read.

The Clerk read as follows :

Sec. 463. Publication of borrowing legislation.
Sec. 464. Short period of limitation.
Sec. 465. Acts for issuance of bonds.
Sec. 466. Public sale.

Subpart 2—Short-Term Borrowing

Sec. 471. Borrowing to meet appropriations.
Sec. 472. Borrowing in anticipation of revenues.
Sec. 473. Notes redeemable prior to maturity.
Sec. 474. Sales of notes.

Subpart 3—Payment of Bonds and Notes

Sec. 481. Special tax.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

Sec. 485. Tax exemption.
Sec. 486. Legal investment.
Sec. 487. Water pollution.
Sec. 488. Cost of reservoirs on Potomac River.
Sec. 489. District's contributions to the Washington Metropolitan Area Transit Authority.
Sec. 490. Revenue bonds and obligations.

PART F—INDEPENDENT AGENCIES

Sec. 491. Board of Elections.
Sec. 492. Zoning Commission.
Sec. 493. Public Service Commission.
Sec. 494. Armory Board.
Sec. 495. Board of Education.

PART G—RECALL PROCEDURE

Sec. 496. Recall.

TITLE V—FEDERAL PAYMENT

Sec. 501. Federal Payment Trust Fund.
Sec. 502. Duties of the Mayor, Council, and Federal Office of Management and Budget.
Sec. 503. Authorization of appropriations.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

Sec. 601. Retention of constitutional authority.
Sec. 602. Limitations on the Council.
Sec. 603. Limitations on borrowing and spending.
Sec. 604. Congressional action on certain District matters.

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

Sec. 701. Referendum.
Sec. 702. Board of Elections authority.
Sec. 703. Referendum ballot and notice of voting.
Sec. 704. Acceptance or nonacceptance of charter.

PART B—SUCCESSION IN GOVERNMENT

Sec. 711. Abolishment of existing government and transfer of functions.
Sec. 712. Certain delegated functions and functions of certain agencies.
Sec. 713. Transfer of personnel, property, and funds.
Sec. 714. Existing statutes, regulations, and other actions.
Sec. 715. Pending actions and proceedings.
Sec. 716. Vacancies resulting from abolishment of Offices of Commissioner and Assistant to the Commissioner.
Sec. 717. Status of the District.
Sec. 718. Continuation of District of Columbia Court System.
Sec. 719. Continuation of the Board of Education.

PART C—TEMPORARY PROVISIONS

Sec. 721. Powers of the President during transitional period.
Sec. 722. Reimbursable appropriations for the District.
Sec. 723. Interim loan authority.

PART D—MISCELLANEOUS

Sec. 731. Agreements with the United States.
Sec. 732. Personal interest in contracts or transactions.
Sec. 733. Compensation from more than one source.
Sec. 734. Assistance of the United States Civil Service Commission in development of District Merit System.
Sec. 735. Revenue sharing restrictions.
Sec. 736. Independent audit.
Sec. 737. Amendment of Budget and Accounting Act.
Sec. 738. Adjustments.
Sec. 739. Termination of the District's authority to borrow from the Treasury.
Sec. 740. Holding office in the District.
Sec. 741. Advisory neighborhood councils.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

Sec. 751. Amendments.
Sec. 752. District Council authority over elections.

PART F—RULES OF CONSTRUCTION

Sec. 761. Construction.

PART G—EFFECTIVE DATES

Sec. 771. Effective dates.

Mr. FRASER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the table of contents be considered as read and printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. DIGGS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DIGGS: Strike out all after the enacting clause and insert in lieu thereof the following:

TABLE OF CONTENTS

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

Sec. 101. Short title.
Sec. 102. Statement of purposes.
Sec. 103. Definitions.

TITLE II—GOVERNMENTAL REORGANIZATION

Sec. 201. Redevelopment Land Agency.
Sec. 202. National Capital Housing Authority.
Sec. 203. National Capital Planning Commission and Municipal Planning.
Sec. 204. District of Columbia Manpower Administration.

TITLE III—DISTRICT CHARTER PREAMBLE LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE
Sec. 301. District Charter preamble.
Sec. 302. Legislative power.
Sec. 303. Charter amending procedure.
TITLE IV—THE DISTRICT CHARTER
PART A—THE COUNCIL
Subpart 1—Creation of the Council
Sec. 401. Creation and membership.
Sec. 402. Qualifications for holding office.
Sec. 403. Compensation.
Sec. 404. Powers of the Council.
Subpart 2—Organization and Procedure of the Council
Sec. 411. The Chairman.
Sec. 412. Acts, resolutions, and requirements for quorum.
Sec. 413. Investigations by the Council.
PART B—THE MAYOR
Sec. 421. Election, qualifications, vacancy and compensation.
Sec. 422. Powers and duties.
Sec. 423. Municipal planning.
PART C—THE JUDICIARY
Sec. 431. Judicial powers.
Sec. 432. Removal, suspension, and involuntary retirement.
Sec. 433. Nomination and appointment of judges.
Sec. 434. District of Columbia Judicial Nomination Commission.
PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT
Subpart 1—Budget and Financial Management
Sec. 441. Fiscal year.
Sec. 442. Submission of annual budget.
Sec. 443. Multiyear plan.
Sec. 444. Multiyear capital improvement plan.
Sec. 445. District of Columbia Courts' budget.
Sec. 446. Enactment of appropriations by Congress.
Sec. 447. Consistency of budget, accounting, and personnel systems.
Sec. 448. Financial duties of the Mayor.
Sec. 449. Accounting supervision and control.
Sec. 450. General and special funds.
Sec. 451. Contracts extending beyond one year.
Subpart 2—Audit
Sec. 455. District of Columbia Auditor.
PART E—BORROWING
Subpart 1—Borrowing
Sec. 461. District's authority to issue and redeem general obligation bonds for capital projects.
Sec. 462. Contents of borrowing legislation.
Sec. 463. Publication of borrowing legislation.
Sec. 464. Short period of limitation.
Sec. 465. Acts for issuance of general obligation bonds.
Sec. 466. Public sale.
Subpart 2—Short-Term Borrowing
Sec. 471. Borrowing to meet appropriations.
Sec. 472. Borrowing in anticipation of revenues.
Sec. 473. Notes redeemable prior to maturity.
Sec. 474. Sales of notes.
Subpart 3—Payment of Bonds and Notes
Sec. 481. Special tax.
Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions
Sec. 485. Tax exemption.
Sec. 486. Legal investment.
Sec. 487. Water pollution.
Sec. 488. Cost of reservoirs on Potomac River.
Sec. 489. District's contributions to the Washington Metropolitan Area Transit Authority.
Sec. 490. Revenue bonds and obligations.
PART F—INDEPENDENT AGENCIES
Sec. 491. Board of Elections.
Sec. 492. Zoning Commission.
Sec. 493. Public Service Commission.
Sec. 494. Armory Board.
Sec. 495. Board of Education.
PART G—RECALL PROCEDURE
Sec. 496. Recall.
TITLE V—FEDERAL PAYMENT
Sec. 501. Duties of the Mayor, Council, and Federal Office of Management and Budget.
Sec. 502. Authorization of appropriations.
TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY
Sec. 601. Retention of constitutional authority.
Sec. 602. Limitations on the Council.
Sec. 603. Limitations on borrowing and spending.
Sec. 604. Congressional action on certain District matters.
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
Sec. 701. Referendum.
Sec. 702. Board of Elections authority.
Sec. 703. Referendum ballot and notice of voting.
Sec. 704. Acceptance or nonacceptance of charter.
PART B—SUCCESSION IN GOVERNMENT
Sec. 711. Abolishment of existing government and transfer of functions.
Sec. 712. Certain delegated functions and functions of certain agencies.
Sec. 713. Transfer of personnel, property, and funds.
Sec. 714. Existing statutes, regulations, and other actions.
Sec. 715. Pending actions and proceedings.
Sec. 716. Vacancies resulting from abolishment of Offices of Commissioner and Assistant to the Commissioner.
Sec. 717. Status of the District.
Sec. 718. Continuation of District of Columbia Court System.
Sec. 719. Continuation of the Board of Education.
PART C—TEMPORARY PROVISIONS
Sec. 721. Powers of the President during transitional period.
Sec. 722. Reimbursable appropriations for the District.
PART D—MISCELLANEOUS
Sec. 731. Agreements with the United States.
Sec. 732. Personal interest in contracts or transactions.
Sec. 733. Compensation from more than one source.
Sec. 734. Assistance of the United States Civil Service Commission in development of District Merit System.
Sec. 735. Revenue sharing restrictions.
Sec. 736. Independent audit.
Sec. 737. Adjustments.
Sec. 738. Advisory neighborhood councils.
Sec. 739. Emergency control of police.
Sec. 740. Holding office in the District.
PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT
Sec. 751. Amendments.
Sec. 752. District Council authority over elections.
PART F—RULES OF CONSTRUCTION
Sec. 761. Construction.
PART G—EFFECTIVE DATES
Sec. 771. Effective dates.

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.

TITLE II—GOVERNMENTAL REORGANIZATION

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 (DC. 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 chairman 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 sentence 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 referred 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 with 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 special 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 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 provision 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 pro tempore, 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 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.

(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 judicial 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 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 Comission"). 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 Columbia 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 Columbia 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 abode 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 the 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 plan for all agencies of the District government as required under section 443;

(4) 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 reports 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 planinng 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;

(e) 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 semiannually, 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 of 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 stopped 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 jurisdictions 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 CONTRIBUTION 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. 1–1103) 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 within thirty days from the date of submission 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 furnish 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 the 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 established 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 held 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 11 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. 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 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; 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 general 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 for 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, for 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 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 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 non-reimbursable 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 DEVELOPMENT 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 the 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 regarding 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 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 or (B) has been nominated directly as a can- 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 a 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, the general election for the office of Mayor and member of the Council 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 of such offices 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 title 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 parts 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 (during the reading). Mr. Chairman, since the committee prints are available and since it was printed in the CONGRESSIONAL RECORD of yesterday, October 9, 1973, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with and that it be considered as read and open to amendment at any point.

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

Mr. NELSEN. Mr. Chairman, reserving the right to object, may I inquire of the Chairman: It is my understanding that we have prints, but where are they? They are limited in number, and I just gave my copy to Mr. GERALD R. FORD. I would like to have an adequate number of prints to know what we are doing, because frankly, I do not think we do.

Mr. DIGGS. Mr. Chairman, if the gentleman will yield, I can assure him that there are several hundred of these prints that are in the proper place in the Chamber; namely, right back by the pages' desk. Further, as I indicated, it is printed in yesterday's RECORD, reflecting authorization from yesterday's proceedings.

POINT OF ORDER

Mr. BROYHILL of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BROYHILL of Virginia. Mr. Chairman, sections 206, 604, 713, 722 731, 502——

The CHAIRMAN (Mr. BOLLING). The gentleman's point of order is premature. We have not obtained unanimous consent to consider the committee print.

Mr. GROSS. Further reserving the right to object, Mr. Chairman, how do we identify the committee print which has been made available to the members with the amendment at the desk? Are they one and the same? How do we identify if this is the committee print which is now being offered?

Mr. DIGGS. The committee print is what is at the desk and is the substitute I am offering at this point.

Mr. GROSS. How do we know, unless the "short title, purposes, and definitions" is read? How do we know these are the same, without suspending operations and going to the desk to try to compare them? There is no identification by number. This is the point I am making. There is no identification as to number, description, or anything else.

Mr. Chairman, I object.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield before he makes the objection?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. May I ask the distinguished chairman of the committee a question?

We have a 129-page committee print which has no number and which has many substantive changes, I am told, from the committee-reported bill. Is there any identification of changes for the benefit of the Members where those changes are between the committee bill and the committee print?

Mr. DIGGS. As the distinguished minority leader knows, the substitute does not have to be numbered.

Mr. GERALD R. FORD. I concede that.

Mr. DIGGS. The explanation of the substitute will be undertaken as soon as I am permitted to begin speaking in support of my substitute.

Mr. GERALD R. FORD. May I say to the distinguished chairman, it would be extremely helpful not only to have the benefit of the gentleman's comments identifying the differences, but some of us might like to study the fine print. In order to do that it would be very, very helpful if we had the list of the paragraph numbers where there is a difference between the committee bill and the

committee print, in a 129-page document.

Mr. GROSS. Further reserving the right to object, Mr. Chairman, I again emphasize there is no date on this committee print. There is nothing to identify it.

I have no desire to compel the reading of this entire table of contents, but until there is some assurance that this is the substitute the gentleman is offering I shall have to ask that the Clerk continue to read.

Therefore, I do object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk proceeded to read the amendment in the nature of a substitute.

Mr. DIGGS (during the reading). Mr. Chairman, now that the title and the first section of the amendment in the nature of a substitute have been read, I ask unanimous consent that the remainder of it be considered as read, printed at this point in the RECORD, and open to amendment at any point.

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

Mr. NELSEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk continued to read.

Mr. DIGGS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with, and that the amendment in the nature of a substitute be open for amendment at any point.

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

Mr. NELSEN. Mr. Chairman, I do not want to be dilatory or try to take up time, but this was such a bewildering process that, really, we do not know what we are doing. My purpose was to obtain a little time to get some information which I understand the minority leader has been promised, but I just want to make the observation that I pleaded for a chance to sit down with the chairman, tried to reach him all forenoon with the idea of trying to work out a few things which I think would solve this problem. I did not get that chance.

Mr. Chairman, I will remove my objection at this time.

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

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

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

Mr. DIGGS. Mr. Chairman, I yield to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I have asked the gentleman from Michigan to yield at this time so that I might, for the benefit of the ranking minority member and the minority leader, point out specifically in the committee print where the changes have taken place, so that they can focus on these changes and so that we will not have to go through the entire bill.

First, on page 21 of the committee print there is provided the section that was alluded to in the letter of the Chairman and in the materials yesterday. It provides for nonpartisan election for council members as opposed to the partisan election originally provided.

Next, on page 26, there is authorized the language that was set forth in the letter for the President to sustain a veto of the mayor, if that veto is overriden by the council.

That is the second provision which was provided for, and it has been previously explained to the Members in general debate.

Third, on page 28 is the provision within the section for the election of the mayor, providing that it be by nonpartisan election. This conforms to the changes for nonpartisan election of council members.

Next, on page 45 it provides for Senate confirmation of local judges, as opposed to the original bill, which provided for confirmation by the City Council.

The next is on page 46, and provides for automatic reappointment of judges when it is determined by the Tenure Commission that they be—and these are words of art—"exceptionally well-qualified" or "well-qualified." This was the provision that changes the 15-year appointment by allowing at the end of the 15-year appointment for there to be an automatic reappointment if the Commission on Tenure and Disability determines they are "exceptionally well-qualified" or "well-qualified."

Next, on page 88 is the language which is necessary now to authorize an annual Federal payment. The amount authorized—and I stress "authorized"; not appropriated—is an authorization of $250 million.

Next, on page 89 we have the provision which prohibits the Council from changing the powers and duties of the United States Attorney and the United States Marshal for the District. This is to conform with the interpretation I gave to the gentleman from Ohio yesterday, to make it very clear that it is still within the power of the Congress.

The next change is on page 90, which states that it prohibits the Council from changing certain specific titles of the District of Columbia Code. These are the titles of the District of Columbia Code which deal with the District of Columbia criminal laws.

Next, on page 90, all acts of the Council are required to lay over for 30 days before they become effective except in an emergency determined by two-thirds of the Council. This establishes what we indicated before, a period of time so that the Congress can pass an act if the Congress feels the act of the Council has been improper.

Next, on page 116 it provides that the President may control the Metropolitan Police in times of emergency. This is what was requested by the White House, and has been placed in the bill. Now, on page 109 we have the language which provides that the White House can direct also that the Secret Service can request the Metropolitan Police Department for assistance in protecting the Presidency. This we believe is already implied, and I believe it is a part of the present Statutes of the United States. But if there was any question in the mind of anybody, we placed it there.

I have tried to explain what the changes are, and I thank the chairman for yielding to me.

Mr. DIGGS. Mr. Chairman, with those explanations I can assure the members of the committee that the substitute represents the original bill with the inclusion of those accommodations.

AMENDMENTS OFFERED BY MR. HARSHA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. HARSHA. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendments offered by Mr. HARSHA to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 45, line 6, strike out "Mayor" and insert in lieu thereof "President".

Page 46, lines 3 and 19 and 24, strike out "Mayor" each time it appears and insert in lieu thereof "President".

Page 47, lines 4 and 8, strike out "Mayor" each time it appears and insert in lieu thereof "President".

Page 51, lines 6, 10, 14, 17, and 20, strike out "Mayor" each time it appears and insert in lieu thereof "President".

Mr. HARSHA. Mr. Chairman, I ask unanimous consent that these amendments may be considered en bloc, inasmuch as they each deal with the same subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Chairman, all my amendment does is remove the power to appoint judges for the District of Columbia courts from the mayor and place that authority in the President of the United States. It retains all other features of the substitute, that is, the merit appointment; it retains the Judicial Nomination Commission and it retains the confirmation authority of the Senate.

Mr. Chairman, we in this body recall the work and thought that went into the 1970 Court Reform and Criminal Procedure Act. In committee, on the floor, and in conference, Congress took great pains to devise the most effective judicial system we could create. Our actions came about only after extensive hearings to consider the recommendations of the Department of Justice Task Force and the other committees and groups that had studied this problem exhaustively over a number of years.

The result of our deliberations was the creation of an independent, competent judiciary with all the authority necessary to administer the District court systems well and impartially. Since 1970 a number of new judges have been appointed to the reconstituted judiciary; backlogs have been removed and despite an increase in the number of trials and appeals, the work of all local courts is current at the present time. Leaders of both the bench and bar in Washington have often commented on the improvement in our court administration that has taken place in 3 short years. The language of the substitute with my amendment is a further perfection of this judicial system.

Second, judges cannot render justice impartially if they are subject to political pressure, however indirect.

Under part C of title IV, section 433(a) of the pending measure, power to appoint judges would be lodged in the Mayor of the District of Columbia. Because these appointments are for a term of years rather than for life, a judge looking toward reappointment would not want to antagonize the Mayor.

This is particularly crucial because judges of the superior and appeals courts have the power to review certain actions of District officials including the Mayor.

The result of this conjunction of authority may be to unintentionally undermine judicial independence in the District. Judges who know that they must look to local officials for future favor or retribution may be unwilling to take a hard look at some of the decisions made by these same officials.

Any opposition to granting appointment authority to the mayor has sound precedent behind it. No mayor in the United States has the power to appoint judges of general jurisdiction.

May I remind my colleagues that Superior Court judges in the District have all the powers of circuit or general sessions judges in our home States. They are courts of general jurisdiction. Court of appeals judges in the District correspond in their authority to State supreme court judges. Appeal from these courts lies directly to the Supreme Court of the United States—not to any intermediate Federal court.

The pending amendment makes no change and has no effect on the central substantive portions of the Home Rule proposal reported by the District of Columbia Committee. All that is entailed in this amendment is the deletion of the word mayor in section 433—section C of title IV—from the bill and the substitution of the word, President.

The result of this change would be to insure the continued independence of all judges for the local Washington courts.

One hallmark of vigorous and effective government is a judiciary capable of reviewing without bias or fear or favor or retaliation the actions and decisions of the coordinate legislative and executive branches of Government. Such has been true of our Federal system since the days of Chief Justice Marshall. The same is what supporters of home rule seek for our Nation's Capital City.

I urge my colleagues to support the pending amendment and thereby insure for the city the same courageous type of judiciary that has been one of the enduring strengths of this country for almost 200 years.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I had hoped that the delegate from the District of Columbia would be on the floor. I saw him a minute ago, oh, I see he is here.

I have never voted for a home rule bill since I have been in Congress, which goes back 25 years. I opposed it when the District of Columbia was 70 percent white because I thought that the people of the United States who pay a portion of the bill for this place ought to have something to say about it.

I did make a commitment to support the Green substitute, which is not now before us. If it gets before us, I will support it, but if it does not, I intend to support the Diggs substitute, which is presently before the House.

I do not do this because of any letters that have been sent out, and I do not wish to charge the delegate from the District with anything malicious. I do not think his letter was meant to be malicious. If anything, I would characterize it as inept. But I think it did raise the hackles of a number of Members who felt somehow or other they were being threatened. I have talked to the gentleman, and he has assured me he did not mean the letter for publication.

But let me give him the benefit of 30-odd years of political experience: Do not ever put anything on paper that you do not want to be published, because sooner or later somebody will get hold of it.

However, in spite of that and in spite of the fact that I will not submit to intimidation—and I do not feel this was intimidation—I feel that the Diggs substitute as it is presently before the House, with perhaps some amendments that may or may not be adopted, would be a satisfactory law that I could support and still retain, as Mr. NATCHER pointed out, the ultimate control of the financial part, which all of the taxpayers of the United States contribute to, through the representatives of all the taxpayers of the United States.

This is the Nation's Capital, and I do think the taxpayers, who spend a considerable portion of their taxes to support this city, should have some final jurisdiction. I believe this substitute does that, and I believe I can support a bill of this type.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly favor the Harsha amendment. In support of my position I will read to you the pertinent parts of a letter dated September 19, 1973, from the Attorney General, the Honorable Elliot Richardson. This letter reads as follows:

DEAR CONGRESSMAN FORD: The Department of Justice is concerned that portions of the District of Columbia Home Rule bill (H.R. 9682), scheduled for floor consideration in early October, will seriously hamper the independence and effectiveness of the District of Columbia court system.

Mr. Chairman, I will not read the next two paragraphs, because they are somewhat in duplication of the remarks made by the gentleman from Ohio, but I will read the final two paragraphs in the letter from the Attorney General:

The Department's concern centers on sections 431 through 434 (Part C of Title IV) of the Committee proposal which would make fundamental changes in the manner in which District judges are selected and confirmed. Granting appointment and reappointment authority to the Mayor would give him power not now held by any municipal chief executive in the nation. In addition, because the District courts have authority to review certain actions of the Mayor and Council, judicial independence in these cases may be unintentionally curtailed when judges know that they look to these same officials for future favor or possible retribution. The thrust of the 1970 Act was the creation of an independent, competent judiciary; the effect of these provisions in H.R. 9682 may be to undo this significant step.

The Department of Justice stands ready to render whatever assistance we can to you in securing favorable floor action to excise these provisions. In this regard please call on me at any time.

Sincerely,

ELLIOT RICHARDSON,
Attorney General.

Mr. Chairman, although this letter was in reference to the committee bill, it is my understanding that the identical provisions are a part of the so-called committee substitute. It is further my understanding that the gentleman from Ohio, in order to remedy the defect of having the Mayor appoint the judges, his amendment provides that in each case where "the Mayor" is in the committee print, his amendment substitutes "the President."

It seems to me that by adopting the amendment of the gentleman from Ohio we achieve the best of all worlds as far as the judiciary are concerned.

I happen to be somewhat sympathetic to the Missouri plan approach in the selection of judges. I do not agree entirely with every provision as the Missouri plan has been presented from time to time, but I think the approach used by the committee has merit. But we improve it substantially and significantly by substituting the President and the Presidential authority for that of the Mayor in the appointment of District judges.

On this basis I strongly urge support for the Harsha amendment.

It seems to me that each one of us from 435 districts each year has a tremendous number of our constituents coming to the Nation's Capital. I believe that our constituents deserve the kind of judges that would be appointed by the President rather than the kind of judges appointed by a mayor.

Therefore, for that reason as well as others, I strongly support the Harsha amendment.

Mr. BRECKINRIDGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to thank the gentleman from Ohio (Mr. HARSHA) for his amendment, because I think it brings this House and the committee much closer together on a fundamental provision in the charter of the District of Columbia than I had previously thought possible. I am afraid that events have, perhaps, overtaken us, and I will, if I may, address myself to the remarks of the immediately previous speaker, the gentleman from Michigan (Mr. FORD), because I wish to correct a misstatement of fact.

The substitute bill before us, the committee print, does not contain the provisions that were to be found in H.R. 9682 insomuch as they relate to the provision for a tenure commission, and they differ in these important respects, if I might point this out. The tenure commission provides for a nine-member body, as distinguished from the five-member body presently provided for by the provisions of the District of Columbia Code, which provides for a five-member Commission, three appointed by the President, one by the District Chief Judge, and one by the Commissioner. H.R. 9682 would provide that

that body shall be appointed, four members by the Mayor, and does, indeed, threaten, I think, the integrity and the impartiality of the judiciary.

However, the bill before us provides for nine members, three of whom shall be appointed by the President of the United States, one of whom shall be appointed by the President of the Senate, one of whom shall be appointed for the first time in the history of the Nation by the Speaker of this House, two of whom shall be appointed by the board of governors of the Unified District Bar, and two of whom shall be appointed from lists of nominees made available to the Mayor by the Council.

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

Mr. BRECKINRIDGE. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I thank the gentleman for yielding.

Mr. Chairman, I am glad that the gentleman from Kentucky has in greater detail explained the change in this regard in this bill.

I was on the floor of the House when the gentleman from Washington explained the changes between the committee bill and the committee print. As I recall, the gentleman from Washington, I am sure not intentionally, made only one point as a change in this area was that there would have to be Senate confirmation of such District judge. I am not critical of the gentleman from Washington, but it illustrates one very important point that all of us ought to be cognizant of as we go further and further and further in the consideration of the committee print. This committee print was not really available sufficiently in advance to give Members an opportunity to get into an analysis of the fine print. I think we will probably find from time to time that inadvertent omissions will be made in the explanation of the committee bill and the committee print.

Mr. Chairman, I appreciate the gentleman's yielding.

Mr. ADAMS. Mr. Chairman, will the gentleman yield briefly?

Mr. BRECKINRIDGE. I yield to the gentleman from Washington.

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Chairman, I think what the gentleman stated was the change between the presently existing tenure commission in the District of Columbia and what is proposed in the committee substitute and was proposed in the original bill. We have not been shifting between the committee substitute and the original committee bill. He was pointing out what the original tenure commission was that was proposed.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ADAMS, and by unanimous consent, Mr. BRECKINRIDGE was allowed to proceed for 5 additional minutes.)

Mr. BRECKINRIDGE. Mr. Chairman, under the provisions of the bill, and with this commission, five members of whom are appointed by the Federal Establishment, two by the local bar association, we have the additional requirement that each member of this commission, which is identical in its nominating and appointive authority to the nominating commission, shall enjoy all of the qualifications of a member of the judicial branch of the District of Columbia. The effect of this is to establish two blue-panel juries, if you will, one of whom shall seek out and nominate for the appointment by the Mayor or, as the gentleman's amendment would provide, the President of the United States, of those members of the judicial branch of the District of Columbia.

The tenure commission, upon the certification of a sitting judge to the effect that he desires to serve an additional term, would then review his qualifications and would rate that judge as follows: He would be found either exceptionally well-qualified, well-qualified, qualified, or unqualified. In the event that he falls in either of the former two categories, exceptionally well-qualified or well-qualified, he would be automatically reappointed for another 15-year term to the bench, whether that reappointment is made by the President as proposed by the gentleman's amendment, or whether that appointment is made by the Mayor as proposed in the bill before the House for consideration.

In the event he is found qualified, the Mayor may or may not submit his name to the Senate for consent, and in the event that he is not found qualified he may not further occupy the bench.

The only question before us, I might submit, is not whether or not we will have a merit judicial branch in Washington, D.C., because neither the President nor the Mayor have uncircumscribed and untrammeled authority under this bill; they must reappoint those men well qualified and exceptionally well qualified.

If I may read from a telegram received by me this morning on the floor of the House from the Honorable Chesterfield Smith, president of the American Bar Association, the telegram is as follows:

To: JOHN BRECKINRIDGE, Member of Congress.

The principle of merit selection of judges as embodied in Sections 431–434 of H.R. 9682, October 9 Committee print, has had the support of the American Bar Association for 36 years and I urge you and your colleagues to support the bill with this provision in it. Assurance of reappointment of well qualified and exceptionally well qualified judges while requiring reconfirmation of judges rated lower by the Tenure Commission will strengthen and improve the bill and will strengthen and improve the quality of the Judiciary of the District of Columbia by insuring judicial independence of judges while in office and by providing increased inducement to well qualified lawyers to accept judicial appointments. This system is now in use for all or part of the judges in a majority of the states and its acceptance is spreading every year. The principle of executive appointment from a list of nominations prepared by a nominating commission works well under many widely varying systems involving varying types of commissions and varying appointing officers and the principle should be retained regardless of any possible amendments as to details of nominating or appointing mechanism. American Bar Association endorsement has been followed by similar endorsements of many state and local bar associations and the American Judicature Society and other organizations and individual leaders in the court modernization movement. You are urged to extend this important improvement to the District of Columbia through enactment of H.R. 9682 with this feature included.

CHESTERFIELD SMITH,
President, American Bar Association.

I have a similar telegram from John S. Clark, president of the American Judicature Society.

Mr. Chairman, the only question is whether or not, under this circumscribed procedure, we have protected the independence of the judicial branch of the Government, and I submit we have, and we should adopt the bill as it is before the House and we should defeat the amendment offered by the gentleman.

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

Mr. BRECKINRIDGE. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, would the gentleman admit my amendment is not in any way violative of the principle of Executive appointment that is referred to in the letter from the Governor?

Mr. BRECKINRIDGE. I had not seen the amendment offered by the gentleman from Ohio before today but I was glad to see the gentleman's amendment take the form that it did.

Mr. NELSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio.

Mr. Chairman, I think many in this body will remember the long deliberations that we had dealing with court reform. The Members will recall we were criticized by the White House and by the Department of Justice because of the delay. I worked out at that time a conference with the President and the Justice Department and with me was Tom Abernethy, a good lawyer, a Democrat. He handled the bill largely on this floor. We have objections to the changes that are proposed in the committee bill dealing with the courts and the judicial system on the premise that the bill we passed has hardly been in operation and has been doing a great job. Justice asked that it not be disturbed. The backlog of cases untried has been reduced.

It would seem to me that when we have done something that works, for this body to change it certainly is, in my judgment, a mistake. Now, we dealt the other day with some suggestions to change in the committee bill with a very important part of the proposal, the budget of the United States dealing with the District of Columbia.

Mr. NATCHER did an outstanding job, and his committee was supported by this body by a change in the bill, and it was important. But, still more important is the judiciary system of the District of Columbia, a 450 page bill.

Mr. HARSHA, Mr. HOGAN and others worked on that committee dealing with the Senate, dealing with the House, making adjustments, passing a good court reform bill, one of the best in the United States, and now we want to tamper with it. I want to say of BILL HARSHA that we all owe him a lot for what he did during the conference and during the negotiations on the floor. In my judgment, he is a good lawyer and a good legislator and having produced a good product, it would seem to me a mistake at this time to make the changes that are proposed by the committee bill.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I first want to point out, so that it is very clear, because the minority leader asked a question about whether there had been any changes in the Tenure Commission, that on page 49 of both H.R. 9682 and of the committee chairman's substitute the members of the Commission are listed, which starts at page 14, and they are identical.

It is important that I first focus on that Commission, because one of the reasons we selected an executive other than the President, if the Members will look at the persons on that Commission is that they are basically dominated—particularly if the President is of the same party as the majority party in the House and the Senate—by five votes on that Commission or five people that are appointed by the Federal Government. Three of those members of the Commission would be by the President who, under the pending amendment, would be the appointing power. So, we had very much in mind what the gentleman from Ohio mentions in this section, and it was a very sensitive section to deal with. When we started the hearings, there were proposals that came forth to have the judges selected as they are in most States; in my State and I am sure probably in the gentleman's State and most States of the United States where they elect the judges to the local superior court or circuit court, whatever it is called, the trial court of general jurisdiction.

In most States the Governor appoints when there is a vacancy and it is confirmed by the legislature. Well, we were trying to avoid an appointment procedure like that, so we went to the Missouri plan. I am very pleased to see the gentleman from Kentucky, the gentleman from Ohio and the distinguished minority leader agree with me that this is a forward-looking approach to appointing judges because it takes them out of politics. We appoint a Commission, and the Commission then submits to the nominating authority, the Mayor, qualified people. We even went further than that, to say that if a man has done his job and he is well-qualified and if the Tenure Commission so finds, then he is reappointed for another 15-year term.

That was very controversial also, because a number of members of the committee felt that after anyone had served for 15 years on the bench, he should be subject to, if not the electorate, at least the appointing authority. Therefore, what we did was submit him to the Tenure Commission.

The reason we went to the mayoralty power here was that we had either the Presidential power or mayoralty power available, and since we had titled the Commission in favor of Presidential appointees or Federal Government appointees, we went to the local appointive power for local judges.

With the change in the substitute bill that provides for Senate confirmation the District will have a very independent judiciary here. The powers of the local Executive to appoint are extremely limited, much more so than in my State or in other States where the Executive can go out and appoint his best friend, or somebody else's best friend, or make a political appointment. That factor is removed.

I wanted to explain that we held lengthy hearings on this issue. The gentleman from Kentucky spent an enormous amount of time on this. We have contacted the American Bar Association and the American Judicature Society and others in the bar. We believe the committee provision is a good system.

The President will be appointing all the Federal judges in this area, and does so. We have therefore divided the Executive authority here in such a fashion we believe it provides for an independent judiciary, particularly when that is coupled with a 15-year term and automatic reappointment if the man is found by this Commission "well-qualified" or "exceptionally well-qualified." We believe that amply protects it.

I hope the Members will vote down the amendment and will support the committee substitute with the changes that have been made in the bill.

Mr. SMITH of New York. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, I want to speak a little bit in regard to the letter which was read by the gentleman from Michigan (Mr. GERALD R. FORD) from the Attorney General of the United States, dated September 19.

The Attorney General's letter pointed out what a good job had been done by the judicial system in the District under the District of Columbia Court Reform and Criminal Procedure Act which was adopted in 1970. I want to say this is certainly so. We are all proud of this job.

The committee bill and the committee substitute, actually, in my opinion, will not only continue the good job and the progress that has been made by the courts of the District of Columbia, the Superior Court and the District of Columbia Court of Appeals, but will also improve the system, by the adoption, as Mr. ADAMS, the gentleman from Washington, pointed out, of the modified Missouri plan, wherein the Mayor must appoint judges from a list of not less than three nor more than five submitted by the Judicial Nomination Commission.

The Commission, as was pointed out by the gentleman from Washington and the gentleman from Kentucky, is made up of nine members. All must be lawyers. Two must be appointed by the Unified Bar of the District of Columbia, two by the Mayor from lists submitted by the Council, one by the Speaker of the House of Representatives, one by the President of the Senate, and three by the President of the United States.

As the gentleman from Washington pointed out, particularly if the President and the Congress are of the same party, the President, and at least the Federal interest, will have a majority of the members of this Commission.

In addition, the present judges are grandfathered in. If they wish to be reappointed at the expiration of their terms, they would come under the provisions of the committee substitute which require the Mayor to reappoint them if the Commission on Tenure, which again consists of nine members appointed in similar fashion as the Commission on Judicial Nomination, finds that they are "exceptionally well-qualified" or "well-qualified." If the Commission finds that they are "qualified" then the Mayor may reappoint them only with Senate confirmation.

Mr. Chairman, if he finds they are not qualified and have not done the job, the mayor may not reappoint that judge; so that the present judges are grandfathered in.

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

Mr. SMITH of New York. I will be glad to yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, on the question of whether the present judges are grandfathered in, that is true only if they are found to be well qualified or exceptionally well qualified. Is that correct?

Mr. SMITH of New York. The gentleman is correct.

Mr. HARSHA. Now, the problem comes in an area where an existing judge is retiring or no longer seeking reappointment. Then a vacancy appears. The Mayor may then submit for appointment a man from this list provided by the Tenure Commission, but he also may not.

Mr. SMITH of New York. Excuse me. He must appoint from a list submitted by the Judicial Nominating Commission.

Mr. HARSHA. That is not what the bill says. It says he may submit for appointment a person——

Mr. SMITH of New York. If he is qualified.

Mr. HARSHA. If he is qualified—a person from that list.

Mr. SMITH of New York. If he is qualified, the mayor may reappoint, subject to confirmation by the Senate. If he is not qualified, he may not reappoint.

Mr. HARSHA. I am not talking about the unqualified man. I am talking about a vacancy where there is no existing judge running for re-election or up for appointment. We have a vacancy, then the Tenure Commission creates a list.

Mr. SMITH of New York. Not the Tenure Commission, the Judicial Nomination Commission which is another Commission appointed in the same way.

Mr. HARSHA. I am sorry. I stand corrected. The Judicial Nomination Commission submits a list of prospective judges to the mayor.

Mr. SMITH of New York. The gentleman is correct, a list of not less than three or more than five.

Mr. HARSHA. Whom they have found to be qualified?

Mr. SMITH of New York. The gentleman is correct.

Mr. HARSHA. The Mayor does not have to submit their names. He may choose not to submit the names they submit to him. Then they have to submit others.

Mr. SMITH of New York. They must then submit a further list, and in no case may they submit more than seven names.

Mr. HARSHA. But that is where the rub comes, because he has flexibility in there. There may be somebody he favors in there because of previous associations or past experiences, and that is what we

are trying to avoid. Someone he feels may rule favorably on an issue involving the District government.

Mr. SMITH of New York. Mr. Chairman, I would say to the gentleman that this is perfectly so, but the qualifications of any one of the seven, no matter whether the Mayor favors him or does not favor him, are vouched for by an outstanding commission on judicial nominations.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(By unanimous consent, at the request of Mr. HARSHA, Mr. SMITH of New York was allowed to proceed for 3 additional minutes.)

Mr. HARSHA. Mr. Chairman, I thank the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, what I wanted to say about the letter from the Attorney General is that I think what we have done or the committee has done has met all the objections of the Attorney General except one.

I think what the committee has done will provide an even better judiciary than we have here now in the District of Columbia, and we have a first-rate one now under the act of 1970 which the gentleman from Ohio did so much to enact.

I would say that the only objection of the Attorney General that we have not met, or bettered, is whether the appointment of District of Columbia judges shall be by the Mayor or by the President.

I think this comes right down to the fundamentals that we are talking about in this whole bill. And that is whether we wish to grant some home rule or whether we do not. I think it is as simple as that. I think we must determine this in our own judgment, because the gentleman's amendment would leave the procedure of nomination just the same as contained in the committee bill with the Judicial Nomination Commission making recommendations to the President instead of the Mayor.

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

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

Mr. GERALD R. FORD. I am grateful that the gentleman has yielded.

Unfortunately, I do not have the letter from the Attorney General with me. I gave it to the reporters; but the gentleman from New York has crystallized the issue. Whether you can equate the Mayor, who under the committee bill is elected on the one hand and who represents the people in the District of Columbia—not your constituents, not my constituents—whether you can equate him with the President of the United States, who is elected by all the people from all of our districts, is another question.

It is my view and I believe it is the Attorney General's view that this appointing power ought to be in an office holder who represents all the people and not just 800,000 people in the District of Columbia.

Mr. SMITH of New York. I can understand the gentleman's point of view, but I must say to the gentleman that the courts of the District of Columbia are courts for the District of Columbia and not for all of the people of the United States. The Federal courts which are located here in the District of Columbia are for all of the people. They will continue to be. The judges there will continue to be appointed by the President, of course.

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

Mr. SMITH of New York. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. However, if one of your or one of my constituents—and thousands of them visit the District of Columbia—are apprehended for some alleged criminal violation, are they not tried by judges appointed by the Mayor and not judges appointed by the President?

Mr. SMITH of New York. That is exactly so. And I would say to the gentleman that if one of his constituents comes to my home town and is apprehended there, he is tried by a judge elected by my home town people and not a judge elected by the people of the State of Michigan.

Mr. GERALD R. FORD. If the gentleman will yield further, his home town vis-a-vis my constituents is quite different. We do not contend that we have any constitutional rights as far as the gentleman's home town is concerned. But his constituents and mine have a constitutional right for certain protections in the District of Columbia, and that is a significant difference.

Mr. SMITH of New York. No. I would say to the gentleman that his constituents have a constitutional right to protection in my home town.

Mr. GERALD R. FORD. There is quite a difference in the relationship, I might add.

Mr. SMITH of New York. The gentleman has his own idea, but I do not believe there is.

Mr. DENNIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I merely wish briefly to suggest to the committee, on both sides of the aisle, that this is a good amendment in which to find out whether we really want a good, supportable bill, because in my estimation this is not an amendment which really has anything to do, fundamentally, with the concept of local home rule or popular government for the District of Columbia.

