November 13, 1979

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MATSUMAGA, Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to, and at 6:16 p.m., the Senate recessed until tomorrow, November 14, 1979, at 9:30 a.m.

CONGRESSIONAL RECORD—HOUSE

p.32129

NOMINATIONS

Executive nominations received by the Senate November 13, 1979:

DEPARTMENT OF TRANSPORTATION

Theodore Compton Lutz, of Virginia, to be Urban Mass Transportation Administrator, vice Richard Stephen Page, resigned.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Iraine Green Barns, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice W. Byron Sorrell, retired.

HOUSE OF REPRESENTATIVES—Tuesday, November 13, 1979

The House met at 12 o'clock noon. The Speaker, Rev. James David Ford, D.D., offered the following prayer:

Let not your hearts be troubled, neither let them be afraid.—John 15: 27b.

Gracious Lord, out of the depths of our hearts we call upon You to hear our prayers and support us with Your spirit. By ourselves we are fearful and realize our limitations. Yet, O Lord, You can calm our anxiety and apprehension and give us assurance for the future. Where we are fainthearted, give us Your strength, and where we are troubled, remind us of Your eternal promise that You are with us and will sustain us now and evermore, even to the ends of the world. In Your name, we pray. Amen.

THE JOURNAL

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

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 69. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 18, 1979, as "National Family Week."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 239) entitled "An act to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, to amend such act to facilitate the improvement of programs carried out thereunder, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) entitled "An act to establish an administratively sound basis for financing retirement benefits for police officers, fire fighters, teachers, and judges of the District of Columbia; to make certain changes in such benefits."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1319) entitled "An act to authorize certain construction at military installations, and for other purposes."

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

H.R. 5350. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5359) entitled "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEWART, Mr. MAGNUSON, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. BAYH, Mr. YOUNG, Mr. STEVENS, Mr. SCHWEIKER, Mr. BILLINGS, Mr. WIECKE, and Mr. GARN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4930) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes," and that the Senate agrees to the House amendments to the Senate amendments numbered 1, 3, 17, 24, 30, 37, 38, 40, 48, 49, 50, 51, 52, 53, 56, 58, 59, 67, 74, 91, 94, 107, 108, and 109 to the foregoing bill.

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

S. 916. An act to amend the Act of September 30, 1960 (Public Law 874, 86th Congress) to provide education programs for Native Hawaiians, and for other purposes.

AMERICA CANNOT BE BLACKMAILED WITH OIL

(Mr. WRIGHT asked and was given permission to add an address for 1 minute and to revise and extend his remarks and include extraneous matter.) Mr. WRIGHT. Mr. Speaker, the President has done the right thing in discontinuing the purchase of any Iranian oil. This action should make it clear to Iran and every other country that the United States will not be blackmailed because of our dependence upon their oil. This should help erase from their minds any image of the United States as a helpless oil junkie who can be humiliated because of that addiction.

Perhaps now they will begin to understand that we value American blood far more than we value their oil—and that even more than the sanctity of self-respect. They will fully understand this of course when we have finished doing the things we have begun to make this Nation energy independent once more.

The Congress has an excellent record so far this year on energy initiatives. I include at this point in the Record a current status report on major energy legislation.

ENERGY LEGISLATION—STATUS OF MAJOR PENDING PROPOSALS

Windfall Profits Tax.—The House passed a nearly 80 percent windfall profits tax on newly decontrolled oil in June and is awaiting full Senate action on the legislation.

Synthetic Energy Assistance.—The House adopted an urgent, separate supplemental appropriation of $1.35 billion for fiscal 1980 for low-income energy assistance to be channeled to the needy by both the federal and state governments. This money would be added to $230 million previously appropriated for this purpose. The Senate has approved $1.2 billion for such assistance in its version of the Interior Appropriations bill.

Synthetic Fuels.—The House has approved both authorizing legislation and a $1.5 billion appropriation for synthetic fuels development in the Interior Appropriations bill. The

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.
Energy Development and Application is work of the two subcommittees which deal with energy synthetics, gasohol, solar bank, and geothermal research. 

Department of Transportation.—DOT approved bill for 1980 is a measure containing positive steps to improve the national energy picture. The House-approved bill includes funds for additional urban and suburban mass transportation, engine and fuel research projects, urban formula grants, and important additional assistance for railroads and utilities. The Senate has passed its version last week, and a conference was convened November 5th.

Energy Mobilization Board.—After a spirited battle over two competing versions sponsored by leaders of the Commerce and Banking Committees, the House last week passed legislation to create a federal board to cut through red tape which causes delays in delivery of home heating oil, gas, and coal to consumers. The Senate has passed its version of this legislation, and a conference between the two bodies is expected soon.

Solar Energy.—The House Banking Committee has favorably reported H.R. 605, legislation which increases the appropriation for Research and Development to provide long-term, commercial and residential, low-interest loans for purchase and installation of solar energy equipment. The House Science Subcommittee on Energy Development and Application is working on legislation to further promote solar research.

The President has already signed into law the Energy and Water Appropriations bill, which includes $620.8 million for solar energy development and $19 billion for fiscal year 1980.

Conservation.—The House Commerce Subcommittee on Energy and Power is working on a package of proposals to promote industrial, commercial and residential energy conservation and to provide for reimbursements for part of the cost of installing energy conservation items in rental and owner-occupied homes. The House Banking Committee has reported legislation to provide subsidized energy conservation loans.

Senate Approach.—The Senate Energy Committee has reported favorably an omnibus energy bill which includes conservation, synthetics, gasohol, low road, mar, and geographical research, affecting all matters which involve the jurisdictions of several different House subcommittees which deal with energy legislation. Senate and House leaders are working on a procedure to handle the versions of the two bodies.

APPOINTMENT OF CONFERENCE ON H.R. 8359, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1980

Mr. ADDAABO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8359) making appropriations for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes, with Senate amendments thereto, disposing agree to the Senate amendments, and agree to the conference asked by the Senate.

The Speaker. Is there objection to the request of the gentleman from New York? 

Mr. ADDAABO. The request is agreed to.

The Speaker. The following conferees: Messrs. ADDAABO, FLOOD, GIALNO, CHAFFELL, BURLISON, MURTHA, WHITTEN, EDWARDS, ALBANY, ROBINSON, KEMP, and CONTE.

QUESTIONNAIRE ON TELEVISION COVERAGE OF HOUSE PROCEEDINGS

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

Mr. ROSE. Mr. Speaker, in March of this year the House began televising its floor proceedings. The proceedings of this body now go across this entire country to some 500 cable television stations reaching into millions of homes so that the American public can view the House proceedings as we conduct them here on the floor of the House.

I have sent to my colleagues' offices today a questionnaire asking certain questions to you as Members of this House as to how you personally perceive the effect this television system has had on your ability to do your job. I would be grateful if you would return that questionnaires to me as soon as you can, and call me if you would like to personally discuss the future of the House television system from a suggestion point of view.

PRESIDENT CARTER'S FORCEFUL ACTION ON AMERICAN HOSTAGES HELD BY IRAN

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

Mr. STRATTON. Mr. Speaker, I want to express my hearty endorsement of the President's forceful action taken yesterday by President Carter in ordering an immediate cutoff of Iranian oil imports to the United States, a measure which he has approved and which will receive the strong support of the hostages in Iran and the American people are ready to live with.

This is the second forceful action within a week President Carter has taken to deal with this situation. Earlier he followed suggestions made by many Americans that we should begin the deportation of Iranian students in this country, at least those who are here illegally and are in violation of American laws and hospitality.

I would expect that before the matter is resolved the President may take still further steps to put the squeeze on Iran and indicate the grave concern which the American people have for these outrageous, irrational, and totally illegal actions taken by the Iranian authorities. Not since the Japanese attack on Pearl Harbor unified a deeply divided America. Mr. Speaker, have I seen the American people so aroused and so unified in their determination that we respond forcefully to the Iranian actions against innocent American hostages. When I had the opportunity to announce the President's decision at a Veterans' Day Luncheon in Albany, N.Y., I think I said to report that the President's decision was greeted with tremendous applause and tremendous support.

Until now the American people have fought violently against any action that might interfere with their constitutional right to drive their automobiles as long and as far as they wish. But the Ayatollah Khomeini has done what no other American leader has been able to do; namely, to convince Americans to give up some of their gasoline in order to speed the release of these hostages. Already it appears that the President's forceful action is getting results.

Mr. Speaker, I commend the President for what is clearly firm leadership in this crisis, and in speeding the day when these hostages will be released. We have perhaps also speeded the day when we can find a satisfactory solution to our nagging energy crisis.

SUPPORT FOR PRESIDENT CARTER'S DECISION TO STOP IMPORTATION OF IRANIAN OIL

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

Mr. VOLKMER. Mr. Speaker, I want to express my support for President Carter's decision to stop importation of Iranian oil. It is imperative that the United States show Iran that we will not be blackmailed. American lives are much more important than the oil Iran has to offer. I plan to conserve on my personal fuel use immediately, and I call on all Americans to do the same. With just minor conservation efforts by all Americans we can get by without the Iranian oil.

I want to also take just a moment to thank Americans and especially students all over the United States for their strong support of the hostages in Iran and I would hope this nonviolent approach will be viewed by the world as a sign that the United States is committed to their people. I believe the American people are ready to live without Iranian oil for the United States has not been blackmailed by any country when American lives are at stake.

NUCLEAR POWER TO REPLACE IRANIAN OIL

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

Mr. MCCORMACK. Mr. Speaker, I, too, commend the President for his strong action in cutting off the importation of Iranian oil from Iran. America has united behind the President on this matter.

In that respect, Mr. Speaker, the Sub-
committee on Energy Research and Production of the Science and Technology Committee will conduct a hearing tomorrow at 9 a.m. on the progress of improvements made in our nuclear powerplants as a result of the lessons learned from the Three Mile Island accident.

Dr. John G. Kemery, Chairman of the President’s Commission on the Three Mile Island, Dr. Chas. P. Smith, Joseph Hendrie, Chairman of the Nuclear Regulatory Commission, Dr. Floyd Culler, president of the Electric Power Research Institute, Dr. Floyd Lewis, Chairman of Mid-South Utilities, will all testify before the subcommittee.

Members of the House, and the public in general, will be interested to know that the 15 nuclear plants that are not yet on line, but which can be on line by the end of 1980, will produce the electric energy equivalent of about 500,000 barrels of oil a day, about two-thirds of the amount of oil we have been importing from Iran.

A rational, positive U.S. energy plan, which will earn the respect of the world, will, of course, emphasize bringing these plants on line in an expeditious and orderly manner.

PEACEFUL DEMONSTRATIONS AGAINST IRAN BY AMERICAN STUDENTS SHOULD MAKE US PROUD.

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

Mr. LATTA. Mr. Speaker, watching our college students demonstrating for their country and for the release of the Americans being held hostage in Tehran should make every American proud. No one had to tell them that another unjustifiable atack on blackmail was being made against their country and that we had had enough. No one had to remind them that the United States of America is made up of a civilized and humanitarian people who have a long and a cherished history of coming to the aid of friend and foe alike in times of absolute need and that we, and no one else, will determine our role in the world.

Their demonstrations have been sincere, spontaneous, effective, and restrained. Their activities have certainly had an influence on the President and have encouraged him to take action in this matter.

Our students have not had to resort to a taking of hostages to get their point across, and I urge the college students in Tehran to ponder this fact.

PRESIDENT CARTER’S ACTION NOT TOUGH ENOUGH

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

Mr. ASHBROOK. Mr. Speaker, I would honestly like to get up this afternoon and list, in legislative language, a chorus of praise for President Carter but unfortunately, I cannot. The President and his advisers have come up a day late and a dollar short in their handling of the Iranian crisis. Last week, when many of us publicly called for an embargo of Iranian oil, we did so in an effort to take a strong diplomatic stand against the tactics of the Ayatollah Khomeini. We wanted to show those radicals that we were indeed capable of standing up to our enemies in the face of an irrational and immoral terrorist attack. Unfortunately, Mr. Carter waited too long before deciding to exercise some leadership. The ayatollah had already decided to play his oil card and the threat and has been rendered meaningless. We are no better off today than we were last week—and more importantly—some 60 Americans are still being held hostage by the terrorists in Tehran.

The problem now is the same problem we had in January 1977 and the same as it has been for the last 5 years—the advisers who surround the President. With the likes of Andy Young, who for years has been spewing anti-American statements, it is little wonder we would face this type of damage.

Any good poker player knows that you can bluff for so long before everybody in the game begins to catch on. That is exactly what has happened in this crisis. The Iranian Government realizes that the White House is incapable of handling a crisis and they intend to continue slapping the sleeping giant in the face. We will continue to get nowhere until Mr. Carter and his State Department advisers decide to get tough with the terrorists.

The Iranian Government, by issuing its supply cuts of oil, the radicals, by the same token, students, has effectively lost its right to diplomatic immunity. Adolf Hitler, on his worst day, never violated the sanctity of an American. Our President should immediately sever diplomatic relations with the Government of Iran. Those Khomeini sympathizers in the United States should be told today that they have 30 days to leave the country voluntarily before they are forcefully expelled. Maybe then, the Ayatollah will understand that we are ready to get down to business.

Too many American lives are at stake to consider strong-arm tactics at this time but I am confident that if this Government takes a strong diplomatic stance against an in-born dictator in Iran, the terrorists will realize that we may be able to peacefully bring about an end to this crisis.

Mr. Speaker, Americans of all political ideologies are up in arms over this tragedy. For the first time in a long time, pro-American demonstrations are being organized on the campuses of colleges and universities. Constituents in my district are initiating petition drives, urging Mr. Carter to get tough. It is clear that Americans want some action. Let us give it to them.

1210

UNITED STATES MUST NOT BOW TO AYATOLLAH KHOMEINI’S PERSONAL VENDETTA

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

Mr. LIVINGSTON. Mr. Speaker, last week I wrote the President, urging him to take firm action with regard to Iran. I suggested deportation of Iranian students, expulsion of the Iranian Embassy, and termination of all trade relationships with Iran, pending the release of the Americans held in our Embassy in Tehran.

Today I want to reiterate my strong feeling that we must not bow to the personal vendetta of a fanatic who has directed a calculated affront against the people of the United States. The safety of our people being held hostage must be our first concern, but we must also give clear notice to the Ayatollah Khomeini that we intend to deal with him firmly.

I understand that the United States is now lending Iran $1.2 billion a year to buy food from this country. The President has taken the right step in cutting oil imports from Iran. As further evidence of our national resolve, I believe that we should stop all programs enabling Iran to purchase foodstuffs from this country until they demonstrate that they are prepared to live in peace with our people. We must protect the security of our Embassies and our citizens abroad, and we must demonstrate that we will not permit others to take advantage of our generosity.
countries of the world, particularly our Allies in Europe, to stop imports of Iranian oil into their countries until the hostages are released and our Embassy returned to the control of American officials.

The world must band together against this outlaw action, or it shall endure repeats of this terrible situation again and again.

IRANIAN OIL

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

Mr. GILMAN. Mr. Speaker, yesterday President Carter halted U.S. purchases of Iranian oil, a move which we all applaud. While some say this is a symbolic gesture, and may not bring about the immediate release of the American hostages, it does demonstrate that the American people are unified and resolute in opposing terrorism, blackmail and oil-barrel diplomacy.

As I did last week, I am again urging the President to take this boycott one step further. In negotiating with America's allies, urging them to join in and expand our boycott of Iranian oil. The President should also take whatever steps are necessary to end all U.S. military and economic assistance to that nation.

For this boycott to be effective, it is necessary that the President have the full dedication and support of the American public. I urge each and every citizen and our State and local governments to take the necessary steps to conserve fuel. In this time of crisis we must all pull together to demonstrate our Nation's resolve and fortitude.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET WEDNESDAY, NOVEMBER 14, 1979, AT 9:30 A.M.

Mr. Mccormack. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research and Production be permitted to meet tomorrow morning, Wednesday, November 14, 1979, at 9:30 a.m., in spite of the fact that the House may be in session part of that time.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., November 9, 1979.

Hon. Thomas P. O'Neill, Jr.
The Speaker, House of Representatives,
Washington, D.C.

Messrs. Studds: I have the honor to transmit herewith a sealed envelope from the

SECURITY ASSISTANCE TO CARIBBEAN AND CENTRAL AMERICAN COUNTRIES, TOGETHER WITH PROPOSED LEGISLATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 96-224)

The SPEAKER laid before the House the following message from the President of the United States:

To the Congress of the United States:

Many of our neighbors in Central America and the Caribbean are in crisis—crisis marked by economic problems, terrorism, and popular frustration. The resolution of these problems in ways that will preserve the independence and security of these countries, while expanding democracy and supporting human rights, is very much in the national interest of the United States.

Prompt and effective U.S. assistance is vital.

Nicaragua's economy has been crushed by bitter and prolonged strife. We have been asked to help, and we are doing so. But more is needed to restore public confidence, private initiatives, and popular well-being.

The Governments in El Salvador and Honduras have pledged democracy and moderation. These and other Central American countries are embarked on accelerated development efforts of direct benefit to the poor. Assistance in these efforts is essential in creating the conditions under which democratic institutions can grow and thrive.

The countries of the Eastern Caribbean are young and struggling democracies. They need help now for nation-building and for economic development.

I am therefore today proposing action to expand our support for development and security in Central America and the Caribbean. This will augment our existing development and security assistance programs in these regions, which in turn will complement the contributions of several other governments and international agencies.

I have directed that, subject to normal congressional notification procedures, funds be reprogrammed for use in Central America and the Caribbean. These include:

$5 million from the fiscal year 1980

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

At all motions to suspend the rules have been entertained and debated and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

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

TITLES

Sec. 101. That, in order to preserve and protect the site of the first military training camp established in the United States, known as the Legionville National Historic Site, located in Providence Township, adjacent to Baden Borough, Beaver County, Pennsylvania, for the benefit of present and future generations, the Secretary of the Interior may acquire by donation, purchase, or exchange with donating or appropriated funds the area containing approximately twenty-two acres bounded on the south by the ravine of Legionville Run, on the east by Duss Avenue, on the north by Logan Lane and on the west by Route 65, a railroad and the Ohio River in that order.

Sec. 102. Any property acquired under section 101 of this Act shall be administered by the Secretary, setting through the National Park Service, in connection with this section, and provided the acquisition will be in the best interests of the area and protection of law generally applicable to units of the National Park System, including the Act approved August 25, 1916 (18 U.S.C. 1 et seq.), the Act approved August 21, 1935. The Secretary shall enter into cooperative agreements with other qualified public or private bodies for the management, development and interpretation, in whole or in part, of the property so acquired.

Sec. 103. This site shall be established as the Legionville National Historic Site only after (1) sufficient land and improvements for the purposes of this Act have been acquired, and (2) the cooperative agreements have been executed with qualified agencies.

Sec. 104. Effective October 1, 1980, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

TITLE II

Sec. 201. The Act entitled "An Act to authorize the Secretary of the Interior to establish the Valley Forge National Historic Park in the Commonwealth of Pennsylvania, and for other purposes," approved July 4, 1976 (90 Stat. 991), is amended by changing section 2(a) by changing "dated February 1976," and numbered VF-91,000," to "dated June 1976, VF-91,000," and in section 4 by adding the following sentence at the end thereof:

"In furtherance of the purposes of this Act, the Secretary is authorized to provide technical assistance to public and private nonprofit entities in qualifying for appropriate historical designation and for such grants, other financial assistance, and other forms of aid as are available under Federal, State or local law for the protection, rehabilitation, or preservation of properties or sites in the vicinity of the park which are historically related to the Valley Forge area."

Sec. 202. Amendments to the Valley Forge National Historic Park, which was first authorized by Public Law 94-337, Subsequent to the establishment of the historical park, the National Park Service conducted a study of the boundary and the surrounding lands, and identified a number of properties which are available for addition to the area. Addition of these areas would permit the acquisition of scenic easements over some 149 acres to retain the character of the land surrounding the park, to provide for the temporary acquisition of some 482 acres which will improve the management of visitor use activities and protection of historic properties, and incorporate some 51.4 acres of State- and county-owned lands which would be acquired only by donation.

There has been concern expressed over the desirability of Congress taking action to recognize the Legionville site, since little remains of the structures which existed at the time of General Wayne's encampment. But the site can be the setting for interpreting an interesting aspect of our history to all Americans, as is the case with a number of other units of our national park system. I also urge my colleagues that this bill will require local or State commitment to participate in the administration of this area before the area can be established as a national historic site. For this reason, then, we can provide an opportunity to commemorate this era of our heritage.

Mr. Speaker, I urge my colleagues to join in support of this bill.

Mr. LAGOMARSINO. Mr. Speaker, the gentleman from California (Mr. PHILLIP BURTON), the chairman of the subcommittee has explained the bill very well. I just want to say that I rise in particular to support the section III of the bill, Valley Forge.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COVENY)."
I yield such time as he may consume to our distinction to extend park lands at the Legionville National Historic Site, from Pennsylvania (Mr. Atkinson).

Mr. ATKINSON. Mr. Speaker, I am pleased to be able to rise in support of H.R. 4308, a bill I introduced on June 5 this year. It is designed to establish the site of Legionville, Pa. As Members know, the need for this legislation has been increased by adding to the Legionville property a loan of federal land, now at the Valley Forge National Park. The Valley Forge Park extension was initially offered by my distinguished colleague, the gentleman from Pennsylvania's 13th District, and I fully agree with the gentleman's proposal.

Mr. Speaker, the Interior Committee report does an excellent job of describing the historical importance of the Legionville site, and I will not take Members' time more than to capitalize the important and unique series of events that occurred at this 23-acre site on the banks of the Ohio River in western Pennsylvania. An important Indian settlement, site of early trading and religious observances in the trans-Allegheny region, in 1792 Legionville became one of those few unique crossroads that mark the path of westward expansion of our Nation.

These bluffs overlooking the Ohio, downstream from the rough frontier settlement of Pittsburgh, Revolutionary War hero Gen. "Mad Anthony" Wayne brought together and trained the first regular Army units of the United States. "Wayne's Legion," organized by command of President George Washington, brought together men like William Henry Harrison, later President of the United States, William Clark, of the Lewis and Clark Expedition, and Zebulon Pike, who explored much of the Western United States, to be trained for the military campaigns of American history. In addition, the Anthony Wayne Memorial is a site of early trading, religious observances, and military campaigns of American history. It is an important and unique series of events that occurred at this 23-acre site on the banks of the Ohio River in western Pennsylvania.

The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fallslands, the historic building and property in Lower Providence north of the Schuylkill River. The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Mr. Speaker, the Interior Committee report does an excellent job of describing the historical importance of the Legionville site, and I will not take Members' time more than to capitalize the important and unique series of events that occurred at this 23-acre site on the banks of the Ohio River in western Pennsylvania. An important Indian settlement, site of early trading and religious observances in the trans-Allegheny region, in 1792 Legionville became one of those few unique crossroads that mark the path of westward expansion of our Nation.

These bluffs overlooking the Ohio, downstream from the rough frontier settlement of Pittsburgh, Revolutionary War hero Gen. "Mad Anthony" Wayne brought together and trained the first regular Army units of the United States. "Wayne's Legion," organized by command of President George Washington, brought together men like William Henry Harrison, later President of the United States, William Clark, of the Lewis and Clark Expedition, and Zebulon Pike, who explored much of the Western United States, to be trained for the military campaigns of American history. In addition, the Anthony Wayne Memorial is a site of early trading, religious observances, and military campaigns of American history. It is an important and unique series of events that occurred at this 23-acre site on the banks of the Ohio River in western Pennsylvania.

The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fallslands, the historic building and property in Lower Providence north of the Schuylkill River. The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fallslands, the historic building and property in Lower Providence north of the Schuylkill River. The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fallslands, the historic building and property in Lower Providence north of the Schuylkill River. The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fallslands, the historic building and property in Lower Providence north of the Schuylkill River. The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fallslands, the historic building and property in Lower Providence north of the Schuylkill River. The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Mr. Speaker, the Interior Committee report does an excellent job of describing the historical importance of the Legionville site, and I will not take Members' time more than to capitalize the important and unique series of events that occurred at this 23-acre site on the banks of the Ohio River in western Pennsylvania. An important Indian settlement, site of early trading and religious observances in the trans-Allegheny region, in 1792 Legionville became one of those few unique crossroads that mark the path of westward expansion of our Nation.

These bluffs overlooking the Ohio, downstream from the rough frontier settlement of Pittsburgh, Revolutionary War hero Gen. "Mad Anthony" Wayne brought together and trained the first regular Army units of the United States. "Wayne's Legion," organized by command of President George Washington, brought together men like William Henry Harrison, later President of the United States, William Clark, of the Lewis and Clark Expedition, and Zebulon Pike, who explored much of the Western United States, to be trained for the military campaigns of American history. In addition, the Anthony Wayne Memorial is a site of early trading, religious observances, and military campaigns of American history. It is an important and unique series of events that occurred at this 23-acre site on the banks of the Ohio River in western Pennsylvania.

The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fallslands, the historic building and property in Lower Providence north of the Schuylkill River. The 155-acre property is slated for development unless arrangements for Federal acquisition are completed. A 130-acre tract, next to the site, is scheduled for purchase or development by private individuals. There is the real danger that these tracts will be lost, unless the opportunity to purchase the land by the end of the year. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

I believe the body in front of bringing parks to people.

As Members know, some controversy arose in committee over the Legionville National Historic Site proposal to be important to Members: Its accessibility. Located within a short drive of Cleveland and Pittsburgh, it is within a day's drive from over half the Nation's people. The site was designed to provide these days of high fuel prices. By designating Legionville a National Historic Site, I believe this body is contributing to an important process of bringing parks to people.

As Members know, some controversy arose in committee over the Legionville National Historic Site proposal to be important to Members: Its accessibility. Located within a short drive of Cleveland and Pittsburgh, it is within a day's drive from over half the Nation's people. The site was designed to provide these days of high fuel prices. By designating Legionville a National Historic Site, I believe this body is contributing to an important process of bringing parks to people.

As Members know, some controversy arose in committee over the Legionville National Historic Site proposal to be important to Members: Its accessibility. Located within a short drive of Cleveland and Pittsburgh, it is within a day's drive from over half the Nation's people. The site was designed to provide these days of high fuel prices. By designating Legionville a National Historic Site, I believe this body is contributing to an important process of bringing parks to people.

As Members know, some controversy arose in committee over the Legionville National Historic Site proposal to be important to Members: Its accessibility. Located within a short drive of Cleveland and Pittsburgh, it is within a day's drive from over half the Nation's people. The site was designed to provide these days of high fuel prices. By designating Legionville a National Historic Site, I believe this body is contributing to an important process of bringing parks to people.

As Members know, some controversy arose in committee over the Legionville National Historic Site proposal to be important to Members: Its accessibility. Located within a short drive of Cleveland and Pittsburgh, it is within a day's drive from over half the Nation's people. The site was designed to provide these days of high fuel prices. By designating Legionville a National Historic Site, I believe this body is contributing to an important process of bringing parks to people.

As Members know, some controversy arose in committee over the Legionville National Historic Site proposal to be important to Members: Its accessibility. Located within a short drive of Cleveland and Pittsburgh, it is within a day's drive from over half the Nation's people. The site was designed to provide these days of high fuel prices. By designating Legionville a National Historic Site, I believe this body is contributing to an important process of bringing parks to people.

As Members know, some controversy arose in committee over the Legionville National Historic Site proposal to be important to Members: Its accessibility. Located within a short drive of Cleveland and Pittsburgh, it is within a day's drive from over half the Nation's people. The site was designed to provide these days of high fuel prices. By designating Legionville a National Historic Site, I believe this body is contributing to an important process of bringing parks to people.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

32135

creation of a new 22-acre unit of our national park system as the Legionville National Historic Site, also in Pennsylvania. Let me continue with the good news.

Valley Forge was a new unit of our national park system on July 1, 1976, appropriately on the occasion of our Nation’s 200th birthday. Prior to this time, the Valley Forge Park was owned and managed by the State of Pennsylvania. After the National Park Service took over the area, they were able to evaluate the current boundary of the park in view of their adequacy for their management needs, and with a particular awareness that adjacent suburban development was fast encroaching upon the park.

This evaluation led to the conclusion brought forth in the bill before us, advancing the urgent necessity of some further boundary additions. Most of the lands to be added will help protect the integrity of the current historical lands by buffering them from adverse adjacent development. The additions will also offer management opportunities to channel much of the current nonconforming recreational use within the park to more compatible locations and away from the area which is the focal point.

It is most important that the National Park Service keeps this issue in the forefront of all its planning and management efforts.

The committee, when it authorized this new area in 1976, saw this issue as one of very high concern—the segregation of recreational use from the prime parts of the historical resource, and the altogether eventual complete elimination of some aspects of recreational use.

Mr. Speaker, this ends my comments on the good news part of this bill—and now for the bad news.

Title I of this bill authorizes the establishment of a Legionville National Historic Site, also in Pennsylvania. This title would create a new unit of our national park system, a 22-acre site to commemorate the site of the first training camp established in Pennsylvania and associated with the endeavors of Gen. Anthony Wayne.

According to the professional study and recommendation by the National Park Service and the official administration position, the site has neither the integrity nor national significance to warrant a national park system designation. Indeed, a bill accomplishing essentially the same objective which was passed in the late hours of the last Congress, without going through the committee process, died in the House. Hardly ever is a park bill vetoed.

Current cost estimates to purchase this small 22-acre site are about $350,000, and development costs could add another $1,500,000 at a minimum.

This site is amid a quite developed industrial area and is bounded on its edges by factories, an interstate highway and a railroad, a shopping center, and residential development. Little discernable evidences of the historic activity to be commemorated are remaining on the site.

In full committee I offered an amendment which would have the effect of only authorizing Federal acquisition of the area, provided that it would be operated and maintained by someone else acceptable to the Interior under terms of a cooperative agreement. The area would not be designated as nationally significant and it would not become a part of the national park system. This amendment, which on a recorded vote was not adopted, was a compromise. In reality, the area deserves no Federal support at all of any time.

Mr. Speaker, it is my personal belief that adopting the Legionville text as it appears in this bill would constitute a grossly irresponsible action and would contribute to the demiseing of the integrity of our national park system.

There you have it, my friends. The good news and the bad news. Is this a case of taking the bad news with the good? Or is it a case of taking neither? Only the vote of this body will decide that.

Mr. Speaker, I would like to make a matter of record of two items attached to my statement, and I ask unanimous consent to have these items made a part of my remarks here.

BEAVER AREA HERITAGE FOUNDATION,
Beaver, Pa., June 18, 1979.

HON. PHILLIP BURTON,
Chairman, Committee on National Parks Subcommitte,
House of Representatives, Washing, D.C.

DEAR MR. BURTON: This letter is in reference to the ordered by Rep. Eugene Atkinson, (Penna. 25th District), regarding acquisition and development of a site in Beaver County, Pa., known as Legionville. According to current newspaper accounts, this matter is presently before your committee, pending action.

As citizens and taxpayers of the general area involved, and as members of a companion historical group with knowledge of the history of the site, we feel compelled to call certain facts to the attention of your committee.

It is our position that National Historical Park status belongs only to a site on which a battle was fought. Such a site is a site which marked a turning point in our nation's history. Unfortunately, Legionville does not appear to qualify on either count. As a matter of historical record, the site known as Legionville was a temporary training camp, used for five months, between December, 1782 and April, 1783 by General Anthony Wayne. Legionville was but the second of four such encampments used by General Wayne In a 26-month period. Most of the achievements being claimed for Legionville were actually accomplished at Fort Madsen, before the site stayed in Beaver County. Further documentation of the history of this period can be found in the manuscript "The Whiskey laminar," which is not even an excerpt from Chapter 11 of the book, "It Happened Right Here," published by the Beaver Area Heritage Foundation.

As an organization devoted to the advancement of historical values, we applaud the dedication of the Beaver County Historical Society. As historians, we raise serious questions about the significance of the Legionville training camp. Not to mention the fact that $350,000 of dollars of public funds in this manner.

Sincerely,

ROBERT A. SMITH,
President.

U.S. DEPARTMENT OF THE INTERIOR,

HON. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representa­tives, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed are our voluntary comments on H.R. 4308, a bill "to direct the Interior to establish the Legionville National Historic Site in the State of Pennsylvania.

We recommend against the enactment of H.R. 4308.

H.R. 4308 would direct the Secretary of the Interior to acquire about 22 acres in Beaver County, Pennsylvania, for establishment as the Legionville National Historic Site, to be administered as a new unit of the National Park System. H.R. 4308 would further direct the Secretary to enter into a cooperative agreement with the National Park Service and the State of Pennsylvania for management, development and interpretation, in whole or in part, of the property so acquired. With a 22-acre site situated on the Ohio River, northwesterly from Pittsburgh, Pennsylvania. In 1792, General "Mad" Anthony Wayne used this site as the training area for that battle, which was fought in 1794, would add anything significant to what has already been recognized at Fallen Timbers. We do not believe the need for H.R. 4308 has been sufficiently documented. The bill directs the Secretary to this site as training camp in the United States. While there is no question about the importance of General Anthony Wayne’s role in the nation’s history, we believe the Battle of Fallen Timbers National Historic Landmark, Ohio, already well illustrates the military training by establishing a camp at the Legionville site in November and instructing his troops in military discipline and techniques of warfare until April 1793. These troops eventually fought the Miami Indians at the Battle of Fallen Timbers in August 1794, in the present State of Ohio.

We recommend against the enactment of H.R. 4308.
enactment of H.R. 4306. This Department and the National Park Service would be pleased, however, to consider submissions from the State of Pennsylvania for matching funds of historic preservation grants. Additionally, the expertise of the National Park Service is available to the State to assist in planning the development of the site as a local or regional park.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAVID HALE,
Acting Assistant Secretary.

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 1104, a bill that would authorize the establishment of the Legionville National Historic Site in the State of Pennsylvania. I am withholding my signature because I do not believe the Legionville site is of sufficient national significance to merit the cost of establishing and maintaining it as a national historic site.

The following national significance criteria for historical areas established by the Department of the Interior, the Pennsylvania State Historic Preservation Office judged the site of only local significance. A National Park Service report, made in June, 1978, agreed. Further, the site has been altered by such modern intrusions as a railroad and an interstate highway.

The career of General "Mad" Anthony Wayne has been amply commerated at other designated sites and I do not believe the added expense of acquiring and developing this site is a worthwhile expenditure of Federal funds.

JIMMY CARTER
THE WHITE HOUSE, November 2, 1978

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend this resolution (which includes an extension on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the remainder of my time.

Mr. PHILLIP BURTON. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON) that the House suspend the rules and pass the bill H.R. 4306, as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MARTIN LUTHER KING BIRTHDAY

Mr. GARCIA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5461) to designate the birthday of Martin Luther King, Jr., a legal public holiday, as amended.

Mr. Speaker, I yield the Clerk as read as follows:

H.R. 5461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5103 of title 5, United States Code, is amended by inserting immediately below "New Year's Day, January 1," the following: "The Martin Luther King, Jr., holiday," February 15.

Sec. 2. The amendment made by this Act shall take effect on January 1 of the first calendar year beginning more than twenty-four months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. GARCIA) will be recognized for 20 minutes, and the gentleman from Missouri (Mr. TAYLOR) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GARCIA).

Mr. Speaker, the enactment of H.R. 5461 would serve as an appropriate testimonial to an extraordinary individual who dedicated his life to the cause of human rights, moreover, the bill would underscore the Nation's continuing commitment to alleviate the persistent and continuing effects of discrimination and poverty which Dr. King struggled to eliminate.

Dr. King marched, preached, prayed, and sang for justice and peace. He dreamed a broad and sweeping dream of peace and justice for all. Dr. King led a movement that changed the course of our Nation and caused the enactment of landmark civil rights legislation.

Dr. King deserves the honor and recognition a national holiday bestows.

His moral vision, his uncommon courage, his quest for social justice, his steadfast commitment to nonviolence, and his abiding love and concern for the poor and the oppressed all that is best about this country.

He stirred the conscience of the Nation and spoke out in ringing tones for the disenfranchised and thus rekindled the fading hope and progress in some of our bleakest years. He made an immense contribution to the continuing moral growth of this country.

Perhaps, more importantly however, this holiday will contribute immeasurably to answering the questions which will arise in the minds and hearts of all of our children and grandchildren.

I cannot begin to tell you how important this holiday would be to the future hopes of our young people. We are and should be about the business of building strong self-concepts and strong self-image in our children.

It is important for all young people everywhere to know that there was indeed a man named Martin Luther King. To know of his inspirational legacy, his dreams and his hopes, and his valued the values and tradition of this Nation.

In short, Mr. Speaker, the only issue today is whether America is prepared to honor its heroes no matter where they come from.

Mr. Speaker, I urge the House to approve this measure and I reserve the balance of my time.

Mr. Speaker, I reluctantly rise in opposition to the designation of the Reverend Martin Luther King, Jr.'s birthday as a legal public holiday because I do not believe our present economic situation will allow us the luxury of another $212 million Federal holiday.

Public concern grows daily over the rising costs of Government, the continuing inflation rate brought on by ever-increasing Federal deficits and the grim projections for the future economic health of our Nation. This legislation will further feed the fires of inflation by costing the weary American taxpayer at least $212 million to bestow another paid holiday to Federal employees.

A legal public holiday will close all Federal Government offices including post offices, social security offices, and veterans hospitals, and will further damage our Government's lack of productivity. But the costs will not stop at the Federal level, before the end of the fiscal year, State, county, and city governments, will be asked to follow suit and declare a holiday for the millions of workers they employ. Although passage of this bill will cost the American taxpayer at least $212 million to bestow another paid holiday to Federal employees.

A legal public holiday will close all Federal Government offices including post offices, social security offices, and veterans hospitals, and will further damage our Government's lack of productivity. But the costs will not stop at the Federal level, before the end of the fiscal year, State, county, and city governments, will be asked to follow suit and declare a holiday for the millions of workers they employ. Although passage of this bill will cost the American taxpayer at least $212 million to bestow another paid holiday to Federal employees.

Mr. Speaker, the enactment of H.R. 5461 would serve as an appropriate testimonial to an extraordinary individual who dedicated his life to the cause of human rights, moreover, the bill would underscore the Nation's continuing commitment to alleviate the persistent and continuing effects of discrimination and poverty which Dr. King struggled to eliminate.

Dr. King marched, preached, prayed, and sang for justice and peace. He dreamed a broad and sweeping dream of peace and justice for all. Dr. King led a movement that changed the course of our Nation and caused the enactment of landmark civil rights legislation.

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

Mr. Speaker, I reluctantly rise in opposition to the designation of the Reverend Martin Luther King, Jr.'s birthday as a legal public holiday because I do not believe our present economic situation will allow us the luxury of another $212 million Federal holiday.

Public concern grows daily over the rising costs of Government, the continuing inflation rate brought on by ever-increasing Federal deficits and the grim projections for the future economic health of our Nation. This legislation will further feed the fires of inflation by costing the weary American taxpayer at least $212 million to bestow another paid holiday to Federal employees.

A legal public holiday will close all Federal Government offices including post offices, social security offices, and veterans hospitals, and will further damage our Government's lack of productivity. But the costs will not stop at the Federal level, before the end of the fiscal year, State, county, and city governments, will be asked to follow suit and declare a holiday for the millions of workers they employ. Although passage of this bill will cost the American taxpayer at least $212 million to bestow another paid holiday to Federal employees.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

amendments and severely limits debate on this automatically expensive measure. For example, our colleague from Tennessee (Mr. Beardsley) would like to propose an amendment that would require all future legal public holidays to fall on either a Saturday or a Sunday, and I would be interested in having a full debate on the merits of his amendment.

I would support such a resolution. Millions of Americans have a great deal of respect for Reverend King, and I know his memory evokes a great emotional response from segments of our society, but I believe there is a more appropriate way to honor him than through the costly mistake of creating another legal public holiday.

The House should weigh carefully the expense involved in creating any new Federal holiday. Not only in terms of the Federal budget, but also the expense that will surely follow at the State and local government level and in the private sector.

Recognizing the agony of inflation and the well established fact that inflation is caused in no small part by deficit spending and declining productivity it just makes sense that establishing another national holiday—that will shutter down the Federal Government and half of the business and commerce of the Nation for 1 full day is a double barrel shot that will contribute both to defict spending and further lowering productivity and will have the effect of pouring gasoline on the inflationary fires that are already burning up the life blood of the American people.

For these reasons, Mr. Speaker, I oppose passage of H.R. 5461 under suspension of the rules.

Mr. GARCIA. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Speaker, the decision of Congress on the Martin Luther King Jr. national holiday bill will indicate the kind of moral direction of our Nation in the coming years. In approving this legislation, Congress will have made the most positive statement it can that the sectional and racial chapter of America's history has been closed forever. The Martin Luther King Jr. National Holiday Act would commemorate a turning point of significance equal to other great events and passages that have shaped our destiny.

History thrust the young Baptist minister from Atlanta into the leadership of the civil rights movement. He became in the process the architect of the greatest movement of citizen action in modern times, one that empowered millions of citizens, black and white, whose lives had been devoid of dignity and hope.

In each Congress from 1968 onward, I have introduced legislation to designate Dr. King's birthday—January 19—as a national public holiday. Thirteen States, as well as most major cities, already honor Dr. King, as do people throughout the world.

By commemorating Dr. King's birthday, we do more than honor one man, however extraordinary; we honor the profound spirit of love and humanity that guided his life and inspired his fellow citizens.

The meaning of his life—and what each of us needs to learn and reflect upon—is captured in what he said in 1964 when he was awarded the Nobel Peace Prize:

Nonviolence is the answer to the crucial political and moral questions of our time—the need for man to overcome oppression and violence without resorting to violence and oppression. I accept this award today with a pledge that I shall abide by its terms and an abiding faith in the future of mankind.

Those who regard Dr. King as the leader of a narrow cause or the spokesman for a single group fail to share his vision of the destiny of every man and every human life. Injustice in any form, affecting anyone, was viewed by Dr. King, as a threat to us all. His politics was harnessed to improve the lives of all Americans. He practiced, according to Luke:

To heal the broken-hearted, to free the captives, to set at liberty them that are bruised.

Public holidays in the United States are rightly reserved for honoring great traditions, the Nation's highest ideals, and the leaders who have shaped our destiny. Dr. King brought America back to its roots as a people. He challenged us to honor the law, even when the law was biased. He made it proud to exercise our rights as a free people. He embodied and renewed the oldest political tradition of the Nation. He changed the moral and political direction of the country. His historical greatness no longer can be challenged.

Designating Dr. Martin Luther King Jr.'s birthday a national holiday would represent another giant step forward in reconciling the lives and hopes of all Americans.

Mr. FORD of Tennessee. Mr. Speaker, while the gentleman yields the floor, I yield to my colleague from Tennessee.

Mr. FORD of Tennessee. Mr. Speaker, I would like to associate myself with the gentleman's remarks from Michigan. I would like to also state that when the gentleman mentioned earlier about the States and cities, I would like to point out that there are 14 States that have already recognized the birthday of Martin Luther King Jr., along with at least 25 major cities.

The SPEAKER pro tempore (Mr. MOVIN). The time of the gentleman from Michigan (Mr. Conyers) has expired.

Mr. GARCIA. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan.

Mr. FORD of Tennessee. Mr. Speaker, if the gentleman will yield further, also I would like to say to my colleagues that as we reflect on this legislation today, this vital and important piece of legislation, those opposed to the bill argue that those cities and States which recognize Dr. King's birthday as a holiday are in perfect order to do so. They feel that the Federal Government has no precedent by which such a holiday has been declared.

Dr. King's life and work was unprecedented also. Furthermore, if this is to be a nation which never loses sight of its obligation to continue its efforts to "form a more perfect union, establish justice and secure the blessing of Liberty to our posterity," then it must enact the King holiday bill. This great man met his untimely death in my hometown—Memphis, Tenn. I think it is time that this Nation not lose sight of its obligation to continue in its efforts to form a more perfect union, establish justice and accord the blessings of Liberty to our posterity.

Mr. Speaker, we must today as Members of this House enact the King holiday bill.
There are many great Americans whose birthdays we do not commemorate as a legal Federal holiday. For instance, there is no legal holiday designated for Thomas Jefferson, James Madison, Abraham Lincoln, Susan B. Anthony, Ulysses S. Grant, Thomas Edison, Booker T. Washington, Woodrow Wilson, Harry Truman, MacArthur, Eisenhower, Sam Rayburn, John Kennedy, and countless others.

Technically, there are no national holidays in the States at all. Each of our 50 States reserves the right to designate the holidays it will observe by each individual State's legislative enactment or executive proclamation. Fourteen States have already exercised this right by establishing a State holiday honoring Dr. Martin Luther King, Jr.

Aside from questioning this bill for the reasons I have mentioned, the cost of enacting this legislation did not enter into the picture. The regular daily payroll for Federal workers in 1980 is approximately $185 million, with an additional $27 million for premium pay, coming to a total of $212 million. This is just for the Federal work force—with no consideration for the millions of dollars in hidden costs.

In a time when Americans are becoming increasingly concerned about how their tax dollars are being spent—when given all the facts—this body should defer this bill and instead designate a day of observance for Dr. Martin Luther King, Jr.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DANIEL B. CRANE), a member of the committee.

Mr. DANIEL B. CRANE. Mr. Speaker, I rise in opposition to H.R. 5461, which would designate the birthday of Martin Luther King, Jr., a legal public holiday.

The question that comes to my mind is the cost of a Federal holiday. Already, there are nine existing legal holidays.

Mr. Speaker, the whole question surrounding this legislation is an emotional one, and I ask my colleagues to join me inimproving this bill on suspension of the rules.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), a member of the committee.

Mr. GILMAN. Mr. Speaker, I rise in support of this bill, H.R. 5461, legislation designating the birthday of Martin Luther King, Jr., as a legal holiday and wish to commend the gentleman from New York (Mr. GARCIA) for his leadership in bringing this measure to the House floor.

As a cosponsor of this measure during this past Congress, Mr. Speaker, I am pleased to join with my colleagues on the Committee on Post Office and Civil Service in favorably reporting this legislation to the House.

Designation of this holiday in memory of Dr. King is a genuinely appropriate means of recognizing the monumental contributions of an individual who, during a critical point in our Nation's history, sparked a successful movement for a national commitment to provide all of our Nation's citizens with basic civil rights and equality of opportunity.

Recently, at a conference here on the Hill, we had the opportunity to hear Mrs. Coretta Scott King, Dr. King's widow, remind us of Dr. King's hopes and dreams to strengthen our great great Nation.

Indeed, the legacy of Martin Luther King, Jr., lives today in the contributions to our Nation of those who through Dr. King's efforts were afforded equal opportunities in education and in employment. Their significant achievements have benefited our Nation's commerce, medicine, law, education, and the arts.

Dr. King's legacy lives in the pride of all Americans witnessing a confirmation of the earlier dream upon which our Nation was founded: Justice, equality, and the recognition of fundamental human rights and dignities.

Accordingly, Mr. Speaker, I urge my colleagues to suspend the rules and pass this legislation, which honors the memory of Dr. Martin Luther King, Jr.

Mr. GARCIA. Mr. Speaker, I yield 2 minutes to the majority leader, the gentleman from Indiana (Mr. BRADEMAS).

Mr. WRIGHT. Mr. Speaker, I hope the House will pass this bill. It would set aside January 15, the birthday of Dr. Martin Luther King, Jr., as a public holiday. Certainly there can be no harm in that; I think there may be some lasting good in it.

The purpose of a national holiday, of course, is to provide the American people with a day to reflect on the essential role of the American spirit—of our Nation's soul, and they deserve to be remembered.

