APRIL 25

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue mark up of S. 2570, to extend the Comprehensive Employment Training Act (CETA).
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on monetary policy.
5302 Dirksen Building

APRIL 26

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue markup of S. 2570, to extend the Comprehensive Employment Training Act (CETA).
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on budget estimates for FY 79 for the Federal Home Loan Bank Board and the National Institute of Building Sciences.
1318 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on budget estimates for FY 79 for ConRail and the U.S. Railroad Association.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on budget estimates for FY 79 National Transportation Safety Board and the ICC.
1224 Dirksen Building

MAY 1

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up proposed legislation authorizing funds for those programs which fall within the committee's jurisdiction.
5302 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on budget estimates for FY 79 for the Office of the Secretary, DOT.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To continue markup of proposed legislation authorizing funds for those programs which fall within the committee's jurisdiction.
5302 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue markup of proposed legislation authorizing funds for those programs which fall within the committee's jurisdiction.
5302 Dirksen Building

MAY 4

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue markup of proposed legislation authorizing funds for those programs which fall within the committee's jurisdiction.
5302 Dirksen Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue markup of proposed legislation authorizing funds for those programs which fall within the committee's jurisdiction.
5302 Dirksen Building

MAY 17

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings in connection with restrictions employed by foreign countries to hold down imports of U.S. goods.
5302 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, March 2, 1978*

The House met at 12 o'clock noon.

Rabbi Herbert A. Opalek, Yeshiva Bais Isaac Zvi, Brooklyn, N.Y., offered the following prayer:

We humble ourselves before You, Adon Ha-Olam, Protector of Israel.

Know that we stand before You in prayer here in this hall of law. As this day's session commences, grant these legislators herein assembled the wisdom to act in accordance with Your wishes. Remind us of our frailties and infuse in us a spirit of morality. Even as we stand before You; we beseech You to protect the leaders of our glorious land. Nation of peace and prosperity that has been blessed by You; May it be Thy will that it continue to flourish.

Do as You have promised to Your people Israel and vouchsafe that nation shall not rise against nation. Instill upon these Congressmen the blessings that flow from Your countenance. At this crucial juncture of our history assure the destiny of our country. Never fail us as we strive to do justice and walk humbly in Thy way. Enrich our lives, O our Father.

Clothe us in wisdom and inner knowledge. Arouse in us the capacity to weigh our fate with great care. Relying on Your mercy, we ask Your help. O Lord hear the prayers of Your people Israel. Let life, wisdom, and goodness be our lot in life. 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.

RABBI HERBERT A. OPALEK

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

Mr. ZEFERETTI. Mr. Speaker, I am pleased to welcome today on behalf of my colleagues, Rabbi Herbert A. Opalek, executive vice president of Yeshivos Zichron Pinchos for boys and Kesser Malka for girls. Although still young, Rabbi Opalek has served the Jewish and general community at large as spiritual leader and university professor. As a scholar of note the rabbi has contributed much to the understanding of the Talmudic period, as well as legal studies of rabbinic jurisprudence.

At present, Rabbi Opalek serves as executive vice president to one of the fastest growing Judaic and rabbinic schools in the Greater New York area. Under spiritual and active leadership of my good friend, Rabbi David S. Helberg, Zichron Pinchos and Kesser Malka which is located in my district has achieved a high level of educational excellence. This school of learning is comprised of nursery, elementary, and rabbinic divisions. Rabbis Opalek and Helberg are active in community affairs and the yeshiva serves as a center for the dissemination of social service and community information.

There can be no doubt that this yeshiva is indeed a credit to its community. I know that my colleagues join me in saluting this outstanding religious and civic leader on this milestone of his life. I am enormously proud to count Rabbi Opalek as both a constituent and a friend.

BIRTHDAY CELEBRATIONS

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

Mr. WRIGHT. Mr. Speaker, I take this moment to observe that today is the 2d of March, a date triply and quadruply sanctified. It is, among other things, the birthday of the Republic of Texas. It was on March 2 of 1836 that Texas declared its independence from Mexico and began its short-lived career as one of the sovereign nations of the world.

It also is celebrated by Texans as the birthday of Sam Houston, who was born on March 2, 1793.

In commemoration of those two events, our colleague, the gentleman from Texas (Mr. PICKLE), offers Texas chili, free for all, in the House restaurant today.

In addition to that, this date is sanctified to us in this Chamber in that it is the birthday of our distinguished majority whip, the gentleman from Indiana, Mr. JOHN BRADEMAS.

It also is the birthday of our distinguished minority whip, the gentleman from Illinois, Mr. BOB MICHEL.

In addition to all of this, it is the birthday of the beautiful lady from Maryland, Mrs. GLADYS SPELLMAN.

So let us commemorate and celebrate this day for all of these reasons.

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

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

Mr. BRADEMAS. Given, Mr. Speaker, what the University of Notre Dame in the district I represent did to the University of Texas a few weeks ago on the football field, I am all the more touched by the beneficence, the generosity, and the graciousness of my valued friend, the distinguished majority leader, the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, for his having mentioned that unhappy occurrence, I am almost tempted to withdraw and retract and otherwise disavow every kind word that I said about the gentleman from Indiana; but in the benevolent spirit of the occasion, I shall simply turn the other jaw and wish for him a benediction in paraphrase of that famous hymn:

Th› ayes of Texas are upon you, all the livelong day.

TEXAS INDEPENDENCE DAY

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

Mr. PICKLE. Mr. Speaker, as the majority has said, today is the day that we take pause to remember one of the great "nations" of the Western Hemisphere—the Republic of Texas.

On this day, 142 years ago, in a small, rough building located in my congressional district, brave men, following the great courage of the American Revolution, signed a document declaring the birth of the nation of Texas.

Also, in honor of this day, for 14 years I have served venison chili (Wick Fowler style) in the House restaurant. I ask all my colleagues to join with me in tipping a bowl of "Red" to remember this day.

I think you will like this chili. It is hot enough to get your attention, strong enough to help your sinuses, and good enough to stay with you all day—in fact, even to the next morning. Normally I serve two-alarm chili, but for the distinguished gentleman from South Bend, Ind. (Mr. BRADEMAS), I will prepare for him some four-alarm chili, with hot jalapeño peppers.

CONGRATULATIONS TO ORA BOONE

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

Mr. KILDEE. Mr. Speaker, I am proud to call the attention of my colleagues to the honor being paid this week to Ora Boone, an able and highly respected leader of the UAW retirees in Michigan. The Flint area UAW retirees council will be holding a testimonial dinner for Mr. Boone on Saturday, March 3, 1978, in Flint, Mich. Mr. Boone has dedicated many years of service to the UAW members and retirees in the Flint area. I have always valued his counsel on issues of importance, particularly those concerning retirees, and have worked with him on many occasions. Mr. Boone worked for 41 years at the Chevrolet plant in Flint, and has played a prominent leadership role in the activities of his UAW local there—local 659, the largest UAW local in General Motors. He serves on the UAW's National Retirees Advisory Council, and is chairman of the region 1–C retirees. Mr. Boone has chaired the Local 659 retirees chapter since he founded it in 1967, and under his leadership that chapter's membership is expected to reach 7,000 next year. He is a past president and present board member of the Westside Auto Employees Federal Credit Union. Mr. Boone also has been active in retiree affairs outside the UAW, as he is a board member of both the National Council of Senior Citizens and the Michigan State Council of Senior Citizens, which he helped organize. I am honored to have him as a friend, and to have this opportunity to present to my colleagues this very brief outline of his many accomplishments.

CONGRESSIONAL IMMUNITY

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

Mr. HAGEDORN. Mr. Speaker, article I, section 6 of the Constitution of the United States provides Members of Congress with immunity "for any speech or debate in either House," providing that "they shall not be questioned in any other place."

While this language has traditionally been thought to include only direct legislative activities such as floor and committee debate, official reports, and voting, the Justice Department has now suggested, before the Supreme Court, that it might also encompass the actions of congressional staff investigators in burglarizing private homes and offices, provided, of course, that the burglary was committed to obtain "information for a legislative purpose."

In view of the distance that our Government has traveled from its original conception as one with strictly limited and enumerated powers, I would suggest that the Justice Department's construction of article I, section 6 represents a tremendous threat to the civil liberties of our citizens. There is virtually no information, no record, and no document held by private individuals which does not today have some conceivable legislative purpose.

Rather than searching for new ways to legally invade the personal privacy of the American people, I believe that the Justice Department can busy itself in more constructive ways. The fourth amendment to the Constitution should not be obliterated by the proponents of a "flexible" Constitution downtown.

THE ATTORNEY GENERAL'S ARROGANCE

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

Mr. RUDD. Mr. Speaker, several months ago I wrote to Attorney General Griffin Bell raising serious concerns over his prosecution of former FBI Special Agent John Kearney. I have made additional inquiries.

The Attorney General has refused to personally answer my concerns although an assistant did send a much belated rebuff to my assistant last December 14.

In other words the Attorney General will be accountable to no one—particularly not to elected Representatives.

What is our Government coming to, Mr. Speaker, when an appointed servant of the public can be so arrogant and unresponsive?

CONGRESSIONAL RECORD REFORM

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

Mr. COUGHLIN. Mr. Speaker, we have taken a tentative first step toward initiating an accurate CONGRESSIONAL RECORD. I say first step, because under the plan approved by the Joint Committee on Printing, Members will still be able to submit statements not actually spoken on the House floor if they read the first sentence of the statement on the floor. At this time I am going to attend hearings of the Appropriations Subcommittee on the Department of Housing and Urban Development and Independent Agencies.

The remainder of my statement will be submitted, but will appear in the RECORD as if I stood before you and continued to speak.

Mr. Speaker, I am sure we will all agree that this is not a wholehearted embrace of truth and accuracy, but more a flirtation.

The House Republican Task Force on Congressional Reform, of which I am honored to serve as chairman, has long endorsed the establishment of a true and accurate CONGRESSIONAL RECORD. Materials used to extend or supplement remarks actually delivered by Members should be distinguished from what is really spoken. Entire speeches or statements, no part of which are personally spoken during debate or in special orders, should appear as such.

I applaud the efforts of the Joint Committee on Printing and the House and Senate leadership for taking the first step in restoring the credibility of the CONGRESSIONAL RECORD. However, we should not stop here. The CONGRESSIONAL RECORD was created to serve as an accurate historical and legal document. Unfortunately, it seems to have deteriorated into an inaccurate and often misleading journal. Members no longer have to appear on the floor and take part in debate. Statements are submitted, printed, and then sent to constituents as if actually spoken on the House floor.

Public opinion of Congress is at an alltime low. Continuing accounts of improper and unnatural behavior question the very integrity of the legislative branch. It is time we end our compromise of ethical principles and lead the way in correcting past abuses. Restoring the CONGRESSIONAL RECORD to its original intent is a good place to start.

DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS

Mr. EDWARDS of California. 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 joint resolution (H.J. Res. 554) to amend the Constitution to provide for representation of the District of Columbia in the Congress.

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 12, not voting 28, as follows:

[Roll No. 96]

YEAS—394

Abdnor	Cavanaugh	Florio
Addabbo	Cederberg	Flowers
Akaka	Clausen,	Flynt
Alexander	Don H.	Foley
Allen	Clawson, Del	Ford, Mich.
Ambro	Clay	Ford, Tenn.
Ammerman	Cleveland	Forsythe
Anderson,	Cochran	Fountain
Calif.	Cohen	Fowler
Andrews, N.C.	Coleman	Fraser
Andrews,	Collins, Tex.	Frenzel
N. Dak.	Conable	Fuqua
Annunzio	Conte	Gammage
Applegate	Conyers	Garcia
Archer	Corcoran	Gibbons
Armstrong	Corman	Gilman
Ashbrook	Cornell	Ginn
Ashley	Cornwell	Glickman
Aspin	Cotter	Goldwater
AuCoin	Coughlin	Gonzalez
Badham	Crane	Goodling
Bafalis	Cunningham	Gore
Baldus	D'Amours	Gradison
Barnard	Daniel, Dan	Grassley
Baucus	Daniel, R. W.	Green
Beard, R.I.	Danielson	Gudger
Beard, Tenn.	Davis	Guyer
Bedell	de la Garza	Hagedorn
Beilenson	Delaney	Hall
Benjamin	Dellums	Hamilton
Bennett	Derrick	Hanley
Bingham	Derwinski	Hannaford
Bevill	Devine	Harkin
Biaggi	Dickinson	Harrington
Blanchard	Dicks	Harris
Blouin	Dodd	Harsha
Boggs	Dornan	Hawkins
Boland	Downey	Heckler
Bolling	Drinan	Hefner
Bonior	Duncan, Oreg.	Heftel
Bonker	Duncan, Tenn.	Hightower
Bowen	Early	Hillis
Brademas	Eckhardt	Holland
Breaux	Edgar	Hollenbeck
Breckinridge	Edwards, Ala.	Holt
Brodhead	Edwards, Calif.	Holtzman
Brown, Calif.	Edwards, Okla.	Howard
Brown, Mich.	Eilberg	Hubbard
Broyhill	Emery	Huckaby
Buchanan	English	Hughes
Burgener	Erlenborn	Hyde
Burke, Calif.	Ertel	Ichord
Burke, Fla.	Evans, Colo.	Ireland
Burke, Mass.	Evans, Del.	Jacobs
Burleson, Tex.	Evans, Ind.	Jeffords
Burlison, Mo.	Fary	Jenkins
Burton, John	Fascell	Jenrette
Burton, Phillip	Fenwick	Johnson, Calif.
Butler	Findley	Johnson, Colo.
Byron	Fish	Jones, N.C.
Caputo	Fisher	Jones, Okla.
Carney	Fithian	Jones, Tenn.
Carr	Flippo	Jordan
Carter	Flood	Kasten
Kastenmeier	Murphy, Pa.	Skubitz
Kazen	Murtha	Slack
Kelly	Myers, Gary	Smith, Iowa
Kemp	Myers, John	Smith, Nebr.
Ketchum	Myers, Michael	Snyder
Keys	Natcher	Solarz
Kildee	Nedzi	Spellman
Kindness	Nichols	Spence
Kostmayer	Nolan	St Germain
Krebs	Nowak	Staggers
Krueger	O'Brien	Stangeland
LaFalce	Oakar	Stanton
Lagomarsino	Oberstar	Stark
Latta	Obey	Steed
Leach	Ottinger	Steers
Lederer	Panetta	Steiger
Leggett	Patten	Stockman
Lehman	Patterson	Stokes
Lent	Pattison	Stratton
Levitas	Pease	Studds
Livingston	Pepper	Stump
Lloyd, Calif.	Perkins	Taylor
Lloyd, Tenn.	Pettis	Thompson
Long, La.	Pickle	Thone
Long, Md.	Pike	Traxler
Lott	Pressler	Treen
Lujan	Preyer	Trible
Luken	Price	Tsongas
Lundine	Pritchard	Tucker
McClory	Pursell	Udall
McCloskey	Quayle	Ullman
McCormack	Quie	Van Deerlin
McEwen	Quillen	Vander Jagt
McFall	Rahall	Vanik
McHugh	Railsback	Vento
McKay	Rangel	Volkmer
McKinney	Regula	Waggonner
Madigan	Reuss	Walgren
Maguire	Rhodes	Walker
Markey	Richmond	Walsh
Marks	Rinaldo	Wampler
Marlenee	Robinson	Watkins
Marriott	Rodino	Waxman
Martin	Roe	Weaver
Mathis	Rogers	Weiss
Mattox	Roncalio	Whalen
Mazzoli	Rooney	White
Meeds	Rose	Whitehurst
Metcalfe	Rosenthal	Whitley
Meyner	Rostenkowski	Whitten
Michel	Roussel.ot	Wiggins
Mikulski	Roybal	Wilson, C. H.
Mikva	Runnels	Wilson, Tex.
Milford	Ryan	Winn
Miller, Calif.	Santini	Wirth
Miller, Ohio	Sarasin	Wolff
Mineta	Sawyer	Wright
Minish	Scheuer	Wydler
Mitchell, N.Y.	Schroeder	Wylie
Moakley	Schulze	Yates
Moffett	Sebelius	Yatron
Mollohan	Seiberling	Young, Alaska
Montgomery	Sharp	Young, Fla.
Moore	Shipley	Young, Mo.
Moorhead, Pa.	Shuster	Young, Tex.
Moss	Sikes	Zablocki
Mottl	Simon	Zeferetti
Murphy, Ill.	Sisk	
Murphy, N.Y.	Skelton	

NAYS—12

Bauman	Mitchell, Md.	Satterfield
Broomfield	Moorhead,	Symms
Evans, Ga.	Calif.	Wilson, Bob
Hansen	Poage	
McDonald	Rudd	

NOT VOTING—28

Anderson, Ill.	Frey	Mann
Brinkley	Gaydos	Neal
Brooks	Gephardt	Nix
Brown, Ohio	Giaimo	Risenhoover
Chappell	Hammer-	Roberts
Chisholm	schmidt	Ruppe
Collins, Ill.	Horton	Russo
Dent	Le Fante	Teague
Diggs	McDade	Thornton
Dingell	Mahon	

So the motion was agreed to.