This is an amendment which simply deals with the court system, the courts of general jurisdiction and the court of appeals, and whether we will get a better court system. I think that could be completely separated from the idea as to whether we ought to have an elected council and popular government and home rule and so on.

This is a Federal City. We have a constitutional responsibility here under the Constitution, which we cannot escape and which is recognized by all concerned here, and which we do not have for any other State or locality in the Union. Therefore, I think we have an obligation to create here the very best possible system of justice which we can create regardless of whether we have home rule or not.

The thing that appeals to the bar associations and which appeals to me, also, is the Missouri plan. As has been pointed out by the gentleman from Ohio, you have that either under his amendment or under the committee print. The sole question here—you have that Commission which nominates people in either case—is who has the ultimate appointing power to make the choice from the people whom the Commission nominates; should it be an elected mayor in this Federal city, for which we have a constitutional responsibility, or should it be the President of the United States; and which way are you more likely to get better judges and a better court system? That is the only issue involved in this amendent.

I submit that when you ask the question you answer it. Naturally, I would submit, you want the President of the United States to exercise his constitutional responsibility here in the appointment of these judges, just as he has exercised it for the judges in the Federal territories of one kind or another throughout our history.

Regardless of what one thinks about the original bill or the various substitutes, this is a rather simple, fundamental issue as to how do you get a good court? We do not usually have trial courts and appellate courts appointed by mayors of cities. We have a constitutional obligation here, and it is one we ought to have the President of the United States discharge.

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

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, there has been much said about the letter from the Attorney General as it related to the initial bill we were going to consider. Let me advise my colleague that as late as an hour ago I was in consultation with the Office of the Attorney General, and they still have the same reservations about the committee print and its appointment of judges by the Mayor. And that is based in part on the fact that the District courts have authority to review the actions of the Mayor and the Council, and certain District agencies. In order to remove any question of any impropriety or undue influence it is the opinion of the Attorney General that we ought to remove the power of appointment from the Mayor and place it in the President of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to observe, with respect to the last statement, that that is a very unusual concern, because the President himself appoints Federal judges, and he is subject to their rulings, we hope. That is a matter that will be determined.

It is also the case in many States that usually a public officeholder makes the appointments. I know of no public officeholder at the State level who is above the law, and not subject to rulings of the courts or by the judiciary, so I do not really consider that a very cogent argument.

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

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. HARSHA. What the gentleman is overlooking is the fact that the Federal judges are appointed for life, not for a particular term, so they do not have to look to the President or anybody else for reappointment.

Mr. FRASER. Except that the judge owes his appointment to the President. And the fact of the matter is that under this bill any judge who has performed his services satisfactorily is automatically reappointed. That is a change that the Judicature Society requested, and which the gentleman from Kentucky (Mr. BRECKINRIDGE) who has worked on this section, thought was a good provision, and is one that is acceptable in this bill. Once the person, who is appointed for 15 years, has served satisfactorily, he will be reappointed. So there is not that kind of a problem that the gentleman has mentioned.

Mr. HARSHA. If there is a question in the argument of the gentleman about the allegiance to the President because he appointed a judge for life, or there is no possible removal except for malfeasance, bad behavior, or inability to serve, then surely the gentleman would have that same reservation where a mayor appoints for a particular term and on whom you would have to depend for reappointment.

Mr. FRASER. That is a common problem, it is not a unique problem here.

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

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

Mr. BRECKINRIDGE. I thank the gentleman for yielding.

Is it not correct that, regardless of who has the appointing power, that either the President of the United States or the Mayor of the city of Washington are so circumscribed by the mandated law of this body that they shall be limited in their appointing powers to the powers that we have provided for herein; and, that neither the President nor the Mayor may appoint anyone other than as provided herein; and that, therefore, we may not expect the President to in any way elevate or dignify the quality of this bench other than as also herein provided for by the Mayor.

Mr. FRASER. I think the gentleman is exactly right. The nomination commission is dominated by three appointed by the President, plus one by the President of the Senate and one by the Speaker. This is a majority of the nine men. The local bar gets two more appointments. It seems to me they are going to come up with more qualified candidates. That is to their interest. The President has the largest number of appointments, and I do not see any problem at all.

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

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

Mr. BRECKINRIDGE. I thank the gentleman for yielding.

Mr. Chairman, I have heard this argument made in a variety of ways. Sometimes I think we mislead ourselves. But will the gentleman agree that in the city of Denver and the county thereof, and the city of Atlanta, Ga., and Kansas City, Mo., and New York City in the State of New York, that the mayor has the appointive power for the appointment of trial judges in those jurisdictions under the Missouri plan, or a part and portion thereof?

Mr. FRASER. Since the gentleman is the former attorney general of the State, I will take his word for the accuracy of those statements.

Mr. BRECKINRIDGE. Mr. Chairman, I think the real point here, if I might say so, is that the law will govern and determine the quality of the bench of the District of Columbia, and not the President of the United States and not the Mayor of the District.

Mr. RAILSBACK. Mr. Chairman, I am pleased to support the pending amendment. The question of a totally independent judiciary for the District of Columbia is not a partisan question, not one for differing points of view between liberals and conservatives; rather, it is an extremely important question that should be of concern to all Members.

As a member of the Judiciary Committee which from time to time examines the operations of the Federal judicial system, I know the necessity for the judicial branch of any government to be free at all times to perform its duty without feeling any threat from outside influences. Numerous times in this Nation's history it has been the third branch, the least visible branch of government—the judiciary—which has solved our most divisive and troublesome national issues. At the present time questions of grave import for the Congress, the administration, and the Nation, are working their way toward the Supreme Court for final disposition. If that body did not feel itself totally free to perform its duty, and if all citizens did not perceive its independence, these questions might not be solvable in any final form by any forum.

Independence of judges other than members of the Supreme Court is only slightly less important. When one examines the statistics for the numbers of judicial dispositions that are never appealed, let alone appealed to the Supreme Court, it becomes clear that all courts, of whatever levels, have vested with them tremendous powers that should be exercised only by men and women totally separated from the other branches of Government.

This is the primary reason that I support this amendment. We must make certain as we work on the committee bill that the structure of government we create for the District of Columbia is the best that we can provide. One key element in this structure should be a judiciary able to discharge its duties fairly and completely. Therefore, I am disturbed by the proposal for the Mayor of the city of Washington to be given unprecedented powers to appoint judges of courts of general jurisdiction. These judges will have authority to examine and rule on certain of the Mayor's actions and those of the City Council.

I would feel no such unease if these were lifetime judicial appointments like those for Federal judges. However, these are for a term of years with the right to be considered for reappointment; it is the potential necessity to maintain good relations with the mayor which lies at the heart of my opposition to this provision in the pending measure. I fear that subtle, unstated and even unknown pressures may cause some judges to favor the mayor's position when the potential for reappointment exists.

It seems far better to me to retain the system approved by Congress in 1970 and lodge the appointing and reappointing authority in an official far removed from the daily administration of the city. By permitting the President to make these nominations I believe we will have taken the best step possible to insure that the District judiciary will be removed from any shackels on its independence and judgment.

I note that the chairman of the committee has suggested modification of the committee bill to permit appointment by the mayor and confirmation by the Senate rather than the city council. I do not believe this answers the central objection that the sponsor of the amendment and others have raised on this point.

The Senate can only act on those names sent to it; it cannot pick and choose as a matter of first impression among eligible candidates for the courts. Therefore, it is the appointing and not the confirming function that should be removed from the city government.

In addition, the Senate is a busy organization that has a record of very careful screening of judicial appointments to the Supreme Court. However, recent history indicates that almost every, in fact all but one, I believe, judiciary appointment below the Supreme Court since 1960 has been confirmed by the other body. This record would indicate that real oversight of judicial appointments will not be as likely to flow from the confirming body as from the appointing authority.

It is for these reasons that I believe that section C of title IV should be deleted from the bill. This amendment would have the effect of continuing present law—the law enacted by this body after much thought and debate only 3 years ago.

The CHAIRMAN pro tempore (Mr. BOLAND). The question is on the amendments offered by the gentleman from Ohio (Mr. HARSHA) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The question was taken; and the Chair announced that the Chair was in doubt.

RECORDED VOTE

Mr. GERALD R. FORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 186, not voting 20, as follows:

[Roll No. 505]

AYES—228

Abdnor	Arends	Beard
Alexander	Armstrong	Bennett
Andrews, N. Dak.	Ashbrook	Bevill
	Bafalis	Biaggi
Annunzio	Baker	Blackburn
Archer	Bauman	Blatnik

Boggs	Hammer-	Quie
Bowen	schmidt	Quillen
Bray	Hanrahan	Railsback
Breaux	Hansen, Idaho	Randall
Brooks	Harsha	Rarick
Broomfield	Hastings	Regula
Brotzman	Hays	Rhodes
Broyhill, N.C.	Hébert	Roberts
Broyhill, Va.	Henderson	Robinson, Va.
Burgener	Hicks	Rogers
Burke, Fla.	Hillis	Roncallo, N.Y.
Burleson, Tex.	Hinshaw	Rousselot
Burlison, Mo.	Hogan	Roy
Butler	Holt	Runnels
Byron	Hosmer	Ruth
Camp	Huber	Ryan
Carney, Ohio	Hudnut	St Germain
Carter	Hunt	Satterfield
Casey, Tex.	Hutchinson	Saylor
Cederberg	Ichord	Scherle
Chamberlain	Jarman	Schneebeli
Chappell	Johnson, Pa.	Sebelius
Clancy	Jones, Ala.	Shoup
Clausen,	Jones, N.C.	Shriver
Don H.	Jones, Okla.	Shuster
Clawson, Del	Jones, Tenn.	Sikes
Cleveland	Kazen	Snyder
Cochran	Keating	Spence
Collins, Tex.	Kemp	Stanton,
Conlan	Ketchum	J. William
Daniel, Dan	King	Steed
Daniel, Robert	Kuykendall	Steiger, Ariz.
W., Jr.	Landrum	Steiger, Wis.
Daniels,	Latta	Stephens
Dominick V.	Long, La.	Stratton
Davis, Ga.	Lott	Stubblefield
Davis, Wis.	Lujan	Stuckey
de la Garza	McClory	Symms
Delaney	McCollister	Talcott
Dennis	McDade	Taylor, Mo.
Derwinski	McEwen	Taylor, N.C.
Devine	McSpadden	Teague, Tex.
Dickinson	Madigan	Thomson, Wis.
Dingell	Maraziti	Thone
Dorn	Martin, Nebr.	Towell, Nev.
Downing	Martin, N.C.	Treen
Dulski	Mathias, Calif.	Ullman
Duncan	Mathis, Ga.	Veysey
Erlenborn	Mayne	Waggonner
Eshleman	Michel	Walsh
Fisher	Milford	Wampler
Flynt	Miller	Ware
Ford, Gerald R.	Minshall, Ohio	White
Forsythe	Mitchell, N.Y.	Whitehurst
Fountain	Mizell	Whitten
Frelinghuysen	Mollohan	Widnall
Froehlich	Montgomery	Wiggins
Fuqua	Moorhead,	Williams
Gaydos	Calif.	Wilson, Bob
Gettys	Myers	Winn
Gilman	Nelsen	Wyatt
Ginn	Nichols	Wydler
Goldwater	O'Brien	Wylie
Gonzalez	Parris	Wyman
Goodling	Passman	Yates
Green, Oreg.	Patman	Young, Fla.
Griffiths	Pettis	Young, Ill.
Gross	Peyser	Young, S.C.
Grover	Pike	Young, Tex.
Gubser	Poage	Zion
Gunter	Powell, Ohio	Zwach
Guyer	Price, Tex.	
Haley	Pritchard	

NOES—186

Abzug	Conte	Frenzel
Adams	Conyers	Fulton
Addabbo	Corman	Giaimo
Anderson,	Cotter	Gibbons
Calif.	Coughlin	Grasso
Andrews, N.C.	Culver	Gray
Ashley	Danielson	Green, Pa.
Aspin	Davis, S.C.	Gude
Badillo	Dellenback	Hamilton
Barrett	Dellums	Hanley
Bell	Dent	Hansen, Wash.
Bergland	Diggs	Harrington
Biester	Donohue	Harvey
Bingham	Drinan	Hawkins
Boland	du Pont	Hechler, W. Va.
Bolling	Eckhardt	Heckler, Mass.
Brademas	Edwards, Ala.	Heinz
Brasco	Edwards, Calif.	Helstoski
Breckinridge	Eilberg	Holifield
Brinkley	Esch	Holtzman
Brown, Mich.	Evans, Colo.	Horton
Burke, Calif.	Fascell	Howard
Burke, Mass.	Findley	Hungate
Burton	Fish	Johnson, Calif.
Carey, N.Y.	Flood	Johnson, Colo.
Chisholm	Flowers	Jordan
Clay	Foley	Karth
Cohen	Ford,	Kastenmeier
Collins, Ill.	William D.	Kluczynski
Conable	Fraser	Koch
Landgrebe	Obey	Slack
Leggett	O'Hara	Smith, Iowa
Lehman	O'Neill	Smith, N.Y.
Litton	Owens	Staggers
Long, Md.	Patten	Stanton,
McCloskey	Pepper	James V.
McCormack	Perkins	Stark
McFall	Pickle	Steele
McKay	Podell	Steelman
McKinney	Preyer	Stokes
Macdonald	Price, Ill.	Studds
Madden	Rangel	Symington
Mahon	Rees	Teague, Calif.
Mallary	Reid	Thompson, N.J.
Mann	Reuss	Thornton
Matsunaga	Riegle	Tiernan
Mazzoli	Rinaldo	Udall
Meeds	Robison, N.Y.	Van Deerlin
Melcher	Rodino	Vander Jagt
Metcalfe	Roe	Vanik
Mezvinsky	Roncalio, Wyo.	Vigorito
Minish	Rooney, N.Y.	Waldie
Mink	Rooney, Pa.	Whalen
Mitchell, Md.	Rosenthal	Wilson,
Moakley	Rostenkowski	Charles H.,
Moorhead, Pa.	Roush	Calif.
Morgan	Roybal	Wilson,
Mosher	Ruppe	Charles, Tex.
Moss	Sarasin	Wolff
Murphy, Ill.	Sarbanes	Wright
Murphy, N.Y.	Schroeder	Yatron
Natcher	Seiberling	Young, Alaska
Nedzi	Shipley	Young, Ga.
Nix	Sisk	Zablocki

NOT VOTING—20

Anderson, Ill.	Cronin	Mailliard
Brown, Calif.	Denholm	Mills, Ark.
Brown, Ohio	Evins, Tenn.	Rose
Buchanan	Frey	Sandman
Clark	Hanna	Skubitz
Collier	Kyros	Sullivan
Crane	Lent	

So the amendments to the amendment in the nature of a substitute were agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. NELSEN. Mr. Chairman, I wish to make a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. BOLAND). The gentleman will state his parliamentary inquiry.

Mr. NELSEN. Mr. Chairman, it is my understanding that the amendment which is at the desk is not in conformity with the committee print which has been submitted to us.

On page 86, line 6, it says here, insert a period after "District" and strike out the remainder of the sentence.

On page 125, line 24, strike out "primary" and insert the words "the general."

On page 125, line 24, strike "elections" and insert "election" and strike "of each political party" on lines 24 and 25.

On page 125, line 25, after "Mayor" insert "and member of the Council."

Now, Mr. Chairman, this demonstrates the point that I made earlier, that I am sure that no one is trying to fool anybody; but if the amendment at the desk has corrections in it—they are made by pencil, I understand—that is, the committee print that we had before us, I am wondering just where are we and how many more changes there are. I would suggest that I do not want to leave the impression that anybody is trying to put anything over on anyone, but this does demonstrate, Mr. Chairman, that really we are crowding this thing. We do not really know where we are going. And I am making the inquiry of the Parliamentarian. Just where do we stand under such a circumstance ?

The CHAIRMAN pro tempore. The Chair will state that the amendment which was read by the Clerk is pending and the copy at the desk has certain corrections in it. The Clerk has read that amendment, for the RECORD.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will be glad to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, it is the understanding of the members of the committee that the committee print given to the Members yesterday was the substitute that was going to be offered by the gentleman from Michigan (Mr. DIGGS).

Now, as the gentleman stated, it was probably unintentional, but the committee members are left in the dark and in a state of confusion as to what the Sam Hill we are working with.

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

Mr. NELSEN. I will be glad to yield to the gentleman from Iowa.

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

Earlier this afternoon we dispensed with the reading of the committee prints which we have in hand on the assurance that those committee prints conformed to the amendment that was being read at the desk. Now we find there are substantial changes as between the copies we have and the copy at the desk.

I do not know how Members could be expected to intelligently write amendments to this bill when they do not know what the bill contains that they are amending. This is a sad, sad performance on the part of the Committee of the District of Columbia, that they would bring to the Members of the House a committee print saying to us that this is a true copy and then we find at the Clerk's desk on the Speaker's rostrum an amended version of it.

Mr. NELSEN. Mr. Chairman, I will further add that I insisted on the reading of the bill, feeling that we really were moving too fast and needed a little more time.

I later withdrew my objection to the reading of the bill, only to learn when I removed my objection that we now have a different bill up here than the one we had before us. I feel this is a sad way to legislate.

Mr. BROYHILL of Virginia. Will the gentleman yield?

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

Mr. BROYHILL of Virginia. Mr. Chairman, it certainly indicates that before very long, if we continue the debate on this bill in the way we have and carry it out, it will be in order and the committee will be ready to adopt a preferential motion to rise and to strike the enacting clause.

Mr. ADAMS. Mr. Chairman, I move to strike the last word.

We have stated to the House in reply to the inquiries of the gentleman from Iowa and the gentleman from Minnesota that the bill that has been distributed on the floor is a bill that is being offered as a substitute; any changes that appear as differences in the two were changes that were made as legislative counsel corrected printing errors

in it. It is the same bill. It is in the same form.

I do not know of any substantive change in it other than the ones that we have listed very carefully. If it were necessary to put an "s" on the end of something or a period, that has been done to make the English in it correct. That is all there is.

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

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

Mr. GROSS. I call the attention of the gentleman to page 85 of the bill, and I would also call to the attention of the gentleman from Kentucky (Mr. NATCHER) that it deals with the Federal payment.

Let me read from page 86, line 1:

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.

It is my understanding—and I would appreciate it if the gentleman would have the Clerk read the last four words "made to the trust fund" in the amendment in the nature of a substitute at the Clerk's desk. It is my understanding that the last four words have been stricken in the bill at the desk whereas they remain in the version that has been made available to the Members.

Mr. ADAMS. That is precisely what I explained to the gentleman; namely, that there is in the committee substitute no trust fund any longer, as we indicated to the gentleman from Kentucky. Therefore, it was necessary that legislative counsel strike those words to make the sentence conform. It is precisely what we explained, and it is exactly as it has to be.

Mr. GROSS. But they are not stricken in the committee prints, which are available to the Members and which they are supposed to accept as being a true copy of the committee print.

Mr. ADAMS. The committee print which was delivered—and this Member cannot tell you the moment that each was delivered—was the committee print from which the legislative counsel was required to make whatever grammatical changes were necessary in order to make it conform. That is what has been done; it is the precise way it is always done in offering committee substitutes. That is the way we have presented it to you. There is only in that case a directive to make grammatical changes in order to make the committee substitute read correctly, as was explained to the gentleman from Kentucky yesterday and to the House and as it appears in the bill.

Mr. GROSS. Made to read correctly according to what some committee members think the bill ought to be and not what we are presented with here as an accomplished fact.

Mr. ADAMS. I will say to the gentleman that I made no changes in this at all. Any changes in it are grammatical changes made by legislative counsel, and that is all that has ever been done in any bill.

AMENDMENTS OFFERED BY MR. BROYHILL OF VIRGINIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. BROYHILL of Virginia. Mr. Chairman, I offer several amendments to the amendment in the nature of a substitute and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BROYHILL of Virginia to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 25, line 23, strike out "become law" and insert in lieu thereof "be enacted".

Page 26, line 6, strike out "become law" and insert in lieu thereof "be deemed enacted".

Page 26, line 9, strike out "the act so reenacted" and all that follows through page 26, line 14, and insert in lieu thereof the following:

the disapproval shall be nullified, and the act shall be deemed enacted. Any act of the Council shall become effective only after the expiration of—

(1) the forty-day period (excluding Saturdays, Sundays, holidays, and days in which either House is not in session) immediately following the date such action was enacted or deemed enacted, if during such period neither House of Congress adopts a resolution stating that that House does not approve of such action; and

(2) the ten-day period following such forty-day period, if during such period the President does not veto such action.

The Chairman of the Council shall submit to the Speaker of the House of Representatives, to the President of the Senate, and to the President, a copy of each such action taken by the Council on the day such action is taken. Any resolution introduced in either House of Congress under paragraph (1) shall be deemed a privileged matter. It shall be in order, at any time after the expiration of 30 days after the date of submission of such action, to move that the House resolve itself into the Committee of the Whole for the purpose of considering such resolution. No other business shall be in order during the consideration of such resolution. This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they 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 subsection; 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.

Mr. FRASER. Mr. Chairman, I rise to make a point of order against the amendments, and I reserve the point of order.

The CHAIRMAN pro tempore (Mr. BOLAND). The gentleman from Minnesota reserves a point of order on the amendments offered by the gentleman from Virginia (Mr. BROYHILL) to the amendment in the nature of a substitute offered by Mr. DIGGS.

Mr. BROYHILL of Virginia. Mr. Chairman, as has already been admitted by the sponsors of the committee bill, we have a bad piece of legislation here. They have held this clandestine meeting, and have come forth in the last few hours with a substitute amendment to try to make a silk purse out of a sow's ear. We find that there are a lot of unacceptable provisions in this substitute if, in fact, we understand what the substitute is, because, as has already been pointed out, there is a little different version at the Clerk's desk than that which has been passed out to the Members.

What we are attempting to do here, Mr. Chairman, is to correct some of the objectionable provisions in order to make this bill a more satisfactory and workable piece of legislation, because we do not feel the Members of this House should be called upon to buy a pig in a poke.

The purpose of this amendment is to provide for the Congress and the President a true veto over legislative acts of this proposed city council.

This 30-day, so-called veto power that is provided for in the committee substitute is somewhat of a farce, because we know that theoretically we can legislate an act of Congress to repeal any act of this council. But this delaying of the effective date of the act for 30 days does not serve any useful purpose because, as our colleagues know, it is almost impossible to get an act of Congress passed within a 30-day period, particularly if it is a controversial piece of legislation—and we know that these matters would be controversial. We have doubts as to what types of legislative authority we should grant to this city council to begin with.

We have already agreed that we should limit the council's authority insofar as budgetary control is concerned. We have already agreed that we should limit their authority insofar as the criminal code is concerned. So we have already shown by our prior actions that we question the amount of confidence that we should have in this city council. Yet we have given them authority in this legislation to amend and repeal prior acts of the Congress. In fact, they could even repeal future acts of the Congress.

So what this amendment does is merely to provide a minimum—a minimum—of oversight on the part of the Congress over this elected City Council to whom we have delegated such broad and dangerous legislative authority. It provides that within a 45-day period, any Member of the Congress can introduce a privileged resolution, and by a majority vote of either House of the Congress, that legislative action of the City Council will become null and void. My amendment also provides for an additional period of 10 days during which the President could veto an act of the City Council.

I know that the committee substitute provides for the President to have the authority to sustain a veto of the Mayor, which has been overridden by the Council. But why should not the President have the same authority to veto an action of that City Council that he has to veto an act of the Congress? And that is what this amendment would do. I say that we ought to try it for awhile. It is the minimum authority that we should permit to be delegated to an elected City Council.

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

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

Mr. NELSEN. I thank the gentleman for yielding.

Is it not true that in the provisions of the bill the committee reported that they do have some mechanism for veto by the Congress of the United States, so that it is an accepted fact that this might be a necessary function? What the gentleman's amendment will do is make it a more workable one, because with the time limitation in this bill, the Congress could not even get around to getting a committee in session at times in that length of time to get action, get it reported, and get it out on the floor. It is too cumbersome, and the time limitation is too small.

Mr. BROYHILL of Virginia. The gentleman is absolutely correct. I referred to this 30-day delay. I think it was suggested to our colleagues that we should not give them so much authority, so we will hold them up for 30 days.

As I said before, it is almost impossible to get a bill through both Houses of Congress and signed into law within the 30-day period.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota insist on his point of order?

Mr. FRASER. Mr. Chairman, I withdraw the point of order and seek recognition.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. FRASER. Mr. Chairman, I want to tell the gentleman from Minnesota (Mr. NELSEN) and others, the gentleman from Iowa, that to my knowledge the printed version of the bill was precisely identical to what was at the desk. I knew there were certain oversights in the drafting of the committee print. I ran into them in reading the bill last night. I knew they had to be corrected by technical amendments. It was only after this discussion came up I found that the legislative counsel had penciled them in.

I want to assure the gentleman that the representation I made here was in good faith, and, to the best of my knowledge, they are purely technical amendments to make the bill consistent.

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

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

Mr. NELSEN. I thank the gentleman for yielding.

Mr. Chairman, I certainly under no circumstances whatever suggest that my colleague, the gentleman from Minnesota, would attempt to fool anybody about what is in the bill. However, it does demonstrate again that we are rushing here a little too fast and that we have not had a chance to work out some of these things which I think we could have worked out to a better degree in the interest of what my colleague, the gentleman from Minnesota, would like to have in the bill.

Mr. FRASER. I thank the gentleman. I am sure he will be given a list of those penciled changes and will know precisely what changes they are.

Mr. Chairman, the problem with this amendment is that it reaches a mass of detail in city council legislation which really should not be—at least 99 percent of it—any of our concern. Had this amendment simply been limited to a possible veto by one House or the President, that might have been one matter, but the way this amendment is written, one Member of the House can force this House to take up and debate an issue about increasing a dog license fee from $3 to $4. Under this amendment we are guaranteeing the right of a Member to force the Members of the House and the Members of the Senate to take up their time to review the detailed decisions of the city government that do not belong on the floor of the House.

Mr. Chairman, already in the bill is provision for one House veto when any important change is made, for example, such as to the charter, the basic framework of the District of Columbia. The District under this bill is given the power to amend its charter by a vote of the people, but then it is also subject to a one-House veto over a 45-day period of time, excluding Sundays, holidays, and days the House is not in session. But for us to give into the hands of any Member of this House or Member of the other body the right to take the time of either House about such minor matters as amending the bill to regulate the license of pawnbrokers or increasing fees to maintain outdoor signs or to deal with all of the other trivia that we want to put back in the city council—to give a Member of this House the right to bring this to the floor of the House, I think, is really an absurd suggestion.

What it would mean is that if a citizen of the District did not like something the City Council had done, all he would have to do is run down and get one Member of the Congress to raise the issue and then that Member could force it onto the floor for debate whether the committee was for it or against it. I think this is so patently absurd and ridiculous that it is clear the amendment ought to be voted down.

We have provided a 30-day layover period. If there is something of substance, then the committees can pass a corrective bill. It can be passed by the two Houses and sent to the President. But let us not encourage the District residents to run to the Congress and find just one Member and invoke all this machinery and take up the time of the House and the Senate because someone disagrees with some minor change that may be of interest to that one and nobody else.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. BROYHILL of Virginia. Mr. Chairman, when we enacted the Reorganization Act, we gave the President certain quasi-authority for reorganization, and if any one Member of either House disagrees with that or if his constituent or someone in the District could write to a Congressman, he could exert the same veto action as he could over actions of the City Council.

Mr. FRASER. If the gentleman thinks the reorganization power of the President is analogous to the action that would enable a citizen to challenge the licensing procedures of dogs, then the gentleman has a point, but I think this is absurd and we ought not to take up our time with such things.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Virginia (Mr. BROYHILL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

RECORDED VOTE

Mr. BROYHILL of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 273, not voting 23, as follows:

[Roll No. 506]

AYES—138

Alexander	Goodling	Price, Tex.
Arends	Green, Oreg.	Quillen
Armstrong	Gross	Randall
Ashbrook	Haley	Rarick
Bafalis	Hammer-schmidt	Rhodes
Baker	Hanrahan	Roberts
Bauman	Harsha	Robinson, Va.
Beard	Hébert	Rousselot
Blackburn	Hillis	Runnels
Bray	Hinshaw	Ruth
Breaux	Hogan	Satterfield
Brooks	Holt	Saylor
Broyhill, N.C.	Hosmer	Scherle
Broyhill, Va.	Huber	Schneebeli
Burgener	Hunt	Sebelius
Burleson, Tex.	Hutchinson	Shoup
Butler	Jarman	Shuster
Byron	Johnson, Colo.	Sikes
Camp	Johnson, Pa.	Skubitz
Carter	Jones, N.C.	Snyder
Chamberlain	Kemp	Spence
Chappell	Ketchum	Steed
Clancy	King	Steelman
Clausen, Don H.	Landrum	Steiger, Ariz.
Clawson, Del	Latta	Stubblefield
Cochran	Lott	Symms
Collins, Tex.	Lujan	Talcott
Conlan	Madigan	Taylor, Mo.
Daniel, Dan	Maraziti	Thomson, Wis.
Daniel, Robert W., Jr.	Martin, Nebr.	Thornton
Davis, Ga.	Martin, N.C.	Treen
Davis, Wis.	Mathis, Ga.	Waggonner
de la Garza	Mayne	Walsh
Dennis	Michel	Wampler
Derwinski	Minshall, Ohio	White
Devine	Mizell	Whitehurst
Dickinson	Montgomery	Wilson, Bob
Dingell	Moorhead, Calif.	Winn
Downing	Myers	Wyatt
Duncan	Nelsen	Wydler
Edwards, Ala.	Nichols	Wylie
Fisher	O'Brien	Wyman
Flynt	Parris	Young, Fla.
Ford, Gerald R.	Passman	Young, S.C.
Froehlich	Poage	Young, Tex.
Goldwater	Powell, Ohio	Zion

NOES—273

Abdnor	Brinkley	Danielson
Abzug	Broomfield	Davis, S.C.
Adams	Brotzman	Delaney
Addabbo	Brown, Mich.	Dellenback
Anderson, Calif.	Buchanan	Dellums
Andrews, N.C.	Burke, Calif.	Diggs
Andrews, N. Dak.	Burke, Fla.	Donohue
Annunzio	Burke, Mass.	Dorn
Archer	Burlison, Mo.	Drinan
Ashley	Burton	Duiski
Aspin	Carey, N.Y.	du Pont
Badillo	Carney, Ohio	Eckhardt
Barrett	Casey, Tex.	Edwards, Calif.
Bell	Cederberg	Eilberg
Bennett	Chisholm	Erlenborn
Bergland	Clay	Esch
Biester	Cleveland	Eshleman
Bingham	Cohen	Evans, Colo.
Blatnik	Collins, Ill.	Fascell
Boggs	Conable	Findley
Boland	Conte	Fish
Bolling	Conyers	Flood
Bowen	Corman	Flowers
Brademas	Cotter	Foley
Brasco	Coughlin	Ford, William D.
Breckinridge	Culver	Forsythe
	Daniels, Dominick V.	Fountain

Fraser	McEwen	Rosenthal
Frelinghuysen	McFall	Rostenkowski
Frenzel	McKay	Roush
Fulton	McKinney	Roy
Fuqua	McSpadden	Roybal
Gaydos	Macdonald	Ruppe
Gettys	Madden	Ryan
Giaimo	Mahon	St Germain
Gibbons	Mallary	Sarasin
Gilman	Mann	Sarbanes
Ginn	Mathias, Calif.	Schroeder
Gonzalez	Matsunaga	Seiberling
Grasso	Mazzoli	Shipley
Gray	Meeds	Shriver
Green, Pa.	Melcher	Sisk
Griffiths	Metcalfe	Slack
Grover	Mezvinsky	Smith, Iowa
Gubser	Milford	Smith, N.Y.
Gude	Miller	Staggers
Gunter	Minish	Stanton,
Guyer	Mink	J. William
Hamilton	Mitchell, Md.	Stanton,
Hanley	Mitchell, N.Y.	James V.
Hansen, Idaho	Moakley	Stark
Hansen, Wash.	Mollohan	Steele
Harrington	Moorhead, Pa.	Steiger, Wis.
Harvey	Morgan	Stephens
Hastings	Mosher	Stokes
Hawkins	Moss	Stratton
Hays	Murphy, Ill.	Stuckey
Hechler, W. Va.	Murphy, N.Y.	Studds
Heckler, Mass.	Natcher	Symington
Heinz	Nedzi	Taylor, N.C.
Helstoski	Nix	Teague, Calif.
Henderson	Obey	Teague, Tex.
Hicks	O'Hara	Thompson, N.J.
Holifield	O'Neill	Thone
Holtzman	Owens	Tiernan
Horton	Patten	Towell, Nev.
Howard	Pepper	Udall
Hudnut	Perkins	Ullman
Hungate	Pettis	Van Deerlin
Ichord	Peyser	Vander Jagt
Johnson, Calif.	Pickle	Vanik
Jones, Ala.	Pike	Veysey
Jones, Okla.	Podell	Vigorito
Jones, Tenn.	Preyer	Waldie
Jordan	Price, Ill.	Ware
Karth	Pritchard	Whalen
Kastenmeier	Quie	Whitten
Kazen	Railsback	Widnall
Keating	Rangel	Wiggins
Kluczynski	Rees	Wilson,
Koch	Regula	Charles H.,
Kuykendall	Reid	Calif.
Landgrebe	Reuss	Wilson,
Leggett	Riegle	Charles, Tex.
Lehman	Rinaldo	Wolff
Litton	Robison, N.Y.	Wright
Long, La.	Rodino	Yates
Long, Md.	Roe	Yatron
McClory	Rogers	Young, Alaska
McCloskey	Roncalio, Wyo.	Young, Ga.
McCollister	Roncallo, N.Y.	Young, Ill.
McCormack	Rooney, Pa.	Zablocki
McDade	Rose	Zwach

NOT VOTING—23

Anderson, Ill.	Cronin	Mailliard
Bevill	Denholm	Mills, Ark.
Biaggi	Dent	Patman
Brown, Calif.	Evins, Tenn.	Rooney, N.Y.
Brown, Ohio	Frey	Sandman
Clark	Hanna	Sullivan
Collier	Kyros	Williams
Crane	Lent	

So the amendments to the amendment in the nature of a substitute were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON TO THE AMENDMENTS IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon to the Amendment in the nature of a substitute offered by Mr. DIGGS: Page 116, immediately after line 21, insert the following new section and redesignate the subsequent sections, and references thereto, accordingly:

NATIONAL CAPITAL SERVICE AREA

SEC. 741. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capitol Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a) and particularly described in subsection (f), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39–603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

(f)(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to New York Avenue Northwest;

thence northeast on New York Avenue Northwest to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Fifteenth Street;

thence south on Fifteenth Street to Pennsylvania Avenue;

thence southeast on Pennsylvania Avenue to John Marshall Place;

thence north of John Marshall Place to C Street Northwest;

thence east on C Street Southwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to First Street Northwest;

thence south on First Street Northwest to Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east of F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence south on South Capitol Street to Virginia Avenue;

thence generally west of Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south of Twelfth Street Southeast to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the Northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally east and south along the side of the Washington Channel at the mean high water mark, past the point of confluence with the Anacostia River, and along the southern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north along such boundary to the point of beginning;

thence west to the present Virginia-District of Columbia boundary at the shoreline of the city of Alexandria;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting

such area described in paragraph (1) shall—

(1) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(2) not be construed to include any area situated outside of the District of Columbia boundary as existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(d) The President is authorized and directed to conduct a survey of the area described in this subsection in order to establish the proper metes and bounds of such area.

Mrs. GREEN of Oregon. (during the reading) Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

Mr. Chairman, I will attempt to explain the amendment. It deals with the Federal enclave, and it really draws the line.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, this is the amendment that I discussed at some length yesterday. It has nothing in it, may I say to my friends from Maryland, about retroceding any land to Maryland, but it does draw a line around all of the Federal buildings. That means we draw a line around the Capitol, the Senate and House Office Buildings, Union Square, the White House, Kennedy Center, and all of the Federal buildings up and down Independence Avenue.

The amendment itself intends to include all of the Federal land, but it does not include one acre of private land—not one acre. The enclave would also include Fort McNair, Washington Navy Yard, Bolling Air Force Base, the Naval Research Observatory, and others.

It is my firm belief that the U.S. Capital belongs to every American citizen on an equal basis whether that citizen lives in California, Indiana, Oregon, Virginia or Maryland; whether that person lives 3,000 miles away, 300 miles away, or 3 miles away and that those citizens should have an equal voice in how their capital is to be governed.

Let me repeat something that President Taft said which I quoted yesterday. President Taft, I believe in 1901, spoke for the U.S. citizens then and for the American people today when he said of the city—

It was intended to have the representatives of all the people of the country control this one city and to prevent its being controlled by the parochial spirits that would necessarily govern men who did not look beyond the city to the grandeur of the nation and this as representative of that nation.

Mr. Chairman, the gentleman from Minnesota (Mr. FRASER) a few moments ago indicated that there was no need for such an amendment because they already have Federal jurisdiction. I suggest to my colleagues that they have jurisdiction now under a mayor appointed by the President and a city council appointed by the President.

However, if we are to go to an elected mayor and city council, then I think the changes would be very great. The question I want to ask you is, as a Member of this House representing your constituency, do you want the time to come when the Metropolitan Police Force, responsible to a locally elected mayor and council, shall be the ones who have control over the Federal buildings in this city?

This was intended as a city that would be different from all of the other cities in the country. All of our cities have Federal buildings, of course, but not one of them has a Capitol of the United States located in its area. Our Nation's Capitol should be forever preserved as just that—under Federal control—not local—and belonging equally to those residents 3 miles away or residents in Florida, Alaska, or Iowa.

Under this kind of a Federal City the President would appoint a Director of Federal Area Services who would be responsible for police protection, fire protection, sanitation, the streets, and access roads.

At the present time we have our Capitol Police Force around the Capitol, but that force does not operate in the other Federal buildings. They have no jurisdiction there. It is the Metropolitan Police Force that has jurisdiction there and indeed we have members of the Metropolitan Police Force here at the Capitol and we reimburse the city for their service.

Mr. Chairman, the question is very simple: Do you believe this is a Federal city and that it should forever be governed by Federal authorities? That is the issue.

As I said yesterday, I think the action on the committee bill that is going to be taken today is on an interim basis. Sooner or later we will have to face up to the rights of the people who live in the District of Columbia to full citizenship. That means a vote in the House and the Senate and for Governor. You can accomplish it in either one of two ways: either give Statehood to the District of Columbia or retrocede it to Maryland. It is impossible for me to believe that the Congress in either one of those situations would want this Federal city, the enclave and the Federal buildings, to be a part of the State of Maryland or to be a part of a new State.

I suggest to you, if in the long run we go in either of those directions, it would be far more difficult to take back the Federal area than it would be not to have given it away in the first place.

So, Mr. Chairman, this amendment simply says that we will draw a line around the Federal area and we will have a national director for that area appointed by the President.

Mr. Chairman, I urge the support of this amendment.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we first need to set certain factual matters at rest. Under the committee print that is before the Committee there are two important provisions that the Committee should be aware of. Let me read the first one:

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.

There is a second section that is found on page 109 of the committee print, and it reads as follows:

. . . except that the Chief of the Metropolitan Police shall on a non-reimbursable 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.

Under that part of the code the Secret Service is required to give protection to the President and to his family and visiting heads of foreign states.

In other words, they can call on the police department under any conceivable circumstances to be at the disposal of the President or of the Secret Service and the Executive Protective Service.

Let me make another observation. When we have an inaugural the people in charge include in the Capitol the Capitol Police, the Secret Service, the Protective Service, and the Army.

The point about these Federal buildings and the Federal area is that they are already under Federal control, and Federal control is exercised by the Department of the Interior through the Park Service including the Mall and the monuments, through the General Services Administration in maintaining the buildings, the regular Federal buildings, and the Architect of the Capitol, who runs the Capitol and the Capitol Grounds. All of these people who are responsible for these Federal grounds and Federal buildings are Presidential appointees. What is proposed here is to say that there is now going to be a service director, and we will add somebody on top of these other Presidential appointees to tell them what to do.

This is a very imprecise amendment in that it talks about certain services inside this area, but omits others. There is no reference to utilities. There is no reference to who is going to control traffic, there is no reference as to who is going to control the Metro under that arrangement, or what happens if a crime occurs inside of this jurisdiction, and all you are really doing is adding to confusion through the imposition of a supergrade employee who would be telling the GSA and the Architect of the Capitol and the Department of the Interior what to do.