Mr. GARCIA. Mr. Speaker, I yield 1 minute to the majority whip, the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise today in support of the bill to designate the birthday of Martin Luther King, Jr., January 15, a national holiday.

Dr. King left all Americans a vital
November 13, 1979

CONGRESSIONAL RECORD - HOuse

32139

A decade is too long to wait for this simple act of commemoration. Today—when we have a critical need for national inspiration—is the time to designate January 15 as Martin Luther King, Jr., Day, a legal public holiday. I yield 1 minute to the gentleman from Georgia (Mr. MCDONALD).

Mr. MCDONALD. Mr. Speaker, it has been suggested that the birthday of Martin Luther King, Jr., be declared a national holiday. I strongly oppose this plan. King practiced and preached confrontation politics. Nonviolence was the facade behind which hatred and violence were nurtured. The American Nazi Party in its obscene plan to march in the predominately Jewish town of Skokie, Ill., was merely emulating King's provocative confrontation tactics in white communities in the past.

Recently the Washington Post contained a column by William Raspberry, a strong supporter of King, protesting the action of Hosea Williams, head of the Atlanta chapter of the Southern Christian Leadership Conference. In presenting the "Martin Luther King, Jr., Peace Medal" to the Libyan dictator, Qaddafi, according to Raspberry, while Williams heads a dissident faction in SCLC, other black leaders refuse to condemn his presentation of the medal. Corretta Scott King, widow of Martin Luther King, Jr., would only say that the medal was not an official medal of the SCLC.

In many ways, Qaddafi is an appropriate recipient. He, like King, collaborates with the Communists. You will remember that Attorney General Robert Kennedy authorized wiretaps of King's home and office to obtain evidence of his relationship with Communists. Qaddafi, also, mouthed phrases about peace while providing training to terrorists and support for other dictators such as Idi Amin in Uganda.

I have pointed out in the past, terrorism is a violent attack on noncombatants for the purpose of intimidation to gain a military or political objective. Terrorists are not freedom fighters—nevertheless, the same systems set loose in our streets by the inflammatory rhetoric of Martin Luther King, Jr.

The recent embrace of Yasser Arafat by those who inherited MLK's mantle makes it clear who will benefit from the suggested national holiday. Arafat, the Soviet cutting edge in the Middle East, heads the most vicious international terror organization currently functioning. A national holiday on MLK's birthday will bring aid and comfort to those who want Arafat to "overcome."

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. ASHbrook).

Mr. ASHbrook. Mr. Speaker, I rise with absolutely no reluctance to strongly support the legislation that it is not popular and certainly not politically advantageous to speak in opposition of a man who has been canonized by the liberally based media and many of those who profess to advocate
Reverend King does not deserve this honor based on his record unless we have exception. This bill cannot stand the light of day through regular open debate without amendment or full debate. Suspension of the rules—yes, suspension of the rules clearly fits Martin Luther King.

Mr. Speaker, I can say without qualification that no Member of this body has studied the record of Martin Luther King as extensively and as vigilantly as I over the past 20 years. That study has taught me to the point that I can also say without qualification that Reverend King does not deserve this honor based on his record unless we have created a situation where politics and racism are what count, not the record or principles.

At any rate, the issue before us today is twofold. One, does the Congress of the United States intend to respond with a fitting assessment of M. L. King by honoring him with a national holiday, a holiday which will take the taxpayers for a ride to the tune of millions and millions of dollars—as much as $200 million in Federal cost alone. Two, should our children and our grandchildren be led to believe that M. L. King was one of the great men of all time? Should we speak of him with the same reverence as the great men of all time? Luther King.

Unfortunately, H.R. 5461 does not provide a suitable memorial. This bill simply provides another day off with pay for bureaucrats. It also provides about $200 million worth of inflation through a nonnegotiated raise to an elite group of people who have just received a 7-percent pay raise, and who already receive more paid holidays than most American employees.

It has been alleged that there is little or no extra cost to the taxpayers in this bill. If Government employees have been working at full capacity, and I believe we should give them the benefit of the doubt, somebody is going to have to do the work that would have been done on this holiday. That seems to work out to a $200 million kick in the head to the taxpayers.

If we were to canvass our constituencies we would surely find little comfort in another paid holiday for bureaucrats. Many taxpayers did not get the 7-percent pay raise, nor do they get the splendid pension benefits that Government employees do.

In addition to the costs to the taxpayer, inflationary costs would soon reverberate through the private sector, too. Whenever Government employees claim that they have received a raise, they already receive more paid holidays than most American employees.

America must never forget that man or his message. The New York Times captured his significance when it wrote: "He stood on the balcony of a Memphis, Tenn., motel on April 4, 1968. They killed the dreamer; they have not silenced his dream."

Dr. King's legacy is one of profound change in the social fabric, not only for black Americans, but for all Americans.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

32141

only for his time, but for our time, indeed for all time. He wrote:

"We have experienced with the meaning of nonviolence in our struggle for racial justice, the same difficulties and setbacks, but now the time has come for man to experiment with nonviolence in all areas of human conflict that mean nonviolence on an international scale. If we are to have peace on earth, our loyalties must become ecumenical. Otherwise the things we do must develop a world perspective."

Now the judgment of God is upon us, and we must either, to live together as brothers or we are all going to perish together as fools.

There are those who say that nonviolence can never again be an effective tool for resolving human conflict, nevertheless the vision of Martin Luther King, Jr., nags uncomfortably at the minds of statesmen and general alike—a strange, brooding figure—standing somewhere in the distance a beckoning truth, waiting for the world to catch up.

Favorable action of this measure today will assure that that truth will be forever etched in the mental skies of our countrymen. This means we must develop a new national holiday. It was Goethe who said:

"What we have inherited from our fathers, we must earn anew for ourselves, else we will lose it.

Let us pass this bill that generations unborn might be inspired as Martin Luther King, Jr., inspired us to become answers to Josiah Holland's prayer:

"God, Give Us Men..."

God, give us men! A time like this demands strong minds, great hearts, true faith and ready hands;

Men whom the lust of office does not kill;

Men whom the spoils of office cannot buy;

Men who possess opinions and a will;

Men who have honor; men who will not lie;

Men who can stand before a demagogue; and

And damn his treacherous flattery without winking;

Tall men, sun-crowned, who live above the fog.

In public duty and in private thinking;

For what the rabble, with their thumb-worn zon and other care,

Their large profession and their little deeds, Mingle in soffist strife, lo! Freedom is, Wrong rules the land and waiting justice sleeps.

—JOSEPH GILBERT HOLLAND.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I rise to add my voice to the others who are supporting the passage of this bill making the birthday of Dr. Martin Luther King a national holiday. First, let me commend my colleague, John Conyers of Michigan for his untiring efforts and unfailing persistence with the issue for racial justice, Second, let me extend congratulations and thanks to my colleague, Bob Garcia of New York who skillfully guided this legislation through his Committee on Post Office and Civil Service. This bill has been introduced and reintroduced into this body for the last four Congresses only to linger, languish, and die in committee. To-day, we will finally have the opportunity to vote on it.

Mr. Speaker, I am sure that the thoughts of those of us in this Chamber immediately go back to that tragic day in Memphis 11 years ago when the apostle of nonviolence was most shamingly shot down; that day when the moral leader of the world became the victim of an immoral world conspiracy. The tragic act perpetrated by one James Earl Ray was the culmination of years of hatred, bigotry, racism, and all other evils that created an atmosphere in which insane men such as James Ray would view such a dastardly act as heroic. The crime of Ray must be shared by each who at sometime and in some way advanced the idiotic notion that others by virtue of skin pigmentation, sex, or national origin were somehow less in his or her humanity.

Mr. Speaker, that day was a sad loss for black Americans. But it was an even sadder loss for the world at large. That one fatal shot, Mr. Speaker, I contend without fear of contradiction, cut down the greatest crusader for freedom, justice, and equality for our Nation. Martin Luther King with a relevancy that was refreshing, though personally dangerous, assaulted the bastions of structured evil that pervade in our society. With pathos and passion, he verbalized the exploitations of the poor, of the denied, of the denigrated, and with his voice raised in indignation, he exposed the hypocrisy of American society and led a massive movement to give meaning to concepts embodied in the Declaration of Independence and the Bill of Rights. The victims of abject poverty in Appalachia, the impoverished residents of the boroughs and slums, the youth dying in the trenches of a far off land became the major concern of Dr. King and subsequently the basis of his dream. With sweat, tears, and eventually his blood, Dr. King showed them the dawning of a new day. He looked out over the horizon and with the bright, glinting sun of salvation symbolizing a system that could afford racial harmony and economic parity for all God's children. Without question, Martin Luther King was the greatest social prophet in the short history of this Nation. From the mining towns of Appalachia to the backwoods of Mississippi, to the dilapidated tenements of Chicago, he stayed on the firing line with the genius and the tenacity of a master painter; painting the darkness of western culture and majestically the hypocracies of America society and led a massive movement to give meaning to concepts embodied in the Declaration of Independence and the Bill of Rights.

The victims of abject poverty in Appalachia, the impoverished residents of the boroughs and slums, the youth dying in the trenches of a far off land became the major concern of Dr. King and subsequently the basis of his dream. With sweat, tears, and eventually his blood, Dr. King showed them the dawning of a new day. He looked out over the horizon and with the bright, glinting sun of salvation symbolizing a system that could afford racial harmony and economic parity for all God's children. Without question, Martin Luther King was the greatest social prophet in the short history of this Nation. From the mining towns of Appalachia to the backwoods of Mississippi, to the dilapidated tenements of Chicago, he stayed on the firing line with the genius and the tenacity of a master painter; painting the darkness of western culture and majestically the hypocracies of American society and led a massive movement to give meaning to concepts embodied in the Declaration of Independence and the Bill of Rights.

Mr. Speaker, who else is so deserving of a national holiday in his name? Who else, Mr. Speaker, with his mantle of leadership with such courage, conviction, dignity, and integrity?

Mr. Speaker, the civil rights struggle in this country has progressed in the past two decades from an effort to obtain minimum access to public places, to passage and enforcement of equal opportunity laws, to the establishment of economic parity for black Americans.

Today, this body has the historic opportunity to make a major symbolic commitment to equality by honoring the late Dr. Martin Luther King, Jr., with a national holiday in his name.

To honor the leader who brought about the most profound social revolution in this Nation's history would symbolize the Nation's commitment to Dr. King's values and principles—the principles upon which this Nation was founded.

More than honoring one individual, making Dr. King's birthday a full national holiday will be a signal for a Nation and the world that we have broken with the past by honoring a man from a group oppressed in law as well as in fact.

Dr. King's contributions are too numerous to list. The Montgomery bus boycott, the sit-ins and freedom rides, an early protest against the war in Southeast Asia, Courageous actions supported by a brilliant and compelling philosophy of nonviolence. Dr. King re-taught the Nation its own values, and in so doing broke down the laws and customs of centuries which had violated those stated values. I have heard some speak of the cost of creating a new national holiday. How can we ever measure the value of Dr. King's contribution to the life of this Nation.

He restored the true wealth of the Nation—its principles and ideals. He brought millions of black Americans into the mainstream of our economic and social life, and advanced the cause of equality for other groups in the struggle for equality.

To speak of cost of honoring Dr. King is to profane the memory of a true national hero.

I hope, and my colleagues and the Congressional Black Caucus hope that you will act on conscience today and act in a spirit of furthering the work of Dr. King by voting to create a national holiday in his honor.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Stokes).

Mr. STOKES. Mr. Speaker, I rise in favor of this legislation.

Mr. Speaker, I would like to take this opportunity to lend my support to the passage of H.R. 5461 which would designate the birthday of Dr. Martin Luther King, Jr., as a public holiday.

There have been few men in the history of this country and the world who have left such a profound legacy of peace, justice, equality, and love to all people. Even fewer men have possessed the extraordinary foresight and left such a positive impact on the lives of so many different people—black, white, yellow, brown, red, rich, and poor.
Dr. King was not a military giant. But he was a courageous leader of equal importance who did not discover a cure for any devastating physical disease. But, he did try to heal the wounds of discrimination and racism which had contributed to the wounds of our nation's soul. He was a man of tradition. Rather, he was one of the visionaries of our era. And finally, he did not sacrifice his principles. He sacrificed himself for his brothers and sisters.

During the turbulent 1950's and 1960's, Dr. King was not ready to destroy what we often categorize as the "American Dream" as many other disenfranchised minorities in this country wanted to do. Instead, he had a dream of his own which incorporated and revolutionized all the ideals and principles of the "American Dream" and put them to work for everyone. Equality, justice, and the peaceful pursuit of these freedoms were the fundamental points of his dream.

Because of his dream and the steps he took to insure it, he became the hero and hope of many people throughout the world. He was a true leader of honoring great individuals who have contributed immeasurably to this country's development. George Washington, Christopher Columbus, and the U.S. veterans all have special days set aside to commemorate their achievements and sacrifices. Therefore, I find it only fitting to set aside a day for Dr. King, a man who sacrificed his life for all Americans, as a gesture of our appreciation for him.

Accordingly, I urge all of my colleagues to support H.R. 5461. The passage of this legislation will symbolize that Dr. King's dream is still with us today and is one step closer to reality.

The SPEAKER pro tempore. The gentleman from New York (Mr. Garcia) has 2½ minutes remaining.

Mr. GARCIA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. leland).

Mr. LEland. Mr. Speaker, I stand before you today, a manifestation of the deeds and work of Dr. Martin Luther King. What he fought for in the years when I was just a young student at Tuskegee Institute, a Southern University, was something very significant in my life. At that time I was young. I was feisty, and some would even say that I was foolish, but I would say to my colleagues, because of the message of Dr. Martin Luther King at the time when I hated white people, every white person in America, I decided at that time that I should reassert my position in this country and reassert my value as a human being to determine exactly what course I should chart for myself as I ventured to try to do what was necessary on behalf of black people at the time.

But subsequent to Dr. King's movement, subsequent to his nonviolent movement, subsequent to his teachings to me, I determined and determined at the same time that it was time for me to look at the plight of other people, poor white people, African-Americans and Hispanic people in this country, poor people in general. I did that.

From that time on, I became more or less a minimalist, with the mark of what the American promise represented by way of the Constitution of the United States of America. I stand here before my colleagues today to tell them that since the introduction of Mickey Leland in the U.S. Congress because he was inspired by Dr. Martin Luther King, one who believes that the American dream is a real dream and one that should be fulfilled.

I am somewhat appalled at my colleagues on the other side of the aisle, those who oppose Dr. King's bill, that they would use the cross reference to money as a judgment to oppose a measure with the status that this measure represents. It does not make much sense to me, one who calculates historical meaning in this whole matter.

The historical meaning to me is that we have suffered, as we black people, have suffered for hundreds of years having had no national hero.

Mr. Speaker, I thank you very much for the time that I have been given. I would hope my colleagues would not use money as a reference to killing this bill. I would hope my colleagues would join with us in supporting this important measure.

Thank you.

Mr. Garcia. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. Stewart).

Mr. STEWART. Mr. Speaker, I rise in support of this bill. Mr. Speaker, I rise in wholehearted support of the establishment of Dr. Martin Luther King, Jr.'s, birthday as a legal holiday.

Dr. King, along with other deprived Americans, worked diligently to make the dream of America's constitutional privileges a reality for all.

Too few young Americans know much about Dr. King and his life's work as a leader, a Nobel Peace Prize winner, a prophet, and a friend of all humanity.

Observing his birthday as a Federal holiday would stimulate schools, community and the National Park Service to explore Dr. King's quest for justice and his vision of equality.

Honoring Dr. King by establishing his birthday as an official national holiday would give renewed official emphasis and commitment to fulfilling his dream.

When the dream becomes reality and the pledge of America's promised equality is finally made good, then and only then will all Americans be free.

On that day, Dr. King declared, both blacks and whites, people of all religions and all races, will have been emancipated. And on that day, then, we all will sing:

Free at last! free at last! thank God Almighty, we are free at last!

Mr. RICHMOND. Mr. Speaker, I rise in strong support of this legislation to designate the birthday of Dr. Martin Luther King, Jr., as a legal public holiday.

Few Americans in this century have made so great an impact on the lives, the values, and the aspirations of all Americans. Dr. King played a role in the development of his dynamic, effective leadership of the civil rights movement. Dr. King compelled our Nation to examine its past. He demonstrated that the grievances that had been ignored in the past should not be ignored in the future.

At the forefront of the struggle for nonviolent social change, Dr. Martin Luther King led the way to breaking down the barriers for the position of the African-American citizens as members of our society in housing, jobs, education, community development, and—in assuring equal opportunity for all Americans in every aspect of daily life.

By designating Dr. King's birthday, January 15, as a legal holiday, we will be giving recognition to the outstanding contributions of a unique individual to our society. In addition, an annual observance of this day will provide all Americans the opportunity to reflect upon the achievements of Dr. King and to contribute in some way to the goals to which he dedicated his life.

I urge my colleagues to approve this important legislation.

Mr. RICHMOND. Mr. Speaker, legislation which is considered under the procedure known as suspension of the rules is supposed to be of a noncontroversial nature. This special procedure was established to help prevent using a great deal of congressional time for the discussion of legislation which would most likely not need to be amended or which dealt with a subject that did not have significant national impact.

The consideration of a bill to designate January 15, the birthday of the Reverend Martin Luther King, as a legal public holiday is not appropriate under the suspension procedure. Not only is the creation of a new Federal public holiday a matter of significant national impact, but there is perhaps sufficient reason to warrant a more detailed debate and inspection of the record of the individual to be honored. This procedure does not allow the time for such a discussion.

On this important matter is limited by the suspension procedure, this alone would be enough reason to postpone consideration. The inability to amend legislation is an important reason. One such amendment that would be offered is a bill I have sponsored that would require that any future Federal holidays be observed on either a Saturday or Sunday. My colleague from Tennessee (Mr. Beard) introduced this bill earlier in the year and I feel that this bill today would be a very appropriate measure to do it to.

This is an important approach that must be allowed to be considered. Federal employees now have eight official public holidays. The personnel cost of a holiday is paid for as well as overtime as work that is not done by Federal workers. The American taxpayer should not be called upon to foot the bill for any more holidays. I feel that this bill today would be a very appropriate measure to do it to.

The work shutdown effect would most likely extend to all the Federal workers. I urge my colleagues to support this legislation.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

32143

holidays. Although some 14 States now observe this holiday, if all other States were to follow the example set by the Federal Government, the cost to taxpayers would run into billions of dollars. The passage of this bill under suspension of the rules has stated that the principal reason to honor Reverend King is to remind Americans of the principles for which he lived, with which he died, and which caused his death. The type of remembrance that would be promoted by the official observance of his birthday could be accomplished on an appropriate weekend day.

Many citizens complain that certain Federal holidays without historical or religious meaning are mere excuses to give Federal workers an additional day off the job. We owe it to those who must pay the bills not to have to pay for another day of no production when there is a reasonable alternative that should be considered. However, until such a solution to the rules, this alternative cannot be considered. Therefore I urge the defeat of this proposal today.

- Mr. Rangel. Mr. Speaker, we have been discussing the merits of designating the late Dr. Martin Luther King, Jr.'s, birthday date as a national holiday. In doing so, we join cities and States throughout our Nation in honoring Dr. King and instituting January 15 as an annual reminder of those lofty ideals of freedom and human dignity to which he strived.

In 1955, the boycott in Montgomery was begun. Dr. King first came to the public eye with a boycott of the Montgomery bus by a woman, Rosa Parks, a black woman, refused to turn her seat over to a white person as the law required. Her simple refusal to stand up when her legs were weary from a hard day's work sparked a massive appeal for human dignity. The black people of our country realized the power of organized action when the boycott was finally successful. The Montgomery bus system was rendered useless and their demands accepted.

With the boycott in Montgomery was born Dr. King's nonviolent organizing tactics. He used them as founder of the Southern Christian Leadership Conference and leader of the national civil rights movement. Nonviolence was the basis of his creed which took him from his pulpit at the Ebenezer Baptist Church in Atlanta to the Lincoln Monument. His historical marches, and then jail cells throughout the South.

Dr. King's great concern was to trade the life of one man for another. As he said at the acceptance of his Nobel Peace Prize, "Nonviolence is the answer to the cruel and inhumane conditions of segregation. It is a world-wide principle for the negation of violence to man, to woman and to child. Its answer is not to violence but to nonviolent resistance. For man to overcome oppression and violence without resorting to violence and oppression.

Those who may see Martin Luther King's birthday as a celebration primarily for black Americans have narrow sights indeed. Though it is true that this would be the first such honor given a black man, Dr. King represented more than one people, he embodied the goodness of the American spirit. His life is exemplary of the highest ideals of freedom, justice, and dignity. Dr. King's struggles must be seen as a perennial call for love and understanding. Commemorating his birth date would renew our commitments to the ideals by which he lived and help to foster that spirit throughout our country.

I appeal to all of my colleagues to commemorate a black man, an American, but most of all a human being. Please vote to designate Dr. Martin Luther King, Jr.,'s birthday as a national holiday.

- Mr. Williams. Mr. Speaker, I speak today in support of H.R. 5461. In doing so, I pay homage, in behalf of millions in America and around the world, to a great American—but, more important—a great human being.

Martin Luther King, Jr., traveled this Earth for only 39 years—a speck of time in the annals of history. But in those few short years he irrevocably altered the perceptions of humankind in the search for peace and social justice. In America he was the living embodiment of the highest principles professed in the Declaration of Independence—that all are created equal—that they are endowed by their Creator with certain inalienable rights—among which are "life, liberty and the pursuit of happiness." • • •

Martin Luther King, Jr., challenged the conscience of America by confronting both church and state on the spiritual and political dimensions of racism and segregation in our society. As he said in his eloquent letter from the Birmingham jail in April of 1963:

"We know through painful experience that Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. ... We have waited for more than 340 years for our Constitutional and God-given rights. The nations of Asia and Africa are moving with jet-like speed toward gaining their moral and political freedom. But we who sit around the world today鄙n't have to sit around and be temporally defeated. It is not our primary task to dwell on history; we willbpple for tomorrow. Oursites are marching. We will not now or ever yield to political forces with complete confidence, and the Negro is not, and shall never be, a secondary person. We are not using violence in this struggle but we are using the weapon that can cut theARC to the global conscience on that occasion, in saying:

"I refuse to accept the cynical notion that nation after nation must spiral down the håll of militarism and that the pace of global nuclear disarmament. The people of our country have the courage to stand up to white America on civil rights issues."

Unlike other hypocritical recipients of this award, who profess peace while promoting war, he was in the vanguard of the crusade for world peace and nuclear disarmament. In Oslo, Norway, in 1964, he argued eloquently that "nonviolence is the answer to the cruel political and moral question of our time—the need for man to overcome oppression and violence without resorting to violence and oppression." What could be more profoundly unequivocal than his challenge to the global conscience on that occasion, in saying:

"I refuse to accept the cynical notion that nation after nation must spiral down the håll of militarism and that the pace of global nuclear disarmament. The people of our country have the courage to stand up to white America on civil rights issues."

It was Martin Luther King, Jr., using his eminence as a Nobel Peace Laureate, who chose to speak out on the brutality and immorality of the war in Indochina in 1965—despite the warnings and threats of other "Establishment" leaders in the civil rights movement. It was Martin Luther King, Jr., who directly challenged the Johnsonian philosophy of bums and butter, saying in a Los Angeles speech.

"The process of the Great Society have been shot down on the battlefields of Vietnam. The pursuit of this widened war has narrowed domestic welfare programs for the poor and Negro, bear the heaviest burdens. It is estimated that we spend $302,000 for each enemy we kill. We spend less on each dollar spent on poverty in America only about $8 for each person classified as poor.

During a lifetime of toil and grief, Martin Luther King, Jr., lived, laughed, and spat upon, beaten, jailed, and stabbed, denounced as an extremist by the lords of the press, and as a "nigger" and a
"traitor" in the highest councils of government. Finally, in an attempt to slay the dream, they slew the dreamer. It is for us, the living, to make certain that dream does not die. For while he lived, he picked up the fallen torch of equality and justice, and to kindle it anew with dedication and commitment to go forward, as he said, to "make of this old world a new world." It is for us, the living, to insure that his life, his deeds, his commitment, his love for all humankind will always be remembered by the young and the old, by the women of all races and creeds who will be able to look to him as a sign of hope for what America can truly be . . . and ought to be.

Mr. MOORE. Mr. Speaker, I voted against H.R. 5461 today as I would prefer means to honor the contributions to this Nation by Dr. Martin Luther King, Jr., other than by giving Federal workers another paid holiday on his birthday. I would have supported an amendment to provide for a national day of recognition for Dr. Martin Luther King, Jr. and not support a bill that provides another holiday for Federal employees and does not under suspension procedures allow amendments to be considered.

The proposed cost the American taxpayers $186 million or more annually. For a man whose life was dedicated to helping the poor, I do not see a waste of funds that these Federal employees the day off as a proper way to honor his efforts to help the poor. The $186 million could be better used to feed hungry mouths and those to whom he would have given aid.

We now have a national holiday for only two persons. One is our Holy Father and the other is the Father of our Country. Others including Thomas Jefferson, Abraham Lincoln, Theodore Roosevelt, Franklin D. Roosevelt, and John F. Kennedy do not have national holidays declared in their remembrance.

Indeed, the construction of a bust of Dr. King for our Capitol building and would support a national day of recognition of his birthday, but another Federal holiday is not the best way to honor him.

Mr. CAMPBELL. Mr. Speaker, it is with a sense of regret that I vote today against suspending the rules and passing H.R. 5461, to designate January 15, Dr. Martin Luther King's birthday, a national holiday.

While I hold the memory of Dr. King and his accomplishments in the highest respect and would gladly support a commemoration in his honor, which I did as a member of the South Carolina Senate, I cannot justify the expenditure of the $321 million in direct costs to American taxpayers for providing another paid holiday for Federal employees. Total costs, assuming that the States would follow Washington's lead, could well mount to 10 or 20 times that figure.

Indeed, I believe Dr. King himself would far rather see these funds go for energy assistance to help the poor and the elderly; for tax credits to encourage the hiring of teenagers, particularly minority teenagers for whom the unemployment rate is a staggering 31.5 percent; for programs with real and tangible benefits to the Nation's needy, rather than for a symbolic gesture, appropriate as it may be.

Mr. Speaker, this bill should have been brought before the House under an open rule, and if the suspension procedure is defeated, I will support reconsideration and I will support establishing a commemorative day. In all good conscience, however, I cannot support the spending priority that the bill in its present form represents. I would allocate more than $200 million for a gesture which will not provide food or warmth or jobs for those in need.

Mr. GARCIA. Mr. Speaker, in closing, I would hope and urge that all my colleagues vote and support this legislation. I am delighted that today in the city of Washington, the widow of the late Dr. Martin Luther King is present, and I would hope and urge that this date is the day that children all over America understand and appreciate that all Americans are the same.

Mr. TAYLOR. Mr. Speaker, in that I demand the yeas and nays.

Mr. Speaker pro tempore, pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 5461, as amended.

The question was taken.

The Clerk read as follows: H.R. 5461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Air Transportation Competition Act of 1979";

Sec. 2. Section 102(a) of the Federal Aviation Act of 1958, as amended, is amended to read as follows:

"DECLARATION OF POLICY: THE BOARD

"(Factor(s) for Interstate, overseas, and Foreign Air Transportation"

"Sec. 102. (a) In the exercise and performance of its powers and duties under this Act, the Board shall consider the following:

"(1) The promotion, encouragement, and development of civil aeronautics and a viable, privately owned United States air transport industry.

The prevention of any deterioration of adequate, economic, efficient, and low-price services by air carriers and foreign air carriers, and the maintenance of the safety vigilance that has existed within air commerce and has come to be expected by the traveling and shipping public.

The availability of adequate, economic, efficient, and low-price services by air carriers and foreign air carriers.

The encouragement of entry into air transportation markets by new air carriers, the encouragement of entry into additional markets in air transportation by existing air carriers, and the continued strengthening of small air carriers so as to assure a more effective competitive air transportation.

The encouragement of entry into air transportation markets by new air carriers, the encouragement of entry into additional markets in air transportation by existing air carriers, and the continued strengthening of small air carriers so as to assure a more effective competitive air transportation.

The maintenance of a comprehensive and convenient system of scheduled interstate and overseas airline service for small communities and for isolated areas in the United States, with direct Federal assistance where appropriate.

The encouragement of air service at major urban areas in the United States, to secondary or satellite airports, where consistent with regional airport plans of regional and local authorities, and when such development is endorsed by appropriate State entities encouraging such service by air carriers whose sole responsibility in any specific market is to provide service exclusively at the secondary or satellite airport, and fostering an environment which reasonably encourages and facilitates the introduction of new entrants and to develop their secondary or satellite airport services.

The prevention of unfair, deceptive, predatory, or anticompetitive practices in air transportation, and the avoidance of-

(A) unreasonable industry concentration, emerging market domination, and monopoly power and-

(b) other conditions that would tend to allow one or more air carriers or foreign air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.

The maintenance of a comprehensive and convenient system of scheduled interstate and overseas airline service for small communities and for isolated areas in the United States, with direct Federal assistance where appropriate.

The maintenance of a comprehensive and convenient system of scheduled interstate and overseas airline service for small communities and for isolated areas in the United States, with direct Federal assistance where appropriate.

The encouragement of air service at major urban areas in the United States, to secondary or satellite airports, where consistent with regional airport plans of regional and local authorities, and when such development is endorsed by appropriate State entities encouraging such service by air carriers whose sole responsibility in any specific market is to provide service exclusively at the secondary or satellite airport, and fostering an environment which reasonably encourages and facilitates the introduction of new entrants and to develop their secondary or satellite airport services.

The prevention of unfair, deceptive, predatory, or anticompetitive practices in air transportation, and the avoidance of-

(A) unreasonable industry concentration, emerging market domination, and monopoly power and-

(b) other conditions that would tend to allow one or more air carriers or foreign air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.

The maintenance of a comprehensive and convenient system of scheduled interstate and overseas airline service for small communities and for isolated areas in the United States, with direct Federal assistance where appropriate.

The encouragement of air service at major urban areas in the United States, to secondary or satellite airports, where consistent with regional airport plans of regional and local authorities, and when such development is endorsed by appropriate State entities encouraging such service by air carriers whose sole responsibility in any specific market is to provide service exclusively at the secondary or satellite airport, and fostering an environment which reasonably encourages and facilitates the introduction of new entrants and to develop their secondary or satellite airport services.

The prevention of unfair, deceptive, predatory, or anticompetitive practices in air transportation, and the avoidance of-

(A) unreasonable industry concentration, emerging market domination, and monopoly power and-

(b) other conditions that would tend to allow one or more air carriers or foreign air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.

The maintenance of a comprehensive and convenient system of scheduled interstate and overseas airline service for small communities and for isolated areas in the United States, with direct Federal assistance where appropriate.

The encouragement of air service at major urban areas in the United States, to secondary or satellite airports, where consistent with regional airport plans of regional and local authorities, and when such development is endorsed by appropriate State entities encouraging such service by air carriers whose sole responsibility in any specific market is to provide service exclusively at the secondary or satellite airport, and fostering an environment which reasonably encourages and facilitates the introduction of new entrants and to develop their secondary or satellite airport services.

The prevention of unfair, deceptive, predatory, or anticompetitive practices in air transportation, and the avoidance of-

(A) unreasonable industry concentration, emerging market domination, and monopoly power and-

(b) other conditions that would tend to allow one or more air carriers or foreign air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

(12) The strengthening of the competitive position of United States carriers, including the third of opportunities for United States air carriers to maintain and increase their market share, in foreign and other air transportation, is hereby amended by striking out any
provisions of the Board hereunder.
Sec. 3. (a) Section 102(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(c)) is amended by striking out (d) (1) through (d) (3)).
(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the
subsections (a) to (p) of this section is hereby amended by striking out the under or any procedures under subsection (p) of this sec-
amended to read
namement, modified, or suspended.
Sec. 102. Declaration of policy: The Board,

is amended by striking out (a) Factors for interstate, overseas, and foreign air transportation service.
(b) Factors for all-cargo service.
(c) Factors for foreign air transportation and
and as listed in lieu thereof
(a) Factors for interstate, overseas, and foreign air transportation service.
(b) Factors for all-cargo service.
(c) Factors for foreign air transportation service.
(d) Factors for foreign air transportation service.
(e) Factors for foreign air transportation service.
(f) Factors for foreign air transportation service.
(g) Factors for foreign air transportation service.
(h) Factors for foreign air transportation service.
(i) Factors for foreign air transportation service.
(j) Factors for foreign air transportation service.
(k) Factors for foreign air transportation service.
(l) Factors for foreign air transportation service.
(m) Factors for foreign air transportation service.
(n) Factors for foreign air transportation service.
(o) Factors for foreign air transportation service.
(p) Factors for foreign air transportation service.
(q) Factors for foreign air transportation service.
(r) Factors for foreign air transportation service.
(s) Factors for foreign air transportation service.
(t) Factors for foreign air transportation service.
(u) Factors for foreign air transportation service.
(v) Factors for foreign air transportation service.
(w) Factors for foreign air transportation service.
(x) Factors for foreign air transportation service.
(y) Factors for foreign air transportation service.
(z) Factors for foreign air transportation service.
(aa) Factors for foreign air transportation service.
(bb) Factors for foreign air transportation service.
(cc) Factors for foreign air transportation service.
(dd) Factors for foreign air transportation service.
(ee) Factors for foreign air transportation service.
(ff) Factors for foreign air transportation service.
(gg) Factors for foreign air transportation service.
(hh) Factors for foreign air transportation service.
(ii) Factors for foreign air transportation service.
(jj) Factors for foreign air transportation service.
(kk) Factors for foreign air transportation service.
(ll) Factors for foreign air transportation service.
(mm) Factors for foreign air transportation service.
(nn) Factors for foreign air transportation service.
(oo) Factors for foreign air transportation service.
(pp) Factors for foreign air transportation service.
(qq) Factors for foreign air transportation service.
(rr) Factors for foreign air transportation service.
(ss) Factors for foreign air transportation service.
(tt) Factors for foreign air transportation service.
(uu) Factors for foreign air transportation service.
(vv) Factors for foreign air transportation service.
(ww) Factors for foreign air transportation service.
(xx) Factors for foreign air transportation service.
(yy) Factors for foreign air transportation service.
(zz) Factors for foreign air transportation service.
(aaa) Factors for foreign air transportation service.
(bb) Factors for foreign air transportation service.
(ccc) Factors for foreign air transportation service.
(dd) Factors for foreign air transportation service.
(eee) Factors for foreign air transportation service.
(ff) Factors for foreign air transportation service.
(ggg) Factors for foreign air transportation service.
(h) Factors for foreign air transportation service.
(iii) Factors for foreign air transportation service.
(jj) Factors for foreign air transportation service.
(kkk) Factors for foreign air transportation service.
(ll) Factors for foreign air transportation service.
(mm) Factors for foreign air transportation service.
(nn) Factors for foreign air transportation service.
(oo) Factors for foreign air transportation service.
(pp) Factors for foreign air transportation service.
(qq) Factors for foreign air transportation service.
(rr) Factors for foreign air transportation service.
(ss) Factors for foreign air transportation service.
(tt) Factors for foreign air transportation service.
(uu) Factors for foreign air transportation service.
(vv) Factors for foreign air transportation service.
(ww) Factors for foreign air transportation service.
(xx) Factors for foreign air transportation service.
(yy) Factors for foreign air transportation service.
(zzz) Factors for foreign air transportation service.
(aaaa) Factors for foreign air transportation service.
(bbb) Factors for foreign air transportation service.
(cccc) Factors for foreign air transportation service.
(ddd) Factors for foreign air transportation service.
(eeee) Factors for foreign air transportation service.
(ff) Factors for foreign air transportation service.
(gggg) Factors for foreign air transportation service.
(hhh) Factors for foreign air transportation service.
(iii) Factors for foreign air transportation service.
(jjj) Factors for foreign air transportation service.
(kkkk) Factors for foreign air transportation service.
(lll) Factors for foreign air transportation service.
(mmm) Factors for foreign air transportation service.
(nnn) Factors for foreign air transportation service.
(ooo) Factors for foreign air transportation service.
(ppp) Factors for foreign air transportation service.
(qqq) Factors for foreign air transportation service.
(rrr) Factors for foreign air transportation service.
(sss) Factors for foreign air transportation service.
(ttt) Factors for foreign air transportation service.
(uuu) Factors for foreign air transportation service.
(vvv) Factors for foreign air transportation service.
(www) Factors for foreign air transportation service.
(xxx) Factors for foreign air transportation service.
(yyy) Factors for foreign air transportation service.
(zzzz) Factors for foreign air transportation service.
(aaa) Factors for foreign air transportation service.
(bbb) Factors for foreign air transportation service.
(ccc) Factors for foreign air transportation service.
(ddd) Factors for foreign air transportation service.
(eeee) Factors for foreign air transportation service.
(ff) Factors for foreign air transportation service.
(gggg) Factors for foreign air transportation service.
(hhh) Factors for foreign air transportation service.
(iii) Factors for foreign air transportation service.
(jjj) Factors for foreign air transportation service.
(kkkk) Factors for foreign air transportation service.
(lll) Factors for foreign air transportation service.
(mmm) Factors for foreign air transportation service.
(nnn) Factors for foreign air transportation service.
(ooo) Factors for foreign air transportation service.
(ppp) Factors for foreign air transportation service.
(qqq) Factors for foreign air transportation service.
(rrr) Factors for foreign air transportation service.
(sss) Factors for foreign air transportation service.
(ttt) Factors for foreign air transportation service.
(uuu) Factors for foreign air transportation service.
(vvv) Factors for foreign air transportation service.
(www) Factors for foreign air transportation service.
(xxx) Factors for foreign air transportation service.
(yyy) Factors for foreign air transportation service.
(zzzzz) Factors for foreign air transportation service.
(aaa) Factors for foreign air transportation service.
(bbb) Factors for foreign air transportation service.
(ccc) Factors for foreign air transportation service.
(ddd) Factors for foreign air transportation service.
(eeee) Factors for foreign air transportation service.
(ff) Factors for foreign air transportation service.
(gggg) Factors for foreign air transportation service.
(hhh) Factors for foreign air transportation service.
(iii) Factors for foreign air transportation service.
(jjj) Factors for foreign air transportation service.
(kkkk) Factors for foreign air transportation service.
(lll) Factors for foreign air transportation service.
(mmm) Factors for foreign air transportation service.
(nnn) Factors for foreign air transportation service.
(ooo) Factors for foreign air transportation service.
(ppp) Factors for foreign air transportation service.
(qqq) Factors for foreign air transportation service.
(rrr) Factors for foreign air transportation service.
(sss) Factors for foreign air transportation service.
(ttt) Factors for foreign air transportation service.
(uuu) Factors for foreign air transportation service.
(vvv) Factors for foreign air transportation service.
(www) Factors for foreign air transportation service.
(xxx) Factors for foreign air transportation service.
(yyy) Factors for foreign air transportation service.
(zzzzzz) Factors for foreign air transportation service.
(aaa) Factors for foreign air transportation service.
(bbb) Factors for foreign air transportation service.
(ccc) Factors for foreign air transportation service.
(ddd) Factors for foreign air transportation service.
(eeee) Factors for foreign air transportation service.
(ff) Factors for foreign air transportation service.
(gggg) Factors for foreign air transportation service.
(hhh) Factors for foreign air transportation service.
(iii) Factors for foreign air transportation service.
(jjj) Factors for foreign air transportation service.
(kkkk) Factors for foreign air transportation service.
(lll) Factors for foreign air transportation service.
(mmm) Factors for foreign air transportation service.
(nnn) Factors for foreign air transportation service.
(ooo) Factors for foreign air transportation service.
(ppp) Factors for foreign air transportation service.
(qqq) Factors for foreign air transportation service.
(rrr) Factors for foreign air transportation service.
(sss) Factors for foreign air transportation service.
(ttt) Factors for foreign air transportation service.
(uuu) Factors for foreign air transportation service.
(vvv) Factors for foreign air transportation service.
(www) Factors for foreign air transportation service.
(xxx) Factors for foreign air transportation service.
(yyy) Factors for foreign air transportation service.
(zzzzzzz) Factors for foreign air transportation service.
practice, for a period or periods not exceeding 365 days in the aggregate beyond the time when such tariff would otherwise go into effect. If, after hearing, the Board shall find that there was in effect subject, however, to being canceled when the proceedings for an extension of operation during the period of such suspension, or the period following cancellation of a new tariff, the air carrier or foreign air carrier may file a tariff embodying any rate, rule, or classification, or new tariff, the air carrier or foreign air carrier may file a tariff embodying any rate, rule, or classification, rule, regulation, or practice, affecting such rate, rule, or classification, rule, regulation, or practice, or such classification, rule, regulation, or practice, or is or will be unjust or unreasonable, or unduly preferential, or unduly prejudicial, or in the case of a tariff filed by a foreign air carrier if such action is in the public interest, the Board may take action to cancel or modify the tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding for an extension of operation during the period of suspension of suspensions, or the period following cancellation of a new tariff, the air carrier or foreign air carrier may file a tariff embodying any rate, rule, or classification, rule, regulation, or practice, affecting such rate, rule, or classification, rule, regulation, or practice, or such classification, rule, regulation, or practice, whether or not subject to a suspension order, for any air carrier engaged in the same foreign air transportation."

Sec. 15. Section 1002(j) (6) of the Federal Aviation Act of 1958 (49 U.S.C. 1462(j) (5)) is amended by (1) striking the word "and" at the end thereof, (2) striking the period at the end of subparagraph (F) thereof, and (3) inserting in lieu thereof "and"

Sec. 16. Section 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1502) is amended by inserting "(a)" immediately after "1102(j)" and by adding at the end thereof the following new subparagraphs:

16. Section 1102(j) of the Federal Aviation Act of 1958 is amended to read as follows:

"(a) The President shall grant to any representative of the United States a privilege to attend and to have an an opportunity to be heard at any hearing held under the Act, except that such hearing shall be closed to the public if and only if the President determines that such action is necessary to the public interest, to the extent permitted by law, to the extent permitted by law, to the extent permitted by law, to secure the public interest, or to the extent permitted by law, to secure the public interest."

"(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TRANSPORTATION AND THE CIVIL AVIATION SYSTEM. This includes, among other things:

17. The center heading for section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) is amended to read as follows:

"(a) The President shall grant to any representative of the United States a privilege to attend and to have an an opportunity to be heard at any hearing held under the Act, except that such hearing shall be closed to the public if and only if the President determines that such action is necessary to the public interest, to the extent permitted by law, to secure the public interest, or to the extent permitted by law, to secure the public interest."

"(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TRANSPORTATION AND THE CIVIL AVIATION SYSTEM. This includes, among other things:

18. Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) is amended to read as follows:

"(a) The President shall grant to any representative of the United States a privilege to attend and to have an an opportunity to be heard at any hearing held under the Act, except that such hearing shall be closed to the public if and only if the President determines that such action is necessary to the public interest, to the extent permitted by law, to secure the public interest, or to the extent permitted by law, to secure the public interest."

"(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TRANSPORTATION AND THE CIVIL AVIATION SYSTEM. This includes, among other things:

19. The third sentence of section 1108(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1508(b)) is amended by inserting the words "international negotia-tions and" in lieu thereof the following: 

"(a) The President shall grant to any representative of the United States a privilege to attend and to have an an opportunity to be heard at any hearing held under the Act, except that such hearing shall be closed to the public if and only if the President determines that such action is necessary to the public interest, to the extent permitted by law, to secure the public interest, or to the extent permitted by law, to secure the public interest."

"(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TRANSPORTATION AND THE CIVIL AVIATION SYSTEM. This includes, among other things:

20. Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1517) is amended to read as follows:

"(a) The President shall grant to any representative of the United States a privilege to attend and to have an an opportunity to be heard at any hearing held under the Act, except that such hearing shall be closed to the public if and only if the President determines that such action is necessary to the public interest, to the extent permitted by law, to secure the public interest, or to the extent permitted by law, to secure the public interest."

"(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TRANSPORTATION AND THE CIVIL AVIATION SYSTEM. This includes, among other things:

21. Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1517) is amended to read as follows:

"(a) The President shall grant to any representative of the United States a privilege to attend and to have an an opportunity to be heard at any hearing held under the Act, except that such hearing shall be closed to the public if and only if the President determines that such action is necessary to the public interest, to the extent permitted by law, to secure the public interest, or to the extent permitted by law, to secure the public interest."

"(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TRANSPORTATION AND THE CIVIL AVIATION SYSTEM. This includes, among other things:

22. Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1517) is amended to read as follows:

"(a) The President shall grant to any representative of the United States a privilege to attend and to have an an opportunity to be heard at any hearing held under the Act, except that such hearing shall be closed to the public if and only if the President determines that such action is necessary to the public interest, to the extent permitted by law, to secure the public interest, or to the extent permitted by law, to secure the public interest."

"(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TRANSPORTATION AND THE CIVIL AVIATION SYSTEM. This includes, among other things:
of whatever nationality, without provisions for the transportation of persons (and their personal effects) or property by air between a place in the United States and a place in any foreign country or territories of the United States or possession or any other place outside thereof. The air carrier shall issue to the appropriate agency or agencies which may take such action for an aggregate period for taking action under section 401 of this Act to the extent authorized by such certificates or by regulations or exemptions of the Federal Aviation Administration Board and to the extent service by such carriers is available.

"TRANSPORTATION BETWEEN TWO PLACES OUTSIDE THE UNITED STATES: (b) Wherever used (except under their personal effects) or properly described in subsection (a) of this section are transported by air between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided for by air carriers holding certificates under section 401 of this Act to the extent authorized by such certificates or by regulations or exemptions of the Civil Aeronautics Board and to the extent service by such carriers is available.

"DILLIANCE OF IMPROPER EXPENDITURE BY AIR CARRIER GENERAL: (c) The Comptroller General of the United States shall disallow any expenditure from appropriated funds for payment of employees or personnel or expenses of operation in violation of this section in the absence of satisfactory proof of the necessity therefor. Nothing in this section shall prevent the application to such traffic of the antidiscrimination provisions of this Act."

"The portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TITLE XI—MISCELLANEOUS" is amended by striking out "Sec. 1117. Transportation of Government-financed passengers and property." and inserting in lieu thereof: "Sec. 1117. Transportation of Government-financed passengers and property."

"(a) Transportation between the United States and any other place."

"(b) Transportation between two places outside the United States."

"(c) Any improper expenditure by Comptroller General."

Sec. 22. Section 2 of the International Air Transportation Practices and Procedures Act of 1974 (49 U.S.C. 1165b) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and adding a new subsection (b) as follows: "(b) Whenever the Civil Aeronautics Board, upon complaint or upon its own initiative, determines that a foreign government or instrumentality, including a foreign air carrier (1) engages in unjustifiable or unreasonable, predatory, or anticompetitive practices against a United States air carrier or (2) imposes unjustifiable or unreasonable regulations on access to a United States air carrier to foreign markets, the Board may take such action as it deems to be in the public interest to eliminate such practices or restrictions. Such action shall include, but are limited to, the denial, transfer, alteration, modification, amendment, cancellation, suspension, or revocation of any foreign air carrier permit or tariff pursuant to the powers of the Board under title I of this Act."

"(2) Any United States air carrier or any agency of the Government of the United States shall have the right to seek relief in the Civil Aeronautics Board. The Board shall approve, deny, disclaim, set such complaint for hearing or investigation, or institute other proceedings proposing remedial action within 60 days after receipt of the complaint. The Board may extend the period for taking such action for an additional period of up to 30 days if the Board concludes that it is necessary to avoid prejudicing the opportunity of a party to take action to eliminate such practice, or in any proceedings under its own initiative, under this subsection the Board shall (A) solicit the assistance of the Department of State and the Department of Transportation and (B) provide any affected air carrier or foreign air carrier with reasonable notice and such opportunity to file written evidence and argument as is consistent with acting on the complaint within the time limits set forth in this subsection."