The result of the vote was announced as above recorded.

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 joint resolution (H.J. Res. 554) with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 1, 1978, all of the time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

H.J. Res. 554

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.".

Mr. EDWARDS of California (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 12, strike out the close quotation mark and the period which follows, and immediately following line 12, add the following new section:

SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BUTLER

Mr. BUTLER. 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. BUTLER: Strike out all after the resolving clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. For purposes of representation in the House of Representatives, the District constituting the seat of government of the

United States shall be treated as though it were a State.

"SEC. 2. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.".

Mr. BUTLER. Mr. Chairman, I offer an amendment in the nature of a substitute. I believe it is a pretty simple amendment to understand; but it also goes to the heart of the resolution. I hope the Members will listen closely to what I have to say.

Mr. Chairman, this amendment in the nature of a substitute tracks the language of the committee resolution, as reported. It provides residents of the District of Columbia the number of Representatives in the House of Representatives to which they would be entitled if the District of Columbia were a State. It eliminates three provisions in the pending resolution (H.J. Res. 554).

First, it does not give the District of Columbia two Senators. Second, it does not permit the District of Columbia to ratify constitutional amendments as if it were a State, and, third, it retains in force the 23d amendment to the Constitution of the United States which deals with the electoral college.

Proponents of House Joint Resolution 554 have labeled this proposal as a weakening amendment. I believe it is just the opposite. Indeed, if this amendment in the nature of a substitute is adopted, it will strengthen the chances of the District of Columbia of having representation in the Congress.

The amendment is based on sound legal and political grounds. The resolution as reported by the Committee on the Judiciary would make the District of Columbia look just exactly like a State without asking the District to accept the responsibilities of statehood.

Representation in the House of Representatives as proposed by my amendment in the nature of a substitute would preserve the unique characteristics of the District of Columbia which was the clear intent of the framers of our Constitution when they drafted it.

My amendment in the nature of a substitute eliminates the controversial and ambiguous language found in section 2 of the resolution. This was a matter of extensive discussion during the floor debate yesterday.

Proponents tell us that the language would permit the Congress to pass a statute authorizing somebody, probably the City Council, to ratify constitutional amendments and draw congressional district lines.

Several of my colleagues on the Committee on the Judiciary have pointed out that this language in House Joint Resolution 554 is poorly drafted. It may well not mean what the proponents would have us believe. I remind my colleagues that we are amending the Constitution of the United States—the fundamental law of the land; and we should be very cautious when we propose to add language to that great document.

Most importantly, the amendment offers the District of Columbia its best chance for representation in the Congress. House Joint Resolution 554 goes too far. It will be unacceptable to the other body. It certainly will not be acceptable to two-thirds of the other body and three-quarters of the State legislatures. If we pass House Joint Resolution 554 in its present form, we will have struck a great blow for the District of Columbia. But, in the end, it will mean no additional representation, because this cannot become a part of the Constitution under the present political situation in this country.

My substitute strikes a compromise which will insure that the residents of the District of Columbia will have a vote in the Congress. I think it is important.

I subscribe to the principle that the time has come that the District of Columbia should have representation in Congress, but what I offer the Members is a kite that will fly. House Joint Resolution 554 is a kite that will not fly. I urge the Members' support of the Butler substitute.

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

Mr. BUTLER. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. I thank the gentleman for yielding.

I heard the gentleman on another occasion, and others, state that District of Columbia residents under his amendment would have to assume responsibilities of citizens of States. I wonder if he would care to tell us what responsibilities of the citizens of States are there that District of Columbia residents do not now assume?

Mr. BUTLER. What responsibilities are there? Does the gentleman mean what are the burdens of statehood?

Mr. FAUNTROY. Yes, that we do not have or assume.

Mr. BUTLER. There are not a whole lot of them, are there?

Mr. FAUNTROY. I suspect that there are not.

Mr. BUTLER. I understand the gentleman's question, and I would yield to him for his answer.

Mr. FAUNTROY. I submit to the gentleman that the citizens of States pay Federal taxes. So do we. We pay $1 billion in Federal taxes a year. We pay $64 per capita in Federal taxes a year, which is $7 above the national average.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. FAUNTROY, and by unanimous consent, Mr. BUTLER was allowed to proceed for 2 additional minutes.)

Mr. FAUNTROY. If the gentleman will yield further, we pay more in Federal taxes than do the citizens of all of the States in the Union except seven. Certainly we fight and die in our Nation's wars. I can remember on my own lot coming up here as a disenfranchised American citizen and seeing those yellow stars going up in the windows of families.

Mr. BUTLER. By "disenfranchised" does the gentleman mean that he was ever enfranchised, or was he just unenfranchised?

Mr. FAUNTROY. The Constitution says that if one is born in the United States, he is a citizen.

Mr. BUTLER. Did the gentleman have a right to vote? Is that the gentleman's point?

Mr. FAUNTROY. I never had a right to vote.

Mr. BUTLER. So he was not disenfranchised; he was unenfranchised.

Mr. FAUNTROY. I had a grandparent who lived in Virginia who was able to vote.

Mr. BUTLER. We would welcome the gentleman's return to the Commonwealth. He could make substantial contributions to the Government.

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

Mr. BUTLER. I yield to the gentleman from Texas.

Mr. HALL. I thank the gentleman for yielding.

I have listened with great interest to the substitute amendment wherein the gentleman states that he feels that the District of Columbia should have voting representation in the House, but he does not believe that they are entitled to representation in the Senate. How does the gentleman draw that distinction of being eligible in one body but not in the other?

Mr. BUTLER. I appreciate the question, because basically it seems to me that what we have before us is a basic policy decision as to what indicia of State sovereignty the Congress of the United States and the American people are willing to bestow upon the District of Columbia. It is purely a policy judgment as to where we draw the line. The District of Columbia is not a State. It is not asking to become a State, but it is asking for some of the indicia of sovereignty.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(At the request of Mr. HALL, and by unanimous consent, Mr. BUTLER was allowed to proceed for 2 additional minutes.)

Mr. BUTLER. Mr. Chairman, if I may continue my answer to the gentleman, it is purely a question of where are we going to draw the line. It is a matter of judgment. There is a distinction in my mind between the House of Representatives, the people's House, which is the representative of the people, and the Senate of the United States where representation is apportioned on the basis of statehood.

So perhaps there are some reasonable places to draw the line. It is basically policy decision. One of the major and practical implications is why ask for more than you know the States will bring? I think three-fourths of the States will give the District of Columbia representation in the House of Representatives, but I am convinced they will not ratify House Joint Resolution 554.

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

Mr. BUTLER. I yield to the gentleman from Texas.

Mr. HALL. Mr. Chairman, would the gentleman take the same position by stating if the gentleman makes the observation that they would be entitled to

representation in the Senate, but not in the House, could the gentleman draw the same policy conclusion?

Mr. BUTLER. I could draw the same policy conclusion, but I do not think I will ever be burdened with making that decision. There is just no possibility that the Senate of the United States would put that proposal forward. I do not know of anybody that is going to advance that in this House; but there is just as much logic to that approach as there is to the approach that I take.

Mr. HALL. Mr. Chairman, if the gentleman will yield further is it not rather illogical to take an approach that the District is entitled to representation in one place, but not in the other?

Mr. BUTLER. There is a lot to what the gentleman says, but the problem is that it is a policy decision. We have a unique entity here. What are we going to do to alter its representation? It is a basic policy decision.

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

Mr. BUTLER. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I am somewhat disturbed by the question asked by the gentleman from Texas and even more disturbed by the response of the gentleman from Virginia, because I support the concept of voting representation in the Congress for the citizens of the District.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(At the request of Mr. LEVITAS, and by unanimous consent, Mr. BUTLER was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield further?

Mr. BUTLER. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I have not decided in my own mind yet this issue. That is why I am listening intently to the debate; but it seems to me there is a difference between the Senate and the House of Representatives in regard to representation. The Senate exists as a body in which the States are represented, regardless of their population. It is the Federal aspect of the Congress. It represents the States. The State of Vermont has one Representative, because of its population, but two Senators. The same is true of Nevada and I believe Wyoming as well. States are represented in the Senate without regard to population. That is where the States are represented under our Federal system.

The House of Representatives, on the other hand, represents the people, where the population through apportionment among the States are represented by Representatives in this body; so logically, there seems to me to be a difference; but if the gentleman from Virginia represents to the voters for that reason there is no logical difference, then I think the gentleman's amendment is inappropriate. If there is no difference, certainly there should be representation in both bodies. If there is a difference, then I think we need to address that difference.

Mr. BUTLER. The gentleman is quite correct in making a distinction between the Senate and the House of Representatives. As I understood the question of the gentleman from Texas, he asked why not start just with the Senate. That is all right if we are going to permit the District of Columbia to participate in the Senate as if it were a State. We could start from there, but the logical distinction that I was trying to make for the gentleman is that this House is the people's body, and this is the appropriate place in which to start. If we are going to take a different approach and begin with statehood as the criteria to determine representation in the Congress, we could work backward from either starting point. There are basic differences between the two but it is still basically a policy decision which the Congress has to make.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BUTLER) has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. BUTLER was allowed to proceed for 2 additional minutes.)

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

Mr. BUTLER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to pursue the questioning that started with the gentleman from Texas (Mr. HALL).

From what I have heard here, I am led to believe that perhaps down the road, in the event the gentleman's proposal would be adopted and would be ratified by three-fourths of the States, if we see that this does work and there is some representation provided, there would be reason to believe at that time we would come along with a constitutional amendment for the Senate and for the addition of two Senators.

Mr. BUTLER. Mr. Chairman, to be perfectly candid with the gentleman, I think farther along down the road, as we have greater experience with this concept, it will become more universally acceptable to the States. Then the next question will be before us.

Mr. VOLKMER. Mr. Chairman, we would also have the question then of ratification of proposed constitutional amendments. Would that not also come as a separate issue somewhere down the line?

Mr. BUTLER. If I understand the gentleman's question, yes, further constitutional amendments dealing with representation of the District will come later.

If I may continue with my answer to the question, I think we also must recognize that in adopting any kind of resolution for District representation, we are going to have before us later the question of representation for the territories, and I refer to voting representation in the House. These issues may be farther down the road.

This substitute amendment I offer is a compromise. I also would remind the gentleman that the 23d amendment, which is the electoral college amendment, was adopted as a compromise. There were stronger proposals than that for District representation. I think at one time there were even questions of Senate representation, but the proposal was watered down into a form that would be acceptable.

Mr. VOLKMER. The gentleman's position then is really that he is not inherently against the District of Columbia having representation in the U.S. Senate, but that at this time it is basically a point that we should compromise and in this way give them a part of the Congress, representation in the House but not in the Senate?

Mr. BUTLER. The gentleman is correct. This is where we start.

If we really want to do something for the District and not just have an issue that we can run around and brag about, then this is the way to do it.

Mr. VOLKMER. Well, I reject that.

Mr. BUTLER. Mr. Chairman, I did not yield to the gentleman so he could reject it.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BUTLER) has again expired.

(On request of Mr. HEFNER and by unanimous consent, Mr. BUTLER was allowed to proceed for 1 additional minute.)

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

Mr. BUTLER. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I would just like to ask a question for my own clarification.

I read somewhere that many of the people of the United States do not know the difference between the House and the Senate, and that many people do not realize the Senate is a part of the Congress.

I believe what we are seeing with this amendment is this: We know what the Senate is going to say. They are never going to go along with two more Senators, and it seems to me what the gentleman is saying with this amendment is that we will pass it here and send it to the Senate and let them make the decision. Then, if they go along with this, we will let the States by a three-fourths vote make their decision as to whether or not they want full representation for the District.

It seems to me what the gentleman is saying is that if we take this, we are willing to go along with the membership in the House, and then if the Senate wants to take a crack at this, that is fine, but we do not want two more Senators. We surmise that is what the Senate is going to say, too. We are saying that first we should let them take a whack at it. Then if both parties pass it, it goes down the line, and then we let the people have a whack at it and see whether they want representation for the District.

Mr. Chairman, the people should speak, and it seems to me that is the way we should go.

Mr. BUTLER. Mr. Chairman, I thank the gentleman for his contribution. We do not fall out over this; we simply do not agree.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

Mr. Chairman, this is a big amendment. It is really, of course, a substitute.

The substitute offered by the gentleman from Virginia (Mr. BUTLER) would only allow voting representation in the House and would not provide for Senate representation or for District of Columbia ratification of proposed amendments to the Constitution. In addition, it would not provide for a repeal of the 23d amendment, so District participation in the electoral college would continue to be limited.

Mr. Chairman, the rights conferred by House Joint Resolution 554 enable the District to make its voice heard on national matters affecting all citizens in this country. The time has come to do what is normally and constitutionally right, to bring this issue to our colleagues in the Senate and ultimately to the States for ratification.

Our national legislature is not composed of one House; it is composed of two Houses, and each has a series of unique powers. The House originates all bills for raising revenue and has the sole power to impeach. The Senate has the sole power to ratify treaties and to confirm Cabinet members, Ambassadorial appointees, and other officers of the United States, including Federal judges. Furthermore, the legislative process requires action by both bodies.

Therefore, as our colleague, the gentleman from California (Mr. WIGGINS), and other members of the Committee on the Judiciary noted in their views, once House representation is deemed acceptable, then there is no basis for denying representation in the Senate.

If we embrace the idea—and I should think that this concept would be unassailable—that each American citizen is entitled to express his views on matters of national concern, and that the fundamental tenet of participatory democracy is the right to vote, then we must permit the District to participate fully in the amendment process to our Constitution and to elect persons to the offices of President and Vice President.

The granting of such rights is not the indicia of statehood. It is a mechanism set forth in the Constitution to allow the people to express the national will. The proposal by the gentleman from Virginia (Mr. BUTLER) is a very serious substitute. It really should be rejected. I urge a vote against the amendment in the nature of a substitute offered by the gentleman from Virginia (Mr. BUTLER).

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

Mr. EDWARDS of California. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding, and I am very much persuaded by some of the gentleman's remarks, because this is the point that has troubled me. As I said earlier in the colloquy with the gentleman from Virginia, basically the Senate represents States as part of our Federal system; the House represents the people as part of the popular voice in Government.

On the other hand, it seems to me that the gentleman from California has made the point that at this point, when we are deciding whether people who live in the District of Columbia are entitled to have their voice heard in the Congress of the United States, it would almost be an arbitrary and absurd distinction to say, "You can be heard on certain issues, but not on issues involving ratification of treaties, not on issues revolving around the confirmation of Presidential appointees and those other matters which are confined to the other body's sole jurisdiction."

So once we have said that the issue is whether these people should be represented in the Congress, having made that decision, the gentleman's point, I take it, is that it then becomes both arbitrary and discriminatory to say, "You can be represented on some issues, but not on others."

Is that the point of the gentleman?

Mr. EDWARDS of California. That is exactly the point I was making. I appreciate the observations of the gentleman from Georgia. I would also point out that historically the Senate has been moving to becoming a people's body. Under the provisions of our Constitution, originally the State legislators elected the Senators. But now, under the 17th amendment to the Constitution, the people at large do.

Yes, of course, the Senate has certain duties that are different from ours, and we have certain duties that are different from theirs. But full representation must include both Houses.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman.

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

Mr. EDWARDS of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, we have, though, distinguished, it seems to me, in the past between the House and the Senate in matters of this type, and I wonder if the gentleman can explain to me why, when we made the decision along the way that there would be nonvoting delegates in this body, that we did not also assign a nonvoting delegate to the United States Senate so that their voice could be heard over a period of time. There was a distinction made here in the past, and it seems to me that, with regard to that, the distinction made in the amendment in the nature of a substitute offered by the gentleman from Virginia would fall into the same category. Why, if we did not do this in the past, would it not be acceptable now?

Mr. EDWARDS of California. There has been a growing realization that this second-class representation such as enjoyed or not enjoyed by the District of Columbia is not good enough. The people are getting short-changed. And now, I really believe that this afternoon, when the final vote is taken, that two-thirds of this great legislative body will indicate that we have moved along to the firm decision that it is not right for three-quarters of a million people not to be represented in both bodies and that no half way measure will be satisfactory.