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

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I think the gentleman from Minnesota has made an excellent point regarding this amendment concerning the question I would raise as to what this would mean in regard to governing of the Metro, and this would now require four sets of appointees rather than three. I think it points out also the planning difficulties that would be confronted under this amendment.

Mr. FRASER. I think it is fair to say that if some day retrocession is desired by the District, and is retroceded to Maryland, the need to carve out some remaining enclave may develop just to conform to the constitutional requirement that there be a seat of the Federal Government. But we are not proposing that here. What we are talking about is drawing a line and saying there is going to be some $38,000 employee in the White House. He is supposed to work with the other Federal employees to see that everything is running all right. From the amendment he appears to have no power himself to hire a police department or to establish a fire department or to do anything else. The only power he is given is to call the National Guard, and, of course, the President can always do that to protect the Federal interest.

I would really have to say that I think this amendment is kind of a nonstarter. It deals with no substantive problem. It simply adds complications to the bureaucracy, and it will give nothing to the Nation's Capital that it does not already have at the present time.

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

Mr. FRASER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman for yielding.

I know the gentleman has not had enough time to consider all of the amendments, but I invite his attention to page 3 of the amendment which says:

> Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

So the objections which the gentleman from Minnesota has raised about how to accomplish all of this would be included in the President's report and the legislative action which would follow. The thing that it does assure is that the Capitol, the Senate and the House Office Buildings, shall never be under the elected Mayor, the elected Council and appointed Chief of Police of the city. It seems to me that this is a reasonable sensible plan.

Mr. FRASER. I can only respond to the gentlewoman from Oregon that if she is resting all of her confidence now in some kind of study, that is quite a different matter.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. FRASER. What the gentlewoman is suggesting here is that the Capitol Police that are now under our control be taken out from under our control and be put under somebody in the White House. I do not know that I find this a very attractive idea. There has not been a problem.

We have myraids of special and general police power and forces available. There is nothing in the committee bill that changes this. If anything, it strengthens the hand of the President in requiring that the Metropolitan Police Department be available for any special situation for which he thinks it is necessary, or any time he thinks it is necessary under the circumstances to protect any visiting dignitaries and the President or his family.

This amendment, therefore, really does not do anything for anybody; it simply adds another plush job in the White House.

Mr. GERALD R. FORD. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN). It appears there is some very strong support for home rule in the District of Columbia. I can understand that. I have reservations as to certain parts of this bill and some reservations as to the concept generally, but the Congress in this session may approve home rule. I see no reason whatsoever to object to the carving out of a particular part of the geography of the District where it is made crystal-clear that this is the Capital of the United States.

It seems to me that this particular portion of the geography of the District cught to be more clearly defined, and certain powers and authority ought to be included within that enclave. For that reason I strongly hope that the amendment is approved, and I trust that the majority will support it.

Mr. Chairman, I yield back the remainder of my time.

Mr. DIGGS. Mr. Chairman, I rise in opposition to the amendment.

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

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

Mr. FRASER. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to say in response to the remarks of the gentleman from Michigan that my staff called the Architect of the Capitol to discuss this matter with him.

I do not want to get the Architect of the Capitol into trouble but he said having a Director over the Mall area is awkward interference and would serve no useful purpose in connection with the Federal interest.

Mr. DIGGS. Further, Mr. Chairman, I would just like to ask the minority leader if he does not feel there is adequate protection in the provisions that I referred to last night saying that:

> (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.

Further I would like to ask whether or not the distinguished minority leader does not feel there is adequate protection in one of the restrictions we have on the Council, namely that they cannot enact any act to amend or repeal any act of Congress which concerns the function or property of the United States or which is not restricted in its application exclusively in or to the District of Columbia?

Mr. GERALD R. FORD. May I respond?

Mr. DIGGS. I yield to the gentleman from Michigan, the minority leader.

Mr. GERALD R. FORD. Mr. Chairman, assuming that what the gentleman from Michigan (Mr. DIGGS), the distinguished chairman of the committee, has said is completely and totally accurate, is there any harm then in approving the amendment that is on the floor at the present time? If the gentleman is right, and I will assume that he is, is there any harm in proceeding to more clearly delineate it as recommended by the gentlewoman from Oregon?

Mr. DIGGS. Mr. Chairman, I associate myself with the response made by the gentleman from Minnesota; namely, that this would add an unnecessary layer onto the supervision of this particular area, and if the amendment is designed to afford some kind of protection for the Federal Establishment, it is unnecessary because there are other adequate protections the committee has already deliberated upon and conceived of and incorporated in the substitute which is pending.

Mr. NELSEN. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN). I think a very important fact exists here which is that there are many of us who want to move in the direction of passing a home rule bill. There are those who have some fear, shall we say, or trepidation about it, but I think any safeguards or any assurance we pass here in this amendment will give people a feeling of, well, this makes it a better bill, so that finally we will pass a bill.

As has been pointed out, if it is unnecessary, this may be true, but then it is not going to do any harm if it passes, and if it does pass then it gives the assurance to some who may have some doubt that there is a little bit of extra coordination in the District of Columbia dealing with the law enforcement protection of the area. It may very well be that the Capitol Police and the Park Police would be better coordinated if we could have somebody organizing it overall. It will do no harm and it will give people assurance, it adds to the possiblity of the passage of a home rule bill, and I hope this amendment will be adopted.

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

Mr. NELSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, if I might refer to the section which the chairman of the committee read, that:

> Nothing in this Act shall be construed as vesting in the District government any greater authority—

And so forth—on page 90 of the committee print—and the last lines:

> than was vested in the Commissioner prior to the effective date of title IV of this Act.

At the present time, we have a mayor appointed by the President of the United States and an appointed city council, and they appoint the chief of police. If

this act goes into effect, we have an elected mayor; we have an elected city council and we have an appointed chief of police by the elected mayor with the consent of the council, which to me is entirely different than it is at the present time.

So there is considerably more change than what was suggested by the gentleman from Michigan (Mr. DIGGS).

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. BROYHILL of Virginia. Mr. Chairman, I thought this was supposed to be a question of self-government. If this bill does give self-government to the people of the District of Columbia, there is no reason whatsoever why they should have any more say so or any more control over an area that could be clearly defined as exclusively for the Federal use than the rest of the people in this country. I see no difference, whether provided for in the amendment offered by the gentlewoman from Oregon or otherwise, than the change of Federal control which we have in Arlington County with Fort Myers; with Fort Belvoir in Fairfax County; with Fort Meade in Maryland. Why could we not have the same type of Federal control and Federal say so over the Federal enclave in the District as in these other jurisdictions?

I think the amendment offered by the gentlewoman from Oregon should be adopted. This is the key to this legislation.

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

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

Mr. SISK. Mr. Chairman, I would like to direct a question through the gentleman from Minnesota to the gentlewoman from Oregon.

I understood from my colleague from Minnesota (Mr. FRASER) that this amendment had some possibility of changing control of the Capitol Police. I would simply like to have that clarified and I would like to hear from the gentlewoman from Oregon about the change of control or direction over our Capitol Police.

Mr. NELSEN. Mr. Chairman, I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, that statement is entirely erroneous. The Capitol Police would still be in charge. The President has a year to make recommendations to the Congress about legislative action that should be taken concerning any changes—including coordinating the various police forces. Then, it would be up to this Congress as to whether or not we accepted the President's recommendations, and if the Congress said that it wanted to do away with the Capitol Police, then it would be done away with. But let me emphasize—only then. And I cannot see a majority voting for that. Let me repeat—the amendment I offered does not in any way do away with the Capitol Police. I thank my colleague from California for helping to clarify that.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a few questions to the gentlewoman from Oregon. I have some serious questions about the careful nature of how the lines were drawn. I would like to ask the gentlewoman, first of all, did she say for the record that there is no private property in the Federal enclave?

Mrs. GREEN of Oregon. Will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, the staff very carefully drove up and down the streets and outlined the area which we describe in the amendment. We believe that there is not one acre of private land in the enclave, but in case there is, on the last page of the amendment, the President is authorized and directed to conduct a survey of the area described in the subsection in order to establish the proper metes and bounds of such area.

The intent is clear, that there should be no private property.

Mr. DELLUMS. Mr. Chairman, I would simply suggest that the lines have been hastily drawn, because I have a map where we drew the lines to the specifications outlined in the amendment. It happens that the land including the Rotunda and immediately adjacent to it is in fact private property and is in fact included in the area.

Second, I would suggest that if the members of the committee would draw a map, they would learn that the GPO is substantially out of the enclave; the GAO office is substantially out of the enclave; the Executive Office Building is substantially out; the Weather Bureau Building is out; the GSA is out; the Department of Transportation is out and the HUD Building also is out.

I would suggest that perhaps a more careful drafting should have been done. Third, I would like to ask the gentlewoman my final question.

If this body adopted the Federal enclave, as the gentlewoman proposes, would this not clarify the conflict between the local interest and the Federal interest? This is the gentlewoman's motivation, to clearly establish the Federal interest in the Capital by carving out a Federal enclave; is that not correct?

Mrs. GREEN of Oregon. The gentleman from California himself has introduced a statehood bill which provides for a Federal enclave.

Mr. DELLUMS. That is correct.

Mrs. GREEN of Oregon. It seems to me if we ever go in the direction the gentleman wants to go, or any other direction to give full citizenship rights, we must have a Federal enclave.

There is a map out in the hall. If we disagree on the lines, in case either one of us is mistaken, the President would order this survey made. There is no intention to include one acre of private land. We believe we drew these lines carefully—not in haste.

Mr. DELLUMS. I thank the gentlewoman.

I would only suggest to the gentlewoman and to the Members of the Committee that if we in fact adopt this Federal enclave to this piece of legislation then we will have for all time separated out and protected the Federal interest, and the rest of the legislation will become totally irrelevant.

I am sure the gentlewoman would have to agree with me that if we establish a Federal enclave in relationship to a home rule bill there would be no reason whatsoever for the Congress to play any further role. The only reason why we have the home rule legislation is to protect the Federal interest. If we carve out the Federal enclave I am sure the gentlewoman could not give me one single reason why the Congress should play any further role in the lives of residents of the District that is clearly local in nature.

I hope the Members will vote down the amendment on the ground that it is totally incompatible with this legislation.

I would certainly join with the gentlewoman at some time in the future, when we could come together to put in a statehood bill, because I do agree that over the long run that is the only real solution to the problem.

To try to tack on to this legislation a Federal enclave which protects the Federal interest in my estimation would mean constitutionally that the Congress would have no legitimate responsibility whatsoever outside of that Federal enclave.

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

Mr. DELLUMS. I yield to the gentleman from Maryland.

Mr. GUDE. It would seem to me that perhaps this is a subconscious slur, in the amendment, against the restaurants here in the House and the Senate. If we include the Rotunda, subconsciously, I hope the chairman of the House Restaurant Committee will not be offended.

Mr. DELLUMS. I thank the gentleman.

Mr. REES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it might be good to turn to page 88 of the committee print, which is the bill we are working on. I refer to title VI, Reservation of Congressional Authority. It says the City Council shall not

> 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;

If individuals are worried about crime in the District, there is another Congressional reservation on page 90, which is number (8) on line 5, which says that the City Council cannot enact any ordinance that affects in any way titles 22 or 24 of the District of Columbia Criminal Code.

So Members will find we have plenty of Federal reservations tied into this bill.

Frankly, I come from a county which has 76 separate cities, and we have enclaves scattered all around, call them counties, island or small cities. If anyone ever wants to drive an administrator crazy, all he has to do is set up some special enclave in the middle of a metropolitan area, because many enclaves do not get along very well, and we find there are separate overlapping police and fire departments, with terrible problems, such as a fire truck stopping at a

district line, when there might be a fire only 30 feet away.

I believe this amendment would do nothing but increase the expenditures and double or triple the bureaucracy we already have here governing the District of Columbia. This sets up really a separate layer of government.

We have the legal problem as to whether the Federal enclave really was a part of the District of Columbia.

If it is not a part of the District of Columbia, what do we do with revenue sharing? What do we do with highway aid money? What do we do as to all the various Federal-aid legislation that will be affecting the District of Columbia and other local jurisdictions when here we have a situation of the District of Columbia and a Federal enclave?

I really do think if we read the bill carefully, read the reservation of Federal authority, we can see that we, the Congress, have retained complete authority, as we have now over all the Federal buildings. There is nothing that the Council can do, for example, in abolishing the Capitol Police or in abolishing the Federal Executive Protection Agency or abolishing the Park Police or anything like that.

We have the reality of the Federal enclave now. I see no reason to put in language like this, which frankly could double or triple the city services and really confuse the relationship between the District and the Federal enclave of the U.S. Government.

Mr. BROYHILL of Virginia. Will the gentleman yield?

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

Mr. BROYHILL of Virginia. Does the gentleman know what the precedent is for this? At one time there were three enclaves in the District: the city of Georgetown, the city of Washington, and the county of Washington. In fact, at one time there were five, including the county of Alexandria and the city of Alexandria.

So this is nothing unusual, to set forth a carved-out area within the District of Columbia and make a Federal enclave in which the Federal interests will be protected.

Mr. REES. I suspect that the main reason the enclaves were abolished was that it was found out they were unworkable and in order to get a physical workable Federal structure, they abolished the Federal enclaves which we had 100 or 200 years ago.

I think this amendment would be going backward and I believe it would be terribly confusing to any administrator.

Mr. Chairman, I ask for a no vote on the amendment.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I listened to the debate here, I come down in favor of the amendment offered by the gentlewoman from Oregon, because I think she was pointing out, and I think most Members must agree that the home rule bill we are talking about here is one step toward the right of full citizenship of the citizens of the District of Columbia. If this bill was going to be an end in itself, perhaps we would not need the enclave that the gentlewoman from Oregon is proposing. I say that the people of the District of Columbia ought to have the right to elect U.S. Senators, Representatives, and Governors of the State and so forth.

There is a difference of opinion, undoubtedly, whether we are going to give Statehood eventually to the District of Columbia or else retrocede them to the State of Maryland. That will be decided later. I think this Green amendment is just a step along the way.

I personally have some reservations as to what the committee has agreed to in retaining as much power in the Congress over items in the budget; but they decided to do that.

I imagine we will take another look at that down the road a ways and see whether that was the right decision or not; but it seems to me the Federal enclave does belong to all the people of the country. It may be that we will later on want to expand the Federal enclave in the Green amendment in order to pick up some Federal buildings that are not included here; but we have to establish the enclave to begin with.

Personally, I would like to see us go all the way with the people of the District of Columbia and retrocede to the people of the State of Maryland, so they can elect a Governor and have Senators and Representatives like everyone else does. I do not favor Statehood for the District of Columbia by itself.

I recognize that we will move to Statehood one step at a time; so I think it is important that the amendment of the gentlewoman from Oregon be adopted now. That is why I strongly support it.

Mr. FRASER. Will the gentleman yield?

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

Mr. FRASER. The gentleman said he was worried about the power of financing given to the District.

Mr. QUIE. No. The agreement gives it back to the Congress again. I think both the substitute that the committee offered as the committee print and the Nelsen-Green substitute have gone a little too far in retaining budget power in the Congress but that will be looked at later.

Mr. FRASER. I would just like to assure the gentleman that all the Federal property he is worried about, the Mall, the Capitol, and the White House, are all under Federal control, and there is nothing in this bill to impair that in any way whatsoever. I just want to assure the gentleman of that.

Mr. QUIE. This, it seems to me, is a wise move for us to take to establish the principle of Federal enclave.

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

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

Mr. DELLUMS. Mr. Chairman, I appreciate the comments the gentleman has made, but I would like the gentleman to respond to my argument.

If you have a Federal enclave, what is the legal basis for a home rule bill? It seems to me, if you do have a Federal enclave, you must then take the next step to statehood, because the Federal interest is in the Capitol. If you carve a Federal enclave out, there is no interest in 14th and U Streets, Northeast or Northwest or any other place outside the Federal enclave.

Could the residents of the District not legally challenge the whole deal if it was said that the Federal interest is not taken care of?

Mr. QUIE. I would say that is not true, because the Federal interest is still there in the District of Columbia.

Mr. DELLUMS. In the representatives of this community or the whole Federal enclave?

Mr. QUIE. The whole District of Columbia. You have not gone all the way to divorce the Federal interest in the whole area when you give home rule in this bill. In the case of the court judges in a previous amendment, we retained the Federal interest.

I do agree that this does anticipate eventual statehood. I am in support of that, and if I were not in support of that, I would be opposed to the amendment of the gentlewoman from Oregon.

I do not think the enclave in any way reduces the Federal interest in the District of Columbia. We, the Federal Government, do and should retain the responsibilities of a State in relation to a municipality. It would not reduce the Federal payment for the District of Columbia.

I yield to the gentlewoman from Oregon if she would like to respond.

Mrs. GREEN of Oregon. It seems to me an alternative question should be posed. Why do residents demand control over the Federal enclave? Alexandria County was at one time a part of the District of Columbia and was retroceded to the State of Virginia; they have "home rule." The people in Alexandria County never asked for control over the Federal buildings, the Capitol, the White House. Home rule and the right to vote does not include a demand to then be given control over the Federal area.

I do not understand why the people who are legitimately asking for a vote and home rule in the District should then also try to acquire control over the Capitol building and the House and Senate office buildings, the White House, and all the other Federal buildings. It seems to me it is entirely apart from the question of home rule and a local vote.

Mr. SYMMS. Mr. Chairman, along with many of my colleagues I am concerned above all with the ability of the National Government to function and to serve the interests of all the people of the United States—not just the interests of these citizens who happen to live in the District of Columbia. It goes without saying, Mr. Chairman, that this concern is in no way a reflection upon the patriotism or good citizenship of our countrymen who are residents of the District of Columbia; I would hold the same view if the National Capital were located within the boundaries of the State of Idaho or of any other State.

We live in an age of demonstrations and we can expect more, not fewer, demonstrations in this city in the years ahead. This, of course, is perfectly proper since any citizen has a constitutional right to petition this Congress for the redress of their grievances. At the same time, however, other citizens have an equal right to have their Government continue to function and to protect their right to go about their business unimpeded by others.

What would happen, Mr. Chairman, if there were a large demonstration in this city which effectively blocked the operations of the National Government? Such an event nearly happened in 1971 and has nearly happened on many other occasions in the last 173 years. Suppose, that the City Council of Washington had control over the Metropolitan Police and suppose further that the local government was in sympathy with a particular demonstration. Let us suppose that the majority of people elsewhere in the United States, however, disagreed with the aims of these demonstrators and that their Congressmen also disagreed. Could we have a situation where the representatives of the majority could be blackmailed into enacting a law opposed by that majority? This would make a travesty of representative government.

I believe, that the requirements of representative democracy in a large and Federal republic make it necessary for this Congress to retain control over at least its immediate territory so that it may be guaranteed the ability to function in the best interests of all the people.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

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

RECORDED VOTE

Mrs. GREEN of Oregon. Mr. Chairman, I know the Chair has announced that the ayes have it, but I am very much concerned about the statement made that when we go to conference agreements have been made. It seems to me it might be advisable to have a recorded vote. So, Mr. Chairman, therefore I do demand a recorded vote for that one reason.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 202, not voting 24, as follows:

[Roll No. 507]

AYES—209

Abdnor	Brasco	Carey, N.Y.
Alexander	Bray	Carney, Ohio
Annunzio	Breaux	Carter
Archer	Brooks	Casey, Tex.
Armstrong	Broomfield	Cederberg
Ashbrook	Brown, Mich.	Chamberlain
Bafalis	Broyhill, N.C.	Chappell
Baker	Broyhill, Va.	Clancy
Bauman	Burgener	Clausen,
Beard	Burke, Fla.	Don H.
Bennett	Burke, Mass.	Clawson, Del
Bevill	Burleson, Tex.	Cochran
Biaggi	Burlison, Mo.	Collins, Tex.
Blackburn	Butler	Conlan
Blatnik	Byron	Coughlin
Bowen	Camp	Daniel, Dan
Daniel, Robert W., Jr.	Johnson, Pa.	Rousselot
	Jones, N.C.	Runnels
Daniels, Dominick V.	Jones, Okla.	Ruth
	Jones, Tenn.	Satterfield
Davis, Ga.	Kazen	Saylor
Davis, Wis.	Kemp	Scherle
de la Garza	Ketchum	Schneebeli
Delaney	King	Sebelius
Dennis	Landrum	Shoup
Derwinski	Latta	Shuster
Devine	Lujan	Sikes
Dickinson	McClory	Sisk
Dingell	McCollister	Snyder
Downing	McCormack	Spence
Duncan	McSpadden	Steed
du Pont	Madigan	Steiger, Ariz.
Esch	Maraziti	Stephens
Eshleman	Martin, Nebr.	Stubblefield
Fisher	Martin, N.C.	Stuckey
Flynt	Mathias, Calif.	Symms
Fountain	Mathis, Ga.	Talcott
Frelinghuysen	Mayne	Taylor, Mo.
Froehlich	Michel	Taylor, N.C.
Fuqua	Milford	Thomson, Wis.
Gaydos	Miller	Thone
Gettys	Minshall, Ohio	Thornton
Gibbons	Mizell	Towell, Nev.
Goldwater	Mollohan	Treen
Goodling	Montgomery	Ullman
Gray	Moorhead, Calif.	Vander Jagt
Green, Oreg.		Veysey
Gross	Myers	Vigorito
Grover	Nelsen	Waggonner
Gubser	Nichols	Walsh
Guyer	O'Brien	Wampler
Haley	O'Hara	Ware
Hammer-schmidt	Parris	White
	Passman	Whitehurst
Hanley	Pettis	Whitten
Hanrahan	Pickle	Widnall
Harsha	Pike	Williams
Hastings	Poage	Wilson, Bob
Hays	Podell	Wolff
Hébert	Powell, Ohio	Wyatt
Henderson	Price, Tex.	Wydler
Hinshaw	Quie	Wylie
Hogan	Quillen	Wyman
Holt	Randall	Young, Alaska
Hosmer	Rarick	Young, Fla.
Huber	Regula	Young, Ill.
Hudnut	Rinaldo	Young, S.C.
Hunt	Roberts	Young, Tex.
Hutchinson	Robinson, Va.	Zion
Ichord	Roe	Zwach
Jarman	Rogers	
Johnson, Colo.	Roncallo, N.Y.	

NOES—202

Abzug	Dorn	Howard
Adams	Drinan	Hungate
Addabbo	Dulski	Johnson, Calif.
Albert	Eckhardt	Jones, Ala.
Anderson, Calif.	Edwards, Ala.	Jordan
	Edwards, Calif.	Karth
Andrews, N.C.	Eilberg	Kastenmeier
Andrews, N. Dak.	Erlenborn	Keating
	Evans, Colo.	Kluczynski
Ashley	Fascell	Koch
Aspin	Findley	Landgrebe
Badillo	Fish	Leggett
Barrett	Flood	Lehman
Bell	Flowers	Litton
Bergland	Foley	Long, La.
Biester	Ford, William D.	Long, Md.
Bingham		McCloskey
Boggs	Forsythe	McDade
Boland	Fraser	McEwen
Brademas	Frenzel	McFall
Breckinridge	Fulton	McKay
Brinkley	Giaimo	McKinney
Brotzman	Gilman	Macdonald
Brown, Ohio	Ginn	Madden
Buchanan	Gonzalez	Mahon
Burke, Calif.	Grasso	Mallary
Burton	Green, Pa.	Mann
Chisholm	Griffiths	Matsunaga
Clay	Gude	Mazzoli
Cleveland	Gunter	Meeds
Cohen	Hamilton	Metcalfe
Collins, Ill.	Hansen, Idaho	Mezvinsky
Conable	Hansen, Wash.	Minish
Conte	Harrington	Mink
Conyers	Harvey	Mitchell, Md.
Corman	Hawkins	Mitchell, N.Y.
Cotter	Hechler, W. Va.	Moakley
Culver	Heckler, Mass.	Moorhead, Pa.
Danielson	Heinz	Morgan
Davis, S.C.	Helstoski	Mosher
Dellenback	Hicks	Moss
Dellums	Hillis	Murphy, Ill.
Dent	Holifield	Murphy, N.Y.
Diggs	Holtzman	Natcher
Donohue	Horton	Nedzi
Nix	Rostenkowski	Steiger, Wis.
Obey	Roush	Stokes
O'Neill	Roy	Stratton
Owens	Roybal	Studds
Patman	Ruppe	Symington
Patten	Ryan	Teague, Calif.
Pepper	St Germain	Teague, Tex.
Perkins	Sarasin	Thompson, N.J.
Peyser	Sarbanes	Tiernan
Preyer	Schroeder	Udall
Price, Ill.	Seiberling	Van Deerlin
Pritchard	Shipley	Vanik
Railsback	Shriver	Waldie
Rangel	Skubitz	Whalen
Rees	Slack	Wilson, Charles H., Calif.
Reid	Smith, Iowa	
Reuss	Smith, N.Y.	
Rhodes	Staggers	Wilson, Charles, Tex.
Robison, N.Y.	Stanton, J. William	Winn
Rodino		Wright
Roncalio, Wyo.	Stanton, James V.	Yates
Rooney, N.Y.		Yatron
Rooney, Pa.	Stark	Young, Ga.
Rose	Steele	Zablocki
Rosenthal	Steelman	

NOT VOTING—24

Anderson, Ill.	Denholm	Lott
Arends	Evins, Tenn.	Mailliard
Bolling	Ford, Gerald R.	Melcher
Brown, Calif.	Frey	Mills, Ark.
Clark	Hanna	Riegle
Collier	Kuykendall	Sandman
Crane	Kyros	Sullivan
Cronin	Lent	Wiggins

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 118, insert after line 2

GOVERNMENT IN THE SUNSHINE

"SEC. 741. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken or proposed shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

"(b) A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts shall be available upon request to the public at reasonable cost."

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG) for 5 minutes in support of his amendment.

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

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. DIGGS. Mr. Chairman, the gentleman from Florida has provided us with a copy of his amendment. It is in essence the "Sunshine Amendment" named after the State from which the gentleman comes. We already have a "Sunshine" concept in the bill as it applies to the proceedings of the city council. This extends it to cover other agencies under the proposed locally elected government.

Mr. Chairman, the committee, after

consideration, is fully in agreement with the gentleman and accepts the gentleman's amendment.

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

Mr. YOUNG of Florida. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I would expect from the gentleman from Florida none but the best, and I would certainly accept his amendment.

Mr. YOUNG of Florida. Mr. Chairman, I thank the distinguished Chairman and ranking minority member, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply like to take a few minutes to discuss what I believe to be a very serious matter that has just taken place on this floor. That is the adoption of the amendment placed before us by the gentlewoman from Oregon (Mrs. GREEN).

I am not a constitutional lawyer, but it would seem to me that the constitutional justification for the District of Columbia is to ostensibly protect the Federal interest of all the American people in their Capital. The justification for a Federal enclave is to apparently protect the Federal interest. The amendment we just adopted offered by the gentlewoman from Oregon establishes the Federal enclave, which she thinks now clearly protects the Federal interest.

The serious constitutional question that is before us now is whether the rest of this bill is in any way relevant. We cannot have both at the same time. We either carve out a Federal enclave which protects the Federal interest and give up power over the local residents outside the Federal enclave, which is clearly not Federal interest, or we have no enclave and maintain the constitutionally appropriate jurisdiction.

We cannot have both of them simultaneously. I would suggest that if this bill passed with the Federal enclave and the rest of the bill which gives line item control over the residents' local budget, which exempts the criminal code and everything else, it would be totally unconstitutional.

If we buy the gentlewoman's amendment, then we have to give up the rest of the bill, because I see no constitutional basis upon which we can continue to legislate on the lives of the people outside the Federal interest.

The Federal enclave clearly gives us protection. Why, then, would we have control over the rest of the budget, which is clearly outside the Federal interest? The reason for putting the Congress in the business of policing the entire District is to protect the Federal interest.

I would suggest that if the bill is passed the way it is and is enacted into law the way it is the residents of the District of Columbia would clearly have a constitutional challenge. The constitutional challenge would come on this basis: Why does the Congress now continue to have control over actions that take place outside of the Federal enclave when in fact they now have clear and total control over what is in fact the Federal interest? That is, the Federal lands, Capitol Hill, the White House, and other Federal establishments.

That is a very serious question. If the parliamentary situation permits we should demand a separate vote on this before final passage. If it passes again, we should either vote it up and vote the rest of the bill down and give the residents of the District total freedom, which is their constitutional right, or vote this amendment out and give them home rule. We cannot have both at the same time.

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

Mr. DELLUMS. I yield to the distinguished gentleman from Minnesota.

Mr. FRASER. I just want to say to the members of the committee that if the so-called enclave which was adopted did grant the powers the gentleman in the well suggests I would share his concern. I believe if one reads it carefully one will find it does not really do very much at all. It tells somebody in the White House to make sure there is enough fire and police protection, but it does not really do anything. It does not create a separate juridical entity, a separate jurisdiction. It does not deprive the District police from exercising police power in the area.

Under those circumstances I believe it would be a mistake to have that concern about the amendment. I do not believe it is that serious.

Mr. DELLUMS. I respect the gentleman's intellect. I simply disagree with the gentleman. We have backed up enough on this legislation. I do not believe we should back up any more.

AMENDMENT OFFERED BY MR. NELSEN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. NELSEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. NELSEN to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 118, immediately after line 2, insert the following:

"CHIEF OF POLICE

"SEC. 741. (a) There is established for the District of Columbia the District of Columbia Board of Police Commissioners (hereafter in this section referred to as the "Board"). The Board shall consist of, ex officio, the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Mayor of the District of Columbia.

"(b) Within 60 days after a vacancy in the office of the Chief of Police of the Metropolitan Police Department, the Board shall submit three nominees for such office to the President. The President shall appoint such Chief of Police from the nominees submitted by the Board, and such Chief of Police shall serve at the pleasure of the Board."

Mr. NELSEN. Mr. Chairman, with the idea in mind that an elected Mayor would certainly be a desirable part of the package, the original bill I put together would call for electing the Council and appointing the Mayor. The reason for the appointment of the Mayor was because of the fact that the Mayor would appoint the Chief of Police, and there are those who seem to feel that the authority for the Chief of Police which is traditional should go from the President on down, so in order to accommodate some fear I had, really, we then devised this idea, which we did in the cancer bill, where a three-man commission became sort of a negotiator between the President and the Congress. In this case if this three-man commission, with the mayor serving on it, makes a recommendation to the President, and the President selects the Chief of Police, we would have a line of authority coming down from the President to the law enforcement facility of the District of Columbia.

So what I was trying to do was to get an elected city council, an elected mayor, but in the interests of the law enforcement facility, it certainly should be under the command of the President of the United States, but through this mechanism there would be input from the mayor. There would also be the overview of the President of the United States.

As has been pointed out in debate here yesterday, with the changeover to an elected mayor we have on the one hand the National Guard involved with the President. We have the need of the Capitol Police on the other hand at times.

It seems to me that there are those who want an elected mayor of this city, as well as those who wish to have an elected city council, and I would endorse those goals; but at the same time I think it has been demonstrated today that we can have attainable goals.

The experience of our own National Capital in years past was a disastrous one, because some of the safeguards that I think we might overlook in the committee bill today. So my attempt today is not to take away from anybody, but on the other hand to try to lay the groundwork so that we may eventually have our elected Mayor, we will have our elected City Council now.

I believe if we have some of these agreements which I tried to negotiate but had no chance, then I think we can pass a bill, which I believe will be in the best interests of the United States of America. I believe this is a sensible thing. When we deal with law enforcement, when we deal with a Federal City with thousands of people, sometimes, in demonstrations, where we need some line of authority going all the way to the top, I believe this is a good amendment.

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

Mr. NELSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. As I understand the gentleman's amendment, it would be a Commission that would be composed of the elected Mayor and the head of the FBI and the head of the Selective Service, is that correct?

Mr. NELSEN. The gentlewoman is correct.

Mrs. GREEN of Oregon. But that Commission would make recommendations to the President of the United States.

Mr. NELSEN. The gentlewoman is correct.

Mrs. GREEN of Oregon. And then the President out of these recommendations

of the Commission would appoint the Chief of Police for the District of Columbia. Is that right?

Mr. NELSEN. That is exactly right.

Mrs. GREEN of Oregon. This seems to me to make very good sense and all of the interests, the interests of everybody in this area, would be protected.

Mr. Chairman, I fully support the gentleman's amendment.

Mr. NELSEN. I might further add that at one time the approach was made in this manner. There was a Police Board years ago, if we check back in history in the 1860's. This was abolished at one time by an act of Congress when the District was consolidated. The purpose again, as I said before, is to try to work out an accommodation that gives us a Mayor and an elected City Council, and for goodness sakes, that is a big step. Some concessions must be made.

I hope the amendment will be adopted.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment, as one who has had considerable experience in dealing with law enforcement officials, with police chiefs, the FBI, and others, and as a U.S. Attorney, and later as a Member of this body.

You have provided here for a three-person board, one from the FBI, one from the Secret Service, and one from the Mayor, who would then make recommendations to the President. However, the head of the FBI under the new system which we are creating is no longer a permanent person but will be appointed by the President. The head of the Secret Service is under the Treasury Department and is the appointee of the President. The Mayor hopefully in this legislation is going to be elected.

I say "hopefully" because it is very hard for me to understand the comments of the gentleman from Minnesota who preceded me that we can have a Mayor and have an elected Council and then not have those elected officials control the basic functions within the city.

The Mayor presently appoints the Chief of Police. The appointment of the Chief of Police is always an extremely difficult thing in any community; it is something that people watch very closely; it is something which needs to be responsive to the interests of those in the community.

I would say to the gentleman from Minnesota that we have in this Capital at the present time, subject to the control of the President of the United Sates and other Federal officials, the White House Police, the Capitol Police, the Park Police, the Executive Service Police, and others that I have not mentioned, and I have not yet come to the Secret Service and the FBI. They deal with basic Federal functions in the city.

The Executive Protective Service, which we created in this body, goes up and down the streets in front of my house along with the Metropolitan Police and many others. The Federal interest is amply protected here.

We have provided in this bill that the Metropolitan Police can be called up by the President in times of emergency, but under the gentleman's proposal you would have no control by the local people over that person who is in control of the people who deal with their daily lives every day.

This bill has been very difficult. The chairman and many of us tried very hard to accommodate positions of all of the segments of opinion involved not only in the community but in this House.

I know that is impossible. I also know we have to do an honest and right thing in giving democratic government.

I would say to the gentleman his amendment goes very much to the heart of this bill, because with the other amendments we have conceded and with certain of the other amendments that have been adopted you are approaching the point where you simply have a shell. I would hope that the gentleman would not do this and would not go to his colleagues on the floor and use the persuasive powers which he has and which our colleague has who supported the enclave amendment, because you arrive at a point here where you really do not have a functional bill. As I say, if there were not all of these other police forces, I might have a different feeling about it.

The Metropolitan Police force is basically protected by a civil service system and will continue to be so. We will have a merit system; we will have a Chief of Police here who will be able to communicate with the local people, and the President does not need any more appointments.

Mr. McKINNEY. Will the gentleman yield for a question?

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

Mr. McKINNEY. Will the gentleman also agree the President and the Federal interests have the Army, Navy, Marine Corps, and National Guard to call in emergency.

Mr. ADAMS. That is correct.

Mr. McKINNEY. Would the gentleman agree also that with regard to the problems we have been having in urban centers a police chief has to be one of the strongest and most compatible figures in the community's relationship?

Mr. ADAMS. I think he is probably the most important figure in relating to his own community and in going forward with law enforcement.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will be very brief. I simply think that this amendment, although probably well intentioned, is unnecessary and strikes very deeply at the entire heart of the subject of home rule. I can think of no single amendment that more clearly states, if it were to be passed, that the Congress of the United States does not feel that the people of the District of Columbia are fit to govern themselves. I think they are fit to govern themselves. I think they desire to govern themselves. I think they deserve to have their chief executive appoint their Chief of Police.

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

Mr. McKINNEY. I yield to the distinguished gentleman from Michigan.

Mr. DIGGS. Mr. Chairman, I would ask the gentleman from Connecticut if the gentleman is aware that the President or the White House has asked for this provision? I know that the White House, the President, or his representatives were very much interested in the question of the appointment of the judges. That was on their shopping list at the beginning of our negotiations, and it was on their shopping list at the end of them, but never was there any item in the shopping list from the White House requesting the appointment of the police commissioner for the District of Columbia.

I would like to know if the gentleman from Connecticut is aware of any desire on the part of the President or the administration to have this amendment, or whether or not this is actually just a product of the gentleman from Minnesota, or someone associated with the gentleman?

Mr. McKINNEY. I can be very specific in my answer to the gentleman. To my knowledge, there is no interest in the White House in this amendment whatsoever. The White House had a shopping list, asking for one thing that should be retained in the bill, that I know of, and I am speaking only from my personal experience, and that was that the President have emergency power over the police force of the District of Columbia.

It was the feeling of a great many of us, when the bill was being marked up, that the provision is inherent in the Constitution, and is inherent in the power of the Congress and the President, we have in the new committee print put that in, the actual wording, so we know it is there. But, I am a Republican, and I have talked to the White House, and no one in the White House has ever communicated to me any desire to have this particular aspect of the bill changed.