"(3) Any action proposed by the Board pursuant to this section shall be transmitted to the Secretary of Commerce by the Board under section 801 of the Federal Aviation Act of 1958 (49 U.S.C. 1461)."

"Sec. 23. (a) Section 1002(j) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)) is amended by adding at the end thereof the following: "(7) The Board shall have authority to find any fare for foreign air transportation of persons (except those for which the basis that such fare is too low or too high if—(A) with respect to any proposed increase filed with the Board on or after the date of enactment of this paragraph, such proposed fare would be less than 5 percent higher than the standard foreign fare level for the same or essentially similar class of service. No such fare increase shall be effective unless the Board determines that it shall be made preferentially, unduly prejudicial, or unjustly discriminatory or that suspension is in the public interest because of unreasonable regulatory actions by a foreign government with respect to fare proposals of an air carrier; or (B) with respect to any proposed decrease filed after the establishment of standard foreign fare levels, the fare would not be less than 10 percent lower than the standard foreign fare level for the same or essentially similar class of service, except that this paragraph shall not apply to any proposed decrease in any fare if the Board determines that such proposed fare may be predatory. No such fare decrease on such suspension of any such fare is required because of unreasonable regulatory options by a foreign government with respect to fare proposals by an air carrier."

"(7) For purposes of paragraph (6) of this subsection, 'standard foreign fare level' means that fare level (as adjusted only in accordance with paragraph (8) of this section) in effect on October 1, 1979 (with any increase in such level not in excess of the percentage increase in the Consumer Price Index that prevailed between seasons in 1978, for each pair of points, for each class of service as determined in effect on the effective date of the establishment of each additional class of fare established after October 1, 1978)."

"(8) The Board shall, not less often than semianually, adjust each standard fare level established under paragraph (7) of this subsection for the particular foreign air transportation to which such standard fare level applies. Such adjustment shall be increasing or decreasing such standard foreign fare level, as the case may be, by the percentage change from the most recent comparable 12-month period in the operating cost per available seat-mile. In determining the standard foreign fare level, the Board shall take into consideration all costs actually incurred. In establishing standard foreign fare levels pursuant to paragraph (7) of this subsection and making the adjustments called for in this paragraph, the Board may use all relevant or appropriate information reasonably available."

"(9) The Board may by rule increase the percentage specified in subparagraph (B) of this subsection to reflect the increase in the Consumer Price Index."

"(b) Section 408(e)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(e)(1)) is amended by adding at the end thereof the following: "(a) Whenever by order of the Board, the air carrier" after the words "air carrier" after the words "air carrier" after the words "air carrier" the words "air carrier"."

Sec. 24. Section 1002(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(e)) is amended by inserting the words "subject to the following requirements before the words "issue an appropriate order"."

"Sec. 25. (a) Paragraph (1) of section 401(n) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(n)(1)) is amended to read as follows: "(1) Notwithstanding any other provision of this title, no air carrier providing air transportation shall issue a certificate or any other instrument issued under this section shall immediately, on the same flight, passengers being transported in interstate, overseas, or foreign charter air transportation with passengers being transported in scheduled interstate, overseas, or foreign air transportation, except that this subsection shall not apply to the transportation of passengers in air transportation under group fare tariffs."

"Sec. 26. Section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, on the basis of the findings required by subsection (a)(2)(A) of section 419, the Board shall, as part of any order under such section which approves any contract, agreement, or request or any modification or cancellation thereof, except any person affected by such order from the operations of the 'anti-trust laws' set forth in section 2 of the Clayton Act (15 U.S.C. 12), and such order shall not apply to the transportation of passengers in air transportation under group fare tariffs."

"Sec. 27. Section 801 of the Federal Aviation Act of 1958 (49 U.S.C. 1461) is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, on the basis of the findings required by subsection (a)(2)(A) of section 419, the Board shall, as part of any order under such section which approves any contract, agreement, or request or any modification or cancellation thereof, except any person affected by such order from the operations of the 'anti-trust laws' set forth in section 2 of the Clayton Act (15 U.S.C. 12), and such order shall not apply to the transportation of passengers in air transportation under group fare tariffs."

"(2) Any order of the Board pursuant to section 412 of this Act relating to foreign air transportation shall be submitted to the Secretary of State for publication the following:

"(c) Any order of the Board pursuant to section 412 of this Act relating to foreign air transportation shall be submitted to the Secretary of State for publication the following:

"If the Secretary of State certifies to the Board that the order would have the effect of imposing such order, that such order has important foreign policy consequences, the Board shall
submit the order to the President for review before publication thereof. The President may disapprove such order when he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States and that delay of more than ten days following submission by the Board of any such order to the President. Any such Board action not disapproved within the foregoing time limits shall take effect by operation of law, without the approval of the President, and as such shall be subject to judicial review as provided in section 1006 of this Act.

Sec. 28. Section 45 of the Airline Deregulation Act of 1978 (49 U.S.C. 1341 note) is amended by inserting "(a)" after "Sec. 45." and by adding at the end thereof the following new subsections:

"(b) In this section shall prohibit the Secretary of Transportation or the Administrator of the Federal Aviation Administration from collecting a fee, charge, or price for any test, authorization, certificate, permit, or rating administered or issued outside the United States relating to any airman or aircraft certificate.

"(c) For purposes of this section, the term "United States" shall have the meaning given such term in section 1 of the Federal Aviation Act of 1958 (49 U.S.C. 1001)."

Sec. 29. Notwithstanding any automatic amendment of the Airline Deregulation Act of 1978, or any other provision of law, no common carrier operating in interstate commerce may in any way restrain or prevent the delivery of commercial passenger traffic, inter-state commerce into or from a satellite airport lying within 20 miles of a major regional airport where the major airport is operated under the direction of a regional airport board and where the satellite airport is operated under the direction of a municipality and where the proprietors of such satellite airport are members of a regional airport board have determined that the public interest and aviation safety of the region are best served by closing said satellite airport to all commercial passenger interstate traffic. Nothing in this section shall apply to the operations of any commuter airline.

The SPEAKER pro tem. is a second demanded.

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER pro tem. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tem. The gentleman from California (Mr. Anderson) will be recognized for 20 minutes, and the gentleman from Kentucky (Mr. Snyder) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. Anderson).

Mr. ANDERSON of California. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, H.R. 5481, the International Air Transportation Competition Act of 1979, modernizes the laws governing international aviation, most of which were adopted since 1938. During this 40-year period, international aviation has evolved from an infant industry to the basic system of international passenger transportation. A thorough modernization and revision of the governing law is needed.

The main features of H.R. 5481 are as follows:

First, the bill establishes new policy statements to guide the Civil Aeronautics Board and other agencies in regulating international aviation, and in conducting international aviation negotiations. These policy statements contemplate that to the maximum extent possible, reliance will be placed on competition, rather than on regulation. To ensure government regulation, to determine the services which will be offered to the traveling public. At the same time, the policy statements recognize that there may be differential international fares, and domestic aviation; the critical difference being that in domestic markets a competitive environment can be established by actions of the U.S. Government, while in international markets, competition can be established only by agreement between the United States and one or more foreign governments.

Since most foreign governments do not share our country’s beliefs in the benefits of unregulated competition in aviation, the policy statements contemplate that there may be test, permit, or rating actions which may be taken only as a response to cost changes promptly and automatically, without the delays required for case-by-case filings and analysis.

To accomplish these objectives, H.R. 5481 includes a fare flexibility provision permitting airlines to adopt fares 5 percent above or 50 percent below a standard industry fare level. The standard industry fare level will be adjusted periodically to reflect changes in airline costs. This provision is similar to the fare flexibility provision in the Domestic Deregulation Act, which also provides a standard industry fare level based on the fares in effect on a specific date, and which also allows a pass-through of cost changes.

Mr. Speaker, H.R. 5481 represents modernization of the law governing international aviation. The statutory modernization and the elimination of unnecessary regulation should benefit both our foreign and domestic airlines. Such modernization will allow us to provide international service. I urge my colleagues to join me in passing this important legislation.

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

Mr. Speaker, I would like first to commend Chairman JOHNSON, Chairman ANDERSON, and Mr. HASANA, our ranking minority member, for their work on this legislation. This bill represents a logical outgrowth of Congress efforts to deregulate the domestic transportation sector for months. If the same competitive theories will now be applied by U.S. negotiators to the international market place.

The bill sets forth a procompetitive policy statement to direct the Civil Aeronautics Board to implement its duties with regard to routes, rates, and entry. It also establishes a number of goals for the CAB and Departments of State and Transportation to follow in establishing a negotiating policy for bilateral agreements. Again, competition is the theme, with equal emphasis on strengthening U.S. air carriers, increasing U.S. carrier market shares, and eliminating unfair competitive practices engaged in by foreign airlines.

The policy of strengthening the competitive position of U.S. air carriers is consistent with other U.S. foreign trade policies. Any disparity in the strength of our carriers will ultimately adversely affect the economy, the taxpayer, and the consumer, as well as frustrate the objective of full employment and economic growth.

As set forth in the statement of goals,
our negotiators should make every effort to eliminate operating and marketing restrictions imposed by foreign carriers. In order to protect the U.S. market, foreign carriers are not allowed to handle their own aircraft on U.S. territory. This has resulted in the establishment of a monopoly of reservations computers, currency restrictions, and ticketing restrictions. Foreign carriers operating in the U.S. must face these types of obstacles, and thus compete with U.S. carriers on a much more equal footing than is possible for U.S.-flag carriers on foreign turf.

This legislation gives the CAB tools with which to pursue so-called liberal bilateral agreements. I wish to emphasize that the CAB is also expected to see to it that these agreements are lived up to by foreign entities and, if not, the CAB is expected to take appropriate countermeasures.

There are numerous cases where foreign governments have placed unfair anticompetitive restrictions on U.S. carriers. In order to promote the elimination of these restrictions, the bill gives the CAB authority to summarily modify, suspend, or revoke a foreign air carrier permit if the foreign government or foreign air carrier engages in unfair or restrictive practices. It also gives the CAB the authority to order foreign carriers on a much more equal footing to the extent possible as our domestic carriers.

Mr. ANDERSON of California. Mr. Speaker, this legislation is consistent with our efforts in applying a procompetitive policy to domestic air transportation, and it is only fair that our international carriers be treated on an equal footing to the extent possible as our domestic carriers.

Mr. Speaker, this legislation is consistent with our efforts in applying a procompetitive policy to domestic air transportation, and it is only fair that our international carriers be treated on an equal footing to the extent possible as our domestic carriers.

Mr. ANDERSON of California, Mr. FARY. Mr. Speaker, if I could have the attention of the gentleman from Texas (Mr. Wixon) please. Section 29, Mr. Wixon, of this bill is written to finally correct the situation the CAB has allowed to exist in the gentleman's district. I would like to ask the gentleman if he would elaborate for the record on this situation at Love Field?

Mr. WRIGHT. Mr. Speaker, I am delighted to explain once again the purpose of Congress in this particular legislation. The language to which he refers applies with specificity only to the situation at Love Field, Tex., and at the Dallas-Fort Worth International Airport.

It simply reaffirms what this Congress declared at the time we enacted the airline deregulation bill. We tried to make it clear on the floor of this House that a local airport board and the cities who own the airports should be able to decide which of those airports shall be used in interstate traffic. The city of Dallas had closed Love Field, and the cities of Fort Worth and Dallas jointly had committed $600 million of their taxpayers' money to the building of a new, modern, and safe facility midway between those two cities.

The regional airport board declared that all interstate flights should come into and leave from the new facility. Notwithstanding that, one airline on its own petitioned the Civil Aeronautics Board under the Airline Deregulation Act to permit it to inaugurate a new series of interstate flights at the abandoned Love Field. Federal Aviation Administration experts have said that it was potentially unsafe. Former Regional Director Henry Newman declared that it was not a safe situation to mix big airliners from interstate travel with small private aircraft in the air, flying at greatly different rates of speed into that field. Love Field had been set aside for private aircraft.

Notwithstanding that, the Civil Aeronautics Board, by a tortured reasoning, misinterpreted the action of the Congress, in spite of our clear colloquy to the contrary on this very floor on the day of its passage. To give the CAB a carte blanche to construct the automatic market entry provision of that law as intending that any airline on its own option could inaugurate interstate flights at any landing strip anywhere, no matter what was said of the city said which owned the airport. So, we are simply setting that matter straight once more.

Mr. FARY. I thank the gentleman.

This legislation gives the CAB tools with which to pursue so-called liberal bilateral agreements. I wish to emphasize that the CAB is also expected to see to it that these agreements are lived up to by foreign entities and, if not, the CAB is expected to take appropriate countermeasures.

There are numerous cases where foreign governments have placed unfair anticompetitive restrictions on U.S. carriers. In order to promote the elimination of these restrictions, the bill gives the CAB authority to summarily modify, suspend, or revoke a foreign air carrier permit if the foreign government or foreign air carrier engages in unfair or restrictive practices. It also gives the CAB the authority to order foreign carriers on a much more equal footing to the extent possible as our domestic carriers.

This legislation also amends existing law to conform international route awards, foreign agreements, and tariffs to the Deregulation Act of 1978. Application for any international route authority are to be granted if "consistent with" the public convenience and necessity rather than "required by" the CAB. CAB has been slow to correct the situation the CAB has allowed to exist in the gentleman's district. I would like to ask the gentleman if he would elaborate for the record on this situation at Love Field?

Mr. WRIGHT. Mr. Speaker, I would be delighted to explain once again the purpose of Congress in this particular legislation. The language to which he refers applies with specificity only to the situation at Love Field, Tex., and at the Dallas-Fort Worth International Airport.

The bill would amend the Foreign Practices Act to provide Government agencies to conform international route awards, foreign agreements, and tariffs to the building of a new, modern, and safe facility midway between those two cities.

The regional airport board declared that all interstate flights should come into and leave from the new facility. Note with the one airline on its own petitioned the Civil Aeronautics Board under the Airline Deregulation Act to permit it to inaugurate a new series of interstate flights at the abandoned Love Field. Federal Aviation Administration experts have said that it was potentially unsafe. Former Regional Director Henry Newman declared that it was not a safe situation to mix big airliners from interstate travel with small private aircraft in the air, flying at greatly different rates of speed into that field. Love Field had been set aside for private aircraft.

Notwithstanding that, the Civil Aeronautics Board, by a tortured reasoning, misinterpreted the action of the Congress, in spite of our clear colloquy to the contrary on this very floor on the day of its passage. To give the CAB a carte blanche to construct the automatic market entry provision of that law as intending that any airline on its own option could inaugurate interstate flights at any landing strip anywhere, no matter what was said of the city said which owned the airport. So, we are simply setting that matter straight once more.

Mr. FARY. I thank the gentleman.

Then, this amendment then is in any way meant to affect interstate air traffic into and out of Midway Field in Chicago.

Mr. WRIGHT. Absolutely not. The gentleman is absolutely correct. The city of Chicago and the regional airport authorities wanted both airports, O'Hare and Midway, to be used in the Chicago area; and that is the purpose of this bill. The language contained in this language would adversely affect that.

Mr. FARY. I thank the gentleman.

Mr. Speaker, I thank the gentleman from Texas (Mr. Wixon), for yielding to me. As a member of the Aviation Subcommittee of the Committee on Public Works and Transportation I feel it is very important for me to state for the record that the committee amendment before the House, section 29 of H.R. 5481, is meant to apply solely to Love Field and Dallas-Fort Worth airports. The purpose of this amendment is solely to correct a longstanding misinterpretation of the congressional intent by the Civil Aeronautics Board.

In pointing out for the record that this is the only way new airports to Chicago's airports, I am merely trying to make certain that the CAB does not misinterpret any of the terms used in the amendment to the detriment of the Chicago area where, in fact, the Congress has been trying to encourage reliever or satellite airport service from Midway Field.
Mr. Speaker, I urge passage of this important legislation.

Mr. Sneider. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. Dermweld).

Mr. DERWINESKI. Mr. Speaker, I rise in support of this legislation and commend the committee for its progressive attitude toward protecting U.S. interests in international air travel. I also take this time to call to the attention of this House that the gentleman from Illinois (Mr. Fary) was not the only individual responsible for the effective reopening of Chicago's Midway Airport. He fought the bureaucracy; he fought the airlines; he fought the lackadaisical city administration, because of his efforts Midway will now be restored as an effective entity serving consumers.

Whenever Members have an opportunity to fly into Chicago, if they are through there I am sure they will find O'Hare a little easier because of the adjusted service. Mr. Fary is the man responsible. I wish to take this time to commend him for his leadership in this field.

Mr. ANDERSON of California. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. De la Garza).

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman yielding time. I was pleased to see that in the amendment discussed by the gentleman from Chicago (Mr. Fary) and the gentleman from Texas (Mr. Wmorr) I have a problem that I would like to place before the House.

The city of Harlingen is one of the major cities in my congressional district. The only airline that flies into Harlingen is one way or the other. Southwest Airlines, which now serves Harlingen, and connecting with the Dallas-Fort Worth area. These are interstate flights.

In addition to that, Harlingen easily could be served in interstate traffic by Southwest Airlines with intermediate stops in the Dallas-Fort Worth area if the management of Southwest simply will do what every other airline has agreed to do, and that is to bring their fares up to interstate. I yield further, the airline is fully authorized to operate into interstate flights from the Harlingen airport which the gentleman's regional airport board has designated as the principal airport in the area for interstate flights.

In addition to that, Harlingen easily could be served in interstate traffic by Southwest Airlines with intermediate stops in the Dallas-Fort Worth area if the management of Southwest simply will do what every other airline has agreed to do, and that is to bring their fares up to interstate. I yield further, the airline is fully authorized to operate into interstate flights from the Harlingen airport which the gentleman's regional airport board has designated as the principal airport in the area for interstate flights.

In addition to that, Harlingen easily could be served in interstate traffic by Southwest Airlines with intermediate stops in the Dallas-Fort Worth area if the management of Southwest simply will do what every other airline has agreed to do, and that is to bring their fares up to interstate. I yield further, the airline is fully authorized to operate into interstate flights from the Harlingen airport which the gentleman's regional airport board has designated as the principal airport in the area for interstate flights.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's concern and his explanation of the amendment as read, whatever the problem is over there, that particular airline wants a monopoly by which it might thumb its nose at the city officials of Dallas and Fort Worth. If we allow them to get by with that, I suggest to the gentleman from the Rio Grande Valley, then the next thing it might do would be to thumb its nose at the city officials and public authorities of the regional airport in the southern part of Texas.

There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widening the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.

Mr. DE LA GARZA. Mr. Speaker, I again repeat that I do not want to involve myself in the problems that the gentleman has over there.

Mr. WRIGHT. The gentleman from north Texas appreciates the remarks of the gentleman from south Texas.

Mr. DE LA GARZA. I would hope that my dear colleague and friend would see my predication, and if there is any way that we could arrive at something that would protect the interests of the city of Harlingen and conceivably the interests of the city of Harlingen, maybe we might arrive at some solution equitable to both sides.

Mr. WRIGHT. The gentleman is asking that I will. I will guarantee the gentleman that those flights from Harlingen, the land at Dallas-Fort Worth International Airport and go out of there into interstate traffic. If there are any other ways in which we could protect the interests of Harlingen. If it is not granted permission, I believe that Mr. Speaker, the distinguished gentlemen from Kentucky and California have ably described this legislation which I urge my colleagues to support. The primary purposes of this bill is to establish a statutory negotiating policy with respect to foreign air transportation agreements with other nations. Prior to this time, the pursuit of U.S. air transportation policy has taken varying courses.

This bill will establish an unequivocal procompetitive course for international air transport support to the creation of a competitive marketplace to a certain extent.

This legislation establishes a policy of placing maximum reliance on competitive market forces, achieving fair and nondiscriminatory practices, and strengthening the competitive position of U.S. carriers.

The latter factor was included in recognition of economic and political considerations in foreign transportation which preclude theories of domestic regulatory reform from being equally applied to the international marketplace. Thus, the goal of strengthening the competitive position of U.S. air carriers is to be equally balanced with the goal of competition. Given the nature of international trade, this makes abundant sense. Obviously, our trade deficit has reached new depths, as have our imports. And any increase in this dismal deficit will only further fuel inflation, increase the jobless rate, and further widen the dollar deficit. There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widen the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's concern and his explanation of the amendment as read, whatever the problem is over there, that particular airline wants a monopoly by which it might thumb its nose at the city officials of Dallas and Fort Worth. If we allow them to get by with that, I suggest to the gentleman from the Rio Grande Valley, then the next thing it might do would be to thumb its nose at the city officials and public authorities of the regional airport in the southern part of Texas.

There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widen the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's concern and his explanation of the amendment as read, whatever the problem is over there, that particular airline wants a monopoly by which it might thumb its nose at the city officials of Dallas and Fort Worth. If we allow them to get by with that, I suggest to the gentleman from the Rio Grande Valley, then the next thing it might do would be to thumb its nose at the city officials and public authorities of the regional airport in the southern part of Texas.

There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widen the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's concern and his explanation of the amendment as read, whatever the problem is over there, that particular airline wants a monopoly by which it might thumb its nose at the city officials of Dallas and Fort Worth. If we allow them to get by with that, I suggest to the gentleman from the Rio Grande Valley, then the next thing it might do would be to thumb its nose at the city officials and public authorities of the regional airport in the southern part of Texas.

There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widen the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's concern and his explanation of the amendment as read, whatever the problem is over there, that particular airline wants a monopoly by which it might thumb its nose at the city officials of Dallas and Fort Worth. If we allow them to get by with that, I suggest to the gentleman from the Rio Grande Valley, then the next thing it might do would be to thumb its nose at the city officials and public authorities of the regional airport in the southern part of Texas.

There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widen the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's concern and his explanation of the amendment as read, whatever the problem is over there, that particular airline wants a monopoly by which it might thumb its nose at the city officials of Dallas and Fort Worth. If we allow them to get by with that, I suggest to the gentleman from the Rio Grande Valley, then the next thing it might do would be to thumb its nose at the city officials and public authorities of the regional airport in the southern part of Texas.

There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widen the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's concern and his explanation of the amendment as read, whatever the problem is over there, that particular airline wants a monopoly by which it might thumb its nose at the city officials of Dallas and Fort Worth. If we allow them to get by with that, I suggest to the gentleman from the Rio Grande Valley, then the next thing it might do would be to thumb its nose at the city officials and public authorities of the regional airport in the southern part of Texas.

There is nothing in this language that adversely affects Harlingen one way or another. Harlingen is served by Southwest Airlines. If Southwest is willing to serve Harlingen, and for Southwest Airlines to stir up the people of the Rio Grande Valley against this legislation provides the CAB with the management of Southwest to lease, allowing it, then would increase the jobless rate, and further widen the dollar deficit. Southwest Airlines with intermediate stops in the Dallas-Fort Worth area. Those now serving Harlingen, and connecting with the Dallas-Fort Worth area.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

S. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the "Federal Aviation Air Transportation Competition Act of 1979."

Sec. 2. Section 102(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(a)) is amended to read as follows:

"DECLARATION OF POLICY: THE BOARD"

"FACTORS FOR INTERSTATE, OVERSEAS, AND FOREIGN AIR TRANSPORTATION"

Sec. 102. (a) The assignment and performance of its powers and duties under this Act, the Board shall consider the following factors in establishing and terminating new, or any change in, air transportation services, full evaluation of the recommendations of the Secretary of Transportation on the safety implications of such new services and full evaluation of the recommendations submitted under section 107 of this Act.

Sec. 102. (b) The prevention of any deterioration in established safety procedures, recognizing the clear intent, express purpose, and declaration of the Congress to the furtherance of the highest degree of safety in air transportation and that the maintenance of the safety vigilance that has evolved within air transportation and air commerce and is expected by the traveling and shipping public.

"(c) The availability of a variety of adequate, economic, efficient, and low-price services by air carriers and foreign air carriers without unjust discriminations, undue preferences, or unfair or deceptive practices, the need to improve relations among, and coordinate transportation by, air carriers, the need to encourage fair wages and equitable working conditions for air carriers."

Sec. 102. (d) The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, and (B) to encourage efficient and well-managed air carriers to earn adequate profits and to attract capital, taking account, nevertheless, of material differences which may exist between interstate and overseas air transportation, on the one hand, and foreign air transportation, on the other hand, or among the different types of air service.

"(e) The development and maintenance of a sound regulatory environment which is responsible to the needs of the public and in which decisions are promptly made in order to facilitate adaption of the air transportation system to the present and future needs of the domestic and foreign commerce of the United States, the Postal Service, and the national defense."

Sec. 102. (f) The encouragement of air service at major urban areas in the United States through secondary or satellite airports, where consistent with regional airport plans of regional and local jurisdictions, and when such encouragement is endorsed by appropriate state entities encouraging such service by air carriers, and when there is needed such encouragement in any specific market is to provide service exclusively at the secondary or satellite air carrier, and such encouragement will reasonably enables such carriers to establish themselves and to develop their secondary or satellite service.

Sec. 102. (g) The prevention of unfair, deceptive, predatory, or anticompetitive practices in air transportation, and the avoidance of:

"(A) unreasonable concentration, excessive market domination, and monopoly power; and
"(B) other conditions;

that would tend to allow one or more air carriers or foreign air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.

Sec. 102. (h) The maintenance of a comprehensive, coordinated, and continuous scheduled interstate and overseas air service for small communities and for isolated areas. (a) The Board may, subject to the authority of the Federal Aviation Administration, issue certificates to air carriers, to the encouragement of entry into additional air transportation markets by existing air carriers, and the continued strength of small air carriers so as to assure a more effective, competitive air line industry.

Sec. 102. (i) The promotions, encouragement, and development of civil aeronautics and a viable, privately owned United States air transport industry."

Sec. 3. (a) Section 102(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(c)) is amended by striking out "as required by law." and inserting in lieu thereof 

"(a) Factors for interstate, overseas, and foreign air transportation."

Sec. 4. Section 401(d)(1) through (d)(3) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)(1) through (d)(3)) are amended to read as follows:

"ISSUANCE OF CERTIFICATE"

Sec. 4. (d)(1) The Board shall issue a certificate authorizing the whole or any part of the air transportation covered, if it finds that the applicant is fit, willing, and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and orders of the Board hereunder, and that such transportation is consistent with the public convenience and necessity, if it finds that the applicant is fit, willing, and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and orders of the Board hereunder, and that such transportation is consistent with the public convenience and necessity, if it finds that the applicant is fit, willing, and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and orders of the Board hereunder, and that such transportation is consistent with the public convenience and necessity, if it finds that the applicant is fit, willing, and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and orders of the Board hereunder, and that such transportation is consistent with the public convenience and necessity.

Sec. 5. The first sentence of section 401(e)(2) of the Federal Aviation Act of 1958 (49
U.S.C. 1371(e)(2)) is amended by striking out the words ""insofar as the operation is to take place over the territories of foreign countries"; and

(3) striking subsections (a), (b), (c), and (e), respectively;

(4) inserting the words ""affecting international or overseas air transportation and"" in subsection (a)(1), as so redesignated by this section; and

(5) inserting the words ""affecting international or overseas air transportation"", immediately after the words ""lessor"", in subsection (a)(2) (A) (III), as so redesignated by this section; and

(6) inserting the words ""or foreign air carrier"" immediately after the words ""air carrier"" the first time those words appear in subsection (a)(1), as so redesignated by this section.

Sec. 12. (a) The center heading for section 413 (a)(1) of the Federal Aviation Act of 1958, as redesignated by section 11 of this Act, is amended by striking out ""AFFECTING INTERSTATE OR OVERSEAS AIR TRANSPORTATION"".

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading ""Sec. 412. Pooling and other agreements."", is amended to read as follows:

""Suspension and Rejection of Rates in Foreign Air Transportation"

(1) (1) Whenever an air carrier or foreign air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers, between foreign air carriers, or between an air carrier and a foreign air carrier or carriers) rate, fare, or charge for foreign air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the the air carrier or foreign air carrier if the Board finds that such action is in the public interest, the Board, by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period or periods not exceeding 5 days, unless the Board, after a hearing, shall find that such suspension will tend to create or maintain a pattern of undue preference, or undue prejudice, or in the case of a tariff filed by a foreign air carrier if the Board finds that such action is in the public interest, the Board may take action to reject or cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such rate and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice.

Sec. 13. (a) The center heading for section 416(b) of the Federal Aviation Act of 1958 is amended by inserting the words ". . . the Board, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the the air carrier or foreign air carrier if the Board finds that such action is in the public interest, the Board, by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period or periods not exceeding 5 days, unless the Board, after a hearing, shall find that such suspension will tend to create or maintain a pattern of undue preference, or undue prejudice, or in the case of a tariff filed by a foreign air carrier if the Board finds that such action is in the public interest, the Board may take action to reject or cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such rate and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE 32153

agreement or understanding. If the suspension, rejection, or cancellation is of an initial tariff, the affected air carrier or foreign air carrier may file for prospective reclassifications purposes of the effective period or of a new tariff, a tariff embodying any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge. but, if authorized by the Federal Aviation Board, shall be temporarily suspended, and, by filing with such tariff, and delivering to the air carrier or foreign air carrier, within the period of suspension, a new rate, fare, or charge, or such classification, rule, regulation, or practice, following the effective date of such suspension, for a period or periods not exceeding 365 days in the aggregate from the effective date of such suspension, may suspend the operation of such rate, fare, or charge, or such classification, rule, regulation, or practice, if the president determines that such suspension is necessary to prevent unlawful or unreasonable discrimination, or unduly preferential, or unduly prejudicial, or in the case of a tariff filed by a foreign air carrier if the Board concludes, with or without hearing that such action is in the public interest, the Board shall order in the public interest that such action be taken. If the effective period of such suspension, or the period or periods exceeding 365 days in the aggregate from the effective date of such suspension, is extended or if the President determines that such suspension is necessary to prevent unlawful or unreasonable discrimination, or unduly preferential, or unduly prejudicial, or in the case of a tariff filed by a foreign air carrier if the Board concludes, with or without hearing that such action is in the public interest, the Board shall order in the public interest that such action be taken.

Sec. 16. Section 1102(j) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)) is amended by (1) striking the word "and" at the end of paragraph (F) thereof, (2) striking the period at the end of subparagraph (F) and inserting in lieu thereof "and"; (3) by adding at the end thereof the following subparagraph:

(4) reasonably estimated to be available within the period of suspension for any air carrier engaged in international air transportation.

Sec. 17. Section 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1502) is amended by adding after the last sentence thereof: "by adding at the end thereof the following sections:

GOALS FOR INTERNATIONAL AVIATION POLICY

(a) In formulating United States international air transportation policy, the Congress, in the promotion of the public interest, the good of commerce and transportation, and the development of the aeronautics industry, hereby declares it is in the public interest to promote the following goals:

(b) In formulating United States international air transportation policy, the Congress intends that the Secretary of the Army, in the pursuit of the public interest, the good of commerce and transportation, and the development of the aeronautics industry, hereby declares it is in the public interest to promote the following goals:

(c) In formulating United States international air transportation policy, the Congress, in the promotion of the public interest, the good of commerce and transportation, and the development of the aeronautics industry, hereby declares it is in the public interest to promote the following goals:

(d) The President shall grant to at least one representative of each House of Congress the privilege to attend international aviation negotiations as an observer if such privilege is requested in advance writing.

Sec. 18. (a) The center heading for section 1102 of the Federal Aviation Act of 1958 is amended to read as follows:

INTERNATIONAL AGREEMENTS

(a) Actions of the Board and Secretary of Transportation

(b) Goals for International aviation policy.

(c) Consultation with affected groups.

(d) Observer status for Congressional representatives.

Sec. 19. Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) is amended by striking the words "international negotiations and" and inserting in lieu thereof "international aviation policy set forth in section 1102(b) or treaties providing for the exchange of rights or benefits of similar magnitude.

Sec. 20. The third sentence of section 1108 (b) of the Federal Aviation Act of 1958 (49 U.S.C. 1508(b)) is amended by inserting immediately before the end thereof the following: 

"...United States air carriers to engage in otherwise authorized common carriage and carriage of mail with foreign registered aircraft under lease or charter to them without crew.

Sec. 21. Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1617) is amended to read as follows:

"TRANSPORTATION OF GOVERNMENT-FINANCED PASSENGERS AND PROPERTY

TRANSPORTATION BETWEEN THE UNITED STATES AND A PLACE OUTSIDE THEREOF

Sec. 1117. (a) Except as provided in subsection (c) of this section, whenever any department or agency of the United States shall procure, contract for, or otherwise obtain for its own account or for the furtherance of the purposes or pursuant to the terms of any contract, agreement, or special arrangement made or entered into under which payment is made by the United States or any governmental agency, or other organization, of whatever nationality, without provisions for reimbursement, for air transportation, federal or non-federal, of personnel (and their personal effects) or property by air between a place in the United States and a place outside thereof, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided by air carriers holding certificates under section 401 of this Act to the extent authorized by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent service by such carriers is available.

TRANSPORTATION BETWEEN TWO PLACES OUTSIDE THEREOF

(b) Except as provided in subsection (c) of this section, whenever persons (and their personal effects) or property described in subsection (a) of this section are transported by air between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided by air carriers holding certificates under section 401 of this Act to the extent authorized by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent service by such carriers is available.
Mr. JOHNSON of California. Mr. Speaker, I offer a motion. The Clerk read as follows: Mr. Johnson of California moves to strike out all after the enacting clause of the Senate bill, S. 1300, after closing the provisions of H.R. 5481, as passed by the House. The motion was agreed to. The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table. A similar House bill, H.R. 5481, was laid on the table.

APPOINTMENT OF CONFERENCE S. 1300

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 1300, just passed, and request a conference with the Senate.

The Speaker pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conference: Messrs. Johnson of California, Roberts, Anderson of California, Levitas, Young, Harsha, and Snyder.

AUTHORIZING AND DIRECTING CLERK TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4930, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1980

Mr. YATES. Mr. Speaker, I ask unanimous consent that the envelope of the bill (H.R. 4930) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, be corrected.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conference: Messrs. Johnson of Illinois, Goodwin, Murray, and dryer.

Mr. YATES. Mr. Speaker, the request of the gentleman from Illinois has been granted.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

32155

gentleman from Massachusetts (Mr. Conte) who is the ranking member of the Committee on Appropriations, and has been cleared with other leaders in the House.

The purpose of the resolution is to correct an error in numbers which appeared in the conference report of the Department of Interior and Related Agencies bill which the House considered on Friday. There is no change in substance. It is only with respect to a change in the figures themselves.

Mr. Speaker. What about the ranking minority member of the subcommittee, the gentleman from Pennsylvania (Mr. McDade)?

Mr. YATES. If the gentleman will yield further, the gentleman from Pennsylvania (Mr. McDade) has no objection to it because it only amounted to a correction of a typographical error.

Mr. TOMAS. He has indicated he has no objection.

Mr. YATES. That is right.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 209

Resolved by the House of Representatives (the House contrary resolving), That in the enroll­ment of the bill (H.R. 4930) making appropri­ations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, the Clerk of the House of Representatives is authorized and directed to make the follow­ing correction:

In lieu of the figure "$401,242,000" inserted in lieu of Senate amendment numbered 67 on page 31, line 11, insert "$492,565,000".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS EXPRESSION OF UNIONS' CONCERN OVER CERTAIN U.S. CITIZENS

Mr. FITHIAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 200) expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain United States citizens, as amended.

The Clerk read as follows:

H. CON. RES. 200

Expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain United States citizens,

Whereas the United States, since its inception has been committed to the principle of self-determination; and

Whereas the United States as a member of the United Nations has pledged to uphold the provisions of the United Nations Charter; and to take joint and separate action to promote universal respect for, and observance of, those human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

Whereas the United Nations and the United States delegation to the United Nations have consistently upheld the right of self-determination of those countries or territories in Asia and Africa that are, or have been, under foreign political rule;

Whereas, as the United States is a signatory of the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII of the Helsinki Final Act, prin­cipally and specifically providing for the right of self-determination of peoples; and

Whereas in 1940 the Soviet Union unilat­erally incorporated the three Baltic States (Lithuania, Latvia, and Estonia), which were sovereign members of the League of Nations;

Whereas in 1954 the House of Represent­atives Select Committee to Investigate Commu­nist Aggression concluded that the Baltic States "were forcibly occupied and illegally annexed by the Union of Soviet Socialist Republics" and that "the continued mili­tary and political occupations of Lithuania, Latvia, and Estonia by the Union of Soviet Socialist Republics is a cause of the danger­ous world tensions which now beset man­kind and therefore constitute a serious threat to the peace"; and

Whereas the United States has respons­ibility to the citizens of the Baltic States for national independence remains strong despite efforts by the Soviet Union to destroy the Baltic peoples as dis­tinct cultural, national, ethnic, and political entities through disparation and dep­ortations to Siberia, replacing them with ethnic Russians; and

Whereas the peoples of the Baltic States are entitled to equal rights and self deter­mination as set forth in Principle VIII of the Helsinki Final Act and should be allowed to hold free elections conducted under the auspices of the United Nations; and

Whereas the United States has consistently refused to recognize the unlawful So­viet occupations of the Baltic States, and continues to maintain diplomatic relations with representatives of the independent Rep­ublics of Lithuania, Latvia, and Estonia; and

Whereas in past years this policy has re­ceived strong support in Congress; and

Whereas, in addition, the United States, since its inception has been committed to the protection of its citizens, whether nat­uralized or native born; and

Whereas the Soviet Union recently promul­gated a law designating as a Soviet citizen any person who was born in the Soviet Union, even if a Soviet citizen, or is the child of parents who were Soviet citizens at the time of the child's birth, irrespective of whether the child was born on Soviet territory; and

Whereas this law which went into effect on July 1, 1979, states that a person who is a Soviet citizen is not recognized as having the citizenship of a foreign state, and thus specifically does not recognize United States citizenship; and

Whereas this law applies to millions of Americans, including those who, under United States law, are native-born citizens of the United States; and

Whereas this Soviet law intimidates many United States citizens who might otherwise travel to the Soviet Union; and

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, in order to assure true and genuine peace in the world, and in general, should instruct the United States delegation to the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to seek full implementation of Principle VIII of the Helsinki Final Act concerning equal rights and self-determination of all peoples of the Baltic States to the attention of all nations by means of special radio programs and publications.

It is further the sense of the Congress that the President should use his good offices to make every effort to gain the support of other nations for the realization of the independence of the Baltic States.

Sec. 2. (a) The Congress views with deep concern the action on the part of the Soviet Union making citizenship claims on millions of Americans who were born in the United States or naturalized.

(b) It is the sense of the Congress that the President should warn the Soviet Union against taking any action under the new Soviet citizenship law which would be detrimental to the interests of the United States and its individual citizens. The Secretary of State should inform United States citizens planning to visit the Soviet Union of the implications of this law.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana (Mr. FITHIAN) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. FITHIAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. FITHIAN).

Mr. FITHIAN. I yield myself such time as I may consume.

Mr. Speaker, the resolution before us rightly calls attention to one of the most outrageous land grabs in modern his­tory—the illegal annexation of the Baltic States by the Soviet Union in 1940.

House Concurrent Resolution 200 re­affirms our country's commitment to the principle of self-determination and seeks to have the Soviet Union live up to its in­ternational obligations under various in­ternational accords, particularly the Helsinki Final Act. The resolution calls for the restoration of equal rights and self-determination to the Baltic peoples through free elections.

House Concurrent Resolution 200 calls upon the President to bring the matter of the Baltic States to the attention of all nations at meetings such as the 1980 Madrid Conference on Security and Co­operation in Europe, and to enlist their cooperation in the realization of inde­pendence of the Baltic States.

Mr. Speaker, I believe that the con­tinuation of the American policy of non­recognition remains an appropriate way of expressing our disapproval of the forc­ible Soviet Incorporation of the three Baltic States. It is also important to protest the harsh and brutal treatment of the Baltic peoples who have suffered greatly under Soviet rule. Soviet at­tempts to destroy their language, their religion, their customs, their culture, and their distinction as a people are outrageous and reprehensible. I strongly be­lieve that once the United States has
comes complacent or forgets about what occurred in the Baltic States we face the danger of repetition history repeating itself in other areas of the world.

House Concurrent Resolution 200 also expresses concern about the Soviet citizenship law which came into force on July 1 of this year. This law could apply to millions of people including many Americans by designating as a Soviet citizen any person who was born in the Soviet Union, was naturalized as a Soviet citizen, or is the child of parents who were Soviet citizens at the time of the child's birth, regardless of whether the child was born on Soviet territory. Americans traveling to Russia or areas under Russian control could suddenly discover that they are Soviet citizens under Soviet law. House Concurrent Resolution 200 therefore calls upon the President to warn the Soviet Union against taking any action under this new citizenship law which would be detrimental to the interests of the United States and its citizens. House Concurrent Resolution 200 calls upon the Secretary of State to inform American travelers of the implications of this law, so that unsuspecting U.S. citizens will not worry needlessly should they seek to visit the Soviet Union.

In closing Mr. Speaker, I would like to commend my esteemed colleagues on the Foreign Affairs Committee, and the ranking minority member of the Subcommittee on International Organizations, Mr. Derwinski, for his diligent work on this matter. Our Subcommittee has held hearings on human rights and citizenship claims on millions of Americans, including those of Baltic heritage, are fear of this new Soviet claim on their citizenship.

My resolution expresses deep concern over this Soviet action making citizenship claims on millions of Americans who were born in the United States or duly naturalized. I believe that the President should warn the Soviet Union against taking any action under this new Soviet citizenship law which would be detrimental to the interests of the United States and its individual citizens, and that the Secretary of State should inform U.S. citizens planning to visit the Soviet Union of the implications of this law.

As the gentleman from Indiana (Mr. Ashbrook) so appropriately described, there are few more reasons for Americans to realize the perversity and destructive nature of Soviet rule.

The invasion of the Baltic States was born from the bloodthirsty partnership of the evil forces which personify the world: communism and Nazism. We fought a major world war to rid the world of Hitler and his degenerates, but we never finished the job. Today the far more destructive force of Communism with its hateful doctrines is stronger than ever. The despicable pack of outlaws that made the pact with Hitler for world domination in 1939 are personified in the wolves who now inhabit the Kremlin. The same need to destroy people and nations lives over Soviet policy.

The same disregard for freedom and human dignity is the policy of the day in the U.S.S.R. Many people in the United States do not realize this fact of life. President Carter and the State Department continue to close their eyes to the fact that the nation with which we trade and have signed a SALT agreement with is the same nation that helped start World War II with doomsday weapons is the same nation that is today carrying on Hitler's goal of world domination with an efficiency and horror that was beyond the most wickedest dreams of the blackest age.
oppressors, but we need to do far more. We need to stop creating a fantasy world where the Soviets who we chastise today are not Soviets we try to give most favored nation status to tomorrow. And we must not delude ourselves about the two situations. It is the same government, the same leaders.

Every time this Nation assists the Soviets, through SAID or through trade, we are in effect, condoning the actions we are criticizing today. We cannot go on doing this. If we are truly serious about helping those who live under the tyranny of the Soviet bosses we must back up resolutions like this one with some resolve to act. We did not sit back and watch Hitler’s rise up Europe, we should not sit back and watch the Kremlin swallow up the world. Had we finished the job we set out to do in 1941 we would not have had to watch the agony of Hungary in 1956 or the Berlin wall, or Vietnam, or Cuba, or Czechoslovakia in 1968, or any of the other dozens of instances where Hitler’s former allies have hurried on the march against freedom and humanity.

Today we have our backs against the wall. The Soviets have been able to capitalize on our lack of strength, on our President’s appeasement, and on this Congress’s acquiescence to bully their way into one free nation after another, and to push the United States around at will. They have done this either directly or through henchmen like Castro and Ho Chi Minh. It is time America woke up to these realities. We will have more Estonias, more Latvias, and more Lithuanias as long as we let the Soviets hold on to what they already dominate and let them expand further. The line must be drawn, held, and then pushed. Through trade sanctions, through diplomatic pressures, and just through moral courage we can set an example that could turn the tide on this matter of self-determination.

This resolution is a start and I urge my colleagues to vote for it.

Mr. DERWINISKI. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 200, expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain U.S. citizens and commend the gentleman from Illinois (Mr. BONKES), the ranking minority member of the Subcommittee on International Organizations, Mr. BONKES, the gentleman from Indiana, Mr. FITHIAN, and the sponsor of the resolution, Mr. ZABLOCKI, and the gentleman from Wisconsin (Mr. ZABLOCKI), for their efforts on behalf of this resolution.

The gentleman from Indiana and the gentleman from Illinois have ably described the purpose and contents of this resolution so I will not go into the details again. I do however, want to take this opportunity to note that, although both Adolph Hitler and Joseph Stalin are dead and have been repudiated by the entire world, including their own peoples, the impact of their famous so-called Ribben-trop-Molotov pact still lingers; Soviet armies continue to occupy the Baltic States without legal or moral justification. Not only does the Soviet Union continue to occupy the Baltic States but the recently promulgated law affecting the citizenship status of millions of Americans with prior links to the Soviet Union runs counter to the letter and spirit of the Final Act of the Conference on Security and Cooperation in Europe to protect the rights of the individual to freely immigrate, this new law can only be seen as a further attempt to control the free movement of peoples.

With the upcoming 1989 Olympics in Moscow, the potential for Soviet abuse and harassment is ever-present. House Concurrent Resolution 200 expresses deep concern over Soviet citizenship claims of Americans. Furthermore, it calls upon the President to warn the Soviet Union against any action under this new law which would be detrimental to the interests of the United States or its citizens.

As a long-time supporter of the principles of human rights and self-determination for the peoples of Lithuania, Latvia, and Estonia and as a cosponsor of House Concurrent Resolution 200, I urge my colleagues to join with me in strong support of this resolution.

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

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

Mr. BAUMAN. Mr. Speaker, I also want to rise in support of this resolution.

Mr. FITHIAN. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I rise in support of House Concurrent Resolution 200, expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain U.S. citizens.

I want to commend the distinguished chairman of the Committee on Foreign Affairs, Mr. BONKES, the gentleman from Indiana, Mr. FITHIAN, and the sponsor of the resolution and ranking minority member of the subcommittee, Mr. DERWINISKI, for their efforts on behalf of this resolution.

The gentleman from Indiana and the gentleman from Illinois have ably described the purpose and contents of this resolution so I will not go into the details again. I do however, want to take this opportunity to note that, although both Adolph Hitler and Joseph Stalin are dead and have been repudiated by the entire world, including their own peoples, the impact of their famous so-called Ribben-trop-Molotov pact still lingers; Soviet armies continue to occupy the Baltic States without legal or moral justification. Not only does the Soviet Union continue to occupy the Baltic States but the recently promulgated law affecting the citizenship status of millions of Americans with prior links to the Soviet Union runs counter to the letter and spirit of the Final Act of the Conference on Security and Cooperation in Europe to protect the rights of the individual to freely immigrate, this new law can only be seen as a further attempt to control the free movement of peoples.

With the upcoming 1989 Olympics in Moscow, the potential for Soviet abuse and harassment is ever-present. House Concurrent Resolution 200 expresses deep concern over Soviet citizenship claims of Americans. Furthermore, it calls upon the President to warn the Soviet Union against any action under this new law which would be detrimental to the interests of the United States or its citizens.

As a long-time supporter of the principles of human rights and self-determination for the peoples of Lithuania, Latvia, and Estonia and as a cosponsor of House Concurrent Resolution 200, I urge my colleagues to join with me in strong support of this resolution.

Mr. BAUMAN. Mr. Speaker, I also want to rise in support of this resolution.