The CHAIRMAN. The time of the gentleman from California (Mr. EDWARDS) has expired.

(On request of Mr. WALKER, and by unanimous consent, Mr. EDWARDS of California was allowed to proceed for 3 additional minutes.)

Mr. WALKER. My point to the gentleman was that there was some logical reason as to why when we decided that the nonvoting Delegate status should be granted to certain territories and certain entities, that was decided only by the House and not by the Senate. In other words, there must have been some logical reason for that.

Why would this situation not follow the same logic? Can the gentleman explain to me what that logic was and why it should not be followed here?

Mr. EDWARDS of California. I think the logic was that there were not enough votes at the time to do it.

Mr. WALKER. That goes directly, then, to the argument of the gentleman from Virginia (Mr. BUTLER) that there are not enough votes to pass what we are talking about here. If that logic follows and if that has been the evolutionary process, then it seems that the amendment of the gentleman from Virginia is entirely in order, and the gentleman has just made precisely the case which the gentleman from Virginia (Mr. BUTLER) was making at the podium a few minutes ago.

Mr. EDWARDS of California. No. We think we have the votes here; and when the Senate thinks about this debate and realizes how unfair the present situation is, we think that there is a very good chance that the Senate will move in the right direction.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

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

Mr. EDWARDS of California. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, if I may followup on the logic of the gentleman from Pennsylvania (Mr. WALKER), the territories do not pay taxes in the same way in which the District of Columbia pay taxes.

We say today that taxation without representation is wrong. The gentleman from Virginia (Mr. BUTLER) would say that taxation with 50 percent representation is all right.

However, Mr. Chairman, I think there is a fundamental distinction between the territories; and furthermore, that they are by nature in a transition stage, and that the District of Columbia is unique.

Now is the time to say that the District of Columbia absolutely has to have 100 percent representation if we want a just result.

Mr. Chairman, I thank the gentleman for yielding.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment in the nature of a substitute.

Mr. Chairman, it seems to me, in considering the substitute amendment offered by my colleague, the gentleman from Virginia, Mr. CALDWELL BUTLER, that we should consider today what is the right thing for us to do. The right thing for us to do, it seems to me, as the distinguished delegate from the District of Columbia said earlier, is to provide full voting representation for the citizens of

the District of Columbia consistent with the voting representation that is accorded to other Americans within the continental United States.

Mr. Chairman, I have not taken any poll of whether the American people might want their State legislatures to ratify, nor have I taken any poll of how many of the Members of the Senate will support this joint resolution when it leaves here and goes over there; but I tend to agree with my colleague, the gentleman from California (Mr. EDWARDS), who says that the problem will be up to them after we adopt the joint resolution here. At that time I think the pressures and the influences and the voices of the American people will be brought to bear on the Members of the other body so that they, too, will recognize that in fairness and equity the people of the District are entitled to representation and a voice in the Congress of the United States on both sides of the rotunda equal to that of other Americans.

Mr. Chairman, we are not bestowing anything on the residents of the District of Columbia, it would seem to me, as suggested by my colleague, the gentleman from Virginia (Mr. BUTLER). Instead, it seems to me that until we adopt this joint resolution and until it is ratified, we are denying rights and prerogatives of American citizens to which they are lawfully and constitutionally, in my opinion, entitled or to which they should be entitled.

Mr. Chairman, both the Subcommittee on Civil and Constitutional Rights and the full Committee on the Judiciary considered a similar amendment. The merits of the amendment were deliberated in detail by the committees; and the substitute was resoundingly rejected.

Once it is agreed that the residents of the District of Columbia should share with their fellow citizens residing in the United States voting representation in the Congress, it escapes me how anyone can support anything less than full representation.

Mr. Chairman, may I say, too, that 2 years ago when we considered this same subject, a similar amendment was offered as is being offered now; and it was rejected by a vote of 67 to 388. Therefore, I see no reason for us to cover that same ground today.

Mr. Chairman, it is said that there is going to be difficulty in mustering the approval of two-thirds of the other body for this constitutional amendment. However, if the other body wants to deny the residents of the District of Columbia membership in the U.S. Senate, then I say it should be up to them; and we should not assist them, particularly when rights of U.S. citizens are concerned.

The question before us is not whether this proposed amendment will be acceptable to the other body and ratified by thc State legislatures. These are decisions which they are going to have to make, but, the question is rather, whether the House of Representatives will act responsibly today to accord, once and for all, to District residents their constitutional right and privilege to have voting representation in the Congress.

I urge my colleagues to express their votes with a resounding nay on this substitute, and thereafter to support overwhelmingly the constitutional amendment which the committee has recommended to this body.

Mr. HANNAFORD. Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman, I most reluctantly rise in support of this amendment, but I feel impelled to explain for the record and for the Members here the reason that I favor it. I would like to see two new Senators elected from this District. They would almost certainly be black Senators in a body that has only one black Member in a hundred, and I would like to see full representation in the House with two voting Members, but it just is not right in my interpretation of the Constitution. I would like to see the effect that this resolution would have for today, but doing for today is not the way we write constitutions, because the Constitution is for tomorrow and forever.

Equal representation is precluded by our Constitution. Today the District of Columbia has four times as much weight in electing the President of the United States as I have as a Californian. If we could turn that around and give California four times as much weight in electing the President as we in California now have, we could virtually select the President. I would not like the job we would have done in California for the past few elections, but we would have 180 electors out of the present number of electors. In that situation I would not say that California was not represented in this Government, even if we had no vote in the Congress.

The jackrabbits in Wyoming have more power in electing the President than I have as a Californian—or virtually so—and over in the Senate of the United States the people in the District of Columbia would have not four times as much strength but 30 times as much strength as I have as a Californian, for they would have two votes for two-thirds of a million people while we have the same weight for 22 million people.

So we are not talking about equal representation in the Congress. It does not exist. It never has existed. It is locked-in and unamendable that it does not exist in the Senate.

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

Mr. HANNAFORD. Mr. Chairman, in just a moment I will be glad to yield, just as soon as I have finished my statement.

Now we have a situation in which 15 percent of the people of this country who reside in the 25 least populous States control the votes in the U.S. Senate that can veto the actions of this, the people's House. This legislation, if passed, is going to compound that injustice. Out of my respect and my affection for the gentlemen who are leading this legislation and respect for the fact that I know how long and diligently they have fought on this subject, whether this amendment passes or not, I am going to vote for the resolution. I am going to do that, but I wanted to explain why I support Mr. BUTLER's amendment and why I have these reservations about this resolution as it is presented on the floor. It compounds one injustice while attempting to treat another.

Now I will be glad to yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, since the gentleman is going to support the resolution, I do not wish to have him yield to me.

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

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

Mr. DELLUMS. Mr. Chairman, can the gentleman explain to me why he comes up with this ratio on the Senators? As I understand it, the Senate is not established on a proportional representation. As I understand it, each State has two representatives in the Senate. If the gentleman wishes to change that, he can offer that amendment. He could do so.

Mr. HANNAFORD. If I could do that, I would be glad to do so. It was an arrangement arrived at out of a stark necessity to get a Union. If we would have to do that again to get a Union, I would be glad to do it for that noble purpose. But this is the one provision in the Constitution that specifically cannot be amended out, and I am not really ready to abolish the Senate today anyway. The point is that it is not representative of people and that is the subject to which this resolution speaks. Neither is the electoral college.

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

Mr. HANNAFORD. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, speaking as a jackrabbit out of Wyoming, I would like the gentleman to know how much I respect his conclusions, so I will vote against the joint resolution.

We have had two U.S. Senators for some 74 years around here and it is time to do justice. But to state that we are trying to establish equality and have one-man, one-vote, that is a fiction.

Mr. HANNAFORD. I thank the gentleman from Wyoming, and I did not mean to disparage the jackrabbits of Wyoming.

Mr. HUBBARD. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in opposition to the amendment in the nature of a substitute offered by the gentleman from Virginia (Mr. BUTLER).

Mr. Chairman, I rise in strong support of House Joint Resolution 554, and urge my colleagues to join me in passing this measure, without amendments on this substitute, in the name of fundamental fairness and democratic equality.

It is unthinkable that the Congress, to whom the people of this Nation have entrusted the principles of democratic representation, would condone for 1 more day the disenfranchisement of three-quarters of a million District of Columbia residents. These people have borne the full burdens of American citizenship, yet they are without a voice in the Senate, and without a vote in the House of Representatives. They contribute more than a billion dollars annually to the Federal Treasury, and struggle with a

per capita tax burden exceeded only by seven States. District residents have given their lives in every war since the Revolution; only three States suffered more casualties in the Vietnam conflict than the District of Columbia.

The States of Alaska, Delaware, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming all have smaller populations than the District of Columbia. All have had full voting representation, while the District of Columbia has not.

These forceful arguments have fallen upon deaf ears so many times that I fear they may have lost their forcefulness. Let me leave my House colleagues with one final consideration, perhaps one which has not been raised before.

The current Senate debate on the new Panama Canal Treaties serves as an example in which these people have been denied the opportunity to be heard on an issue of pressing national and international importance.

This should not be. With the support of my colleagues for the passage of House Joint Resolution 554, without amendment, it will not be in the future.

House Joint Resolution 554 is the most important civil rights issue before this 95th Congress.

I urge my colleagues to oppose this substitute offered by my colleague and friend Mr. BUTLER.

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

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

Mr. BUTLER. Is it the gentleman's intention to vote for the resolution if my amendment is defeated?

Mr. HUBBARD. Yes, it is.

Mr. BUTLER. The gentleman realizes I am sure that his State has not ratified the 23d amendment. What does the gentleman think the odds of his State passing the constitutional amendment proposed under House Joint Resolution 554 are?

Mr. HUBBARD. Mr. Chairman, I am sorry but I did not fully understand the inquiry of the gentleman from Virginia.

Mr. BUTLER. I am asking the gentleman to speculate on this constitutional amendment, in whatever form it will be, as to whether it will be rejected or adopted by your State, since the 23d amendment was not adopted by the gentleman's State.

Mr. HUBBARD. The gentleman is referring to the 23d amendment to the Constitution?

Mr. BUTLER. I am not talking now about the 23d amendment, I am talking about the proposed constitutional amendment in the resolution now before us.

Mr. HUBBARD. I believe my State of Kentucky would ratify that. I might say that we did ratify ERA in 1972 which has not been ratified by the gentleman's State of Virginia, and we just might ratify this one and I predict we will. I will be among those from the Congress to speak to my own home legislature in which I served for 8 years in the State senate and I will ask them to support this particular constitutional amendment.

Mr. BUTLER. Was the gentleman there in the Kentucky State Legislature when they were taking up the 23d amendment? The constitutional amendment that expanded the Electoral College to permit District of Columbia representation in the Electoral College.

Mr. HUBBARD. No; I was not there for that one.

Mr. BUTLER. I thank the gentleman for yielding.

Mr. HUBBARD. I might ask the gentleman in what year was that passed?

Mr. BUTLER. 1961.

Mr. HUBBARD. In 1961?

Mr. BUTLER. That is correct.

Mr. HUBBARD. Mr. Chairman, I have to state that I was a 23-year-old and a junior in law school in 1961.

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

Mr. HUBBARD. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, let me thank the gentleman from Kentucky for his great leadership in supporting full representation for the District of Columbia.

Let me also say that the 23d amendment to the Constitution of the United States did correct the situation where nearly three-quarters of a million people who were governed by the laws of this country had no right to vote for its President. The Congress in its wisdom decided that the American people ought to have the opportunity to make a decision as to whether they should continue to deny the right of franchise to the residents of our Federal District.

The gentleman should know that within 9 months the people of this country through their State legislatures did the right thing, did the fair thing, did the responsible thing. They said, we cannot ourselves claim to be true to our Constitution and deny to the citizens of our Nation's Capital the right to vote for President. Within 9 months 38 States ratified that, so I think the gentleman is on good grounds for supporting this full voting representation resolution. I am confident that following the kind of leadership that he gives, the State of Kentucky will be as fair on this issue as 38 States were on the question of the right to vote for President.

Mr. HUBBARD. I would add to the remarks of my friend and colleague, the gentleman from the District of Columbia, that, indeed, it is my belief that Kentucky would ratify this and would be glad to see 750,000 people in the District of Columbia given the same voting rights that the people in my congressional district have—and we have only 480,000 people in my district.

I would add further that my esteem for and confidence in the gentleman from the District of Columbia (Mr. FAUNTROY) are two of the many reasons I support this House Joint Resolution 554.

I might say to the gentleman from Virginia (Mr. BUTLER) that to have this Baptist minister from the District of Columbia speak to our Kentucky Legislature would probably make this issue unanimous in our State's general assembly.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia (Mr. BUTLER).

The question was taken; and on a division (demanded by Mr. BUTLER) there were—ayes 7, noes 11.

So the amendment in the nature of a substitute was rejected.

The CHAIRMAN. Are there further amendments?

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not entirely satisfied that a colloquy between the Members of the House of Representatives for the purpose of establishing legislative history is of much value in the case of constitutional amendments. The reason, of course, is that we are only one small part of the total process by which an amendment becomes a part of the Constitution. Our views of the meaning of language may not represent the views embraced by State legislators as they ratify the words of the proposed amendment. However imperfect as it may be, I should like to engage in a colloquy with the gentleman from California (Mr. EDWARDS) with respect to certain language in the amendment.

Section 1 of the amendment provides that for purposes of representation in the Congress, election of the President and Vice President, and for purposes of article V—that is the amending article—the District of Columbia shall be treated as though it were a State.

In section 2 we read that the exercise of the rights and powers conferred—and I take that to mean those rights and powers specified in section 1—shall be by the people of the District of Columbia and as provided by the Congress.

My first question: Since one of the rights and powers conferred in section 1 is the election of a President, does the language in section 2 "by the people of the District" entitle the people to vote directly for the President of the United States?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

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

Mr. EDWARDS of California. I thank the gentleman for yielding.

I am pleased that we can have this dialog on this particular issue. This is the same issue that we discussed at some length in the markup in the full Committee on the Judiciary. I respect the gentleman's concern. The gentleman from California (Mr. WIGGINS) is known as one of the best constitutional lawyers certainly in the Congress and perhaps in the United States. However, I might disagree with his concern on this issue. This issue is not of such concern to me, as I pointed out as we marked up the bill.

A couple of years ago the bill was different. The resolution for full voting representation for the District of Columbia was written differently than House Joint Resolution 554. We changed it on purpose to the language that the gentleman is asking about for what we think, and what the Legislative Counsel thought, was a very good reason.

The last time the bill was before us in the last Congress, it was House Joint Resolution 280. That resolution contained this kind of language:

The Congress shall have power to enforce this article by appropriate legislation.

This boiler-plate language caused concern among some committee members as to whether the Congress, consistent with its power and exclusive legislation over the District, as set forth in article I, section 8, clause 17, would determine on behalf of the District such things as election of electors in the electoral college and ratification of constitutional amendments.

It is the intent of paragraph 2 of House Joint Resolution 554 that it is up to the Congress to provide the mechanism, after this becomes a part of the Constitution, under which these determinations would be made by the District.

So we want to make our intent very clear. That is why this dialog is important. The intent of the resolution in its present form would show that while Congress has this residual power, it will have to grant that power to the District of Columbia.

Mr. WIGGINS. I appreciate the distinguished Member's comments. I wish to restate them more succinctly, so there will be no ambiguity in the legislative history. I understand the gentleman to mean, if the resolution is adopted, the intent of Congress in using the words "exercise of the rights and powers by the people"—clear and unambiguous as it may seem—does not mean that the people shall directly elect the President of the United States in the District of Columbia.

Mr. EDWARDS of California. The gentleman is exactly correct.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. WIGGINS was allowed to proceed for an additional 5 minutes.)

Mr. WIGGINS. Mr. Chairman, is the same answer true with respect to the ratification of constitutional amendments under article V?

Mr. EDWARDS of California. That is correct.

Mr. WIGGINS. I wish to call my colleague's attention to the fact that this legislative history may contradict the literal words of the amendment; but it is clear that Congress does not mean that ambiguity. It means that the power to ratify constitutional amendments which is now granted to the legislatures of the States may by Congress be granted to some legislative forum within the District of Columbia.

Mr. EDWARDS of California. If there is any ambiguity, which I am not sure there is, the gentleman is 100 percent correct.

Mr. WIGGINS. Mr. Chairman, let us go on to section 2. I previously said that the language there indicates that the rights and powers conferred under article I shall be exercised by the people of the District "and as shall be provided by the Congress."