Mr. DIGGS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. NELSEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NELSEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 132, noes 275, not voting 27, as follows:

[Roll No. 508]

AYES—132

Alexander	Bray	Camp
Ashbrook	Breaux	Carter
Bafalis	Brooks	Casey, Tex.
Baker	Broyhill, N.C.	Cederberg
Bauman	Broyhill, Va.	Chamberlain
Beard	Burgener	Chappell
Bevill	Burleson, Tex.	Clancy
Blackburn	Butler	Clawson, Del
Bowen	Byron	Cochran

Collins, Tex.	Hunt	Runnels
Conlan	Hutchinson	Ruppe
Daniel, Dan	Jarman	Ruth
Daniel, Robert W., Jr.	Johnson, Pa.	Satterfield
Davis, Ga.	Ketchum	Saylor
Davis, Wis.	King	Scherle
Dennis	Kuykendall	Schneebeli
Derwinski	Landrum	Shoup
Devine	Latta	Shuster
Dickinson	Lott	Sikes
Dingell	Lujan	Skubitz
Downing	Martin, Nebr.	Snyder
Duncan	Martin, N.C.	Spence
Edwards, Ala.	Mathias, Calif.	Steiger, Ariz.
Fisher	Mathis, Ga.	Stuckey
Flynt	Mayne	Symms
Forsythe	Michel	Taylor, Mo.
Froehlich	Minshall, Ohio	Taylor, N.C.
Fuqua	Mizell	Thomson, Wis.
Goldwater	Montgomery	Towell, Nev.
Goodling	Moorhead, Calif.	Treen
Green, Oreg.	Myers	Waggonner
Gross	Nelsen	Wampler
Gubser	Parris	Ware
Hammer-schmidt	Passman	White
Harsha	Poage	Whitehurst
Hastings	Powell, Ohio	Whitten
Hébert	Price, Tex.	Williams
Hillis	Quillen	Wilson, Bob
Hinshaw	Randall	Wyatt
Hogan	Rarick	Wylie
Holt	Rhodes	Wyman
Hosmer	Robinson, Va.	Young, Fla.
Huber	Rogers	Young, S.C.
	Rousselot	Young, Tex.
		Zion

NOES—275

Abdnor	Dulski	Keating
Abzug	du Pont	Kemp
Adams	Eckhardt	Kluczynski
Addabbo	Edwards, Calif.	Koch
Anderson, Calif.	Eilberg	Landgrebe
Andrews, N.C.	Erlenborn	Leggett
Andrews, N. Dak.	Esch	Lehman
Annunzio	Eshleman	Litton
Archer	Evans, Colo.	Long, La.
Armstrong	Fascell	Long, Md.
Ashley	Findley	McClory
Aspin	Fish	McCloskey
Badillo	Flood	McCollister
Barrett	Flowers	McCormack
Bell	Foley	McDade
Bennett	Ford, William D.	McEwen
Bergland	Fountain	McFall
Biaggi	Fraser	McKay
Biester	Frelinghuysen	McKinney
Bingham	Frenzel	McSpadden
Blatnik	Gaydos	Macdonald
Boggs	Gettys	Madden
Boland	Giaimo	Madigan
Brademas	Gibbons	Mahon
Brasco	Gilman	Mallary
Breckinridge	Ginn	Mann
Brinkley	Gonzalez	Maraziti
Broomfield	Grasso	Matsunaga
Brotzman	Gray	Mazzoli
Brown, Mich.	Green, Pa.	Meeds
Brown, Ohio	Griffiths	Melcher
Buchanan	Grover	Metcalfe
Burke, Calif.	Gude	Mezvinsky
Burke, Fla.	Gunter	Milford
Burke, Mass.	Guyer	Miller
Burlison, Mo.	Haley	Minish
Burton	Hamilton	Mink
Carney, Ohio	Hanley	Mitchell, Md.
Chisholm	Hanrahan	Mitchell, N.Y.
Clausen, Don H.	Hansen, Idaho	Moakley
Clay	Hansen, Wash.	Mollohan
Cleveland	Harrington	Moorhead, Pa.
Cohen	Harvey	Morgan
Collins, Ill.	Hawkins	Mosher
Conable	Hays	Moss
Conte	Hechler, W. Va.	Murphy, Ill.
Conyers	Heckler, Mass.	Murphy, N.Y.
Corman	Heinz	Natcher
Cotter	Helstoski	Nedzi
Coughlin	Henderson	Nichols
Culver	Hicks	Nix
Daniels, Dominick V.	Holifield	Obey
Danielson	Holtzman	O'Brien
Davis, S.C.	Horton	O'Hara
de la Garza	Howard	O'Neill
Delaney	Hungate	Owens
Dellenback	Johnson, Calif.	Patten
Dellums	Johnson, Colo.	Pepper
Dent	Jones, Ala.	Perkins
Diggs	Jones, N.C.	Pettis
Donohue	Jones, Okla.	Peyser
Dorn	Jones, Tenn.	Pike
Drinan	Jordan	Podell
	Karth	Preyer
	Kastenmeier	Price, Ill.
	Kazen	Pritchard
		Quie
Railsback	Shipley	Tiernan
Rangel	Shriver	Udall
Rees	Sisk	Ullman
Regula	Slack	Van Deerlin
Reid	Smith, Iowa	Vander Jagt
Reuss	Smith, N.Y.	Vanik
Riegle	Staggers	Veysey
Rinaldo	Stanton, J. William	Vigorito
Roberts	Stanton, James V.	Waldie
Robison, N.Y.	Stark	Walsh
Roe	Steed	Whalen
Roncalio, Wyo.	Steele	Widnall
Roncalio, N.Y.	Steelman	Wiggins
Rooney, N.Y.	Steiger, Wis.	Wilson, Charles H., Calif.
Rooney, Pa.	Stephens	Wilson, Charles, Tex.
Rose	Stokes	Winn
Rosenthal	Stratton	Wright
Rostenkowski	Stubblefield	Wydler
Roush	Studds	Yates
Roy	Symington	Yatron
Roybal	Talcott	Young, Alaska
Ryan	Teague, Calif.	Young, Ga.
St Germain	Teague, Tex.	Young, Ill.
Sarasin	Thompson, N.J.	Zablocki
Sarbanes	Thone	Zwach
Schroeder	Thornton	
Sebelius		
Seiberling		

NOT VOTING—27

Anderson, Ill.	Denholm	Lent
Arends	Evins, Tenn.	Mailliard
Bolling	Ford, Gerald R.	Mills, Ark.
Brown, Calif.	Frey	Patman
Carey, N.Y.	Fulton	Pickle
Clark	Hanna	Rodino
Collier	Hudnut	Sandman
Crane	Ichord	Sullivan
Cronin	Kyros	Wolff

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PARRIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. PARRIS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. PARRIS to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 89, line 17, immediately after "1947)" insert ", or impose any tax, assessment, permit, fee, or other charge upon any individual not a resident of the District, in connection with the utilization by such individual of any highway, road, or parking facility (including on-street and off-street facilities) within the District, which is not imposed upon, or which is in excess of the amount imposed upon, a resident of the District".

Mr. PARRIS. Mr. Chairman, the purpose of my amendment is to make it perfectly clear that the District of Columbia shall have no authority whatsoever to impose commuter or parking taxes upon the commuters and visitors to our Nation's Capital, which are not imposed upon, or which are in excess of, amounts levied upon District residents.

Although the language of the committee print does contain certain safeguards against the imposition of a commuter income tax, my amendment will insure that no tax, including onstreet or off-street parking taxes, in connection with the use of District roads, will be levied upon those who work in the District, but live in suburban Virginia and Maryland. The language of this amendment was incorporated into this year's Senate home rule bill through the successful efforts of my distinguished colleague from Virginia, Mr. WILLIAM L. SCOTT, the language is identical to the Senate bill provision and would conform the two bills.

Mr. Chairman, the economic growth and development of the District and that of suburban Virginia and Maryland go hand-in-hand. While the District of Columbia is unique among U.S. metropolitan areas in that it is not physically located within the confines of a given State, it also enjoys the extra dimension of being the seat of the Federal Government. However, as is the case with any other major metropolitan area, the District is the source of employment for a large percentage of those who live in the surrounding areas. In turn, the hundreds of thousands of visitors and commuters who come to Washington daily bolster the District's economic health by spending their earnings at various establishments throughout the city.

It is my firm belief that the economic future of not only the District of Columbia, but in fact, the entire Washington metropolitan area, would be drastically affected by the enactment of any discriminatory tax.

For those at the lower end of the salary scale, whether they are employees of the Federal or District government or of private enterprise, such a tax would constitute a direct and disastrous financial burden, which could only be removed by their seeking employment elsewhere.

Frankly, I find it inconceivable that Congress might permit any loophole in the legislation before it, at this time, which could one day result in discriminatory taxation of visitors and commuters to the Nation's Capital—those same visitors and commuters who through their Federal tax dollars contribute the lion's share of the revenues received by the District of Columbia government.

I urge my colleagues to join with me in supporting this amendment.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. BROYHILL of Virginia. In the committee bill and the amendment, we are already invading the province of the Committee on Ways and Means, by repealing an act that originated in the Committee on Ways and Means which prohibits the District of Columbia from receiving the benefits of revenue sharing to the extent that they would impose a commuter tax on the suburbs. The repeal of that measure is provided for in this bill.

There is another provision that would prevent the newly elected City Council from imposing a commuter tax.

The gentleman's amendment, which he says is similar to that which has already been adopted by the other body, would affect all forms of taxes not imposed on the citizens of the District of Columbia.

The gentleman's amendment not only would protect the residents of the suburbs who commute to the District of Columbia from unfair or discriminatory taxes by the City Council, but would also protect all American citizens, because under the provisions of the act the City Council could propose a tourist tax on all American citizens who come to the District of Columbia with a similar tax not being imposed on the residents of the District of Columbia.

I believe the gentleman has a fair amendment and it should be adopted.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for his comments.

I want to emphasize that the amendment limits the tax to not in excess of any tax imposed by the District government on District residents, so it does not prohibit imposition of taxes or levies of taxes whatever. It simply requires that it cannot be in excess of those already imposed upon District residents.

Mr. Chairman, I would urge the adoption of the amendment.

Mr. REES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, there is already a specific prohibition in the bill on page 89 against a commuter tax in the District of Columbia. What this amendment does is to say that, even though this prohibition on the commuter tax is in the bill, they are going further and saying that they cannot charge a tax on automobiles that would be any higher than on automobiles operated by citizens of the District.

My congressional district is in the State of California. My congressional district pays one four hundred thirty-fifths of the Federal payment. What my constituent taxpayers are doing really is paying for the freeloading of those individuals who live in Virginia and in Maryland for the services they receive in the District of Columbia, because we, the Congress of the United States, have prohibited the District of Columbia from levying a tax on commuters.

This district, is a city where most of the people who work here are commuters. I live in Montgomery County. I work here at least 5 days a week. I use the facilities of the District of Columbia. I use the streets of the District of Columbit. I enjoy many of the facilities on weekends, such as the Kennedy Center; but this bill now states that in no way can this individual who is using the District of Columbia practically on a year-round basis pay one nickel of special taxes to the District of Columbia.

So again, what this amendment does and what the language in the bill does is to allow those people who commute, who live here in these surrounding jurisdictions, just as I live in Montgomery County and use the District, to escape paying their share, and we say that 200 million Americans have to pay for the services, but REES lives in Montgomery County and is getting service and works in the District 5 days a week and brings his family into this District on weekends.

I think this is a lousy precedent. I think it is basically for those who live around here; certainly it is not for the benefit of most of the taxpayers in the United States today, and, of course, as long as this type of thing is in any home rule bill, as long as the people of the District and their duly elected government are not allowed to come up with a decent tax system to fit the needs of the District, we are always going to have the problem of a Federal payment and the people of my congressional district paying for the services of the people of Maryland and Virginia get who commute to the District, either working or for their families' enjoyment on weekends.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. PARRIS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The question was taken; and on a division (demanded by Mr. PARRIS) there were—ayes 31, nays 49.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. PARRIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. PARRIS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. PARRIS to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 111, strike out lines 8 through 20. And renumber the succeeding sections accordingly.

Mr. PARRIS. Mr. Chairman, section 141(c)(2) of the 1972 State and Local Fiscal Assistance Act, Public Law 92-512, provides that if the District of Columbia should at some time enact a commuter or reciprocal income tax on those who work in the District and live in the Virginia or Maryland suburban area, the District's general revenue sharing allocation would be reduced by an amount equal to the net collections from such a tax. I would like to have that section inserted in the RECORD at this time:

(2) Reduction in the case of income tax on nonresident individuals.—If there is hereafter enacted a law imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia, then the entitlement of the District of Columbia under subtitle A for any entitlement period shall be reduced by an amount equal to the net collections from such tax during such entitlement period attributable to individuals who are not residents of the District of Columbia. The preceding sentence shall not apply if—

(A) the District of Columbia and Maryland enter into an agreement under which each State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, and the District of Columbia and Virginia enter into an agreement under which such State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, or

(B) the Congress enacts a law directly imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia.

Because section 602(a)(5) of the committee print, as reported, distinctly prohibits the imposition of "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," I find it incongruous to note that a repeal of section 141(c)(2) of the State and Local Fiscal Assistance Act is included in section 735 of the bill—basically constitutes repeal of tax legislation by District of Columbia Committee.

The reduction in general revenue sharing funds for the District which would take place in the event of enactment of a commuter tax was a built-in safeguard of the general revenue sharing plan. It is designed to protect those individuals who daily commute to work in the District from direct or indirect taxation of any part of their personal incomes by the District government. It is my understanding that the addition of the commuter tax prohibition was made at the full committee level, and it is my assumption that through some oversight on the part of the full committee, section 735 was allowed to remain in the reported bill.

Accordingly, I am offering this amendment to make this necessary correction, and I urge my colleagues to support it.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. PARRIS. I am delighted to yield.

Mr. BROYHILL of Virginia. The gentleman talked about a previous amendment. What the gentleman seeks to strike out from the legislation is the repeal of an act that originated in the Committee on Ways and Means. I think this is an invasion of that committee's prerogatives by the Committee on the District of Columbia, and that therefore it should be rejected so it would not be establishing a precedent as writing legislation that falls within the jurisdiction of another committee.

I hope the gentleman's amendment is adopted.

Mr. REES. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, this is almost like shooting a person with a silver bullet and then driving a stake through his heart also.

If the Committee will be patient, I will go over a little bit of the ground that I went through a couple of minutes ago.

On page 89 it says that the Council of the District of Columbia shall not 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 of Columbia. There it is. That is the law, and that is what it States in this bill.

It States there shall not be a commuter tax, and it is very plain. Until Congress repeals this there shall not be a commuter tax.

Why do we have to knock out other language which deletes a current commuter tax prohibition?

Under the bill before you, if the amendment is approved if the Congress decides there shall not be a commuter tax, the portion will still be taken out of the money that the District is entitled to through revenue sharing.

How many times does the Congress have to act to amend the bill dealing with the District of Columbia? We are already saying that there cannot be a commuter tax, so why do we have to take the language out which has the effect of saying even if the Congress were to say the District could pass a commuter tax, you come in and say even if we give them the power we still take that off their revenue sharing portion.

This is a ridiculous amendment. It causes a great deal of confusion, because

it means that if we want to act on it as a Congress, we have to go through two different committees to act on one problem, just to give the District of Columbia government the power to levy a commuter tax. As the bill is now written the District of Columbia cannot have a commuter tax unless we, the Congress of the United States, say they can.

Mr. BROYHILL of Virginia. Will the gentleman yield?

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

Mr. BROYHILL of Virginia. Mr. Chairman, I will ask the gentleman in the well if the language in the bill does not contradict itself, because on the one hand it does repeal a previous act of the Congress that does prohibit a commuter tax; or, rather, provides that if a commuter tax were enacted the District of Columbia would lose their proportionate share of the revenue sharing. Now they are asking repeal of that, and at the same time saying that the District of Columbia City Council could not enact a commuter tax. So if you knock the whole section out, you are right back where you started, and you have not done any harm. In the bill in its present form, the District could not levy a commuter tax.

Mr. REES. Let me say to the gentleman that the District can levy a commuter tax if we in the Congress pass a separate act amending this act, allowing the District to levy a commuter tax. But when you strike out on the other amendment which the distinguished gentleman put it in the Committee on Ways and Means, it means that we have to have two bills, one affecting revenue sharing that would go to the Committee on Ways and Means, and the other one going to the Committee on the District of Columbia to accomplish one end, which would be to allow the government of the District of Columbia to levy a commuter tax. So how is there possibly going to be to one act of the Congress, if we ever did take that action, to allow the District of Columbia to pass a commuter tax

Mr. BROYHILL of Virginia. But the way the bill is written, it does prohibit the City Council from enacting a commuter tax.

Mr. REES. It does so specifically, therefore we do not need this amendment here, because this amendment really doubles the confusion that there might be the issue of a commuter tax when right now they cannot vote a commuter tax in the District of Columbia.

Mr. WYDLER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-nine Members are present, not a quorum. The call will be taken by electronic device.

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

[Roll No. 509]

Anderson, Ill.	Cronin	Gubser
Blatnik	Davis, Ga.	Hanna
Bolling	Denholm	Hébert
Brown, Calif.	Duncan	Holifield
Collier	Evans, Colo.	Hudnut
Collins, Ill.	Evins, Tenn.	Karth
Conyers	Fisher	Kyros
Crane	Frey	Landrum
Lent	Nelsen	Sisk
Mailliard	Pickle	Staggers
Martin, Nebr.	Runnels	Steed
Mayne	St Germain	Stephens
Mills, Ark.	Sandman	Sullivan
Murphy, N.Y.	Sikes	Udall

Accordingly the Committee rose; and the Speaker pro tempore, Mr. O'NEILL, having assumed 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 392 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. The question is on the amendment offered by the gentleman from Virginia (Mr. PARRIS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOGAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. HOGAN. Mr. Chairman, I offered an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOGAN to the amendment in the nature of a substitute offered by Mr. DIGGS: On page 10, lines 21 and 22 strike "National Capital region" and insert "District of Columbia";

On page 11, lines 14 and 15, strike "National Capital region" and insert "District of Columbia";

And on page 16, line 11 strike "National Capital region". and insert "District of Columbia.".

Mr. HOGAN. Mr. Chairman, the effect of this amendment would be to indicate clearly that physical planning for the Federal Government in the entire metropolitan Washington area, which vitally affects the interests of Maryland and Virginia, would not and could not come under the control of the District of Columbia Government.

As the seat of the Government, the Capital City, and as the host to foreign government missions, it is obviously essential for the Federal Government and not the District of Columbia to make policies for planning and development of the national Capital area cooperatively with the local governments in the area.

The bill before us, the amendment offered by the gentleman from Michigan, states that the National Capital Planning Commission is hereby created as "a Federal planning agency for the Federal Government to plan for the Federal establishment in the National Capital region." That region includes Prince Georges and Montgomery Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia, and the cities of Alexandria and Falls Church.

In spite of this fact, under the committee bill the new membership of the National Capital Planning Commission would be overwhelmingly weighed in favor of the District of Columbia, by a possible ratio of 7 to 1, against one person from Maryland and one person from Virginia.

Under this proposal, the members of the Commission would be the Secretary of the Interior, the Secretary of Defense, the Administrator of GSA, the Mayor of Washington, the chairman of the D.C. City Council, and the chairmen of the House and Senate Committees on the District of Columbia or their alternates. Then the bill calls for five citizen members; three to be appointed by the President, only one of whom must be from Maryland and one of whom must be from Virginia; but the other two are appointed by the Mayor of Washington. In other words, possibly seven members of this Commission would be oriented to the interests of the District of Columbia, and yet this Commission would have control over all Federal activities in my district and in those counties I enumerated in Maryland and Virginia.

Since this is supposed to be a Federal planning agency for the region, why should the Mayor and the City Council of the District of Columbia sit on this planning commission any more than the county executive and chairman of the county council from my county and from all the other counties, since our interests are vitally affected?

Mr. Chairman, it is grossly inequitable to give citizens of one jurisdiction special control over important matters which take place in another jurisdiction and which vitally affect the lives and livelihoods of those other citizens.

I wonder how many of our colleagues, Mr. Chairman, would like to have their State's neighboring jurisdictions have responsibility in their States for public developments and projects including the acquisition of land by Federal agencies.

That is precisely what this commission would do in my district and the districts in Maryland and Virginia. The District of Columbia and my home State of Maryland are in competition for Federal facilities and Federal jobs. Giving a 7 to 1 advantage to the District of Columbia is the rawest kind of unfair competition.

I urge my colleagues to support my amendments.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I can see the wisdom of a federally dominated National City Planning Council having an oversight over general planning for the entire Metropolitan area of Washington; and I can see the suburban communities cooperating with the District in such agencies.

Mr. HOGAN. Having Federal agencies, but my point is this would no longer be a Federal agency. It would be a District of Columbia agency.

Mr. BROYHILL of Virginia. That was what I was going to say, because the high point of this bill would be that the NCPC would be dominated by four appointed members representing the District of Columbia. They do not have any

interest in planning in the suburban areas of Virginia and Maryland.

They have a parochial interest in the District of Columbia. There would be a constant fight among the various government bodies, and the District-dominated NCPC would not recognize our problems.

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

Mr. HOGAN. I yield to the gentleman from Virginia (Mr. PARRIS).

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

I would like to associate myself with the gentleman's remarks and simply suggest that failure to adopt the amendment would result in the loss of authority and loss of jurisdiction of the local political jurisdictions over their internal activities.

Mr. STARK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, the amendment offered by the gentleman from Maryland will do very little to change what is currently the practice of the National City Planning Council. There are now two local members and 10 Federal members in that council.

Under the proposed change there would be eight Federal members and four local members. As is currently the practice, the National City Planning Council represents the Federal interests and it would, indeed, continue to represent the Federal interest.

The gentleman is incorrect in assuming that his local government body should have or could have any control over Federal projects.

Now, if he is so fortunate as to persuade this body to build a new post office or some other type of pork-barreling legislation to give him some Federal building in his district, it is done with the consent of this entire body. The National City Planning Council would continue to have overview and to plan for the entire Federal interest in or around the District of Columbia.

To limit that Planning Council's ability to plan might very well preclude any Federal installations from moving into these adjoining districts.

I am not sure the gentleman would really like to go home to his constituency and indicate to them that he may have precluded any more Federal installations which would create jobs in his district.

I think that we will find that we are providing, through the Secretary of the Interior, the Secretary of Defense, the head of GSA, the Mayor, the head of the D.C. Council, the chairman of the District Committee of the House of Representatives, and the chairman of the Senate District of Columbia Committee, as well as three Presidential appointments, adequate protection for all of the surrounding regions. It will continue to be the National City Planning Council representing fairly the Federal interest, and there wuld basically be no change.

Mr. GUDE. Will the gentleman yield?

Mr. STARK. I yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding. I know he has spent a great deal of time on this section of the bill. I think it should well be pointed out, as he has done, that, indeed, the Federal interests are broadly represented by Federal officials. The bill is a step forward as far as guaranteeing from jurisdictions outside of the District. At the present time of the 5 Presidential appointees, 4 of them are residents of the District of Columbia, and the fifth is a resident of Seattle, Wash., which is probably rather far removed from these environs.

The present legislation requires that any appointments by the President or the Mayor must be from the District or the environs. Indeed, two of the members appointed by the President must be one a resident of Maryland and one a resident of Virginia. It is an improvement in the present situation.

Mr. STARK. The gentleman is absolutely correct. It does indeed improve the representation of the States of Maryland and Virginia in planning the Federal interest in the District.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. HOGAN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOGAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered .

The vote was taken by electronic device, and there were—ayes 130, noes 278, not voting 26, as follows:

[Roll No. 510]

AYES—130

Abdnor	Froehlich	Moorhead, Calif.
Archer	Gettys	Nelsen
Arends	Goldwater	Parris
Armstrong	Goodling	Passman
Ashbrook	Green, Oreg.	Pettis
Bafalis	Gross	Pike
Baker	Grover	Poage
Bauman	Gubser	Price, Tex.
Beard	Hanrahan	Quillen
Bevill	Harsha	Railsback
Blatnik	Hastings	Randall
Bray	Heckler, Mass.	Rarick
Broomfield	Hillis	Rhodes
Brown, Ohio	Hinshaw	Robinson, Va
Broyhill, Va.	Hogan	Rogers
Burgener	Holt	Roncallo, N.Y
Burke, Fla.	Huber	Rousselot
Butler	Hunt	Runnels
Camp	Hutchinson	Ruppe
Carter	Ichord	Ruth
Chamberlain	Jarman	Satterfield
Clancy	Johnson, Colo.	Saylor
Clawson, Del	Johnson, Pa.	Scherle
Cleveland	Jones, N.C.	Sebelius
Collins, Tex.	Jones, Okla.	Shoup
Conlan	Kemp	Shuster
Daniel, Dan	King	Sikes
Daniel, Robert W., Jr.	Landgrebe	Skubitz
Davis, Ga.	Latta	Snyder
Dennis	Lott	Spence
Derwinski	Lujan	Steed
Devine	Maraziti	Steiger, Ariz.
Downing	Mathis, Ga.	Symms
Duncan	Mayne	Taylor, Mo.
Flynt	Miller	Teague, Calif.
Ford, Gerald R.	Minshall, Ohio	Thomson, Wis.
Forsythe	Mizell	Towell, Nev.
Fountain	Montgomery	Treen
Fraser	Moss	Veysey
Frelinghuysen	Murphy, Ill.	Waggonner
Frenzel	Murphy, N.Y.	Wampler
Fulton	Myers	Ware
	Natcher	Whitehurst
	Nedzi	Whitten
	Nichols	Wiggins
	Nix	Williams
	Obey	Wilson, Bob
	O'Brien	Wydler
	O'Hara	Wylie
	O'Neill	Wyman
	Owens	Young, Alaska
	Patman	Young, Fla.
	Patten	Young, S.C.
	Pepper	Young, Tex.
	Perkins	Zion
	Peyser	
	Podell	
	Powell, Ohio	
	Preyer	
	Price, Ill.	
	Quie	
	Rangel	
	Rees	
	Regula	
	Reid	
	Reuss	
	Riegle	
	Rinaldo	
	Roberts	
	Robison, N.Y.	
	Rodino	
	Roe	
	Roncalio, Wyo.	
	Rooney, N.Y.	
	Rooney, Pa.	
	Rose	
	Rosenthal	
	Rostenkowski	
	Roush	
	Roy	
	Roybal	
	Ryan	
	St Germain	
	Sarasin	
	Sarbanes	
	Schneebeli	
	Schroeder	
	Seiberling	
	Shipley	
	Shriver	
	Sisk	
	Slack	
	Smith, Iowa	
	Smith, N.Y.	
	Staggers	
	Stanton, J. William	
	Stanton, James V.	
	Stark	
	Steele	
	Steelman	
	Steiger, Wis.	
	Stephens	
	Stokes	
	Stratton	
	Stubblefield	
	Stuckey	
	Studds	
	Symington	
	Talcott	
	Taylor, N.C.	
	Teague, Tex.	
	Thompson, N.J.	
	Thone	
	Thornton	
	Tiernan	
	Udall	
	Ullman	
	Van Deerlin	
	Vander Jagt	
	Vanik	
	Vigorito	
	Waldie	
	Walsh	
	Whalen	
	White	
	Widnall	
	Wilson, Charles H., Calif.	
	Wilson, Charles, Tex.	
	Winn	
	Wolff	
	Wright	
	Wyatt	
	Yates	
	Yatron	
	Young, Ga.	
	Young, Ill.	
	Zablocki	
	Zwach	

NOES—278

Abzug	Fuqua	O'Hara
Adams	Gaydos	O'Neill
Addabbo	Giaimo	Owens
Alexander	Gibbons	Patman
Anderson, Calif.	Gilman	Patten
Andrews, N.C.	Ginn	Pepper
Andrews, N. Dak.	Gonzalez	Perkins
Annunzio	Grasso	Peyser
Aspin	Gray	Podell
Badillo	Green, Pa.	Powell, Ohio
Barrett	Griffiths	Preyer
Bell	Gude	Price, Ill.
Bennett	Gunter	Quie
Bergland	Guyer	Rangel
Biaggi	Haley	Rees
Biester	Hamilton	Regula
Bingham	Hammer-schmidt	Reid
Blackburn	Hanley	Reuss
Boggs	Hansen, Idaho	Riegle
Boland	Hansen, Wash.	Rinaldo
Bowen	Harrington	Roberts
Brademas	Harvey	Robison, N.Y.
Brasco	Hawkins	Rodino
Breaux	Hays	Roe
Breckinridge	Hechler, W. Va.	Roncallo, Wyo.
Brinkley	Heinz	Rooney, N.Y.
Brooks	Helstoski	Rooney, Pa.
Brotzman	Henderson	Rose
Brown, Mich.	Hicks	Rosenthal
Broyhill, N.C.	Holifield	Rostenkowski
Buchanan	Holtzman	Roush
Burke, Calif.	Horton	Roy
Burke, Mass.	Hosmer	Roybal
Burleson, Tex.	Howard	Ryan
Burlison, Mo.	Hungate	St Germain
Burton	Johnson, Calif.	Sarasin
Byron	Jones, Ala.	Sarbanes
Carey, N.Y.	Jones, Tenn.	Schneebeli
Carney, Ohio	Jordan	Schroeder
Casey, Tex.	Karth	Seiberling
Cederberg	Kastenmeier	Shipley
Chappell	Kazen	Shriver
Chisholm	Keating	Sisk
Clark	Ketchum	Slack
Clausen, Don H.	Kluczynski	Smith, Iowa
Clay	Koch	Smith, N.Y.
Cochran	Leggett	Staggers
Cohen	Lehman	Stanton, J. William
Collins, Ill.	Litton	Stanton, James V.
Conable	Long, La.	Stark
Conte	Long, Md.	Steele
Conyers	McClory	Steelman
Corman	McCloskey	Steiger, Wis.
Cotter	McCollister	Stephens
Coughlin	McCormack	Stokes
Culver	McDade	Stratton
Daniels, Dominick V.	McEwen	Stubblefield
Danielson	McFall	Stuckey
Davis, S.C.	McKay	Studds
Davis, Wis.	McKinney	Symington
de la Garza	McSpadden	Talcott
Delaney	Macdonald	Taylor, N.C.
Dellenback	Madden	Teague, Tex.
Dellums	Madigan	Thompson, N.J.
Dent	Mahon	Thone
Diggs	Mallary	Thornton
Dingell	Mann	Tiernan
Donohue	Martin, Nebr.	Udall
Dorn	Martin, N.C.	Ullman
Drinan	Mathias, Calif.	Van Deerlin
Dulski	Matsunaga	Vander Jagt
du Pont	Mazzoli	Vanik
Eckhardt	Meeds	Vigorito
Edwards, Ala.	Melcher	Waldie
Edwards, Calif.	Metcalfe	Walsh
Eilberg	Mezvinsky	Whalen
Erlenborn	Milford	White
Esch	Minish	Widnall
Eshleman	Mink	Wilson, Charles H., Calif.
Evans, Colo.	Mitchell, Md.	Wilson, Charles, Tex.
Fascell	Mitchell, N.Y.	Winn
Findley	Moakley	Wolff
Fish	Mollohan	Wright
Flood	Moorhead, Pa.	Wyatt
Flowers	Morgan	Yates
Foley	Mosher	Yatron
Ford, William D.	Moss	Young, Ga.
Fountain	Murphy, Ill.	Young, Ill.
Fraser	Murphy, N.Y.	Zablocki
Frelinghuysen	Myers	Zwach
Frenzel	Natcher	
Fulton	Nedzi	
	Nichols	
	Nix	
	Obey	
	O'Brien	

NOT VOTING—26

Anderson, Ill.	Evins, Tenn.	Lent
Ashley	Fisher	Mailliard
Bolling	Frey	Michel
Brown, Calif.	Hanna	Mills, Ark.
Collier	Hébert	Pickle
Crane	Hudnut	Pritchard
Cronin	Kuykendall	Sandman
Denholm	Kyros	Sullivan
Dickinson	Landrum	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SYMMS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. SYMMS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SYMMS to the amendment in the nature of a substitute offered by Mr. DIGGS: On page 111, in line 24, strike the word "may" and insert in lieu thereof the word "shall."

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

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

Mr. REES. Mr. Chairman, we have read the amendment. It says that the General Accounting Office shall audit the District of Columbia. The change is made to read "shall." We agree to the amendment and would accept it.

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

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

Mr. NELSEN. Mr. Chairman, we will be glad to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. NELSEN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. NELSEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. NELSEN to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 118, immediately after line 2, insert the following:

SEC. 741. (a) There is established for the District of Columbia the District of Columbia Board of Police Commissioners (hereafter in this section referred to as the "Board"). The Board shall consist of, ex officio, the Director of the United States Secret Service and the Director of the Federal Bureau of Investigation, together with one person appointed by the Board of Governors of the unified District of Columbia Bar, one person appointed by the Mayor of the District of Columbia, and one person appointed by the Chairman of the District of Columbia Council.

(b) Within 60 days after a vacancy in the office of the Chief of Police of the Metropolitan Police Department, the Board shall submit three nominees for such office to the Mayor. The Mayor shall appoint such Chief of Police from the nominees submitted by the Board, and such Chief of Police shall serve at the pleasure of the Mayor. The Mayor is empowered to appoint an acting Chief of Police until an appointment is made from the nominees.

Mr. NELSEN. Mr. Chairman, I will be very brief. A moment ago, I offered an amendment which turned this around, where the recommendation would go to the President and he would select from that group of nominees a Chief of Police. This turns it around so that this recommending commission would send it on down. On the commission, of course, would be a Federal voice in there, but it is going to the Mayor. He then would appoint.

Some of the items in this amendment were submitted to me by a very dear friend of mine on the Democratic side, so there is some partisanship involved here. However, I did feel that important to the total process would be some input from the top all the way down to the bottom. I would say the mayor would not be interfered with in any way, nor would it discredit his position.

It is true that the other amendment was hastily put together, again an example of moving too fast at this level. I might have given more thought to it, but the time was not there.

Mr. Chairman, I urge the adoption of the amendment.

Mr. DIGGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would just like to understand from the distinguished ranking minority member of the committee just what is his rationale behind wanting to have this kind of insulation with respect to the Police Commissioner or Chief of Police for this community.

I want to know why he feels in view of all of the other protections that we have in this act at every level of government, that the necessity for this extra dimension is actually required.

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

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

Mr. NELSEN. Mr. Chairman, I would only say this: Traditionally, the Chief of Police has always had a line of administrative, shall we say supervision if we want to use that term, or it would be a line going from the top to the Federal authority to local authority in the District of Columbia. I believe that, again getting back to the argument that this is the Nation's Capital and it does belong to all the people, that with this type of a procedure certainly the mayor has not been interfered with to any extent but it is an opportunity of a voice from the top through these people that are on this commission to get an input.

I would say to the chairman that I do not propose to debate this at any length. He can take it up or down. I think we all understand one another, and I am trying to get a bill to go a long way.

Mr. DIGGS. May I just say in conclusion that with the mayor's appointee and the chairman of the council, being the only local interest on the proposed police commission what the gentleman is really talking about here is a minority control of the local interest with respect to the police opposition, because a member of the unified bar does not necessarily have to be a resident of the District of Columbia. The other two directors, the Director of the Secret Service, and the Director of the FBI, whom one would think have enough responsibility for the general protection of the community at other levels, I just do not see the necessity for this. Here again, is something which reflects a lack of confidence in the local community that in my view puts us in a climate that could completely frustrate the partnership concept between the Federal interest and the local interest, I think is particularly important if we are going to move toward the kind of community all of us desire.

I hope the gentleman's amendment will be turned down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. NELSEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. GROSS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GROSS to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 118, immediately after line 2, insert the following:

DISTRICT OF COLUMBIA DELEGATE TO THE SENATE

SEC. 741. (a) The people of the District of Columbia shall be represented in the Senate of the United States by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act, in the same manner as such Act relates to the election of the Delegate to the House of Representatives from the District of Columbia. The Delegate shall have a seat in the Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of article 1 of the Constitution and shall be subject to the same restrictions and regulations as are imposed by law or rules of the Senate. The term of each such Delegate shall be six years, the first such term to begin at the start of the Congress convening at noon on the third day of January, 1975.

(b) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the day of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least thirty years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date.

He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. FRASER. Mr. Chairman, I wish to make a point of order against the

amendment, and I reserve a point of order.

The CHAIRMAN. The Chair has recognized the gentleman from Iowa.

Mr. FRASER. But the gentleman has not begun to speak, Mr. Chairman. I reserve a point of order.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order.

Mr. GROSS. Mr. Chairman, it has been a long time since I attempted to do the other body a favor. The Senate has long overlooked a golden opportunity to add to its numbers. I note they are apparently on the way to getting a third Senate office building, and it stands to reason they are going to need more population. Obviously, they cannot fill three buildings with only 100 Senators. Moreover, it seems to me the time has come when the good things of life on the part of the House ought to be shared with Members of the other body.

I am sure all Members of the House understand what this amendment would do. I leave the amendment to their tender mercies and yield back the remainder of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Minnesota insist on his point of order?

Mr. FRASER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRASER. Mr. Chairman, the point of order is based on the fact that the amendment is not germane. The bill deals with self-government for the District of Columbia and allocating certain powers to the District and certain restrictions on the exercise of that authority. The amendment, as I understand it, purports to give representation in the Congress, which is a wholly different subject not embraced in the bill before the Committee.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GROSS. Mr. Chairman, with regard to the bill, if I have a correct copy of it, there is some question about whether we know what is in the bill at the desk as developed earlier this afternoon; but if this is a correct reproduction of the offering at the Speaker's rostrum, it includes a good deal of language with regard to elections.

Mr. Chairman, I believe the amendment is germane to the bill.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule. The Chair believes that the matter before the committee covers so many different subjects that have to do with the rights of people of the District of Columbia that the amendment is, in fact, germane and overrules the point of order.

The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. SCHERLE. Mr. Chairman. I move to strike the last word.

Mr. Chairman, although it is not customary for a subcommittee member to refer to his own experience and register his own feelings in such a context, it is my belief that the circumstances in this case warrant a strong personal statement. I have served on the District of Columbia Subcommittee on Appropriations for almost 2 years. During that time, I have faithfully attended its hearings and meetings, and I will continue to do so as long as I have this assignment.

It is my understanding that the purpose of this subcommittee is not only to provide funds for the operation of the District of Columbia government, but also to oversee the expenditure of the taxpayers' money. After listening to hundreds of official witnesses over the course of many months, I have come to the inescapable conclusion that the District government serves the interests of neither its own constituents nor the American taxpayers.

This is no condemnation of the subcommittee. My colleagues are enormously industrious and conscientiously interested in assisting the operations of the city government. But this is a well-nigh impossible task without accurate information. We have repeatedly been fed half-truths in a deliberate attempt to circumvent the authority of the subcommittee. Faced with such obstructionist tactics, it is difficult for me to make fair judgments about the budget requests.

Judging from the actions of many District of Columbia officials with whom I have come in contact, the municipal government in this city exists largely to serve itself. My feelings about these minions of mammon can be summed up in one sentence. With few exceptions, they are stealing us blind. They are using this committee as a pitstop, coming in to fuel up, then roaring out in high gear thumbing their noses at us. These "professional" witnesses with their entourage of supporters give us the pleasure of their company and then sweep out in triumph.

Never before in my experience of government have I witnessed such a concerted effort on the part of individuals in positions of responsibility to cover up boondoggles, waste, and mismanagement. Many cases border on outright fraud. The arrogance and duplicity displayed by these witnesses is sickening. Time after time, District of Columbia government officials have appeared before our subcommittee and sanctimoniously assured us that their departments were operating smoothly and experiencing no problems. And time and time again, we learned subsequently from the news media that, on the contrary, mismanagement, waste, and incompetence reign supreme.

For example, when Dr. Cook, president of the District of Columbia Teachers College, testified before our subcommittee, he said in answer to my direct question, that he had no problems to discuss with the subcommittee. Yet at that time Dr. Cook was fully aware of a highly critical report by the General Accounting Office which detailed serious irregularities in his administration of the college.

The recent disclosure of financial mismanagement at Federal City College and the Blackman's Development Center raise equally alarming questions. Officials of the District of Columbia public school system have also been delinquent in their responsibilities—to their own pupils, to the members of the subcommittee and, through us, to the taxpayers of this country. Dr. Scott, the superintendent of schools, was for instance unable even to tell our subcommittee how many schools there are in the District. The subcommittee was also shocked to discover that the District of Columbia operates virtually no facilities and provides little in the way of special programs for handicapped pupils. Children who start out in life burdened by blindness, deafness, dumbness, or mental retardation have a greater need for special education than any other disadvantaged group. Yet District officials made no effort to apprise the subcommittee of the needs of these children in their jurisdiction. We can only conclude that the District of Columbia School Board is indifferent to the needs of these pupils since no independent interest in their problems has been evinced by the board to date.

The superintendent and the members of the school board seem to be more intent on marshalling student opinion to their pet political causes than on pursuing the primary goal of the school system, which is education. School officials have lately been indulging in partisan political demonstrations and instigating student participation to the detriment of their school work. I strongly disapprove of the scandlous role played by one board member in the series of disgraceful incidents which took place recently on Capitol Hill. Led by this gentleman, a band of District of Columbia high school students left their classes, over the strenuous objections of their principal, and marched on Congress to protest the war. So unruly were these adolescent demonstrators that the Speaker of the House took the unprecedented step of closing the visitors' gallery to the public. Later, the students invaded and ransacked the office of Representative PIERRE DU PONT and stole articles of personal property from his staff. Earlier this year, District of Columbia elementary school pupils were encouraged to take part in a massive outdoor rally protesting the administration's welfare policies.

It is my belief that the District of Columbia schools exist solely for the purpose of educating children. They should never be used as a vehicle for mobilizing uninformed and immature student opinion for partisan political protests. This abuse of authority is all the more reprehensible in view of the schools' neglect of their legitimate responsibilities to handicapped children. Clearly a basic reordering of priorities is needed. School officials must refrain from such inappropriate misuse of their authority in

the future and refocus their energies where they are most urgently needed. School bond issues are failing all over the country, yet Congress continues to provide generously for the District of Columbia. Simple gratitude ought to dictate a more responsive attitude on the part of the beneficiaries.

Ironically, the District of Columbia receives more Federal aid than any other State in proportion of the Federal taxes paid by its residents. A study by the Tax Foundation revealed that the District pays only 23 cents in Federal taxes for each dollar of Federal aid. I urge each Member of the House to compare that with what residents of his own State pay in return for the Federal aid dollar.