Mr. FITHIAN. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I rise in support of House Concurrent Resolution 200, expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain U.S. citizens.

I want to commend the distinguished chairman of the Committee on Foreign Affairs, Mr. BONKES, the gentleman from Indiana, Mr. FITHIAN, and the sponsor of the resolution and ranking minority member of the subcommittee, Mr. DERWINISKI, for their efforts on behalf of this resolution.

The gentleman from Indiana and the gentleman from Illinois have ably described the purpose and contents of this resolution so I will not go into the details again. I do however, want to take this opportunity to note that, although both Adolph Hitler and Joseph Stalin are dead and have been repudiated by the entire world, including their own peoples, the impact of their famous so-called Ribben-trop-Molotov pact still lingers; Soviet armies continue to occupy the Baltic States without legal or moral justification. Not only does the Soviet Union continue to occupy the Baltic States but the recently promulgated law affecting the citizenship status of millions of Americans with prior links to the Soviet Union runs counter to the letter and spirit of the Final Act of the Conference on Security and Cooperation in Europe to protect the rights of the individual to freely immigrate, this new law can only be seen as a further attempt to control the free movement of peoples.

With the upcoming 1989 Olympics in Moscow, the potential for Soviet abuse and harassment is ever-present. House Concurrent Resolution 200 expresses deep concern over Soviet citizenship claims of Americans. Furthermore, it calls upon the President to warn the Soviet Union against any action under this new law which would be detrimental to the interests of the United States or its citizens.
pendent, the President should, through such channels as the International Communication Agency and other U.S. Government information agencies, bring the matter of the Baltic States to the attention of all nations by means of special radio programs and publications.

I additionally support language in the resolution that rejects the Soviet Union claim of citizenship rights on millions of Americans born or naturalized in the United States.

As the Congress knows, the Baltic States are possessed of a long and noble history, as demonstrated in their long and proud struggle to overcome oppression. They remain steadfast in their courage and refuse to submit their will to a Soviet dictatorship that verbalizes freedom, but practices callous control. Let us not delude ourselves. There can be no peace in the Baltic States as long as the human spirit is violated. There can be no détente when a population so loyal to their heritage is persecuted and subjected to discriminatory governing.

Therefore, we urge upon the President to utilize all relevant national and international communication agencies to bring the sword of independence and freedom to the world.

The House and each Member must oppose Soviet violation of human rights in the Baltic States by supporting House Concurrent Resolution 200, so our influence may be felt at the 1980 Conference on Security and Cooperation in Europe.

May all the Baltic people be honored today, and may they be granted encouragement from our actions here today, so that they may continue to pursue cherished freedom with a nourished optimism generated from our efforts in a free nation.

I congratulate my distinguished colleagues, Messrs. DERWINISKI of Illinois and FITTHIAN of Indiana, for bringing this legislation to the floor. I am honored to join them in their effort and hope that our united efforts will provide another measurable step toward the freedom, independence, and self-determination of Lithuania, Latvia, and Estonia.

Mr. FITTHIAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, I thank the gentleman for yielding.

As a coauthor of this measure, I rise in full support of it.

I wish to express again my tremendous support for House Concurrent Resolution 200. My concern about the situation in Estonia, Latvia, and Lithuania is something that goes back a long way. I have, in the past, worked to help end emigration policy in these states. My concern about the illegal occupation of the Baltic States by the Soviet Union continues to be an issue that I express my disgust for the recent Soviet claim of citizenship over any person born in the Soviet Union born of Soviet parents, regardless whether the child was born on Soviet territory or not. This claim could create problems for certain American citizens who may travel to the Moscow Olympics. I urge my colleagues to support House Concurrent Resolution 200, which would denounce the Soviet occupation of the Baltic States as well as the Soviet decision regarding citizenship.

Mr. BIAGGI. Mr. Speaker, as one who has long been dedicated to upholding basic human rights and the fundamental principle of self-determination, I am proud to be a cosponsor and strong supporter of House Concurrent Resolution 200.

This measure expresses the sense of Congress that the President should: first, seek free elections in the Baltic States supervised by the United Nations; second, inform and gain the support of other nations in achieving independence for the Baltic States; and third, warn the Soviet Union against making citizenship claims on U.S. citizens.

Earlier this year, I joined a significant number of my colleagues in recognizing the 20th anniversary of the Venerable 20th Week—a time when we commemorate the millions of freedom-loving people in captive nations throughout the world. I stated:

"It is time for the United States to stop its rhetoric for the cause of freedom and instead we must take effective action against the trend of Soviet Russian imperialism."

Certainly, the passage of House Concurrent Resolution 200 is a major step in that direction.

The resolution calls on the President to instruct the U.S. delegation to the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to seek the right of self-determination for the people of Estonia, Latvia, and Lithuania through free elections and through the withdrawal of all Soviet personnel from those nations. To help realize these objectives, House Concurrent Resolution 200 also calls on the President to gain the support and cooperation of other nations.

Further, the resolution expresses the support of Congress for President Carter's statements warning the Soviet Union against making citizenship claims on U.S. citizens. The necessity for such a warning resulted from a Soviet law that went into effect on July 1, 1979. The law declares that U.S. citizens, whose parents were both born in a Soviet territory—or what may have since become a Soviet territory—are Soviet citizens.

This law could have a far reaching and serious effect. It would mean that a substantial number of Americans will be subject to Soviet discretion if they set foot on Soviet territory. Since the Soviet Union will be hosting the 1980 summer Olympics, this law takes on added significance. It poses a serious threat to Olympic participants and spectators, who are covered under the law. Persons who might otherwise attend the Olympics may decide that the new law poses too great a risk. To prevent such a situation occurring, it is essential that we join President Carter in strongly opposing the prime example of Soviet imperialism.

Mr. Speaker, House Concurrent Resolution 200 is an effective and necessary step toward obtaining self-determination for the captive nations, and preventing the spread of Soviet influence. I urge my colleagues to join me in supporting its passage.

Mr. OBERSTAR. Mr. Speaker, Soviet occupation of the Baltic States and the recent Soviet citizenship law run counter to our most basic and cherished notions of equal rights and self-determination of peoples.

Congress must continue to maintain unwavering support for the independence of the Baltic States.

The Soviet citizenship law is a travesty. It would arrogate the rights of millions of Americans, including native born Americans. The United States can tolerate no harassment of our citizens under this new law. It is fundamental to our concept of citizenship that the citizen naturalized today be treated no differently than the descendant of the Pilgrims.

I urge an overwhelming vote of support for House Concurrent Resolution 200.

Mr. DERWINISKI. Mr. Speaker, I have no further requests for time, but I was reassured in my earlier explanation of this measure to give proper credit to the distinguished staff director of the committee, Dr. Jack Brady, whose brilliance expedited the processing of the measure and whose skill was seen in the drafting of the measure.

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

Mr. FITTHIAN. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is taken.

The yeas and nays were ordered.

The question was taken.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. Speaker, I urge the House to suspend the rules and agree to the concurrent resolution (H. Con. Res. 200) as amended.

The question was taken.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays be ordered.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.
November 13, 1979

CONGRESSIONAL RECORD — HOUSE 32159

Nudel to emigrate to Israel, and for other purposes.

The Clerk read as follows:

H. Con. Res. 202

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all the right to emigrate; and

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits signatory countries to "deal in a peaceful manner with the applications of persons wishing to emigrate to join relatives; and

Whereas the Soviet Union signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights; and

Whereas Ida Nudel first applied to emigrate from the Soviet Union to Israel in 1971 to rejoin her only living relatives; and

Whereas Ida Nudel has devoted her life to the plight of Jewish political prisoners throughout the Soviet Union; and

Whereas Ida Nudel has been convicted by the Soviet court of "malicious hooliganism" for hanging a banner on her balcony which said, "KGB, give me my visa;" and

Whereas Ida Nudel was sentenced to four years in Siberian exile after a trial with no witnesses were allowed to testify in her defense; and

Whereas Ida Nudel's health has deteriorated to a point where it is unlikely that she can withstand another Siberian winter; and

Whereas the continuing harassment of political prisoners and intellectuals in the Soviet Union and in some other countries in Eastern Europe is a source of great concern to the American people and the United States Congress: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That it is the sense of the Congress that, in view of the fact that Ida Nudel has actually become the guardian of prisoners of conscience, as and because such has been given special attention by the Union of Councils of Soviet Jews, the National Conference on Soviet Jewry, and many other organizations. Undaunted by the harassments and persecutions, Ida Nudel provided badly needed support to other prisoners of conscience who were imprisoned for their attempts to emigrate. She wrote to them, visited them, provided them with food and medicine and interceded on their behalf with prison and camp authorities.

She was arrested in 1978 and charged with "malicious hooliganism," convicted, and sentenced to 4 years in Siberian exile. Her crime was hanging a banner from her apartment window which said "KGB Give Me My Visa," and that was in desperation after 7 years of waiting to join her only living relatives.

She is living now in absolutely deplorable conditions in the Soviet Union and the word is, from those who have an opportunity to get out of the Soviet Union, that she is desperately ill and may not live through another hard Siberian winter.

It is the reason for this resolution which calls special attention to her case as symbolic of the plight of hundreds of thousands of people in the Soviet Union.

Mr. Speaker, I urge the adoption of this resolution.

Mr. Speaker, I yield such time as he may consider appropriate to a distinguished colleague, the gentleman from Florida (Mr. Stack), who is the original sponsor of this concurrent resolution.

Mr. STACK. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the subject of this resolution, Ida Nudel, first applied for a visa to emigrate from the Soviet Union to Israel in 1971. Since then she has repeatedly been arrested and charged with "malicious hooliganism." Three weeks later, after a mock trial, she was sentenced to 4 years of exile in Siberia. Today she remains in a Siberian labor camp, in low spirits and deteriorating health.

The resolution we are considering requests that the Soviet Union allow Ida Nudel to be reunited with her husband and sister in Israel—to allow her the right to live, because to continue to confine her to Siberia is indeed to sentence her to death.

Mr. Speaker, I ask my colleagues to join with me and the 127 cosponsors of this resolution in support of the resolution. By doing so, we will inform the Soviet Government that we in the Congress are concerned about a woman who is a symbol of human rights.

Mr. Speaker, I wish to commend the distinguished chairman of the Committee on Foreign Affairs and my colleague, the gentleman from Florida (Mr. Faschell), for their great help with this resolution.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 202, urging the Soviet Union to allow Ida Nudel to emigrate to Israel.

Ida Nudel, the celebrated "Angel of Prisoners of Conscience" languishes today in a Siberian prison camp for the crime of seeking to emigrate to Israel. The only woman dissident in exile in the Soviet Union, she has become a symbol of that nation's callous disregard for basic human rights.

In 1971 Ida Nudel first applied to emigrate to Israel and rejoin her only living relatives. From that time forward she devoted her life to the plight of other Jewish political prisoners throughout the Soviet Union who, like herself, have suffered so much for their beliefs. For 7 years Ida Nudel brought hope and renewed spirit to the many people who had simply vanished from friends and relatives. By collecting information about such cases, contacting families of prisoners and "adopting" the victims, she has earned the reputation of "Guardian Angel" of dissident prisoners.

On June 2, 1978, while protesting the incarceration of a fellow activist, she was arrested and charged with "malicious hooliganism." Her alleged crime was unfurled a banner from a building overlooking a Moscow street with the words "KGB Give Me My Visa." She was immediately arrested and accused of "malicious hooliganism."
House Concurrent Resolution 202 calls attention to the plight of this brave woman who has continuously been harassed against her will by political and religious activists and intellectuals in the Soviet Union. Furthermore, it recalls that the Soviets are signatories to the Helsinki Final Act, which is based on the Helsinki Final Act and other international declarations on human and political rights, the Helsinki Final Act stating that the Soviet Union has to allow Ida Nudel to emigrate to Israel. 

Mr. GILMAN. Mr. Speaker, I urge 5 minutes to the ranking minority member of the committee, the gentleman from Michigan (Mr. Broomfield).

Mr. BROOMEFIELD. Mr. Speaker, I support House Concurrent Resolution 202, urging the President to allow Ida Nudel to emigrate to Israel. One of the major achievements of the Helsinki Final Act was a pledge by all signatories to do everything possible to reunite families separated by political boundaries. Ida Nudel, the only woman dissident in exile in the Soviet Union is living proof of the callous disregard that that nation has for basic human rights and the terms of the Helsinki agreement.

Since 1971 Ida Nudel has sought to emigrate to Israel to rejoin her family. In her personal struggle for freedom, she has unselfishly devoted her life to the plight of other victims of Soviet repression. Her courageous struggle to bring hope and support to her dissident sisters and their families has earned her the title of "the Angel of Prisoners of Conscience.

In June of last year, while protesting the imprisonment of a fellow activist and the Soviet's refusal to grant her visa, she was arrested and accused of "malicious hooliganism." For the crime of unfounded hatred of her dissident sisters and families, the "KGB Give Me a Visa," she was sentenced to 4 years of internal exile at a Siberian labor camp.

Today she remains languishing in Siberia in poor spirits and deteriorating health. It is an unmitting end for a woman who has saved so many prisoners before her that she now finds herself alone and mistreated.

House Concurrent Resolution 202 calls attention to the Soviet Union's failure to abide by the Helsinki accords, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights which the苏联 has unselfishly devoted her life to the plight of other victims of Soviet repression. In light of the suffering that that nation has for basic human rights and the terms of the Helsinki agreement.

As the gentleman from Florida has stated, it is unlikely that Ida Nudel can stand another winter in Siberia. I urge all of my colleagues to join with me in support of Ida Nudel and allow her to go to Israel.

Mr. Speaker, I urge the adoption of the resolution.
November 13, 1979

CONGRESSIONAL RECORD - HOUSE

32161

support of House Concurrent Resolution 202, a resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel.

Ms. Nudel is an activist on behalf of Soviet Jewish prisoners of conscience, who is presently imprisoned in the Soviet Union.

I am submitting the following brief biographical sketch, furnished by Ms. Nancy Schiller, chairman of the Soviet Task Force on Soviet Jewry in Buffalo, N.Y. I also urge delegates to vote in favor of this resolution to permit Ida Nudel to emigrate to Israel so that she can be reunited with her sister and husband.

Biographical Sketch: Ida Nudel, Prisoner of Conscience

Born: April 37, 1931.

From: Moscow.

Occupation: Economist.


Charges: "Malicious Hooglianism."

Sentence: 4 years internal exile (to June 1982).

Camp: In exile.

Address: Tomskaya Oblast, 636300 Sel Kryvosheloe, UL Sadovaya 36, RS SSSR USSR.

Known as the "Guardian Angel" for her activities on behalf of Soviet Jewish Prisoners of Conscience, Ida Nudel was charged and convicted in June, 1978 of "malicious hooglianism," and sentenced to four years internal exile. This was only one of many severe living conditions Ida underwent while in prison. Arrested on numerous occasions, Ida wrote shortly before her latest ordeal, "what haven't they done to me since I first applied to leave. I was placed in a prison punishment cell ... there I was tortured with hunger and with difficult conditions. I was beaten and hounded like a wild beast during a hunt. Many times I have been seized on the street and thrown into dirty, smelly cells. They call detention cells . . . ."

Ida learned her Zionism from her grandmother. A member of Hashomer Hatzair, she worked on a Jewish agricultural settlement in the Crimea in the hope of being permitted to leave for Palestine. Those farms disappeared with the onset of the pre-revolutionary Zionist movement as Stalin tightened his grip on the country. Eventually they were destroyed during the German invasion. After her death in 1933, she began to gather information about Israel and sometimes tuned in to the "Voice of Israel." With the Six-Day War, the dramatic momentum of the Jewish emigration movement forced Ida to transcribe her thoughts into deeds. She applied to leave with her sister.

For Ida, the commitment became deeper and her work on behalf of other "Prisoners of Zion" has made her greatly loved and respected. David Chernoglaz, who served five years in a strict regime labor camp, said of her when he arrived in Israel: "The one person above all others who helped to fight for his future and who constantly corresponded with letters and parcels, the person rated by all to be a super-human angel, is Ida Nudel." A proponent of a new form of harassment and intimidation takes its toll. Elana Fridman, who showed me photographs taken before Ms. Nudel's Siberian exile and also 6 months afterward. These pictures revealed a tale of deprivation, deteriorating health, and inhuman conditions there. I commend my distinguished colleague, Mr. Stack, and the other 120 cosponsors of House Concurrent Resolution 202, which urges the Soviet Union to allow Ida Nudel to emigrate to Israel and for other purposes. May our statements today be as stirring and powerful that we may say to the Soviet Union, "Let Ida Nudel go!" And may it be that Ida Nudel emerges from Siberia and will be reunited with her sister and husband.

The plight of Ida Nudel is but one more demonstration of the Soviet regime's utter contempt for human rights. Ida Nudel has been an active and vibrant force in the Aliyah movement in helping Jewish prisoners of conscience to emigrate to their homeland of Israel. When she demonstrated her own desire to emigrate, she was arrested by the Soviet KGB and was sentenced to 4 years in exile in Siberia. Subjected now to the cruelty of Siberian winter winds and an inhuman condition, Ida Nudel—once a pillar to strength and an inspiration to others in the Aliyah movement—is in extremely poor health.

Despite international protests, the continued Soviet rejection of pleas to allow Ida Nudel to emigrate to Israel to spend her remaining years with her only living relative smacks of the total disdaim with which it regards its own signature on international covenants guaranteeing human rights. As a signatory to the Universal Declaration of Human Rights, and more recently the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki in August of 1975, the Soviet Union joined 35 other nations in declaring that every citizen has certain basic rights including the right to live anywhere, including to one's own, and return to that country; the right to be reunited with their families living in other countries; and the right to pursue their own cultural identity and practice their own religion. Though the overall rate of annual emigration from the Soviet Union remains at a record 50,000, the Soviets have done little to resolve hundreds of longstanding emigration cases and to release prominent dissidents jailed for publicly monitoring Soviet compliance under the Helsinki accords. Oftentimes, these Jewish prisoners of conscience are even denied their basic rights under the Soviet penal code, such as visitors rights.

Mr. Speaker, these cases demonstrate to the world that the Soviet regime to tolerate any internal debate or dissent—a sure sign of its lack of confidence and weakness. This resolution is but one way for the international community to demonstrate its support of Ida Nudel and her sister, Elana Fridman, who showed me photographs taken before Ms. Nudel's Siberian exile and also 6 months afterward. These pictures revealed a tale of deprivation, deteriorating health, and inhuman conditions there. I commend my distinguished colleague, Mr. Stack, and the other 120 cosponsors of House Concurrent Resolution 202, which urges the Soviet Union to allow Ida Nudel to emigrate to Israel and for other purposes. May our statements today be as stirring and powerful that we may say to the Soviet Union, "Let Ida Nudel go!" And may it be that Ida Nudel emerges from Siberia and will be reunited with her sister and husband.

Mr. Speaker, this be an example of our full support for Ida Nudel, and the many others like her, and an expression of the American people's belief that she and others are guilty of no other offense than seeking to exercise those very rights acknowledged by the Helsinki accords, and the international covenants subscribed to by the Soviet government. Thank you, Mr. Speaker.

Mr. WAXMAN. Mr. Speaker, this House is about to express its overwhelming concern over the fate of Ida Nudel, the "Guardian Angel" of the Soviet Union, by urging the Soviet Government to terminate her exile in Siberia and permit her to leave the country to join her husband and sister in Israel. Passage of this resolution is a demonstration of our collective will to see that Ida Nudel and other prisoners of conscience in the Soviet Union are permitted to enjoy the freedoms we hold dear.
urgentley needed if there is to be any hope to obtain Ida’s freedom—indeed, to save her life.

Although the Soviets have persecuted so many who have simply expressed a desire to emigrate, Ida Nudel has been subjected to no such ignominy. She first applied to emigrate in 1971. Although her exit visa for Israel was denied, her sister, Elana Friedman, was permitted to leave that moment began an ordeal which resulted in her arrest, conviction, and internal exile for the “crimes” of “vandalism and malicious hooliganism” in 1978.

Over the years of struggle, Ida Nudel become a symbol of courage to the Soviet refusenik movement. She gave aid and comfort to so many who confronted the Government’s unyielding policies. To those who were imprisoned, she wrote letters of encouragement and hope—even to those whom she had not met. For everyone knew that their trials, which would soon become a symbol of courage to the Soviet Union’s leading communist power, the Soviet Union.

It is difficult to understand what could possibly compel the Soviet Government to act in such a barbaric manner, to treat so cruelly such an innocent person, to perceive the “threat” Ida poses to Soviet society—especially since she only wishes to leave. But the irrationality of these acts hardly diminishes their inhumanity.

I am sincerely grateful to all my colleagues who worked so hard to bring this resolution to the floor.

Let the Soviet Union be on notice: We shall not, we cannot, we refuse to be indifferent to the fate of this great woman, Ida Nudel. We demand with her that she be freed and permitted to fulfill her only desire in life—to join her family.

I urge the adoption of this resolution.

I am pleased to enclose, for the benefit of my colleagues, the following materials from the Jerusalem Post:

[From the Jerusalem Post, Oct. 9, 1979]

LETTER FROM SIBERIA TO THE JERUSALEM POST—IDA NUDEL’S ENDURANCE AT BREAKING POINT

By Sarah Honig

TALEAVY—“Stop testing my powers of endurance. Don’t experiment with how much I can take. I feel that I am on the verge of a heart attack and I must be allowed to have a proper checkup in Moscow.” Ida Nudel says to the Soviet authorities in an open letter addressed to the Jerusalem Post.

The letter reached aliyah activists in Moscow. They read it over the telephone late Sunday night to Nudel’s sister, Diana Friedman of Holon. Friedman tapped the telephone conversation, but as the quality of the line became poorer, the tape was transcribed and translated only yesterday.

The Moscow activities reportedly took Nudel’s request for medical attention to the authorities, but their reply was that she is not ill. Her sister recently received photos of her which sent her “into a panic. I have never looked like my sister so thin and with such a haunted expression,” Friedman told The Post yesterday.

Nudel is one of the Soviet Union’s most prominent aliyah activists and earned the recognition of the “Angel of Mercy” to the Prisoners of Zion for her relentless efforts on their behalf. Since being exiled to Siberia last year for displaying a poster in her window demanding to be allowed to go to Israel, she still has four years of exile remaining.

Until recently she was housed in a barracks which she shared with 60 male convicts considered too dangerous to be allowed to return to society. Apparently due to the pressure of reports in the Western press of her divorce she has been moved to a remote hamlet nearby.

Nudel opens her letter with a few sentences added to The Jerusalem Post. She asks her “Dear Friends” on the paper to “serve as her pen” and to publish her open letter. She hopes that in this way she would be able to answer all those who had written to her, whom she is unable to reply. She asks that her message be relayed to “Jews and non-Jews alike—to all who took interest in my fight for freedom.”

Friedman told The Post that her sister is aware of the articles written about her through the years in The Post and that she may even have received some clippings.

This is the first letter of Ida’s kind to reach an Israeli newspaper.

Friedman said that last June a day was designated as “Ida Nudel Day” throughout the world. So many letters were written to her then that some of the more innoxious ones got through,” she said.

Nudel’s address is: 162830, Tomskoy Oblast, Postbox 570, USSR.

“I promise you all that I will stand fast in my position and not allow any one to change my mind. My friends and colleagues are to live in my own nation and to contribute to it the little that I still give to my people,” she

Nudel says she speaks not only on her own behalf but in the name of all Prisoners of Zion, “who for many long years have been fighting for our rights. Through our sufferings we have been able to withstand the pressure of the USSR just slightly ajar. Through the very long suffering in the Iron Curtain, Jews manage to produce some respite.”

“This is fact our one solace through our ordeal. But the opening is small and vulnerable, and we implore all of you in the free world to keep a close watch on the opening and not to allow the gates to be slammed shut again.”

Turning to her own medical condition, Nudel notes that she was hospitalized in the city of Tomsk, Siberia from August 1 to October 16 and was then returned to the remote Siberian hamlet. She is still suffering from heart pains.

“I don’t know the exact cause of them. The doctors in Tomsk said that only a checkup in Moscow, where the proper facilities exist, could pinpoint the trouble. But I have not been allowed to have an examination there. I feel a heart attack coming on,” says the 48-year-old economist, who has always been of frail health.

“I feel that I am now treading on the very border of my endurance. I am prepared to go to the Soviet authorities to stop testing me to see at which point I will be able to take no more—imperil the lives of all of us, and all our friends overseas.”

She appeals to the Soviet authorities to stop testing me to see at which point I will be able to take no more—imperil the lives of all of us, and all our friends overseas.

The activists, some of whom have made the long journey to Siberia to see Nudel, told her sister over the phone on Sunday that there is no way she could survive another harsh winter in her lonely place of exile. They point out that she now must carry water a long distance from her room, also her frail health does not permit her to lift more than three kilos.

She thus cannot possibly fetch all the water she needs. Moreover, she must carry heavy bundles of kindling wood and other provisions necessary for the long winter.

[From The Jerusalem Post, Oct. 9, 1979]

THE KREMLIN’S SHAME

The case of Ida Nudel, now serving a four-year sentence of exile in Siberia, affects only her own interests and those of her family and compatriots. It affects the credibility of the world-renowned communist power, the Soviet Union.

There can be different opinions about the merits of the socialist system as an approach to politics or mixed economy but there cannot be two opinions about the right of a private citizen to be treated as a free and independent human being.
Had Ida Nudel committed theft, or injured another person, or committed black market operations or exaggerated claims of her power, she would deserve punishment. But all she did was demand—out loud—to do what in other countries we can do freely without permission: buy a train ticket in order to go and live abroad.

Is it conceivable in any civilized country that a woman should be imprisoned repeatedly and then condemned to a terrible exile (and of course denied the right to appeal)—because of perfectly harmless things she did during what she describes as “the seven most beautiful years of my life.”

The prestige of the Soviet Union is at stake. It is ugly, first of all, that a person can be punished as a common criminal simply for wanting to go and live in the country he considers to be his own. That arbitrary ban does not and could not exist in Western Europe or the United States. The question should be addressed to Soviet policy-makers: how is it that citizens are free to move out of these reactionary, slave-economy countries, and not allowed to move out of the Marxist-Leninist paradise?

There has been a respectable, if measured, opposition to the USSR for years, marking a drastic change from the Stalin regime. This concession could have been an attempt to win us over, but I have yet to see anyone who was convinced by it. The scenario is spelt out by these small acts of gratuitous oppression, which cannot be explained in purpose and will only continue to harm whatever to the Soviet Union.

Mr. DRINAN. Mr. Speaker, I ask my colleagues to support House Concurrent Resolution 202, urging the Soviet Union to allow Ida Nudel to emigrate to Israel. As an outstanding and outspoken advocate of free Jewish emigration and the rights of prisoners of conscience, Ida Nudel is deeply respected by her peers for the indomitable courage and dedicated service to the outside world, smuggled from the Soviet prison state.

Over the years, Ida Nudel risked her safety and health to secure better conditions for these prisoners. It is obvious that conditions at the prison where Ida Nudel resides has still not broken Ms. Nudel's spirit. Bits and pieces of correspondence and news tell us that she is still fighting, and encouraging others to fight—for themselves, for her, and for the freedom which they are sacrificing now, so that they may experience it later.

I am fortunate enough to live in a country which would not refuse my visa, or stop me from traveling to another nation. I have not experienced such discomfort and humiliation that she has been forced to experience. Exiled in Siberia, she has been forced to live with criminals convicted of crimes far more heinous than any alleged to have been committed by Ms. Nudel. No care is provided for her failing health, and she is barred from communicating with friends.

I am fortunate enough to live in a country which would not refuse my visa, or stop me from traveling to another nation. I have not experienced such discomfort and humiliation as she has been forced to experience. Exiled in Siberia, she has been forced to live with criminals convicted of crimes far more heinous than any alleged to have been committed by Ms. Nudel. No care is provided for her failing health, and she is barred from communicating with friends.

I am fortunate enough to live in a country which would not refuse my visa, or stop me from traveling to another nation. I have not experienced such discomfort and humiliation as she has been forced to experience. Exiled in Siberia, she has been forced to live with criminals convicted of crimes far more heinous than any alleged to have been committed by Ms. Nudel. No care is provided for her failing health, and she is barred from communicating with friends.

I am fortunate enough to live in a country which would not refuse my visa, or stop me from traveling to another nation. I have not experienced such discomfort and humiliation as she has been forced to experience. Exiled in Siberia, she has been forced to live with criminals convicted of crimes far more heinous than any alleged to have been committed by Ms. Nudel. No care is provided for her failing health, and she is barred from communicating with friends.

I am fortunate enough to live in a country which would not refuse my visa, or stop me from traveling to another nation. I have not experienced such discomfort and humiliation as she has been forced to experience. Exiled in Siberia, she has been forced to live with criminals convicted of crimes far more heinous than any alleged to have been committed by Ms. Nudel. No care is provided for her failing health, and she is barred from communicating with friends.

I am fortunate enough to live in a country which would not refuse my visa, or stop me from traveling to another nation. I have not experienced such discomfort and humiliation as she has been forced to experience. Exiled in Siberia, she has been forced to live with criminals convicted of crimes far more heinous than any alleged to have been committed by Ms. Nudel. No care is provided for her failing health, and she is barred from communicating with friends.
principles of freedom and justice, and our duty as the representatives of this Nation is to provide and protect these liberties.

Just as Ida Nudel is a symbol, let us make the adoption of this resolution a symbol, as well. Adopting this sense of Congresses resolution expressing our commitment to Ida Nudel would be an important additional piece on our respective calendars. It would serve as a signal that this body, and the American people are willing to support the cause of Ida Nudel until she is, once again, free and happy.

Mr. OBERSTAR. Mr. Speaker, Ida Nudel is a symbol, worldwide, of the fight against Soviet denial of human rights to its citizens. Ida Nudel's crime is that she wanted to leave the Union to live with relatives in Israel.

Exile in Siberia has become an eventual death sentence for this courageous fighter for human rights. Soviet treatment of Ida Nudel and her relatives is a nominal compliance with the Helsinki agreement.

I was proud to cosponsor this resolution. I urge a resounding vote from this House.

Mr. KELLY. Mr. Speaker, today we are considering House Concurrent Resolution 202 on Ida Nudel's emigration to Israel. The resolution, based on the provisions of the Helsinki accords,calls upon the President, "acting directly or through the Secretary of State or other appropriate executive branch officials to continue to insist on Ida's release and in the strongest terms, the opposition of the United States to the exile of Ida Nudel to Siberia."

I am in strong support of this resolution and further commend the Congressional Wives for Soviet Jewry, of which my wife, Judy, is a member, on their efforts to secure the release of Ida Nudel.

Ida Nudel is presently the only female prisoner of conscience. The ostensible reason given was to hang a banner outside her Moscow flat which read: "KGB Give Me My Visa To Israel." On June 21, 1978 she was arrested for having this banner in her apartment. But during Ida's trial she cried out that she was being tried not for hanging a banner, but for helping prisoners.

Recently a group of former Soviet refuseniks and prisoners of Zion gathered from all over Israel to tell the story of Ida Nudel, because, as one of them explained, "There is no woman on earth we value more. We owe her our lives."

Yakov Suslensky, after 7 years in a strict regime labor camp, said of Ida:

She gave moral and material help to me and my family, as well as to many of my friends—She gave us confidence in the victory of our cause and this helped to bear it all, to pull through.

Ida did not spare her own health and time while trying to help us. Having found out that some of us were sick (and I was sick a lot) she insisted on our receiving immediate critical treatment and wrote to various officials."

Arier Hanoch had never met Ida but in 1973 he began receiving her letters, giving him news of home, of his friends, of the Soviet Union.

She found all sorts of devices to help us sending fancy postcards we could sell, picture

tures of Soviet movie stars we could exchange for ration.

When, after five years, I was moved to a forced-labour camp, I had a serious disorder. For more than a year, I had no medical help. It began to pestilence, Ministry of Health. The top officials don't receive complaints, and pressure works on them. Finally, I was taken to a doctor and given a more suitable diet.

In 1971 Ida and her sister, Elena, applied for visas to emigrate to Israel. While Elena received hers in 1972, Ida's was refused. Elena didn't want to leave her sister but Ida convinced her that if she did not leave she would lose her chance. Mr. Speaker, there are many stories of people Ida has helped and today we have an occasion to join others around the world in support of the release of a woman who has given so much. My wife once wrote:

"Because of my concerns and freedoms I am given the opportunity to devote my time and energy toward helping Ida, and other Soviet women. I have experienced for the first time, the same kind of freedom we as Americans have too often taken for granted."

We all can help Ida by supporting this resolution, by sending letters and telegrams of protest to Ambassador Anatoly Dobrynin at the Soviet Embassy in Washington, with copies to Secretary General Brezhnev, The Kremlin, Moscow, RSFSR, USSR. Also we can write a letter Ida to know that she has friends in America by writing to help her morale."

Mr. Speaker, Ida Nudel, of Vostrebovanya, Selo Krivoshelino, Krivoshelinsky Rayon, Tomskaya Oblast, RSFSR USSR, 636300.

"How much is your freedom worth to you?"

STATEMENT OF IDA NUDEL IN EXILE

"I am only a woman, it is so agonizingly difficult to live in a Godforsaken village, with out relatives, without friends, without almost all conveniences, while here are almost no food in the store, while militia do their best to cut off my good relations with neighbors."

On the other side, as a person I'm fortunate that I myself add not only one page to the history of the very brave Jews in Rus­ sia. I'm fortunate that my efforts permitted thousands of Jews to leave this barbarous country. For this reason I am fortunate to be cut off from the suffering of many Jews and helped them to avoid a conflict with the punitive system of KGB. I'm fortunate that during all these years I was helping prisoners of Zion, those who were chosen to cut the way to Israel, by the price of their own freedom. I was helping them to keep spirit and survive in the hell which you cannot imagine. I do know that I was being dangerous (I was being to help) in full. No matter how I am tormented by the chassers or after I cried out of weakness, loneliness and seeming­ ingly senselessness of my present life, I do not regret and I do not renounce any of my actions.

"But if our suffering will not force every one of you to rush to help us, then it is in vain."

We are idealists. We do believe that our suffering is not for nothing. And this belief saves us from despair at the most difficult moments of our imprisonment. I want to believe in my lucky stars. I so want to believe that some time I will rise up the board of an airliner with Ida Nudel, whose tears will remain in my memory and my heart will be full of triumph and victory.

And God grant—it will happen soon."

Mr. GREEN. Mr. Speaker, I rise in support of this urgent legislation that directly communicates to the Soviet Union the concern of the U.S. Congress over the fate of Ida Nudel and her colleagues. This legislation also directs the President to take similar action. I have been quite concerned over the fate of this courageous woman, this most admirable woman, this letter from Ida Nudel's sister concerning Ida's deteriorating physical condition. Her bad health is, unfortunately, not a new development, and there is much more evidence that she is not going to survive another harsh Siberian winter where she is being forced to stay through internal exile.

We are all aware of the Soviet attitude with respect to human rights, but we cannot remain silent. We are all aware of the treatment of Ida Nudel and all Soviet Jews, but we must continue to work to persuade the Soviet leadership to abide by the Helsinki declaration.

I wrote Boris Petrovsky, Soviet Min­ ister of Health, in May and Ambassador Anatoly Dobrynin in September about Ida Nudel's health, but my pleas have never been answered. Passing this legislation will send a message to Moscow that will be harder to ignore and may bring an end to the abhorrent treatment of Soviet Jews.

Mr. LaFALCE. Mr. Speaker, thousands, if not tens of thousands, of Russian citizens have been illegally prevented from leaving their country by the Soviet Government to abide by the Helsinki agreement. This resolution will send a message to Moscow that their liberties are being respected. This resolution will send a message to Moscow that their liberties are being respected. This resolution will send a message to Moscow that their liberties are being respected.

In June 1978, the Soviet Government changed and convicted Ida Nudel of "pa­ licious hooliganism." After being unfairly convicted of this conveniently defined crime, Ida Nudel was sentenced to 4 years of internal exile, which means transpor­ tion to Siberia. Here, of course, her 10-year-long attempt to emi­ grate to Israel and her constant and never-dying support for Jewish dissi­ dents and Jews who wanted to emigrate to Israel.

The House will soon have the welcome chance to strongly register its concern over the fate of this courageous woman when it considers House Concurrent Res­ olution 202, which urges the Soviet Union to allow Ida Nudel to emigrate to Israel. I urge passage of my colleagues and I's concurrent resolution, in order to help persuade the Soviet Union to grant Ida Nudel her most fervent wish.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

32165

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

Mr. GILMAN. Mr. Speaker, I have no further requests.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 202).

The question was taken; and (two-thousand-twenty) the vote of the House on the amendment agreed to, and the concurrent resolution was agreed to. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

1400

FEDERAL RESERVE ACT AMENDMENTS

Mr. MITCHELL of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5037) to amend the Federal Reserve Act respecting the positions of Chairman and Vice Chairman of the Federal Reserve Board, as amended.

The Clerk read as follows:

H.R. 5037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second paragraph of section 12 of the Federal Reserve Act (12 U.S.C. 242) is amended by striking out the third sentence and inserting in lieu thereof the following: "The Governor shall appoint on the advice and consent of the Senate, one member of the Board to serve as Chairman. The term of such member as Chairman shall expire on January 31 of the first calendar year beginning after the calendar year during which the term of the President who appointed him as Chairman is scheduled to expire. In the event a Chairman does not complete his entire term as Chairman, his successor shall be appointed to complete the unexpired portion of such term as Chairman and shall serve as Chairman until January 31 of the first calendar year beginning after the calendar year during which the term of the President who appointed him as Chairman is scheduled to expire. The President shall appoint, by and with the advice and consent of the Senate, one member of the Board to serve as Vice Chairman for a term of four years.

(b) The second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) is amended by inserting the following before the sentence which prior to the amendment made by subsection (a) of this section was the fourth sentence of such paragraph: "In the event of the unavailability of the Chairman or a vacancy in the office of the Chairman, the Vice Chairman shall have the power to act as Chairman during such unavailability or, in the event of a vacancy, pending the appointment and qualification of such successor, to preside at the expiration of the term of the office of the Chairman or Vice Chairman, the Chairman or Vice Chairman, as the case may be, shall continue to serve in such capacity until his successor is appointed and has qualified."

Sec. 2. The amendments made by the first section of this Act shall take effect on the date of the enactment of this Act, except that the amendments made by the first section of this Act shall be applicable to any person who was Chairman of the Board of Governors of the Federal Reserve System immediately prior to such effective date only upon the expiration of the full four-year term as such person served immediately prior to such effective date.

Sec. 3. The second sentence of the first paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended to read as follows: "In selecting the members of the Board, not more than one of whom shall be selected from any one Federal Reserve district (except that two members may represent the same district if one member is serving as Chairman or has served as Chairman), the President shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests, and geographical divisions of the country."

Sec. 4. The last sentence of the fourth paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 244) is amended by striking out "six" and inserting in lieu thereof "seven".

Sec. 5. The seventh paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by striking out "who shall cause the same to be printed for the information of the Congress" and inserting in lieu thereof "the amendment made by subsection (a) of this section of this Act shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (a) of this section of this Act shall be applicable to any person who was Chairman of the Board of Governors of the Federal Reserve System immediately prior to such effective date only upon the expiration of the full four-year term as such person served immediately prior to such effective date."

Sec. 6. Subsection (n) of section 11 of the Federal Reserve Act (12 U.S.C. 248(n)) is hereby repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. HANSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes, and the gentlemen from Idaho (Mr. HANSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

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

Mr. Speaker, everyday it is becoming more apparent that no one has more power to affect our economy's performance than the Chairman of the Federal Reserve Board. It is vital, therefore, that the President be able to appoint the most qualified individual in the country to serve as Chairman of the Federal Reserve Board for the remaining years of his term and the first year of the next Presidential term. Under current law, the President's choice could be unduly limited. If, by accident the Chairman holds a term that expires in an odd-numbered year when there is no scheduled vacancy on the Board, and the President wanted to replace the Chairman, he could do so only by appointing one of the other Governors.

In the event that a Chairman resigns or dies before his term expires, the bill provides that a successor shall be appointed only for the unexpired portion of the term except that, if the unexpired portion is less than a year, the appointment would be for a full year term plus the unexpired portion of the term.

The scheduling of the Chairman's term provided for by H.R. 5037 precludes the potentially mischievous possibility that now exists for a President to appoint a 4-year term successor to a Federal Reserve Board Chairman to a term that does not expire until late in the next Presidential term. In this way, H.R. 5037 insulates the appointment of the Chairman from election year politics. Recall also that H.R. 5037 assures that, if a Chairman is appointed early in a President's term, he can serve as Chairman for a full term provided the term does not expire later than the President's term begins. In this way the bill provides a newly appointed or reappointed Chairman with job security lasting past the term of the President whose election he wins, making him a protected power base to resist any politically inspired pleas.

I also want to emphasize to my colleagues that the phasing of the terms of the President's term and that of the Chairman makes the appointment of the Chairman early could become a Presidential election issue. Were the former to happen, it would invite risky abrupt changes in monetary policy.

In contrast, under H.R. 5037, the term of the Chairman always will end on January 31 of the year after the year during which the term of the President who appoints the appointment is scheduled to expire. This is 1 year and 10 days after the next scheduled Presidential inauguration. There always will be a scheduled vacancy on the Board that date because of the way current law schedules the expirations of the terms of the Board's seven Governors. As a result, 1 year before the next Presidential election, an elected President will be able to appoint the most qualified individual in the country to serve as Chairman of the Federal Reserve Board for the remaining years of his term and the first year of the next Presidential term.

The Chair recognizes the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I am here to do three things. The first is to express my concerns about this bill. The second is to express my concern about the lack of a balanced approach to the amendment. And third, I want to emphasize that the change in the terms as they stand now, if left unaltered, would be in effect the phasing of terms in an unbalanced way.

This is an issue that we as a nation have to deal with. It is an issue that we have not dealt with because of the way in which the terms are phased. The terms of the Board and Governor in the early years of a President's term are longer than the terms of the Board and Governor in the last years of a President's term. It is vital, therefore, that the President be able to appoint the most qualified individual in the country to serve as Chairman of the Federal Reserve Board for the remaining years of his term and the first year of the next Presidential term.

The scheduling of the Chairman's term provided for by H.R. 5037 precludes the potentially mischievous possibility that now exists for a President to appoint a 4-year term successor to a Federal Reserve Board Chairman to a term that does not expire until late in the next Presidential term. In this way, H.R. 5037 insulates the appointment of the Chairman from election year politics. Recall also that H.R. 5037 assures that, if a Chairman is appointed early in a President's term, he can serve as Chairman for a full term provided the term does not expire later than the President's term begins. In this way the bill provides a newly appointed or reappointed Chairman with job security lasting past the term of the President whose election he wins, making him a protected power base to resist any politically inspired pleas.
Chairman to expire 1 year and 10 days after the appointing President’s term is scheduled to expire. It was supported by the Federal Reserve Act. Mr. Volcker, and now has the support of the Board’s new Chairman, Paul Volcker. The administration also supports the legislation.

The bill today also has been read with the provision which I introduced at the beginning of this Congress as H.R. 423. It would permit the Chairman and Vice Chairman to continue serving in those capacities until the President of the United States is sworn in. Presently, this provision is in the law with respect to service as a Member of the Board of Governors, but there is no comparable provision for serving as Chairman or Vice Chairman. It was because of the silence of the law on this point that President Jimmy Carter was able to appoint Arthur Burns as Acting Chairman of the Federal Reserve in July 1979. After his own term had expired as Chairman, while he was still a Governor, and before William Miller’s appointment had been confirmed. The danger in that situation lay in the fact that an Acting Chairman would not be subject to confirmation. Thus, he serves at the pleasure of the President. One can easily imagine a situation in which a President would take advantage of this to have a Chairman serving at his pleasure, in effect, by appointing him as an Acting Chairman and delaying nomination of a permanent Chairman. This is not a purely speculative danger. Jimmy Carter did make the appointment and thereby set a dangerous precedent. Passage of this bill would resolve that problem.

It was also at my original suggestion that the bill incorporated the provision that two members of the Board of Governors be permitted to represent the same district if one was serving or had served as Chairman. Some would say that this is desirable in that it gives more flexibility to the Board in naming a Chairman. That may be so, but I am less concerned about giving the President flexibility than I am about avoiding nuisance suits which might paralyze the Fed’s monetary policymaking. I am very mindful of the fact that the composition of the Federal Open Market Committee has been challenged in court on the grounds that some of its members were not appointed by the President. One such suit having been dismissed on lack of standing, another is now in progress that is based on the ground that the Fed’s new Chairman, while he was still a Governor, and before William Miller’s appointment had been confirmed.

In just the same way, I think it possible in the future that a Chairman who takes unpopular but necessary actions might face a challenge on the wholly irrelevant grounds of what Federal Reserve district he is said to represent. Since the law is silent about what constitutes representation, such a challenge is possible no matter how silly the ground.

By adopting the present bill, we will prevent such a nuisance suit with respect to a position that everyone agrees that it is better to have than to be without. At the same time, this bill does not by any means do away with regional representation on the Board, since the modification can only occur by consent of the President in respect to the position of Chairman.

The bill today also has been read with an amendment which is the text of another of my bills, H.R. 1833. It would repeal section 11(n) of the Federal Re-
serve Act, which is the authority for the Secretary of the Treasury to seize privately owned gold. Many persons, including the administration, have taken the position that 11(n) was repealed by Public Law 89-110, which restored the right of gold ownership in the United States. Very briefly, I would just point out that most codifiers of Federal statutes apparently think differently, since the section still appears in the Statutes at Large referring to its repeal, implicit or otherwise. Secondly, we took testimony in subcommittee which pointed out that the real problem is not whether the gold can be seized, but what compensation must be paid for it. Under section 11(n) it appears that seizure could result in confiscation, since there is no guide as to what must be paid for the seized gold, and the withdrawal statute, as it is called, prevents anyone from suing if they think compensation was inadequate. The last official price for gold was approximately $42 per ounce and the current market price is some 10 times that amount. Since the official price is a fraction of the market price, there is great room for controversy. Therefore, so long as no one wants this statute, I think we would be better off cleaning it out of the code and not leaving the possibility of mischief lying in harm's way.

Mr. Speaker, this bill has a number of good provisions, and none which would give anyone any concern. I therefore urge my colleagues to vote for the motion to suspend the rules and pass H.R. 5037.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Paul).

Mr. PAUL. Mr. Speaker, I rise in opposition to the bill and the extraordinary procedure used to get it to the House floor.

Combined within one bill we now have two totally different and totally unrelated provisions. Two of these provisions were reported separately by the Domestic Monetary Policy Subcommittee, and they were separate bills until just a few minutes ago.

One bill, H.R. 1853, I enthusiastically support. The subcommittee and Members of Congress have received hundreds of letters in support of my bill, H.R. 2658, which is virtually identical to the bill that the subcommittee reported, H.R. 1853. I would also point out that that bill has the unanimous support of the Domestic Monetary Policy Subcommittee.

The other bill, however, that making changes in the term of the Chairman of the Federal Reserve Board, does not enjoy such unanimous support, and there are very good reasons for opposing it, as my colleague from Florida and I have attempted to point out in our dissenting views. When bills similar to H.R. 5037 were considered in previous Congresses, many provisions proposed changing the term of the Chairman of the Federal Reserve Board so as to make it conform more closely and regularly with that of the President. On previous occasions we have included the ranking minority members of the Banking Committee, who took the floor on May 10, 1976, to discuss H.R. 2904, and again on September 12, 1977, to discuss H.R. 8094, and Senators John Tower and William Proxmire, chairman of the Senate Banking Committee. Otherwise, I do not think this change has included Armin Alchian, the former Chair of economics at UCLA, the Chairmen of the Federal Reserve Banks at Richmond, San Francisco, Kansas City, and Dallas, and the former Chairman of the Federal Reserve Board, Arthur Burns. All these people agreed that the change would further politicize the Fed and make monetary policy more subservient to the party that controls the White House rather than to the best interests—the long-run interest—of the Nation.