Does the use of the word "and" in section 2, that is on page 2, line 9 of the resolution, require the concurrence of the Congress in the exercise of the powers granted to the people of the District of Columbia?

Mr. EDWARDS of California. No. What the gentleman is asking is that when the District acts after authorization by Congress, after the machinery is set up by Congress, then would Congress have to confirm what the District, or whatever unit of Government was operating; no, the answer is "no."

Mr. WIGGINS. It clearly implies joint action, but the explanation is that joint action is not required.

Mr. Chairman, let me give a slight reverse twist to that. Does the use of the word, "and," in section 2 imply that the people of the District must concur in actions taken by the Congress in respect to the exercise of those powers granted in the first section of the amendment?

I am just looking at the other side of the coin. I have told the gentleman before in committee that I am troubled by the use of the word, "and," since it rather clearly suggests to me that it requires concurrent action by the Congress and by the people. The gentleman has said that the Congress can act absent concurrence by the people, and now I am taking the other side of the coin: Can the people act absent concurrence by the Congress?

Mr. EDWARDS of California. No, the people would have no such power under this provision.

Mr. WIGGINS. Mr. Chairman, article I, section 8, clause 17 of the Constitution, to which the gentleman has previously referred, grants to the Congress exclusive jurisdiction over the District.

To what extent if any does the proposed amendment modify the power granted to the Congress in article I, section 8?

Mr. EDWARDS of California. It does not amend it at all. Congress retains the constitutional power over the District of Columbia.

Mr. WIGGINS. Particularly with respect to the creation of congressional districts, which is part of the congressional representation process and which power is apparently granted to the people of the District, does Congress or the people of the District have the power to establish congressional districts within the District of Columbia?

Mr. EDWARDS of California. Congress would have that power today within the several States to establish congressional districts.

Mr. WIGGINS. I believe the gentleman is correct.

Mr. Chairman, I want to turn to the matter of the filling of vacancies in the Senate if the District is granted status as though it were a State and two Senators were elected to represent the District in the Senate.

If a vacancy occurs in the Senate, the present constitutional language indicates that vacancies may be filled by the executive authority of the State. For purposes of this constitutional amendment, who constitutes the executive authority of the District of Columbia?

Mr. EDWARDS of California. That would be taken care of in the provisions of House Joint Resolution 554, and Congress would make that decision as to what entity within the District of Columbia or what person would have that appointive power.

Mr. WIGGINS. May we exercise that power directly and appoint a Senator to fill a vacancy?

Mr. EDWARDS of California. Mr. Chairman, I think we ought to make a record on that matter right now and say that the answer would be no.

Mr. WIGGINS. One would hope that the answer would be no. But once again, if article I, section 8, clause 17, means what it says and it is unaffected, it may be possible that a subsequent Congress would disagree.

The CHAIRMAN. The time of the gentleman from California (Mr. WIGGINS) has expired.

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

Mr. WIGGINS. Mr. Chairman, to repeat, it may be possible that a subsequent Congress would disagree and would in fact appoint a Senator of the United States.

Is that not a possibility?

Mr. EDWARDS of California. Mr. Chairman, I would hope that it is not. I believe that would not take place, and I do not think it could under House Joint Resolution 554, especially after this dialog on the floor of the House of Representatives between the author of the amendment and my distinguished friend, the gentleman from California (Mr. WIGGINS).

Certainly House Joint Resolution 554 does not contemplate such a procedure. It would be highly improper.

Mr. WIGGINS. I agree that it would be improper, but I am not altogether sanguine that it might not occur if certain political pressures were present. If the political balance in the Senate were to turn upon one man, I think the political pressures at that time might dictate that a contrary result would in fact occur, although I would hope not.

Mr. Chairman, I want to turn now to a final observation and simply request that the gentleman from California (Mr. EDWARDS) repeat on the floor what is stated in the committee report: that the language of section 4 would preclude a subsequent Congress from extending the period for ratification of this amendment.

Mr. EDWARDS of California. Yes; that is the amendment that was offered by the gentleman from Virginia (Mr. BUTLER) and accepted by the full committee.

Let me just proceed further on this subject relative to this section. It would by its terms preclude the Senate or the House or Congress acting jointly from appointing or filling a vacancy directly, without regard to the wishes of the people of the District, because it says that it shall be done by the people.

Mr. WIGGINS. Mr. Chairman, I was hoping the gentleman would say that because now he is in the position of admitting that the people of the District do have a veto over congressional actions

and that is directly contrary to what he said a moment ago.

I was, frankly, putting the hardest case to the gentleman, a case in which it would be most unseemly that the Congress act unilaterally.

If the gentleman means that the people of the District have a veto over the Congress, then we are implicitly eroding the power in article I, section 8.

The CHAIRMAN. The time of the gentleman from California (Mr. WIGGINS) has again expired.

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

Mr. EDWARDS of California. Mr. Chairman, if the gentleman will yield further, and in further answer to the gentleman, I would certainly disagree with what the gentleman thinks I said. There would certainly be no veto over the power of Congress by the people of the District of Columbia, regarding the machinery to implement this article of amendment.

But section 2 makes it very clear that the people of the District would have a veto or in effect, the final say over their own actions relating to the exercise of the powers granted to the District in section 1.

Mr. WIGGINS. The issue will not be resolved by this debate. I want only to point out to my colleagues that there is trouble in this amendment in the use of the word "and" in section 2. I hope my colleagues will read it carefully because it is a source of trouble down the road, in my opinion.

I am going to leave the gentleman with one final puzzle, without suggesting an answer. The amendment repeals the 23d amendment to the Constitution dealing with electors of the District of Columbia. What is the consequence of the ratification by the last State between the period following the election of a President and the counting of the ballots in January? Reflect on that question, and we will talk about it privately.

Mr. EDWARDS of California. I will look forward to it.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I previously drafted an amendment to this resolution, but I wish to explain to the Members that I do not plan to offer that amendment, after discussing the issue with the chairman of the subcommittee, with whom I serve, in regard to rescinding ratification by the States. I would like to briefly state that it is my position, after having reviewed the processes of ratification over the period of this country, that the States should not have a right to rescind any ratification; that once there is a ratification or a consent to a constitutional amendment, that that ratification should stand; that the Constitution, of course, is the inherent basic principle by which this country and this Government operates. And because of the esteem in which we held that consent, it cannot be given lightly but must be given with the full knowledge that, once given, it cannot be withdrawn.

Mr. Chairman, I do believe, however, that the matter of the ratification process and the fifth amendment should be pursued.

I would also like to say that I, of course, support the resolution before us. I believe that it is time that this great Nation give to the people of the District of Columbia the right to be represented, not only in this body, but also in the U.S. Senate.

I believe that the idea of retrocession to the State of Maryland is not workable at all. As one who came here just recently and saw this and looked at this proposal for the first time last year, I took the time to thoroughly study the problem of retrocession and the problem of what I call piecemeal representation. Neither one of them is workable. I believe that the only thing that is possible is the type of representation that is embodied in this resolution, and that any other approach inherently is not a valid approach; that it then comes down to the question as to whether we believe that the District of Columbia should be represented or not. I personally believe that they should; and, therefore, I support the constitutional amendment being offered here.

Mr. Chairman, I wish to commend the chairman of the subcommittee, the gentleman from California (Mr. EDWARDS) for the great deal of time and work he has put in on this matter.

● Mr. MOORE. Mr. Chairman, there is a definite need to change the present status of the District of Columbia as every U.S. citizen should be able to vote and be represented. The District, or part of a metropolitan area, should not become a State to achieve this, however, as this resolution, in effect, does. We have a very real problem, but a very wrong answer.

We should accomplish recognition of a universal franchise. Participation in the Federal process must not be selective. It must include all responsibilities that go along with rights conveyed. For this reason, I find that history and precedent does provide the only fair and equitable treatment for the District of Columbia as well as for the citizens of each State.

A portion of the original 10-square-mile District of Columbia, which had been a part of Virginia, is now again a part of Virginia as Arlington County. It was retroceded to Virginia in 1847 and today the citizens of this area are citizens of Virginia and have the same privileges and responsibilities of any citizen of that State. We should do the same today with all areas now outside the Federal enclave in the District and retrocede it to the State of Maryland from whence it originally came. This would provide the citizens of the District of Columbia with the same House and Senate representation as any other citizen and would provide them full participation in the Federal system. Since the rule on this resolution did not provide for such a proposition to be able to be offered, it was not possible to support such during consideration of House Joint Resolution 554. Therefore, I will vote against this resolution but gladly support a subsequent retrocession measure.●

● Mr FRENZEL. Mr. Chairman, even though I will vote for it, I don't like this resolution.

I believe each State should have two Senators. But when we start passing out Senators to non-State entities, I believe we are setting a bad precedent.

I have said facetiously that I would vote for two Senators for the District of Columbia as soon as Hennepin County, Minn., which is much larger, gets its two Senators. My home county has not, insofar as I am aware, asked for more representation. Some folks think we have too much now.

But the point is that there are a number of groups of Americans who have restricted voting rights. Washington is not the only exception to the rule that every person should have a Senator. American citizens in Puerto Rico, 3 million of them, have no Senators. Americans abroad, another 3 million, despite our best efforts to make voting easier, are restricted by fears of State income taxation. Most of them feel their franchise is limited, and few of them vote.

Other Americans, in the Virgin Islands, Guam, and the Pacific Trust Territories, or whatever they are now called, have no Senators, nor any voting representatives in Congress.

The situation of all these Americans should be considered. I think the overall American franchise would be well protected, and well extended if we allowed every jurisdiction, with a population equal to or exceeding that of the smallest State, to be a State if its people wished. Washington, or Puerto Rico, could then get their two Senators if the people wanted them.

The process of aquiring statehood, although it may be painful for some jurisdictions, does not seem more difficult that the process that House Joint Resolution 554 presents.

I have no objection to voting for a voting representative in the Congress for any jurisdiction, equal or larger in population to the smallest representative district. It is not a final solution to the Washington problem, but it helps other jurisdictions and represents an improvement for Washington.

Having explained why I think House Joint Resolution 554 is not the best approach, and why it sets a bad precedent, I ought to say why I will vote for it. Even though it is the wrong way to get senatorial representation, it is the only way that will be presented to this House this year.

For a person who believes in representative government, it is just too hard to vote against another American's right to representation. We should have had a better alternative. I hope this vote does not encourage corner cutting in the future. It is not a sign I will always vote for this proposition. It means only that I could not vote against this one today.●

● Mr. GLICKMAN. Mr. Chairman, I rise in support of House Joint Resolution 554, to extend full voting representation in the Congress to the District of Columbia. As I see it, this is clearly a matter of equity and it is high time that we rectify what is indeed a flaw in our system of representative government.

The population of the District of Columbia is about 700,000. That far exceeds the size of any of our congressional districts and surpasses 10 States in population. But since the District was ceded to the Federal Government in 1800, its residents have been deprived of what the rest of us accept as a right of citizenship: full voting representation in the Congress.

Over the last few years progress has been made in extending the rights of political participation to D.C. residents. In 1961, the 23d amendment to the Constitution provided for limited D.C. participation in the Presidential electoral college. In 1971, a nonvoting delegate was authorized to represent the District in Congress. And earlier this week, the House passed legislation to enhance political rights of D.C. residents by approving City Council actions, previously ratified by the residents, to extend the rights of initiative, referendum, and recall.

But the absence of voting representation in the House and Senate and the District's inability to participate in the process of amending the Constitution means only one thing to me: The citizens of the Nation's Capital are being deprived of their full rights.

I urge my colleagues to support the resolution before us as the only sure way to fully provide 700,000 Americans the opportunity to exercise what has been often called more than a right, but an obligation, to participate fully in our political process.●

● Mr. FINDLEY. Mr. Chairman, I am glad the party of Lincoln was prominent in the success of the constitutional amendment here today, and I particularly congratulate the distinguished gentleman from the land of Lincoln (Mr. McCLORY) for his eloquent and inspiring leadership.

I view this vote as a milestone in that great line of civil rights decisions which began in 1965, and which have all had strong support from Republican Members as well as those from the other side of the aisle.●

● Mr. STOKES. Mr. Chairman, I rise in support of House Joint Resolution 554, a resolution proposing a constitutional amendment providing full voting representation in Congress for the District of Columbia.

I believe there is no reason that the 700,000 residents of the District of Columbia should be disenfranchised in Congress. As U.S. citizens, District residents have been denied the fundamental right to hold accountable those who make decisions with national, international, and local impact on them.

I believe the most important argument in favor of District representation is the constitutional one. This resolution was reported by the Subcommittee on Constitutional and Civil Rights by a unanimous vote after a thorough study and approval by all of the constitutional experts who were heard. The Judiciary Committee's overwhelming bipartisan endorsement of this resolution should dispel any doubts that the resolution does not meet the requirements or the spirit of the Constitution.

After all, residents of the District of Columbia pay Federal taxes. Taxation without representation violates a fundamental principle of democracy. And yet we are still forcing upon District residents the distorted principle that District residents are equal to other citizens for the purposes of taxation, but not for the purposes of representation.

Residents of the District have also fought and died in war for our country. But we continue to deny full voting representation to them. Congress passes legislation affecting the District as well as the States. However, only the District lacks a respectable share of input into enactment of the very laws which affect its residents. This is an abridgement of rights of the residents of the District and is illogical since Congress has ultimate control over District decisions.

Mr. Chairman, we continue to talk about human rights and voting rights abroad. What about human rights and voting rights in this the continental borders of the United States. How can we continue to deny 700,000 American citizens the right to full representation because they live in the Nation's Capital? Let's face it, the District's residents are being denied a basic constitutional right.

Mr. Chairman, I urge my colleagues to join me in supporting this legislation. Full voting representation in Congress for the District of Columbia would further the principles of democracy which the framers of the Constitution intended for all citizens by giving District residents a deserved voice in the laws that govern our Nation.●

● Mr. BUCHANAN. Mr. Chairman, I rise in support of House Joint Resolution 554 and urge my colleagues to do the same. This resolution provides for a constitutional amendment which would entitle the citizens of the District of Columbia to full voting representation in Congress.

The resolution under consideration today would give substance to a doctrine long advocated by Members dating back to the formal establishment of the District of Columbia. Speaking of the District, in 1803, Representative Huger of South Carolina said the following:

> I look forward to the period when the inhabitants, from their numbers and riches, will be entitled to a representative on this floor.

It was not until the 1880's, however, that resolutions to give District citizens voting representation were introduced with any passion or frequency. On April 4, 1888, there was introduced in the U.S. Senate a resolution proposing an amendment to the Constitution providing for voting representation in Congress for the District of Columbia. The Senate Judiciary Committee allowed the resolution to die with the adjournment of Congress. Subsequent Congresses saw similar resolutions introduced.

In 1922, 1925, and 1949, the Senate Judiciary Committee approved such resolutions only to have them fail in either the full House or Senate. In 1940, the House Judiciary Committee reported out legislation providing for District of Columbia representation, but the measure was not voted on the floor of the House before the adjournment of Congress. So, at various times since 1888, the Houses of Congress have had before them resolutions similar to the ones being considered this morning.

Since the 1880's the population of the District of Columbia has increased from about 225,000 to 750,000 and the District of Columbia now has a population larger than that of 10 of the States. Nevertheless, the District remains without voting representation in Congress. District citizens are subject to taxation and the entire body of Federal law without the privilege, through elected representatives, of influencing the enactment or alteration of those laws.

The United States, the paramount leader of the Western democracies, finds it is the exception and not the rule regarding the representation status of the citizens living in its Capital City. Various countries of Latin America have federal districts similar to the District of Columbia, but all provide for some voting representation in the national legislature. The District of Columbia is indeed a "colony" within the Continental United States almost 200 years after our people dissolved its ties with Great Britain over the cry of "taxation without representation."

While the Congress moved in the right direction in 1970 in providing for a nonvoting District delegate to the House, this act was only a down payment toward correcting a grave inequity to the citizens of the Nation's Capital. We took a second step in 1974 by granting home rule to the District of Columbia. The home rule grant is a recognition of the right of the people of the District of Columbia to govern their own affairs and exercise the same rights as the people of the 50 States. The principle of universal franchise is so fundamental to our democratic government that it amazes and frustrates me that so many of my colleagues still do not recognize the injustice imposed upon the residents of the District of Columbia.

In my position as a member of the Committee on International Relations, I have actively pursued human rights for all people throughout the world. I would consider it a grave oversight on my part if I did not speak out about the denial of rights to the people of the District of Columbia.