STATES PAYING MORE IN TAXES TO SUPPORT GRANTS THAN THEY RECEIVE IN AID

[In millions of dollars]

State	Tax burden	Total grants	Difference (distribution)	Tax burden per $1 of aid received
Indiana	695	431	264	1.61
Ohio	1,574	1,016	558	1.55
Connecticut	622	403	219	1.54
Illinois	1,914	1,250	664	1.53
New Jersey	1,260	823	437	1.53
Delaware	99	66	33	1.49
Florida	931	650	281	1.43
Maryland	646	466	180	1.38
Wisconsin	582	422	160	1.38
Michigan	1,344	1,044	300	1.29
Pennsylvania	1,702	1,391	311	1.22
Nebraska	192	162	30	1.19
Iowa	352	302	50	1.17
Nevada	93	82	11	1.14
Massachusetts	940	839	101	1.12
Kansas	288	266	22	1.08
New Hampshire	99	93	6	1.06
Missouri	628	607	21	1.04
Virginia	596	572	24	1.04
Texas	1,431	1,387	44	1.03
Washington	497	488	9	1.02
Total	16,485	12,760	3,725	
Rhode Island	137	138	1	.99
New York	3,232	3,286	54	.98
Minnesota	506	531	25	.95
California	3,270	3,458	188	.95
Arizona	227	243	16	.93
Hawaii	122	133	11	.92
Oregon	279	327	48	.85
North Carolina	544	643	99	.85
Colorado	300	370	70	.81
Georgia	529	697	168	.76
Idaho	78	104	26	.75
Tennessee	425	605	180	.70
Maine	114	164	50	69
South Carolina	247	365	118	.68
Wyoming	44	67	23	.65
Oklahoma	297	458	161	.65
Utah	113	181	68	.63
Kentucky	334	546	212	.61
Louisiana	381	634	253	.60
Vermont	55	96	41	.57
South Dakota	67	116	49	.57
North Dakota	61	113	52	.54
Arkansas	174	320	146	.54
Montana	84	159	75	.53
Alabama	329	644	315	.51
West Virginia	186	405	219	.46
New Mexico	105	245	140	.43
Mississippi	172	522	350	.33
Alaska	50	150	100	.33
District of Columbia	142	609	467	.23
Total	12,604	16,329	−3,725	

Yet this appropriation bill requests more Federal support for the District of Columbia while many national programs are being curtailed because of limited funds. What is needed is not more Federal money but stricter management and control of existing programs and responsible supervision by department heads.

There is no magic money machine here in the Nation's Capital. Each dollar we expend in Federal funds must come from somewhere. There is every indication that, unless we cut Government spending this year, it will be necessary to raise Federal taxes for all Americans drastically next year. Yet we are offering the District of Columbia government, whose track record is among the most dismal in the country, an $11.4 million increase in direct Federal payments. In addition, it is estimated that Federal grants to the District will be raised by another $33.7 million, for a total increase of $45.1 million in fiscal year 1973, a 10-percent hike to recipients whose performance can best be described as atrocious. Overall Federal support for the District of Columbia government will thus approach half a billion dollars—$465.5 million.

The lawmakers of this Nation, who represent people from every part of the country, like to think of this city as a national home for all our citizens. Consequently we have striven diligently to make it a municipal showcase, a model city. Washington, D.C., enjoys almost unlimited access to Federal patronage. We support a municipal payroll of close to 50,000 out of a total population of only 740,000. It seems at times that the entire city is one big Government employment agency. Many municipal employees, however, behave like the proverbial man with a wrench, trying to look busy but in reality doing nothing. There are a great many things to be done in this city, but the present lack of managerial capability virtually insures that they will remain undone. The problems of Washington, D.C., will never be solved by shovel leaners and pencil pushers.

Largely because of the Federal payroll, Washingtonians boast the highest median income of any metropolitan area, $10,500. Four hundred eighty of the District of Columbia's employees earn more than $25,000 a year each. We shower its residents with the most socially enlightened and generous programs, and we provide experts to administer or advise them. Yet by and large the city fails to live up to the hopes invested in it. Despite the fact that the population is declining and the average income rising, the District of Columbia's welfare rolls have swelled by 30,000 a year and Federal support increases annually, as we have seen, with negative results.

There may not be any simple solution to the fiscal problems of the District, but we can certainly begin by insisting that the money we appropriate be spent honestly and intelligently for the purposes for which it was intended. Otherwise we cannot justify this ever increasing drain on the taxpayers' resources.

Unfortunately the examples cited previously merely illustrate a pervasive problem. We have seen only the tip of the scandal-ridden iceberg of inefficiency and misdirected goals which characterize the District of Columbia government. These instances clearly demonstrate, however, that the officials in question are attempting to deprive the public of information to which the public has a right. The taxpayers are entitled to know that the District of Columbia government is administered to a great extent by incompetents and political hacks.

For this reason, I urge the subcommittee to open all its hearings next year to the press, congressional staffs, and public. If we, as Members of Congress must live in a fishbowl, there is no reason why these officials should not be subject to the same public scrutiny. In the meantime, as long as I have this committee responsibility, as long as the taxpayers of this country are footing the bill, and as long as the District of Columbia operates within the jurisdiction of Congress, I will continue to speak out against the failures of the present city government, which can only be described as one big "can of worms."

This critique should not be interpreted as an admission of weakness or inability to deal with the problems enumerated above. Rather it should serve notice that our patience is close to exhaustion. The indifference and hypocrisy displayed before our subcommittee in the past will no longer be tolerated. Unless we see a drastic change in attitude on the part of the guilty officials in the District of Columbia government, I, for one, will not support the annual increase in appropriations for the District of Columbia. As far as I am personally concerned, the budget will be cut off "at the knees" until genuine reforms are instituted. A word to the wise is sufficient.

Substitute amendment offered by Mr. NELSEN for the amendment in the nature of a substitute offered by Mr. DIGGS.

Mr. NELSEN. Mr. Chairman, I offer a substitute amendment for the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The Clerk read as follows:

Substitute amendment offered by Mr. NELSEN for the amendment in the nature of a substitute offered by Mr. DIGGS: Strike out "Table of Contents" and all that follows, and insert in lieu thereof the following:

TITLE I—GOVERNMENTAL REORGANIZATION

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 101. (a) The District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103—5–116) is amended as follows:

(1) Subsection (a) of section 2 of such Act (D.C. Code, sec. 5–104) is amended to read as follows:

"(a) The National Capital Housing Authority (hereafter referred to as the 'Authority') is established as an agency of the District of Columbia government. The Authority shall have all powers necessary and appropriate to carry out the provisions of this Act, including the employment of necessary personnel services; but all plans for replatting or method of condemnation under the provisions of this Act shall be submitted to and receive the written approval of the National Capital Planning Commission and of the Commissioner of the District of Columbia, except that failure of the National Capital Planning Commission or of the Commissioner to formally approve or disapprove in writing within sixty days after a plan has been submitted shall be equivalent to a formal approval, and disapproval shall be accompanied by a written statement giving all reasons for such disapproval; and any plan which involves action by any department, bureau, or agency of the United States or the District of Columbia shall be made after consultation with such department, bureau, or agency."

(2) Subsection (b) of such section 2 is amended to read as follows:

"(b) All condemnation proceedings required to carry out the provisions of this Act shall be conducted in accordance with subchapter 2 of chapter 13 of title 16 of the District of Columbia Code."

(3) Such section 2 is amended by adding at the end thereof the following:

"(d) All functions, powers, and duties formerly vested in, and exercised by, the President under this Act shall be, on and after the enactment of this subsection, vested in and exercised by the Commissioner of the District of Columbia. All employees, properties (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, assets, and liabilities of the Authority are authorized to be transferred to the District of Columbia. No officer or employee shall, by reason of his transfer to the District of Columbia government by this subsection, be deprived of any civil service rights, benefits, and privileges held by him immediately prior to such transfer and all such employees shall be considered continuous employees of the Authority without break in service."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 102. (a) The Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") is authorized and directed to establish and administer a public employment service in the District, to promote and develop an employment office for men, women, and juniors who are legally qualified to engage in meaningful occupations, including employment counseling and placement services for handicapped persons, and to maintain a veterans' service to be devoted to securing employment for veterans in the District.

(b) The Commissioner shall submit to the Secretary of Labor a detailed plan for carrying out the provisions 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). Such plan shall include provision for the promotion and development of employment opportunities for handicapped persons and for job counseling and placement for such persons. Such plan shall also include provision for cooperation with any board, department, or agency of the District of Columbia which is charged with the administration of any program for vocational rehabilitation of physically handicapped persons.

(c) The Commissioner shall make such reports concerning his operations under this section and expenditures made in carrying out the program authorized by this section as shall be prescribed by the Secretary of Labor.

(d) The Commissioner shall organize an advisory council composed of men and women representing employers and employees in equal numbers, and the public, as is required by section 11 of such Act of June 6, 1933 (29 U.S.C. 49j).

(e) In carrying out the purposes of this section, the Commissioner shall have all necessary powers to cooperate with the Secretary of Labor in the same manner as a State under such Act of June 6, 1933.

(f)(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. 49 (b)) is amended by inserting "the District of Columbia," immediately after "Guam.".

(g) 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.

REDEVELOPMENT LAND AGENCY

SEC. 103. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5–701–5–737) 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:

"SEC. 4. (a) The District of Columbia Redevelopment Land Agency is hereby established as an agency of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereafter referred to as the 'Commissioner'), with advice and consent of the District of Columbia Council (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officials of the District of Columbia government. Each member shall serve for a term of five yers, 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 official of the District of Columbia government cease to be such an official, then his term as member shall end on the day he ceases to be such an official. 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 in the Agency.

"(b) All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, assets, and liabilities of the agency are authorized to be transferred to the District of Columbia government. No officer or employee shall, by reason of his transfer to the District of Columbia government by this section, be deprived of any civil service rights, benefits, or privileges held by him prior to such transfer and all such employees shall be considered continuous employees of the Agency without break in service."

(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.".

TITLE II—PLANNING

PLANNING

SEC. 201. Sections 1 to 8, inclusive, 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, secs. 1–1001—1–1008) are amended to read as follows:

"GENERAL PURPOSES, FINDINGS, AND DEFINITIONS

"SECTION 1. (a) It is the purpose of this Act to secure comprehensive planning for the physical development of the National Capital and its environs; to provide for the participation of the District of Columbia and the appropriate planning agencies of the agencies of the environs in such planning; and to establish the agency and procedures requisite to the administration of the functions of the Federal Government related to such planning. The Congress hereby finds that the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia; that effective comprehensive planning is necessary on a regional basis and of continuing importance to the Federal Establishment; that the distribution of Federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development; that there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both Federal and local development in the interest of order and economy; that there are development problems of an interstate character, the planning of which require collaboration between Federal, State, and local governments in the interest of equity and constructive action; and that the instrumentalities and procedures herein provided will aid in providing the Congress from time to time with information and advice requisite to legislation. The general objective of this Act is to enable appropriate agencies to plan for the development of the District of Columbia and the Federal Establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience prosperity, and the general welfare, as well as efficiency and economy in the process of development.

"(b) As used in this Act, (1) 'region' or 'National Capital Region' means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties; (2) 'environs' means the territory surrounding the District of Columbia included within the National Capital Region; (3) 'National Capital' means the District of Columbia and territory owned by the United States within the environs; and (4) 'planning agency' means any city, county, bicounty, party county, or regional planning agency authorized under State and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent.

"THE NATIONAL CAPITAL PLANNING COMMISSION

"SEC. 2. (a) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is hereby created and designated as the central planning agency for the Federal Government to plan the appropriate and orderly development and redevelopment of the National Capital and the

conservation of its important natural and historical features.

"(b) The Commission shall be composed of—

"(1) ex officio, the Secretary of Defense, the Secretary of the Interior, the Administrator of the General Services Administration, the Architect of the Capitol, and the Commissioner of the District of Columbia, or their designated representatives; the Chairman of the District of Columbia Council or another member of the Council designated by its Chairman; and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives (either of which chairmen if unable to serve in person may designate another member of his committee to serve as a member of the Commission in his stead); and

"(2) six eminent citizens well qualified and experienced in city or regional planning, appointed by the President, at least two of whom shall be residents of the District of Columbia (including one of such residents who shall be appointed from among not less than three nominees of the Commissioner of the District of Columbia), at least one of whom shall be a resident of the Maryland environs, and at least one of whom shall be a resident of the Virginia environs. The terms of office of appointive members of the Commission shall be so fixed by the President that the term of one such member shall expire on April 30 of each year. Any such member, the expiration of his term notwithstanding, or any appointive member of the Commission in office on the date of enactment of this subsection, shall continue as a member, pending the appointment and qualification of a successor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The appointive members of the Commission shall receive compensation at the rate of $100 for each day such member is engaged in attending a meeting of the Commission and for each day such member is, with the approval of the Chairman of the Commission, otherwise engaged in the business of the Commission.

"(c) The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ an Executive Director and such other technical and administrative personnel as it may deem necessary. The Commission may procure temporary or intermittent services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions to the same extent as is authorized under section 3109(a) of title 5 of the United States Code.

"(d) The Commission shall establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such agencies of the Federal and District of Columbia governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies of such governments, in order that the National Capital may be developed in accordance with the comprehensive plan. The Commission and the Commissioner shall invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees as they may deem appropriate.

"(e) As hereinafter more specifically described, it shall be among the principal duties of the Commission to (1) prepare elements of, adopt, and amend a comprehensive plan for the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal Government within the National Capital region, and in such capacity to review Federal and District development programs in order to advise as to conformity with the comprehensive plan; and (3) be the planning representative of the Federal Government for collaboration with regional authorities.

"MUNICIPAL PLANNING

"SEC. 3. (a) The Commissioner of the District of Columbia shall—

"(1) prepare and submit to the Commission for adoption, after approval by the District of Columbia Council, those elements of a comprehensive plan for the National Capital, and amendments thereto, which relate to the development of the District of Columbia, except Federal developments and projects in the District of Columbia, and to District developments and projects in the environs:

"(2) prepare annually for approval by the District of Columbia Council a multi-year program of District of Columbia public works projects; and

"SEC. 4. (a) The Commission shall pre-

"(3) prepare urban renewal plans, and modifications thereto, for adoption by the District of Columbia Council pursuant to sections 6(a) and 12 of the District of Columbia Redevelopment Act of 1945.

"(b) To assist the Commissioner in the performance of the foregoing functions, there is hereby established a Municipal Planning Office, headed by a Director appointed by the Commissioner, which shall serve as the central planning agency for the District of Columbia government within the National Capital region. In addition to the foregoing function, the Municipal Planning Office shall—

"(1) prepare, review, and make recommendations on proposed amendments to the zoning regulations of the District of Columbia and on applications for variances and special exceptions to the zoning regulation;

"(2) compile and periodically publish demographic, social, and economic data for use by Federal and District of Columbia agencies and the general public;

"(3) provide staff planning services to such other agencies as directed by the Commissioner;

"(4) coordinate and review all applications for Federal financial assistance prepared by District of Columbia agencies; and

"(5) coordinate and provide centralized policy guidance for fuctional planning by other agencies of the District of Columbia government.

'COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL

pare those elements of a comprehensive plan for the National Capital, and amendments thereto, relating to the development of the Federal Establishment at the seat of government and the conservation of important natural features of the National Capital. The comprehensive plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs. The Commission and the Commissioner shall agree as to the elements of the comprehensive plan to be prepared by each or to be jointly prepared.

"(b) The comprehensive plan for the National Capital shall contain recommendations for the development of the District of Columbia including, among other things, the general location, arrangement, character, and extent of highways, streets, bridges, viaducts, subways, major thoroughfares, and other facilities for the handling of traffic; parks, parkways, and recreation areas, and the facilities for their development and use; public buildings and structures, including monuments and memorials, public reservations, or property, such as airports, parking areas, institutions, and open spaces; land use, zoning, and the density or distribution of population; public utilities and services for the transportation of people and goods or the supply or community facilities; waterway and waterfront development; redevelopment of obsolescent, blighted, or slum areas; neighborhood areas; projects affecting the amenities of life, the preservation and conservation of natural scenery and resources, and features of historic and scientific interest and educational value; and all other proper elements of city and regional planning. The plan may include appropriate maps, plats, charts, tables, and descriptive, interpretive, and analytical matter, economic and social aspects, and trends of urban development, and such functional and sectional plans as the Commission deems necessary or desirable. Recommendations or proposals for Federal and District developments or projects in the environs may include their general location, character, size, and intensity of use. In making its recommendations, the Commission shall at all times give primary consideration to the broad elements of the comprehensive plan which shall include, but not be limited to, generalized plans for land use, major thoroughfares, park, parkway, and recreation system, mass transportation, and community facilities and services.

"(c) The comprehensive plan for the National Capital, or elements thereof and amendments thereto, shall be adopted by the Commission.

"(d)(1) Prior to the adoption of the comprehensive plan or any element thereof, or any subsequent amendment, the Commission shall present such plan, element, or amendment to the appropriate Federal, District of Columbia, and State or local authorities for comment and recommendations. The recommendations by such authorities shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to adoption. The Commission shall periodically provide opportunity, by public hearings, meetings, or conferences, exhibitions and publication of its plans, for review and comments by nongovernmental agencies or groups, and shall in consultation with the Commissioner, establish one or more citizen advisory councils.

"(2) In carrying out its planning functions with respect to Federal developments or projects in the environs, the Commission shall act in conjunction and cooperation, and may enter into agreements with any State or local authority or planning agency, as the Commission may deem necessary, to effectuate the adoption of any plan or proposal and secure its realization.

"TRANSPORTATION PLANS FOR THE DISTRICT OF COLUMBIA

"SEC. 5. (a) As elements of the comprehensive plan, the Commissioner shall prepare and submit to the Commission for adoption, after approval by the District of Columbia Council, the major thoroughfare plan and the mass transportation plan.

"(b) Prior to the adoption of the major thoroughfare plan and the mass transportation plan, the Commission shall consult with the Department of Transportation, the Washington Metropolitan Area Transit Authority, appropriate State agencies and affected local planning agencies and obtain the approval of affected local governing bodies regarding the extension of the thoroughfare and mass transportation systems of the District of Columbia to serve Federal and District developments and projects in the environs.

"PROPOSED FEDERAL AND DISTRICT DEVELOPMENTS AND PROJECTS

"SEC. 6. (a) In order to insure the comprehensive planning and orderly development of the National Capital, each Federal and District of Columbia agency shall submit to the Commission, in preliminary and successive stages, plans originated by such agency for

proposed developments and projects or to commitments for the acquisition of land or the major acquisition in the District of Columbia of space by lease to be paid for in whole or in part from Federal or District funds, for a determination as to conformity with the comprehensive plan prepared and adopted pursuant to section 3, except the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a report to the agency or agencies concerned. No such proposed development or project or commitment for the acquisition of land or lease of space shall be undertaken, if the Commission shall determine, within sixty days from the date of receipt, that it does not conform to the comprehensive plan or would adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital.

"(b) The procedure prescribed in subsection 6(a) shall not apply to projects within the Capitol Grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

"(c) Within the environs, general plans showing the location, character, extent, and intensity of use for proposed Federal and District developments and projects shall be submitted to the Commission for approval, unless such matters shall have been specifically approved by an Act of Congress. Before acting on any general plan, the Commission shall advise and consult with the local government and the appropriate planning agency having jurisdiction over the affected part of the environs. When, in the judgment of the Commission, proposed developments of projects submitted to the Commission under subsection (a) involve a major change in the character or intensity of an existing use in the environs, the Commission shall likewise advise and consult with the aforesaid local government and planning agency.

"(d) It is the intent of the foregoing provisions of this section to obtain cooperation and correlation of effort between the various agencies of the Federal and District Governments which are responsible for public developments and projects, including the acquisition of land and of leased space. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal Government in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request.

"SIX-YEAR PUBLIC WORKS PROGRAM

"SEC. 7. The Commission shall review annually a six-year program of public works projects submitted by each Federal agency and the Commissioner in the first quarter of each fiscal year.

"ZONING AND SUBDIVISION FUNCTIONS

"SEC. 8. (a) No proposed amendment of the zoning regulations and maps shall be adopted by the Zoning Commission of the District of Columbia unless the Commission shall first determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of the government or the conservation of important historical and natural features of the National Capital; or unless the Commission shall adopt a conforming amendment to the comprehensive plan in accordance with sections 3 and 4 of this Act.

"(b) Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the District of Columbia Council prior to adoption for report and recommendations within sixty days.".

AMENDMENTS TO EXISTING LAW

SEC. 202. (a) Sections 11, 12, and 13 of the Act of June 6, 1924 (D.C. Code, secs. 1–1011–1–1013), section 1 of the Act of December 22, 1928 (40 U.S.C. 72a), and sections 1(a) and 4 of the Act of May 29, 1930 (46 Stat. 482), are amended by striking out in each such section "said commission or a majority thereof," "said commision," "the National Capital Planning Commission, established by the Act approved April 30, 1926 (Statutes at Large, vol. 44, page 374)", and "the National Capital Park and Planning Commission", and inserting in lieu thereof in each such section "the Secretary of the Interior".

(b) Section 2(a) of the Act of June 12, 1934 (D.C. Code, sec. 5–104(a)), is amended by deleting the words "of the National Capital Planning Commission and", and "of the National Capital Planning Commission or" wherever such words appear.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

SEC. 203. (a) Section 6 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–705), is amended to read as follows:

"SEC. 6. (a) For the exercise of the powers granted to the Agency by this Act for the acquisition and disposition of real property for the redevelopment of a project area, the following steps and plans shall be requisite:

"(1) Adoption by the District of Columbia Council of the boundaries of the project area.

"(2) Adoption, after a public hearing thereon, by the District of Columbia Council of the redevelopment plan of the project area which shall contain a site and use plan for the redevelopment of the area, including the approximate location and extent of the land uses proposed for and within the area, such as public buildings, streets, and other public works and utilities, housing, recreation, business, industry, schools, public and private open spaces, and other categories of public and private uses. Such plan shall also contain specifications of standards of population density and building intensity. Any such plan may also specify, by means of specification of maximum rentals or other basis, the amount or character or class of any low-rent housing for which the area or part thereof is proposed to be redeveloped.

"(b) Prior to the adoption of such redevelopment plan, the District of Columbia Council shall submit such plan to the Planning Commission for determination as to conformity with the comprehensive plan for the National Capital prepared and adopted pursuant to the National Capital Planning Act of 1952, as amended. No such plan shall be adopted by the District of Columbia Council unless the Planning Commission shall determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital; or unless the Planning Commission shall adopt a conforming amendment to the comprehensive plan.

"(c) After a project area redevelopment plan shall have been adopted by the District of Columbia Council, it shall forthwith certify such plans to the Agency, whereupon the Agency shall proceed to the exercise of the powers granted to it in this Act for the acquisition and assembly of the real property of the area. Following such certification, no new construction shall be authorized by the Commissioner of the District of Columbia in such area, including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy, except in accordance with such plan.".

(a) Section 12 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–711), is amended to read as follows:

"SEC. 12. An approved project area redevelopment plan may be modified at any time or times: *Provided*, That any such modification as it may affect an area or part thereof which has been sold or leased shall not become effective without the consent in writing of the purchaser or lessee thereof: *Provided further*, That such modification may be effected only through adoption by the District of Columbia Council. Prior to such adoption, the District of Columbia Council shall submit such modification to the Planning Commission for determination as to conformity with the comprehensive plan for the National Capital prepared and adopted pursuant to the National Capital Planning Act of 1952. No such modification shall be adopted by the District of Columbia Council unless the Planning Commission shall determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital; or unless the Planning Commission shall adopt a conforming amendment to the comprehensive plan."

(c) The last proviso in section 1 of the Street Readjustment Act of the District of Columbia (D.C. Code, sec. 7–401) is amended to read as follows: *"And provided further*, That the proposed closing of any street, road, highway, or alley, or any parts thereof, as provided for in this Act, shall be referred to the National Capital Planning Commission for determination as to conformity with the Comprehensive Plan for the National Capital prepared and adopted pursuant to the National Capital Planning Act of 1952. No such closing shall be approved by the District of Columbia Council unless the National Capital Planning Commission shall determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital; or unless the Planning Commission shall adopt a conforming amendment to the comprehensive plan.".

TITLE III—TAXING AUTHORITY, FEES, LICENSING

PART A—TAXING AUTHORITY AND FEES

TAXING AUTHORITY

SEC. 301. (a) For the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year, the taxes specified in subsection (b) at such rates as will, when added to the other revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made. The District of Columbia Council is authorized and directed to ascertain, determine, and fix annually such rates of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed. The District of Co-

lumbia Council shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out.

(b) The taxes referred to in subsection (a) are the taxes imposed under—

(1) the District of Columbia Income and Franchise Tax Act of 1947;

(2) the District of Columbia Sales Tax Act;

(3) the District of Columbia Use Tax Act;

(4) the District of Columbia Cigarette Tax Act;

(5) the District of Columbia Alcoholic Beverage Control Act;

(6) paragraphs 5, 6, 7, 9, and 14 through 17 of section 6 of the Act of July 1, 1902 (relating to the tax on financial institutions and public utilities); and

(7) title V of the District of Columbia Revenue Act of 1937.

FEES

SEC. 302. The District of Columbia Council is authorized and empowered to fix, from time to time, in accordance with section 303 of this Act, the fees authorized to be charged by the following Acts or parts of Acts:

(1) Section 2 of this Act entitled "An Act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia", approved March 3, 1931 (D.C. Code, sec. 1–232).

(2) Sections 571, 586a, 753, and 754 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, secs. 1–514, 29–414, 35–905, and 35–906).

(3) Sections 5 and 6 of the Act entitled "An Act to regulate and license pawnbrokers in the District of Columbia", approved August 6, 1956 (D.C. Code, secs. 2–2005 and 2–2006.)

(4) Sections 7, 40, and 42 of the Act entitled "An Act to amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes", approved June 19, 1940 (D.C. Code, secs. 29–807, 29–840, and 29–844).

(5) Section 121 of the District of Columbia Business Corporations Act, approved June 8, 1954 (D.C. Code, sec. 29–936).

(6) Section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (D.C. Code, sec. 29–1092).

(7) Section 2 of chapter 2 of the Act entitled "An Act to regulate the business of life insurance in the District of Columbia", approved June 19, 1934 (D.C. Code, sec. 35–402).

(8) Section 13 of title V of the Act entitled "An Act to regulate marine insurance in the District of Columbia, and for other purposes", approved March 4, 1922 (D.C. Code, sec. 35–1113).

(9) Section 41 of chapter II and section 53 of chapter III of the Fire and Casualty Act, approved October 9, 1940 (D.C. Code, secs. 35–1345 and 35–1363).

(10) Section 7 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (D.C. Code, sec. 40–423).

(11) The Act entitled "An Act relating to tax-sales and taxes in the District of Columbia", approved February 6, 1879 (D.C. Code, sec. 47–306).

(12) Section 21 of title II of the District of Columbia Revenue Act of 1939, approved July 26, 1939 (D.C. Code, sec. 47–1521).

(13) Section 4 of article I of title V of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (D.C. Code, sec. 47–1564c).

(14) Paragraphs 14, 15, and 16 of section 6, and paragraph 42 of section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (D.C. Code, secs. 47–1706, 47–1707, 47–1708, and 47–2101).

(15) Sections 1 and 4 of title II of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (D.C. Code, secs. 47–1801 and 47–1804).

(16) Section 3 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (D.C. Code, sec. 47–1903).

(17) Sections 1 and 3 of the Act entitled "An Act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes", approved June 19, 1878 (D.C. Code, secs. 47–2001, 47–2002, and 47–2003).

(18) Section 2 of the Act entitled "An Act to prevent fraud at public auctions in the District of Columbia", approved September 8, 1916 (D.C. Code, sec. 47–2202).

(19) Section 138 of the District of Columbia Sales Tax Act, approved May 27, 1949 (D.C. Code, sec. 47–2615).

(20) Section 2 of the Act entitled "An Act to provide for the regulation of closing-out and fire sales in the District of Columbia", approved September 1, 1959 (D.C. Code, sec. 47–3002).

(21) Section 1 of the Act entitled "An Act to authorize associations of employees in the District of Columbia to adopt a device to designate the products of the labor of their members, to punish illegal use of imitation of such device, and for other purposes", approved February 18, 1932 (D.C. Code, sec. 48–401).

FEES; COUNCIL ADJUSTMENT

SEC. 303. The District of Columbia Council may, with respect to each of the fees established by the Acts or parts of Acts listed in section 302 after public hearing, increase or decrease such fees to such amounts as may, in the judgment of the Council, be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate cost of administering each Act or part of Act to which the fee relates.

PART B—LICENSING

DISTRICT COUNCIL AUTHORITY

SEC. 311. The District of Columbia Council (hereinafter "Council") is authorized and empowered to make, from time to time, usual and reasonable regulations which require a license for any occupation, profession, business, trade, or calling, including those occupations, professions, businesses, trades, or callings heretofore regulated by Act of Congress. Such regulations may include, but are not limited to, provisions prescribing qualifications and standards for the licensing of persons to engage in the occupations, professions, businesses, trades, and callings affected by such regulations, establishing classes of such licenses, fixing license fees, prescribing grounds for the suspension or revocation of such licenses, prescribing procedures for the granting, renewal, denial, suspension, or revocation of such licenses, establishing the periods for which such licenses are to be valid, and fixing penalties of a fine not exceeding $300 or imprisonment for not exceeding ninety days, or both, for the violation of such regulations, including, but not limited to any violation of a provision prohibiting a person from falsely holding himself out, in any manner, as being either qualified or duly licensed under the authority of regulations adopted by the Council pursuant to the provisions of this part. The Council is further authorized and empowered, if it deems such to be necessary, to make regulations fixing penalties of a fine not exceeding $1,000 or imprisonment for not exceeding three years or both, for a second or any subsequent conviction of any violation of a provision prohibiting a person from falsely holding himself out in any manner, as being either qualified or duly licensed under the authority of regulations adopted by the Council pursuant to the provisions of this part.

ENFORCEMENT

SEC. 312. The unlawful practice of the occupations, professions, businesses, trades, and callings as defined by the regulations made pursuant to this part may be enjoined by the Superior Court of the District of Columbia, sitting as a court of equity, on petition by the Commissioner. In any such proceeding, it shall not be necessary to show that any person is individually injured by the act or acts complained of. A temporary restraining order may be issued by the court enjoining such unlawful practice prior to a hearing on the petition if the court determines that such order is necessary to protect the public. If, on the trial, it is shown that the respondent has unlawfully practiced an occupation, business, trade, or calling regulated pursuant to this part, the court shall permanently enjoin him from so practicing or continuing to practice, unless and until he has been duly licensed. The remedy by injunction given hereby is in addition to criminal prosecution and punishment based thereon, and not in lieu thereof. Such cases shall be advanced for trial on the docket of the trial court, and shall be advanced and tried in the appellate court, in the same manner and under the same law and regulations as apply to other suits for injunction.

AUTHORITY OF COMMISSIONER

SEC. 313. The Commissioner is authorized, in accordance with regulations issued by the Council under the authority of this part, to issue, deny, suspend, or revoke, for such cause as may be set forth in such regulations, and of the licenses authorized by any such regulations.

PROSECUTIONS

SEC. 314. All prosecutions for violations of any regulations issued by the Council under the authority of this title and all proceedings looking toward the suspension or revocation of licenses or registration and toward the issue of injunctions, under the provisions of this title or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

EFFECT ON PENDING ACTIONS

SEC. 316. Any judicial or administrative proceeding initiated prior to the effective date of this title under any Act or part of an Act specified in section 317, or under regulations made pursuant to any such Acts or part of Act, shall proceed to its conclusion without regard to the provisions of this title or of any regulations made pursuant thereto.

ACTS REPEALED

SEC. 317. The following Acts are repealed on the effective date of the regulations made by the Council relating to the occupation, profession, business, trade, or calling regulated by such Act:

(1) An Act to regulate the practice of the healing art to protect the public health in the District of Columbia, approved February 27, 1929 (D.C. Code, secs. 2–101—2–183).

(2) An Act to amend the Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892 (D.C. Code, secs. 2–301—2–331).

(3) An Act to define the term of "registered nurse" and to provide for the registra-

tion of nurses in the District of Columbia, approved February 9, 1907 (D.C. Code, secs. 2-401—2-411).

(4) The District of Columbia Practical Nurses' Licensing Act, approved September 6, 1960 (D.C. Code, secs. 2-421—2-440).

(5) The Physical Therapists Practice Act approved September 22, 1961 (D.C. Code, secs. 2-451—2-472).

(6) An Act to regulate the practice of optometry in the District of Columbia, approved May 28, 1924 (D.C. Code, secs. 2-501—2-522).

(7) An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, approved May 7, 1906 (D.C. Code, secs. 2-601—2-617).

(8) An Act to regulate the practice of podiatry in the District of Columbia, approved May 23, 1918 (D.C. Code, secs. 2-701—2-719).

(9) An Act to regulate the practice of veterinary medicine in the District of Columbia, approved February 1, 1907 (D.C. Code, secs. 2-801—2-812).

(10) An Act to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes, approved September 16, 1966 (D.C. Code, secs. 2-901—2-931).

(11) An Act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia, approved December 13, 1924 (D.C. Code, secs. 2-1001—2-1031).

(12) This District of Columbia Barber Act, approved June 7, 1938 (D.C. Code, secs. 2-1101—2-1118).

(13) An Act to regulate boxing contests and exhibitions in the District of Columbia, and for other purposes, approved December 20, 1944 (D.C. Code, secs. 2-1201—2-1226).

(14) An Act to provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia, approved June 7, 1938 (D.C. Code. secs. 2-1301—2-1328).

(15) An Act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898 (D.C. Code, secs. 2-1401—2-1407).

(16) An Act to regulate steam engineering in the District of Columbia, approved February 28, 1887 (D.C. Code, secs. 2-1501—2-1507).

(17) The Professional Engineers' Regulation Act, approved September 19, 1950 (D.C. Code, secs. 2-1801—2-1818).

(18) An Act to define, regulate, and license real estate brokers, business chance brokers, and real estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real estate transactions; and for other purposes, approved August 25, 1937 (D.C. Code, secs. 45-1401—45-1418).

(19) Paragraph 44A of section 7 of the Act approved July 1, 1902 (D.C. Code, sec. 47-2344a), relating to the licensing of undertakers.

(20) Subsection (b) of the first section of the Act entitled "An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes", approved December 20, 1944 (D.C. Code, sec. 1-244(b)), relating to the bonding of persons, firms, and corporations, other than utility companies, engaged in the business of plumbing or gas fitting, or of installing, maintaining, or repairing heating, ventilation, air conditioning, or mechanical refrigerating apparatus, equipment, appliances, systems or parts thereof, or of installing, maintaining, or repairing apparatus, equipment, fixtures, appliances, or wiring, using or conducting electric current.

(21) An Act to regulate the practice of psychology in the District of Columbia, approved January 8, 1971 (D.C. Code, secs. 2-481—2-498).

VETO OVER CERTAIN COUNCIL ACTION

SEC. 318. Any action of the Council taken under section 301, setting certain tax rates, under section 302, setting certain fees, or under section 311, relating to the licensing of certain businesses and professions, shall be effective only if during until the end of the forty-day period (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) immediately following the date of such action neither House of Congress adopts a resolution stating that that House does not approve of such action; and if during the ten-day period following such forty-day period the President does not veto such action. The Chairman of the Council shall submit to the Speaker of the House of Representatives, to the President of the Senate, and to the President, a copy of each such action taken by the Council on the day such action is taken.

HEARINGS

SEC. 319. Section 6 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1505), relating to public notice and public participation in rulemaking, shall apply to any action of the District of Columbia Council taken under section 301, setting certain tax rates, section 302, setting certain fees, or under section 311, relating to the licensing of certain businesses and professions.

TITLE IV—FEDERAL PAYMENT; DISTRICT BUDGET AND FINANCIAL MANAGEMENT

PART A—FEDERAL PAYMENT

DUTIES OF MAYOR-COMMISSIONER

SEC. 401. (a) It shall be the duty of the Commissioner in preparing an annual budget for the government of the District of Columbia, to develop meaningful intercommunity expenditure and revenue comparisons in conjunction with data supplied by the Federal Government's Division of the Bureau of the Census, and to identify elements of cost and benefits to the District of Columbia which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Commissioner under this subsection shall be made available by the Commissioner, after consultation with the Federal Government's Division of the Bureau of the Census, to the Federal Office of Management and Budget for its use in preparing and submitting to the Congress recommendations concerning the level of the appropriation for the annual Federal payment to the District of Columbia made under section 1 of article 6 of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a). Such Federal payment should operate to encourage efforts on the part of the government of the District of Columbia 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 Commissioner, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should consider, among other elements, the following:

(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 the following exemptions from District taxes were eliminated:

(A) nonresident income earned in the District;

(B) other special exemptions from individual income taxes; and

(C) exemptions from sales taxes.

(4) Recurring and nonrecurring costs of unreimbursed services to the Federal Government.

(5) Other expenditure requirements placed on the District by the Federal Government which are unique to the District.

(6) Benefits of Federal grants-in-aid relative to aid given other States and local governments.

(7) Recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government.

(8) Benefits derived through Treasury borrowing.

(9) Higher than average sales tax revenue from tourist trade.

(10) Benefits from museums, parks, libraries, and cultural activities which are financed by the Federal Government or are located in the District because it is the Nation's Capital.

(11) Net costs, if any, after considering other compensation for tax base deficiencies and the direct and indirect taxes paid, of providing services to tax-exempt nonprofit organization and corporate offices doing business only with the Federal Government.

(12) Benefits of a relatively stable economy.

DUTIES OF THE OFFICE OF MANAGEMENT AND BUDGET

SEC. 402. (a) In addition to its other duties regarding the budget of the District of Columbia as specified in section 412, the Federal Office of Management and Budget shall determine and recommend each year to the Congress the amount of the appropriation for the annual Federal payment to the District of Columbia, taking into account the findings and recommendations of the Commissioner under section 401 of this Act. Along with the recommended amount of such appropriation there shall be included such supporting material and justification as are necessary for the Congress to exercise its legislative responsibilities. Each recommendation regarding an annual Federal payment shall be made for the next following year, and shall be submitted to the Congress by the Federal Office of Management and Budget.

(b) If the Commissioner, on the basis of his determinations under section 401, concludes that the authorized amount of the annual Federal payment to the District of Columbia should be increased (using the prior year authorization as a base), he shall make such recommendation through the Federal Office of Management and Budget to the Congress, along with the appropriate supporting material and justification, at least eighteen months before the beginning of the fiscal year for which he is recommending such increase in authorization.

PART B—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

FISCAL YEAR

SEC. 411. The fiscal year of the District of Columbia government 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. 412. (a) The Commissioner shall prepare and submit to the Council and to the Congress through the Federal Office of Management and Budget pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 2), and make available to the public, an annual budget for the District of Columbia government which shall include—

(1) a combined program-agency budget for the forthcoming fiscal year 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; to combine program narrative justification material and sup-

porting statistics within the individual agency presentation formats; 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 summarize 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 operating plan for all agencies of the District government as required under section 413;

(4) a multiyear capital improvement plan for all agencies of the District government as required under section 414;

(5) reports 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 internal audits reports of the District of Columbia government and the reports of 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 revenues or budgetary implications, and other similar issues selected by the Commissioner, 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 Commissioner from time to time may prepare and submit to the District of Columbia 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 Commissioner 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 Commissioner shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR OPERATING PLAN

SEC. 413. The Commissioner shall prepare and include in the annual budget a multiyear operating plan for all agencies included in the District budget, for all sources of funding, and for such program categories as are set out in the annual budget. Such plans shall be based on the actual experience of the past two years, on the approved current fiscal year budget, and on estimates for at least the three 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, expanded, or decreased programs and capital project commitments proposed for each of the succeeding three fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) effect of proposed staffing projections and operating requirements on the need for future capital projects;

(6) revenues and funds like to be available from existing revenue sources at current rates or levels;

(7) 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;

(8) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(9) debt servicing cost projections for repayment of Treasury loans for capital projects.

MULTIYEAR CAPITAL IMPROVEMENT PLAN

SEC. 414. The Commissioner shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District of Columbia government 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 three 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 Municipal Planning Office for the District pursuant to section 3 of the Act of June 6, 1924 (D.C. Code, sec. 1–1003); and

(3) appropriate maps or other graphics.

DISTRICT OF COLUMBIA'S BUDGET

SEC. 415. The District of Columbia courts shall prepare and annually submit to the Commissioner annual estimates of the expenditures and appropriations necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Commissioner to the Council for its action pursuant to section 412 without revision but subject to his recommendations.

CONGRESSIONAL APPROPRIATION PROCESS

SEC. 416. Notwithstanding any other provision of law, unless specifically authorized or directed by the Congress, there shall be no change made in existing laws, regulations, or basic procedures and practices as they relate to the respective roles of the Congress, the President, the Federal Office of Management and Budget, the United States Department of the Treasury, the Comptroller General of the United States, the District of Columbia Council, and the Commissioner in—

(1) the preparation, review, submission, examination, authorization, and appropriation of the total budget for the District of Columbia;

(2) the establishment of line-item limitations, personnel ceilings, and program or project control amounts by the Congress on proposed obligations or expenditures;

(3) the financing of capital projects through the United States Treasury;

(4) the apportionment, obligation, expenditure, reprograming, transfer, or reallocation of appropriated funds; and

(5) the control, supervision, and examination of financial transactions and operations.