I am not suggesting that the Fed has been free of political influence up until now. It obviously has not, and it cannot be freed as long as it exists. But this bill would make a bad situation worse by making the President's choice for Chairman of the Fed rather than politics more deeply in our national monetary system, we should be acting to separate money and politics altogether.

So I, for one, am faced with a moral dilemma—a dilemma that could easily be eliminated were these bills considered separately. The House has been in the holding pattern in the H.R. 1853 subcommittee: entirely separate. The dilemma is this. Shall I vote for suspension of the rules and passage of this combination of two thoroughly meritorious measure together with one of dubious value, or shall I oppose suspension of the rules and thereby risk defeating the worthwhile bill which enjoys the unanimous support of the subcommittee members? I do not believe I am the only Member who faces this dilemma, and I strongly object to the procedure that forces this dilemma upon us. Unfortunately, this method of legislation is more the rule than the exception.

I would like to include my dissenting view at this point in the RECORD:

Dissenting Views H.R. 5037

This bill as amended and reported by the Banking Committee would achieve a number of purposes.

1. Synchronization of the term of the Chairman of the Federal Reserve Board with the term of the President.

2. Permitting two members of the Federal Reserve Board to be residents of the same Reserve district.


4. Repealing the requirement that the annual report of the Federal Reserve be printed as a congressional document.

5. Extending the duties of the Vice Chairman of the Board of Governors.

It is our opinion that the synchronization of the Chairman's term with that of the President in the term of the Chairman would expire one year after a newly elected President assumes office is a major step down the road toward the complete politicization of the Federal Reserve System. One proponent of the bill apparently agrees, as a memorandum has stated that "the legislation will promote essential coordination of monetary and fiscal policies by each new chairman and each newly elected or re-elected President to appoint his own Federal Reserve Board Chairmen, at the discretion of the President and without having to consult with the Congress."

That being the case, it is difficult to see why the matter of Presidential candidates' preferences for Chairman would not become a permanent feature of future Presidential campaigns. This bill, if enacted, would significantly decrease the independence from the various and ever-changing political pressures that sweep national public opinion and that control the Federal Reserve. The Federal Reserve will become even more subservient to short-run political goals than it is already.

If adopting dysfunction is the creation of new duties for the Vice Chairman of the Board. The bill would synchronize only the term of the Chairman with that of the President. The term of the Vice Chairman would remain as it is under present law, unrelated to the term of the President. Thus the terms of the Chairman and the Vice Chairman are not likely to run concurrently. The result will be that the President will be able to appoint an "heir apparent," as it were, while a Chairman appointed either by a previous President or by the same President during a lame-duck session would be sitting as Chairman. Such an arrangement is likely to result in internecine policy struggles within the Board and could well be led by the Chairman, and another by the Vice Chairman. The likelihood of such a circumstance occurring is inevitable since the President shall have the power to act as chairman during such unavailability or, in the event of pending the appointment and qualification of such chairman's successor.

The bill does not define "unavailability." Presumably, "unavailability" does not simply mean "absence," for that word is not used. It is difficult to understand exactly what the committee has in mind by that term, and its implementation could lead to problems in the future.

We urge our colleagues to oppose this bill which comes before the House. While the changes it would make in the law may appear minor to some, its ultimate impact may be extremely significant. By further politicizing the Fed, we could be hastening the day when political pressure will be imposed in making it the right course of action to pass this bill.

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

Mr. MITCHELL of Maryland. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. Mitchell) that the House suspend the rules and pass the bill, H.R. 5037, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Federal Reserve Act respecting the positions of chairman and vice chairman of the Federal Reserve Board, for other purposes." A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have included the ranking minority member of the Banking Committee, who took the floor.
marks, and to include extraneous matter, on the H. R. 5037, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

[33x691]CONGRESSIONAL RECORD—HOUSE
November 13, 1979

§ 302c. Special pay: medical officers

(a) (1) An officer who is an officer of the Medical Corps of the Army or the Navy, an officer of the Air Force designated as a medical officer, or a medical officer of the Public Health Service, is entitled to variable special pay at the following rates:

"(A) $6,000 per year, if the officer has at least six but less than eight years of creditable service under subsection (c).

"(B) $7,000 per year, if the officer has at least twelve but less than fourteen years of creditable service under subsection (c).

"(C) $8,000 per year, if the officer has at least eighteen but less than twenty-two years of creditable service under subsection (c).

"(D) $9,000 per year, if the officer has at least twenty-two but less than twenty-six years of creditable service under subsection (c).

"(E) $10,000 per year, if the officer has at least twenty-six but less than thirty years of creditable service under subsection (c)."

(b) An officer who is an officer of the Dental Corps of the Army or Navy, an officer of the Air Force designated as a dental officer, or a dental officer of the Public Health Service, is entitled to variable special pay at the following rates:

"(A) $6,000 per year, if the officer has at least six but less than eight years of creditable service under subsection (c).

"(B) $7,000 per year, if the officer has at least twelve but less than fourteen years of creditable service under subsection (c).

"(C) $8,000 per year, if the officer has at least eighteen but less than twenty-two years of creditable service under subsection (c).

"(D) $9,000 per year, if the officer has at least twenty-two but less than twenty-six years of creditable service under subsection (c).

"(E) $10,000 per year, if the officer has at least twenty-six but less than thirty years of creditable service under subsection (c)."
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

Page 32169

"(b) An officer may not be paid special pay, unless the officer has served on active duty for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay; provided, however, that this section does not apply to an officer who on the effective date of this Act was entitled to receive special pay at the rate of $3,000 per month for which an officer is to be paid special pay at the rate of $3,000 per month, and the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, by written agreement under section 302(a) of this title, designate as an officer to receive special pay at the rate of $3,000 per month that officer or who in the opinion of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force is in the opinion of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, a member of the uniformed services who is reasonably expected to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay and who is on active duty on the effective date of this Act.

"(c) The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall prescribe regulations for the administration of this section, creditable service of an officer of the Army, Navy, or Air Force, or any other officer designated as an officer to receive special pay at the rate of $3,000 per month as an officer of the Public Health Service is computed by adding-" (1) all periods which the officer spent in podiatry residency training during which the officer was not on active duty; and (2) all periods of active service as an optometry officer.

"(1) Special pay: health professionals: general provisions.

"(a) The Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health, Education, and Welfare, with respect to the Public Health Service, shall prescribe regulations for the administration of sections 302, 302a, and 302b of this title. Such regulations shall include standards for the purposes of sections 302 and 302a(b) of this title.

"(b) The Secretary of Defense shall prescribe regulations for the purposes of section 302b(a) of this title.

"(c) Special pay payable to an officer under paragraphs (2), (3), and (4) of section 302b of this title shall be paid monthly.

"(d) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under section 302b(a)(1), 302b(a)(2), or 302b(a)(3) of this title shall refund to the United States the amount which bears the same ratio to the amount paid to such officer as the period of active service of the officer bears to the total period for which the payment was made.

"(e) The Secretary of Defense shall conduct a comprehensive evaluation of the system recommended for the purposes of section 302b of this title annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

(c) Chapter 5 of such title is further amended by inserting after section 303 the following new section:

"303a. Special pay: podiatry officers.

"(a) An officer who is an officer of the Army, Navy, or the Air Force designated as an officer to receive special pay at the rate of $3,000 per month as a podiatry officer or who is a podiatry officer of the Public Health Service and who is on active duty on the effective date of this Act shall be paid special pay at the rate of $1,000 per month for each year beginning on the date the officer enters active duty for a period of not less than one year beginning on the effective date of this Act and for purposes of section 302 of this title, and a summary of the system recommended for the purposes of section 302b of this title as in effect on the day before such date and special pay applicable (or which would have been applicable) to such officer under sections 302, 302a, 302b, 303, 311, and 313 in effect on the day before such date.

"(d) The amendment made by section 2 of this Act applies to special pay payable for periods beginning after September 30, 1979, and the gensman from New York (Mr. Mitchell) will be recognized for 20 minutes.

"The Chair recognizes the gentleman from Alabama (Mr. Nichols).

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

"Mr. Speaker, the Committee on Armed Services has been engaged in a series of hearings since the beginning of this year, focusing on the subject of military health care delivery and, more particularly, on special pay for military health professionals. We have received a great deal of testimony, both from military and civilian leaders within the Department of Defense, and from physicians in the field.

"Based on these detailed and lengthy deliberations, the committee has developed a bill (H.R. 5335) that would restructure the special pay afforded uniformed services physicians, dentists, optometrists and podiatrists.

"It is very much a committee bill—it does not look particularly like the administration proposal, or any of the other bills the committee considered. It compares favorably with those bills I believe, while at the same time specifically addressing the particular problem areas that exist today.

"I would hasten to point out that it is not all things for all people and represents a significant step in the right direction. It is a tightly drawn recommendation and, to some extent, complex. The description I will provide is only a brief overview of what I consider to be the very strong rationale and a summary of the system recommended by the committee.

"The basis for the recommendations of the committee for military physicians, in large part, relates to an assessment...
of the required physician force by years of service versus the actual physician force required to service projected to exist in the future. By comparing the required force profile to the actual force profile, the committee was able to determine those points in a physician’s military career where changes in the compensation system would have the greatest impact on attracting and retaining the quantity and quality needed to meet the required force profile.

The committee found three areas where changes would have the maximum impact with regard to influencing the number of physicians on active duty.

Increasing the end of obligation retention of health professions scholarship program (HPSP) physicians would significantly increase the number of physicians on active duty. We were astounded to find that, today, only 10 percent of physicians who reach this point remain on active duty. This, in turn, leaves those who continue on active duty. That is not to say that action should not be taken to affect the well-being of physicians who have elected to remain in the military after completing their initial obligation. The availability of highly trained and respected senior physicians has a great deal of influence on the retention of junior physicians. The committee recognized this and built its recommendations on this observation. A similar phenomenon exists at the end of obligation for volunteers. Although retention is higher at this point for volunteers, slight improvements could result in significant increases in physicians on active duty after this point.

The final point of major influence is in terms of the number of entries onto active duty. The committee found it critically important to the long range viability of military health care delivery that the scholarship program be operated at full capacity. This implies that physicians satisfying their initial active duty obligation must be positively oriented toward military service. These physicians communicate frequently with the medical schools from which they graduated and influence the attitudes of entering medical school students toward the military. Shortfalls in the number of students enrolled in the scholarship program will show up 4 to 8 years later in the available force on active duty.

In summary, the committee found these actions in the present environment would have their greatest impact if focused on the points at which individuals reach their end of obligation status or initial obligation. This ensures that the scholarship program is maintained at full capacity.

The committee recommendations are based on considerations just described. In addition, the committee considered compensation received by physicians in the private sector—not so much from the perspective of the absolute amounts but rather from the perspective of the required physician force by years of service versus the actual physician force required to service projected to exist in the future. By comparing the required force profile to the actual force profile, the committee was able to determine those points in a physician’s military career where changes in the compensation system would have the greatest impact on attracting and retaining the quantity and quality needed to meet the required force profile.

The special pay system for military physicians recommended by the committee would be composed of three components.

The first component would provide a payment of $10,000 per year while the physician is not engaged in internship or residency training. This payment would be made as a lump sum at the beginning of the year in exchange for a commitment on the part of the physician to serve that year on active duty. All physicians meeting this criterion would be eligible for this payment whether in an obligated status or not.

The second component, variable special pay, would be payable to all military physicians regardless of their eligibility for obligatory status and would range from $1,200 to $10,000 per year depending on length of service. This component was set to achieve the shape and level of the total compensation desired by the committee. It would be paid in monthly amounts.

The third component would be a payment for board certification and would increase with longevity from $2,000 per year to $5,000 per year. This amount would also be payable on a monthly basis.

I would like to summarize the impact of this bill in terms of the total compensation to which a military physician would be entitled. This total compensation is composed of regular military compensation (that is, basic pay, basic allowance for quarters, basic allowance for subsistence, and the tax advantage that accrues because the allowances are not subject to Federal income tax) plus the special pays proposed by the committee.

The proposed special pay system would provide military physicians generally equal to or better-than the current system for physicians with higher years of service are board certified (over 80 percent); however, information that generally, physician incomes in the private sector are higher for those who hold board certification. The committee established the level of payment for board certification at a lesser amount. The early years of service because military exigencies may hamper the progress of an individual who wishes to achieve board certification; but after 12 years of service the amount rises relatively rapidly. By this time the committee believes that the services should be able to accommodate, through appropriate assignments, those who wish to pursue board certification. A board certified physician would eventually reach a level of total compensation of over $63,000 per year.

Compared to the compensation available under the present system, the proposed system is slightly more beneficial while a military physician is in residency training. It is significantly more beneficial while the individual is in an obligated status and making the decision to stay or to leave; slightly better for a non- obligated status physician; and approximately equal for a senior military physician who does not seek board certification. The proposed special pay system is significantly better—approximately $5,000 better—than the current system throughout for a physician who is board certified.

The proposed system places the greatest increase in compensation at the end of the initial active duty obligation and shortly thereafter and into the payment for board certification.

The committee recommended a proposed special pay system for dentists structured in a manner similar to that recommended for physicians.

The payment received while not in internship or residency training increases with years of service starting at $6,000 for those with 3 bus less than 12 years, increasing to $8,000 for those 12 to 18 years, and reaching $10,000 for those with over 18 years of service. This payment would be made as a lump sum at the beginning of each year if the dental officer agrees to remain on active duty for that year.

The variable special pay varies by years of service ranging from $1,200 to $9,000. This component was set to approximate the shape and level of total compensation desired by the committee. Variable special pay would go to all dental officers, would be paid on a monthly basis, and would be independent of whether the dentist is in residency training.

In addition, dentists who are board qualified would be eligible for an additional monthly payment increasing as
November 13, 1979

CONGRESSIONAL RECORD — HOUSE

their years of service increases ranging from $2,000 to $4,000 per year.

The proposed system would pay sig-
nificantly more than the current system to medical dentists with between 3 and 6 years, providing total compensation of slightly over $30,000. For the general practitioner, the proposed system provides considerably more than the current system from 6 to 18 years but slightly less than the current system after 18 years. Of course, the "save pay" provisions such that no dentist could receive less total compensation than he would have received under the current system on the day before the date of enactment.

A board qualified dental officer would receive very significant increases under the proposed system throughout. The board qualified dental officer would reach $82,000 after 22 years of service.

OTHER FACTORS

The military health care delivery system provides benefits to active duty members, their dependents, retired members, and their dependents. The committee strongly believes in providing adequate health care to those 9 million potential beneficiaries. The military health care delivery system is one of the most significant benefits of military compensation. In addition, its quality impacts on the well-being and morale of each and every military member, and it is an essential element includes "save pay" provisions such as adequate numbers of military health professionals in support of this mission.

The committee was cognizant of the importance of attracting and retaining adequate numbers of military health professionals in support of this mission. The committee looked at alternatives that would match more closely the incomes of physicians in the private sector. However, the committee concluded that the military should not pay more than is necessary to attract and retain the required number and quality of military health professionals. This implies some reliance on the favorable aspects of military medical and dental status and not just trying to overcome the negative aspects with more compensation.

We believe the pay bill we have developed within the committee is the first step toward a solution—not, the final solution—to the problems that manifest themselves in the military health care delivery system today. To this end, we have included a provision that would authorize $3 million for a test of alternative compensation incentives for special problem areas remaining. For example, incentives directed toward the critical specialties and retention of the nucleus of medical managers whose position as "role models" for the younger physician is so critically important. The bill has removed all relationships between obligated status and amount of pay. The bill has no expiration date; it provides permanent authority. The levels of pay would be explicitly delineated in the statutes—not subject to administrative modification as the current system.

The first year cost of this proposal will be approximately $39 million, grow-

ing to about $126 million by fiscal year 1984.

I have received calls from Dr. John Moxley, the New Assistant Secretary of Defense for Health Affairs and Mr. Vernon McKenzie, his principal deputy; Lt. Gen. Burney, Surgeon General of the Air Force; Lt. Gen. Charles C. Pixley, Surgeon General of the Army; and Dr. Jay Sanford, dean of the School of Medicine of the Uniformed Services University of the Health Sciences. Each has offered strong support for the committee recommendations. In addition, we have received indications of strong support for this bill from the field, both from senior and junior military health professionals.

Finally, Mr. Speaker, I would like to take this opportunity to express deep appreciation and gratitude to the witnesses from the Department of Defense, the Surgeons General—and particularly to Mr. Vernon McKenzie—for their great assistance and responsiveness during our hearings. They have readily provided information, insight, and support to the committee's efforts. Whatever progress has been made by the recommendations in this bill, it's cross, in about, to a large extent, through the untiring efforts of these managers and their very capable staffs.

Mr. Speaker, I urge the Members of the House to support H.R. 5235.

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

Mr. NICHOLS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker I thank the gentleman for yielding.

I want to commend the gentleman from Alabama (Mr. Nichols), the ranking member of the subcommittee for reporting this legislation out. It was certainly needed. There was no opposition in the committee or any opposition that I have heard of. We are going to have a medical and dental staff that can take care of our uniformed service people. We have got to have this legislation.

Mr. Speaker, I urge you to take the opportunity to speak out in support of H.R. 5235, the Uniformed Services Health Professionals Special Pay Act of 1979. There is growing evidence of rapidly deteriorating medical care in the military, and it is essential that we upgrade these services as quickly as possible.

In the recently published Nifty Nugget reports in the Washington Post, it was revealed that in a military emergency in Europe we would not have sufficient medical personnel to care for the wounded, and the more seriously wounded would have to be flown back to the United States for treatment. A number of those would die in transport, not from injuries that were untreatable but, in many cases, from the lack of adequate medical manpower.

This is an alarming revelation, and one that is not to be taken lightly. With world conditions as shaky as they are today, our basic military needs cannot be ignored. I would hate to think that we could send our young men into combat with no assurances of adequate physi-
cal sta

One of our recruitment incentives is the promise of medical care for the military personnel in the United States. I am certain you have all heard disturbing personal stories of the inadequacy of the dependent care that is available and the long waiting periods these people have to go through in order to get this care. This is not due to poor quality in the medical personnel, rather it is due to a shortage in numbers of physicians and personnel support their needs, and it certainly points out the strong need to provide recruitment and other incentives to make a military medical practice more competitive with the civilian sector.

Through the provisions for special pay in H.R. 5235, I believe Mr. Nichols and his Military Compensation Subcommittee have designed an excellent solution to these problems, and I would urge my colleagues to join me in my support of this measure.

Thank you.

Mr. MITCHELL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support H.R. 5235.

The purpose of H.R. 5235 is to provide an improved system of special pay for military health professionals in the uniformed services.

I would like to discuss first of all the need for the program. To put it as succinctly as possible, the present system is just not working. We have a very severe doctor shortage. It is becoming more critical as the months go by, and it affects all services and all specialists within those services. There is no help in sight.

As an example of the problem, the severity of the problem, the services have found it necessary to terminate more than 400 different services and facilities throughout the world and the armed forces this past year. Probably the shortage is even more severe than is projected because the services have the practice, when the shortages become too extreme, to merely change the authorization level, to cut back on the authorization and thus make it look as though things are better than they actually are, but it is a very poor situation.

From another perspective, Mr. Speaker, the deteriorating health services are often cited by service personnel when they come before our Committee on Military Compensation as a major complaint.

In hearings by our committee, we frequently hear the complaint made of a breach of contract or a breach of promise by the Government. The services find this as one of the major reasons young people are leaving. We are having a tough time filling our volunteer slots in the service.

Now, the statute provides that only those on active duty must be provided health care. But the recruiters very often
promise far more than this to the people they are attracting to the services. They promise that not only will the active duty person receive health care, but so will his dependents. This would be what he should be gaining for the full term of years and retire, that he will receive health care then, as will his dependents.

The perception today is that there is a cutback in health care, that there is an erosion of benefits. This is another buzz word we hear in this committee, erosion of benefits. They say that the cruel reality is that something is taking something else away from the serviceman, something more away from the serviceman who has pledged his life for his country.

Voting for this package, Mr. Speaker, will not only help dispel this perception, but of course help provide improved health care, by helping to attract and retain more physicians and more health practitioners throughout the services. I would like now to touch on three broad guidelines that were used when this legislation was developed.

One is that no one in the services will make any less than he is at the present time.

The second is that we are putting the dollars, for the first time, as an incentive, during the pressure points in a career pattern. This is a time when a person is trying to make a decision whether he is going to stay and practice his career pattern. This is a time when a person is trying to make a decision whether he is going to stay and practice his career pattern. This is a time when a person is trying to make a decision whether he is going to stay and practice his career pattern.

The third component of special pay would be eligible for this payment while not on active duty plus all periods of active service as a military physician.

The third component of special pay would be provided to all physicians not engaged in internship or initial residency training. This payment would be offered as a lump sum at the beginning of the year for which the dental officer agrees to remain on active duty. The annual rates are shown below:

<table>
<thead>
<tr>
<th>Years of creditable service:</th>
<th>Annual payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10</td>
<td>$2,000</td>
</tr>
<tr>
<td>10 to 12</td>
<td>$5,000</td>
</tr>
<tr>
<td>12 to 14</td>
<td>$8,000</td>
</tr>
<tr>
<td>14 to 18</td>
<td>$10,000</td>
</tr>
<tr>
<td>Over 18</td>
<td>$12,000</td>
</tr>
</tbody>
</table>

PAYMENT WHILE NOT IN TRAINING

The payment received while not in internship or residency training increases with years of creditable service and would be paid at a lump sum at the beginning of the year for which the dental officer agrees to remain on active duty. The annual rates are shown below:

<table>
<thead>
<tr>
<th>Years of creditable service:</th>
<th>Annual payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 to 12</td>
<td>$6,000</td>
</tr>
<tr>
<td>12 to 18</td>
<td>$8,000</td>
</tr>
<tr>
<td>Over 18</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

VARIABLE SPECIAL PAY

The second component, variable special pay, would depend on years of creditable service and would be paid on a monthly basis. The amounts of variable special pay were set to achieve the desired shape and level of total compensation for military dentists. This component of special pay would be paid to all military dentists. The annual rates of variable special pay are shown below:

<table>
<thead>
<tr>
<th>Years of creditable service:</th>
<th>Annual rate of variable special pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>During internship</td>
<td>$1,200</td>
</tr>
<tr>
<td>1 to 3</td>
<td>$2,500</td>
</tr>
<tr>
<td>4 to 6</td>
<td>$2,000</td>
</tr>
<tr>
<td>7 to 10</td>
<td>$5,000</td>
</tr>
<tr>
<td>11 to 18</td>
<td>$7,000</td>
</tr>
<tr>
<td>Over 18</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

The second component, variable special pay, would be payable to all military physicians on active duty regardless of status and would range from $1,000 per month, depending on years of creditable service ($1200 per year would be payable when a physician is in training and no longer subject to Board Certification), to a maximum of $5,000 per month. The annual rates of variable special pay are shown below:

<table>
<thead>
<tr>
<th>Years of creditable service:</th>
<th>Annual rate of variable special pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>During internship</td>
<td>$1,000</td>
</tr>
<tr>
<td>1 to 3</td>
<td>$1,500</td>
</tr>
<tr>
<td>4 to 6</td>
<td>$2,000</td>
</tr>
<tr>
<td>7 to 10</td>
<td>$5,000</td>
</tr>
<tr>
<td>11 to 18</td>
<td>$7,000</td>
</tr>
<tr>
<td>Over 18</td>
<td>$5,000</td>
</tr>
</tbody>
</table>
CONGRESSIONAL RECORD—HOUSE 32173

November 18, 1979

Flag officers would receive $1,000 as variable special pay regardless of years of service. They are also eligible for the other components of special pay if they meet the appropriate criteria.

PAYMENT FOR BOARD QUALIFICATION

The third component of special pay for dental officers would be payable to dentists who have completed Board Qualification and would depend on years of creditable service. The amount would range from $2,000 to $4,000 per year. It would be paid on a monthly basis. The criterion for this payment would be Board Certification if that criterion were attainable in the private sector. The annual rates are shown below:

<table>
<thead>
<tr>
<th>Years of creditable service:</th>
<th>Annual payment for board qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 12</td>
<td>$2,000</td>
</tr>
<tr>
<td>12 to 14</td>
<td>$3,000</td>
</tr>
<tr>
<td>Over 14</td>
<td>$4,000</td>
</tr>
</tbody>
</table>

CREDITABLE SERVICE

For the purpose of establishing the amount of special pay, creditable service for a military dentist is computed by adding all periods spent in dental internship and residency stated in clause 3, rule XXVII, the Chair’s prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NICHOLIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend and their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

INTEREST RATE MODIFICATIONS

Mr. DELLUMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5811) to allow the Interest Rate Modification Act of 1979, passed by the Council of the District of Columbia, to take effect immediately.

The Clerk read as follows:

H.R. 5811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act shall not apply to the Interest Rate Modification Act of 1979 (District of Columbia act 3-119) passed by the Council of the District of Columbia on November 4, 1979, and signed by the Mayor of the District of Columbia on November 6, 1979, and such District of Columbia act is hereby declared to be invalid.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. DELLUMS) will be recognized for 20 minutes, and the gentleman from Connecticut (Mr. McKinney) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DELLUMS).

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

Mr. Speaker, the purpose of H.R. 5811 is to make effective immediately an act of the Council of the District of Columbia, thereby waiving the 30-day congressional layover period specified in section 602(e)(1) of the Home Rule Act (District of Columbia Self-Government and Government Reorganization Act of 1973 (Public Law 93-315).

The Council Act which would become law, immediately upon enactment of H.R. 5811, is the Interest Rate Modification Act of 1979 (D.C. Act 3-119), which was passed by the Council on November 6, 1979, and signed by the Mayor on the same day. The question was taken.

Mr. ASHBOO;C. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair’s prior announcement, further proceedings on this motion will be postponed.

I would urge my colleagues to support this legislation. It is worthy, it is needed. Mr. Speaker, I have no further re-
Mr. MCKINNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5811. The decision by several lending institutions to cease accepting new applications and declare a loan crisis has created a genuine emergency in the city's housing market.

The consequences of this mortgage loan crisis for the area's real estate market, as well as many prospective home buyers, is very serious. Several of the area's largest savings and loan associations and other lending institutions have already postponed loan settlements and ceased accepting new applications. This can only make a bad housing situation worse.

The legality of the District's emergency legislation procedures, which it has used twice to raise the usury limitation on residential mortgages, has been questioned in a recent court decision. The City's permanent legislation to lift the interest ceiling, however, has not become effective until after the 30-day congressional review period. Without this legislation, persons wishing to buy and sell residential mortgages in the District of Columbia will have to wait for months.

I do have reservations about the District's decision to maintain a usury ceiling and the City Council's current use of its emergency legislative powers. It is my feeling that in fact, if an issue is important enough to be legislated by the City Council, it should be passed through the permanent legislative process. But these are matters to be brought up for discussion at another time. It is unfair to ask prospective buyers and sellers in the District of Columbia to bear the brunt of a problem that is the result of legislative procedural quirks.

Therefore, I urge my colleagues to join me in support of H.R. 5811.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the gentleman from the District of Columbia (Mr. FAUNTYRO).

Mr. FAUNTYROY. Mr. Speaker, I rise in support of H.R. 5811, a bill to allow the District of Columbia, which in 1979 passed by the Council of the District of Columbia to take effect immediately. This extraordinary legislation is necessary because of the decision by the Federal National Mortgage Association to cease purchases of mortgages secured by residential real estate located in the District of Columbia.

The magnitude of that decision, which was followed by other secondary market investors, is best understood when measured against the holdings by this single institution, FNMA, of District of Columbia mortgages which, as of July 1979, valued more than $187 million. Additional unknown amounts are held by the Federal Home Loan Mortgage Corporation, and other private and governmental investors.

The decision by other lenders to follow the lead of FNMA was based upon the fact that the security laws put a heavy burden upon an investor to demonstratively that the decision reached by FNMA held almost no chance of success should a legal challenge be made against any obligation held in the portfolio which originated from the District of Columbia. Quite understandably, all mortgage lending ceased in the city.

The legislation which is pending before you would be made effective by waiving the 30-day layover which is required in the Home Rule Act. The City Council did pass emergency legislation to lift the interest rate ceilings. The committee believes, I understand, that legislation to be legally proper. However, the decision by mortgage lenders, which is based upon their holding which broadly questions the right of the city to utilize emergency legislation more than once on the same subject, has effectively clouded any further legislation until the city's permanent legislation is effective. This bill would make that permanent law effective immediately. Additionally, I would note that the law relates back to all prior transactions which occurred since October 5, 1979, the intended effective date of the emergency legislation and thereby removes any cloud over loans made subsequent to that date.

This legislation does not deal with any of the other questions concerning emergency legislation. There is some belief that we ought to await the decision of the court of appeals so that we can have the benefit of their thinking in this matter. When the decision is rendered, the subcommittee of which I am chairman, Governors Affairs and Budget, will carefully weigh other amendments as we find are necessary. No one wants a repeat of this event and no one can assure you that anything we draft will be effective until we hear from the court of appeals. If, indeed they say that some remedy is necessary or desirable.

I cannot overemphasize that the resultant lack of mortgages has nothing to do with the city council or the mayor. Both have acted responsibly and timely to the best of their legal capacity. They could not have acted any other way than they did. The only absolutely unpredictable interest rates and inflation, any attempt to protect the citizens against nonmarket interest rates—or usurious rates of interest—is going to be hard, difficult, and fraught with some potential complications. This is a problem other States are having. The Congress is being asked to meet their needs in special legislation and this is no different. I urge your support for the bill and its speedy passage.

I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. FAUNTYROY).

Mr. BARNES. Mr. Speaker, I am sure my colleagues have seen in the front pages of all of the Washington papers in the last few days that there is a crisis right now in the mortgage market in the District of Columbia which has been delineated by the distinguished chairman of our committee (Mr. FAUNTYROY), and the distinguished ranking minority member (Mr. DELLUMS).

The D.C. City Council has, as has been explained, passed permanent legislation that resolves this crisis. The bill is signed into law 1 week ago today by the Mayor of the District of Columbia.
include extraneous matter on the bill just presented.

Mr. Speaker, pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CALL OF THE HOUSE

Mr. GARCIA. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Bell No. 660]

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. On this roll call 366 Members have recorded their presence by electronic device, a quorum.

Under the further call under the call are dispensed with.

MANDAN LUTHER KING BIRTHDAY

The SPEAKER pro tem. The House, pursuant to House resolution, H. R. 5461, passed the bill, H. R. 5461, as amended, on the motion of the Speaker pro tempore. The un

1450

The SPEAKER pro tempore. The roll call is dispensed with.

The Chair will now put the question on each pending the rules and passing the bill.

The vote was taken by electronic device.
SENSE OF CONGRESS EXPRESSION RESPECTING BALTIC STATES AND SOVIET CITIZENSHIP CLAIMS OVER CERTAIN U.S. CITIZENS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 200) as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. FITZIAN) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 200) as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 662]

YEAS—400

Yeas—400

NAYS—0

The Clerk announced the following pairs:

Mr. Bogg and Mr. Rahall for, with Mr. Sebelius against.

Mrs. Reckler and Mr. Jones of North Carolina for, with Mr. Breaux against.

Mr. Holtman and Mr. Rosenthal for, with Mr. Cleveland.

Mr. Moorhead with Mr. Quillen against.

Mr. Roth with Mr. Cleveland.

The vote was aye or no, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 662]
POINT OF ORDER

Mr. WOLFF. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WOLFF. Mr. Speaker, during the past votes, the light on the board indicated that Representative SCHROEDER voted "aye." The gentlewoman from Colorado (Mrs. SCHROEDER) is not recorded as having voted on any vote today. Mr. WOLFF. I thank the Chair.

PAY RESTRUCTURE OF UNIFORMED SERVICES HEALTH PROFESSIONALS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5235.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. Nichols) that the House suspend the rules and pass the bill, H.R. 5235, on which the yeas and nays are as follows:

[Roll No. 658]

YEAS—377

Mr. BIAGGI. I appreciate what the gentlewoman has voted in the affirmative, as amended, thereof the rules were suspended and was agreed to.

A motion to reconsider was laid on the table.

NAYS—10

Answered "present"—1

Paul

November 13, 1979

CONGRESSIONAL RECORD—HOUSE

32177

Not voting—45

Anderson, Ill. Flood Mazooli
Ashley Fountain Michel
Barnard Fong Mikulski
Bogg O'Farrell Moforth
Bowen Goldwater Rauball
Bowen Hecker Roseenthal
Breaux Holland Both
Buchanan Holmesse Schrock
Burton, John Johnson, Colo. Sebulbas
Cleveland Johnson, N.C. Shontz
Coelho Kemp Stark
Conyers Kostmayer Stockman
Grain, Philip Lee Tauscik
Edgar McCluskey Williams, Mont.
Penwell McKinney Wilson, Tex.
Mr. THOMPSON. I agree with the gentleman from New York (Mr. Biaggi), there is no infallibility. However, as usual when he speaks, the gentleman from North Carolina (Mr. Rose), the gentleman from Michigan (Mr. Stockman), and those responsible for the operation of the electronic voting system are that we will look into the matter and will report back to the House. It is clear that no votes have been recorded by the gentlewoman from Colorado. It is a simple electronic malfunction.

Mr. BIAIGGI. If the gentleman will continue to yield, I could not agree with the gentleman more as far as the gentlewoman from Colorado is concerned, but in this instance, the machine proves to be fallible in that there was a lighting malfunction; but the fact that it is fallible in this instance means it could be fallible in another fashion or any other fashion.

Mr. THOMPSON. If the gentleman from New York (Mr. Biaggi) has any other roccidals about which he has questions, if the gentleman will be kind enough to transmit them to me or to the gentlewoman from North Carolina (Mr. Rose), we will be glad to respond.

I simply am reassuring Members that no actual recording of the votes by the gentlewoman from Colorado have taken place. An electrical malfunction is responsible and will be corrected as soon as possible.

Mr. Speaker, I yield back the balance of my time.

### 1530 APPOINTMENT OF CONFERENCE

**CONGRESSIONAL RECORD-HOUSE**

**November 13, 1979**

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>381</td>
<td>49</td>
<td>49</td>
</tr>
</tbody>
</table>

**DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1980—MOTION TO CLOSE CONFERENCE**

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

The Clerk read as follows:

Mr. ANANACE moves, pursuant to rule XXVIII 6(a) of the House rules that the conference committee meetings between the House and the Senate on the Department of Defense Appropriations bill, be closed to the public at such times as classified national security information is under consideration: Provided however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

Mr. ADDABBO. The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, this motion is required by the terms of the House and is the same motion which has been approved by the House previously. While we are conferring with the Senate on the Defense appropriation bill, a number of highly classified matters that cannot be discussed in open session will be considered. Of course, under the motion, all Members of Congress may attend any of the closed conference meetings.

I do not believe there is any controversy with regard to my motion and ask for a favorable vote. The SPEAKER pro tempore. The Chair will inform the Members that under the rules the vote must be taken by years and nays.

Voting will be by electronic device.

The vote was taken by electronic device, and there were 381 nays, nay absent, "present" 3, not voting 49, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>381</td>
<td>49</td>
<td>49</td>
</tr>
</tbody>
</table>

**ANSWERED "PRESENT"—3**

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>381</td>
<td>49</td>
<td>49</td>
</tr>
</tbody>
</table>

**DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1980—MOTION TO CLOSE CONFERENCE**

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

The Clerk read as follows:

Mr. ANANACE moves, pursuant to rule XXVIII 6(a) of the House rules that the conference committee meetings between the House and the Senate on the Department of Defense Appropriations bill, be closed to the public at such times as classified national security information is under consideration: Provided however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

Mr. ADDABBO. The SPEAKER pro tempore. Does the gentleman from New York desire to speak on his motion?

Mr. ADDABBO. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, this motion is required by the terms of the House and is the same motion which has been approved by the House previously. While we are conferring with the Senate on the Defense appropriation bill, a number of highly classified matters that cannot be discussed in open session will be considered. Of course, under the motion, all Members of Congress may attend any of the closed conference meetings.

I do not believe there is any controversy with regard to my motion and ask for a favorable vote. The SPEAKER pro tempore. The Chair will inform the Members that under the rules the vote must be taken by years and nays.

Voting will be by electronic device.

The vote was taken by electronic device, and there were 381 nays, nay absent, "present" 3, not voting 49, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>381</td>
<td>49</td>
<td>49</td>
</tr>
</tbody>
</table>
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

I call up the joint resolution (H.J. Res. 440) making further continuing and supplemental appropriations for the fiscal year 1980, and for other purposes, for consideration in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. Res. 440
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated and available out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1980, and for other purposes, namely:

Sec. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 1979, the pertinent project or activity shall be continued under the lesser rate, or the rate provided in the budget estimate, or the rate not in excess of the current rate:

- (a) activities under the Domestic Volunteer Service Act;
- (b) activities for support of nursing fellowships and training programs and program support related to alcoholism under sections 301, 303, and 472 of the Public Health Service Act;
- (c) activities under section 789 and titles VIII, XII, XV, and XVII of the Public Health Service Act;
- (d) activities under title X of the Public Health Service Act shall be conducted at not to exceed an annual rate for obligations of $1,500,000;
- (e) activities under sections 204 and 213 of the Community Mental Health Centers Act;
- (f) activities under title IV of the Drug Abuse Office and Treatment Act;
- (g) activities under titles III and V of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act;
- (h) activities under section 2 of the Indochina Migration and Refugee Assistance Act;
- (i) activities of the National Board for the Promotion of Rifle Practice;
- (j) activities of the Federal Trade Commission: Provided, That none of the funds made available by this joint resolution for the Federal Trade Commission may be used for the final promulgation of trade regulation rules authorized by section 18 of the Federal Trade Commission Act, as amended, nor to institute any new activities: Provided further, That no new trade regulation rules promulgated under the authority of section 18 of the Federal Trade Commission Act, as amended, be to become effective during the period covered by this joint resolution for the Federal Trade Commission: Provided further, That notwithstanding the provisions of section 102(c) of this joint resolution, the authority and funds made available herein shall remain available only until March 31, 1980:
- (k) activities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that such activities shall be continued at a rate of operations not in excess of $545,241,000, as provided in the Department of Justice Appropriations Act, 1980, for the Office of Justice Assistance, Research, and Statistics:
- (l) activities of the Economic Development Administration; and
- (m) activities of the Regional Action Planning Commission.

(d) Notwithstanding the funding rates provided for in section 101(a), activities of the Department of State for Migration and Refugee Assistance shall be funded at not to exceed an annual rate for obligations of $456,241,000, notwithstanding section 15(a) of the act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10(c)(1) of the act.

(e) Such amounts as may be necessary for projects or activities which were conducted in fiscal year 1979 and for which appropriation was made in the Department of Transportation and Related Agencies Appropriation Act, 1979, at a rate of operations not in excess of the current rate or the proportion of the rate provided in the budget estimate, whichever is lower, and under the more restrictive authority: Provided, That the Panama Canal Commission is authorized to incur obligations at any rate of operations not in excess of the rate provided in this joint resolution and in the manner provided for in H.R. 4440 as passed the House of Representatives on September 18, 1979, notwithstanding the provisions for the programs or activities of the Federal Inspector for the Alaska Gas Pipeline, at a rate of operations not in excess of 35 per cent of the fiscal year 1979 rate.

(f) Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Act, 1980 (H.R. 4389), at a rate of operations, and to the extent and in the manner, provided for in such Act as adopted by the House of Representatives on August 2, 1979, notwithstanding the provisions of section 106 of this joint resolution.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from November 20, 1979, and shall remain available until June 30, 1980.

Sec. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitation on authorization and approval of apportionsment set forth in section 605(d) (2) of title 31, United States Code, and no limitation shall be construed to waive any other provision of law governing the apportionment of funds.

Sec. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Sec. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1979.

Sec. 107. None of the funds contained in this Act shall be used for the reorganization of the Alaska Railroad Office of the Chief Counsel, Office of Real Estate or Office of Financial Planning, or for the consolidation of those Offices into the Office of the Alaska Railroad General Manager.

Sec. 108. All obligations incurred in anticipation of the appropriations and authority provided for in this joint resolution shall be ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Sec. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds provided by this joint resolution shall be allocated for operations except where the life of the mother would be endangered if the fetus were carried to term.

The SPEAKER pro tempore. The Clerk will report the bill without amendment.

The Clerk read as follows:

CXXV—5023—Part 24
Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am pleased to report to my colleagues that considerable progress has been made in clearing appropriations bills since the previous continuing resolution was passed. The appropriation bills for Agriculture, District of Columbia, Energy and Water, HUD-Independent Agencies, State-Justice, and Treasury-Postal Service have all been enacted. The Interior bill is awaiting the President's signature. The conference report on Transportation has been filed and will be taken up some time this week. This conference report has in effect, been enacted through the previous continuing resolution. Foreign Aid is in conference. Conferences were appointed today on the Defense bill and we expect the military construction bill to be on the Senate floor today.

This continuing resolution follows the basic form and concept of similar resolutions in prior years. The philosophy of the continuing resolution is to provide minimum funding for the orderly continuation of existing programs for the interim period until regular appropriation bills are enacted.

Mr. Speaker, this resolution differs in only a few regards from the one which is soon to expire. First, it excludes those programs included in appropriation bills enacted since the last resolution. Second, this resolution remains in effect for the entire fiscal year 1980 or until applicable appropriation bills are enacted. Lastly, a provision has been added to prohibit any FTC trade regulation rule promulgated under the authority of the Magnuson-Moss Act prior to October 1, 1979, from going into effect during the period of the resolution unless FTC authorization is enacted during that time. This provision would give the Congress the opportunity to consider any legislative restrictions with respect to such trade regulation rules during consideration of the FTC authorization before such rules go into effect.

By proposing an additional restriction on the trade regulation rulemakings activities of the FTC and an extension of the termination date for the Commission only until March 31, 1980, the committee believes it possible for the FTC to remain in existence, otherwise there would be no FTC. This committee has kept the FTC alive through appropriate action notwithstanding the lack of authorization.

For the reasons I have just discussed, the committee believes it is essential that the permanent authority be revised to cover the long-delayed authorization of the FTC under the authority of the Magnuson-Moss Act prior to October 1, 1979, but with an effective date after November 20, 1979, from going into effect during the period covered by the resolution. This provision would give the Congress the opportunity to consider any legislative restrictions with respect to such trade regulation rules during consideration of the FTC authorization before such rules go into effect.

By proposing an additional restriction on the trade regulation rulemakings activities of the FTC and an extension of the termination date for the Commission only until March 31, 1980, the committee believes it possible for the FTC to remain in existence, otherwise there would be no FTC. This committee has kept the FTC alive through appropriate action notwithstanding the lack of authorization.

For the reasons I have just discussed, the committee believes it is essential that the permanent authority be revised to cover the long-delayed authorization of the FTC under the authority of the Magnuson-Moss Act prior to October 1, 1979, but with an effective date after November 20, 1979, from going into effect during the period covered by the resolution. This provision would give the Congress the opportunity to consider any legislative restrictions with respect to such trade regulation rules during consideration of the FTC authorization before such rules go into effect.

By proposing an additional restriction on the trade regulation rulemakings activities of the FTC and an extension of the termination date for the Commission only until March 31, 1980, the committee believes it possible for the FTC to remain in existence, otherwise there would be no FTC. This committee has kept the FTC alive through appropriate action notwithstanding the lack of authorization.

For the reasons I have just discussed, the committee believes it is essential that the permanent authority be revised to cover the long-delayed authorization of the FTC under the authority of the Magnuson-Moss Act prior to October 1, 1979, but with an effective date after November 20, 1979, from going into effect during the period covered by the resolution. This provision would give the Congress the opportunity to consider any legislative restrictions with respect to such trade regulation rules during consideration of the FTC authorization before such rules go into effect.

By proposing an additional restriction on the trade regulation rulemakings activities of the FTC and an extension of the termination date for the Commission only until March 31, 1980, the committee believes it possible for the FTC to remain in existence, otherwise there would be no FTC. This committee has kept the FTC alive through appropriate action notwithstanding the lack of authorization.

For the reasons I have just discussed, the committee believes it is essential that the permanent authority be revised to cover the long-delayed authorization of the FTC under the authority of the Magnuson-Moss Act prior to October 1, 1979, but with an effective date after November 20, 1979, from going into effect during the period covered by the resolution. This provision would give the Congress the opportunity to consider any legislative restrictions with respect to such trade regulation rules during consideration of the FTC authorization before such rules go into effect.

By proposing an additional restriction on the trade regulation rulemakings activities of the FTC and an extension of the termination date for the Commission only until March 31, 1980, the committee believes it possible for the FTC to remain in existence, otherwise there would be no FTC. This committee has kept the FTC alive through appropriate action notwithstanding the lack of authorization.

For the reasons I have just discussed, the committee believes it is essential that the permanent authority be revised to cover the long-delayed authorization of the FTC under the authority of the Magnuson-Moss Act prior to October 1, 1979, but with an effective date after November 20, 1979, from going into effect during the period covered by the resolution. This provision would give the Congress the opportunity to consider any legislative restrictions with respect to such trade regulation rules during consideration of the FTC authorization before such rules go into effect.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE 32181

ress has been made on the FTC authorization, a bill still has not been enacted into law. The committee expects that the legislative committees of the House and Senate with jurisdiction over the FTC will continue to seek enactment of such legislation and that the administration will cooperate fully in expediting its passage.

Mr. CONTE. Mr. Speaker, I rise in support of the continuing resolution.

Mr. Speaker, at the outset I want to take this opportunity to thank my chairman, the gentleman from Mississippi (Mr. WHITTEN). We have worked very closely, not only on this piece of legislation but on all legislation appearing before the Committee on Appropriations.

Mr. Speaker, I speak to my colleagues today in support of House Joint Resolution 440, the second continuing resolution for 1980.

With the exception of the Federal Trade Commission, the joint resolution continues appropriations through the end of the fiscal year for programs and activities where the appropriation bill has not been enacted, or where an appropriation was not included due to lack of authorization.

The activities covered, and the rate of continuing appropriations in each case, are as follows:

Activities covered by the Defense bill are continued at the budget rate or the rate required for the requirements as we now see them.

Activities covered by the foreign assistance bill are continued at the current rate or the rate provided in the House bill.

Appropriations for refugee and migration activities are continued at $468 million, the level provided in the House bill.

Activities covered by the Interior bill are continued at the rate required for the requirements as we now see them.

An appropriation for the Federal Inspector for the Alaska Gas Pipeline is provided at a rate of $5.1 million.

Activities covered by the Labor-HEW bill are continued at the rate required for the requirements as we now see them.

Proposals for Indochina migration and refugee assistance are continued at the current rate.

Activities covered by the military construction bill are continued at the House rate or the current rate.

The following activities under the State-Justice-Commerce-Judiciary bill are continued:

Activities of the Federal Trade Commission are continued at the current rate through March 31, 1980.

This provides the FTC with an appropriation of $69 million, accompanied with a budget request of $69 million.

During the period covered by the continuing resolution, the FTC shall not finally promulgate any trade regulation rules or initiate any new activities, and no new trade regulation rules are to become effective unless authorization for the FTC has been enacted.

This action is not intended to provide any final judgment or restraint on the activities of the FTC, but rather to insure that we maintain the status quo until authorizing legislation has been enacted.