While, in my own personal judgment, there cannot be equitable representation in a bicameral legislature unless there is representation in both bodies of that legislature, I offered a compromise amendment last year to at least provide some mechanism whereby Congress could enact or provide for full representation as it saw fit. That amendment provided that the people of the District of Columbia would elect at least one Representative in Congress, and, as may be provided by law, one or more additional Representatives or Senators or both, up to the number to which the District would be entitled, if it were a State, and that Congress would have the power to enforce the article by appropriate legislation.

This proposal was originally authored by a very distinguished former Member, a chairman of the Committee on

the Judiciary, the Honorable Emmanuel Celler. This proposal also bore the endorsement of former President Nixon while he was President, and a series of witnesses for the Justice Department, including the Honorable William Rehnquist, then Assistant Attorney General and now an Associate Justice of the Supreme Court.

Mr. Chairman, taxation without representation is as wrong in the 1970's as it was in the 1770's. The basic justice to the citizens of the District of Columbia is almost 200 years late in coming. It should surely come now.

There is nothing wrong with the great American dream—the challenge of our time is to fulfill that dream for all this Nation's people. There is nothing wrong with the American system of government. It is the responsibility, however, of the Congress to make certain that the system furnishes equity for the good of all the people of this Republic.

Two years ago, during the Bicentennial Year, many of our colleagues spoke eloquently of the virtues of the Founding Fathers and the principles they espoused. Yet many of these same Members voted to deny 750,000 citizens voting representation in the legislative branch of our Federal Government. This continued denial is nothing less than a scandal.

History and justice cry out together that this inequity must be corrected now. I urge the Members to right this wrong by their vote of approval of this resolution. Such action will mean basic justice for the American citizens who live in this city, and will be at least one step toward creation in Washington, D.C., of an alabaster city undimmed by human tears.●

The CHAIRMAN. Are there further amendments? If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 554) to amend the Constitution to provide for representation of the District of Columbia in the Congress, pursuant to House Resolution 1048, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. WIGGINS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WIGGINS of California moves to recommit the joint resolution (H.J. Res. 554) to the Committee on the Judiciary with instructions that it consider a resolution to retrocede the populated portions of the District of Columbia to the State of Maryland.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, do not motions to recommit have to be germane to the legislation before us?

The SPEAKER. The Chair will advise the gentleman that he is correct.

POINT OF ORDER

Mr. BAUMAN. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. BAUMAN. Mr. Speaker, I make a point of order against the motion to recommit on the ground that it is not germane to the legislation before us because it suggests retrocession of the territory of the District of Columbia to the State of Maryland, which is not at any point encompassed in this legislation. The bill deals only with the creation of the offices of two Senators and of Members of Congress for the District of Columbia. Since this proposition would not have been germane to the bill as an amendment, it is not now germane.

The SPEAKER. Does the gentleman from California (Mr. WIGGINS) desire to be heard on the point of order?

Mr. WIGGINS. I do, Mr. Speaker.

Mr. Speaker, I am trodding on what is virgin ground for me. I am not sure what the rules of germaneness are with respect to a motion to recommit with instructions, the focus of which is to instruct the Committee on the Judiciary, from whence the joint resolution came, to reconsider an alternative means of achieving the objective of the legislation.

It would strike me, as a matter of first blush, that an alternative means of achieving a common result is, of course, quite germane; but I have no doubt that the precedents of the House have previously considered this measure, and I will yield to those precedents.

The SPEAKER. Does the gentleman from Maryland (Mr. BAUMAN) desire to be heard further?

Mr. BAUMAN. I do, Mr. Speaker.

Upon that subject, Mr. Speaker, I question the appropriateness of the instructions in view of the fact that the retrocession, as I understand it, would not require a constitutional amendment, but, in fact, a simple statutory act by the Congress.

Mr. WIGGINS. Mr. Speaker, if I may be heard just a few moments longer to clarify the situation, I am advised by my parliamentary experts on either side that the rules of the House require that amendments be germane. This motion to recommit is, of course, not an amendment.

Secondly, it is my view, contrary to the position taken by the gentleman from Maryland (Mr. BAUMAN), that a retrocession procedure, which I personally favor, would require a constitutional amendment and may not be achieved solely by reason of legislation.

The SPEAKER. The Chair is ready to rule.

With regard to germaneness, an amendment of a similar type would not have been germane to the joint resolution. Furthermore, the principle of germaneness is applicable to the extent that the House cannot direct a committee to consider another unrelated subject under the guise of a motion to recommit, whether or not the motion is in the form of a direct amendment to the bill (Cannon's VIII, 2704).

Therefore, the gentleman's point of order is sustained.

MOTION TO RECOMMIT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. HYDE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HYDE moves to recommit House Joint Resolution 554 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

Mr. HYDE. Mr. Speaker, may I have five minutes to debate the motion?

The SPEAKER. On a straight motion to recommit, the gentleman is not entitled to time.

The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken.

Mr. BUTLER. 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 289, nays 127, not voting 18, as follows:

[Roll No. 97]

YEAS—289

Addabbo	Burke, Calif.	Downey
Akaka	Burke, Mass.	Drinan
Allen	Burlison, Mo.	Duncan, Oreg.
Ammerman	Burton, John	Early
Andrews, N.C.	Burton, Phillip	Eckhardt
Annunzio	Byron	Edgar
Applegate	Caputo	Edwards, Ala.
Aspin	Carney	Edwards, Calif.
AuCoin	Carr	Eilberg
Baldus	Carter	Emery
Barnard	Cavanaugh	Erlenborn
Baucus	Chisholm	Ertel
Beard, R.I.	Clay	Evans, Colo.
Bedell	Cohen	Evans, Del.
Beilenson	Coleman	Evans, Ga.
Benjamin	Collins, Ill.	Evans, Ind.
Bennett	Conable	Fary
Bevill	Conte	Fascell
Biaggi	Conyers	Findley
Bingham	Corcoran	Fish
Blanchard	Corman	Fisher
Blouin	Cornell	Fithian
Boggs	Cornwell	Flood
Boland	Cotter	Florio
Bolling	Coughlin	Flowers
Bonior	D'Amours	Flynt
Bonker	Danielson	Foley
Brademas	Davis	Ford, Tenn.
Breckinridge	Delaney	Forsythe
Brinkley	Dellums	Fountain
Brodhead	Derrick	Fowler
Brown, Calif.	Dicks	Fraser
Broyhill	Diggs	Frenzel
Buchanan	Dodd	Fuqua

Gammage	McClory	Richmond
Garcia	McCloskey	Rinaldo
Gaydos	McEwen	Rodino
Gephardt	McHugh	Roe
Giaimo	McKinney	Rogers
Gilman	Madigan	Roncalio
Ginn	Maguire	Rooney
Glickman	Mann	Rose
Gonzalez	Markey	Rosenthal
Goodling	Marks	Rostenkowski
Gore	Marlenee	Roybal
Gradison	Mathis	Sarasin
Green	Mattox	Sawyer
Gudger	Mazzoli	Scheuer
Guyer	Meeds	Schroeder
Hall	Metcalfe	Seiberling
Hamilton	Meyner	Sharp
Hanley	Mikulski	Simon
Hannaford	Miller, Calif.	Skelton
Harkin	Mineta	Slack
Harrington	Minish	Smith, Iowa
Harris	Mitchell, Md.	Solarz
Hawkins	Mitchell, N.Y.	Spellman
Heckler	Moakley	St Germain
Hefner	Moffett	Staggers
Heftel	Moorhead, Pa.	Stanton
Hillis	Moss	Stark
Holland	Mottl	Steers
Hollenbeck	Murphy, Ill.	Steiger
Holtzman	Murphy, N.Y.	Stockman
Horton	Murphy, Pa.	Stokes
Howard	Murtha	Studds
Hubbard	Myers, John	Thompson
Huckaby	Myers, Michael	Thone
Hughes	Natcher	Traxler
Ireland	Neal	Trible
Jacobs	Nedzi	Tsongas
Jenrette	Nolan	Udall
Johnson, Calif.	Nowak	Ullman
Jones, N.C.	O'Brien	Van Deerlin
Jones, Okla.	Oakar	Vanik
Jones, Tenn.	Oberstar	Vento
Jordan	Obey	Volkmer
Kasten	Ottinger	Walgren
Kastenmeier	Panetta	Walsh
Kemp	Patten	Waxman
Keys	Patterson	Weaver
Kildee	Pattison	Weiss
Kostmayer	Pease	Whalen
Krebs	Pepper	Whitley
Krueger	Perkins	Wilson, Bob
LaFalce	Pickle	Wilson, C. H.
Leach	Preyer	Winn
Lederer	Price	Wirth
Leggett	Pritchard	Wolff
Lehman	Pursell	Wright
Lent	Quayle	Wylie
Levitas	Quie	Yates
Lloyd, Calif.	Rahall	Yatron
Lloyd, Tenn.	Railsback	Zablocki
Long, La.	Rangel	Zeferetti
Luken	Regula	
Lundine	Reuss	

NAYS—127

Abdnor	Duncan, Tenn.	Montgomery
Alexander	Edwards, Okla.	Moore
Ambro	English	Moorhead, Calif.
Anderson, Calif.	Fenwick	Myers, Gary
	Flippo	Nichols
Andrews, N. Dak.	Ford, Mich.	Pettis
	Gibbons	Pike
Archer	Goldwater	Poage
Armstrong	Grassley	Pressler
Ashbrook	Hagedorn	Quillen
Ashley	Hansen	Rhodes
Badham	Harsha	Robinson
Bafalis	Hightower	Rousselot
Bauman	Holt	Rudd
Beard, Tenn.	Hyde	Runnels
Bowen	Ichord	Ruppe
Breaux	Jeffords	Ryan
Brooks	Jenkins	Santini
Broomfield	Johnson, Colo.	Satterfield
Brown, Mich.	Kazen	Schulze
Burgener	Kelly	Sebelius
Burke, Fla.	Ketchum	Shipley
Burleson, Tex.	Kindness	Shuster
Butler	Lagomarsino	Sikes
Cederberg	Latta	Sisk
Clawson, Del	Livingston	Skubitz
Cleveland	Long, Md.	Smith, Nebr.
Cochran	Lott	Snyder
Collins, Tex.	Lujan	Spence
Crane	McDonald	Stangeland
Cunningham	McFall	Steed
Daniel, Dan	McKay	Stratton
Daniel, R. W.	Marriott	Stump
de la Garza	Martin	Symms
Derwinski	Michel	Taylor
Devine	Milford	Teague
Dickinson	Miller, Ohio	Treen
Dingell	Mollohan	Tucker
Vander Jagt	White	Young, Alaska
Waggonner	Whitehurst	Young, Fla.
Walker	Whitten	Young, Mo.
Wampler	Wiggins	Young, Tex.
Watkins	Wilson, Tex.	
	Wydler	

NOT VOTING—18

Anderson, Ill.	Frey	Mikva
Brown, Ohio	Hammer-schmidt	Nix
Chappell		Risenhoover
Clausen, Don H.	Le Fante	Roberts
	McCormack	Russo
Dent	McDade	Thornton
Dornan	Mahon	

The Clerk announced the following pairs:

On this vote:

Mr. McDade and Mr. Russo for, with Mr. Roberts against.

Mr. McCormack and Mr. Mikva for, with Mr. Frey against.

Mr. Anderson of Illinois and Mr. Le Fante for, with Mr. Dornan against.

Until further notice:

Mr. Dent with Mr. Mahon.

Mr. Chappell with Mr. Thornton.

Mr. Risenhoover with Mr. Nix.

Mr. Brown of Ohio with Mr. Hammerschmidt.

Messrs. MATTOX, HUCKABY, PICKLE, and MARLENEE changed their vote from "nay" to "yea."

So, two-thirds having voted in favor thereof, the joint resolution was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution proposing an amendment to the Constitution to provide for representation of the District of Columbia in the Congress.".

A motion to reconsider was laid on the table.

A GREAT DAY FOR THE DISTRICT

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, this is a great day for the District of Columbia, regardless of what may occur in the other body with respect to the measure just passed.

I believe it also is a great day in the history of human freedom. This reasserts the belief of our Nation that there is no such thing as a second-class citizen in America.

Mr. Speaker, I should like to yield under this recognition to the gentleman from the District of Columbia (Mr. FAUNTROY), who has endeared himself to all of us and has proven himself a mighty warrior.

CONGRATULATIONS ON PASSAGE OF PROPOSAL FOR DISTRICT OF COLUMBIA REPRESENTATION

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

Mr. McCLORY. Mr. Speaker, I want to join in expressing congratulations to the distinguished Delegate from the District of Columbia (Mr. FAUNTROY) and to all who worked in support of this constitutional proposal. I am proud indeed to have been one of the sponsors of this measure and to have worked for its adoption here today. I think this is a great day for the District of Columbia and for the Nation.

May I say in behalf of those on my side of the aisle who supported this joint resolution—and there was a substantial number of them—I am hopeful that when we get representation in the House of Representatives and in the Senate as a result of the adoption and ratification of this constitutional amendment, we will have some Members from the District serving on this side of the aisle as well as the other side of the aisle.

FULL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

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

Mr. RODINO. Mr. Speaker, without taking up too much time of this House, I merely want to express on behalf of the members of the Committee on the Judiciary and all of the people of America our thanks to those of you who participated in this great effort. I have been a Member of this House for a number of years. Through all those years and for years before that, attempts have been made to correct this major flaw and oversight in the constitutional exercise of the great franchise, attempts to complete the effort toward full participation in the democratic process.

Today we reaffirmed our faith and the people's faith in the great precepts of the Constitution of the United States and in the processes of our institutions.

I particularly want to point to the effort of the nonvoting Delegate from the District of Columbia, WALTER FAUNTROY. His was the driving force and abiding faith which showed the way. To DON EDWARDS, ROBERT MCCLORY, and all the members of the Subcommittee on Civil and Constitutional Rights, I offer my congratulations for your dedicated, thoughtful, and scholarly work.

Today, make no mistake about it, is an important day in the history of voting rights for all our citizens and a day for all of us to be proud.

LEGISLATIVE PROGRAM

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

Mr. JOHN T. MYERS. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader what the program is for the remainder of today and for the week.

Mr. Speaker, I yield to the gentleman from Texas (Mr. WRIGHT), the distinguished majority leader, for that purpose.

Mr. WRIGHT. Mr. Speaker, it had been the hope of the leadership, when we discovered that the resolution recently under discussion would be concluded at this hour, to take up the committee funding resolutions which have been scheduled for tomorrow.

Unfortunately, the Committee on House Administration, lacking advance

notice of that intention, has not completed the paperwork necessary to bring those resolutions today. Therefore, those resolutions together with the other bill scheduled for tomorrow, will come tomorrow.

Mr. JOHN T. MYERS. Mr. Speaker, it seems to me that the resolutions funding the committees were on the schedule last week and they were dropped. The two bills that were scheduled for tomorrow, could they not be considered today?

On Monday we adjourned shortly after 1 o'clock. Today we came in at 11 o'clock, and we will be out by 1 o'clock. It seems to me that the time of the Members could be used more wisely by working today, finishing the scheduled legislation, and giving the committees an opportunity to meet tomorrow.

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

Mr. JOHN T. MYERS. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I explained earlier that we had hoped to be able to bring at least some of those committee funding resolutions today. Unfortunately, the committee, not anticipating this contingency, is not ready; and therefore they cannot be brought. The appropriation bill cannot be brought today because under the rules it is not eligible for consideration today.

With respect to having a session tomorrow, there already have been several colloquies on the floor. It is the intention of the leadership that we will have Friday sessions from now until the time of the budget resolution. One purpose of that, quite frankly, is to assist in having quorums for the legislative committees on Fridays in order that their work may be completed as required by budget law and the rule of the House concerning the budget resolution. Last week, the minority whip, the gentleman from Illinois (Mr. MICHEL) expressed public agreement with this general plan.

The gentleman from Indiana asked about next week. Does the gentleman wish me to respond to that?

Mr. JOHN T. MYERS. No. Just for this week.

Mr. Speaker, it seems to me that we come in at 3 o'clock on Wednesdays to allow the committees more time to work. Here we could have a full Friday for the Members to work, and we have legislation on the floor for tomorrow when we could have it for today.

Mr. WRIGHT. I think the gentleman may be correct in that; and if there is blame, perhaps the blame lies with me in that I had not accurately anticipated how much time would be required on the resolution just adopted and had not taken the precaution of talking with the Committee on House Administration yesterday so that they could have been ready today.

Mr. JOHN T. MYERS. This is the first week this year that certain legislation for Thursday and Friday was scheduled. If we followed that schedule, we would be complying with the rules of the House.

Why cannot that be done in the future?

Mr. WRIGHT. The gentleman may have a good point.