TITLE V—THE DISTRICT OF COLUMBIA COUNCIL

PART A—THE COUNCIL

CREATION OF COUNCIL

SEC. 501. (a) There is established in the District of Columbia a District of Columbia Council consisting of eight members, elected one each from the eight election wards established under the District of Columbia Election Act. The Council shall be nonpartisan with members being elected on a nonpartisan basis without regard to their political party affiliation.

(b) The term of office of the members of the Council shall be four years beginning at noon on January 2, except of the members first elected to the Council—

(1) four members as determined by the Board of Elections by lot shall be elected for a term of four years beginning at noon on January 2, 1975; and

(2) four members as determined by the Board of Elections by lot shall be elected for a term of two years beginning at noon on January 2, 1975; and

(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.

(d) The Chairman and Vice Chairman of the Council shall each be selected by the members of the Council from among their number. The Council may establish and select such other officers and employees as it deems necessary to carry out its functions.

COMPENSATION FOR MEMBERS OF THE COUNCIL

SEC. 502. (a) Each member of the District of Columbia Council established under this title 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.

(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 appropriated from time to time by the Congress.

(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. The Vice Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $2,500 per annum, payable in equal installments, for each year he serves as Vice Chairman.

POWERS OF THE COUNCIL

SEC. 503. (a) The District of Columbia Council established under section 501 shall have all functions, powers, and duties vested in or transferred to the District of Columbia Council established by Reorganization Plan Numbered 3 of 1967, and vested in the District of Columbia Council by this Act.

(b) The District of Columbia Council established under Reorganization Plan Numbered 3 of 1967 is abolished as of noon January 2, 1975.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 504. (a) No person shall hold office as a member of the Council unless he (1) is a qualified elector, (2) is domiciled in the District and resides in the ward from which he is nominated, (3) 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 (4) 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. Such a member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

SEC. 505. 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 District of Columbia Council".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'Council' means the District of Columbia Council established by title V of the District of Columbia Governmental Reorganization Act."

(3) Section 8 of the Act is amended by adding at the end thereof the following new subsection:

"(s) The eight members of the Council, one from each of the eight wards in the District of Columbia, shall be elected by the people of the District of Columbia in the general election. Each candidate in the general election for member of the Council shall be nominated for such office by a nominating petition (A) filed with the Board not later than the forty-fifth calendar day before the date of such general election; and (B) signed by at least two hundred qualified electors who are duly registered under section 7 of this Act who reside in the ward from which the candidate seeks election. A nominating petition for a candidate in a general election for member of the Council may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for a member of the Council, the Board shall arrange the ballot for each ward to enable a voter registered in that ward to vote for any one candidate nominated to be elected to such office from such ward.".

(4) Section 10(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(10) The first general election for members of the Council shall be held on the Tuesday next after the first Monday in November 1974, and thereafter, on the Tuesday next after the first Monday in November of every second calendar year. In any such general election the candidate receiving the highest number of votes shall be declared elected except if no candidate receives at least 40 percent of the total number of votes cast in such election, a runoff election shall be held between the two candidates receiving the two highest number of votes cast in such election. Such runoff shall be held by the Board within two weeks after such general election."

PART B—THE OFFICE OF THE CITY ADMINISTRATOR

CITY ADMINISTRATOR

SEC. 511. There is established for the District of Columbia the office of City Administrator, who shall be appointed by the Commissioner of the District of Columbia, by and with the advice and consent of the Council and who shall be by education and experience well qualified in city and public administration. The City Administrator shall serve at the pleasure of the Commissioner and shall have those duties of the assistant to the Commissioner specified in Reorganization Plan Numbered 3 of 1967, as shall be set forth in greater detail by order of the Commissioner. The City Administrator shall receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code.

PART C—NATIONAL CAPITAL SERVICE AREA

ESTABLISHMENT OF THE AREA

SEC. 521. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capitol Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building. Where such area is bounded by any street, such street and any sidewalk thereof shall be included within such area. Any Federal real property affronting or abutting such area, as of the date of enactment of this Act, shall be deemed to be within such area. Such area shall be more particularly described by Executive order of the President.

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

COMPENSATION OF THE DIRECTOR; STAFF

SEC. 522. The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5315 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

POLICE ASSISTANCE

SEC. 523. Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39–603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

PRESIDENTIAL RECOMMENDATIONS

SEC. 524. Within one year after the date of enactment of this Act, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capitol Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

Page 1, strike out all of the table of contents.

Page 4, line 1, strike out "TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS".

Page 4, line 4, strike out "101" and insert in lieu thereof "1".

Page 4, line 8, strike out "102" and insert in lieu thereof "2".

Mr. NELSEN (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment for the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Chairman, I will be very brief. I think most of the Members have examined the bill that I am speaking about that was introduced on October 2. It is the so-called Green-Nelsen bill. What this bill does is to set up the recommendations of the so-called Nelsen Commission in every case where there are, shall we say, local problems; it shifts some agencies to the city government on the one hand, yet on the other hand it provides the National Planning, Capital Planning, with comprehensive overall review of the District government. It does provide for eight elected members of the Council and the Mayor would be appointed; the Chief of Police would be appointed then by the Mayor.

Now, then, the purpose again gets back to my original amendment, and the reason that the Mayor was appointed was because of the law enforcement facility of the District of Columbia. Feeling, as I found, that so many were concerned about it, that is why the bill was drafted thusly.

I had hoped that I could go along with the bill that provided for an elected Mayor. Perhaps I still will.

I did feel I would offer this substitute to the many supporters of this bill, so they would have a chance to vote it up or down.

I will ask for a recorded vote on the substitute.

Mr. HARRINGTON. Mr. Chairman, I rise to voice my strong opposition to H.R. 10692, the Nelsen substitute to the D.C. Self-Government Act.

The residents of the District of Columbia deserve to be granted the basic right of self-government that we all enjoy. Thus, I support H.R. 9682, the committee bill before us providing for self-government to D.C. citizens. The Nelsen substitute seems to present nothing more than an illusion of self-government. The City Council would be granted little new authority. Congress would continue to possess much of its present legislative and budget functions of the District. Judges would still be appointed by the President, as would the Mayor. I suspect that certain provisions of the substitute in reality mask unwarranted fears and assumptions of bad faith concerning the nature of a popularly elected government in the District of Columbia.

The right of self-government is a basic and long overdue right the residents of the District should enjoy. The Nelsen substitute is an undesirable alternative to H.R. 9682, and I urge my colleagues to join me in opposing it.

Mr. DIGGS. Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, we have had a very helpful exercise here this afternoon. The substitute, which is known as the committee substitute, has made further ac-

commodations reflecting the will of the Committee.

I think that is about the best that anyone can expect at this stage of the proceedings.

I know the distinguished gentleman from Minnesota has some very serious views about this entire matter and that he has exercised his prerogatives with good will. I can appreciate that he, after having put so much thought and energy into his substitute, would want some kind of formalized expression on it, but I believe our product is better and that it incorporates many of the principal things that concern both of us.

For that reason I believe the substitute offered by the gentleman from Minnesota should be voted down.

Mr. NELSEN. Will the chairman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. NELSEN. I feel I would be missing an opportunity if at this time I did not express my gratitude to the chairman and the committee for their courtesy, because we have kept our association on a very friendly basis, sometimes having a difference of opinion but usually trying to reach a goal. I want to thank the chairman for his kind cooperation, because we have sat down several times on this matter and we are now getting down to the home stretch.

I want to say to Mrs. GREEN that I give my very hearty thanks to her for what she has done.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

I shall not take the full 5 minutes. Seldom have I worked with a person of such great integrity as ANCHER NELSEN. His honest, sincere, longstanding interest in good government and home rule for the District of Columbia should win him nothing but praise.

Mr. NELSEN and I were cosponsors of the substitute; obviously I rise in support of that substitute which was made in order by the majority of the members of the Rules Committee.

I must say at the same time, while the committee bill was on a bipartisan basis and the substitute ANCHER NELSEN and I proposed was on a bipartisan basis, most of the changes incorporated originally in our substitute are now in the committee bill, several of them offered, over the weekend, in the new committee print and then amendments offered and approved today.

There are two or three areas where I think the Members of the Congress and the residents of the District will be concerned in years ahead, those being in terms of the appointment of the Chief of Police and the appointment of the Mayor.

Also there is the provision in the committee bill that if the Council and the Mayor take a particular action—unacceptable to the Congress—the committee print says Congress will have 30 days in which to change that action. If an overwhelming number of the Congress disapprove of something done by the Mayor and the City Council, under the committee bill the only procedure available is for such a disagreement to first go to the District of Columbia Committee. They would have to report it out; it would have to be approved by the House, go through the same procedure in the Senate, and signed by the President. I suggest to the Members of this body that it could not be done in 30 days. So that committee print provision is imaginary rather than real.

In summary I say to you I think our substitute bill is preferable and better. I intend to support Congressman Nelsen's motion. May I repeat—He should be given great credit for his leadership—his honest concern about home rule in the District of Columbia while at the same time protecting the Federal interest.

I am grateful to the members of the committee and the others who supported the amendments and the changes that I think vastly improve the original committee bill.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Minnesota (Mr. NELSEN) for the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

RECORDED VOTE

Mr. NELSEN. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 273, not voting 17, as follows:

[Roll No. 511]

AYES—144

Alexander	Ford, Gerald R.	Passman
Archer	Fountain	Pike
Arends	Froehlich	Powell, Ohio
Ashbrook	Goldwater	Price, Tex.
Bafalis	Goodling	Quie
Baker	Green, Oreg.	Quillen
Bauman	Gross	Randall
Beard	Gubser	Rhodes
Bevill	Haley	Roberts
Blackburn	Hammer-schmidt	Robinson, Va.
Bowen	Hanrahan	Rousselot
Bray	Harsha	Runnels
Brooks	Hastings	Ruth
Broomfield	Hays	Satterfield
Brown, Mich.	Henderson	Saylor
Broyhill, N.C.	Hinshaw	Scherle
Broyhill, Va.	Hogan	Schneebeli
Burgener	Holt	Sebelius
Burke, Fla.	Hosmer	Shoup
Burleson, Tex.	Huber	Shuster
Burlison, Mo.	Hunt	Sikes
Butler	Hutchinson	Snyder
Camp	Ichord	Spence
Carter	Jarman	Steed
Casey, Tex.	Johnson, Pa.	Steiger, Ariz.
Cederberg	Jones, N.C.	Stubblefield
Chamberlain	Ketchum	Symms
Chappell	King	Talcott
Clancy	Kuykendall	Taylor, Mo.
Clausen, Don H.	Landrum	Taylor, N.C.
Clawson, Del	Latta	Thomson, Wis.
Cochran	Lott	Thornton
Collins, Tex.	Lujan	Towell, Nev.
Conlan	Maraziti	Treen
Daniel, Dan	Martin, Nebr.	Waggonner
Daniel, Robert W., Jr.	Martin, N.C.	Wampler
Davis, Ga.	Mayne	Ware
Davis, Wis.	Michel	Whitehurst
Dennis	Milford	Whitten
Derwinski	Miller	Williams
Devine	Minshall, Ohio	Wilson, Bob
Dickinson	Mizell	Wyatt
Dingell	Montgomery	Wydler
Downing	Moorhead, Calif.	Wyman
Duncan	Myers	Young, Fla.
Edwards, Ala.	Nelsen	Young, S.C.
Fisher	Nichols	Zion
Flynt	Parris	Zwach

NOES—273

Abdnor	Anderson, Calif.	Andrews, N. Dak.
Abzug	Anderson, Ill.	Annunzio
Adams	Andrews, N.C.	Armstrong
Addabbo	Ashley	Aspin
Badillo	Barrett	Bell
Bennett	Bergland	Biaggi
Biester	Bingham	Blatnik
Boggs	Boland	Brademas
Brasco	Breaux	Breckinridge
Brinkley	Brotzman	Brown, Calif.
Brown, Ohio	Buchanan	Burke, Calif.
Burke, Mass.	Burton	Byron
Carey, N.Y.	Carney, Ohio	Chisholm
Clark	Clay	Cleveland
Cohen	Collins, Ill.	Conable
Conte	Conyers	Corman
Cotter	Coughlin	Cronin
Culver	Daniels, Dominick V.	Danielson
Davis, S.C.	de la Garza	Delaney
Dellenback	Dellums	Dent
Diggs	Donohue	Dorn
Drinan	Dulski	du Pont
Eckhardt	Edwards, Calif.	Eilberg
Erlenborn	Esch	Eshleman
Evans, Colo.	Fascell	Findley
Fish	Flood	Flowers
Foley	Ford, William D.	Forsythe
Fraser	Frelinghuysen	Frenzel
Fulton	Fuqua	Gaydos
Gettys	Giaimo	Gibbons
Gilman	Ginn	Gonzalez
Grasso	Gray	Green, Pa.
Griffiths	Grover	Gude
Gunter	Guyer	Hamilton
Hanley	Hansen, Idaho	Hansen, Wash.
Harrington	Harvey	Hawkins
Hechler, W. Va.	Heckler, Mass.	Heinz
Helstoski	Hicks	Hillis
Holifield	Holtzman	Horton
Howard	Hungate	Johnson, Calif.
Johnson, Colo.	Jones, Ala.	Jones, Okla.
Jones, Tenn.	Jordan	Karth
Kastenmeier	Kazen	Keating
Kemp	Kluczynski	Koch
Landgrebe	Leggett	Lehman
Litton	Long, La.	Long, Md.
McClory	McCloskey	McCollister
McCormack	McDade	McEwen
McFall	McKay	McKinney
McSpadden	Macdonald	Madden
Madigan	Mahon	Mallary
Mann	Mathias, Calif.	Mathis, Ga.
Matsunaga	Mazzoli	Meeds
Melcher	Metcalfe	Mezvinsky
Minish	Mink	Mitchell, Md.
Mitchell, N.Y.	Moakley	Mollohan
Moorhead, Pa.	Morgan	Mosher
Moss	Murphy, Ill.	Murphy, N.Y.
Natcher	Nix	Obey
O'Brien	O'Hara	O'Neill
Owens	Patman	Patten
Pepper	Perkins	Pettis
Peyser	Poage	Podell
Preyer	Price, Ill.	Pritchard
Railsback	Rangel	Rarick
Rees	Regula	Reid
Reuss	Riegle	Rinaldo
Robison, N.Y.	Rodino	Roe
Rogers	Roncalio, Wyo.	Roncalio, N.Y.
Rooney, N.Y.	Rooney, Pa.	Rose
Rosenthal	Rostenkowski	Roush
Roy	Roybal	Ruppe
Ryan	St Germain	Sarasin
Sarbanes	Schroeder	Seiberling
Shipley	Shriver	Sisk
Skubitz	Slack	Smith, Iowa
Smith, N.Y.	Staggers	Stanton, J. William
Stanton, James V.	Stark	Steele
Steelman	Steiger, Wis.	Stephens
Stokes	Stratton	Stuckey
Studds	Symington	Teague, Calif.
Teague, Tex.	Thompson, N.J.	Thone
Tiernan	Udall	Ullman
Van Deerlin	Vander Jagt	Vanik
Veysey	Vigorito	Waldie
Walsh	Whalen	White
Widnall	Wiggins	Wilson, Charles H., Calif.
Wilson, Charles, Tex.	Winn	Wolff
Wright	Wylie	Yates
Yatron	Young, Alaska	Young, Ga.
Young, Ill.	Young, Tex.	Zablocki

NOT VOTING—17

Bolling	Hanna	Mills, Ark.
Collier	Hébert	Nedzi
Crane	Hudnut	Pickle
Denholm	Kyros	Sandman
Evins, Tenn.	Lent	Sullivan
Frey	Mailliard	

So the substitute amendment for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. DIGGS. Mr. Chairman, the Nelsen substitute proposal just rejected by the House on a vote of 144 ayes to 273 noes is not a home rule proposal. If enacted, it would have left the U.S. Congress in a role of a "District of Columbia City Council." Such measures as a bill to permit kite flying in the District of Columbia, which passed the 91st Congress, at the request of the Smithsonian Institution would continue to require an act of Congress. The substitute does not even call for a referendum of District residents, as home rule bills traditionally do.

The author makes no pretext. The bill is titled the "District of Columbia Governmental Reorganization Act," and is described as a bill "to implement certain recommendations of the Commission on the organization of the government of the District of Columbia—so-called Nelsen Commission—to reorganize the governmental structure of the government of the District of Columbia, and for other purposes."

Any so-claimed "home rule" features of the Nelsen substitute are relegated to "and for other purposes."

Basically the Nelsen substitute is, as its title states, a bill to implement certain recommendations of the Nelsen Commission. The gentleman from Minnesota (Mr. NELSEN) has stated for some time that he planned to move to strike the Nelsen Commission recommendations from the committee bill and to move to pass them separately.

The attached section-by-section analysis outlines the major and considerable differences in the two proposals—the Nelsen "Governmental Reorganization Act" and the committee substitute "District of Columbia Self-Government and Governmental Reorganization Act."

The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

COMMITTEE SUBSTITUTE TO H.R. 9682	NELSEN SUBSTITUTE TO H.R. 10692
Title I—Short Title, Purposes and Definitions	No such provision.
Title II—Governmental Reorganization	*Title I—Governmental Reorganization*
Transfers National Capital Housing Authority to D.C. Government (follows Nelsen Commission recommendations) (Sec. 202).	Transfers National Capital Housing Authority to D.C. Government but requires NCPC (National Capital Planning Commission) approval of all public housing projects (alters Nelsen Commission recommendations) (Sec. 101).
Transfers D.C. Manpower Administration to D.C. Government (follows Nelsen Commission recommendations) (Sec. 204).	Authorizes D.C. Commissioner to operate a public employment service in the District but under Department of Labor supervision. No funds or personnel are transferred to the D.C. Government to operate said program. Authority to administer employee compensation claims are not transferred (completely differs from Nelsen Commission recommendations) (Sec. 102).
Transfers Redevelopment Land Agency to the to D.C. Government—for example, the City Council would adopt urban renewal boundaries and plans (follows Nelsen Commission recommendations) (Sec. 201).	Transfers Redevelopment Land Agency to D.C. Government but does not provide for continuation of small business program authority and requires submission of urban renewal plans to NCPC for approval *or veto* (alters Nelsen Commission recommendations) (Sec. 103).
Transfers local planning functions from the National Capital Planning Commission (NCPC) to the D.C. Government but reserves to NCPC authority to review *and possibly veto* all plans—NCPC vetoes any plan it judges to adversely impact upon the federal interest. Citizens would be involved in the local planning process. NCPC could make recommendations on proposed zoning amendments. All zoning adjustments must conform with the comprehensive plan for the National Capital. Changes NCPC Board to membership of 12, including Mayor and Council Chairman and 2 persons appointed by Mayor (Sec. 203). (Generally follows Nelsen Commission recommendations.)	*Title II—Planning* Designates NCPC as the central planning agency for the District of Columbia. D.C. Government would merely prepare elements of the comprehensive plan for approval *or veto* by NCPC. Citizens would not be involved in the local planning process, but could review and comment after plans are developed. Zoning amendments must be approved or vetoed by NCPC. The Commissioner would have no authority to appoint members of the NCPC Board. All appointment authority is reserved to the President. Zoning amendments, together with platting and subdivision amendments must be submitted to NCPC for approval *or veto*. Plans for proposed developments or projects, acquisitions of land or leases, to be paid out of Federal or District funds must be submitted to NCPC for approval *or veto*. The District Government's six-year public works program would be reviewed annually by NCPC. Street and alley closings would be submitted to NCPC for approval *or veto*. Transportation plans would be submitted to NCPC for approval *or veto*. Urban renewal plans and any modifications must be submitted to NCPC for review and approval *or veto*. (Completely differs from Nelsen Commission recommendations) (Sec. 201–203).
Title III—District Charter Preamble, legislative power delegated from Congress to the District of Columbia government and charter amending procedures Delegates legislative authority to the District Government and provides a charter amendment procedure.	No comparable provisions.
Title IV—The District Charter	*Title V—The District of Columbia Council*
The Council: establishes a 13-member Council, five elected at-large, eight elected by ward, in non-partisan elections. Vacancies to be filled by special election. Council Chairman elected by the Council from the members at-large (Sec. 401).	The Council: establishes an eight-member Council elected from wards in nonpartisan elections. Vacancies would be filled by the President of the U.S. The Council would elect a Chairman and Vice-Chairman. No provision is made for the disposition of a tied-vote (Sec. 501).
Establishes qualifications for holding office (Sec. 402).	Establishes qualifications for holding office—no differences from H.R. 9682 (Sec. 402).
Provision is made for Council members' compensation and for its periodic review and possible veto (follows Nelsen Commission recommendations) (Sec. 403).	Provision is made for compensation but does not provide for its adjustment (generally follows Nelsen Commission recommendations) (Sec. 502).
Vests the Council with the legislative authority delegated in Title III, together with all authority enjoyed by the current Council under Reorganization Plan No. 3 of 1967. The Council has reorganization powers independent of the Mayor concerning the District government. The Mayor may veto acts of the Council subject to a ⅔ vote override by the Council. (Sec. 404).	Gives the Council the powers enjoyed by the current Council under Reorganization Plan No. 3 of 1967. (Sec. 503).
	Title III—Taxing authority, fees, licensing Authorizes the Council to set certain tax rates within the appropriation level established by the Congress (Sec. 301). Authorizes the Council to set certain fees established by Acts of Congress in accordance with certain procedures (Sec. 302–2).

SECTION-BY-SECTION ANALYSIS—Continued

COMMITTEE SUBSTITUTE TO H.R. 9682—Continued	NELSEN SUBSTITUTE TO H.R. 10692—Continued
Enables Council Chairman to act in Mayor's stead when Office of Mayor is vacant (Sec. 411).	Authorizes the Council to regulate certain occupations, professions, businesses, trades (Sec. 311).
Establishes Council procedures for passage of acts and resolutions and requirements for quorum (Sec. 412).	All Council actions under the above sections are subject to both a Presidential veto and a veto by either House of Congress. (Sec. 318).
Establishes Council's investigatory powers.	No such provision.
Provides for an elected Mayor (Part B).	No such provision.
Provides for appointment of Judges by the Mayor from a list of nominees submitted to the Mayor by a Judicial Nomination Commission of 9 members (five Federally-appointed, two appointed by Mayor, two by D.C. Bar) and continues Commission on Judicial Disabilities and Tenure. Judges' terms are 15 years. Court structure established in 1970 Act is specifically retained and Council is prohibited from changing the D.C. Code regarding organization, administration and jurisdiction of the D.C. Courts. This section of the bill may not be amended by the District Government (Part C).	No such provision. No such provision—See Title V, Pt. B. No such provision.
District budget and financial management (Part D)	*Title IV—Part B: District budget and financial management*
Establishes a July 1 fiscal year (Sec. 441).	Same (Sec. 411).
Requires the Mayor to prepare and submit to the Council *and the Congress* an annual budget consisting of certain specified elements (follows Nelsen Commission recommendations) (Sec. 442).	Same (Sec. 412).
Requires the Mayor to include in annual budget a multi-year plan consisting of certain specified elements (follows Nelsen Commission recommendations) (Sec. 443).	Essentially similar to H.R. 9682 except omits references to bonds and includes effect of proposed staffing requirements on need for future capital projects (follows Nelsen Commission recommendations) (Sec. 413).
Requires Mayor to include in annual budget a multi-year capital improvement plan (follows Nelsen Commission recommendations) (Sec. 444).	Essentially similar but omits reference to bonds (follows Nelsen Commission recommendations) (Sec. 414).
Provides for forwarding of D.C. Courts' budget to Council without revision but subject to Mayor's recommendations (Sec. 445).	Essentially similar (Sec. 415).
Same as Nelsen substitute (Sec. 446).	Provides that no changes shall be made in existing laws governing appropriations process for D.C. Government (Sec. 416).
Requires Mayor to ensure consistency between budget, accounting and personnel control systems (Sec. 447).	No such provision.
Establishes financial duties of the Mayor (Sec. 448).	No such provision.
Establishes accounting supervision and control duties of the Mayor (Sec. 450).	No such provision.
Establishes the general fund and procedures for special funds (Sec. 451).	No such provision.
Governs contracts extending beyond one year (Sec. 452).	No such provision.
Establishes independent D.C. Auditor and auditing procedures (Sec. 455).	No such provision.
Part E—Borrowing.	No such provision.
Part F—Independent Agencies.	All zoning changes must be submitted to NCPC for approval or veto—no other changes from existing Zoning laws (completely differs from Nelsen Commission recommendations) (Sec. 201).
Authorizes the Mayor with the advice and consent of the Council to appoint the members of the Board of Elections, the Public Service Commission and the Armory Board (Sec. 491–93–94).	No such provision.
Reconstitutes the Zoning Commission to provide that three members will be appointed by the Mayor, with the advice and consent of the Council. Provides that zoning changes will be submitted to NCPC for comment and must conform with the comprehensive plan for the national capital. Architect of the Capital and Director of National Park Service continue to serve on Zoning Commission, along with the three appointed members. (Completely differs from Nelsen Commission recommendations) (Sec. 492).	No such provision.
Authorizes the Mayor and Council to set the annual budget ceiling for the Board of Education with the Board specifying its expenditures (Sec. 495).	*Title IV, Part A—Federal payment*
Part G—Recall procedure.	Requires the Commissioner to develop revenue comparisons in preparation of annual budget for submission to Federal Office of Management and Budget for its use in submitting its recommendations on level of federal payment to the Congress. The elements specified for inclusion are similar to those in H.R. 9682 except that additional elements are included. (Follows certain Nelsen Commission recommendations) (Sec. 401).
Title V—Federal payment	No such provision (eliminates one Nelsen Commission recommendation).
Requires that the Mayor develop revenue comparisons in preparation for submission to Council and Federal Office of Management and Budget for use in submitting comments to Congress on the level of the Federal payment. Certain elements are specified for inclusion. Authorizes Mayor to submit request for federal payment to the Council and, after approval, to the President for submission to the Congress. Each request must be received seven months prior to the fiscal year in question. (follows certain Nelsen Commission recommendations) (Sec. 502).	Authorizes Federal Office of Management and Budget to determine and recommend to Congress the level of the Federal payment, taking into account the Mayor's findings under above section. If the Commissioner determines that the Federal payment should be increased, he must make the recommendation through the OMB at least 18 months prior to the fiscal year in question. (Sec. 402).
Authorizes the appropriation of an annual lump sum unallocated federal payment for $250 million for FY 1976 and thereafter (follows certain Nelsen Commission recommendations) (Sec. 503).	No such provision.
No such provision.	No such provision.
Title VI—Reservation of Federal authority	No such provisions except for minor amendment to D.C. Elections Act to provide for election of City Council members.
Retains Constitutional authority for Congressional ultimate authority; sets limits on the Council, on borrowing and spending and refers to Congressional action on certain District matters.	
The Charter, upon enactment, is submitted to District residents in a referendum.	
Provides for succession in government, temporary provisions, miscellaneous amendments to D.C. construction and effective dates.	

SECTION-BY-SECTION ANALYSIS—Continued

COMMITTEE SUBSTITUTE TO H.R. 9682—Continued

Title IV—Part B: The Mayor

Authorizes the Mayor to appoint a City Administrator to serve at his pleasure, to act as his chief administrative officer, and to assist him in performing his functions. (Follows Nelsen Commission recommendations) (Sec. 422(7)).

No such provision.

NELSEN SUBSTITUTE TO H.R. 10692 —Continued

Title V—Part B: Office of City Administrator

Establishes the office of City Administrator to be appointed by the Commission by and with the advice and consent of the Council. He would serve at the Commissioner's pleasure and would have those duties of the assistant to the Commissioner specified in the Reorganization Plan No. 3 of 1967 as set forth by the Commission. (Follows Nelsen Commission recommendations) (Sec. 511).

Title V—Part C: National Capital service area

Establishes the National Capital Service Area to include the principal Federal monuments, White House, Capitol and Federal buildings adjacent to the Mall and the Capitol. Establishes the National Capital Service Director in the office of the President who would ensure, for the President, the provision of adequate police and fire protection, maintenance of streets and highways and sanitation services in the enclave (Sec. 521).

Provides for compensation to the Director and authorizes him to fix pay of necessary personnel (Sec. 522).

President to make recommendation on consolidation of Federal police services (Sec. 523–24).

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. O'NEILL, 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, pursuant to House Resolution 581, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LANDGREBE. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LANDGREBE moves to recommit the bill, H.R. 9682, to the Committee on the District of Columbia.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 343, nays 74, answered "present" 1, not voting 16, as follows:

[Roll No. 512]

YEAS—343

Abdnor	Burton	Eshleman
Abzug	Butler	Evans, Colo.
Adams	Byron	Fascell
Addabbo	Carey, N.Y.	Findley
Alexander	Carney, Ohio	Fish
Anderson, Calif.	Carter	Flood
	Cederberg	Flowers
Anderson, Ill.	Chamberlain	Foley
Andrews, N.C.	Chisholm	Ford, Gerald R.
Andrews, N. Dak.	Clark	Ford, William D.
	Clausen, Don H.	Forsythe
Annunzio	Clay	Fountain
Archer	Cleveland	Fraser
Arends	Cochran	Frelinghuysen
Armstrong	Cohen	Frenzel
Ashley	Collins, Ill.	Froehlich
Aspin	Conable	Fulton
Badillo	Conte	Fuqua
Bafalis	Conyers	Gaydos
Baker	Corman	Gettys
Barrett	Cotter	Giaimo
Beard	Coughlin	Gibbons
Bell	Cronin	Gilman
Bennett	Culver	Ginn
Bergland	Daniels, Dominick V.	Goldwater
Bevill		Gonzalez
Biaggi	Danielson	Grasso
Biester	Davis, Ga.	Gray
Bingham	Davis, S.C.	Green, Oreg.
Blatnik	de la Garza	Green, Pa.
Boggs	Delaney	Griffiths
Boland	Dellenback	Grover
Bolling	Dellums	Gubser
Bowen	Dent	Gude
Brademas	Derwinski	Gunter
Brasco	Dickinson	Guyer
Breaux	Diggs	Hamilton
Breckinridge	Donohue	Hammer-schmidt
Brinkley	Dorn	
Broomfield	Downing	Hanley
Brotzman	Drinan	Hanrahan
Brown, Calif.	Dulski	Hansen, Idaho
Brown, Mich.	Duncan	Hansen, Wash.
Brown, Ohio	du Pont	Harrington
Broyhill, N.C.	Eckhardt	Harsha
Buchanan	Edwards, Ala.	Harvey
Burgener	Edwards, Calif.	Hastings
Burke, Calif.	Eilberg	Hawkins
Burke, Fla.	Erlenborn	Hays
Burke, Mass.	Esch	Hechler, W. Va.
Burlison, Mo.		

Heckler, Mass.	Minish	Shipley
Heinz	Mink	Shoup
Helstoski	Minshall, Ohio	Shriver
Henderson	Mitchell, Md.	Shuster
Hicks	Mitchell, N.Y.	Sisk
Hillis	Moakley	Slack
Hinshaw	Mollohan	Smith, N.Y.
Holifield	Moorhead, Pa.	Staggers
Holtzman	Morgan	Stanton, J. William
Horton	Mosher	
Howard	Moss	Stanton, James V.
Hungate	Murphy, Ill.	
Hunt	Murphy, N.Y.	Stark
Ichord	Myers	Steele
Johnson, Calif.	Natcher	Steelman
Johnson, Colo.	Nelsen	Steiger, Wis.
Johnson, Pa.	Nichols	Stephens
Jones, Ala.	Nix	Stokes
Jones, N.C.	Obey	Stratton
Jones, Okla.	O'Brien	Stubblefield
Jones, Tenn.	O'Hara	Stuckey
Jordan	O'Neill	Studds
Karth	Owens	Symington
Kastenmeier	Patten	Talcott
Kazen	Pepper	Taylor, N.C.
Keating	Perkins	Teague, Calif.
Kemp	Pettis	Thompson, N.J.
Ketchum	Peyser	Thomson, Wis.
King	Podell	Thone
Kluczynski	Powell, Ohio	Thornton
Koch	Preyer	Tiernan
Kuykendall	Price, Ill.	Towell, Nev.
Latta	Pritchard	Udall
Leggett	Quie	Ullman
Lehman	Railsback	Van Deerlin
Litton	Randall	Vander Jagt
Long, La.	Rangel	Vanik
Long, Md.	Rees	Veysey
Lujan	Regula	Vigorito
McClory	Reid	Waldie
McCloskey	Reuss	Walsh
McCollister	Rhodes	Wampler
McDade	Riegle	Ware
McEwen	Rinaldo	Whalen
McFall	Robison, N.Y.	White
McKay	Rodino	Whitehurst
McKinney	Roe	Widnall
McSpadden	Rogers	Williams
Macdonald	Roncalio, Wyo.	Wilson, Charles H., Calif.
Madden	Roncallo, N.Y.	
Madigan	Rooney, N.Y.	
Mahon	Rooney, Pa.	Wilson, Charles, Tex.
Mallary	Rose	
Mann	Rosenthal	Winn
Maraziti	Rostenkowski	Wolff
Martin, Nebr.	Roush	Wright
Martin, N.C.	Roy	Wyatt
Mathias, Calif.	Roybal	Wydler
Matsunaga	Runnels	Wylie
Mayne	Ruppe	Yates
Mazzoli	Ryan	Yatron
Meeds	St Germain	Young, Alaska
Melcher	Sarasin	Young, Ga.
Metcalfe	Sarbanes	Young, Ill.
Mezvinsky	Schneebeli	Zablocki
Milford	Schroeder	Zion
Miller	Seiberling	Zwach

NAYS—74

Ashbrook	Broyhill, Va.	Clancy
Bauman	Burleson, Tex.	Clawson, Del
Blackburn	Camp	Collins, Tex.
Bray	Casey, Tex.	Conlan
Brooks	Chappell	Daniel, Dan

Daniel, Robert W., Jr.	Mathis, Ga.	Sebelius
Davis, Wis.	Michel	Sikes
Dennis	Mizell	Skubitz
Devine	Montgomery	Snyder
Dingell	Moorhead, Calif.	Spence
Fisher	Parris	Steed
Flynt	Passman	Steiger, Ariz.
Goodling	Patman	Symms
Gross	Pike	Taylor, Mo.
Haley	Poage	Teague, Tex.
Hébert	Price, Tex.	Treen
Hogan	Quillen	Waggonner
Holt	Rarick	Whitten
Hosmer	Roberts	Wiggins
Huber	Robinson, Va.	Wilson, Bob
Hutchinson	Rousselot	Wyman
Jarman	Ruth	Young, Fla.
Landgrebe	Satterfield	Young, S.C.
Landrum	Saylor	Young, Tex.
Lott	Scherle	

ANSWERED "PRESENT"—1

McCormack

NOT VOTING—16

Collier	Hudnut	Pickle
Crane	Kyros	Sandman
Denholm	Lent	Smith, Iowa
Evins, Tenn.	Mailliard	Sullivan
Frey	Mills, Ark.	
Hanna	Nedzi	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Pickle for, with Mr. Evins of Tennessee against.

Mr. Nedzi for, with Mr. Denholm against.

Mr. Mailliard for, with Mr. Collier against.

Until further notice:

Mr. Hanna with Mr. Crane.

Mr. Kyros with Mr. Frey.

Mrs. Sullivan with Mr. Hudnut.

Mr. Smith of Iowa with Mr. Lent.

Mr. Mills of Arkansas with Mr. Sandman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. O'NEILL). Pursuant to the provisions of House Resolution 581, the Committee on the District of Columbia is discharged from the further consideration of the Senate bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. DIGGS

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

The Clerk read as follows:

Mr. DIGGS moves to strike out all after the enacting clause of the Senate bill S. 1435 and insert in lieu thereof the provisions contained in H.R. 9682 as passed by the House, as follows:

TABLE OF CONTENTS

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

Sec. 101. Short title.
Sec. 102. Statement of purposes.
Sec. 103. Definitions.

TITLE II—GOVERNMENTAL REORGANIZATION

Sec. 201. Redevelopment Land Agency.
Sec. 202. National Capital Housing Authority.
Sec. 203. National Capital Planning Commission and Municipal Planning.
Sec. 204. District of Columbia Manpower Administration.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

Sec. 301. District Charter preamble.
Sec. 302. Legislative power.
Sec. 303. Charter amending procedure.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

Sec. 401. Creation and membership.
Sec. 402. Qualifications for holding office.
Sec. 403. Compensation.
Sec. 404. Powers of the Council.

Subpart 2—Organization and Procedure of the Council

Sec. 411. The Chairman.
Sec. 412. Acts, resolutions, and requirements for quorum.
Sec. 413. Investigations by the Council.

PART B—THE MAYOR

Sec. 421. Election, qualifications, vacancy and compensation.
Sec. 422. Powers and duties.
Sec. 423. Municipal planning.

PART C—THE JUDICIARY

Sec. 431. Judicial power.
Sec. 432. Removal, suspension, and involuntary retirement.
Sec. 433. Nomination and appointment of judges.
Sec. 434. District of Columbia Judicial Nomination Commission.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

Sec. 441. Fiscal year.
Sec. 442. Submission of annual budget.
Sec. 443. Multiyear plan.
Sec. 444. Multiyear capital improvement plan.
Sec. 445. District of Columbia Courts' budget.
Sec. 446. Enactment of appropriations by Congress.
Sec. 447. Consistency of budget, accounting, and personnel systems.
Sec. 448. Financial duties of the Mayor.
Sec. 449. Accounting supervision and control.
Sec. 450. General and special funds.
Sec. 451. Contracts extending beyond one year.

Subpart 2—Audit

Sec. 455. District of Columbia Auditor.

PART E—BORROWING

Subpart 1—Borrowing

Sec. 461. District's authority to issue and redeem general obligation bonds for capital projects.
Sec. 462. Contents of borrowing legislation.
Sec. 463. Publication of borrowing legislation.
Sec. 464. Short period of limitation.
Sec. 465. Acts for issuance of general obligation bonds.
Sec. 466. Public sale.

Subpart 2—Short-Term Borrowing

Sec. 471. Borrowing to meet appropriations.
Sec. 472. Borrowing in anticipation of revenues.
Sec. 473. Notes redeemable prior to maturity.
Sec. 474. Sales of notes.

Subpart 3—Payment of Bonds and Notes

Sec. 481. Special tax.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

Sec. 485. Tax exemption.
Sec. 486. Legal investment.
Sec. 487. Water pollution.
Sec. 488. Cost of reservoirs on Potomac River.
Sec. 489. District's contributions to the Washington Metropolitan Area Transit Authority.
Sec. 490. Revenue bonds and obligations.

PART F—INDEPENDENT AGENCIES

Sec. 491. Board of Elections.
Sec. 492. Zoning Commission.
Sec. 493. Public Service Commission.
Sec. 494. Armory Board.
Sec. 495. Board of Education.

PART G—RECALL PROCEDURE

Sec. 496. Recall.

TITLE V—FEDERAL PAYMENT

Sec. 501. Duties of the Mayor, Council, and Federal Office of Management and Budget.
Sec. 502. Authorization of appropriations.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

Sec. 601. Retention of constitutional authority.
Sec. 602. Limitations on the Council.
Sec. 603. Limitations on borrowing and spending.
Sec. 604. Congressional action on certain District matters.

TITLE VII—REFERENDUM: SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHAPTER REFERENDUM

Sec. 701. Referendum.
Sec. 702. Board of Elections authority.
Sec. 703. Referendum ballot and notice of voting.
Sec. 704. Acceptance or nonacceptance of charter.

PART B—SUCCESSION IN GOVERNMENT

Sec. 711. Abolishment of existing government and transfer of functions.
Sec. 712. Certain delegated functions and functions of certain agencies.
Sec. 713. Transfer of personnel, property, and funds.
Sec. 714. Existing statutes, regulations, and other actions.
Sec. 715. Pending actions and proceedings.
Sec. 716. Vacancies resulting from abolishment of Offices of Commissioner and Assistant to the Commissioner.
Sec. 717. Status of the District.
Sec. 718. Continuation of District of Columbia Court System.
Sec. 719. Continuation of the Board of Education.

PART C—TEMPORARY PROVISIONS

Sec. 721. Powers of the President during transitional period.
Sec. 722. Reimbursable appropriations for the District.