Activities of the Economic Development Administration and the Regional Action Planning Commissions are continued at the current rate.

Activities of LEAA under the Omnibus Crime Control and Safe Streets Act are continued at the rate provided for OJARS in the 1980 Appropriations Act.

Activities covered by the Transportation bill are continued at the current rate or the budget rate. In addition, the Panama Canal Commission is continued at the rate provided in the House bill.

The ICC is authorized to pay for direct military assistance at the rate provided in the House bill.

Certain restrictions are placed on the reorganization of the Alaska Railroad Office.

I would like to call to the attention of my colleagues some other special provisions of the continuing resolution.

We are all gravely concerned about the tragic situation in Cambodia.

Under existing law, and with the continuing appropriation available under this joint resolution, $39 million is available for assistance to the people of that country.

This amount is sufficient for the immediate future. An additional $30 million has been agreed to by the conferences on the foreign assistance bill, and the total of $69 million which would be available when that bill becomes law will be sufficient for the requirements as we now see them.

You may be assured that our committee will act promptly to provide any additional funds that may be required.

The joint resolution as reported contains this joint resolution, which passed the House in the Labor-HEW bill. This language applies to all funds made available by the joint resolution.

Each Member will vote his conscience on this difficult issue, and I am sure that we will be considering different abortion language within the next few days.

However, I do urge my colleagues: However you pass this issue, vote to pass the joint resolution.

The business of the Federal Government must go on, and billions of dollars for important Federal programs should not be held hostage for any single issue.

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

The Clerk reads as follows:

AMENDMENT OFFERED BY MR. BAUMAN

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

The Clerk reads as follows:

AMENDMENT OFFERED BY MR. BAUMAN: On page 2, line 22, strike the period, insert a colon, and add the following: "Provided, that none of the funds made available by this joint resolution for Foreign Assistance and Related Programs shall be used for military or economic aid for Iran."

(On page 2, after line 22, insert the following new section:)

"Sec. 110. Notwithstanding any other provision of this joint resolution, except section 102, none of the funds provided by this joint resolution shall be used for military or economic aid for Iran.

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

Mr. BAUMAN. Yes; I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I have just read the amendment and I see no reason not to agree with it at this time. It should be something with which I am not familiar; it should be strengthened out in the other body. Speaking for myself, there is no objection to accepting the amendment on this side.

Mr. BAUMAN. Mr. Speaker, I appreciate the support of the gentleman from Mississippi, the distinguished chairman of the Appropriations Committee.

This amendment, simply and very briefly, cuts off any possibility of military or economic aid to Iran. I think that in carrying out the policy of the President, who I understand has already ordered the stopping of any existing aid in the pipeline, that the Congress of the United States has a fundamental duty to make it plain that we also will not approve of any such assistance of any nature, until such time as perhaps we might reconsider upon the release of the hostages being held in Iran.

The Congress to date has not had a chance to express itself on this issue and I think a vote on this will make it plain to those who are in charge, if indeed there is a government in Iran, that the Congress joins the American people in saying, 'We have had it up to here in this country and its fanatic leaders.' In speaking for the American people we represent, we will not permit any aid to these terrorists.

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

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

Mr. CONTE. Mr. Speaker, I want to point out to my colleague that as the ranking member on the Appropriations Committee, we certainly support this amendment. At the present time, to the best of my knowledge, there is no economic or military aid going to Iran, except for the UNDP program.

We support the amendment.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to my colleague, the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I just wanted to say to the gentleman, I am sure the gentleman realizes this is an empty amendment, that there is no economic or military aid going to Iran at the present time except for a relatively small amount for the U.N. development program for a multilateral operation. There are other problems, I might point
out, that we ought to be dealing with and I hope we can deal with them at a later time, even though it is not within the constraints of a continuing resolution, such as large sums of money that Iran still owes to the United States and the possible sale of some of its assets that Iran has in the United States.

As chairman of the Committee on Foreign Operations, I would like to look into this, but we cannot do it here.

Mr. BAUMAN. Mr. Speaker, I would say that this amendment not only goes to foreign assistance and related programs, but any program that this continuing resolution may cover and any form of assistance that may be provided to Iran. It is not by any means an empty amendment. It is my information that this bill contains at least $20 million in aid for Iran which will go through the United Nations. My amendment will cut that off. I am surprised my colleague from Maryland does not know this bill since he is chairman of the Foreign Aid Subcommittee.

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

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

Mr. VOLKMER. Mr. Speaker, as I understand, the foreign assistance bill has not been passed, that is part of the continuing resolution.

Mr. BAUMAN. That is correct.

Mr. VOLKMER. It is also my understanding under the funds that go to various banks under the bill, there have been loans made to Iran so that they can purchase items in this country. Mr. BAUMAN. I understand that is correct.

Mr. VOLKMER. The gentleman's amendment would prevent that, so that we could not during this time of crisis provide any form of assistance to Iran.

Mr. BAUMAN. I do not want to give them one red cent, including loans and my amendment prevents that.

Mr. VOLKMER. Mr. Speaker. I agree wholeheartedly, and support the amendment.

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

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

Mr. WOLFF. Mr. Speaker, we have heard that we are not giving direct assistance to Iran under this particular piece of legislation.

I wonder if the gentleman knows, and others in the House know, that there are 274 Iranian pilots and naval personnel in training in the United States at the present time. I think they should be shot down here. This training should be terminated immediately.

Mr. BAUMAN. Mr. Speaker, I concur in the gentleman's suggestion and I think that we can make it clear that American people, and their representatives will not put up any further with this type of treatment, it is likely to continue to go on, and it is going to convince anyone, and this is a statement by the Congress of the United States of our position on this matter.

Mr. Speaker, I urge support for the amendment.

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

Mr. Speaker, I certainly do not want the record to be muddled up on this issue about the training going on here. They are paying for this training, so this amendment does not touch them at all. We should address that issue in authorizing legislation.

There is no military, economic or in the World Bank, going there, except for the UNDP. The World Bank has been out of Iran for about 5 years now.

Mr. Speaker, we strongly support the amendment.

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

Mr. CONTE. Yes, gladly.

Mr. WOLFF. Mr. Speaker, the gentleman mentioned that we are not paying for the training. Although we are not paying directly for the training, it seems inconceivable to me that our Nation would train foreign military personnel, when that foreign nation is acting in an adversary position to the United States.

Mr. CONTE. I agree completely with the gentleman. The amendment does not touch that. We will have to deal with that separately.

Mr. WOLFF. Today, I will introduce a resolution urging the termination of all military training of Iranians. I hope the gentleman will support the resolution.

Mr. CONTE. I just do not want the gentleman to get the wrong conception. There is no military, economic or World Bank aid going to Iran, except for the UNDP. We are dead set against giving any such aid. We join with the gentleman from Maryland.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield on that point?

Mr. CONTE. Yes.

Mr. VOLKMER. Mr. Speaker, it is my understanding earlier from information I had received in my office when I investigated this, that there was money going to Iran by way of loans in order to specifically buy products from this country. If that is erroneous, I will check it out; but I think it is wise to have this amendment.

Mr. Speaker, I strongly support the amendment to insure that no aid will go to Iran.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield, this guarantees there will be none in the future and no discretion remains.

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

Mr. CONTE. I will be glad to yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I think the gentleman is absolutely correct. This is a good opportunity for the House of Representatives to indicate to the Iranians and to the world community how we feel about this issue.

I am certain there is some money somewhere being spent on Iran and this would stop it.

Mr. CONTE. Mr. Speaker, this amendment puts the House on record that we are very much about what is happening in Iran. For that I commend the gentleman from Maryland (Mr. BAUMAN) for initiating the amendment. I want the record to be very clear on that.

While this continuing resolution may not be the best vehicle due to its temporary nature, it is important that we take this opportunity to stand with our President now to demonstrate our firm resolve as a united nation. Americans are outraged and I know that as I have witnessed during my service in the House. I hope we will have a recorded vote on this amendment, and that it will be adopted unanimously. In casting this vote, we will demonstrate to Iran that our constituents are outraged at the barbarian actions in Teheran.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Florida, the ranking member of the Foreign Operations Subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

I would like to respond to the gentleman from Washington, that there is money in this bill that will go to Iran through the United Nations development program.

As the gentleman from Massachusetts (Mr. Conte) said earlier, there is a $20 million 5-year program for technological development in Iran through the United Nations development program.

Hopefully, the amendment of the gentleman from Maryland (Mr. BAUMAN) will get to that.

Mr. DICKS. Mr. Speaker, I think that is a very good reason and I think we ought to go ahead and get a record vote on this.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

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

Mr. BAUMAN. 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 pro tempore. 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 379, nays 0, not voting 54, as follows: [Roll No. 655]
Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Speaker, I have received assurances from the leadership that this bill, the FTC authorization bill, will be voted on in the House tomorrow, and I hope that we can rely upon those assurances.

This partial satisfaction is really a disgrace. There has been no authorization for the FTC for over 2 years now. We defeated the FTC authorization last year. This year the FTC authorization bill, containing a legislative veto provision, was reported out on May 14 but for some strange reason has not been voted on. The only reason FTC is still around is that the Appropriations Committee has passed continuing resolutions to keep it going. I know the great difficulty under which the Appropriations Committee has been working. Now the chairman has finally done the right thing and the Appropriations Subcommittee shares my concern and the chairman of the full committee. I commend them for what they have done under very adverse circumstances.

I hope that by the acceptance of this amendment we will communicate a message to the leadership and to the other body that the time has come to fish or cut bait and get this authorization bill before the Congress and act on it one way or another.

Furthermore, after the time period for continuing the FTC in this amendment, I certainly hope and expect that there will be no further funding of the FTC—not a single penny—until there is an authorization bill signed into law.

Mr. DICKS. If the gentleman will yield, I totally agree with the gentleman. I think it is time to get this bill up and to vote on it.

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

Mr. LEVITAS. I yield to the gentleman from West Virginia.

Mr. SLACK. I thank the gentleman for yielding.

Mr. Speaker, I have no objection at all to the March 15 date. But let me
say to the gentleman that they have not been funded through a continuing resolution for 2 years. They have been funded through an appropriation for 2 years. What I am saying is simply this: The Appropriations Committee has carried the Federal Trade Commission for 2 years.

Mr. LEVITAS. Mr. Speaker, the gentleman is absolutely correct. I do not think it is fair to the Appropriations Committee. I do not think it is fair to the Congress. I think the time has come for this Congress to work its will and define the FTC through the proper process of an authorization bill, and I certainly hope and trust that this amendment will aid the Appropriations Committee in its efforts in dealing with the other body.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. Levitas) as modified.

The amendment, as modified, was agreed to.

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

The amendment as read as follows:

Amendment offered by Mr. ASHBROOK:

"Sec. 110. Notwithstanding any other provision of this joint resolution, none of the funds provided by this joint resolution shall be used to provide any direct or indirect economic support for any individual present in the United States in violation of any immigration or nationality laws."

Mr. ASHBROOK. Mr. Speaker, this is a very short four-line amendment, one sentence. I think most of us, as we go home, have our constituents asking us why do we not try to do something about the illegal alien situation in our country. We all talk about it. We rarely do anything.

This amendment is drafted with one idea in mind, and it is the product of many of us. I know the gentleman from New York (Mr. Solomon) had to leave. He was one of the codrafters of this amendment. Many of us believe the time has come for the Congress to act like it wants to do something about the problem of illegal aliens.

Simply stated, I believe we should start addressing this acute problem in every bill before us to make sure that taxpayers' money does not go for any indirect economic support or direct economic support for people who are in the United States in violation of immigration or nationality laws. To the extent that we help them by these programs, we encourage the influx of other aliens. I would hope this amendment would pass.

Mr. SPEAKER. Mr. Speaker, this is the first we have seen of this amendment and we do not know what the real impact of it might be. I appreciate what my friend, Mr. Levitas, has done, and I may share the gentleman's concern.

As a lawyer I see that one thing it lacks is that it does not have the words, "shall be used knowingly." It is uncertain how this would relate to some criminal statutes. Without the word "knowingly," we might be carrying this further than we intended.

Certainly, I have the objection to the apparent purpose of the amendment, but not having had a chance to study it we cannot say where it might lead us.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield from Ohio (Mr. Ashbrook) to withdraw his amendment?

Mr. WHITTEN. Mr. Speaker, I yield to the gentleman from Ohio.

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

This is a good point, but I think the gentleman recognizes that if the Congress is indeed going to start in this direction, we have got to be awfully careful how we do it. How can we possibly pin it down to every opinion, every bureaucrat, to everybody administering it and say "knowingly" if we start out by saying, "It shall not be used." Maybe, just maybe, in some of these agencies, they will start using bureaucratic regulations that they seem to use against productive Americans in this direction.

Mr. ASHBROOK. I believe we do get an amendment of this sort, I do not know how many employees they might ask us to fund to carry out the purposes of this. There are many employees involved.

I hesitate to accept the amendment, because I do not know how far reaching it is.

I do agree with what I take to be the purpose of the amendment.

Mr. ASHBROOK. If my colleague will yield further, I would say to my friend and to my esteemed colleague whose leadership I have followed for years, and I know he is raising a valid point, but I would also ask him, Does not it seem rather strange we in Congress find ourselves concerned whether or not they have the employees, the capacity to administer an amendment of this type, when they seem to have every type of proficiency to get involved in local schools and very small business, to get involved in homes, everything at the local level. They can find the proficiency, the manpower, and the regulations, but how can we establish making some small effort to stem the flow of millions of illegal aliens in this country and direct American taxpayers' funds that go to them, we sit back and say, "By golly, I do not think they have the time, manpower or ability to do it."

I think if we at least accepted this telegram—it is not as specific as I would like to make it—my colleague could say "knowingly." I would just like to see us be on record once, saying to the agencies involved in this continuing resolution, let us make some small effort to stem the flow of illegal immigration.

Mr. WHITTEN. My colleague has made a very good presentation. As he understands, I agree with the gentleman's sentiment. The purpose here with the purpose makes me wonder whether we need to start this on the continuing resolution. The gentleman understands that if this amendment is finally agreed on this provision would become superseded and be ineffective.

I would suggest that my friend might wish to withdraw it and let us study the subject a little more and deal with it in the regular bills when they come before us, rather than the continuing resolution.

Mr. BROWN of California. Mr. Speaker, I move to strike the last word.

Mr. SPEAKER. Mr. Speaker, I would like to add my own voice to that of the chairman in urging the distinguished gentleman from Ohio (Mr. ASHBROOK) to withdraw his amendment.

I understand his laudable feelings that the laws of the United States should be enforced. I do not think I misjudged the gentleman, that he understands the complexity of this situation. We have a Presidential commission studying this at the present time. We have numerous bodies within the Congress studying this problem at the present time. Yet, the gentleman offers an amendment which purports to go to the heart of this problem and solve it in a few well-chosen words on a continuing resolution.

I beg the gentleman to consider whether or not he is pursuing in this the most effective way.

If he does really want to insist that none of the funds in this appropriation bill be used as indicated in his amendment, I wonder if he would likewise consider an amendment to his amendment which would say that no funds in the form of income taxes, social security taxes, unemployment taxes, or other forms of taxes be collected from these individuals who are over here without benefit of law. I assure him that every study that has been made of this situation indicates that these undocumented workers are paying far more into the U.S. Treasury than they are taking out of the U.S. Treasury.

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

Mr. BROWN of California. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, the point to the question propounded to the proposer of the amendment, my answer is, I would, but under the rules of the House, I clearly could not put this amendment.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. I think the gentleman from Ohio (Mr. Ashbrook) mentioned he was not sure whether there was any money in this bill for the problem that he brought up. I would say that unless he knows that there is money, we are just cluttering up a bill that should not have to have this in it because of an amendment in it. Unless he can tell us that there is something actually that his amendment applies to, I would hope that we could reject the amendment unless there is a good reason for it.

Mr. BROWN of California. I thank the gentleman for his comments.

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

Mr. BROWN of California. I yield to the gentleman from California.

Mr. ROYBAL. The gentleman from California is definitely correct, particu-
November 13, 1979

CONGRESSIONAL RECORD — HOUSE

Mr. BROWN of California. I yield to the gentleman.

Mr. ASH BROOK. Mr. Speaker, I understand the problems of my colleague, but I would have to admit I think he has entered some interesting observations in this debate. All of a sudden we have elevated an illegal alien to a second-class citizen. I mean, how in the world can one person who is not a citizen in the first place be a second-class citizen?

Second, how can the President of the United States make promises to the heads of foreign countries, notwithstanding laws we have? The laws are very clear. I am just hoping the laws will be enforced.

But I do agree with what the gentleman has said, the thrust of it and the fact that this is a many-faceted problem. It probably cannot be resolved by an amendment of this type, and I will not press for a vote.

Mr. BROWN of California. I would thank the gentleman for that. I think he is demonstrating his usual reasonableness.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. Ashbrook).

The amendment was rejected.

Mr. WHITEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered.

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

There was no objection.

Mr. WHITEN. Mr. Speaker, I move the previous question on the joint resolution, and all amendments thereto, to final passage.

The previous question was ordered.

The joint resolution was ordered to be engrossed a second time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEAT IMPORT ACT OF 1979

Mr. QUILLEN. Mr. Speaker, I call up House Resolution 454 and ask for its immediate consideration.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I make a point of order.

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

Mr. CHARLES H. WILSON of California. Are the rules called up by the majority or the minority?

Mr. QUILLEN. Mr. Speaker, I would like to advise the gentleman from California that any member of the Rules Committee can call up a resolution which has been reported for 7 days.

Mr. CHARLES H. WILSON of California. I am going to move we adjourn, Mr. Speaker.

Mr. QUILLEN. Mr. Speaker, Mr. CHARLES H. WILSON of California, Mr. Speaker, I have a preferential motion.

The SPEAKER pro tempore. Does the gentleman from California move a call of the House?

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move we adjourn.

Mr. QUILLEN. Mr. Speaker, I withdraw my request.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move we adjourn.

Mr. Speaker, I withdraw my motion.

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California. Mr. Speaker, I make the motion for a call of the House.

The SPEAKER pro tempore. The question is shall there be a call of the House.

The question was taken and the House resolve without a quorum, a division of the House is ordered.

Mr. BAUMAN. Mr. Speaker, division.

The SPEAKER pro tempore. The gentleman asks for a division. Those in favor of a call of the House will rise and remain standing until counted.

Mr. CHARLES H. WILSON of California. I withdraw the motion.

POINT OF ORDER

Mr. BAUMAN. Mr. Speaker, point of order. The gentleman is in the middle of a division. He cannot withdraw.

The SPEAKER pro tempore. The gentleman is correct. The Chair will continue to count.

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—a yes vote, 22.

So the motion was not agreed to.

PARLAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, would it be in order for the gentleman from Maryland to object on the grounds that a quorum is not present? Would that be in order?

The SPEAKER pro tempore. That is not in order under clause 6(a)(4), rule XV.

Mr. BAUMAN. Mr. Speaker, I may do it if you keep pushing me. Is it in order or is it not?

The SPEAKER pro tempore. A motion for a call of the House does not require a quorum.

Mr. BAUMAN. Well, then—no, I will not even bother.

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 454

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2727) to modify the method of establishing quotas on the importation of certain meat, to include within such quotas certain meat products, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and apportioned by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for...
amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the bill, as amended, shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. QUILLIN), pending which I yield myself such time as I may consume.

Mr. Speaker. House Resolution 454 provides for consideration of H.R. 2727, the Meat Import Act of 1979, a bill to modify the method of establishing quotas on the importation of certain meats, to include within such quotas certain meat products, and for other purposes. The resolution provides a 1-hour open rule with one motion to recommit. It also dispenses with the first reading of the bill. No waivers are granted by the clerk. The purpose is to allow for discussion of the bill.

The countercyclical method of determining imports and the other major provisions of H.R. 2727 amend the Meat Import Act of 1964 for the purpose of stabilizing U.S. beef and veal production and prices at levels adequate to provide a fair return to domestic producers of beef and veal and to insure U.S. consumers of beef and veal adequate supplies at reasonable, stable prices.

To debate on this bill will show the present inadequate law into a measure that will help both consumers and producers.

We considered and passed similar legislation last year, but it was vetoed after the House adjourned, because the President felt it unduly restricted his discretion to adjust quotas in the event of emergencies and supply shortages. The committee has addressed the problems mentioned in the President's veto message, and we believe that the bill H.R. 2727, if enacted, will be signed into law.

I urge a favorable resolution.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and that the point of order that a quorum is not present prevails. The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absentees.

The vote was taken by electronic device, and there were—yes 372, nays 5, not voting 56, as follows:

Adams Aberson Adamson, Ill. Anderson, III.
Adams Ackerman Adamson, N. D.
Adams Alhota Adams, Atkinson
Adams Alexander Alhota Altemus
Adams Ambrook Adams, Bailey
Adams Anderson, Calif. Arnold, Barnes
Adams Beard, R. I. Beard, Tenn.
Adams Bell Johnson, Boston
Adams Bell森 Benaim
Adams Benedict Beneret
Adams Beville Bepa
Adams Binghamp Blanchard
Adams B6nd Bolling
Adams Bonor Boraugaud
Adams Boulangers Bradenas
Adams Brinkerly Brinkzach
Adams Brohead Brookes
Adams Brown, Calif. Brown, Ohio
Adams Broyhill Buchanan
Adams Burgener Burgham
Adams Burlson Butler
Adams新冠 Buter
Adams Byron Cear
Adams Cavanaugh Chilhowee
Adams Chisholm Clawson
Adams Clay Chuning
Adams Clinger Chuning
Adams Collins, Ill. Collins, Texas
Adams Comite Couriers
Adams Corcoran Cotter
Adams Coughlin Crane, Daniel
Adams D'Amours Daniel, Dan
Adams Daniel, R. W. Danielson
Adams Daschle Davis, Mich.
Adams de la Garza Delulias
Adams Derrick Devine
Adams Dickman Dickson
Adams Dixon Dickson
Adams Donnelly Dornan
Adams Downey Drinan
Adams Drinan, Oreg. Duncan, Oreg.
Adams Early Emery
Adams Eckhardt Edwards, Ala.
Adams Edwards, Long. Emery
Adams Erskash Erdahl
Adams Elenborn Evans, Ga.
Adams Evans, Ill. Evans, Ind.
Adams Fay Fayer
Adams McClyr Ford, Tenn.
Adams Fowler Frost
Adams Frenzel Garcia
Adams Fred seguinte Garcia, Atkinson
Adams Gannus Garcia, Bair
Adams Gannus Garcia, Bates
Adams Gehman Gehman
Adams Gentilotti Gillette
Adams Gluckman Glimm
Adams Gonzalez Golling
Adams Gooding Gore
Adams Gradison Gramm
Adams Grasham Grant
Adams Grandin Green
Adams Granum Griffin
Adams Grant U. Grant
Adams Greesch Grimes
Adams Guarini Guarini
Adams Gwinn Gwinn
Adams Gwinn Gwinn
Adams Guyer Gwinn
Adams Hall, Ohio Hall, Tex.
Adams Hamilton Hampden
Adams Hammer, Ohio Harris
Adams Hartman Hance
Adams Hanley Hansen
Adams Harroi, Ar. Harris
Adams Haverar, Ohio Harris
Adams Hawes Harshaw
Adams Hedlund Heffner
Adams Heffner Heffner
Adams Hightower Hightower
Adams Hillls Hillls
Adams Hinton Holleback
Adams Hopkins Hopkins
Adams Clinger Clinger
Adams Clinger Clinger
Adams Collins, Ill. Collins, Texas
Adams Comite Couriers
Adams Corcoran Cotter
Adams Coughlin Crane, Daniel
Adams D'Amours Daniel, Dan
Adams Danielson Daschle
Adams de la Garza Delulias
Adams Derrick Devine
Adams Dickman Dickson
Adams Dixon Dickson
Adams Donnelly Dornan
Adams Downey Drinan
Adams Drinan, Oreg. Duncan, Oreg.
Adams Early Emery
Adams Eckhardt Edwards, Ala.
Adams Edwards, Long. Emery
Adams Erskash Erdahl
Adams Elenborn Evans, Ga.
Adams Evans, Ill. Evans, Ind.
Adams Fay Fayer
Adams McClyr Ford, Tenn.
November 13, 1979

CONGRESSIONAL RECORD — HOUSE
32187

TAUKE Wampler
THORSTEN Woll
THOMAS Waxman
THOMPSON Weaver
TIERNEY Weiss
TRIBBLE White
URBAN Whitehurst
ULLMAN Whitley
VAN DEERLIN Yatron
VANDERJAGT Yeargan
VAN BUREN Young, Ala.
VAN NIKKEL Young, Fla.
VAN VALKENBURG Young, Idaho
VANDER BLADE Young, Minn.
VAN WEERING Young, N.Y.
VAN WAGNER Young, Ohio
WALKER Young, S.C.

Dougherty Lederer
Gray Myers, Pa.

NOT VOTING — 56

Ashley Puqua
Badham Gephardt
Barnard Gilman
Benson Goldwater
Bonker Hagedorn
Braux Hecker
Burt-Johnson Holland
Campbell Holtzman
Chalmers Jones, M.C.
Coechle Kemp
Crane, Phillip Kostmayer
Dannemeyer Sneed
Diggie McCloskey
Dinkins McClintock
Duncan, Tenn. Mattox
Edgar, Del. Mazoill
Evans, Del. Michael
Fenwick Mikulski
Flood Motill

The Clerk announced the following pairs:
Mr. Pepper with Mr. Cleveland.
Mr. Rosenthal with Mr. Dannemeyer.
Mrs. Schroder with Mr. Philip M. Crane.
Mr. Steed with Mr. McCloskey.
Ms. Mikulski with Mr. Solomon.
Mr. Motill with Mr. McKinney.
Mr. Jones of North Carolina with Mr. Evans of Delaware.
Mr. Gephardt with Mrs. Snowe.
Mr. Puqua with Mr. Roth.
Mr. Ashley with Mr. Sebelius.
Mr. Edgar with Mr. Fitchard.
Mr. Mattox with Mrs. Rousselot.
Mr. Dingell with Mr. Schulze.
Mr. Coelho with Mr. Lee.
Mr. John L. Burton with Mr. Kemp.
Mrs. Boggs with Mrs. Heckler.
Mr. Holtzman with Mr. Goldwater.
Mr. Exum with Mr. Citrin.
Mr. Kostmayer with Mr. Campbell.
Mr. Massoli with Mr. Duncan of Tennessee.
Mr. Mantua with Mr. Feenick.
Mr. Rahall with Mr. Badham.
Mr. Neal with Mr. Hagedorn.
Mr. Stack with Mr. Barnard.
Mr. Charles Wilson of Texas with Mr. Stark.
Mr. Bonker with Mr. Diggs.
Mr. Holland with Mr. Michel.

Mr. DOUGHERTY changed his vote from "yes" to "nay." So the resolution was agreed to.

The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ALEXANDER. Mr. Speaker, on Friday, November 9, 1979, I was unavoidably detained at a conference and was, therefore, not recorded on rollcalls Nos. 645 and 646. Had I been present on rollcall No. 645, a motion to resolve into the Committee of the Whole under H.R. 2395, the Solar Power Satellite Research and Development Program Act, I would have voted "yea," and I would have recorded my presence on the quorum call that shortly followed.

PERMISSION FOR COMMITTEE ON THE JUDICIARY AND SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW OF THE COMMITTEE ON THE JUDICIARY TO SIT TOMORROW MORNING, NOVEMBER 14, 1979, DURING 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary and the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary be permitted to sit tomorrow morning, November 14, while the House is reading for amendments under the 5-minute rule.

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

There was no objection.

MEAT IMPORT ACT OF 1979

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2727, with Mr. Gore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the reading of the bill is dispensed with.

Under the rule, the gentleman from Oregon (Mr. ULLMAN) will be recognized for 3 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, H.R. 2727, as reported by the Committee on Ways and Means, is a well-balanced bill which meets the needs of both producers and consumers and would maintain a greater stability in the price of beef.

Under existing law, the levels of beef and veal imports rise and fall in relation to increases and decreases in the domestic cattle cycle and the condition of beef and veal. The current law actually exacerbates the destructive boom and bust nature of the cattle cycle. Because of this weakness, the statute now mandates limits on imports of fresh, chilled, and frozen meat that have frequently been set aside by the President in times of surplus. Although these Presidential actions to suspend or increase the quotas are immensely unpopular among cattlemen, the current law provides no other means for increasing imports when domestic production is low. Additionally, current law does not provide any means for restraining the flow of imports when domestic supplies are high and prices are depressed due to the liquidation phase of the cattle cycle.

The countercyclical formula contained in H.R. 2727 is intended to correct these deficiencies. It should be stressed that this formula is no more restrictive over the current 10-year cattle cycle than current law. In fact, it is estimated that in years of high prices it will help consumers by letting in more beef than would be allowed under current law. It simply controls the yearly flow of imports into this country in a manner that is more complimentary to U.S. production, thus achieving a stabilizing effect for domestic consumers and cattlemen.

The committee believes that H.R. 2727 is unique in combining benefits for both consumers and producers, one benefits from boom and bust commodity cycles; H.R. 2727 will help bring some greater stability to the supply and price of beef, thus providing a major improvement for the American livestock industry.

As USDA reported to the committee:
Enactment of the countercyclical formula would provide additional protection to beef producers during periods of cattle herd liquidation when prices are relatively low, but it would also be beneficial to consumers during periods of cattle herd rebuilding, when prices are higher. For example, had the countercyclical formula been in place for 1979, allowable imports under the law would have been even higher than the level announced by the President after he suspended the quota. This would have benefited consumers and would have been a tool to retard the rate of food price inflation.

Mr. Chairman, during this session of Congress, 20 bills cosponsored by 150 Members of Congress were introduced to amend H.R. 2727. The Subcommittee on Trade held 2 complete days of hearings on these proposals last year and an additional day of hearings on April 30 of this year, during which testimony was received from Members of Congress, domestic producers, consumers, and importers.

In favorably reporting H.R. 2727, the Committee on Ways and Means very carefully considered: First, the need to provide American consumers adequate supplies of beef at reasonable, stable prices; second, the need to maintain a strong, viable domestic cattle industry and eliminate the boom and bust cycles of recent years; and third, the need to provide our major trading partners adequate access to our market so that they can properly plan their production to coincide with our import needs. I believe we have a bill which meets these needs and would be cosponsored by the House of Representatives.
to changed market conditions. I am in- 
formed that the statutory criteria for
Presidential action to suspend quotas is our present meat import policy.
the administration continued to request a higher
import guarantee of 1.3 billion pounds. Since the bill has been reported, there have been dissenting views from interested groups and major foreign sup-
pliers, and a broad consensus has de- 
volved to amend the bill before us to pro-
vide for a compromise minimum import
level of 1.25 billion pounds. It is my un-
standing that an amendment pro-
viding for a minimum import level of 1.25 billion pounds will be offered. I sup-
port that compromise as a way to end
the last major controversy involved in
this legislation.
I believe that H.R. 2727 will be extre-
me, beneficial to this Nation and I strongly urge its passage.
Mr. Lедерer. Mr. Chairman, we have before us today, H.R. 2727, the meat im-
port bill of 1979. As you know, this is the second year that we have discussed this
legislation in this Chamber. It is the second year that we have yet to be convinced of the necessity
of this legislation. It is not needed. It is
inflationary. It is counterproductive. And it will inject uncertainty into our trade
relations.
We have been told that H.R. 2727 will inject stability into the current meat im-
port and domestic meat market. It is claimed that our domestic meat imports are now marked by great fluctuations be-
cause of these beef imports. Mr. Chair-
man, I have yet to understand how beef imports, which have consistently held at
between 7 and 8 percent of domestic con-
sumption for the last few years, have caused these fluctuations. I am afraid that the problems of the cattlemen are created by our own domestic beef mar-
kets. I think that their management of
herds are, at least, open to question. However, you do not solve a domestic market problem by attacking needed imports. H.R. 2727 would create great
uncertainty among our beef trading part-
ers. This would make us vulnerable to
similar actions by foreign countries on
our exports. I do not think this is wise.
Now, H.R. 2727 would supposedly modify the current methods of importing beef
by imposing a countercyclical program on our beef imports. Thus, when domestic beef production increases, our foreign
imports of beef would decrease. This prop-
osal is all very neat and orderly. It is
also very erroneous and misunderstands the purpose of imported beef.
Most beef that is imported does not compete with domestic production. Almost 85 percent of the cattlemen's in-
comes in this country come from grain-
fed beef, such as steaks and roasts. Our beef imports consist mostly of lean beef which is used in the produc-
tion of processed meats and table mar-
turred beef products. It is not economical for our cattlemen to produce lean beef.
Since our domestic cattle industry does not produce lean beef to meet demand, we must depend on imports.
Thus, the need for imported lean beef is greatest when U.S. production of fatty,
meat is high. This market relationship between lean and fat beef will go into a tail spin if this coun-
tercyclical proposal is adopted. This bill will not eradicate fluctuations, it will create
uncertainty.
Mr. Chairman, I am by no means an
authority on the problems of our domes-
tic meat markets. However, as the father
of six children, I have found the family grocery budget and the effect
that meat prices have on it. It is clear
to me that H.R. 2727 will result in short-
tages of the higher priced burger, hot
dogs, and so forth. Such shortages will result in higher and higher prices for
these products.
Earlier this year, the chairman of the
Trade Subcommittee said that meat prices are getting so high, we will soon only be able to use meat for flavoring. This would be funny if it were not so true.
It is the consumer who will suffer from this legislation. In these days of un-
precedented inflation, I cannot un-
derstand why this body would want to in-
crease the burden on the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration of-
icials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration officials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration of-
icials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration officials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration officials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration officials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration officials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration officials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. Chairman, as several of my col-
leagues and myself have been pointing out for the past few years, the most sig-
ificant feature of the Meat Import Act—the so-called countercyclical for-
mula—would, if the bill is adopted, do
nothing to protect the American con-
sumer. It is unfair, and I urge my col-
leagues to defeat this misguided legis-
lation.
Mr. Lederer. Mr. Chairman, I rise in
strong support of H.R. 2727, the Meat
Import Act. The bill provides for a meat
import policy that will help to assure consumers of a stable supply of meat at
reasonable prices, while providing pro-
ducers with an adequate return for their
efforts. This legislation is the product of
many months of work by livestock pro-
ducers and the consumers of meat. Mem-
ers of Congress, and administration officials, and I urge my colleagues to give
H.R. 2727 their full endorsement.
Mr. FRENZEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I join my colleague in supporting H.R. 2727. This bill before us today represents the compromises that have been reached among consumers, the cattle industry, the administration, the House, and the Congress since the bill was vetoed by the President last year. All parties now appear satisfied with H.R. 2727, which is its countercyclical formula for meat imports. The level of meat imports and its safeguards with respect to market access and Presidential discretion, is a balanced and fair approach that promotes the interests of both consumers and producers.

Two basic problems had to be resolved in order to remove the objections of the President and thus the threat of another veto. The first and most serious problem was the fact that last year's bill severely limited the President's authority to increase the quota level when economic or national security considerations warrant. The language was such that the President, for all practical purposes, was stripped of his discretionary authority with respect to meat imports except in cases of national emergency.

The second basis for veto was the fact that last year's bill contained a minimum access level of 1.2 billion pounds. The President felt that such a low level would adversely impact on cattle in Australia, where we have had a fair balance of trade. And an amendment that does not subside its meat products or its cattle industry in general.

With respect to the issue of Presidential discretion, the language of H.R. 2727 now provides an acceptable alternative that gives the President adequate authority to suspend or increase the quota under emergency situations or when certain data indicate a "turn" in the cattle cycle predicting a rise in meat prices. Yet the bill also gives to the cattle industry the security that the use of Presidential discretion will not interfere with the countercyclical formula unless severe economic situations, including rapidly increasing prices, warrant such action. Both the President and the cattle industry appear satisfied with the discretionary authority contained in H.R. 2727.

The minimum access level provided by H.R. 2727 now provides an acceptable alternative that gives the President adequate authority to suspend or increase the quota under emergency situations or when certain data indicate a "turn" in the cattle cycle predicting a rise in meat prices. Yet the bill also gives to the cattle industry the security that the use of Presidential discretion will not interfere with the countercyclical formula unless severe economic situations, including rapidly increasing prices, warrant such action. Both the President and the cattle industry appear satisfied with the discretionary authority contained in H.R. 2727.

Mr. Chairman, I will say to my colleagues that this is a novel concept. It is a concept that is not in our law or in any other situation except perhaps with cotton. In most situations where a quota exists, it is a fixed quota. In this case it is something very novel and something for the protection of consumers. When beef prices are very high in this country, the beef quota window opens because it allows more beef to come in. Consequently, when beef prices are very low in this country, the beef window closes and keeps out foreign beef, except for a smaller measure of imports until those beef prices in this country become stabilized once again.

This practice is something that truly benefits both the producer and the consumer. It is a novel concept, and it is not something we find having been used to any extent before in our law. It allows more beef to come in under this bill than is presently coming in. So to those people who may say that this bill will keep out foreign beef, I say that is not true. We predict and project that more beef will come in from foreign sources if this bill is coming in under the law right now.

So this bill is not a restrictive bill or one designed to hurt foreign competition. This bill is definitely a compromise between the people who believe that this bill was passed: the one the President vetoed. Most if not all of the present objections have been met, and most of the compromises have been at the expense of the beef producers. Consequently, beef producers in this country have given up a great deal in order to have this bill passed by this House today.

Therefore, Mr. Chairman, I urge my colleagues to pass this bill as something that is most needed to stabilize beef production and beef prices for both the consumers and the producers of beef in the United States.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, H.R. 2727, as amended, modificies the method of determining quota levels by the adoption of a countercyclical formula. Under current law, import quotas are highest when domestic production is low and restricting imports; and when beef prices are low in this country, they are lowest when domestic production is high and imports are plentiful. The quotas are lowest when domestic production is low and supplies are tighter. The current law has provided for a steady growth in imports because, in general, when production increases. However, within the shorter time frame of a cattle cycle it operates in a manner destructive to supply and demand conditions in the U.S. market.

Under the countercyclical formula proposed in H.R. 2727, the limitations on imports would vary inversely with U.S. production of beef and veal so as U.S. production decreases, import limitations will be liberalized, and vice versa. This formula utilizes a current base period (1968-77) representing a complete cattle cycle and also a countercyclical adjustor which causes the formula to react more consistently and rapidly to changes in the domestic cattle market.

For providing a countercyclical formula for meat imports, H.R. 2727 will help both consumers and producers. The bill will—

Let in more meat over the cattle cycle than would be permitted under current law.

Let in more meat when supplies are low and consumer prices are high, thus moderating the rise in beef prices;
Let in less meat when supplies are abundant and consumer prices low, thus moderating the decline in prices for producers.

Mr. Chairman, I have long been in favor of the Meat Import Act of 1964. In 1973, when the Ways and Means Committee was considering the Trade Act of 1974, it was defeated in a 12 to 12 vote to repeal the 1964 act. I supported each of the 12 votes to repeal. But I frankly doubt that the votes exist to wipe this statute out. Since I believe that the amendments we are considering today are a major improvement for the consumer, I will support final passage of this legislation.

During the debate in committee on this legislation, the greatest controversy centered on whether to establish a 1.2 or a 1.3 billion pound minimum access or import floor. The committee bill unfortunately contains the lower figure of 1.26 billion pounds. While I support this floor, I believe the figure should be higher, at the 1.3 billion pound level. Therefore, I urge support of the gentleman from Ohio (Mr. Grahams) in his amendment to increase the minimum access level to 1.3 billion pounds.

Mr. FRENZEL, Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. Grahams), a member of the Subcommittee on Trade.

Mr. GRADISON, Mr. Chairman, consumers—our constituents—are crying out against the high cost of food. Last year, the Consumer Price Index for food rose by 11 percent. The outlook for this year is not much brighter. In 1978, the CPI for food is projected to surpass easily the 10 percent mark. Consumers are being forced to decide between spending more and more money to buy the same market basket of goods or spending the same money and purchasing less food. This situation is especially onerous for low- and middle-income families.

The time has come for Congress to fight this problem. The time has come to halt all Federal programs which needlessly raise the cost of food. The recent defeat of the sugar bill indicates that House Members are beginning to hear this message. Yet, the fight against higher food costs is far from over.

The time has come for the House to consider a bill which would modify the quota system used for meat imports. Yet—particularly in these times of double-digit inflation—Congress should be pointing its efforts in exactly the opposite direction as that detailed in this legislation.

Quotas restrict supplies and only serve to exacerbate the problem of shortages and higher prices. Therefore, when we take up, later in the 5 minute rule I will offer an amendment to eliminate meat import quotas altogether—an approach just supported by the chairman of the Ways and Means Committee, the distinguished gentleman from Ohio, Mr. VANK.

The case against H.R. 2727 and meat import quotas is a strong one. H.R. 2727 is being touted as beneficial to the consumer. The simple fact is, however, that this legislation is fatally flawed and in no way justifies the continuation of a quota system.

H.R. 2727 would establish a countercyclical formula to determine the “permissible” level of meat imports. The formula is designed to allow more imports when domestic production is low and less imports when production at home is high. The goal here is to eliminate the detrimental impact of the peak/valley aspect of cattle production. Close examination, however, reveals major faults in the proposed formula.

The countercyclical formula is based on the assumption that the cattle cycle in foreign countries will be desynchronized from our domestic cycle—that is, foreign production will peak when domestic production is low and will slip when domestic production is high. This assumption, however, places the proposed formula in a very tenuous position—if the assumption is false then the countercyclical formula will work; if it is true then the formula will only be a second alternative when compared to the market system under free trade. In other words, if the assumption of desynchronization is false, then foreign production will dip at the same time as domestic production and the countercyclical formula would be useless. Even though this formula would permit higher imports during times of low domestic production, higher imports would not necessarily be forthcoming since foreign production would be low as well.

Furthermore, if the assumption is true that the cattle cycles can be desynchronized, then the free market system would most effectively organize trade since, for example, low production at home would create higher prices which, in turn, would encourage greater exports to the United States. In either case, the countercyclical formula is a loser.

Even if we believe that the countercyclical formula would work, it would restrict the importation of one type of meat just because domestic production of a differing type is imported into the United States is generally grass-fed and is largely used in hamburger and processed foods. In contrast, most of the beef produced in the United States is grain-fed and used for table steaks. Thus, the countercyclical formula would limit beef available for hamburger just because domestic production of table steaks is high.

Meat import quotas, in any form, represent poor public policy. Meat prices have been the driving force behind the sharp rise in food costs. Figures from the U.S. Department of Agriculture reveal that even after a high growth rate in 1978, retail beef prices increased by 23.9 percent in the first half of 1979, which accounted for nearly one-half of the 6.0 percent increase in the CPI for food. Beef prices are skyrocketing and putting food prices and the cost of living along.

Imports of meat and dairy products are being forced to decide between spending more and more money to buy the same market basket of goods or spending the same money and purchasing less food. This situation is especially onerous for low- and middle-income families.

The time has come for the House to consider a bill which would modify the quota system used for meat imports. Yet—particularly in these times of double-digit inflation—Congress should be pointing its efforts in exactly the opposite direction as that detailed in this legislation.

Quotas restrict supplies and only serve to exacerbate the problem of shortages and higher prices. Therefore, when we take up, later in the 5 minute rule I will offer an amendment to eliminate meat import quotas altogether—an approach just supported by the chairman of the Ways and Means Committee, the distinguished gentleman from Ohio, Mr. VANK.

The case against H.R. 2727 and meat import quotas is a strong one. H.R. 2727 is being touted as beneficial to the consumer. The simple fact is, however, that this legislation is fatally flawed and in no way justifies the continuation of a quota system.

H.R. 2727 would establish a countercyclical formula to determine the “permissible” level of meat imports. The formula is designed to allow more imports when domestic production is low and will slip when domestic production is high. The goal here is to eliminate the detrimental impact of the peak/valley aspect of cattle production. Close examination, however, reveals major faults in the proposed formula.

The countercyclical formula is based on the assumption that the cattle cycle in foreign countries will be desynchronized from our domestic cycle—that is, foreign production will peak when domestic production is low and will slip when domestic production is high. This assumption, however, places the proposed formula in a very tenuous position—if the assumption is false then the countercyclical formula will work; if it is true then the formula will only be a second alternative when compared to the market system under free trade. In other words, if the assumption of desynchronization is false, then foreign production will dip at the same time as domestic production and the countercyclical formula would be useless. Even though this formula would permit higher imports during times of low domestic production, higher imports would not necessarily be forthcoming since foreign production would be low as well.

Furthermore, if the assumption is true that the cattle cycles can be desynchronized, then the free market system would most effectively organize trade since, for example, low production at home would create higher prices which, in turn, would encourage greater exports to the United States. In either case, the countercyclical formula is a loser.

Even if we believe that the countercyclical formula would work, it would restrict the importation of one type of meat just because domestic production of a differing type is imported into the United States is generally grass-fed and is largely used in hamburger and processed foods. In contrast, most of the beef produced in the United States is grain-fed and used for table steaks. Thus, the countercyclical formula would limit beef available for hamburger just because domestic production of table steaks is high.

Meat import quotas, in any form, represent poor public policy. Meat prices have been the driving force behind the sharp rise in food costs. Figures from the U.S. Department of Agriculture reveal that even after a high growth rate in 1978, retail beef prices increased by 23.9 percent in the first half of 1979, which accounted for nearly one-half of the 6.0 percent increase in the CPI for food. Beef prices are skyrocketing and putting food prices and the cost of living along.

Imports of meat and dairy products are being forced to decide between spending more and more money to buy the same market basket of goods or spending the same money and purchasing less food. This situation is especially onerous for low- and middle-income families.
support. H.R. 2727 achieves this goal.

The administration supports the bill.

The act of 1976 corrects a basic flaw in the 1964 law, which almost defies the law of supply and demand. The current system increases imports of domestic supplies is most plentiful and reduces those imports when domestic supplies taper off.

By contrast, H.R. 2727 establishes a counter-cyclical approach such as the current one, which would be a good step. This bill limits imports when domestic supplies are plentiful and promotes more imports when domestic supplies are low. This concept is simple and essential to the stability of the cattle industry and to the stability of meat supplies in this country. The bill stabilizes the supply and price of beef and cases the boom and bust cycle that has disrupted the market in recent years, preventing the industry from making the kind of projections and plans that any well-managed business must make.

H.R. 2727 reflects a compromise reached in the Ways and Means Committee on the section pertaining to Presidential discretion. Last year's veto was based on the fear that the President would lose too much of his power to suspend quotas and increase meat imports. This year, we established a system to allow more Presidential discretion than either last year's bill or H.R. 2727 in original form, introduced by my friend and colleague, Chairman At ULLMAN. The final product, therefore, represents a system which has attracted the support of all major farm groups, as well as the National Independent Meat Packers Association.

Since the committee approved H.R. 2727, we have agreed on an amendment, to be offered by Mr. Rose or Mr. FRENZEL to increase the minimum floor on meat imports from 1.2 billion to 1.25 billion pounds of meat. This issue threatened to divide opinions on the bill. But we have now agreed upon this compromise, which has strong backing by the administration.

Some of our trading partners have opposed this bill, but it is not our purpose to hurt relations with any country. This bill does not hurt imports but not to the detriment of any foreign markets. There is a need for certain grades of imported meat, but not at the expense of domestic producers, who are unable to plan for the future under the present system. H.R. 2727 will not reduce the amount of meat imports—it will simply change their timing in a more logical fashion.

We have the administration's support for this important piece of legislation. H.R. 2727 gives us the chance to keep the cattle industry on the road to productivity. The beneficiaries will be the small producer, the cattle industry and the consumer. I urge your support of this worthy goal.