The difficulty, of course, is twofold. First, the appropriations bill, under the rules, cannot be considered today. Second, the funding resolutions cannot be considered for the simple reason that the committee of their jurisdiction is not prepared to bring them up. Therefore, there is no alternative than to have them tomorrow, as scheduled now.

With respect to the gentleman's other commentary, we are neither clairvoyant nor infallible. We do make errors, and if there is an error in scheduling this week, I should like to assume the responsibility for that error.

Mr. JOHN T. MYERS. Obviously, I am getting no place with my argument. We are going to be in session tomorrow; but I think I speak not only for the minority but for the majority of the majority.

The majority of this House I hope in the future will give more attention to the conservation of Members' time so that if we do get a day off when it might not be necessary, at least we can devote our time to committee work without interruption.

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

Mr. JOHN T. MYERS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, since it is the stated purpose of the leadership to make sure that the Members are here tomorrow and since the minority would like to have some input, let me just announce that the minority will help make tomorrow a meaningful day.

CONGRESSMEN AND CAMERAS

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

Mr. BROOKS. Mr. Speaker, we are well aware of the orchestrated efforts on the part of a small group in Congress to cloud the issue of televising the proceedings in this body.

Through it all, our distinguished Speaker has displayed outstanding maturity and judgment in striving for the best interest of the American public and the Congress while risking temporary, but voluble disapproval by certain elements of the media. His willingness to withstand the ofttimes unreasonable criticism of our Members and a few members of the gallery have worked for the benefit of the House of Representatives.

This example of his outstanding leadership was recognized recently in an intelligent and perceptive editorial which appeared in the Washington Star on February 25, 1978.

This editorial, a copy of which follows, supports the judgment of this body when we passed House Resolution 866 assigning the authority and discretion to implement a television system to Speaker O'NEILL.

[From the Washington Star, Feb. 25, 1978]

CONGRESSMEN AND CAMERAS

The delay in televising regular sessions of the House of Representatives is disappointing. When the practice was approved by the House last year, the prospect was for the cameras to start recording House proceedings this month, with the live signal or tapes available for broadcast. Technical and legal problems now are blamed for postponing the operation, apparently for the rest of this year.

We do not share further disappointment that the House plans to do its own camera and viedeotape work instead of inviting in the commercial and public networks. The in-house policy championed by Speaker O'Neill was affirmed recently by a 9–5 vote of the Rules Committee, touching off further comment that congressmen fear to be televised in hard-headed news style.

The delay is due in part to the unsatisfactory quality of tests that have been run in the House chamber using unobtrusive cameras and the regular lighting. Members complain of unflattering, recognizable pictures, including a "raccoon effect" around the eyes. More experimentation is needed with different kinds of equipment and lighting to produce high-quality pictures without disrupting House procedures. The technical difficulty should be soluble.

The House also wants to devise rules for the distribution of tapes, perhaps prohibiting political and commercial use, and settling the question of the tapes' legal standing—whether they will constitute an official record paralleling the Congressional Record.

The congressmen have put themselves in for continued suspicion that, in keeping out the network cameras, they just want to avoid being caught napping. A semi-automatic system operated by friendly House employees and limited to shots of congressmen speaking is safer than a free-ranging network show emphasizing colorful (embarrassing?) sidelights. Citing the printed Congressional Record as a precedent for governing the video record as unfortunate—it reminds everyone of how much fakery goes into "editing" and "extending remarks" in that official journal. The viedotapes will be harder to tamper with.

But the desire of the House majority to keep control of the cameras also reflects a sensible desire to keep the system as unobtrusive as possible and reduce the temptations for showboating by the more flamboyant members. Anyone who has watched network television crews dominate a hearing or press conference, push aside the less presumptuous journalists and change the nature of the event being covered, can understand the reluctance of Tip O'Neill to countenance such mayhem in the House on a regular basis.

Give the House-run television system a reasonable trial before concluding that only the network boys, with their partiality for dramatic action and blonde spectators, can do the job.

INTRODUCTION OF NATIONAL INTELLIGENCE AND REFORM ACT OF 1978

(Mr. BOLAND asked and was given permission to address the House for 1 minute.)

Mr. BOLAND. Mr. Speaker, today I introduce legislation entitled the National Intelligence and Reform Act of 1978.

This bill is identical to S. 2525, introduced on February 9 by Senator HUDDLESTON and 20 other Members of the Senate. It represents the culmination of 3 years of hard work by the members and staffs of the Church committee and the now permanent Senate Select Committee on Intelligence. At the same time it is also, as Senator HUDDLESTON put it in his remarks upon filing this legislation, "the beginning of a new process."

Much administrative and public comment has gone into the bill that I introduce today, but much more must be done before it will represent a useful and coherent delineation of powers and limitations for the intelligence community.

I will not go into the details of this bill at this time. That, indeed, is one of the problems I see in the bill. It goes too far into the actual management of the intelligence function.

I do call to the attention of Members, a detailed description of S. 2525 given by Senator HUDDLESTON along with the remarks of all his cosponsors which was printed in the CONGRESSIONAL RECORD of February 9.

It is sufficient to say that this bill would authorize activities of the intelligence community as a whole and of the CIA, FBI, and the NSA in particular. It establishes across-the-board limitations and prohibitions for all intelligence agencies and creates criminal sanctions for cases of misuse or noncompliance with the act.

Mr. Speaker, I am truly pleased to introduce this legislation today because it represents an invaluable contribution and an important beginning to the charter drafting process.

The Senate committee has worked long and very hard. Its contribution is significant.

I and the committee I chair are pledged to use this legislation as a vehicle for our deliberations as we seek to reach our own recommendations on omnibus intelligence legislation. That process will be a long one.

It is, however, an extremely important one. It can end, I believe, in a workable statute that insures the successful functioning of our Nation's intelligence apparatus fettered only by provisions necessary to protect the individual rights of our citizens. I can promise the House that the permanent select committee on intelligence will work as hard and as long as is necessary to bring workable, useful legislation to the floor of this Chamber.

This is a task on which we are already embarked and one in which we recognize we must provide leadership. I firmly believe that it is a goal that can be reached in the 96th Congress if all the participants approach it in the same spirit in which this legislation was drafted.

MEDICARE SHOULD BE EXPANDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 10 minutes.

● Mr. WOLFF. Mr. Speaker, the time has come to relieve the intolerable burden medical expenses imposes on millions of older Americans. Our senior citizens, forced to eke out an existence from social security, their life-time earnings, or fixed incomes, are often left in dire straits when illness or ill-fate in the form of accidents, strike.

Horror stories abound, to which I am sure my colleagues will attest, when the elderly seek medical care, medical care which has rapidly outpaced their incomes. Few options for adequate health care, at prices the aging and disabled can afford, are available to this neglected segment of our society. Our senior citizens should have the right to live their autumn years with a sense of dignity and security, not deprivation and fear.

In the past, the stringent requirements imposed by medicare has contributed to the breakdown of the American family by forcing our elderly into institutional settings in order to satisfy eligibility criteria. These criteria have been partially responsible for creating an American caste system, segregating the old from the young. They have forced the elderly to be considered a "people apart" in a country they helped put together. They are the foundation of our society, and we would reap benefits from their company, learning from their experiences and wisdom.

Medicare must be expanded to improve essential health care assistance for the chronically ill, aged, and those striken with a catastrophic illness. This expansion should not be a rigid one, dictating the types of services available to older citizens. Rather, the expansion should be flexible, providing freedom of choice in the provision of medical services. Medicare should be expanded to provide low-cost alternatives to institutionalization.

It is this concern which led me to establish a Citizens Health Advisory Committee in my Sixth Congressional District, compromised of leading New York area health field specialists. This committee of dedicated men and women served as a valuable resource in helping me analyze the complex problems of health care delivery in terms of new legislative proposals.

It is with great pride, then, that I have presented to the House of Representatives, in bill form, the culmination of the efforts and work of the Citizens Health Advisory Committee. This bill, H.R. 11139, will provide for medicare subsidies of low-cost home health care. The bill amends title XVIII of the Social Security Act by removing all limits on the number of home health visits for which payment may be made, includes additional types of services as home health care, and provides coverage for services furnished in outpatient rehabilitation facilities and elderly day care centers.

One of the most important aspects of this legislation is to permit payment by medicare for services rendered by certified voluntary nonprofit home health agencies. Not only will this extension permit our senior citizens to stay in their homes with their loved ones, receiving proper medical attention, but it will also have of decreasing the costs of delivering medical services. However, for a discussion of the benefits of the bill, I wish to include the final position statement of the Citizens Health Advisory Committee in the CONGRESSIONAL RECORD. This committee has served ably and well, and I remain in great debt to them for their expertise and insightful advice. Their statement follows:

SIXTH CONGRESSIONAL DISTRICT'S CITIZEN'S HEALTH ADVISORY COMMITTEE STATEMENT

(Proposed changes in medicare regulations to broaden and expand home health care as a brake on increasing cost of the health delivery system and as an alternative to institutionalization)

1. *Home health care as a cost-containment factor*—

Up to the present time only about 1 percent of Medicare, Medicaid and health insurance funds have been expended for home care. Inappropriate utilization of long-term care facilities could be minimized by consideration of home care as the first alternative before hospitals and nursing homes in meeting the patient's needs. Education of the public and the medical profession, as well as Congress, concerning the availability and the benefits of quality home care is a necessity in any efforts to reduce the nation's expenditure for health care.

The Visiting Nurse Service of New York recently completed a federally funded 2 year study of total cost of health service to patients who are homebound and chronically ill. A summary of this study is attached. The patients were provided with all needed services, those routinely provided by the Visiting Nurse Service of New York and those provided by other types of health care providers, including physician visits, housekeeping assistance, health-related transportation, medication, medical supplies, etc.

The results show that the average daily cost of home care for the homebound is less than $16 per day. When housing and food costs are included the cost averaged about $29 per day. This contrasts with nursing home costs in New York City of $40 to $50 per day and hospital costs in excess of $200 per day. The services provided in this study were based on patients' needs without regard to available means of reimbursement. The above figures refer to 1975 costs.

2. *Proposals for expansion of Home Health Services*—Present Medicare regulations provide reimbursement for home care visits only for patients requiring "skilled nursing care", following at least 3 days of hospitalization. This severely limits home care for the chronically ill and disabled (i.e., stroke victims) and because of the complexity of the reimbursement system, encourages them to enter institutions unnecessarily.

A change in Medicare regulations to fund home care, including homemaker home health aid services, prescription drugs and medical supplies, to the non-acutely ill could eliminate such costly resort to institutionalization with its resulting human deterioration.

Expansion of home care funding under new Medicare and Medicaid regulations should be limited, as it is now, to certified, non-profit Home Health Agencies, under strict controls and regular cost and quality audits by HEW or State Health Departments. To open up Medicare and Medicaid reimbursement for profit making home health companies, which are really only employment agencies, could lead to obvious abuses and unnecessary auditing expenditures.

Home Health care as offered by non-profit community supported agencies such as the Visiting Home Health Services of Nassau and Visiting Nurse Service of New York (operating in Queens) is broad and inclusive. Services provided may include bedside nursing, physical, speech and occupational therapies, homemaker home health aide services, social service visits, psychiatric nursing, nutritional guidance, loans of hospital equipment, medically related transportation and meals-on-wheels.

All these services are provided under the orders of the patient's physician, and are regularly co-ordinated and assessed by qualified nursing supervisors. Through referrals from Hospital Home Care Departments, and

now from Nursing Homes, the Home Health Agency provides continuity of service from the institution to the home, giving the patient a much needed sense of security.

COMMITTEE RECOMMENDATIONS

1. We urge Congressional initiative to emphasize home health care as a first alternative by extending Medicare's Home Health Benefits to the chronically ill and disabled; by eliminating the requirement for 3 days prior hospitalization and the skilled nursing component under Medicare parts A and B.

2. We urge Congressional action to broaden definition of reimbursable Medicare home health services to include prescription drugs and medical supplies which are reimbursable upon institutionalization.

3. We urge scrutiny of National Health Insurance bills to be certain of inclusion of broad home health care for both acute and long term illness by the non-profit sector as a cost containment factor.

4. We urge you to ask Secretary Califano to maximize his administrative discretion to increase and promote comprehensive home care by the non-profit sector. This will result in cost containment and also the humanity of permitting the terminally and chronically ill to remain with their families while receiving necessary health care.●

THE DEATH OF MANGALISO SOBUKWE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

● Mr. DIGGS. Mr. Speaker, with profound regret, I announce that Mangaliso Sobukwe, president of the Pan Africanist Congress of Azania, passed away at 6:30 p.m., South African time, on Sunday, February 26, 1978, while receiving treatment in a hospital in Kimberly, South Africa, the city where he has been living under house arrest and several restrictions ever since May 1969, when he was transferred from 6 years of detention without trial and solitary confinement in the notorious maximum security prison on Robben Island.

The South African Fascist-apartheid regime totally refused to remove the house arrest order and other restrictions on the Honorable Mr. Sobukwe so that he could receive treatment abroad for cancer and other illnesses which began to take a heavy toll on his life, because of unhealthy environmental circumstances. The Fascist regime did this in spite of appeals from Sobukwe's family and a host of heads of state and governments from Africa and abroad. The Pan Africanist Congress lays the blame for President Sobukwe's untimely death squarely on the South African apartheid regime and has vowed to avenge the great leader of the Azanian people.

The Pan African Congress has called on the world community to condemn the South African apartheid regime for murdering President Sobukwe by proxy, and has asked the governments of the world, freedom-loving organizations and people and supporters of the Azanian people just cause to solemnly mark President Sobukwe's passing away and to intensify their support for the national liberation struggle in Azania.

Mangaliso Sobukwe was born in Graaf Reinet, a small country town in the Eastern Cape Province of South Africa, on December 5, 1925. He grew up toiling along side his peasant family and attended a local primary school. His high school education was at the famed Cape Province's Healdtown High School, where his brilliant pass in matric (the final year) won him a scholarship to further his studies at Fort Hare University. Sobukwe graduated with a bachelor of arts (honors) degree and won a union education diploma. During his years at Fort Hare, he was elected president of the Students' Representative Council, and also served as secretary of the African National Congress Youth League, universally acclaimed as the league's most dynamic branch at the time. Sobukwe was instrumental in the drawing and adoption of the 1949 Programme of Action by the ANC in Bloemfontein. Among his colleagues at Fort Hare were such outstanding African leaders as Foreign Minister M. Waiyaki of Kenya; Herbet Chitepo, the late chairman of ZANU; and Central Committee Member of UNIP and former Prime Minister of Zambia, Elijah Mudenda.

Sobukwe started his working career as a school teacher in Standerton, Transvaal, and was dismissed from his post for leading the Defiance Campaign of 1952 in that area. Later he moved to the University of the Witwatersrand, in Johannesburg, where he won a post as a lecturer in African languages. This earned him the name of "Prof." among his friends, the name he was to become affectionately known by throughout Azania and abroad.

Sobukwe emerged as the foremost exponent of Pan Africanism in the 1950's and, when the Pan African Congress was formed in 1959, he was unanimously elected as its president.

In 1960, he became a household name not only in Azania but all over the world, when he brilliantly led the first "Positive Action Campaign" of the Pan Africanist Congress, on March 21. The cold-blooded massacre of 69 of Sobukwe's and the PAC's followers at Sharpeville and several others at Langa, Nyange, Vanderbijl Park, and other parts of South Africa raised the fury of the Azanian people who came out en masse to join the campaign against South Africa's hated "pass laws."

The international community was moved by the courage of the unarmed African demonstrators and appalled by the callous mass murders perpetrated by the police of the apartheid regime. The internal crisis led to the first nationwide state of emergency to be declared in South Africa, and overseas it raised the strongest and sharpest criticism against apartheid tyranny. The Positive Action Campaign launched by President Sobukwe and the PAC in 1960 focused world attention on South Africa as never before, and ushered in the militant struggle which is now growing into revolutionary armed struggle. The Daily Graphic in Accra, Ghana, said in a banner headline on March 22, 1960: "Sobukwe leads Africans into Chivalry," and Canon Burgess Carr of the All-African Council of Churches said at a Sharpeville Day rally several years later that "Sharpeville was the watershed" of intensified national liberation struggles all over southern Africa.

For his role in this historic campaign, Sobukwe was to remain a prisoner of the South African apartheid regime for the rest of his life.

The details of his torture are clear:

On May 24, 1960, he and his colleagues in the National Executive Committee, among them Potlako Leballo, the national secretary (now acting president), and Zeph Mothopeng, the secretary for judicial affairs, at present on trial for his life under the Terrorism Act in Bethal, South Africa, were sentenced to 3 years of prison.