PART D—MISCELLANEOUS

Sec. 731. Agreement with the United States.
Sec. 732. Personal interest in contracts or transactions.
Sec. 733. Compensation from more than one source.
Sec. 734. Assistance of the United States Civil Service Commission in development of District Merit System.
Sec. 735. Revenue sharing restrictions.
Sec. 736. Independent audit.
Sec. 737. Adjustments.
Sec. 738. Advisory neighborhood councils.
Sec. 739. National Capital service area.
Sec. 740. Emergency control of police.
Sec. 741. Holding office in the District.
Sec. 742. Open meetings.
Sec. 743. Delegate to the Senate.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT
Sec. 751. Amendments.
Sec. 752. District Council authority over elections.
PART F—RULES OF CONSTRUCTION
Sec. 761. Construction.
PART G—EFFECTIVE DATES
Sec. 771. Effective dates.
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.
TITLE II—GOVERNMENTAL REORGANIZATION
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 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 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 referred 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. 49(b)(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 governments 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 of 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 practically filled at the next general election to be held in the District occurring within sixty days of the date on which a specical 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 determine, 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 special 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 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 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 pro tempore, 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, leaves, 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 jurisdictions.

(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 multiyear 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 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.

(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 judicial 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 apppointed 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 section 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 Columbia 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 Columbia 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 President 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 abode 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 President, 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 filed 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 President a writen 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 President 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 President 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 President 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 President, 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 President 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 President not less than thirty days prior to the occurrence of such vacancy.

(2) In the event any person recommended by the Commission to the President 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 President 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 the 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 plan for all agencies of the District government as required under section 443;

(4) 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 reports 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.

PUBLICATIONS 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 of 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 proceedngs 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 sub-

parts 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 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 136 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 or 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 jurisdictions 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. 1–1103) 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 within thirty days from the date of submission 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 furnish 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 established 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 held 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 11 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 usual 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. 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 CONGRESSIONAL 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 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; 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.

(e) 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 precedent 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.

relating to the application of the rules of the Senate or the House of Representatives, as

(j) Appeals from the decisions of the Chair

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 general 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 for 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, for 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 question 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 provisions 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 Supreme 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 costs 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 non-reimbursable 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 DEVELOPMENT 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 shall 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 the 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 regarding 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 raise 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.

NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capitol Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a) and particularly described in subsection (f), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39–603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

PRESIDENTIAL RECOMMENDATIONS

(e) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

(f)(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to New York Avenue Northwest;

thence northeast on New York Avenue Northwest to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Fifteenth Street;

thence south on Fifteenth Street to Pennsylvania Avenue;

thence southeast on Pennsylvania Avenue to John Marshall Place;

thence north on John Marshall Place to C Street Northwest;

thence east on C Street Southwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to First Street Northwest;

thence south on First Street Northwest to Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east of F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence south on South Capitol Street to Virginia Avenue;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally east and south along the side of the Washington Channel at the mean high water mark, past the point of confluence with the Anacostia River, and along the southern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north along such boundary to the point of beginning;

thence west to the present Virginia-District of Columbia boundary at the shoreline of the city of Alexandria;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(1) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(2) not be construed to include any area situated outside of the District of Columbia boundary as existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g) The President is authorized and directed to conduct a survey of the area described in this subsection in order to establish the proper metes and bounds of such area.

EMERGENCY CONTROL OF POLICE

SEC. 740. 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. 741. 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 day 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.

OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken or proposed shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

(b) A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts shall be available upon request to the public at reasonable cost.

DELEGATE TO THE SENATE

SEC. 743. (a) The people of the District of Columbia shall be represented in the Senate of the United States by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act, in the same manner as such Act relates to the election of the Delegate to the House of Representatives from the District of Columbia. The Delegate shall have a seat in the Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of article 1 of the Constitution and shall be subject to the same restrictions and regulations as are imposed by law or rules of the Senate.

The term of each such Delegate shall be six years, the first such term to begin at the start of the Congress convening at noon on the third day of January, 1975.

(b) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the day of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least thirty years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

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 of 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 a 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, the general election for the office of Mayor and member of the Council 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 of such offices 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 title 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 parts 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.

The motion was agreed to.

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

The title was amended so as to read: "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."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 9682) was laid on the table.

PERSONAL EXPLANATION

Mr. McCORMACK. Mr. Speaker, on rollcall No. 512 that was just taken on final passage of the District of Columbia home rule bill, I find that I am recorded as having voted "present." I must have inadvertently pressed the wrong button when I inserted my card in the electronic device.

I had intended to vote "aye," and I ask that my statement appear in the RECORD following rollcall No. 512.

AUTHORIZING CLERK TO MAKE TECHNICAL CORRECTIONS IN SECTION NUMBERS, PUNCTUATION AND CROSS REFERENCES IN ENGROSSMENT OF HOUSE AMENDMENTS TO S. 1435

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendments to the bill S. 1435 the Clerk be authorized to make technical corrections in section numbers, punctuation, and cross references.

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

There was no objection.

GENERAL LEAVE ON HARSHA AMENDMENT

Mr. KETCHUM. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days in which to revise and extend their remarks relative to the Harsha amendment in the Committee of the Whole today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER CONSIDERATION OF THE CONFERENCE REPORT ON H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS APPROPRIATIONS, 1974, AT ANY TIME AFTER TODAY

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that it shall be in order to call up for consideration the conference report on H.R. 8525, Department of Housing and Urban Development, space, science, veterans appropriations, 1974, at any time after today.

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

There was no objection.

REQUEST TO DISCHARGE COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF HOUSE RESOLUTION 572

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Resolution 572, a resolution of inquiry, and that the resolution be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON. Objection, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO DISCHARGE COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF HOUSE RESOLUTION 572

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Resolution 572, a resolution of inquiry, and, further, that the resolution be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON. Mr. Speaker, reserving the right to object, and I shall not object, I have ascertained from the distinguished chairman of the Committee on the Judiciary that this action is taken with his consent, and therefore I do not object, and withdraw my previous objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

"PEOPLE-BE-DAMNED" ECONOMIC POLICY

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

Mr. BIAGGI. Mr. Speaker, the independent bakers of this country are closing their doors at phenomenal rates. The Nixon administration's "people-be-damned" economic policy and the Soviet wheat deal has created a serious shortage in wheat. Other commodities markets are faced with similar disruptions. The President is more concerned with balance-of-trade surpluses and foreign policy objectives than with helping the consumer here at home.

The phase IV continuation of the trickle down theory is the settle at the top theory. Under the controlled monopoly of Nixon, the small businessman gets squeezed out so that the giants of industry can increase their profits. At the present rate, phase V will see an end to Government control and the beginning of monopolistic controls in every industry.

Today, I and 22 of my colleagues from New York State and Pennsylvania will introduce legislation to help assure an adequate supply of domestic commodities before any export licenses are granted.

This legislation will also require the Secretary of Agriculture to do an annual survey of the commodities stocks and to make this report public in advance of the harvest season. Moreover, he will have to set aside a reasonable carryover, which is defined in the bill as 40 percent, to help assure Americans that there will be no shortage of supply for domestic needs.

The bill is particularly needed in the industries dependent on adequate supplies of wheat. We are presently consuming 800 million bushels of wheat from the current crop. Projections of on-hand supplies for the next crop is some 2.1 billion bushels. Unfortunately, export commitments to other nations already total 1.4 billion bushels leaving only 700 million bushels for domestic needs. This shortfall could increase if demand for wheat rose here in this country or if supplies were required for humanitarian need in countries like Bangladesh or in areas like west Africa.

This bill we are introducing will apply to the 1973 crop year for wheat as well as for other grains, beef, poultry, and dairy products. The measure will not eliminate exports; rather it will rearrange priorities so that the domestic market is accommodated first. Then, it will provide for a more orderly distribution to foreign markets by allocating the remaining commodities to all bidders.

The United States will not be alone in this control of exports. Argentina, Australia, and the Common Market have already taken similar measures. Canada, the other major producer of wheat for export, is preparing similar controls. If the U.S. market remains completely open to foreign demand without any consideration of domestic demand, we will experience far greater shortages than anyone has yet contemplated.

Mr. Speaker, I and my colleagues from New York will be seeking the cosponsorship of other Members from other States. This bill affects every American consumer and will even prove beneficial to the farmer. I urge the Banking and Currency Committee to take this measure up immediately. If we are going to avoid extensive crop shortages this year, this measure must be passed before the end of the first session.

PUBLIC CAMPAIGN FINANCING

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 10 minutes.

Mr. BIESTER. Mr. Speaker, Mr. FRASER, Mr. HARRINGTON, and I along with 16 cosponsors are today reintroducing legislation to provide for the public financing of all Federal general elections. The events surrounding Watergate and other campaign misdeeds have triggered many calls for long overdue reforms in the area of campaign and electoral activities, but few would have quite the positive impact of Federal campaign financing.

Watergate has shown a persistence which has surprised many. It has done so not because of any artificial perpetuation but as the result of a deep-seated public revulsion to the many disgraceful and offensive actions—under the catch-all word Watergate—which occurred prior to and during the 1972 campaign. Most certainly, the people want Congress to tend to other critical problems of the day, but they do not want this done to the exclusion of meaningful campaign and electoral reform. Congress can go through the motions of responding to Watergate and then turn to business-as-usual, leaving the matter of reform for election-time rhetoric, but as tragic as Watergate is, to ignore the need and opportunity for substantive changes in the way we conduct our elections would in itself be an almost greater tragedy.

Public financing of Federal elections is not a new idea and neither is it a panacea for all that ails the body politic. Most assuredly, however, it will go to the root of those practices and abuses which have come to light as the result of Watergate.

While we will never achieve the full equality goal envisioned in the Supreme Court's one-man-one-vote decision, we can do much more to reach toward that point where one individual's vote carries the same weight at the ballot box—and

in legislative chambers and executive offices—as another's. So long as private contributions and special interest money play such a prominent role in campaigns, votes will remain unequal and the balance will continue to be tipped in favor of those with the money to dispense.

The results of a recent Gallup poll reveal that almost two-thirds of the public—with majorities of Democrats, Republicans, and independents—favor the idea of public financing for all Federal candidates, and this support has increased since spring when the question was last asked in a survey.

Our legislation amends the Presidential Election Campaign Fund Act to provide public financing for both Presidential and congressional general elections. Private financing is restricted. Revenues for candidates would come from the dollar check-off provision of the Federal income tax which would be increased from $1 to $2—or $4 on a joint return—and from whatever general revenues may be necessary to make up for deficits.

Presidential and senatorial candidates of a major party—one which received 25 percent or more of the total popular vote cast for the office in the preceding election—would be entitled to receive 15 cents multiplied by the constituency's voting age population. Had this been in effect for the 1972 election the Democratic and Republican Presidential candidates each would have been entitled to approximately $21 million. In comparison, President Nixon is estimated to have raised about $60 million and Senator McGovern, $28 million. Stipulation is made that a Senate candidate of a major party receives at least $175,000. For major party House candidates the entitlement is the greater of $50,000 or an amount based on the average expenditure per voter in the two preceding elections in the district.

A "minor" party is defined as one receiving more than 5 percent but less than 25 percent of the popular vote in the preceding election, and a minor party candidate's entitlement is based proportionately on his party's share of the vote in the preceding election.

It is estimated that public financing will cost about $150 million in Presidential years and $100 million in off-year congressional elections. For a 4-year period, the total is $250 million and broken down on a yearly basis it is slightly over $60 million. The legislation would go into effect in 1976.

Private campaign contributions are not synonymous with "dirty" money, but over the years instances of abuse have generated an air of impropriety and revelations of the role played by money in recent campaigns have done little to dispel such an impression. Favors and favoritism and unethical and illegal campaign practices have been associated with sizeable campaign contributions to the point where the public's confidence in the integrity of its elected officials is rapidly deteriorating.

Money as it is associated with political campaigns carries very negative connotations, and this undermines the honest efforts of those involved in campaigns. The thought of a large contributor or special interest underwriting the costs of a campaign pamphlet, a TV or radio spot or a rally subject the entire effort to doubt. It demands an answer to the question: "What's in it for him?"

Public financing is not an extravagant or unnecessary expenditure of public money. Rather, it is an insurance policy against the degenerating effects of special interest politics. At a cost of less than 30 cents a year per citizen we can take a big step forward toward eliminating the special interest influences which result, directly and indirectly, in increased costs to the consumer for the food he eats, the clothes he buys and a host of other expenses of daily life. So long as private and special interest money pervades the political process, the image of compromised officials will remain in the public mind and continue to eat away at whatever public confidence is left.

It is a sad commentary, in my estimation, that private financial contributions are considered an untouchable fixture of participatory democracy. Our sense of values is skewed if the health of our political and governmental systems is gaged by the numbers of contributors and the amount of money they give. The percentage of voters who actually contribute anything to political campaigns is not high—only between 8 and 12 percent in the presidential election years over the past two decades. If we measure the vitality of citizen involvement in government by the extent to which they reach down into their pockets, we would have to be disappointed, and all the sophisticated and extensive efforts to increase the number of contributors which have been employed in recent elections have not been notably successful. What is more, the bulk of money contributed is in relatively large amounts. Over two-thirds of the $60 million contributed to House and Senate candidates in 1972, for instance, was in amounts of $100 or more.

By allowing private contributions—even with a maximum limit imposed—we are turning our backs on the necessity of confronting influence politics head-on. A candidate for a House seat may spend as little as a few hundred dollars on his campaign or as much as a couple hundred thousand. The Clean Elections Act legislation, coauthored by John Anderson and Mo Udall, has generated widespread support. One of its provisions would impose a $1,000 limit on the amount a private contributor could give a congressional candidate. However, in most House races a $1,000 contribution is a sizable amount.

Although the Anderson-Udall bill represents a positive step toward reducing the size of campaign contributions, it fails to get to the real source of the problem.

Public financing holds the potential of revitalizing the party structure in this country. Political party organizations will still be able to solicit funds and spend money on party-building and election activities. Indeed, our bill could help strengthen the national party organizations and enhance their effectiveness in the political process. Parties could become the focal point of renewed interest and the recipients of some of the financial support which now goes to candidates.

In many respects, writing a check is too easy a way in which to demonstrate one's involvement in the political process. Citizens who are truly concerned about an election's outcome can indicate their commitment to a candidate by volunteering their time and energy in his campaign. The dedication of such supporters is a commodity money cannot buy. Attention to the cultivation and development of the kinds of people-to-people campaigning which can be accomplished by increased citizen participation will have a salutary effect on the political system.

A candidate's popularity is not and should not be equated with the amount of money he can raise. A few large contributors to an "inferior" candidate can more than offset many smaller contributions to a "quality" candidate. The size of a candidate's campaign chest is a poor test of his popularity. His popularity is revealed when the votes are cast on election day, and this is a reflection of his abilities and those of the people committed to his candidacy.

The spending limits specified in the bill are suggestive only. Some observers would consider them too high, others too low. The point is that a reasonable and realistic figure should be determined which is fair and equitable to both incumbents and challengers. Public financing should not work to the advantage of either the incumbent or the challenger. A figure which is too low would likely work to an incumbent's advantage and one too high could be meaningless and simply promote frivolous and unnecessary campaign spending.

Critics of Federal financing claim the plan is an incumbent's dream. It need not be if the figure agreed to is high enough for a challenger to mount a credible campaign and low enough to place a lid on needless spending.

The case cannot be made with any definite assurance that challengers would necessarily be at a disadvantage under public financing. The present system certainly is not geared to benefit or assist the challenger. Despite very significant obstacles, challengers do manage to win, however, and money is not always the deciding factor. In the 1972 election a few were able to win who actually spent less than their incumbent opponents. More would be successful if incumbents had less money to supplement their acknowledged built-in advantages of office. In the past three general elections, 97 percent of incumbent Representatives who stood for reelection have been reelected and 83 percent of incumbent Senators. Public financing has the potential of bringing a greater sense of fair play to what is now an unreasonably discriminatory electoral system.

While it is unrealistic and impossible to place all candidates for a particular office on an undeterminably equal footing, we can do something positive to reduce the glaring advantages created by unlimited money from private sources. We never will equalize the influence every citizen has on the electoral process. By reason of their influence in the community, their influence among friends or their personal involvement in campaign

work some individuals will have an impact on an election beyond that of their own vote. These are vitally significant factors and in the best tradition of democratic politics. Money no longer is—if it ever was—and the disadvantages it perpetuates leave unfulfilled the closer approximation of the one-man-one-vote principle.

Federal financing is a dramatic reform and because it is it receives critical evaluation and, from some quarters, vocal and stiff opposition. Watergate will pass, but its causal effects may not. The term Watergate connotes much, and what it brings to mind is a vivid documentation of the kinds of abuses of the campaign and electoral process which go on at all levels of government and which will continue to erode our democratic system until and unless something is done about it. Public financing can help restore much of what has been lost, and I believe this concept deserves our most serious consideration.

U.S. INITIATIVE IN MIDEAST SETTLEMENT MUST SUCCEED

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

Mr. BAKER. Mr. Speaker, in view of the seriousness of the outbreak in the Mideast, I do not want to be guilty of expressing the obvious, but I do feel our Nation has two important obligations:

First. We must do everything possible to confine the fighting to the immediate area involved; and

Second. Use every avenue for bringing about an immediate ceasefire.

As many of my colleagues know, I have been a frequent critic of the United Nations. I am not convinced that it has been an effective force to date for preserving the peace or for achieving settlements between hostile adversaries. Still, I believe that all of the elements are present in the United Nations organization to achieve results in crises of this kind.

I feel the President has acted wisely in taking the initiative by calling on the U.N. to intercede. I hope the Security Council will act on his recommendation to give the present outbreak priority attention. I see this particular settlement as an opportunity for the United Nations to vindicate itself for its past failures.

We must also recognize that the solution of this crisis will be a true test of the climate of the détente between the United States, the Soviet Union, and the People's Republic of China. These major powers are now conferring with each other on a more friendly basis. We have a far better understanding of each other's goals and means of achieving them. If we are to function as responsible members in the family of nations, we must mean what we say about world cooperation and especially about keeping the peace.

We can either work through the United Nations, or outside the organization through direct contacts with the countries involved and the world powers which can have influence on the policies of the combatants. I realize that these approaches are interrelated to a certain extent, but the détente is a new element which was not present in 1967. It could well be the determining factor in the delicate negotiations which will bring the kind of settlement the peace of the world demands.

It has been suggested that the timing of this outbreak was designed to test the effectiveness of our new Secretary of State and American policies under him. If such is the case, then it must be conceded that the Nixon-Kissinger approach has scored well. We have taken the initiative; we are ready to use our power and our influence to stop the war and to pave the road for serious discussions about a lasting settlement.

Mr. Speaker, we can now observe with interest the effectiveness of the peacekeeping machinery of the United Nations. The capability is obviously there if the will is present on the part of the members of the Security Council. We can also look intently at the relaxation of tensions between the United States, Russia, and Red China in the presence of an international interest rather than the selfish interest of the parties involved. We can understand how much genuine progress has been made.

But the watchword is action. There is no time for indecision or deferment.

THE CITY OF WASHINGTON, D.C.

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, there is no question that we in the U.S. Congress want good government for the District of Columbia. We also want the citizens of the District of Columbia to control their local affairs to the fullest extent possible. However, any legislation to provide home rule for the District of Columbia must be within the confinement of our Constitution as envisioned by the Founding Fathers. As President Taft, in a speech, once argued:

> This city (Washington, D.C.) is a home of the government of a nation, and when men who were just as much imbued with the principles of civil liberty as any who have come after, Washington at the head, put into the Constitution the provisions with reference to the government of the District of Columbia, they knew what they were doing, and spoke for a coming possible eighty millions of people, who should insist that the home of the government should be governed by their representatives; and that if there were in that eighty millions of people men who desired to come and share in the grandeur of that capital and live in a city of magnificent beauty as this was and enjoy all the privileges, then they come with their eyes open as to the character of the government that they are to have, and they must know that they must depend not upon the principles ordinarily governing in popular government, but that they must trust, in order to secure their liberty—to get their guaranties—they must trust to the representatives of eighty millions of people selected under that Constitution.

Well, what does in fact the Constitution say about the District of Columbia? Article I, section 8, of the Constitution reads that it is the responsibility of Congress 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 excercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be . . .
>
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

Mr. Speaker, I doubt any one can question the wisdom of the Founding Fathers. It was their intent that our Nation's Capital was to take a unique position in this country; Washington, D.C., was to be a city belonging to each and every one of us. As President Taft stated:

> 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.

Like President Taft, I, too, am a nationalist when it comes to the question of home rule for the District of Columbia. And it is because of my position that I am so concerned about the bill on home rule (H.R. 9682) that the House Committee on the District of Columbia has brought before us today.

This legislation goes far beyond what any President, including Johnson and Kennedy, has ever recommended. For example, the legislation provides the mayor of the District with almost total appointive authority over the heads of the District departments and agencies, including police and fire chiefs. This legislation also eliminates Presidential appointment of judges in the District, provides exemption for District residents to the Hatch Act, and delegates such broad legislative authority as to be unconstitutional or permit excessive "experimental" local legislation. It furthermore provides that the Federal payment authorization be an unlimited, unallocated lump sum for 4 years. Since we have had Government, the authority over the purse has been the symbol of sovereignty. Thus in this measure alone I see the abdication of congressional responsibility as prescribed by our Constitution. And let us not forget that about 50 percent of the District of Columbia budget is provided through appropriations of national tax revenue by the Congress—tax money that comes out of the pocket of every American.

I am also concerned about this legislation, because it does not provide for Presidential veto power to protect the Federal interest in the District of Columbia. Again, let me emphasize, such a proposal goes far beyond what any President has ever recommended. Now I know that supporters of this bill argue that Congress can repeal local enactments. But such repeal would require an act of Congress. This means that any such measure would have to pass both the Senate and the House—if it could ever be maneuvered through committee—and then go to the President for signature.

However, this legislation also provides the local government with the authority to amend its charter at any time. Thus the local government could negate congressional acts far more easily than we could pass legislation. In short, the U.S. Congress would have nothing more than token veto power.

Mr. Speaker, we should not take the meaning of the Federal City—the city that belongs to all Americans—lightly, and we certainly can ill-afford to ignore our constitutional responsibilities.

A SALUTE TO THE REPUBLIC OF CHINA

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

Mr. SCHERLE. Mr. Speaker, today the Republic of China celebrates its 62d anniversary. I would like to join with my colleagues in expressing the sincere hope that this nation will continue to experience democratic freedom and economic success.

Since the province of Taiwan was retroceded by Japan to the Republic of China in 1945, the economic growth of this country has skyrocketed. It has progressed from light industry to sophisticated and heavy industry with remarkable speed and is now a leader in the areas of petrochemicals and shipbuilding.

I recently had the privilege of visiting Taiwan and had a firsthand look at this nation which has entered the era of industrialization with such remarkable results.

The 15½ million residents of Taiwan have not only advanced in the areas of commerce and industry, but their educational system has kept pace as well. Enrollment in institutions of higher education tops 200,000. Their cultural renaissance movement has not only succeeded in preserving the world's oldest continuing culture, but has also brought progress in all of the arts.

Taiwan received our foreign aid for many years and today stands as an excellent example of success in this area. It is now self-dependent and an important sector of the world-trade market.

I hope our friendship and good will with this ally continues for many years to come. The Republic of China is a prime model of the importance of freedom and democracy in our world today.

THE MIDDLE EAST MUST AGREE TO A CEASE-FIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 5 mintues.

Mr. MARTIN of North Carolina. Mr. Speaker, today I am joining with other concerned Members of the House in supporting administration efforts to restore peace in the Middle East. It is urgent that the moral influence and response of all countries not a party to the present military conflict be to seek to prevail upon all combatants to agree to a cease-fire, a return to their previous lines, and good faith negotiation of their national claims in conflict.

The recent attack by the nations of Egypt and Syria upon their neighboring nation of Israel not only endangers the future of the people of the Middle East, it threatens the entire world. It focuses attention on the fragility of peace elsewhere and on the tenuous nature of detente among other military powers. The alliances and other international commitments in this sensitive part of the world could quickly expand to a global conflagration in the present struggle.

We cannot now know whether the battle plan of the invading armies is limited to seizing control of lands formerly held by them in the Sinai Peninsula and Golan Heights, respectively. Considering earlier military attacks by them in recent years, the prudent conclusion must be that they seek to destroy and conquer Israel. Should the initial attacks succeeed in their immediate objective the offensive momentum of the invasion would not likely produce, of itself, a halt. The appetite for conquest, denied a few years ago at great embarrassment to the Arab allies, would surely be whetted to the point of seeking to devour all of Israel. Such aggression must not be condoned, and must not succeed.

The passions which motivated the surprise attack will not be quenched by a cease-fire. They will only smoulder as they have in the past. They may well rage until, with some decisive assault, one side or the other is subdued. This unfortunate situation has roots which go deep into recorded history, with the surging back and forth of mighty armies of ancient nations and tribes across the narrow Fertile Crescent. As a consequence of this succession of occupancy, the disputed territory is a vital and coveted part of the heritage of both Arab and Jew, intensified all the more by religious traditions.

While these factors must be understood, they must not prevail over other considerations which favor stability, nonmilitary settlement of disputes and normalization of relationships between nations. Accordingly the House of Representatives needs to express on behalf of all the people of the United States our support and encouragement for those diplomatic endeavors of our President and State Department to influence a termination of warfare among our friends in the Middle East.

MORE ON FOREIGN INVESTORS

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

Mr. DENT. Mr. Speaker, I would like to submit for my colleague's attention the following article from the Cincinnati Post. The article describes in some detail the circumstances that prompted me to introduce, H.R. 8951, the Foreign Investors' Limitation Act:

U.S. FACTORY SCENE GETS FOREIGN ACCENT

(By Robert Dietsch)

WASHINGTON.—The Japanese are coming, the Japanese are coming!

And so are the Swedes, the French and the Germans—all with money in hand and eager to invest it in the United States.

Lured by a "cheaper" dollar and by the greatest consumer market in the world, these foreigners are hunting for sites on which to build factories. They are seeking to turn U.S. sales and marketing toeholds into solid-based American operations.

In 1972, foreign direct investments in the United States rose $708 million, about twice as much as in 1971. At the end of 1972, foreign direct investment here was a record $14.4 billion. Most observers think the rate of increase will be much greater in 1973.

Direct investment by foreign corporations has doubled in the last decade. And there have been these recent developments:

Volvo, the Swedish automaker, said it will build a $100 million production plant near Norfolk, Va.

Volkswagen, the German automaker, and Toyo Kogyo, the Japanese company which makes the rotary-engine Mazda, are considering building plants in this country.

The Michelin Tire Co. of France will build a $200 million plant in the Greenville, S.C., area.

Auburn Steel Industries of Japan is building a steel plant near Auburn, N.Y. It will employ 200 persons and be the first Japanese-owned steel mill in the country.

Kikkoman Shoyu of Japan is producing soy and teriqaji sauce in a new $6 million plant near Walworth, Wis.

Sony Corp. of America, owned by the Sony firm in Japan, is planning to produce TV picture tubes in San Diego. The new plant will be adjacent to the Sony plant which has been assembling color TV sets.

Burda Druck, GmbH, of West Germany has entered a joint agreement with the Meredith Publishing Co. of Des Moines, Iowa, to print the Ladies Home Journal Magazine at Lynchburg, Va.

Eleven Japanese companies and several German firms have built production plants at a new industrial park in Newport Beach, Calif.

The Commerce Department says foreign corporations in years past were primarily interested in setting up trading or sales companies in the United States. But today, the department's experts say, foreigners are increasingly interested in establishing full production facilities. Direct foreign investment in manufacturing grew from $2.8 billion in 1962 to almost $8 billion today.

These reasons figure in the trend:

The dollar has been devalued twice, thus increasing the buying power of foreign currencies in this country. It's becoming cheaper to produce here than export goods from abroad.

The U.S. stock market has been depressed, and foreigners have taken advantage of bargains. For example, the British-American Tobacco Co. bid for the stock of Gimbel Brothers Inc., the department store. The deal was worth $195 million. Nestle Alimentana, a Swiss firm, paid $105 million in cash for the Stauffer Corp., a division of Litton Industries. Litton stock has been depressed, and the company has been eager to sell off some subsidiaries.

Foreign corporations have gone through a wave of mergers in recent years. The resultant companies have enough assets to afford the considerable price of U.S. investments and take the risk that those investments will succeed.

Japanese firms are under pressure from their government to invest and export their huge dollar surpluses built up in recent years.

Wages abroad have been rising rapidly, narrowing the gap between them and American wages.

The United States has been encouraging foreign investments to help the nation's

chronic balance of payments deficits. Moreover, by allowing free foreign investment here, the government offsets foreign criticism of heavy American investment overseas.

PENNY POSTCARD

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

Mr. GONZALEZ. Mr. Speaker, in the 91st and 92d Congress I introduced legislation which would reestablish the penny postcard, and in light of the U.S. Postal Service's recent announcement that they will raise postal rates effective in January of 1974, I am again proposing a bill that would bring back the penny postcard.

I realize that many will say that in these times of rising costs a penny postcard is unthinkable, but I say that it is time to think of the common man. It is one way to provide an avenue of communication for those currently living on a fixed income and for those who are the poorest of the poor in this great land. It is time for the common man's franking privilege.

With the first-class rate going to 10 cents come January of 1974, and with telephone and telegraph rates out of sight for countless numbers, there is nothing left for those financially poor without the 1-cent postcard.

As you know, Congress has given up the responsibility for setting rates, and we no longer have anything to say about the cost of postage, so we will have no answers for our constituents.

Postal service is one of the fundamental services provided by the Government, and there should not be an economic bar to this service. There should always be at least one rate that is available to every citizen, no matter how poor he may be.

I think that it is within the realm of reason to have a Postal Service that is efficient enough to handle postcards for a penny—and, if it cannot do that, then perhaps we should consider subsidizing it. After all, no matter how poor a person is, he could still afford a penny postcard, and this would enable him to stay in touch with his family, friends, and even his Congressmen.

Many probably feel that we should not subsidize postal rates, but I doubt if postcard subsidies would cost as much as has been spent on other largesses—and certainly would provide far greater benefit.

There are those who protest that a penny postcard rate would be snapped up by bulk mailers, and the Postal Service would be swamped and ruined by billions of penny postcards. But this is absurd, because we could write into the rate a provision that a penny postcard should be a personal communication, from one individual to another, and that it is no way available for any commercial use.

After all, that was what the penny postcard was invented for, to serve people who need to tell someone easily, conveniently, reliably, and at a very little cost, that everything is all right, or that everyone is OK, or, in the case of a Congressman, I like the way you represent me in Congress, or I do not like the way you represent me. In any event, it would help to keep people in contact with one another for a very reasonable sum.

Do we need such a service? I say we do, and I would venture to say that from the letters I have received from people across the country when I introduced this bill in the past, many of your constituents feel that we do.

We should bring back the penny postcard—perhaps it would bring us back together.

ISRAEL AGAIN FIGHTS FOR SURVIVAL

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

Mr. BARRETT. Mr. Speaker, I deplore the outbreak of hostilities that occurred this past Saturday in the Middle East. For Egypt and Syria to have undertaken such action on the most sacred day of the Jewish New Year, adds immeasurably to the tragedy. We are informed today that Iraq has joined in the fighting. I find it most difficult to find the words to express my deep feelings over these events.

Mr. Speaker, in the bluntest of terms, the little nation of Israel is once again forced to fight for its very survival.

Yesterday in most of the cities and communities across our Nation people of all faiths and persuasions joined to express their concern. In Philadelphia, 15,000 to 16,000 people gathered in the John F. Kennedy Plaza to display their support for Israel. Unfortunately, I could not be there as I am presiding over the hearings being held by the Housing Subcommittee. I did, however, send a message to be read at the rally by Mr. Benjamin S. Lowenstein, president of the Jewish Community Relations Council of Philadelphia. I ask that the telegram be included at this point in the RECORD.

OCTOBER 9, 1973.

DEAR BEN: While I cannot be with you personally because of the need to be in Washington for legislative business, I trust you will convey my sympathy and support for the Israeli cause at the rally to be held today.

I share the concern for Israel which you here evidence by your presence. Once again the Arab neighbors of Israel display their complete recklessness; their lack of responsibility as members of the world community and disregard for the basic elements of human decency. Since its creation in 1948, Israel has only wanted to live in peace with its neighbors and the community of nations. The Arab nations have not only refused to allow that condition to prevail, they have thwarted all efforts to attain that basic human desire. They have repeatedly relied upon treachery in the hopes of destroying Israel, always to their own disadvantage, defeat and humiliation. Their actions of this past Saturday, on Yom Kippur, the highest of Holy Days for the Members of the Jewish faith, are unconscionable. The indications by other Arab countries to apply oil pressure diplomacy upon the rest of the world to force Israel to back off in its fight for survival, is more than just unrealistic. We here in the United States must fully and loudly express our extreme disapproval and condemnation of the most recent actions of Egypt and Syria.

If the United Nations is to be truly a world voice for decency, it must now voice its disapproval to Egypt and Syria and censure both nations. It is long past time that all of the members of the community of nations recognize the last remaining threat to a world at peace is that of the intransigence of the Arab neighbors of Israel. Sanctions against them should be imposed as an expression of extreme disapproval—so that they will finally realize that direct negotiations must be undertaken in good faith and that the situation of the past 25 years cannot continue.

Congressman BILL BARRETT.

PUBLIC FINANCING OF ASSISTED HOUSING UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, as Members know, our colleagues, Mr. BARRETT and Mr. ASHLEY, recently introduced a most comprehensive and progressive piece of legislation which charts important new directions for Federally-assisted housing programs. The bill, H.R. 10036, the "Housing and Urban Development Act of 1973," represents a truly positive response to the needs of both low- and middle-income families.

I invite your attention to provisions of the bill which authorize a new approach for the public financing of assisted housing projects. If enacted, these provisions would enable us to maximize the impact of each Federal subsidy dollar at a lesser cost to the Federal Treasury than current financing systems allow.

Chapter I of the bill would authorize a program of community development and housing block grants to States and localities. To finance the construction, rehabilitation, modernization, or acquisition of housing which is to receive the benefits of these block grants, three methods are proposed: first, FHA mortgage insurance; second, where the housing is to be publicly owned, Federally-guaranteed tax-exempt obligations, a financing mechanism now used in our low-rent public housing program; and third, where the housing is to be privately owned, Federally-guaranteed taxable obligations of a State or local government agency, combined with interest reduction grants covering 30 percent of the interest payable on the obligations.

This third approach is the one I wish to discuss briefly. A State housing finance agency, for example, would borrow at a taxable rate, say 8 percent; HUD would fully guarantee the principal and interest payable on the obligations, agreeing to pay the bondholders 30 percent of the interest due on the bonds; this would reduce the effective interest rate on the obligations to 5.6 percent; the State agency would lend the funds to a housing sponsor, usually a limited-dividend developer or nonprofit organization, at 5.6 percent; and the city or county government would then use its housing block grant funds to write down actual home-ownership costs or rent levels for housing occupants even further.

The experience of State housing finance agencies over the past few years has shown the advantages of this type

of financing technique. Public borrowing allows housing to be financed at rates much lower than prevailing mortgage interest rates, permitting the assisted housing to serve families of lower income than would otherwise be possible with the same subsidy dollar.

A 2½ percent to 3 percent point reduction in interest costs, for example, is translated immediately into a $20 to $30 per month reduction in rents in a typical multifamily project. Furthermore, by issuing the Federally-guaranteed taxable obligations, whose effective rate would be reduced by a 30 percent Federal interest grant, State and local governments can further reduce their borrowing costs to about one-fourth of a percentage point below current tax-exempt rates. As a result, an additional $3 to $4 reduction in monthly rentals is made possible.

These housing program benefits can be achieved, moreover, with an actual gain in income to the U.S. Treasury. Instead of receiving no tax income on tax-exempt issues, the Treasury would collect taxes on interest income from the Federally-guaranteed taxable bond issues of State and local agencies. Such bonds are now held largely by banks, corporations, and individuals of above-average income. A conservative estimate would place these bond holders in marginal income tax benefits of 35 to 40 percent. The taxes collected by the Internal Revenue Service would exceed the 30 percent Federal grant paid to the State or local agency to reduce the effective interest rate on the obligations.

Finally, it should be noted that these provisions of H.R. 10036 are very much in line with the administration's own proposal for taxable municipal bonds. Under that proposal, presented to the Ways and Means Committee early this year, there would also be a 30 percent Federal grant for State or local obligations which are issued as taxable instruments. The advantages of this financing approach cited by the administration would be equally applicable to the financing of housing proposed under section 125 of H.R. 10036: the number of tax-exempt obligations and the interest rates on those remaining would be reduced, thus reducing municipal financing costs; and the Federal interest reduction grants would be more than offset by revenues from the taxation of taxable interest income received by bondholders. In short, section 125 would provide great advantages to States and cities utilizing its provisions, would benefit the recipients of our low- and moderate-income income housing programs, and would net revenues of the Treasury.

I congratulate my colleagues for proposing this excellent approach to providing long-term financing for our assisted housing programs.

Mr. Speaker, I include the following table prepared by Mr. Henry Schechter, senior specialist in housing of the Library of Congress, describing the interest rate assumptions and calculations upon which I have based my remarks:

INTEREST RATE ASSUMPTIONS AND CALCULATIONS UNDERLYING ADVANTAGES OF TAXABLE VERSUS NON-TAXABLE STATE AGENCY ISSUES

A. TAXABLE VERSUS NON-TAXABLE INTEREST COST

1. Taxable State housing agency taxable issue rate: 7.80.[1]

2. less: 30 percent Federal grant: —2.34.

3. net interest cost on taxable state agency issue: 5.46.

4. Current State housing agency tax-exempt rate: 5.80.[2]

5. Agency saving in taxable with 30% grant over tax-exempt issue: .24.

B. BENEFITS TO U.S. TREASURY

1. Tax revenue on Tax-exempt State bond: 0.

2. Tax revenue on 7.8 percent taxable: 2.73–3.12.[3]

3. less: 30 percent Federal grant on taxable:—2.34–2.34.

4. net gain to Treasury: .39–.88.

C. MORTGAGE VERSUS NET COST OF TAXABLE STATE ISSUE

1. Current mortgage rate (FHA): 8.50.

2. Estimated net rate on Taxable State issue: 5.46.

Difference: 3.04.

[1] About equivalent to yield on a 10 year or longer Federal agency (e.g. FNMA, FHLB) obligation.

[2] On September 1, N.Y. State Housing Finance Agency sold 30–40 year obligations at rates of 5.8–6.2 percent and the Minn. Housing Finance Agency sold 30 year obligations at 5.7 rate.

[3] Assuming average bond holder marginal income-tax brackets of 35–40 percent.

AID ISRAEL NOW

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

Mr. PODELL. Mr. Speaker, I have joined as a cosponsor of a measure introduced by my colleague from Florida (Mr. LEHMAN) calling on the United States to immediately ship to Israel all the planes which have already been sold to that valiant little nation now struggling for its very existence.

Today news from the Middle East informs us that the Soviet Union has begun renewed arms shipments to its client states, Egypt and Syria, to replace the materiel which they have lost in the war. Furthermore, reports indicate that the Soviet government has been exerting pressure on heretofore uninvolved Arab states, such as Algeria and Lebanon, to enter the conflict.

News such as this makes it urgent that the United States not waste another moment in debating the propriety of various courses of action in the Middle East. Israel has lost what is, for her, tremendous amounts of manpower and weaponry. The men cannot be replaced. But the weapons can, should, and must be replaced, immediately

The Soviet Union, in her actions in the Middle East, has demonstrated what her true interests are. They are not in detente, despite all manner of fine words to the contrary. Rather the Soviet Union is primarily interested in the destruction of Israel and the consolidation of her power in the Middle East. Such is not the proper attitude for a nation interested in achieving world peace.

The United States would be worse than foolish if we were merely to sit back now and engage in futile diplomatic efforts. Negotiation is all to the good, and is, in my mind, still the only way in which the Middle Eastern conflict can be permanently settled. But what good is negotiation if not done between equals? We must make sure, if we are truly committed to peace in the Middle East, that Israel will be able to negotiate with the Arabs on at least an equal footing. This means that Israel dare not lose the war which the Arabs have forced on her.

The losses that Israel has suffered in the last few days are staggering. Initial reports of casualties say that between 200 and 300 soldiers have died. Were America involved in such a conflict, a comparable casualty figure for us would have resulted in a death toll close to 30,000. The cost in money is equally shocking. Were the war to end tomorrow, Israel would not be able to pay for it until well after the year 2000.