Mr. ULLMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to have an opportunity to say a few words to my friend, the gentleman from Minnesota (Mr. FRENZEL), the ranking minority member, that we might finish general debate, provided we have no votes tonight on the matter but just continue through general debate.

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield, that is my understanding. On my side, we have, I think, five requests for time, with 9 minutes, and I think we can finish the debate very promptly tonight if we would concur on that basis.

Mr. ULLMAN. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. ULLMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2727) to modify the method of establishing quotas on the importation of certain meat, to include within such quotas certain meat products, and for other purposes, had come to no resolution thereon.

TRAINING OF IRANIAN MILITARY PERSONNEL

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

Mr. WOLFF. Mr. Speaker, today I have introduced legislation urging the President to terminate immediately all training of Iranians in our military installations.

Presently various branches of the military are training 374 Iranian officers and enlisted men. The Air Force is training the bulk of the Iranians as pilots in bases throughout the country.

I would like to insert into the Record at this point the list where Iranian personnel are being trained:

IRANIAN TRAINING

WASHINGTON.—A total of 273 Iranian military personnel, mostly student pilots, are in training at Air Force and Navy bases in the United States, the Pentagon said today.

The training of military students is at 13 bases in nine States.

The 245 Iranian air force personnel are at the following bases: Columbus, Miss., 83; Laughlin Air Force Base, Texas, 72; Shepherd Air Force Base, Texas, 48; Mahler Air Force Base, Calif., 24; Lowry Air Force Base, Colo., 7; Keesler Air Force Base, Miss., 6; Reese Air Force Base, Texas, 5; and one each at Blytheville Air Force Base, Ark., and Kelly Air Force Base, Texas.

In addition, 28 Iranian navy personnel are training at these bases: Pensacola, Fla., Naval Air Station, 19; four each at the Corpus Christi, Texas, Naval Air Station and the Pensacola Naval School at Monterey, Calif., and one at the Jacksonville, Fla., Naval Air Station.

Defense Department officials said they expect most of these training courses to be completed this year.

It is absurd for the United States to be training Iranian military while the United States is an adversary. I feel that this is a good place for us to reverse this trend that obliges the House to respond to special-interest pressure instead of dealing with
long-term problems. This is as good a place as any to fight the battle that one day we are certain to have to fight in America. It seems to me that this is the time and this is the place where we need to deal with the British disease with which we are now afflicted.

I saw some testimony today in the Banking Committee that succinctly brings me to a point I want to bear, and it goes something like this:

The argument over what kind of investment or interest in the company, in a business that is now very much in need of help, is between the Federal Government and Chrysler, the company itself. It has been used as an exchange for help is precisely the kind of that most businesses, including Chrysler, have always hoped to avoid. The debilitating impact of the Federal Government on American enterprise has been described and proven many, many times. If there is a single issue on which most businessmen and women agree, it is the fact that the Government's impact is always counterproductive from an economic standpoint, and the costs of regulation are always devastating. Yet we have here the spectacle of Government, again willing to accept the most ridiculous schemes and Intrusions on its right to manage its own resources simply because the Government ought to get in exchange for help is precisely the kind of a share of auto market going to imports. Short-term economic impacts associated output and employment loss to our system.

That testimony in the Banking Committee, I think, focuses on the gut issue of the Chrysler bailout proposal.

A troublesome aspect, to me, of the present administration's proposal is this tacit acceptance of a shortrun solution to the problem that faces the country. They come through the committee, without full study and examination, a proposal that transfers to the Secretary of the Treasury carte blanche power to run the Chrysler Corp. in the next 2 years. Again we are being asked to ascribe to the myopic view of what might seem costly in the short-run and ignoring in the name of political deal with the British disease with which we are now afflicted.

The need for careful and responsible judgment on matters of profound importance to the economic survival of this Nation are being abrogated by the knee-jerk reaction of Government to the various special interests involved.

The root of this proposed bailout lies one characteristic that continues to surface time and time again. This is merely an attempt to transfer the risk of business to the tax-paying public sector while holding the promise of reward for the various interests in the private sector.

What are we going to do with the prospects for the American character known as self-help and individualism? Are we eroding this ethic by easy access to the Government Treasury?

Is this quick fix by central government to quickly remove the pressure from Chrysler likely to remove the incentive that they might have to try to help themselves? Could it be that the pressure of the Government loan guarantees now before us grew out of Chrysler's anticipation that a Government bailout would be there when they needed it? In this environment of crisis decision-making, the social blackmail says guaranty now or spend several million dollars of taxpayers' money over the near term for an economic and social displacement resulting from the Chrysler collapse.

In terms of cost, I think we should ask this question: Is the relatively short-term impact of Chrysler's collapse miniscule compared to the implication of continued shortsighted Government decisionmaking which destroys initiative and reduces productivity? This destroys credibility of government and instills resentment by those who, with their individualism and work ethic, are the underpinning of our economic and social political system and which the continued upward spiral of inflation and export of American jobs by ignoring the signals of the free marketplace, by propping up the most inefficient productive capacity in our system.

The prospect of a temporary rise in unemployment with its attendant economic cost is much less chilling than the prospect of the taxpayer via Government in partnership with the moribund corporation.

A "worst case" simulation of a Chrysler shutdown, by Data Resources, Inc. (DRI) suggests that auto sales will have recovered by 1981; Chrysler employees will have been largely absorbed by other sectors of the economy; and employment would be lower by some factor of the taxpayer via Government in partnership with the moribund corporation.

The need for careful and responsible judgment on matters of profound importance to the economic survival of this Nation are being abrogated by the knee-jerk reaction of Government to the various special interests involved.

The root of this proposed bailout lies one characteristic that continues to surface time and time again. This is merely an attempt to transfer the risk of business to the tax-paying public sector while holding the promise of reward for the various interests in the private sector.

What are we going to do with the prospects for the American character known as self-help and individualism? Are we eroding this ethic by easy access to the Government Treasury?

First. Lower economic growth;

Second. Lower employment for 2 years;

Third. Lower after-tax corporate profits;

Fourth. Near term tighter financial markets; and

Fifth. No domino effect on other big companies.

The important point of the assessment, however, is the short-term duration of the impact.

Conclusions reached on a long-term impact by DRI and Heritage (Eugene McCarthy, economist) suggest that:

First. Projected unemployment figures are exaggerated.

Second. Profitable Chrysler facilities would continue operation and short-term output losses would be minimized.

Third. Some of the displaced demand would be met by other domestic producers through expanded employment, thus strengthening American Motors, GM, and Ford.

Fourth. Some demand would be met by imports from foreign facilities with associated output and employment loss to U.S. economy.

Fifth. It is further suggested that the jobs lost would be the "inefficient ones" which in the long run should be lost, to avoid the allocation of resources to less cost-competitive productive facilities.

We should make the decision about the British disease with which we are now afflicted.

First. Are loan guarantees the correct solution to assure economy and the preservation of the most cost-efficient/market-sensitive productive capacity in America? Testimony from various expert and from the sources that will enable us to anticipate and respond with due deliberation to the future "Chryslers" in American industry that are just over the horizon.

The present administration's proposal poses serious concern due to the tacit acceptance of a one-option solution to the problem.

PROPOSED LOAN GUARANTEE

First. Are loan guarantees the correct solution to assure economy and the preservation of the most cost-efficient/market-sensitive productive capacity in America? Testimony from various expert and from the sources that will enable us to anticipate and respond with due deliberation to the future "Chryslers" in American industry that are just over the horizon.

First. Are loan guarantees the correct solution to assure economy and the preservation of the most cost-efficient/market-sensitive productive capacity in America? Testimony from various expert and from the sources that will enable us to anticipate and respond with due deliberation to the future "Chryslers" in American industry that are just over the horizon.

BANKRUPTCY IS A VIABLE ALTERNATIVE

First. Will a governmental treasury-administered plan for Chrysler's possible survival indeed be superior to a plan administered through the readily available, duly legislated, Bankruptcy Act? The act has been rewritten to help in the rehabilitation of corporations. Again, reliable testimony indicates otherwise.

Second. The administration's proposal is based on Chrysler's contention that bankruptcy as an alternative would lead to loss of management, market, and abandonment by Chrysler dealers. This assumption is questionable at best—no expert inputs have been forthcoming to support that contention. Does not Chris-
November 13, 1979

CONGRESSIONAL RECORD - HOUSE

32193

ler have as much to lose from the inevitable resentment from taxpayers and the multitude of small business owners who are denied the same safety net by government.

Third. There is still time for Government assistance after bankruptcy proceedings with its special provisions for reorganization of debt, reorganization of management, and requirements for self-help from vested interest. Why throw out a century's experience in these matters for a politically appealing, untested alternative?

More effort from Chrysler and vested interest should be an absolute requirement.

First. Employees of Chrysler (UAW) have made few concessions. Why are the taxpayers being asked to guarantee Chrysler's loans to give UAW workers more than 10 percent per year wage increases when Federal workers are asked to stay within a 7 percent maximum wage increase for the sake of fighting inflation?

Second. Chrysler management's plan is singularly lacking an initiative for proving cost reduction, production improvement, increase productivity, or would require the Chrysler/vested interest to assume the Chrysler cash flow problem.

Some myths about the Chrysler problem include:

First. If Chrysler does not get Government aid, it will stop making cars.
Second. If Chrysler does not get help, all of its employees will be fired.
Third. If the Federal Government does not help Chrysler, there can be no solution to its problem.
Fourth. Chrysler dealerships will close if the Government does not help with its cash flow problem.
Fifth. That claims against Chrysler, by consumers, bankers, suppliers, dealers, and so forth, would be protected if the Government makes the loan guarantee not requested.
Sixth. That bankruptcy means an end to Chrysler.
Seventh. That the Nation's economy is too fragile to handle the task of underwriting the “failure” of Chrysler.
Eighth. That there is no existing way of handling a Chrysler-type problem.
Ninth. If we say Yes to Chrysler, we can say No to the next corporate giant that wants the Government to lend it funds.
Tenth. That helping Chrysler will not have any effect on the economy, even though the Government will be borrowing (indirectly) in the money markets and thereby competing with private capital needs.
Eleventh. That Chrysler employees are making a significant sacrifice when the average hourly pay is $14.50 an hour and the average annual wage is $20,000.
Twelfth. That a shortrun solution made without consideration to the longrun problem of a Government policy that weakens the established ability of business to contribute to the national well-being.
Thirteenth. That there is no relationship to what we are being asked to do for Chrysler and the history of what happened in England that led to the nationalization of major British industrial giants.

Fourteenth. That Government, if it helps Chrysler, will not be going into the auto business, but merely acting as a bank.

In terms of the proposal before us, we should ask: Are we directing all of our concern toward the success, rather than the need, of this legislation? Where are we if the operation succeeds, but the patient dies? Is this proposed questionable precedent one more step in the process of surveying the boundaries of what the Government is prepared to do? Is it, indeed, making a significant sacrifice when the Government is willing to lend $1.5 billion to a company to rescue it from the verge of bankruptcy?

As I said a moment ago, I think that the strategy of the administration and the people who control this Congress is to ram this legislation through without complete study and without full examination.

I think that we should make the decision about aiding Chrysler in a much larger context and after due deliberation.

Is not the burden on Chrysler to prove their need, and have they discharged that burden?

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

Mr. BETHUNE. I yield to the distinguished ranking minority member on the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio.

Mr. STANTON. I certainly appreciate my friend and colleague on our Committee on Banking, Finance and Urban Affairs, the gentleman from the great State of Arkansas (Mr. BETHUNE) for yielding.

The first thought that comes to my mind is to congratulate him for bringing to the attention of the House the first colloquy that I know of in regards to this subject of the bailout of the Chrysler Corporation.

I think that the gentleman has just made a significant statement. When the gentleman spoke about the fact of the continuing need for a loan, he indicated the necessity of hurrying the legislation through the legislative process, in all fairness, this has put a tremendous burden upon us who serve on the committee and who recognize that the No. 1 legislative responsibility of the subcommittee or the committee is to present to their fellow colleagues on the House floor the best legislation that they can conceive of, regardless of whether they are for or against the legislation.

In this regard, the hurry-up process has been accomplished by the administration in presenting a plan to the Congress a week ago Tuesday, having 1 day of hearings on Wednesday and passing out of our subcommittee the following day.

We met today in full session before the full committee with a slate of witnesses only because the minority side insisted and has acceded to by the chairman of our committee, the gentleman from Wisconsin (Mr. Russe), to have hearings to gather information to be able to present to our colleagues to the best of our ability our vote of yes or no and why we feel that way.

What the gentleman has said in regards to the support of the legislation from the political point of view as far as the White House and United Auto Workers are concerned, let us, I think, make clear at the very start as we consider this legislation.

If Chrysler does not get Government help from vested interest, why throw out the auto and stick in the money market, let us seriously consider, and let us not blame Jimmy Carter for this alone, right or wrong, depending on how we feel about it.

I think we should make clear for the record members of our party strongly support this legislation for one reason or the other.

I would say that our friend and former colleague, President Ford, has called me personally to see if there is some way we can get this legislation through.

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

Mr. BETHUNE. I yield to the gentleman for the record.

If the gentleman is in charge of the Nation, and it is something that he wants to be in charge of, then let us have a real debate.

Let us call the air of faction and for all that pressures from political parties in this particular instance is, I think, non-existent.

It is going to be a question of each individual Member making up his mind.

This is where I share with the gentleman in the well our great basic responsibility to come to the floor when the time comes and can honestly tell our colleagues we have considered this legislation, "This is the best. This is how Joe feels about it. He is opposed for this reason, and Andy's for it because of this reason."

Then we fulfill our basic constitutional responsibility.

I once again congratulate the gentleman in the well, and in the weeks ahead, I am sure we are all going to have a great deal to say about this legislation.

I compliment the gentleman for the position he has taken today.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

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

Mr. CHARLES H. WILSON of California. Mr. Speaker, I compliment the gentleman from Ohio for his remarks.

I was over sorting mail from my district. I had my television on.

I heard the statement. I could not believe it. I thought the gentleman was a great supporter of private enterprise, and I think the guaranteed loan is intended to support. The gentleman, I am sure, is aware of the Lockheed loan, where the Federal Government made $20 million on the loan. All of the money was paid back, and the interest that was gained by the Federal Government actually made a profit for the Federal Government.

Very frankly, I think that had our Government made guaranteed loans available to our steel industry, had we made...
guaranteed loans available to our textile industry, they would not be now in the position they are in competition with West Germany and with Japan. I think they would have had the impetus to modernize their equipment and make themselves competitive with the foreign interests which have taken away the great play from our country in those areas.

I just honestly feel that the jobs that are involved, the number of workers who will be involved and the burden is so important to the economy of our great country that we have to do whatever we possibly can. It hurts me when I see a gentleman who I feel is as responsible as the gentleman from Arkansas (Mr. Bethune) make a statement in opposition to what I think is a very fine program.

Mr. BETHUNE. I thank the gentleman for his observations.

I would say that there are a number of myths about the Chrysler bailout. One of them is that a guaranteed loan costs nothing.

In the situation of a guaranteed loan, the Government is diverting credit from sources that would otherwise get it in the free marketplace.

Addlesee. I think this case can easily be distinguished from Lockheed. I think it can easily be distinguished from New York City and Penn Central. I will do so as the debate ensues.

I would say this, that whatever facts and issues arise throughout the Chrysler debate, I think that, as the gentleman from Arkansas has mentioned, the burden of proof in this instance is on Chrysler. They are here hat in hand.

The burden of proof is on them and remains on them, and to date they have not discharged that burden of proof to my satisfaction, and I think to the satisfaction of a number of people in this Congress.

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

Mr. BETHUNE. I yield to the gentleman from Florida.

Mr. KELLY. I thank the gentleman for yielding.

I think that our colleague who is concerned about the gentleman's love for the free enterprise system really need not concern himself, because the legislation that the gentleman in the well if that is not the case.

The testimony we had in committee today was that the current market for Chrysler would be somewhere between 15 and 20 percent of that. The Secretary is that Chrysler will only be charged about 10 percent at the hands of the Government, so while the taxpayers are paying 18 percent on their consumer financing, Chrysler will be able to get theirs for 11 percent.

I think probably the gentleman in the well and I just did not really understand what love of free enterprise meant.

Mr. BETHUNE. I thank the gentleman. If the gentleman will accommodate me, I will be happy to yield, but I have committed to other Members earlier in the day to share with them the time in the special order.

Mr. CHARLES H. WILSON of California. If we have more time left, I would like to ask a question through my friend from Florida.

Mr. BETHUNE. Mr. Speaker, I yield to the distinguished gentleman from Mississippi (Mr. Hinson).

Mr. HINSON. Mr. Speaker, the gentleman from Arkansas. I am a member of the committee and the subcommittee and I have observed throughout the hearings these hearings have only superficially addressed the problems of Chrysler, and particularly where it relates to a more or less continuing recession in automobile sales as a result of petroleum shortages. This alone is a very significant oversight when it comes to considering the problems that have arisen at Chrysler.

There are numerous management decisions that were absolutely free of any Government intervention and not related in any way to Government rules and regulations that clearly indicate that Chrysler management made major errors that have brought it to this present state.

What is its answer? They go to their unions and their unions turn them down and will not defer scheduled wage and price increases. They will not accept pay cuts. They go to the city and the State and local governments, all of whom have offered help in one way or another, but the accumulation of evidence seems to indicate that that is not sufficient.

What is their response? They come and say "Big brother can you spare a dime?"

Mr. SHUMWAY. I think it has been very clear from the evidence presented before the committee that Chrysler's problems could be substantially resolved if all of these non-Federal parties were willing to accept the sacrifices that are inherent in the relationships that they entered into voluntarily. I suggest that the committee ought to be requiring further participation by the non-Federal parties before we start considering the area of Federal loan guarantees.

Let me also point out that the bill calls for direct loans. It provides that the Secretary of the Treasury be authorized to provide direct loans in very substantial amounts of commercial credit is unavailable. I assume this would be discounted through the Federal credit agencies which would, I understand, in effect, throw it off budget. We are talking about financing a billion and one-half dollars in what would be charged off anywhere in the Federal budget.

I consider that to be an irresponsible act in itself, and I intend to offer an amendment during the committee consideration that will address that problem.

But nevertheless, I think it is a major factor in my decision, at least, to oppose the bill at present. I thank the gentleman for yielding.

Mr. BETHUNE. I thank the gentleman. He made a point that I would like to add to, and that is the possibility of a direct loan package for the Chrysler. I move to require in the testimony in the Committee on Banking, Finance and Urban Affairs which tells me that there are a number of hidden features in this legislation.

I think it is consistent with the gentleman in the well if that is not the case.

Furthermore, I am concerned that in this process, we leave so very vague in the descriptive language in the bill that we are avoiding a number of the safeguards which are set up in the bankruptcy code which would apply to other businesses in this same or similar circumstance. There are a number of features in the new bankruptcy code which I think are excellent, calling for the appointment of an independent examiner to determine whether there has been any dishonesty, fraud, gross mismanagement and so forth. All of that is skirted by this bill which creates a special process for Chrysler Corp.

I yield at this time to the gentleman from California, a member of the committee.

Mr. SHUMWAY. I appreciate the gentleman yielding and appreciate his obtaining this special order in order that some of us who have been very involved in the Chrysler hearings for some weeks now may have a chance to comment and give our impressions.

With regard to my distinguished colleague from California, the question he raised regarding our support or lack of it for the free enterprise system, I would simply like to make the point that in this case we certainly have a free enterprise. Many of us are very much in favor of preserving it as a free enterprise. But I would suggest to the gentleman that the loan package, as it has recently been proposed by the administration, envisages a matching program of a billion and one-half dollars for a similar sum raised by the Chrysler people. It envisages a continuing program to be enjoined during the next 3 years. The Federal Government will play a very key role in financial planning and the financial affairs of the Chrysler Corp. It gives the Federal Government control, through the Treasury Department, the say-so to intervene
November 13, 1979

CONGRESSIONAL RECORD — HOUSE

32195

insofar as management decisions, and even personnel decisions made by Chrysler.

I suggest to the gentleman that those steps, if nothing more than the very small investment that we have, may effectively place such a stake in the ongoing operations of the Chrysler Corp. that it no longer exists as a free enterprise, but we have, in effect, nationalized it because, if we do not, we should not allow Chrysler to get away with the practices which have been pointed out. It is a question of whether the Federal Government can achieve such a stake in the operations of the company. If not, it should be allowed to go bankrupt.

Mr. BETHUNE. I thank the gentleman from Arkansas for his remarks and for yielding to a member of the committee, the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman very much. I appreciate the effort made by the gentleman from Arkansas in bringing this before the House.

I would like to take a few minutes to give a few points about this problem that is before us. There are various problems. I would like to address the problem of the high wage rate more than the others, but just a few minutes more than that, the overall problem of excessive regulation that Chrysler and the other automobile dealers have been forced to face.

We live in an age when taxation is outrageous. We live as well in an age where all business people have to deal with inflation, which makes it very difficult for businesses to survive.

The age of inflation lends itself to bad management, and we certainly have had some bad management in the past with Chrysler, but the margin of error is greatly reduced when we have inflation. We also have the problem of foreign competition. It is a fact that Chrysler now has less than 18 percent of the domestic market. This is a very specific problem, and it was addressed specifically when we had a recession. When there is a recession, corrections have to be made. Dividends go down, profits go down, wages should go down as well. In the 1930's, artificially high wages were a very specific problem, and it was addressed poorly. Wages were held high for a long time. As a matter of fact, in 1936 when Keynes wrote his general theory, he addressed this problem specifically and said, it would be best we never allow wages to drop in the normal sense, but we will deceive the workingman by lowering the real wage rate through inflation, and let the real wage drop and the workingman will not know any different. Thus accomplishing the correction in a deceptive manner.

So, there has been a deliberate economic policy and a policy of Government over the past 40 years to deliberately inflate. The important thing here to realize is that this wage problem, where a UAW worker may be making $15 per hour and the average industrial worker is making $7 an hour, the UAW worker makes twice as much. He is very happy and delighted, but it is at the expense of somebody else. It has to be at the expense of a lower wage someplace else or unemployment somewhere else. We have to prove that we do live in an age of "Government with clout."

If you are a big company or belong to a big union, your chances of benefitting in this economy are much greater; much greater than if you happen to be an individual or small businessman and you face the same problems. Under these circumstances you are more likely to be allowed to go bankrupt. It happens that nearly 200,000 people went bankrupt last year who did not get any assistance from the Federal Government.

So, a moral question is involved here as well. The moral question is, does bigness qualify you for bailouts, where smallness allows you to be neglected?

There is an important issue here regarding wages and capital. There is a serious misunderstanding about what is capital. Real wages only can go up when there is proper capital investment. Real capital investment can come from the sources, and savings. This savings must be taken and put into technology. When it is put into the equipment and tools of business and you increase productivity, then the real wage can go up. The real wage cannot go up if productivity does not go up. If you do not have capital, you cannot increase the productivity.

We have been living in a bit of misbelief here for the last several decades because productivity has not gone up, but we have continued to deceive ourselves with the inflationary game that has been going on. This is well taken. The Chair understands the rule that is that the gentleman remains standing, and he is standing.

Mr. PAUL. If we do not have increased productivity, we end up with economic problems of some sort. We then need to get capital from another source, and this is what we have been doing. We have been getting pseudocapital from inflation. So, we are taking the credit out of thin air and we call this capital. But, this lends itself to misdirection and mal-investment.

Alan Greenspan, when he was before our committee, testified that he thinks the increase in the credit from our guaranteed loans is the most important contributing cause to inflation. This problem is expanded because of the guaranteed loans given for political reasons.

The argument Chrysler presents to us is very legitimate. They say this is nothing new, and I agree. This is part of the system we have had. It is part of the reason we are in trouble today. According to the testimony of Lee Iacocca, our government now guarantees an amount of over $400 billion. So, what is another billion? We say the immediate disaster is that somebody is going to lose their jobs. One more billion, what difference does it make?

Dr. Greenspan made a very good medical analogy to this. He compared this to that of smoking and with cancer. Smoking cigarettes over a long period of time increases cancer, but does one cigarette during the day of a lifetime make a difference? When you think of it that way, probably one cigarette, not only does it not make the difference, but if you continue with the bad habits eventually you kill the patient.
Let us hope we can save our economy and our political freedoms.

So, the $1 billion probably is not going to make an immediate difference to the inflationary process, but it will contribute—it will contribute much more so than anybody thinks. We think of $1.5 billion as the price that will not cost us anything. It will contribute so much more. A little guy who does not belong to the big union. A little man making $3 or $4 or $5 an hour, who is going to pay for all this in the grocery store. This is the tragedy we face. Would not be better for us to allow some wage adjustments and thus have averted a so tragic to see a 10-percent reduction in the wage of somebody who is making twice the average industrial wage?

It is too much. It is going to be unemployed. Even if Chrysler is going to be unemployed, assuming there are only two choices—bankruptcy or bankruptcy with failure of the company. Pan American can was insolvent something else threatened us, and they said they may go bankrupt and wanted some help. They survived without a bailout.

Even if Chrysler declares bankruptcy, there is a very good chance they could survive, but to prop them up and subsidize inefficiency at the expense of the little man is just not right. Chrysler also faces paying $13.8 billion next year in capital expenditure. They need real capital to pay for it. They are going to come to us and get artificial capital, that is, $13.8 billion they need, one-half is necessary to fulfill Federal regulations. That is outrageous. If we just got rid of the Federal regulations for part of them, we could provide the $13.8 billion or more, but it seems like we perpetually do the same thing. We create all the problems here in Washington. The people become dependent on us, and we just go on and on and on. Then we are going to print it up or create credit and they get the money. But instead of the $13.8 billion they need, one-half is necessary to fulfill Federal regulations. This is something wrong with our economic system and our political structure, and put our foot down, that will make a difference. We can change the direction of course of events we are now facing.

That is what we need to do. We have been continuing on the same road for years after years and unless we finally get to the point where we say, "Let us quit this. Let us get off this binge. Let us tighten up our belts and stop it," I believe that will make a difference.

Von Mises, who happens to be the greatest free market economist of this country, has something to say about capital formation. He says:

The source of capital that leads to genuine economic growth must itself be legitimate. Specifically, "expansion of credit cannot form a capital. The facile expansion of credit through governmental manipulation is spurious and deceptive; there is no increased wealth rather than the reality. Genuine capital, and thereby genuine economic growth, must come from bona fide savings.

He continues:

Capital is not a free gift or God or nature. It is the outcome of a provident restriction of consumption on the part of man.

He concludes by saying:

The Santa Claus fables of the welfare school are characterized by their complete failure to understand the nature of capital formation.

Unless we grasp this problem of capital and unemployment and the need to have wage adjustments, we are going to continue on the road to disaster. We are going to have a calamity, and we will postpone the day of reckoning. Everybody knows that the inflation rate is going to be higher than that. That is 3 years. The time of the loan is 10 years, so in essence the $1.5 billion can be said to be going out today. It is going to be a special group who belong to a big union, and there is only going to be one group who is going to pay for it, and that is the little man who does not belong to the big union. It is not going to be paid for by the corporation. The corporation is going to continue its success in obtaining corporate welfare. It is going to be a little guy who does not have clout, who makes $3 or $4 or $5 an hour, who is going to pay for all this in the grocery store.

There is an illusion of increased wealth. The manipulation is spurious and deceptive; there is no increased wealth rather than the reality. Genuine capital, and thereby genuine economic growth, must come from bona fide savings.

The American way of life is the tragedy we face. Would not be better for us to allow some wage adjustments and thus have averted a so tragic to see a 10-percent reduction in the wage of somebody who is making twice the average industrial wage?

It is the outcome of another cancer I think is some other thing also is some other thing also. I wonder how the gentleman and his colleagues who have been participating in this debate or this discussion would feel if we had some real tough tariff rates that would keep the foreign cars out of our country. Perhaps we could have a reasonable balance of payments then.

So, the $1 billion probably is not going to make an immediate difference to the inflationary process, but it will contribute—it will contribute much more so than anybody thinks. We think of $1.5 billion as the price that will not cost us anything. It will contribute so much more. A little guy who does not belong to the big union. A little man making $3 or $4 or $5 an hour, who is going to pay for all this in the grocery store. This is the tragedy we face. Would not be better for us to allow some wage adjustments and thus have averted a so tragic to see a 10-percent reduction in the wage of somebody who is making twice the average industrial wage?

It is too much. It is going to be unemployed. Even if Chrysler is going to be unemployed, assuming there are only two choices—bankruptcy or bankruptcy with failure of the company. Pan American can was insolvent something else threatened us, and they said they may go bankrupt and wanted some help. They survived without a bailout.
November 13, 1979

CONGRESSIONAL RECORD — HOUSE

32197

ler through mismanagement, bad gov-
ernment, and caving in to the unions has-
become, they have themselves in a position where
quite clearly they do have some difficulty.
They can extricate themselves, but they are
not willing to pay that price. What they
tend to do is that they want the taxpayer
to do it for them.

Mr. PAUL. Mr. Speaker, will the gen-
tleman yield?

Mr. BETHUNE. I yield to the gentle-
man from Texas.

Mr. PAUL. I thank the gentleman for
yielding. I would like to make a comment
on the question of the tariffs. The tar-
iffs would not be a good idea because it
compounds the problem. It is another
Government action to interfere in the
marketplace. The important thing to re-
member when you are deciding whether
or not to interfere in the marketplace is
that in a free market, if that is what one
advocates, and that is what almost
everybody gives lip service to, if one ad-
voeates this, then you always think
the consumer is the king—not the
businessman or the labor union, but the
consumer is the king in the free market.
There is no such thing as an automobile
or a TV or whatever is lower coming
from the foreign nation, the consumer
has a right to purchase it and we should
not interfere with his right.

One may say, "Well, what about the
jobs that might be lost because we cannot
compete? And what about the busi-
nessman who might go out of business?" That
is a real concern, but one reason why we
should not try to solve that problem with
tariffs is we should look at the cause. The
reasons we do not compete are very, very
specific. One is inflation. The second is
regulation and taxation. When you have
high rates of inflation—and ours is
higher than any other Western nation—
its makes it very difficult to compete.
Therefore, we compound it if we go
ahead and interfere another time.

Traditionally, over the past 100 years
it actually has been the Democratic
Party who has advocated free trade and
has fought against tariffs. I think tariffs
would be a very bad idea and would not
help the consumer. We must protect the
consumer in the free market.

Mr. CHARLES H. WILSON of Cal-
ifornia. If the gentleman will yield, is the
gentleman coming over to the Demo-
cratic Party?

Mr. PAUL. I really have not considered
it. If they would truly promote the free
market, it would be a consideration.
Mr. BETHUNE. I thank the gentle-
man. I can understand the gentleman from California's frustration about the
lack of information on this issue.

Mr. BETHUNE. Yes; this is true in the
committee and I would yield to the gen-
tleman from Florida, who has personal
experience. I should say why we are
here tonight to try to bring the other
side of the issue to the attention of the
Members.

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

Let me try and help the gentleman
demonstrate his point. Is this not what
we are learning in the committee, that
Chrysler through mismanagement and
otherwise has got itself in such a position
that the best financial, industrial, and
technical minds in this country have
refused to invest in Chrysler in its
present condition?

Chrysler then has come to the Gov-
ernment and has asked the Government
to invest $1 1/2 billion in Chrysler.

Now, if we are going to invest a billion and a half dollars, we
should invest a billion and a half dollars in the best investment we can
find. It is the people's money. We hold it in
trust.

Mr. BETHUNE. I would like to know
what is the best investment.

Mr. KELLY. The best investment is
that which will produce more goods of
better quality at the cheapest price for
the American people.

Now, the bill that we have before us
provides that Chrysler can only get this
money if they cannot borrow anywhere
else, which means if their management
is so lousy that they do not have credit,
then we will give them the money; but
certainly Chrysler is not the best invest-
ment, and the way we know that on the
committee is because if it was the best
investment, the people on Wall
Street would be investing their money
on a voluntary basis; but for purely po-
litical reasons, for purely blatant politi-
cal reasons, Chrysler has come to Con-
gress and has said this, now, the un-
employed are going to lose their jobs.
Their wives and children will have difficulty. Now, to
save them, we need to invest a billion
and a half dollars in Chrysler; but this
Congress represents all the people and
we need to take care of everybody's wives
and children, not just those at UAW that
have a lot of political clout.

What we should be doing is investing
money if we are going to invest anything
in the best investment we can get, which
means that we do not have the ability
here in this Congress. We are not financ-
iers. We are not industrialists. We are
not technologists and we should not be
trying to run business. We should just
invest money in what is the best.

What we should be doing is quit over-
regulating business so that they can
come off in an efficient way and then we
do not need tariffs, because it is my belief
that the exports that we should encourage
are by the most efficient and best compa-
nies, and that is why I think that we
should, that that is why we should have
the ethic of saving.

Mr. BETHUNE. Mr. Speaker, I would
add to the gentleman's statement and
explain to the gentleman from California
that to date, until today when the gen-
tleman from Ohio (Mr. STANTON) was
able to get some witnesses there who had
not been chosen by the administration
and by the committee, that all the wit-
tnesses that we had except Mr. Greenspan who came at the insist-
ence of Judge Kelly, had been carefully
chosen by the administration and by the
Chairman; and that that the
gentleman from Florida (Mr. KELLY) is
making were brought out of the witness-
es chosen by the proponents of the bail-
out only by continued perseverance on
the part of the members of the minority.
It is the pulling teeth to get them
to say anything negative about this bailout
plan, but they did and it is in the record.

So the point I want to make is that
we are learning that the strategy here
is to push it through as fast as you can,
hold as few hearings as you can, bring
it to the floor as quickly as you can, be-
cause what they are learning from us
in the minority and in the committee is
that the more you chew on this Chrysler
proposition, the bigger it gets and the
less likelihood there is of passing.

Mr. Speaker, I yield to the gentle-
man from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Speaker, I thank
the gentleman from Texas.

I would like to say with reference to
the comment that my colleague, the gen-
tleman from California, regarding the
importance of research, it seems to me
that that is a good question and that is
exactly the kind of thing that should
have been reviewed by our subcommit-
tee and should have been looked into
as possibly an alternative or possibly a
better way of proceeding; but because
doing the kind of haste this bill has had
attached to it, we have not had time, we
have not had the opportunity to really
give our attention to questions like that.

I suggest to the gentleman that that
is one of the reasons that some of us
here tonight are very upset about the
Government regulation and freed of
taxation. When you have
high rates of inflation—and ours is
certainly Chrysler is not the best invest-
ment, and the way we know that on the
committee is because if its management
is so lousy that they do not have credit,
then we will give them the money; but
certainly Chrysler is not the best invest-
ment, and the way we know that on the
committee is because if it was the best
investment, the people on Wall
Street would be investing their money
on a voluntary basis; but for purely po-
litical reasons, for purely blatant politi-
cal reasons, Chrysler has come to Con-
gress and has said this, now, the un-
employed are going to lose their jobs.
Their wives and children will have difficulty. Now, to
save them, we need to invest a billion
and a half dollars in Chrysler; but this
Congress represents all the people and
we need to take care of everybody's wives
and children, not just those at UAW that
have a lot of political clout.

What we should be doing is investing
money if we are going to invest anything
in the best investment we can get, which
means that we do not have the ability
here in this Congress. We are not financ-
iers. We are not industrialists. We are
not technologists and we should not be
trying to run business. We should just
invest money in what is the best.

What we should be doing is quit over-
regulating business so that they can
come off in an efficient way and then we
do not need tariffs, because it is my belief
that the exports that we should encourage
are by the most efficient and best compa-
nies, and that is why I think that we
should, that that is why we should have
the ethic of saving.

Mr. BETHUNE. Mr. Speaker, I would
add to the gentleman's statement and
explain to the gentleman from California
that to date, until today when the gen-
tleman from Ohio (Mr. STANTON) was
able to get some witnesses there who had
not been chosen by the administration
and by the committee, that all the wit-
tnesses that we had except Mr. Greenspan who came at the insist-
ance of Judge Kelly, had been carefully
chosen by the administration and by the
Chairman; and that that the
gentleman from Florida (Mr. KELLY) is
making were brought out of the witness-
es chosen by the proponents of the bail-
out only by continued perseverance on
the part of the members of the minority.
It is the pulling teeth to get them
to say anything negative about this bailout
plan, but they did and it is in the record.

So the point I want to make is that
we are learning that the strategy here
is to push it through as fast as you can,
hold as few hearings as you can, bring
it to the floor as quickly as you can, be-
cause what they are learning from us
in the minority and in the committee is
that the more you chew on this Chrysler
proposition, the bigger it gets and the
less likelihood there is of passing.

Mr. Speaker, I yield to the gentle-
man from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Speaker, I thank
the gentleman from Texas.

I would like to say with reference to
the comment that my colleague, the gen-
tleman from California, regarding the
importance of research, it seems to me
that that is a good question and that is
exactly the kind of thing that should
have been reviewed by our subcommit-
tee and should have been looked into
as possibly an alternative or possibly a
better way of proceeding; but because
doing the kind of haste this bill has had
attached to it, we have not had time, we
have not had the opportunity to really
give our attention to questions like that.

I suggest to the gentleman that that
is one of the reasons that some of us
here tonight are very upset about the

CONGRESSIONAL RECORD — HOUSE

32197
Mr. BETHUNE. I thank the Speaker.

I yield to the gentleman from Florida. Mr. KELLY, Mr. Speaker, contacted with what is suggested here, I would like to ask the gentleman in the well, has the committee that has jurisdiction over the Chrysler question received any kind of request, either from any administration or from Chrysler or anyone representing either one of them for any kind of relief from the overregulation or the imposition of Government that has contributed to Chrysler's condition, any kind of a solution to any of that, or has it just simply been a straight proposition, "Give us money," and without any interest at all in trying to solve the problems that have caused Chrysler's condition.

Mr. BETHUNE. Mr. Speaker, I think the gentleman makes a good point. The proposition of regulation, has he laid down the predicate that they are here hat in hand because of over-regulation, have abandoned that tack and are simply going to bailout and direct loans which could go on ad infinitum.

Mr. KELLY. Mr. Speaker, would the gentleman yield for another question?

Mr. BETHUNE. Yes.

Mr. KELLY. Does the gentleman recall that when the President of the UAW, Mr. Fraser, appeared before the committee that he testified that the reason he had not agreed to any kind of a wage in behalf of his membership is that no one had ever asked him; so the American taxpayers are being expected to bail out Chrysler and being expected to bail out the overpaid membership of the UAW, when the UAW by the management of Chrysler have never been asked to take a pay cut. As a matter of fact, instead, they have negotiated a pay increase.

Mr. BETHUNE. Well, if I am not mistaken, was the gentleman from Florida who engaged Mr. Fraser of the UAW in that colloquy which brought out that piece of information. That was the point I was making a moment ago, that it has been like pulling teeth to find out what potential there is for some other option, other than the administration plan.

The gentleman got the gentleman from the United Auto Workers to make that point. That I think ties nicely into the way that I started this special order and that is so long as this Government is reaching billions and able to bail out people who are in trouble in the private enterprise system at the first call, they are not going to pursue all the things that might be available to them otherwise. They are going to down that heritage and tradition that we have in this country of self-help, because the pressure is off. As soon as they come here and there is an indication that they are going to be helped by Government, they immediately abandon all other efforts.

In fact, just today we had testimony from Mr. Lockhead against this administration plan for Chrysler and he indicated quite openly in the testimony that he had no other backup plan. This was it. It is the whole ball game. Yet all the testimony that we have seen in the Committee on Banking indicates that there are numerous options available, not the least of which is a provision under chapter XI of the bankruptcy code, which is not something that means absolute liquidation or going out of business.

Mr. KELLY. Mr. Speaker, would the gentleman yield for another question?

Mr. BETHUNE. Yes, I yield.

Mr. KELLY. I would like to ask the gentleman whether in the press, in the media, in every phase of the media, it has been reported that the membership of the UAW has made sacrifices in order to help the condition of their company, Chrysler.

I ask the gentleman if the testimony in the committee has not clearly indicated that that is an absolute, unmitigated and total distortion, because the truth is that the unions have gotten a pay raise and have sacrificed nothing.

Mr. BETHUNE. I think the gentleman brought it out today's testimony in the committee, that that is the way workers are going to have a $1 billion increase in this next year and would have had a $1.2 billion increase. That point was made, but there is no concession being made.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. BETHUNE. Mr. Speaker, I think the gentleman has made some excellent contributions. The gentleman has gotten us into some colloquies which I think have importance and have contributed to the discussion.

We had no intention of coming here and trying to present a closed special order—all one side. We believe in free speech and we believe that both sides should be heard. It is only when we hear the argument that does not ring true that we can recognize the argument that is true when we hear it. So I appreciate the gentleman's coming over.

Mr. Speaker, I yield to the gentleman from California (Mr. Charles H. Wilson).

Mr. CHARLES H. WILSON of California. Mr. Speaker, I appreciate the generosity of the gentleman in allowing me to participate in the debate. Again I must say that I am sorry that some of my good knowledgeable friends are not here.

I am not a member of the gentleman's Committee on Banking, Finance and Urban Affairs, so I cannot qualify as being an expert. During the first term after I came here to Congress I was a member of the Banking Committee, but I got off that committee because I did not get along with the chairman of the committee at that time.

Then I got on the Committee on Armed Services, and since I have been on the Committee on Banking, I have found there are many experts who are not on that committee on how our national defense should be run.

So I am coming here as sort of a non-expert in the banking business but as one who feels strongly about 540,000 people who could possibly be put out of a job if we do not get Chrysler this assistance they are asking for.

Mr. Speaker, is it the contention of the gentleman from Florida (Mr. Kelly) that we should not give this guaranteed loan which is not any outright money, unless I misunderstood this thing completely? I am comparing it to the Lockhead guaranteed loan, and if there is something more involved in this, I would like to know what it is.

Mr. BETHUNE. Mr. Speaker, I would like to respond to the gentleman from California (Mr. Charles H. Wilson), if I can.

I think there are some distinctions that can be made. In the case of Lockhead, it was a manufacturer of goods, increased bill for their cars. Their cars will cost more as a result of this benevolence. You will have the pure privilege of paying more for your automobiles, and you will have further destroyed the free enterprise system. Yet the combination of these things in order that we may have a pay raise while the corporation that we serve crumbs about us.
November 13, 1979

CONGRESSIONAL RECORD—HOUSE

32199

many of which would be bought by the U.S. Government—i.e., the fact, many of which were bought by the U.S. Government. There were many fewer people involved in the process; there were not so many distributors and ultimate consumers.

In the case of Penn Central, that can be likened to almost the closing of a major highway in this country. In the case of New York City, it is a municipal government, a governmental entity, that was under consideration.

This is a privately owned manufacturer of consumer goods. There are many, many consumers, thousands of consumers involved, there are thousands of dealerships, and it is an entirely different ball game.

Mr. CHARLES H. WILSON of California. Mr. Speaker, there are a lot of subcontractors, I would like to add, that we are involved with.

Mr. BETHUNE. Mr. Speaker, I would like to say that I assume the gentleman knows we do study the issues. Having conducted polls not being a member of the committee, and learning now through us that in the committee only one side has been heard until today, and that the other side is now beginning to surface, the gentleman will, I know, listen to all these arguments carefully. I rather suspect, when all the testimony is in and all the arguments have been made, that the gentleman will find himself with us on this issue.

The SPEAKER pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has expired.

GENERAL LEAVE

Mr. BETHUNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous matter, on the subject of special orders today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

INFLATION AND THE CHRYSLER BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous matter, on the subject of special order today.

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

There was no objection.

Mr. PAUL. Mr. Speaker, I would like to just make a few comments on this subject and then, if other Members want to participate and close up the discussion, I would like to do that. I would like again to address the general subject of inflation.

The one characteristic of inflation is that it is not something which people who do benefit at the expense of others. There are immediate benefits for somebody, but there are some long-term periods of paying by others. I think this is one of the reasons why we are so untroubled about inflation, because we see and concentrate on the immediate benefit and we forget to look at what happens down the line.

Chrysler will receive quite a few dollars—in this case, $1.5 billion—and this is very easily seen because we can see the tens of thousands of jobs that are immediately on the line. When we take this funding and spread it out throughout the whole society and the whole country, each individual who has to pay this bill only has to pay a penny or two, and, therefore, he does not know that he is being ripped off. He does not see it, he cannot feel it, he cannot identify it, and above all he has nobody to defend him. So, therefore, the pain comes in small doses, it is very deceptive, and the process continues.

Inflation in the short run is much more "sudden." People will convince us that something that is done with Government action is beneficial. They say, "We are going to say that we will give you something, and you should look at the benefits. Don't worry about it. You don't have to pay for it." The cost and the pain comes later.

But what we are witnessing today is the paying of a period. We are starting to really pay for the extravagance. We are starting to pay for what Government has "given" all its people for so many years. It is not the Government's fault. The Government is merely a reflection of the people, and people have come to the Government for handouts, just as Chrysler is coming and the UAW will come and continue to come.

As I said before, Mr. Speaker, this is not new. We are already guaranteeing $400 billion in loans. In the economic sense, that is very much like the Loan Guarantee, that 3-year moratorium, that the UAW has agreed to a lesser contract than what they may have bargained for with the other companies and that they have put off this year. At the end of the 3 years, if the Chrysler Corp. has recovered, then they will be eligible to take this big pay raise the gentleman talks about, but that even then, if there is still a problem in connection with Chrysler, they still say that it is very likely that in order to guarantee the jobs of these people—there are $45,000,000. I do not know whether it is in the labor contract or in the Government, but it is a sine qua non. That is the explanation for what is the pay raise that the UAW demands. It is in the labor contract. Mr. Speaker, the other point is that most people, even those on the other side of the aisle, indicate that, "Yes, we do recognize there is some inflation involved in this." Even the ones who are the strongest proponents of the bail-out recognize there is some inflation involved, but they say, "A little bit of inflation is nothing. We can tolerate a little bit of inflation if we can save the jobs." And that is as far as they look.

The trade-off theory has been popularized in the 1950s, and we have lived with it for 40 or 50 years. This trade-off theory is, that if we inflate, we can keep unemployment low. But in the last decade this theory has become very high. It has been blown out of the saddle.

We now know that inflating does not really get rid of unemployment. As a matter of fact, the opposite. This is what we are doing, and we realize now that the deliberate inflation caused by the Government is the cause of the business cycle and the unemployment.

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

Mr. PAUL. I yield to the gentleman from Florida.

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

But, Mr. Speaker, I would say to the gentleman that we learned in the committee process that extraneous bits and parts of the story during the rest of the time—that the UAW workers had to have this pay raise in order to be insulated and protected against inflation.

Now, I know this will come as a shocker to all of them, but there are other Americans who are suffering from inflation also. I am thinking of this country who has saved a nickel or a dime or anything more, because inflation is just eroding the value of that money. They feel as upset and as troubled as the UAW has.

The UAW is going to be protected and insulated against inflation, but only if we will finance Chrysler, because the deal is that Chrysler will give them $1 billion in pay increases in order to protect them from inflation that the rest of us do not have. Then we will loan Chrysler $1 1/2 billion to cover it. That struck me as being unfair. Did it have the same impression on the gentleman?

Mr. PAUL. Absolutely. I think it is very obvious.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

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

Mr. CHARLES H. WILSON of California. Mr. Speaker, I was under the impression that the gentleman was under the impression that the 3-year moratorium, that the UAW has agreed to a lesser contract than what they may have bargained for with the other companies and that they have put off this year. At the end of the 3 years, if the Chrysler Corp. has recovered, then they will be eligible to take this big pay raise the gentleman talks about, but that even then, if there is still a problem in connection with Chrysler, they still say that it is very likely that in order to guarantee the jobs of these people—there are $45,000. I do not know whether it is in the labor contract or in the Government, but it is a sine qua non. That is the explanation for what is the pay raise that the UAW demands. It is in the labor contract.
Mr. CHARLES H. WILSON of California. I just do not understand the reasoning of the gentleman.