On May 24, 1963, under a hurriedly passed special law, known as the "Sobukwe clause" of the Sabotage Act of South Africa, Sobukwe was taken from his 3-year hard labor term of imprisonment and locked up on Robben Island for 6 additional years without trial.

In April, 1969, he was transferred from Robben Island and placed under house arrest and a maze of restrictions in Kimberly (300 miles away from his home in Mofolo, Johannesburg) and remained a virtual prisoner of the apartheid regime, in this dusty mining town, until his death.

Mangaliso Sobukwe is survived by his courageous comrade-in-arms and wife, Zodwa Veronica, four children: Miliswa, Dinilesizwe, and twin brothers, Dedani and Dalinyebo. The Azanian nation and its allies joins them in mourning a worthy father and totally selfless champion of the people's cause.

This tragic death also reminds us of Steve Biko, who was killed by the South African fascist police on September 12, 1977. On that same day Sobukwe was operated on, and had one lung removed, at the Groote Schuur Hospital in Cape Town. When he recovered sufficient strength, the news of the assassination of his good friend was told to him. Mr. Sobukwe responded with these words:

> They aim to finish us off one after the other. . . . We must turn our grief into strength.

A freedom fighter to the end, Mangaliso Sobukwe dies as the No. 1 coconspirator in the largest Terrorism Act trial now underway in South Africa—the case of Mothopeng and the Bethal 18.

President Sobukwe's last wish was that he be buried at his place of birth in Graaf Reinet. It will be on the even of the launching of the International Year Against Apartheid on March 21, 1978, the anniversary of Sharpeville day, an epoch event the world community owes to the genius and courage of Azania's greatest son of the century—the first political prisoner of Robben Island in the 20th century—Mangaliso Robert Sobukwe. Hamba kahle Qhawe lama Qhawe—"Go well Hero of Heroes." ●

SUMMARY OF HOSPITAL COST CONTAINMENT LEGISLATION APPROVED BY WAYS AND MEANS SUBCOMMITTEE ON HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I have taken this opportunity to place in the RECORD a summary of the administration's hospital cost containment proposal as amended and approved by the Subcommittee on Health of the House Committee on Ways and Means. I hope that my colleagues will take the time to review this most important legislation as the congressional debate on hospital cost containment legislation continues:

SUMMARY OF H.R. 6575 AS APPROVED BY THE SUBCOMMITTEE ON HEALTH OF THE COMMITTEE ON WAYS AND MEANS ON FEBRUARY 28, 1978

VOLUNTARY HOSPITAL COST CONTAINMENT ACT OF 1978

The amended bill is divided into two parts. Part I specifies the cost containment objectives of the voluntary program, the criteria on the basis of which determinations would be made as to the success of the program in achieving specified reductions in the rate of increase in total hospital expenses, the data collection and monitoring system to be utilized in measuring the program's performance, and the steps to be taken in the event the voluntary program fails to achieve its objectives.

Part II establishes the transitional fallback Federal cost containment program that would be implemented should this program be needed. This four-year transitional Federal program would constrain the rate of increase in hospital costs by limiting the amount of inpatient revenues which individual hospitals could receive from each source of payment for patient care.

PART I—VOLUNTARY COST CONTAINMENT PROGRAM

1. Goals of voluntary program

The objective of the voluntary cost containment program is to reduce the rate of increase in total hospital expenses for community, short-term hospitals. The maximum allowable rate of increase in total hospital expenses for 1978 would be 2 percent less than the rate of increase in 1977; for 1979, and each succeeding calendar year, the allowable rate of increase would be 4 percent less than the rate of increase for 1977. However, the maximum allowable rate of increase in total hospital expenses for any calendar year could not be less than 1½ times the percentage increase in the GNP deflator—a measure of inflation in the general economy. In the event the targeted reduction is not achieved in any given calendar year, the Federal fallback program would become effective with the first day of the calendar year immediately succeeding the calendar year in which the voluntary program failed to achieve the requisite rate.

2. Base for calculating rate of increase in hospital expenses

The base for calculating the reductions in the rate of increase in expenses would be the rate of increase in total hospital expenses experienced in calendar year 1977. In order to establish this base, as well as to monitor the performance of the voluntary program, a hospital expense reporting mechanism would be established. Data on actual expenses for calendar years 1976 and 1977 and periodically thereafter would be obtained through the use of this reporting mechanism.

The Secretary would be required to report at least quarterly to the appropriate Committees of the Congress as to the progress of the voluntary program as reflected in the data submitted. In addition, the Secretary would be required to publish, within 60 days after the close of each calendar year, the actual rate of increase experienced for that calendar year.

A hospital which fails to submit timely reports would be limited, for purposes of medicare reimbursement, to a rate of increase not to exceed the applicable goal specified under the voluntary program; and a hospital which understates its expenses would be held to that understatement for purposes of medicare reimbursement. There would be no penalty, however, for submission of data which turn out to be incorrect, unless the hospital knew or should have known its actual expense data.

3. Report on permanent reform in delivery and financing of health care

The Secretary would be required to submit to the Congress, no later than March 1, 1979, his recommendations for permanent reforms in the delivery and financing of health care.

PART II—FEDERAL FALLBACK COST CONTAINMENT PROGRAM

1. Effective date for individual hospitals

If the mandatory program is triggered into effect, it would be applicable to an individual hospital for its first accounting year beginning after the calendar year in which the hospital industry failed to meet the specified cost containment goal.

2. Percentage limitation on hospital inpatient revenues

The mandatory program would impose a limit on the percentage increase that is allowed in each hospital's inpatient revenues, and the calculation would be on a per admission basis. The percentage limit would be equal to 1½ times the percentage increase in the GNP deflator. The Secretary would be required to develop an economic index which more accurately reflects the prices for items hospitals must purchase and to report to Congress no later than September 30, 1979, whether this index should replace the one described above.

3. Application of the limit

The percentage increase in inpatient revenues allowed a hospital under the mandatory program would be calculated with reference to the hospital's base accounting year. This base year would be the hospital's accounting year two years prior to the accounting year in which mandatory constraints are applicable. In bringing this base year figure up-to-date, the hospital's actual revenues for the accounting year immediately preceding the accounting year in which the mandatory limit applies would be used (but the minimum rate of increase used in the calculation for that year would be 6 percent, and the maximum rate used would be the rate that served as the total expense goal of the voluntary cost containment effort).

If a hospital has not been in operation for three full accounting years, or has had a substantial disruption in its operation during its base accounting year due to circumstances beyond its control, or has undergone a total replacement of its physical plant (completed within the two-year period ending July 1, 1977), the Secretary would provide appropriate adjustments in the hospital's average reimbursement per admission for its base accounting year.

The limits would not apply to psychiatric hospitals, hospitals substantially serving HMO's small hospitals that are sole community providers and Shriners hospitals.

4. Adjustments and modifications

Adjustments would be made for changes in a hospital's patient load only if admissions since the base accounting year had increased by more than 2 percent or decreased by more than 6 percent (10 percent in the case of small hospitals—those with fewer than 4,000 admissions per year). Increases or decreases in admissions outside these limits would result in allowable revenue increases or decreases, respectively, at the rate of one-half of average revenue per admission. For large hospitals, an additional allowance for admission increases or decreases in excess of 15 percent would require an exception.

The revenue limit could also be adjusted to offset changes resulting from a significant increase in coverage by a third-party payor, or from shifts among payors that result in a sizable revenue loss.

Adjustments in admissions during the base accounting year would be made to provide special recognition of unique situations facing small hospitals; for problems that might arise because a hospital enters into approved shared services arrangements or because of the closing of another hospital in the community; and for unique situations facing hospitals that contract with health maintenance organizations, such as changes in admissions because of increasing enrollments or reduced access to the hospital for health maintenance organization members.

Hospitals could elect to pass through: wage increases for nonsupervisory workers; payments for fuel; and payments for malpractice insurance that reflect a percentage increase higher than that allowed by the revenue limit. If a hospital elects to pass through any of these costs, the pass-through must also apply to future years. The Secretary is required to study each of these pass-throughs and to make separate reports to Congress no later than March 31, 1980, as to whether the pass-throughs should continue after September 30, 1980.

5. Exceptions to the limit

The Secretary could grant exceptions to the revenue limit where costs have increased because (a) a hospital's volume load has increased or decreased by more than 15 percent; or (b) where a substantial change in a hospital's capacity has occurred because of the closing of another hospital facility in the area; or (c) where a hospital has undertaken major approved changes in facilities or services which increase costs per admission more than 3 percent above the previous year. Except for exception (c), the hospital must demonstrate a current ratio of assets to liabilities of no more than 2 to 1 (excluding restricted and designated grants, gifts and income and depreciation funds required to be held in reserve as a condition of a loan). Exceptions would also be allowed for (I) increased coverage by cost payors; (II) differences in the source or basis of reimbursement from the base accounting year; and (III) hospitals which are sole community providers. The Secretary must either approve or deny a request for an exception within 90 days of the filing of the exception.

6. Enforcement

Reimbursement above the cost containment limits would be disallowed under medicare and medicaid. Excess revenues paid by any other cost payer or received by a hospital would be subject to a 100 percent tax. The tax on excess hospital revenues would be a nondeductible expense for tax purposes. The tax would not be imposed on a hospital that placed the excess revenue in escrow until it incurred a shortfall in allowable charge revenue equal to the amount of excess previously acquired.

7. Disclosure of fiscal and other information

Each hospital subject to the mandatory program would be required to provide certain cost and charge data to its health systems agency. Hospitals exempt under the mandatory program (those with fewer than 4,000 admissions, which are sole community providers and are located in rural areas) must

publicly report any annual increases in average inpatient reimbursement or charges per admission in excess of 120 percent of the annual increase limit. Hospitals failing to report the above data would be excluded from participation in the medicare, medicaid, and maternal and child health programs.

8. Review of certain determinations

Hospitals or payors dissatisfied with determinations made by the Secretary may obtain a hearing before the Provider Reimbursement Review Board if the amount is $10,000 or more and the hearing request is filed within 180 days after notice of the determination. Decisions of the Provider Reimbursement Review Board must be made within 60 days.

9. Consolidated treatment of hospitals with common ownership

Organizations that totally own, in an HEW region, more than one hospital subject to the Federal controls could have limits computed and applied in the aggregate for all such hospitals if the organization requests such treatment and provides, on a timely basis, the data necessary to determine the limits and consolidates only those hospitals employing the same accounting year.

10. Exemptions for hospitals in certain States

The Secretary would exempt hospitals in States that have an effective program of hospital cost containment. The mandatory State program would need to apply to at least the hospitals covered by the Federal program and would need to demonstrate a capacity to contain inpatient revenue increases at a rate not to exceed 120 percent of the basic inpatient hospital revenue increase limit.

The Secretary may not disapprove a State program solely on the ground that the State has had no previous experience in the operation of a cost containment program or on the ground that implementation of the State program was conditional on the triggering of the mandated Federal program.

The Secretary may waive certain restrictions on the methods of reimbursement under titles V, XVIII, and XIX of the Social Security Act when he exempts a State from the mandatory Federal controls.

Federal support would be available for approved State cost containment programs, not to exceed 80 percent of the reasonable amounts expended by the State in the development and administration of its program, for a period of not more than 3 years. The State must submit, and have approved, a State plan for its cost containment program.

11. Definition of covered hospital

A hospital covered under this program is one which (a) satisfies paragraphs (1) and (7) of section 1861(e) of the Social Security Act; (b) is not a psychiatric hospital; (c) imposes charges or accepts payments for services provided to patients; and (d) had an average duration of stay of 30 days or less in the preceding accounting year. A hospital is not subject to the mandatory program if it (I) has met the conditions described above for less than 3 accounting years; (II) derived more than 75 percent of its inpatient care revenues from health maintenance organizations; or (III) has had, in the 2 preceding accounting years, average annual admissions of less than 4,000, is a sole community provider, and is located in a rural area, including an area that is not an urbanized area, as defined by the Bureau of the Census.

12. Cost constraint provisions relating to the medicare, medicaid, and other programs

(a) Percentage Arrangements of Hospital-Based Physicians

Costs incurred by a hospital to compensate a physician for professional services performed in the hospital where the payment is based on a percentage of the hospital's charges for the services would not be reimbursed under titles V, XVII, and XIX of the Social Security Act to the extent they exceed the sum of (1) the reasonable compensation which would have been paid the physician if he were in an employment relationship with the hospital, and (2) the cost of other reasonable expenses incurred by the physician. In addition, where a physician furnishes services to hospital patients under a lease arrangement and the amount paid to the hospital under the arrangement is based on a percentage of the physician's total charges, the hospital's allowable costs under titles V, XVIII, and XIX of the Social Security Act would be offset by the greater of: (A) the actual amount paid under the lease (the amount which is ordinarily offset against costs), or (B) the difference between the total charges of the physician and what it would have cost the hospital to furnish the services through individuals employed by the hospital.

(b) Hospital Providers of Long-Term Care Services ("Swing-Beds")

Subject to certain requirements, a hospital could enter into an agreement with the Secretary to use acute care hospital beds as long-term care beds. If the hospital does so, it must meet the applicable medicare requirements for skilled nursing facility care to the extent the Secretary determines appropriate.

(c) Coordinated Audits Under the Social Security Act

In order to receive payment for audits under titles V or XIX of the Social Security Act, a State must coordinate these audits with audits under title XVIII of the Social Security Act.

(d) Special Reports and Studies

The Secretary is required to review and report to Congress on (1) all Federal regulations affecting hospital facilities and operations and (2) the standards and guidelines used to determine reasonable costs under title XVIII of the Social Security Act, and the application of such standards by intermediaries.●

URBAN LENDING ACT OF 1978

● The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, today I am pleased to sponsor the Urban Lending Act of 1978. I am joined in cosponsorship by my colleague, the distinguished chairman of the House Committee on Banking, Finance and Urban Affairs, HENRY REUSS.

We wish to commend the leadership displayed by Federal Home Loan Bank Board Chairman, Robert H. McKinney in requesting our immediate consideration of this bill urgently needed to build a framework which will stimulate this Nation's savings and loan associations into full participation with all levels of government, neighborhood groups, and individual citizens in the enormous task of rebuilding or revitalizing urban America.

Most of the tools are now in place—our resolve to do the job that can and must be done grows in intensity at long last. The growing significance of community development plans with emphasis directed to neighborhood revitalization, have now reached the point where, by working together, we can anticipate that an increasingly favorable private investment lending climate will be the result.

Private capital diminishes almost into insignificance anything built by Federal dollars, no matter how well such Federal programs are structured and administered. We have made mistakes in the past—hopefully we have learned from those mistakes. Hopes of those Americans living in our deteriorating central cities have been cruelly raised in the past only to be dashed by the forces of indifference, at times incompetence, and most importantly by the lack of national commitment.

Publicly funded programs and financial institution delivery systems cannot exist in a vacuum. This bill represents a significant first step in the establishment of a cohesive coordinated framework, permitting independent governmental and private investment decisions, consistent with major community development goals and objectives.

PROPOSED AMENDMENTS TO SECTION 5(C) OF THE HOMEOWNERS' LOAN ACT

First. Authority for savings and loans associations to invest in urban areas participating in community development block grant or other Federal dollars city aid programs;

Second. Substantial increased authority for savings and loan associations to invest in rehabilitation and home improvement loans; and

Third. Limited authority for savings and loan associations to invest in State and local sponsored housing finance agencies.●

OHIO SUPPORT FOR ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

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

● Mr. SEIBERLING. Mr. Speaker, Tuesday the Committee on Interior and Insular Affairs commenced markup of H.R. 39, the Alaska National Interest Lands Conservation Act, as reported by the Subcommittee on General Oversight and Alaska Lands.

Throughout the 1st session of this 95th Congress, and extending through the subcommittee markup, this measure attracted a great deal of public support from people in every part of the country, and from many of our leading newspapers. I have already included many of these editorials and articles in the RECORD. I was particularly gratified by the strong support for this crucial conservation legislation which came from the Akron Beacon Journal, as expressed in its well-reasoned editorial of September 6, 1977.

The editorial points out that as Alaska becomes more accessible to "the Lower 48," more and more Americans will travel there to experience its wild, spectacular beauty. It goes on to say:

When that time comes, when a trip to Alaska is undertaken with no more difficulty or hesitation than a trip to Yellowstone or the Grand Canyon, Americans won't want to discover that many of the magnificent

sights have been despoiled by greedy people concerned only with quick personal or corporate profits.

In that regard, Alaska's greatest riches must be thought of as national possessions, which should be surrendered to the state's developers and businessmen only for the most compelling reasons.