The United States has always supported Israel. To be perfectly honest, we are the only place Israel can look to now for continued support. Israel cannot look to the free nations of Europe, because they are all afraid of taking sides. They are so dependent on Arab oil that, were they to voice the slightest support for Israel, they would face the risk of losing their precious fuel supplies.

Fortunately, the United States is not yet so dependent on oil from the Middle East that we must temporize out of fear. We can and should unequivocally declare our full support for Israel. The best way of doing this right now is to give Israel all the weapons she needs to replace those lost in the fighting.

Not only must we give her the weapons, but we must make sure that what we give to Israel will arrive there. If this means having the Sixth Fleet convoy the shipments from the United States to the docks at Haifa, then so be it. We have a commitment to Israel's survival that must be honored. Honoring such a commitment means taking risks. These are grave risks, but we must face them and accept them. To do less would be to abandon one of our staunchest allies to certain death at the hands of the Arab aggressors.

Russia has already committed itself to delivering weapons to her puppets. Were Russia truly interested in peace in the Middle East, she would instead have forced Egypt and Syria to stop fighting by refusing to resupply them. If the United States does not aid in resupplying Israel, we will be giving tacit approval to Arab aggression, and signing Israel's death warrant at the same time.

The need is urgent. The need is now. I call on the President of the United States to take immediate action, to do whatever is necessary, to protect Israel's existence. Anything less would be failing to honor our commitments.

JUDGE ROBERT W. HEMPHILL HONORED

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

Mr. DORN. Mr. Speaker, our colleagues in the Congress, House and Senate, were pleased to learn of the great honor recently bestowed upon U.S. District Judge Robert Witherspoon Hemphill. Mr. Speaker, you will recall that Judge Hemphill represented the Fifth South

Carolina District here with great dedication, honor, and distinction. Judge Hemphill was elected to the Congress upon the retirement of the illustrious James Prioleau Richards, chairman of the Foreign Affairs Committee and Ambassador at Large. Upon Congressman Hemphill's appointment to the U.S. District Court the Fifth District has been superbly represented by our beloved colleague TOM GETTYS. Judge Hemphill is continuing a long family tradition of public service and devotion to the "American dream." His forebearers include Congressman John J. Hemphill, U.S. Senator John Hemphill, who also served as a Chief Justice of the Supreme Court of Texas, 1846–58, and Congressman Robert Witherspoon.

Mr. Speaker, the Association of Trial Lawyers of America recently presented the 1973 Judicial Award of Merit to our former colleague, my dear friend, and one of the Nation's most outstanding judges, the Honorable Robert W. Hemphill, U.S. District Judge for South Carolina. Judge Hemphill was honored in ceremonies at the Federal Court House in Columbia, S.C., with the Honorable Kenneth Baker, president of the South Carolina Trial Lawyers Association, presiding, and with remarks and the presentation by the Honorable G. Ross Anderson, Board of Governors of the Association of Trial Lawyers of America. Distinguished guests included the Honorable Joseph R. Moss, Chief Justice of the Supreme Court of South Carolina.

Mr. Speaker, Judge Hemphill was the recipient of the highly coveted Judicial Award of Merit "in recognition of his herculean efforts in alleviating court congestion and; in recognition of his expert mastery of trial advocacy and procedures, which are the products of wisdom and experience and; in recognition of his innovative and humane decisions which protect the injured, the accused, and the public and; in recognition of his dynamic promotion and leadership of the cause of continuing education."

Mr. Speaker, Judge Robert W. Hemphill was born on May 10, 1915, in Chester, S.C., to John McLure and Helen Witherspoon Hemphill. He attended the public schools of Chester and the University of South Carolina where he received his AB degree in 1936 and his LLB degree in 1938. He is married to the former Isabelle Anderson of Asherton, Tex., and has three children.

While a student at the university, he was an active participant in student affairs. He was president of the senior class, a member of the debating team, president of Omicron Delta Kappa Honorary Leadership Fraternity, a member of the track team, and a member of the Kappa Alpha Social Fraternity and Phi Delta Phi Legal Fraternity. He was also selected to Who's Who in American Colleges and Universities.

He was admitted to the South Carolina Bar in 1938, and was a member of the firm of Hemphill & Hemphill in Chester from 1938 to 1964. Judge Hemphill is a member of the South Carolina and American Bar Associations, the American Law Institute, and the National Lawyers Club.

In 1941, he volunteered for the U.S. Army-Air Force, in which he served as a pilot until 1945. He has been a member of the U.S. Air Force Reserve since 1950.

Judge Hemphill began his career as a public servant in 1947, when he was elected to the South Carolina General Assembly. Later, he was solicitor of the Sixth Judicial Circuit from 1951 to 1956. In 1957, he was elected to the U.S. House of Representatives from the Fifth Congressional District of South Carolina, and served until 1964. While a Congressman, he was on the Post Office and Civil Service Committee and the Interstate and Foreign Commerce Committee. On May 1, 1964, he was appointed U.S. District Judge for the District of South Carolina.

Judge Hemphill is also active in church and civic affairs. He is an officer and Sunday school teacher in the Purity Presbyterian Church of Chester. He is a member of the American Legion, the Moose Lodge, the South Carolina Historical Society, and the South Carolina Wing of the Civil Air Patrol.

He has been described as a "forward looking and creative" judge. Judge Hemphill's opinions are characterized by his scholarly approach to the law and are noted for their persuasiveness and creativity. He is concerned about the crowded court dockets and the resulting slowness of the judicial process and has endeavored to alleviate this problem in his court. He effectively utilizes the pretrial conference to reduce the court time required for trials and conducts his court in such a manner as to promote efficiency. He also is a strong advocate of continuing education for the members of the legal profession.

ARAB-ISRAELI WAR

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

Mr. MURPHY of New York. Mr. Speaker, the eyes of the world are now riveted upon the critical situation in the Mideast. The administration's position seems to be merely that "some sort of equilibrium must be maintained." Equilibrium is unsatisfactory. Not only to the United States but all of Israel's allies must immediately resupply the Israeli's with all the modern arms necessary to restore the strategic balance and offset the tactical successes recently acquired by the blatant aggression of Egypt Syria—and now Iraq—started during a holiday. The first priority is to replace aircraft.

Only from a position of power can Israel return to the bargaining table and attempt to solve this highly emotional and controversial situation through negotiations.

Three million Israelis stand alone against 50 million Arabs. The situation is critical. Unlike the six-day war of 1967, which resulted in an Israeli victory, the current action is developing into a protracted war of attrition for which the Soviets have long been preparing the Arab world—and the Soviets allegedly are now resupplying these aggressors by air. The United States must do the same—and more.

First needed are air and ground weapons to stop the attack. Once the penetrations are stabilized, then negotiations may be possible—but lacking that, the pressure may be applied to make bargaining more appealing.

What is the world going to do for Israel? The Sword of Damocles has fallen. The Israeli people knew for days that the attack was coming but were prohibited by the vise of world opinion and pressure from the administration from conducting a preemptive strike which might have turned the tactical tables to their advantage. Instead, they had to stand and take the first blow.

Desert warfare is the toughest fighting conceivable on both men and equipment. Merely to exist in the desert takes much of a man's strength and ingenuity; to fight there takes his every effort, plus those of every friend and ally. The ravages of the Russian-supplied Egyptian and Syrian armies have been severe. Russian ground-to-air missiles—SA–2, SA–3 and SA–6's—and Russian aircraft have taken a heavy toll on Israeli aircraft and men. Russian tanks have done the same.

Under such a ruthless attack on Israel, our country and other allies of Israel have no alternative but to come immediately to the aid of a friend. Losses of aircraft must be resupplied immediately, and consideration should be given to providing all the war material needed to defend against and stop the attack.

IMPROVED DENTAL SERVICES FOR ARMY AND AIR FORCE

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

Mr. PRICE of Illinois. Mr. Speaker, I am today introducing legislation to im- services in the Army and Air Force. The proposed changes will make the Army Dental Corps and the Air Force Dental prove the administration of the dental Service more efficient which, in turn, will facilitate the provision of high quality dental care to more of our men and women in the uniformed service.

In addition to this major objective, the Army and Air Force dental bill has two other worthwhile purposes, which will also strengthen the dental care programs in the respective services. First of all, the bill will provide legislative guidelines for the Army and Air Force dental services that have been in effect for the Navy Dental Corps since 1945. Public Law 79–284 established an outstanding career service in the Navy, one that has proven effective in providing high quality dental care to Navy personnel worldwide.

Second, but equally important, the Army and Air Force dental bill will bring the career services in the Army and Air Force up-to-date in terms of recruiting and retaining dentists who, without the pressure of the "doctor draft law," will now make career choices based on the professional attractiveness of the services.

The all-volunteer effort to attract and retain a solid career force of individuals

has been extended to the health field in two other instances. These efforts include an improved scholarship program tied to a military duty obligation—which is already functioning—and a special pay proposal for health professionals to provide incentive bonus payments calculated to provide an income comparable to civilian private practice. The special pay bill is currently pending in the House and Senate.

The Army and Air Force dental bill does not call for increased pay levels or any direct costs to the Treasury. Instead, the language of the bill would provide management and command changes in the best interest of improving the efficiency and productivity of the dental care programs in the Armed Forces. Many dental practitioners who are involved in the day-to-day treatment of military personnel have appealed to both Army and Air Force health headquarters for needed technical changes in the regulations and law that currently govern the provision of dental care.

In addition, this legislation has the solid endorsement of the Nation's civilian dentists. The American Dental Association, on behalf of its 100,000 members—more than 85 percent of America's practicing dentists—reaffirmed its longstanding policy that the dental programs of the Army and Air Force, like the Navy's, should be under the supervision of dentists. Enactment of the bill would assure that control over dental professional matters and over decisions involving professional activities of dental personnel will be vested in those officers who are directly responsible for the delivery of dental services.

GENERAL SERVICES ADMINISTRATION INTERPRETS SURPLUS DONABLE PROPERTY AMENDMENT TO CRIME CONTROL ACT OF 1973

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

Mr. HOLIFIELD. Mr. Speaker, Public Law 93–83, the Law Enforcement Assistance Amendments to the Omnibus Crime Control and Safe Streets Act of 1968, contains an amendment to the Federal Property Act with respect to the donation of surplus personal property. Under the authority of section 203(j) of the Federal Property Act, the Administrator of General Services may, in his discretion, donate surplus personal property to eligible recipients for educational, public health, or civil defense purposes, and for educational activities of special interests to the armed services.

The donable property amendment in Public Law 93–83, is found in section 525 of that act. It was a floor amendment in the Senate. The House Committee on Government Operations, which has legislative jurisdiction over the Federal Property Act, had no opportunity to consider the amendment before the bill was reported out of conference.

The language of section 525 suffers from a serious technical defect. As a result, it does not accomplish its purported purpose of authorizing the Administrator to donate certain surplus personal property to law enforcement assistance grantees. It is another example of a legislative provision hastily enacted without regard to the expertise of the committee having jurisdiction over the subject matter of that provision.

In remarks to the House on August 3, 1973, I called attention to the defective amendment. I pointed out that the operation of the donable property program as well as its legislation are jurisdictional concerns of the Government Operations Committee. I spoke of the ongoing investigation into operations and objectives of the donable property program by our Government Activities Subcommittee under the chairmanship of Congressman JACK BROOKS. I made note of the pendency before our committee of 10 different bills that would open up the donation program to a variety of new categories of recipients. These would be in addition to the presently authorized purposes.

I concluded by urging the various committees of the House to give close attention to our committee's jurisdictional interest when amendments to the Federal Property Act are sought in other legislation.

Last month, the Law Enforcement Assistance Administration requested the views of the General Services Administration on whether section 525 of Public Law 93–83 authorized the Administrator to donate surplus property for law enforcement purposes. The General Counsel's office in GSA responded in a letter dated September 24, 1973. It takes the view that, notwithstanding the amendment, the particular provision of the Federal Property Act actually amended by Public Law 93–83—section 203(n)—does not authorize the Administrator of General Services to transfer surplus property to State surplus property agencies for other than those agencies' own administrative needs. The GSA letter further states that the amendment fails to take into consideration that authority to donate under another section—203(j)—is necessary. It adds that no authority to donate for law enforcement assistance purposes can be inferred from the amended section 203(n). I am including a copy of the GSA letter with these remarks.

Mr. Speaker, there is a limited supply of worthwhile surplus property available for the country's schools, hospitals, civil defense units, and special educational activities. Efforts are now in progress, involving Federal agencies, State agencies, and our Government Activities Subcommittee, to increase the efficiency and scope of property screening, allocation, distribution, and control. It is my hope that these efforts will soon bring about accommodation of substantially more donee needs.

In any event, changes in law to add to the number of eligible donee categories must always be considered within the framework of the outlook for property availability, the capacity of Federal and State agencies to manage the program, and the needs of donees in the presently eligible categories.

The General Counsel's letter follows:

GENERAL SERVICES
ADMINISTRATION, OFFICE OF
GENERAL COUNSEL,
Washington, D.C., September 24, 1973.

THOMAS J. MADDEN, ESQ.,
General Counsel, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

DEAR MR. MADDEN: Your letter of September 5, 1973, requested our views as to whether section 525 of the Crime Control Act authorizes donation by the Administrator of General Services of surplus property for law enforcement purposes.

You stated that it is the position of the Law Enforcement Assistance Administration that such authority was granted pursuant to section 525 of the Crime Control Act, that perhaps a technical deficiency exists, and that such deficiency is ministerial and curable by administrative action.

We have carefully reviewed section 525 of the Crime Control Act which amends section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, the comments of Senator Hruska on the floor of the Senate and the conference report.

We regret to advise that we are compelled to the conclusion that section 525 of the Crime Control Act amending section 203(n) of the Federal Property and Administrative Services Act does not authorize the Administrator of General Services to donate surplus personal property for law enforcement purposes. What is lacking is not merey as you contend, the statutory designation of a party to determine whether the property is usable and necessary, but authority to donate per se. It is section 203(j) that authorizes donations for specific purposes, not section 203(n). Section 203(n) relates to making property available to state surplus property distribution agencies designated in conformity with paragraph 1 of subsection (j). Subsection (j)(1) provides:

"Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate without cost (except for costs of care and handling) for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose, any equipment, materials, books, or other supplies (including those capitalized in a working capital or similar fund) under the control of any executive agency which shall have been determined to be surplus property and which shall have been determined under paragraph (2), (3), or (4) of this subsection to be usable and necessary for any such purpose. In determining whether property is to be donated under this subsection, no distinction shall be made between property capitalized in a working-capital fund established under section 405 of the National Security Act of 1947, as amended, or any similar fund, and any other property. *No such property shall be transferred for use within any State except to the State agency designated under State law for the purpose of distributing, in conformity with the provisions of this subsection, all property allocated under this subsection for use within such State.*" (Italic supplied.)

Section 203(j)(3) relates to surplus property authorized for donation pursuant to (j)(1), and provides for a determination of usability and necessity for purposes of education or public health to be made by the Secretary of Health, Education and Welfare, who allocates such property on the basis of need and utilization for transfer to a state agency for distribution to eligible donees. The state agencies must, prior to any transfer, furnish certification that such property is usable and needed for educational or public health purposes. Subsection (j)(4), relating to civil defense, contains similar provisions.

The amendment is defective in that it fails to take into consideration that authority to donate under another section, 203(j), is necessary. Thus, its effect is to presuppose authority which does not in fact exist. Section 203(n), prior to its amendment by section 525 of the Crime Control Act, referred to "surplus property which the Administrator may approve for donation for use in any state or purposes of education, public health, or civil defense, or for research for any such purpose, pursuant to subsection (j)(3) or (j)(4). . . ." By inserting the words "law enforcement programs" nothing is accomplished, since the language" which the Administrator may approve for donation pursuant to (j)(3) or (j)(4)" is inconsistent with "law enforcement programs." Section 203(j)(1), with 203(j)(3) and (j)(4), authorizes donations only for educational, public health and civil defense purposes.

The first two sentences of section 203(n) were enacted in 1956; Public Law 87-94, approved July 20, 1961, added the last two sentences to section 203(n).

A review of the legislative history of section 203(n) indicates clearly that it is intended to apply to administrative needs of the state agencies and is not independent authority to donate surplus property for law enforcement purposes. House Report No. 561 indicates that the purpose of section 203(n) was administrative, stating:

"1. Subject to the approval of the Administrator of General Services, it would enable a State agency to obtain the use of donable Federal surplus personal property, under and subject to the terms of a cooperative agreement, for its own administrative needs in carrying out the disposal program, after the Department of Health, Education, and Welfare or the Office of Civil and Defense Mobilization had determined that the desired property is necessary to, or would facilitate, the effective operation of the State agency *in performing its functions* in connection with the surplus property disposal programs. (Italic supplied.)

"The advantages of allowing the State agency to utilize such property are twofold: (a) The use of donable surplus property in lieu of property of the Federal agency that would otherwise be made available to the State agency under present section 203(n) authority lowers the cost of the program to the Federal Government; (b) the use of donable surplus property by the State agency in lieu of property that would otherwise have to be purchased by that agency acts to reduce the charges assessed against the donee institutions by the State agency in order to cover its costs of operation.

"2. The bill would permit legal title to surplus property, the use of which is thus made available to a State agency under a cooperative agreement, to be vested in that agency with the approval of the Administrator of General Services, upon a determination by the Department of Health, Education, and Welfare or the Office of Civil and Defense Mobilization that such action is necessary to, or would facilitate, the effective use of the property. This authorization is directed primarily at expediting the State agency's use of surplus motor vehicles in administering the donation programs; vesting the legal title to the vehicle would best enable the agency to comply with State motor vehicle registration laws.

"Enactment of the proposed amendment to section 203(n) would permit the development of proper procedures and safeguards governing the terms of cooperative agreements and the use of surplus property by the State agencies. It would permit, under appropriate control, the transfer of title to vehicles during the period of their utilization by the State agencies and would remove any possibility of exposing the Federal Government to the risk of tort claims.

"Surplus property donated to State agencies under this amendments is for use only and is not for sale or resale."

Accordingly, it is our view that the clear language of the statute, supported by its legislative history, does not authorize the Administrator of General Services to transfer surplus property under section 203(n) to State agencies for surplus property for other than administrative purposes. Thus, it is not and cannot be considered authority to donate property for a program use such as a law enforcement program.

We have further considered whether, despite the obvious failure to provide statutory language to authorize the donations in question, the legislative history would be sufficient to imply an authority in the Administrator to donate surplus personal property for law enforcement purposes. It is our opinion that the defect in the legislation in this case is of such a nature that such implication would be tantamount to legislation by the Executive, which, of course, would be unauthorized. We have, of course, noted in addition to the views of Senator Hruska, that Congressman Holifield, Chairman, Government Operations Committee, is of the view that section 525 does not authorize a donation for law enforcement purposes.

As we have previously indicated, should you desire, we would be happy to provide whatever assistance you deem appropriate in aiding you in the drafting of legislation that would permit the Administrator of General Services to donate property for purposes of law enforcement programs.

Sincerely,

HERMAN W. BARTH,
(For William E. Casselman II, General Counsel).

SIXTY-SECOND BIRTHDAY OF THE REPUBLIC OF CHINA

(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, 62 years ago today the Republic of China was founded, and it is appropriate that the Congress today take note of that historic event.

There are few nations in the world with which the people of the United States have closer ties than with the courageous people who now have their center of government on Taiwan.

Through war and peace, these close friends have always supported the principles of freedom which we endorse and have lent their unstinting support to the cause of free enterprise in the world.

Even when the Republic of China faced a most trying time during the illogical debate over membership in the United Nations and the subsequent actions of that body, there was no swerving from their position that friendship with the people of America was an overriding consideration in the formulation of that nation's foreign policy.

American investment in Taiwan is massive. For years there has been an American military presence which has given notice to the world that we expect the sovereignty of the Republic of China to remain inviolate from invasion by the mainland Communists. Americans by the thousands have visited the island nation and have come away amazed at the progress continuing to be made under the adverse conditions imposed upon that government by the world community of nations in recent months.

There are more trying days ahead for the Republic of China. Economic pressures are being applied by some nations to prevent further expansion of Taiwan's trade role in the world. Détente with the Chinese Communists is felt in some quarters to threaten official recognition of Taiwan by the United States. The United States should not under any circumstances take this unwarranted step.

Through all of this, our good friends on Taiwan maintain the dignity, courage, and freedom-thinking attitude which caused them to declare themselves a republic 62 years ago today.

The people of the Republic of China are good world neighbors and good friends. We congratulate them on this day.

THE NAME "CAPE CANAVERAL" HAS BEEN RESTORED

(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, most Floridians will welcome the action of the Department of the Interior in restoring the name Cape Canaveral to the present Cape Kennedy. This was done upon the recommendation of the domestic geographic names committee of the Department following public hearings at which I appeared and spoke.

Cape Canaveral has especial historic significance. The name first appeared on Spanish maps over 400 years ago following the discovery and naming of the cape by the Spanish explorer Ponce de Leon. In 1963, following the tragic death of President Kennedy, President Johnson by executive action directed that the name be changed to Cape Kennedy and that the nearby space center be designated the John F. Kennedy Space Center. The space center will continue to bear the Kennedy name, and this action also is supported by the people of my State.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KYROS (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. RINALDO) to revise and extend their remarks and include extraneous material:)

Mr. BIESTER, for 10 minutes, today.

Mr. BAKER, for 5 minutes, today.

Mr. TREEN, for 5 minutes, today.

Mr. SCHERLE, for 5 minutes, today.

Mr. MARTIN of North Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. GINN) and to revise and extend their remarks and include extraneous matter:)

Mr. DENT, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BARRETT, for 5 minutes, today.
Mr. LEHMAN, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. PODELL, for 15 minutes, on October 11.
Mr. VAN DEERLIN, for 30 minutes, on October 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RINALDO) and to include extraneous material:)

Mr. MCKINNEY.
Mr. STEIGER of Wisconsin in two instances.
Mr. PEYSER in three instances.
Mr. MCCLOSKEY.
Mr. SPENCE.
Mr. WYMAN in two instances.
Mr. DERWINSKI in three instances.
Mr. HUBER.
Mr. FISH.
Mr. ZWACH.
Mr. ERLENBORN.
Mr. FRENZEL in two instances.
Mr. HEINZ.
Mr. VEYSEY in two instances.
Mr. FROEHLICH in two instances.

(The following Members (at the request of Mr. GINN) and to include extraneous material:)

Mr. COTTER in 10 instances.
Mr. BENNETT.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. MAHON in two instances.
Ms. ABZUG in 10 instances.
Mr. DAVIS of Georgia in five instances.
Mrs. GRIFFITHS in two instances.
Mr. BADILLO.
Mr. KOCH in two instances.
Mr. WALDIE in two instances.
Mr. CLARK in two instances.
Mr. HARRINGTON in four instances.
Mr. ANDERSON of California in two instances.
Mr. DENT.
Mr. STUDDS.
Mr. VANIK in two instances.
Mr. BRECKINRIDGE in 10 instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2470. An act to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, October 11, 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:

1436. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on areas designated during calendar year 1972 as having critical health manpower shortages and an estimate of the number to be so designated in calendar year 1973, together with a report on Federal activities in such areas, pursuant to Public Law 92–585; to the Committee on Interstate and Foreign Commerce.

1437. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide for fire accident data collection, analysis, and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

1438. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during September 1973, pursuant to 31 U.S.C. 1174; to the Committee on Government Operations.

RECEIVED FROM THE PRESIDENT

1439. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 (H. Doc. No. 93–163); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 589. Resolution providing for the consideration of H.R. 10614. A bill to authorize certain construction at military installations, and for other purposes. (Rept. No. 93–564). Referred to the House Calendar.

Mr MADDEN: Committee on Rules. House Resolution 590. Resolution providing for the consideration of H.R. 10203. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes (Rept. No. 93–565). Referred to the House Calendar.

Mr. MAHON: Committee of conference. Conference report on House Joint Resolution 727. (Rept. No. 93–566). Ordered to be printed.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 9450. A bill to authorize the Secretary of Commerce to transfer the N.S. *Savannah* to the city of Savannah, Ga. (Rept. No. 93–567). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 5450. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes; with amendment (Rept. No. 93–568). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee of conference. Conference report on H.R. 8825 (Rept. No. 93–569). Ordered to be printed.

Mr. STEED: Committee of conference. Conference report on H.R. 9590 (Rept. No. 93–570). Ordered to be printed.

Mr. ULLMAN: Committee on Ways and Means. H.R. 10710. A bill to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes (Rept. No. 93–571). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 10830. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BIAGGI (for himself, Mr. WOLFF, Mr. DELANEY, Ms. ABZUG, Mr. ADDABBO, Mr. BINGHAM, Mr. BRASCO, Mrs. CHISHOLM, Mr. GILMAN, Miss HOLTZMAN, Mr. KING, Mr. KOCH, Mr. LENT, Mr. MURPHY of New York, Mr. PEYSER, Mr. PIKE, Mr. PODELL, Mr. RANGEL, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. STRATTON, Mr. WALSH, and Mr. YATRON):

H.R. 10831. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mr. BIESTER (for himself, Mr. FRASER, Mr. HARRINGTON, Mr. BURLISON of Missouri, Mrs. COLLINS of ILLINOIS, Mr. DIGGS, Mr. EDWARDS of California, Mr. GUNTER, Mr. MOSHER, Mr. O'HARA, and Mr. REES):

H.R. 10832. A bill to amend the Presidential Election Campaign Funds Act, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. FRASER, Mr. BIESTER, Ms. ABZUG, Mr. BADILLO, Mrs. CHISHOLM, Mr. CONYERS, Mr. HELSTOSKI, Mr. MITCHELL of Maryland, Mr. ROSENTHAL, and Mr. WON PAT):

H.R. 10833. A bill to amend the Presidential Election Campaign Fund Act, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON (for himself, Mr. MAILLIARD, Mr. JOHNSON of California, Mr. DON H. CLAUSEN, Mr. HOSMER, Ms. BURKE of California, Mr. TAYLOR of North Carolina, Mr. STEIGER of Arizona, Mr. HALEY, Mr. CAMP, Mr. UDALL, Mr. LUJAN, Mr. FOLEY, Mr. KETCHUM, Mr. KASTENMEIER, Mr. O'HARA, Ms. MINK, Mr. MEEDS, Mr. KAZEN, Mr. STEPHENS, Mr. VIGORITO, Mr. MELCHER, Mr. RONCALIO of Wyoming, Mr. BINGHAM, and Mr. SEIBERLING):

H.R. 10834. A bill to amend the act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURTON (for himself, Mr. MAILLIARD, Mr. RUNNELS, Mr. WON PAT, Mr. OWENS, Mr. DE LUGO, and Mr. JONES of Oklahoma):

H.R. 10835. A bill to amend the act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.R. 10836. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide a 1-cent postage

rate for postal cards and post cards; to the Committee on Post Office and Civil Service.

By Mrs. GRASSO:

H.R. 10837. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mrs. GRASSO (for herself, Mr. LITTON, and Mr. HAMMERSCHMIDT):

H.R. 10838. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. ABDNOR, Mr. DE LUGO, Mr. DENHOLM, Mr. FINDLEY, Mr. FROEHLICH, Ms. GRASSO, Mr. HARVEY, Mr. GUNTER, Mr. ICHORD, Mr. KETCHUM, Mr. MELCHER, Mr. MCSPADDEN, Mr. NICHOLS, Mr. ROE, Mr. SHIPLEY, and Mr. STEIGER of Arizona):

H.R. 10839. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of fertilizer from its provisions; to the Committee on Banking and Currency.

By Mr. NEDZI (for himself, Mr. GRAY, Mr. BRADEMAS, Mr. GAYDOS, Mr. THOMPSON of New Jersey, Mr. GETTYS, Mr. HARVEY, Mr. FRENZEL, and Mr. FROEHLICH):

H.R. 10840. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; to the Committee on House Administration.

By Mr. PATTEN:

H.R. 10841. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 10842. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL (for himself, Mr. NIX, Mr. REUSS, Mr. SYMINGTON, Mr. VANIK, and Mr. YOUNG of Georgia):

H.R. 10843. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. WOLFF (for himself, Mr. BIAGGI, Ms. ABZUG, Mr. ADDABBO, Mr. BINGHAM, Mr. BRASCO, Ms. CHISHOLM, Mr. DELANEY, Mr. GILMAN, Ms. HOLTZMAN, Mr. KOCH, Mr. LENT, Mr. MURPHY of New York, Mr. PEYSER, Mr. PIKE, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. STRATTON, Mr. WALSH, and Mr. YATRON):

H.R. 10844. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mr. BRINKLEY:

H.R. 10845. A bill to amend section 203 of the Economic Stabilization Act in regard to the authority conferred by that section with respect to petroleum products; to the Committee on Banking and Currency.

By Mr. BYRON:

H.R. 10846. A bill to improve the conduct and regulation of Federal election campaign activities; to the Committee on House Administration.

By Mr. DUNCAN:

H.R. 10847. A bill to raise the amount of the recently enacted cost-of-living increase in social security benefits, and to accelerate the effective date of such increase to January 1974; to the Committee on Ways and Means.

By Mr. HEINZ:

H.R. 10848. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself and Mr. KOCH):

H.R. 10849. A bill to provide that the Secretary of State shall make certain compensatory payments to States and political subdivisions with respect to United Nations property tax exemptions; to the Committee on Foreign Affairs.

By Mr. PRICE of Illinois:

H.R. 10850. 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. RARICK (for himself and Mr. THONE):

H.R. 10851. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 10852. A bill to establish a working capital fund in the Department of Justice; to the Committee on the Judiciary.

By Mr. CASEY of Texas (for himself, Mr. ARCHER, Mr. BROOKS, Mr. BURLESON of Texas, Mr. DE LA GARZA, Mr. ECKHARDT, Mr. FISHER, Mr. GONZALEZ, Mr. KAZEN, Mr. PICKLE, Mr. POAGE, Mr. TEAGUE of Texas, Mr. WHITE, and Mr. CHARLIE WILSON of Texas):

H.J. Res. 762. 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 on Public Works.

By Mr. MATSUNAGA (for himself, Mr. ADAMS, Mr. ANDERSON of California, Mr. BEVILL, Mr. BOWEN, Mr. BROWN of California, Mr. DANIELSON, Mr. DELLUMS, Mr. DENHOLM, Mr. EDWARDS of California, Mr. FASCELL, Mr. FLOOD, Mr. ICHORD, Mr. KETCHUM, Mr. MALLARY, Mr. MATHIAS of California, Mr. MCCLOSKEY, Mr. MEEDS, Mr. MELCHER, Mr. MONTGOMERY, and Mr. MORGAN):

H.J. Res. 763. 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 on Public Works.

By Mr. MATSUNAGA (for himself, Mr. Moss, Mr. NICHOLS, Mr. OWENS, Mr. PEPPER, Mr. PICKLE, Mr. ROYBAL, Mr. SAYLOR, Mr. SEIBERLING, Mr. TEAGUE of California, Mr. THONE, Mr. VANIK, Mr. VIGORITO, Mr. WHITEHURST, Mr. CHARLES H. WILSON of California, and Mr. YATRON):

H.J. Res. 764. 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 on Public Works.

By Mr. DENT:

H. Con. Res. 340. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. FISH (for himself, Mr. ADDABBO, Mr. BELL, Mr. BIAGGI, Mr. BRASCO, Mr. CRONIN, Mr. DRINAN, Mr. DUNCAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. GERALD R. FORD, Mr. GILMAN, Mrs. HECKLER of Massachusetts, Mr. MINISH, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RINALDO, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. SARBANES, Mr. JAMES V. STANTON, Mr. SYMINGTON, Mr. THONE, and Mr. WON PAT):

H. Con. Res. 341. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

By Mr. FISH (for himself, Mr. O'BRIEN, Mr. RYAN, Mr. FLOOD, and Mr. WALSH):

H. Con. Res. 342. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

By Mr GILMAN (for himself, Mr. CHARLES WILSON of Texas, Mr. WOLFF, Mr. KOCH, Mr. RONCALLO of New York, Mr. WYDLER, Mr. STEELMAN, Mr. O'BRIEN, Mr. YOUNG of Alaska, Mr. GUYER, Mr. MITCHELL of New York, Mr. YOUNG of Illinois, Mr. MARTIN of North Carolina, Mr. PEYSER, Mr. RYAN, Mr. WHALEN, Mr. FISH, Mr. REGULA, Mr. LEHMAN, Mr. ROBISON of New York, Mr. KETCHUM, Mr. HORTON, Mr. BURGENER, and Mr. PRITCHARD):

H. Con. Res. 343. Concurrent resolution providing for peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. ANNUNZIO, Mr. CORMAN, Mr. DOMINICK V. DANIELS; Mr. EILBERG, Mr. FULTON, Mr. GILMAN, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. LENT, Mr. MINISH, Mr. NIX, Mr. ROYBAL, and Mr. SARBANES):

H. Con. Res. 344. 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. MOAKLEY:

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress that the Secretary of State be requested to direct the diplomatic efforts of the United States toward limiting participation in the present Middle East conflict; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 346. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

[*Omitted from the Record of Oct. 9, 1973*]

By Mr. O'NEILL:

H. Res. 582. Resolution deploring the outbreak of hostilities in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[*Submitted Oct. 10, 1973*]

By Mr. DAN DANIEL:

H.R. 10853. A bill for the relief of James Vilmer Giles; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 10854. A bill for the relief of Brandywine Main Line Radio, Inc., WXUR, and WXUR–FM, Media, Pa.; to the Committee on the Judiciary.

H.R. 10855. A bill for the relief of the estate of Dr. William A. Rogers; to the Committee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 10856. A bill for the relief of Blase A. Bonpane; to the Committee on the Judiciary.

H. Res. 591. Resolution referring the bill for

the relief of Blase A. Bonpane to the Court of Claims; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

313. BY THE SPEAKER: A memorial of the Legislature of the State of California, relative to the Rural Electrification Administration; to the Committee on Agriculture.

314. Also, memorial of the Legislature of the State of California, relative to the federally assisted code enforcement program; to the Committee on Banking and Currency.

315. Also, memorial of the Legislature of the State of California, relative to increasing funds under the Federal-State partnership program; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

BENJAMIN FRANKLIN WALK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. EILBERG. Mr. Speaker, on Sunday, October 14, the people of Philadelphia will relive the historic day when Benjamin Franklin arrived in our city.

The "Benjamin Franklin Walk" will consist of a free walking tour to the Franklin home, his church and first printing shop, and numerous other sites which bear the mark of Benjamin Franklin.

At this time I enter into the RECORD a statement by the city of Philadelphia describing the events planned for the "Benjamin Franklin Walk":

BENJAMIN FRANKLIN WALK

On a fair Sunday morning in October, 1723, a homeless, hungry young man of 17 landed at colonial Philadelphia's Market Street wharf and walked into American history . . .

At noon on Sunday, October 14, 1973—250 years later—Philadelphia will re-create Benjamin Franklin's historic arrival by boat from the Delaware River and his initial walk up Market Street.

The boat bringing Franklin will dock near Market Street, where a reception committee, composed of representatives of the numerous institutions he founded, will greet him.

The young Franklin, wearing colonial garb, will then lead a free walking tour of the homes, churches, shops and historic buildings which still echo with his presence. Tourists and Philadelphians are invited to take part in this "Ben Franklin Walk," which will begin at Market St. and Delaware Ave.

Re-living that day, a colonial-costumed baker's-boy will be on hand to sell Franklin "three great puffy rolls" and a young woman, also in colonial dress, will portray Deborah Read, Franklin's future wife. According to Franklin's Autobiography, Deborah was standing in the doorway of her father's home at 318 Market Street and saw him walking by that first day in town.

In addition to the guides portraying Benjamin Franklin and Deborah Read, other colonial costumed guides also will lead groups on the walking tour which will include a visit to Franklin Court, the site of Franklin's home when he participated in the writing of the Declaration of Independence. Usually closed to the public because of the current archeological excavation and research being done at the site, Franklin Court will be opened especially for the "Ben Franklin Walk" participants.

The walking tours will also visit Christ Church, where the Franklin family had a pew; the site of Franklin's first printing shop; the First Bank of the United States which contains an exhibit of the artifacts recently discovered at Franklin Court; Carpenters' Hall, where the American Philosophical Society and the Library Company (both founded by Franklin) first met; Library Hall, the replica of the original Library Company building; and Philosophical hall, the seat of the American Philosophical Society, initiated by Franklin in 1743 and which he served as President for more than 20 years.

The walking tour will conclude at Independence Hall, where Franklin served as a member of the Pennsylvania Assembly, as President of the Supreme Executive Council of Pennsylvania, as a member of the Second Continental Congress, and of the Constitutional Convention. Franklin helped draft and signed both the Declaration of Independence in 1776 and the United States Constitution in 1787 . . .

The final note of the commemorative events will take place at 3 p.m., when Mr. and Mrs. Franklin will attend the Super Sunday festivities at Logan Circle. Conveyed by horse-drawn carriage, they will be officially welcomed to Super Sunday on the steps of the Franklin Institute by the President of the Institute and other Super Sunday officials.

THE CASE FOR PRIVATE FINANCING OF CAMPAIGNS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. KEMP. Mr. Speaker, it is generally conceded that the primary positive outgrowth of Watergate will be the reformation of campaign financing, campaign spending, and campaign practices. I hope and expect that will be the case. The lack of an effective campaign contribution monitoring system, the legality of inordinately large campaign contributions which often are the precursors of graft and corruption, and the unethical activities which have taken place in campaigns, all demand that Congress help cleanse the election process as Congressman BILL FRENZEL of Minnesota said recently:

I (and everybody else) warmly embrace the purification of elections.

How true that is.

However, an awareness of the present problem has prompted some to conclude that the best way to alleviate it would be to develop a system of public campaign financing. The reasoning stems from the misimpression that campaign wrongdoing, impropriety, and illegality is caused by the fact that U.S. campaigns are financed privately. Public financing it is hoped will remedy the condition.

Aside from the fact that such an argument incorporates some questionable reasoning, I do not think the case for cleansing the campaign process within the framework of private financing has been given a thorough airing. Fortunately, my friend and colleague from Minnesota, Mr. BILL FRENZEL, made the case recently. I insert it at this point:

THE CASE FOR PRIVATE FINANCING OF CAMPAIGNS

(By Bill Frenzel)

The crisis of non-confidence in government, specifically the Watergate mess, has given great thrust to proposals for public financing of federal elections. The popular image of such plans is that they will magically purify elections and relieve elected officials of any and all pressures and taints of "dirty money."

I (and everybody else) warmly embrace the purification of elections, but public financing is neither a magic nor an exclusive means to move us toward better elections.

The same goals we all seek—open, honest and clean elections—can be achieved more easily and effectively by writing responsible rules into a system of private financing.

Before I start spending the taxpayers' money, I want to be assured: (a) the plan will give us the desired result; (b) there is no easier way to get the same result; and (c) it does no harm. I am persuaded that public financing brings no benefits that cannot be otherwise achieved, and, to the contrary, carries serious risks, some known and some as yet unforeseen.

Some of the known risks are:

(1) Under publicly-financed systems, challengers will be at the mercy of incumbents. No wonder members of Congress like public financing. It's a self-protection scheme.

Guess who controls the election appropriations? That's right—the incumbents do! Appropriations can always be set low enough to inhibit any strong political contest. Public financing would guarantee equal expenses when studies show that non-incumbents must spend more merely to establish their identity against incumbents. The identity of an incumbent is already strongly established by the advantages of the frank, access to media and general public visibility.

(2) Federal financing schemes prohibit, or restrict, private contributions. This unconstitutionally denies a long-enjoyed right of free speech. To let one person contribute his time and labor to a campaign and not let another person, perhaps handicapped, make his contribution financially, is the rankest kind of discrimination.

(3) Private financing has been one of the traditional ways of determining the popularity and attractiveness of any candidate. In a country where we finance the arts, our charities and much of our education privately, we have naturally supported elections in the same way. Other nations with a history and tradition of publicly-financed elections are simply not comparable.

Many people want to support candidates and parties. Their enthusiasm helps enliven campaigns and increases voter participation.

(4) Public financing would inevitably result in unexciting elections which would cause lower voter turnouts. Candidates would no longer need to have very broad support to get campaign money. We would have scads of candidates. The more candidates per race, the more drab the election and the more the incumbents' chances for victory. Amateur nights are fun, but when minor candidates depress the public interest, the only winner is the incumbent.

(5) All of these disadvantages are achieved at the taxpayers' expense. The beleaguered taxpayer will see his money supporting candidates in whom he had no positive interest