Land set aside as a federal wilderness area now can always be tapped in the future for its mineral treasures if the need develops. But once exploited, it can never again be returned to the splendor and grandeur of its original state.

Mr. Speaker, the full text of the Beacon Journal editorial follows these remarks:

ALASKA'S RICHES ARE ITS "BURDENS"

"ALASKA," says its governor, Jay Hammond, "has always been a land burdened by her own riches." The burden is becoming much heavier these days.

The riches Hammond had in mind fall into two categories: mineral treasures and visual treasures. Each exists in abundance, because many parts of the state have yet to be traversed or corrupted by man.

Most Americans would like to make maximum use of both the state's chief assets. But, as Hammond obviously had in mind, that is not easily accomplished.

To mine the copper, to tap the molybdenum deposits, to generate hydroelectric power, to harvest the timber, it is necessary to alter the landscope.

Alaska is so large (365 million acres, nearly 14 times the size of Ohio) that it ought to be able to accommodate both those who want to develop the state and those who want to preserve its natural wonders. The problem is to achieve an agreement on what areas are suitable for exploitation and what should be off-limits.

Congress is now trying to decide where to draw the lines. Much of the state, whose land was purchased by the United States from Russia in 1867 for $7.2 million, still lies in federal hands. The House Interior subcommittee on oversight and Alaskan lands, chaired by Rep. John Seiberling (D-Akron), is considering legislation to designate what lands will remain in protective custody under federal management and off-limits to intensive mineral or commercial development.

Not surprisingly, private business interests, as well as many of the state's political and union leaders, prefer to keep the door open as wide as possible for future development of resources. They would rather see as little as 25 million acres placed under federal stewardship now, with another 57 million acres set aside for disposition later.

Arrayed against them are the conservationists, whose allies include Seiberling and Rep. Morris Udall (D-Ariz.), Interior Committee chairman. The two congressmen are sponsors of a bill that would withdraw 115 million acres—spread throughout the state—from development and keep the land in its wilderness state.

Under terms of a 1971 law, Congress set a deadline of December 1978 for determining those areas of the state to be preserved as parks and protected land. Congress asked the interior secretary to recommend up to 80 million acres—an area about the size of New York, New Jersey and all of New England—to be set aside. The specific recommendations are due later this month.

Without an intimate knowledge of Alaska, it is impossible from this vantage point to make an informed judgment about how much land should be withheld, and where. But we do believe that several key considerations should guide Congress in its work on the measure:

Alaska ought to have enough land flexibility to develop a strong local economy and become less dependent upon the federal government. However, to a large extent, that has already been assured for many years to come.

Under terms of the 1959 statehood act Alaska was given the right to select 104.5 million acres to do with as it wishes. Alaskan natives—Eskimos, Aleuts and Indians—were given the chance to choose an additional 44 million acres to manage as they please. Combined, that means that Alaskans will be able to exercise unlimited rights to develop an area more than five times Ohio's size without federal interference.

That becomes even more impressive when you consider that Alaska's current population is but about 400,000, compared with Summit County's 535,300.

Because many areas that the state and natives are choosing are those that have the most development potential, it is difficult to accept the arguments of some opponents of the Udall-Seiberling bill that the state is being short-changed. Many areas scheduled for protection reportedly would be the most difficult and least economical to extract timber and minerals from.

The huge federal holdings ought not to preclude any form of travel through those areas or access to neighboring state and native lands. Technically speaking, federal wilderness lands are supposed to be virtually off-limits to everyone, even natives hunting for game to feed their families. That interpretation should be relaxed as it applies to Alaska. Seiberling has said it will be.

Where national shortages exist of certain minerals that can be recovered economically from federally protected Alaskan lands, procedures ought to be available to unlock those lands for limited exploration. Seiberling says he favors such a provision.

As Alaska becomes more accessible to those of us in the "Lower 48," many Americans will travel to the nation's last frontier to experience for themselves what Seiberling describes as the "most beautiful place in the world . . . probably the only place in North America where you can see the land as it came to us from the hands of the Creator."

When that time comes, when a trip to Alaska is undertaken with no more difficulty or hesitation than a trip to Yellowstone or the Grand Canyon, Americans won't want to be disappointed. They won't want to discover that many of the magnificent sights have been despoiled by greedy people concerned only with quick personal or corporate profits.

In that regard, Alaska's greatest riches must be thought of as national possessions, which should be surrendered to the state's developers and businessmen only for the most compelling reasons.

Land set aside as a federal wilderness area now can always be tapped in the future for its mineral treasures if the need develops. But once exploited, it can never again be returned to the splendor and grandeur of its original state.●

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. HAGEDORN) to revise and extend their remarks and include extraneous material:)

Mr. MITCHELL of New York, for 15 minutes, March 3, 1978.

Mr. BUCHANAN, for 5 minutes, today.

Mr. DERWINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. CORNWELL) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WOLFF, for 10 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. DIGGS, for 10 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 10 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HAGEDORN) and to include extraneous material:)

Mr. COUGHLIN.

Mr. FINDLEY.

Mr. DERWINSKI in two instances.

Mr. MOORE.

Mr. LAGOMARSINO in three instances.

Mr. SYMMS in two instances.

(The following Members (at the request of Mr. CORNWELL) and to include extraneous material:)

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. HUBBARD.

Mr. WOLFF in two instances.

Mr. HIGHTOWER.

Mr. WRIGHT.

Mr. HAMILTON.

Mr. MCDONALD in three instances.

Mr. ROE.

Mr. FARY.

Mr. EILBERG.

Mr. CONYERS.

Mr. HAWKINS.

Mr. BRODHEAD.

Mr. SIMON in four instances.

Mr. VAN DEERLIN.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9851. An act to amend the Federal Aviation Act of 1958 to improve cargo air service

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on February 28, 1978, present to the President, for his approval, bills of the House of the following titles:

H.R. 8638. To provide for more efficient and effective control over the proliferation of nuclear explosive capability; and

H.R. 10368. To amend the Federal Aviation Act of 1958 relating to eligibility for registration of aircraft.

ADJOURNMENT

Mr. CORNWELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 20 minutes p.m.) the

House adjourned until tomorrow, Friday, March 3, 1978, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3430. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate, and under the German Offset Agreement for the quarter ended December 31, 1977, pursuant to section 819 of Public Law 95–111; to the Committee on Appropriations.

3431. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of aluminum oxide crude from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3432. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of asbestos chrysotile from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3433. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3434. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of castor oil-sebacic acid from the national stockpile; to the Committee on Armed Services.

3435. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of diamond dies from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3436. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3437. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of iodine from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3438. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of mica, muscovite film from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3439. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of silver from the national stockpile; to the Committee on Armed Services.

3440. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of tin from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

3441. A letter from the Secretary of the Treasury and the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting the fourth annual report on fiscal and budgetary information and controls, pursuant to section 202(f) of the Legislative Reorganization Act of 1970, as amended (88 Stat. 328); to the Committee on Government Operations.

3442. A letter from the Deputy Secretary of Defense, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1977, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3443. A letter from the Director, Community Services Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1977, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3444. A letter from the Administrator, National Credit Union Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1977, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3445. A letter from the Acting Director, Selective Service System, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1977, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3446. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

3447. A letter from the Comptroller General of the United States, transmitting a report on the implementation of the Indian Self-Determination Act (HRD–78–59, March 1, 1978; jointly, to the Committees on Government Operations, Education and Labor, and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 11245. A bill to improve the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes; to the Select Committee on Intelligence.

By Mr. BURKE of Massachusetts (for himself, Mr. ANDERSON of California, Mr. CORRADA, Mr. DICKS, Mr. FRASER, Mr. KREBS, Mrs. MEYNER, Mr. MILLER of California, Mr. MINISH, Mr. OBERSTAR, Mr. QUILLEN, Mr. STEED, Mr. VENTO, Mr. TRAXLER, Mr. MICHAEL O. MYERS, Mr. DOWNEY, Mr. RAHALL, Mr. RYAN, Mr. JENRETTE, and Mr. HARSHA):

H.R. 11246. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 11247. A bill to provide for the establishment of a board which will establish and administer agricultural production and marketing programs, and for other purposes; jointly, to the Committees on Agriculture, International Relations, Interstate and Foreign Commerce, and Ways and Means.

By Mr. DE LA GARZA:

H.R. 11248. A bill to impose quotas on the importation of beef, including processed beef and beef quantities in the form of live cattle, when the domestic market price of cattle is less than 110 percent of parity and to impose custom duties on such articles when the domestic market price of cattle is less than 80 percent of parity; to the Committee on Ways and Means.

By Mr. HAGEDORN:

H.R. 11249. A bill to amend the Internal Revenue Act of 1954 to allow an individual to take a deduction for charitable contributions whether or not such individual itemizes his or her deductions; to the Committee on Ways and Means.

By Mr. HIGHTOWER:

H.R. 11250. A bill to amend the Farm Labor Contractor Registration Act of 1963, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. HUGHES (for himself and Mr DOWNEY):

H.R. 11251. A bill to amend the Tariff Schedules of the United States by repealing item 807 of schedule 8, part 1, subpart B; to the Committee on Ways and Means.

By Mr. KINDNESS (for himself, Mr. BUTLER, Mr. DEL CLAWSON, Mr. COCHRAN of Mississippi, Mr. COLLINS of Texas, Mr. DEVINE, Mr. DICKINSON, Mr. EDWARDS of Oklahoma, Mr. GOODLING, Mr. GRASSLEY, Mr. GUYER, Mrs. HOLT, Mr. HYDE, Mr. KELLY, Mr. KETCHUM, Mr. LATTA, Mr. MARRIOTT, Mr. MCDONALD, Mr. MICHEL, Mr. MOORHEAD of California, Mr. ROUSSELOT, Mr. RUDD, Mr. SEBELIUS, Mr. SYMMS, and Mr. YOUNG of Florida):

H.R. 11252. A bill to amend section 6(d)(1) of the Food Stamp Act of 1977, and for other purposes; to the Committee on Agriculture.

By Mr. LEHMAN:

H.R. 11253. A bill to amend title 13, United States Code, to provide for the review of Federal authority for the collection of statistical information, to require certain information to be included in committee reports accompanying legislation in which there is provided Federal authority for the collection of information, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (for himself Ms. HOLTZMAN, Ms. MIKULSKI, Mr. HOLLAND, Mr. SOLARZ, Mr. AMMERMAN, Mrs. SMITH of Nebraska, Mr. GLICKMAN, and Mr. MOORE):

H.R. 11254. A bill to amend title 38, United States Code, to improve the pension programs for veterans, and survivors of veterans, of the Mexican border period, World War I, World War II, the Korean conflict, and the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NICHOLS (for himself, Mr. ABDNOR, Mr. BALDUS, Mr. BEVILL, Mr. CAVANAUGH, Mr. CHAPPELL, Mr. CORRADA, Mr. DAN DANIEL, Mr. EILBERG, Mr. FITHIAN, Mr. GONZALEZ, Mr. LAGOMARSINO, Mr. LENT, Mr. LLOYD of Tennessee, Mr. LOTT, Mr. MANN, Ms. MIKULSKI, Mr. MITCHELL of New York, Mr. RANGEL, Mr. ROE, Mr. RONCALIO, Mr. SOLARZ, and Mr. WHITEHURST):

H.R. 11255. A bill to amend title 10, United States Code, to grant survivors of Reserves who retire for nonregular service and die before becoming entitled to retired pay eligibility for certain survivor benefits; to the Committee on Armed Services.

By Mr. ST GERMAIN (for himself and Mr. REUSS):

H.R. 11256. A bill to expand and facilitate urban lending investment by Federal savings and loan associations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING:

H.R. 11257. A bill to amend title 39, United States Code to permit individuals to return congressional questionnaires, and to mail Federal income tax returns, free of postage; to the Committee on Post Office and Civil Service.

H.R. 11258. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer may, with respect to any pollution control facility used in connection with a plant or other property in operation before January 1, 1969, elect a 12-month amortization of such facility or a 20 percent investment tax credit; to the Committee on Ways and Means.

By Mr. SIMON (for himself and Mr. FRASER):

H.R. 11259. A bill to extend and modify the WIC program; jointly, to the Committees on Agriculture, and Education and Labor.

By Mr. SYMMS:

H.R. 11260. A bill to remove all acreage limitations and residency requirements from lands eligible to receive irrigation water under the Federal reclamation laws, to grant irrigation districts the right to impose such limitations and requirements, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SYMMS (for himself and Mr. YOUNG of Florida):

H.R. 11261. A bill to expand the medical freedom of choice of consumers by amending the Federal Food, Drug, and Cosmetic Act to provide that drugs will be regulated under that act solely to assure their safety; to the Committee on Interstate and Foreign Commerce.

By Mr. THORNTON:

H.R. 11262. A bill to provide price and income protection for agricultural producers by assuring such producers a price for their agricultural commodities of not less than the cost of producing such commodities; to assure consumers an adequate supply of food and fiber at reasonable prices; and for other purposes; to the Committee on Agriculture.

By Mr. CHARLES H. WILSON of California (for himself, Mr. GUYER, Mr. HANSEN, Mrs. LLOYD of Tennessee, Mr. MATHIS, Mr. MCDONALD, and Mr. SPENCE):

H.R. 11263. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that any individual may elect (on an annual basis) to contribute to a private retirement plan rather than participating in the social security program; to the Committee on Ways and Means.

By Mr. WYDLER (for himself and Mr. STOCKMAN):

H.R. 11264. A bill to amend section 112 of title 28 of the United States Code to divide the eastern judicial district of New York into two divisions; to the Committee on the Judiciary.

By Mr. MCCORMACK:

H.J. Res. 772. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN (for himself, Mr. CLEVELAND, Mr. D'AMOURS, and Mr. MOAKLEY):

H. Res. 1054. Resolution expressing the sense of the House with respect to a reorganization of the Internal Revenue Service; to the Committee on Ways and Means.

SENATE—*Thursday, March 2, 1978*

(Legislative day of Monday, February 6, 1978)

The Senate met at 9 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. JOHN C. STENNIS, a Senator from the State of Mississippi.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Creator and our Father, who hast given unto us the gift of life and brought us to the beginning of a new day, bless us as we undertake the tasks of this day. Help us always to remember that we labor not for ourselves but for our country and Thy kingdom. At our work make us diligent workmen who need not be ashamed. In our dealing with one another keep us ever courteous, kindly, and magnanimous. In dealing with ourselves keep us honest and pure in thought and word and deed. In our homes keep us loving, considerate, and loyal. In our prayers help us to be sincere and trustful. At evening may we feel the embrace of Thy everlasting arms and be at peace with Thee; through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 2, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN C. STENNIS, a Senator from the State of Mississippi, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. STENNIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. All right, let us have the Senate in order, please.

The Senator from West Virginia is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, March 1, 1978, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

What is the pleasure of the Senate? Under the previous order, the Senator from Arkansas (Mr. BUMPERS) was to be recognized for 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, we are trying to resolve the situation.

The ACTING PRESIDENT pro tempore. All right. The Chair suggests the absence of a quorum. Call the roll, please, Mr. Clerk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the first two special orders be reversed, and that the Senator from Arizona (Mr. GOLDWATER) be recognized.

The ACTING PRESIDENT pro tempore. Very well. I withdraw the request. Under the previous order, the Senator from Arizona (Mr. GOLDWATER) is recognized, as in legislative session, for not to exceed 15 minutes.

NECESSITY FOR IMPLEMENTING LEGISLATION BY BOTH HOUSES OF CONGRESS TO TRANSFER THE PANAMA CANAL

Mr. GOLDWATER. Mr. President, last Thursday I addressed myself to a very basic constitutional question: Whether we should even be here deliberating on the Panama Canal treaties without providing in those treaties that they shall be subject to enabling legislation by both Houses of Congress. As yet I have not heard or seen any challenge to the points made in my statement.

This is a subject which should be raised over and over in the Senate, however, because due consideration has certainly not been given to it up to now. Therefore, as a supplement to my original speech, I will add further specific reason today why I believe the Senate Foreign Relations Committee has not considered the subject thoroughly enough in its report.

As exhibit 1, I point to the sloppy list of so-called precedents which the State Department has prepared for the committee, and which the committee has seen fit to include in its report. This list is claimed to demonstrate that self-executing treaty agreements that have become effective without the further action of Congress have been ratified in the past to dispose of U.S. property.

Yet this list is so carelessly tossed together that three of the nine treaties with foreign countries included in the list contain specific language requiring implementing authority from Congress before any transfer of lands will occur. These are the three Mexican boundary treaties cited in the State Department list. In addition, a fourth treaty on the list, the 1955 treaty with Panama, was recognized by the State Department it-