Mr. KELLY. If the gentleman will yield, I do not know but what we are not going to do just exactly as the gentleman suggests. As a matter of fact, I think that that is what this Congress is doing, because they are certainly sapping the vitality and the incentive out of our work force and out of our economy by overtaxation and welfare programs. I agree that we are not headed in that direction, because we have squandered every industrial advantage we had. The gentleman, I am sure, can remember when the idea of a foreign manufacturer being in competition with American automobile manufacturers would just have simply blown anyone's mind. No one could imagine anything like that. And we do it by the very programs and policies that have been enacted right here in this room where we stand, by trying to give everything in the economy in order to get ourselves elected. That is exactly what the problem is.

There is nothing the matter with the American worker or nothing the matter with our system except that Government that is trying to control everything.

I think we observed in the committee which we have had these programs come forward that we will buy stock, you and I will buy stock, and give it to the UAW workers. The Government will buy stock and then we will start telling the companies what products they will produce. We will buy stock and we will just own the stock, or we will loan them money directly, or we will loan them money by guarantees, or we will just give them money.

Mr. PAUL. It is not a very good example of the free enterprise system.

Mr. KELLY. It did not sound like it.

Mr. CHARLES H. WILSON of California. If the gentleman will yield further, is the gentleman from Florida (Mr. KELLY) saying that Chrysler has a 100 percent better contract than Ford and General Motors? Are they getting some special deal that is not being given to the other manufacturers?

Mr. PAUL. It is not a question I would like to make a comment on that.

No, they are not getting anything better. As a matter of fact, they have held back some of their benefits, the details of which I cannot quote, but even in spite of not taking the full package, or at least holding back for a year or two, it still represents an outrageous pay increase.

Mr. CHARLES H. WILSON of California. Why do we not put all of our companies out of business and let these foreign imports come in?

Mr. PAUL. You would not need to.

Mr. CHARLES H. WILSON of California. I just do not understand the reasoning of the gentleman.

Mr. KELLY. If the gentleman will yield, I do not know but what we are not going to do just exactly as the gentleman suggests. As a matter of fact, I think that that is what this Congress is doing, because they are certainly sapping the vitality and the incentive out of our work force and out of our economy by overtaxation and welfare programs. I agree that we are not headed in that direction, because we have squandered every industrial advantage we had. The gentleman, I am sure, can remember when the idea of a foreign manufacturer being in competition with American automobile manufacturers would just have simply blown anyone's mind. No one could imagine anything like that. And we do it by the very programs and policies that have been enacted right here in this room where we stand, by trying to give everything in the economy in order to get ourselves elected. That is exactly what the problem is.

There is nothing the matter with the American worker or nothing the matter with our system except that Government that is trying to control everything.

I think we observed in the committee which we have had these programs come forward that we will buy stock, you and I will buy stock, and give it to the UAW workers. The Government will buy stock and then we will start telling the companies what products they will produce. We will buy stock and we will just own the stock, or we will loan them money directly, or we will loan them money by guarantees, or we will just give them money.

Mr. PAUL. It is not a very good example of the free enterprise system.

Mr. KELLY. It did not sound like it.

Mr. CHARLES H. WILSON of California. If the gentleman will yield further, is the gentleman from Florida (Mr. KELLY) saying that Chrysler has a 100 percent better contract than Ford and General Motors? Are they getting some special deal that is not being given to the other manufacturers?

Mr. PAUL. It is not a question I would like to make a comment on that.

No, they are not getting anything better. As a matter of fact, they have held back some of their benefits, the details of which I cannot quote, but even in spite of not taking the full package, or at least holding back for a year or two, it still represents an outrageous pay increase.

Mr. CHARLES H. WILSON of California. Why do we not put all of our companies out of business and let these foreign imports come in?

Mr. PAUL. You would not need to.

...
having in the world today manifests the concern.

Mr. CHARLES H. WILSON of California. If the gentleman will continue to yield, I subject him to an objection, and I must say I am sorry. I would have to disagree with the gentleman. I worry about the gentleman from Massachusetts. I am worried about his comments as to our international relations are concerned.

I think that President Carter would be much stronger should he be reelected. Mr. KEATING of California. Today, it is practical to consider the situation in the terms of the options that we are presented, because I have a better idea. I think we ought to reject all three of them.

Mr. HILLIS. Mr. Speaker, the question of whether or not to grant Federal assistance to the Chrysler Corp. is very serious. We must carefully consider all aspects of this question. We must be sure that such a step will not adversely affect our economic system. We must also be sure that Federal assistance is used only as a last resort.

Direct Federal assistance to a troubled company is a serious issue, the consequences of which must be reviewed carefully. We are aware of the dangers and benefits of the Federal Government granting assistance to a company to prevent bankruptcy. After all, the preservation of our economic system must receive high priority.

Like most Americans, I am a strong believer in, and supporter of, the free enterprise system. However, we do not have the true or pure free enterprise system in the United States—particularly in cases where Federal regulations intervene in the policy decisions of private companies. There are numerous industries where Federal intervention has weakened the essence of the free enterprise system, that is, competition to solve its own problems. The policies of the Department of Commerce and Labor and the Federal Trade Commission have weakened the essence of the free enterprise system. There are literally hundreds of Federal programs which through one mechanism or another intervene into the free enterprise system and provide aid to private companies. Loan guarantees have become commonplace and have proven to be effective.

Chrysler has made more than fair efforts to improve its financial situation. The corporation has sold many of its overseas assets; corporate executives have reduced their salaries; new management policies have been enacted; and new top level personnel have been hired. Chrysler has made a good faith effort to solve its own problems. The policies which contributed to Chrysler's troubles, such as its unwise expansion which is the practice of manufacturing cars prior to their being ordered, have been eliminated.

While Chrysler has programs to improve its market penetration in the 1980's, it must continue to invest in modernization efforts and improve the emissions and fuel economy of its products to meet Federal regulations. These steps will cost the corporation millions of dollars which it simply does not have, and which it will not be able to obtain without Federal assistance.

The Chrysler Corp. employs 121,000 people and thousands more are dependent on it indirectly for their livelihood. While the loss of Chrysler jobs alone would mean a considerable blow to the economic wellbeing of the greater Detroit area and the thousands of employees of other companies which are totally dependent upon Chrysler as a purchaser of their products. The Indiana Department of Labor reports that 105 thousand independent companies which sell their products to automotive manufacturers. These companies employ in the neighborhood of 50,000 people.oui is not a highly integrated corporation, it must rely heavily on small independent companies for many of its component parts. These companies cannot sell their products to GM or Ford since both of those companies are highly integrated. The financial impact of Chrysler's failure would be tremendous. It is impossible for anyone to be able to accurately calculate the impact of a Chrysler shutdown. Recent indications are that such a situation would have severe and long-lasting adverse effects on our economy.

The effects of a Chrysler failure on the automotive industry would be dramatic. Without Chrysler, Ford and GM would unquestionably be faced with antitrust actions by the Federal Government. Since 1976, the Federal Trade Commission has been studying the competitive situation in the auto industry. Some antitrust action against GM is already possible, even without Chrysler failing.

There are organizations which oppose Federal assistance to Chrysler on the grounds that without the corporation, there is no way GM can survive an antitrust action. The best report on August 2 that the potential for antitrust action against GM was one reason Ralph Nader cited for his opposition to any Government assistance to Chrysler.

We cannot be blind to the fact that there are people in this country who simply oppose large corporations on principal. However, there are industries, and the automotive industry is one of them, where the capital of large corporations is needed to meet the problems of the future. The problems of meeting environmental, safety, and efficiency standards are monumental.

It would be impossible to disassemble GM or Ford without hampering their capabilities to improve emissions, safety, and efficiency. The pure turmoil of the situation would make long-term planning impossible. The result of such actions would be to force our domestic automotive industry to compete while it is not a viable competitor. Companies, and the automotive industry is one of them, where the capital of large corporations is needed to meet the problems of the future. The problems of meeting environmental, safety, and efficiency standards are monumental.

The administration has proposed that Chrysler receive $1.5 billion in loan guarantees from the Federal Government, and that the corporation remain in operation. The administration is acting on the recommendation of the General Accounting Office, which said that the Chrysler shutdown would cost the government $30 billion over the next 7 years.

The Chrysler Corp. has requested $1.5 billion in Federal assistance, and the administration is acting on the recommendation of the General Accounting Office, which said that the Chrysler shutdown would cost the government $30 billion over the next 7 years.

The administration has proposed that Chrysler receive $1.5 billion in loan guarantees from the Federal Government, and that the corporation remain in operation. The administration is acting on the recommendation of the General Accounting Office, which said that the Chrysler shutdown would cost the government $30 billion over the next 7 years.

The administration has proposed that Chrysler receive $1.5 billion in loan guarantees from the Federal Government, and that the corporation remain in operation. The administration is acting on the recommendation of the General Accounting Office, which said that the Chrysler shutdown would cost the government $30 billion over the next 7 years.

The administration has proposed that Chrysler receive $1.5 billion in loan guarantees from the Federal Government, and that the corporation remain in operation. The administration is acting on the recommendation of the General Accounting Office, which said that the Chrysler shutdown would cost the government $30 billion over the next 7 years.

The administration has proposed that Chrysler receive $1.5 billion in loan guarantees from the Federal Government, and that the corporation remain in operation. The administration is acting on the recommendation of the General Accounting Office, which said that the Chrysler shutdown would cost the government $30 billion over the next 7 years.
FEELING THAT DR. KING DOES NOT MERIT

Federal aid to Chrysler is the philo-
sophically correct step. It is in the best
interest of the Nation. It is vital that
Chrysler not go bankrupt if we are to
avoid severe economic disruptions and a
possible deterioration of the entire auto
industry.

Mr. PAUL. Mr. Speaker, I yield back
the balance of my time.

MARTIN LUTHER KING DAY

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
man from North Carolina (Mr. Broy-
hill) is recognized for 5 minutes.

Mr. BROYHILL. Mr. Speaker, I be-
deived that we all recognize Dr. Martin
Luther King, Jr.,'s legendary achieve-
ments in the field of human rights. His
advocacy of nonviolent social change
should particularly serve as a reminder
in our society, and indeed throughout the
world, can be addressed and remedied in
a peaceful, sensible manner.

I am with great regret that I cast my vote against H.R. 5461, the bill to designate January 15, Dr.
King's birthday, as a national holiday.

I voted against H.R. 5461 for a num-
ber of reasons, none of which was the
feeling that Dr. King does not merit
the honor.

One long consideration, and I might
add that this is a concern I heard echoed
numerous times on the House floor, is
the cost of the bill. Using figures for
fiscal 1979, the Congressional Budget
Office and the Office of Personnel Man-
egement estimated that the cost to the
U.S. Treasury of H.R. 5461 would have
been $196 million, which is $173 million
for the basic pay for the Federal work-
force, and an estimated $23 million for
holiday premium pay for employees who
would have been required to work on
the holiday. The Congressional Budget
Office has indicated 1980 is predictably
higher—$212 million.

I might mention in passing that these
figures only reflect the direct cost to the
Federal Government; there are other
costs associated with the State and local
government employees who will have the
day off and with closing public institu-
tions. In private industry, businesses
which do not close would have to pay
their employees holiday pay.

At this time of rampant inflation, of
the ever-devaluing of the dollar, when
individuals' purchasing power seems to
decline minute by minute, I believe we
must seriously question any new pro-
posals to spend Federal dollars.

Another point worthy of thought is the
fact that there are a multitude of other
Americans who have made invaluable
contributions to American life and who are
worthy of such an honor recognition to
have chosen to honor these citizens in
other ways. Some of these Americans
have appeared on coins and currency.
Others have been honored by stamps and
commemorative issuances. My point is
that alternatives to designating a na-
tional holiday do exist.

Finally, I would like to note that it is
the usual custom that States be allowed
to establish to recognize individuals. The
minority views to H.R. 5461 cited several
States which have exercised the option
to decree Dr. King's birthday as a legal
holiday.

And so, to reiterate, I do believe that
Dr. King has made some significant
achievements and the ideals on
which our country was founded. Accord-
ingly, Congressman Jim MARRS and I
are today introducing a joint resolution
calling upon the President to issue a
proclamation designating January 15,
1980 as "Dr. Martin Luther King, Junior
Day."

I would submit to my colleagues that
passage of such a resolution would allow
us to work toward reducing the Federal
deficit and, at the same time, to share in
the dream that Dr. King revealed to the
American people on the steps of the Lin-
coln Memorial in 1963.

ADDITIONAL HIGHLIGHTS OF THE
1979 CAPTIVE NATIONS WEEK

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
man from Pennsylvania (Mr. Flood) is
recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, the success-
ful 1978 Captive Nations Week included
many interesting and inspiring events
and activities. The impressive record of
the week has been shown by way of se-
lected compilation since last July. Both
here and abroad the observance of the
week was widespread, demonstrating
that countless free world citizens are
vividly conscious of the reality of the
over 2 dozen captive nations and their
exploitation by totalitarian Communist
governments in the advancement of particu-
larly Soviet Russian imperialism.

I wish to submit additional highlights of
the recent observance: First, the pro-
lamation by Gov. Fob James of Alabama,
annually, the President, Governors and
Annually, the President, Governors and
Mayors issue proclamations patterned after
Resolution. FY 1978 Captive Nations Week included
activities of State, city, and local communities throughout the
United States.

Its members are Americans with convic-
tion, faith, insight and perseverance, who
to the causes of freedom and human,
are disbursed to those in need, including
child, and peace, and in the non-Rus-
ian nations, Eastern and Western Com-

in the United States.

NCNC is a clearinghouse which coordinates
Captive Nations Week activities of State, city
and local communities throughout the
United States.

Its members are Americans with convic-
tion, faith, insight and perseverance, who
voice their concern for the lost basic free-
doms and human, personal, civil, and nation-
al rights of the more than one billion cap-
tive peoples behind the Iron, Bamboo and
Sugar Curtains.

Annually, the President, Governors and
Mayors issue proclamations patterned after

The focal point of NCNC is the observance of
Captive Nations Week the third week in July, but its work is year-round. Testimonies before Congressional committees by its
chairman; speakers expert on the U.S.S.R.
and its non-Russian nations, Eastern and
Central Europe, Asia, and the Diaspora, are provided upon request; public statements on foreign
policy issues pertinent to the captive nations;
and expert participation in official and educational forums, here and abroad, is undertaken
periodically.

INTERNATIONAL, NCNC maintains close ties
with organizations that share America's

brings about their freedom and independ-
ences.

Whereas, the Congress of the United States
by unanimous vote passed Public Law 86-90
establishing the third week in July each
year as Captive Nations Week and inviting
the people of the United States to observe
such week with appropriate prayers, cere-
monies and activities; expressing their sym-
pathy with and support for the just aspira-
tions of captive peoples; and

NOW, therefore, I, Fob James, Governor
of the State of Alabama, do hereby proclaim
the third week in July 1979 as "Captive
Nations Week in Alabama, and call upon the citizens of Ala-

[From the Mobile (Ala.) Register, July 17,
1979]

"Captive Nations Week" Proclaimed
Mayor Lambert Mims has proclaimed this
weeks as "Captive Nation's Week" in Mobile.
Designated by Congress, the purpose of the
occasion is to join together to focus upon
National Captive Nations Week in the
Albany.-The Capital District will cele-
brate its first Captive Nations Week, along
with the rest of the nation, during the week
of July 15-22.

Twenty years ago the nation celebrated
its first Captive Nations Week. On April
16, 1959 when Congress passed the Captive
Nations Law establishing the third week
of July as Captive Nations Week each year,
"until such time as freedom and indepen-
dence shall have been achieved for all
the captive nations of the world.

"NATIONAL CAPTIVE NATIONS' COMMITTEE, INC.

The National Captive Nations Committee
(KCNC) is an organization founded
on the basis of the Captive Nations
Week Resolution (Public Law 86-90) in 1959.
NCNC is a grass-roots organization dedicated under Red

Communist domination, including those in
the U.S.S.R.

NCNC is a grass-roots organization dedicated
under Red

Communist domination, including those in
the U.S.S.R.

NCNC is an organization founded
on the basis of the Captive Nations
Week Resolution (Public Law 86-90) in 1959.
NCNC is a grass-roots organization dedicated
under Red

Communist domination, including those in
the U.S.S.R.

NCNC is a grass-roots organization dedicated
under Red

Communist domination, including those in
the U.S.S.R.

NCNC is a grass-roots organization dedicated
under Red

Communist domination, including those in
the U.S.S.R.
congressional record—house

32203


world administrative radio conference

The speakers pro tem proposed under a previous order of the day to consider the general issue of the exchange of ideas, as a means of promoting understanding between nations. The gentleman from Florida (Mr. FASCCELL) is recognized for 5 minutes.

Mr. FASCCELL. Mr. Speaker, in view of the ongoing World Administrative Radio Conference being held in Geneva to regulate international use of the radio spectrum, I would like to submit for the Record the latest summary report on the progress of the process:

DEPARTMENT OF STATE, Washington, D.C.

World Administrative Radio Conference—Summary Report No. 4

Re: Summary Report No. 4. In the fourth and twelfth lines of the first paragraph on page 2, references to “4400-4490 MHz” should be corrected to read “4400-4490 MHz.”

The following are highlights of the sixth week of the WARC (October 29–November 4). Despite much work that has to justify a plenary session which is scheduled for November 8, many major issues, however, remain to be discussed at committee or working group levels.

Committee 4 (Technical). In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.

In working group 4A, considerable progress was made on technical definitions and many were approved for consideration by the full committee. In 4B, Appendices 28 and 29 remained under discussion, but U.S. objectives were still maintained. A U.S.-proposed section on mobile earth stations was accepted for inclusion in Appendix 28. A coordination area for mobile earth stations was approved. A draft resolution on the transfer of CCIR propagation data into the Radio Regulations by future WARC’s was approved.
band 220-228 MHz for the amateurs, fixed and mobile service on a primary co-equal basis with radiolocation secondary. The U.S. introduced a proposal to reduce the amateur service to a secondary basis in the U.S.

5C. U.S. arguments against terrestrial fixed and mobile services sharing with meteorological aids in band 401-406 MHz were not accepted by a majority of the group.

5D. First sound broadcasting via satellite below 1 GHz. The group appears favorable to a compromise proposal by the U.S. that radios be restored to primary status by a footnote which would also urge (but not mandate) that administrations cease using radios in this band after 1988, conclusion noted. The administrations shall take all practicable steps to protect the fixed-satellite service.

5D. Allocations consistent with the U.S. proposals were agreed in the 3400-3655 MHz band. Footnotes related to power flux densities are awaiting consideration by Committee 4.

5D developed to a resolution tasking the CCIR with studying the feasibility of sound broadcasting between 1 and 10 MHz and 2.5 GHz. The U.S. delegation welcomed this action because a number of administrations had proposed an allocation of sound broadcasting satellites in the 1429-1526 MHz band which would have seriously impacted on U.S. operational interests in other services.

On the 12 GHz FSS/BSS issue, the U.S. and Canada reached an apparent compromise which is supported by a few other administrations in Region 2. It will be difficult to gain further from Region 2, as the majority of countries seem to prefer deferring a decision until the 1983 regional conference on the broadcasting-satellite service.

5E examined proposals for above 275 GHz. The committee has a proposal to allow a single application to operate above 275 GHz unallocated but with footnote recognition of both active and passive services.

Committee 6 (Regulatory):

The matter of FSS planning and access to the reostationary orbit has been assigned to an ad hoc group. There is strong support for a future conference to consider FSS planning.

A major debate is expected. Progress continued toward a compromise of the Algerian "70-30" proposal.

Requests for further information should be addressed to: Mr. Gordon Huffer, State Department, Washington, D.C. 20520, telephone (202) 692-2622.

A PRIVATE BILL FOR THE RELIEF OF MR. CARL AIELLO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I am introducing legislation today for the relief of Mr. Carl Aiello. For well over a quarter of a century, this man has sought relief from the devastating loss he suffered when he netted and assisted in salvaging a lost Navy plane.

In October of 1951, Mr. Aiello's life was fairly prosperous. He was captain of his own fishing vessel, the Lorraine A, and proud owner of a new purse seine fishing net, 270 fathoms long and 32 fathoms wide. Fishing off the California coast near Santa Barbara on the 10th of October in 1951, the Lorraine A netted a catch that was to lead not only to the complete destruction of its purse seine net, but to economic losses that precipitated the repossession of the Lorraine A. Mr. Aiello's dreams for the future were dashed in a matter of days.

The net became entangled with the wreckage of a U.S. Navy Corsair aircraft which had sunk at the point where the Lorraine A was fishing. A Navy barge was dispatched from San Diego to recover the Lorraine A and assist in the salvage of the aircraft. The Navy was to return the purse seine net to Mr. Aiello. The Navy's recovery vessel salvaged the aircraft with the net and departed for port. It was impossible to disengage the net from the aircraft aboard the barge because of the net's size and weight.

Mr. Aiello and his crew requested permission of the commanding officer of the U.S. Navy base at Fort Huene, Calif., to assist in disengaging the net. They pointed out that the net's delicate construction, weight, and dimensions were such that its removal should be done by experienced handling of purse seine nets. Mr. Aiello's request was denied.

The Navy officer commanded his personnel to remove the net from the aircraft. A crane was used to rip and tear the net into shreds, completely destroying it. The remnants were delivered to Mr. Aiello.

As a result of losing the purse seine net, Mr. Aiello was unable to fish the balance of the season and because of the loss of income that could have been derived from fishing the entire season, he was unable to pay the mortgage payments on the Lorraine A and the bank foreclosed and repossession the vessel. In addition, Mr. Aiello has lost his home, his business, and was never again able to captain his own ship. Today he is in poor health and penniless.

I am seeking the consent of my colleagues today that Mr. Aiello's just claim for relief. He has suffered greatly as a result of this most unfortunate chain of events. Now that he is aged and ill, I ask you in the interest of justice to provide relief in the following amounts:

Cost of net .................. $25,500
Damage to boat and gear .......... 700
Fees for divers ................ 500
Loss of income during 1951/52 season . . . . . 20,000
Loss of boat by foreclosure (equity) 80,000

Total ................................ 126,700

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Carl Aiello, of Monterey, California, the sum of $126,700 with interest thereon in full settlement of the claim of Mr. Aiello against the United States resulting from damage to his fishing net and boat suffered when he netted, and assisted in salvaging, a lost Navy plane.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 5 minutes.

Mr. CAVANAUGH. Mr. Speaker, I was absent from the city and this Chamber on Thursday, November 8 and Friday, November 9, 1979, as I was addressing the National Convention of the National Association of Realtors. Much was learned by me in the give and take with the members of this profession so vitally affected by the work of the Banking Committee, on which I serve, and this Congress. Unfortunately, I missed some roll-call votes during these 2 days and had I been here I would have voted: Rollcall No. 637, "nay"; rollcall No. 640, "yea"; rollcall No. 642, "yea"; rollcall No. 643, "yea"; rollcall No. 648, "yea"; rollcall No. 647, "aye"; rollcall No. 646, "aye"; and rollcall No. 649, "aye".

A RECOGNITION OF AMERICA'S FARM EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SYNAR) is recognized for 5 minutes.

Mr. SYNAR. Mr. Speaker, I would like to commend my colleague, Bill L. Alexander, for his splendid contributions as chairman of the House Export Task Force. Bill and I both serve on the President's Export Council, so I am well aware of Bill's firm commitment to agricultural exports. The farm export special project held in the Capitol today is an example of the fine work of this task force.

The aim of this recent project was to communicate to the American people the value of U.S. farm exports. I am sure that the day's activities went a long way toward doing this.

Agricultural exports are particularly important to those of us from the Midwest, an area long recognized as one of the world's major breadbaskets. My own State of Illinois has been a chief factor in the export of all other agricultural commodities and products. The city of Chicago, with its excellent transportation system, has been a chief factor in Illinois' export success.

At today's exhibit the task force and the Agricultural Council of America presented dramatic evidence of the positive impact that increased farm exports can have on the American economy. Farming is and has been a major part of the American tradition and a sustaining American tradition and a sustaining...
under specific conditions. The Federal loan program is a vital way in which the Federal Government assists individuals who suffer unemployment. H.R. 4007 provides for improvement in the conditions by which the States repay these loans. Final passage of this bill was agreed to by a vote of 4 to 1. Had I been present I would have voted in favor of final passage.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted as follows:

To Mr. Roth (at the request of Mr. Rhodes) for today and tomorrow on account of a death in the family.

To Mr. Young of Alaska (at the request of Mr. Rhodes) for Friday, November 9, 1979, on account of illness.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted:

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

Mr. Bergdahl, for 5 minutes, today.

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

Mr. Flood, for 60 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Weaver, for 10 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Ms. Ferraro, for 5 minutes, today.

Mr. Fasell, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Cavanaugh, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

**EXTENSION OF REMARKS**

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

Mr. Slack, to revise and extend following opening remarks of Mr. Whitten on House Joint Resolution 440.

Mr. Leiber and Mr. Bedell, to follow the remarks of Mr. Ullman during general debate on H.R. 3727.

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

Mr. Whitehurst.

Mr. Conte in two instances.

Mr. Michel in five instances.

Mr. Derwinski in four instances.

Mr. Lungren.

Mr. Campbell.

Mr. Grassley.

Mr. Young of Alaska.

Mr. Green.

Mr. Rousselot in three instances.

Mr. Clinger.

Mr. Kelley.

Mr. Synge in three instances.

Mr. Bob Wilson in two instances.

Mr. Rhodes.

Mr. Wydler.

Mr. Collins of Texas in three instances.

Mr. Moore.

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

Mr. Anderson of California in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Ms. Holtzman in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Wolf in five instances.

Mr. Walsen.

Mr. Vento.

Mr. Gramm.

Mr. Alborg in two instances.

Mr. Panetta.

Mr. Ratcliffe.

Mr. Applegate in two instances.

Mr. Simon.

Mr. Barnes.

Mr. Blanchard.

Mr. Mazzioli.

Mr. Stokes in two instances.

Mr. Moffett.

Mr. Nowak in five instances.

Mr. Cavanaugh.

Mr. Skelton in two instances.

Mr. Ginn.

Mr. Thompson.

Mr. Brinkley.

Mr. Nolan.

Mr. Conyers.

Mr. Schue.

Ms. Ferraro.

**SENIOR BILL REFERRED**

Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 916. An act to amend the act of September 20, 1950 (Public Law 847, 81st Congress) to provide education programs for Native Hawaiians, and for other purposes; to the Committee on Education and Labor.

**JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT**

Mr. Thompson, from the Committee on House Administration, reported that that committee did on November 9, 1979, present to the President, for his approval joint resolutions of the House of the following title:

H.J. Res. 199. To amend the act of October 21, 1978 (82 Stat. 761; Public Law 95-498) and


**SENIOR ENROLLED BILLS SIGNED**

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 1087. An act to establish an actuarially sound basis for financing retirement benefits for police officers, fire fighters, teachers, and judges of the District of Columbia and to make certain changes in such benefits; and

S. 1728. An act to designate the U.S. Federal Courthouse Building located at 655 East

**PERSONAL EXPLANATION**

(Mr. Weiss asked and was given permission to extend his remarks at this point in the Record.)

Mr. Weiss. Mr. Speaker, I was not present for a vote in the House on November 9, because of pressing business in my district. The following is an explanation of how I would have voted on this vote had I been present:

Rollcall No. 649: A motion that the House adjourn and reconvene on November 13. This motion carried by a vote of 161 to 89. I would have voted in favor of this motion had I been present.

**PERSONAL EXPLANATION**

(Mr. Weiss asked and was given permission to extend his remarks at this point in the Record.)

Mr. Weiss. Mr. Speaker, I was not present for two votes in the House on November 7, because I was attending a meeting at the State Department. The following is an explanation of how I would have voted on these votes had I been present:

Rollcall No. 639: This was a vote on the rule (H. Res. 363) which made the consideration of a bill informally titled “the Repayment of Loans Made to State Unemployment Funds” (H.R. 4007) in order under a modified open amendment procedure. This rule only allowed those amendments offered by the House Ways and Means Committee. Traditionally stated rules are offered on tax legislation due to the complex nature of amending tax statutes on the House floor. The rule was adopted by a vote of 362 to 24. Had I been present I would have voted in favor of this rule.

Rollcall No. 631: This was a vote on the final passage of H.R. 4007. H.R. 4007 facilitates the repayment of Federal loans made to the States which receive such loans for State unemployment insurance funds. Currently States are penalized for late payments which must be made...
ADJOURNMENT

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House adjourned until tomorrow, Wednesday, November 14, 1979, at 10 a.m.

EXECUTIVE COMMUNICATION, ETC.

Under clause 3 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2806. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of November 1, 1979, pursuant to section 101(a) of Public Law 93-34 (Doc. No. 96-225); to the Committee on Appropriations and ordered to be printed.

2807. A letter from the Assistant Secretary of the Treasury for Legislative Affairs and the Assistant Secretary of State for Congressional and Legislative Affairs, transmitting a report on progress in enhancing human rights through U.S. participation in international financial institutions, pursuant to section 701(c) of Public Law 95-118; to the Committee on Banking, Finance and Urban Affairs.

2808. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with C.P. Air, Canada, exceeding $60 million, pursuant to section 3(b)(3)(i) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance, and Urban Affairs.

2809. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with Middle East Airlines executives, pursuant to section 2(b)(3) (i) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance, and Urban Affairs.

2810. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 3-117, "To amend the Schedule of Heights of Buildings Act of Public Buildings," pursuant to section 602(c) of Public Law 93-198; to the Committee on Commerce, Science, and Transportation, pursuant to section 5 of Public Law 94-304; to the Committee on Foreign Affairs.

2811. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 3-118, "To amend the Schedule of Heights of Buildings Act of the District of Columbia," pursuant to section 602(c) of Public Law 93-198; to the Committee on Commerce, Science, and Transportation, pursuant to section 5 of Public Law 94-304; to the Committee on Foreign Affairs.

2812. A letter from the Chairman and Cochairman, Commission on Security and Cooperation in Europe, transmitting a report on U.S. compliance with the Helsinki Final Act, pursuant to section 6 of Public Law 94-304; to the Committee on Foreign Affairs.

2813. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting two agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(a) to the Committee on Foreign Affairs.

2814. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering fiscal year 1979 on surplus real property disposed of to public health and educational institutions under section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended, pursuant to section 209(o) of the act; to the Committee on Government Operations.

2815. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report of the National Center for the Prevention and Control of Rape, pursuant to section 251(9) (1)(B) of the Public Health Service Act, as amended (89 Stat. 238); to the Committee on Interstate and Foreign Commerce.

2816. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the months of June and July 1979, on the average number of passengers per day on board each train operated, and the on-time performance of the final destination of each train operated, by route and by railroad, pursuant to section 503(a)(2) of the Rail Passenger Service Act of 1973, as amended; to the Committee on Interstate and Foreign Commerce.

2817. A letter from the Secretary of Transportation, transmitting a report on the six-month review of program implementation of the Highway bridge replacement and rehabilitation program, 42 USC 144(k); to the Committee on Public Works and Transportation.

2818. A letter from the Comptroller General of the United States, transmitting a report on the major weapons acquisition process toward fiscal year 1980 (PSAD 80-6, November 8, 1979); jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

MR. DANIEL: Committee on Armed Services. H.R. 5865. A bill to amend the Immigration and Nationality Act to provide for the immediate deportation of any alien in the United States on a student or other non-immigrant visa who, while participating in a political demonstration, engages in violent or illegal activity; to the Committee on the Judiciary.

By Mr. DAVIS of South Carolina:

H.R. 5866. A bill to designate certain lands located in the Indian reservations in South Dakota, as wilderness areas; to the Committee on Interior and Insular Affairs.

H.R. 5867. A bill to authorize the Secretary of Commerce to charter the nuclear ship Savannah to Patriots Point Development Authority as an agency of the State of South Carolina; to the Committee on Merchant Marine and Fisheries.

By Mr. GAYDOS:

H.R. 5868. A bill to amend the Internal Revenue Code of 1954 to allow the charitable organizations to reduce the charitable contributions; to authorize the Secretary of the Treasury to authorize additional appropriations for migration and refugee assistance for the fiscal years 1980 and 1981; to amend the Immigration and Nationality Act to provide for the immediate deportation of any alien in the United States on a student or other non-immigrant visa who, while participating in a political demonstration, engages in violent or illegal activity; to the Committee on the Judiciary.

H.R. 5869. A bill to amend the Department of Education Organization Act to transfer authority with respect to education to the Assistant Secretary for Elementary and Secondary Education, and for other purposes; to authorize the Secretary of Commerce to charter the nuclear ship Savannah to the Patriots Point Development Authority as an agency of the State of South Carolina; to the Committee on Merchant Marine and Fisheries.

By Mr. HANLEY (for himself, Mr. Udall, Mr. Chabot, Mr. Johnson of California, Mr. Hashas, and Mr. Tarkowsky):

H.R. 5870. A bill to amend title 5 of the United States Code to provide new basic training for air traffic controllers; to authorize the Secretary of Commerce to charter the nuclear ship Savannah to the Patriots Point Development Authority as an agency of the State of South Carolina; to the Committee on Post Office and Civil Service.

By Mr. HOWARD (for himself, Mr. JOHNSON of California, Mr. Hashas, and Mr. Swanson):

H.R. 5871. A bill to provide for the refund of the gasoline tax; to the Committee on Revenue and hearings on the budgetary impact.

By Mr. MINETA (for himself and Mr. GIBBONS):

H.R. 5872. A bill to amend the Department of Education Organization Act to transfer authority with respect to education to the Assistant Secretary for Elementary and Secondary Education, and for other purposes; to authorize the Secretary of Commerce to charter the nuclear ship Savannah to the Patriots Point Development Authority as an agency of the State of South Carolina; to the Committee on Post Office and Civil Service.

By Mr. LOTT:

H.R. 5873. A bill to establish a procedure for the processing of complaints directed against Federal judges, and for other purposes; to the Committee on the Judiciary.

By Mr. MATTHES:

H.R. 5874. A bill to amend the Internal Revenue Code of 1954 to exempt agricultural aircraft from the aircraft use tax, to provide for the refund of the耕地 tax to the agricultural aircraft operating company, and for other purposes; to the Committee on Ways and Means.

By Mr. MINETA (for himself and Mr. Gibson):

H.R. 5875. A bill to amend the Tariff Schedules of the United States to repeal the duty on certain field glasses and binoculars; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 5876. A bill to provide a special program of financial assistance to Opportunities Industrialization Centers and other national minority-owned business enterprises to provide new motivational and skills training opportunities for unemployed and unem-
November 13, 1979
CONGRESSIONAL RECORD — HOUSE

32207

palyable youth; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:
H.R. 5779. A bill to amend the Internal Revenue Code of 1954 to provide that property may be levied upon for the collection of tax (other than where such collection is in jeopardy) only pursuant to a court order; to the Committee on Ways and Means.

By Mr. CONTÉS:
H.R. 6776. A bill to authorize emergency loan guarantees to the Chrysler Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROYHILL (for himself and Mr. MARTIN):
H.J. Res. 446. Joint resolution to designate the third week of September as "National Cystic Fibrosis Week"; to the Committee on Post Office and Civil Service.

By Mr. EMERY of Delaware (for himself, Mr. MICHEL, Mr. RAILSBACK, Mr. BARDAM, Mr. DEVINE, Mr. Latta, Mr. KING of Indiana, Mr. SCHULZ, Mr. HAGEDORN, and Mr. HYDE):
H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that the President call upon all nations of the world to stop imports of oil from Iran until all hostage-takers are released and control of the embassy is returned to officials of the United States; to the Committee on Foreign Affairs.

By Mr. BATTISTON:
H. Con. Res. 211. Concurrent resolution calling upon the British Government to embark upon a new initiative for Ireland; to the Committee on Foreign Affairs.

By Mr. WOLFF:
H. Con. Res. 212. Concurrent resolution expressing the sense of the Congress that the President should terminate immediately all participation by Iranian personnel in United States programs of military training; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred, and to the appropriate committees referred:

By Mr. PERNETTA:
H.R. 5879. A bill for the relief of Carl Aiello; to the Committee on the Judiciary.

By Mr. PHILIPPS:
H.R. 5880. A bill for the relief of Ann Marlene Orantes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 271: Mr. MATSU, Mr. EVANS of the Virgin Islands, and Mr. FOWLER.

H.R. 272: Mr. SHEPARD.

H.R. 1576: Mr. CLINGER, Mr. GINGRICH, and Mr. PERSSELL.

H.R. 1577: Mr. BEARD of Rhode Island, Mr. CLINGER, Mr. GINGRICH, and Mr. PERSSELL.

H.R. 2532: Mr. LEE.

H.R. 2593: Mr. BEARD of Rhode Island, Mr. BINGHAM, Mr. BROWN of California, Mr. MAURICE, Mr. MOFFETT, Mr. OTTINGER, Mr. PAINTER, and Mr. WATTERS.

H.R. 2990: Mr. CARNET, Mr. HAMILTON, and Mr. WHITTEN.

H.R. 3520: Mr. COLLINS of Texas.

H.R. 3337: Mr. MINETA.

H.R. 4178: Mr. FLORIO.

H.R. 4389: Mr. KILTY.

H.R. 4395: Mr. CORORDAN.

H.R. 4397: Mr. CAMPBELL.

H.R. 4661: Mr. ALBROM and Mr. MARLENE.

H.R. 4992: Mr. DOWNEY, Mr. FERRARO, Mr. BROWN of California, Mr. CARNET, Mr. CRAT, Mr. PATTERSON, Mr. MINETA, Mr. ALBROM, Mr. CAMPBELL, and Mr. SHERMAN.

H.R. 5071: Mr. OBERSTAR.

H.R. 5225: Mr. RUCKERT.

H.R. 5776: Mr. BEARD of Michigan, Mr. DOWNEY, and Mr. FORD of Michigan.

H.R. 5813: Mr. LLOYD, Mr. HALL of Texas, Mr. STEYER, Mr. ROSENTHAL, Mr. APPLEGATE, Mr. HANCE, Mr. WHITEHURST, Mr. NICHOLS, Mr. MONTGOMERY, Mr. GRAMM, Mr. KASEN, Mr. LEACH of Louisiana, Mr. MYERS of Indiana, Mr. REGULA, Mr. ROBERTS, Mr. BOWEN, Mr. DOUGHERTY, Mr. CARTER, Mr. MURPHY of Pennsylvania, Mr. BOWEN of Tennessee, Mr. WYATT, Mr. CHARLES WILSON of Texas, Mr. BOUSELLO, Mr. ARCHER, Mr. GOLDWATER, Mr. PICKLE, Mr. BAUMAN, Mr. RYDER, Mr. STANGE, Mr. MILLER, Mr. MOFFETT, Mr. KLINEFelter, Mr. MARTIN, Mr. YOUNG of Alaska, and Mr. BINKLEY.

H.J. Res. 321: Mr. DANIELSON, Mr. CARTER, and Mr. POMPEO.

H.J. Res. 372: Mr. HOLLENBECK, Mr. ZEPRETTI, Mr. ROYER, and Mr. DICKS.

H. Con. Res. 202: Mr. HARRICK, Mr. PERNETTA, Mr. RUDD, Mr. MCDONALD, Mr. VANICK, Mr. COTTER, Mr. RUTTENBERG, Mr. HOPKINS, Mr. MICHEL, Mr. HOLLLENBECK, Mr. SEIBELING, Mr. BEEDER, Mr. ZEPRETTI, Mr. LEDERER, Mr. VENTO, Mr. EETEL, and Mr. LEACH of Iowa.

H. Res. 445: Mr. O'CONNOR, Mr. MOFFETT, Mr. LUNDINE, and Mr. BENNETT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 305
By Mr. BEELEUTER:
—Page 40, line 23, delete "and".

Page 50, line 2, after the semicolon, insert in the following manner: "... the term 'socially and economically disadvantaged individual' means an individual whose net worth of such socially disadvantaged individual is..."

Page 50, line 25, strike out the quotation marks, including "... of this Act, the term 'socially and economically disadvantaged individual' means an individual whose net worth of such socially disadvantaged individual is..."

By Mr. MITCHELL of Maryland:
—Page 12, line 9, insert "(a)" after "(905.

On pages 12, 13, and 14, redesignate sub-sections (a) through (b) as paragraphs (1) through (7), respectively.

Page 44, after line 5, insert the following:
"(b)(1) The Secretary shall establish, by regulation, criteria...".

Page 44, after line 5, insert in lieu of paragraph (1) of this section the following:
"(b)(1) The Secretary shall establish, by regulation, criteria for selecting projects for assistance under this title. In deciding among applications for assistance under this title, the Secretary shall give primary consideration..."

"(A) the extent to which the proposed project will provide long-term private sector employment opportunities to residents of the area, particularly unemployed, long-term unemployed, low-income, and socially and economically disadvantaged individuals;"

"(B) the extent to which the proposed project will provide long-term employment opportunities to residents of the area, particularly unemployed, long-term unemployed, low-income, and socially and economically disadvantaged individuals;"

"(C) the level of private sector equity investment..."

"(D) the degree to which the proposed project will benefit socially and economically disadvantaged individuals and firms owned and controlled by such individuals."
applying for assistance under this Act, to demonstrate reasonable progress in providing socially and economically disadvantaged individuals with opportunities for participation in programs under this Act."

H.R. 2638
By Mr. BUCHANAN:

(To the amendment in the nature of a substitute reported by the Committee on Interstate and Foreign Commerce.)

On page 2, line 2, of the subtitle (as shown in H.R. 2638) strike out "and Reporting Act" and all that follows through page 28, line 21, and insert in lieu thereof the following:


<table>
<thead>
<tr>
<th>TITLE</th>
<th>VOLUNTARY HOSPITAL COST CONTAINMENT PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 100. National voluntary percentage limit.</td>
<td></td>
</tr>
<tr>
<td>Sec. 101. National voluntary percentage limit.</td>
<td></td>
</tr>
<tr>
<td>Sec. 102. State and individual voluntary percentage limit.</td>
<td></td>
</tr>
</tbody>
</table>

PART B—REVIEW OF PERFORMANCE DURING VOLUNTARY PERIOD


TITLE II—MANDATORY HOSPITAL COST CONTAINMENT PROGRAMS AND ENFORCEMENT

PART A—APPROVAL OF STATE MANDATORY PROGRAMS AND RELATED RESTRICTIONS

Sec. 201. Approval of State mandatory programs. Sec. 202. Funding of State mandatory programs. Sec. 203. Exemption of hospitals engaged in certain experiments or demonstrations.

PART B—ENFORCEMENT

Sec. 211. Conformance by certain Federal and State programs. TITLE III—STUDIES, ADMINISTRATIVE PROVISIONS AND DEFINITIONS

PART A—STUDIES AND REPORTS


PART B—ADMINISTRATIVE PROVISIONS

riods of the hospital (beginning with the first accounting period for which the election is made)—

(A) expenses attributable to charity care

(B) expenses attributable to bad debts

(2) For purposes of paragraph (1)

(A) the term “expenses attributable to charity care” means the account for the preceding year multiplied by the fraction of the accounting period that occurred in that preceding year

(B) expenses attributable to bad debts

For purposes of paragraph (2)

(1) if it has made reasonable efforts to collect such charges 

(ii) the amount of such savings

(ii) the amount of such savings

(b) (1) This subsection is enacted by Congress. The motion to discharge may be made with respect to any resolution with respect to the same report. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(2) The debate on a resolution referred to in subparagraph (A) shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to reconsider, the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

(3) Motions to postpone, made with respect to the discharge of a committee (or committees), or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

STATE HOSPITAL PERFORMANCE

SEC. 110. The Secretary, before July 1, 1980, and before July 1 of any succeeding year before 1984, shall determine whether the increase in hospital expenses in the United States for the preceding year exceeded the national voluntary limit for that year.
in that preceding year exceeded (or was less than) its expenses in its preceding accounting period increased by the State voluntary percentage limit for the accounting period. The Secretary shall not determine whether the increase in hospital expenses exceeded the State voluntary percentage limit for the period. The Secretary shall compute the sum of the dollar amounts of such savings for each hospital in the State, an amount equal to one-half of the dollar amount of such savings.

(1) For a year after 1979, if the sum is greater than zero, he shall announce that the increase in hospital expenses in the State for the preceding year exceeded the State voluntary limit for that year.

(ii) For a year after 1979, if the sum is equal to zero, the Secretary shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

(iii) For a year after 1979, if the sum is less than zero, he shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

The Secretary shall determine whether the sum is equal to or less than zero, and if it is not, he shall apply, against such sum and to the extent of such sum, any balance in the State carryforward account for the accounting period ending in such year.

In determination under this subsection for a year in which a hospital (as determined under subsection (a)) to which the Secretary determines that the program will be applicable to inpatient hospital services (other than revenues under title XVIII of the Social Security Act, unless approved by the Secretary)

(b) (i) For a year after 1979, if the sum is greater than zero, he shall announce that the increase in hospital expenses in the State for the preceding year exceeded the State voluntary limit for that year.

(ii) For a year after 1979, if the sum is equal to zero, the Secretary shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

(iii) For a year after 1979, if the sum is less than zero, he shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

The Secretary shall determine whether the sum is equal to or less than zero, and if it is not, he shall apply, against such sum and to the extent of such sum, any balance in the State carryforward account for the accounting period ending in such year.

In determination under this subsection for a year in which a hospital (as determined under subsection (a)) to which the Secretary determines that the program will be applicable to inpatient hospital services (other than revenues under title XVIII of the Social Security Act, unless approved by the Secretary)

(b) (i) For a year after 1979, if the sum is greater than zero, he shall announce that the increase in hospital expenses in the State for the preceding year exceeded the State voluntary limit for that year.

(ii) For a year after 1979, if the sum is equal to zero, the Secretary shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

(iii) For a year after 1979, if the sum is less than zero, he shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

The Secretary shall determine whether the sum is equal to or less than zero, and if it is not, he shall apply, against such sum and to the extent of such sum, any balance in the State carryforward account for the accounting period ending in such year.

In determination under this subsection for a year in which a hospital (as determined under subsection (a)) to which the Secretary determines that the program will be applicable to inpatient hospital services (other than revenues under title XVIII of the Social Security Act, unless approved by the Secretary)

(b) (i) For a year after 1979, if the sum is greater than zero, he shall announce that the increase in hospital expenses in the State for the preceding year exceeded the State voluntary limit for that year.

(ii) For a year after 1979, if the sum is equal to zero, the Secretary shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

(iii) For a year after 1979, if the sum is less than zero, he shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

The Secretary shall determine whether the sum is equal to or less than zero, and if it is not, he shall apply, against such sum and to the extent of such sum, any balance in the State carryforward account for the accounting period ending in such year.

In determination under this subsection for a year in which a hospital (as determined under subsection (a)) to which the Secretary determines that the program will be applicable to inpatient hospital services (other than revenues under title XVIII of the Social Security Act, unless approved by the Secretary)

(b) (i) For a year after 1979, if the sum is greater than zero, he shall announce that the increase in hospital expenses in the State for the preceding year exceeded the State voluntary limit for that year.

(ii) For a year after 1979, if the sum is equal to zero, the Secretary shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

(iii) For a year after 1979, if the sum is less than zero, he shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

The Secretary shall determine whether the sum is equal to or less than zero, and if it is not, he shall apply, against such sum and to the extent of such sum, any balance in the State carryforward account for the accounting period ending in such year.

In determination under this subsection for a year in which a hospital (as determined under subsection (a)) to which the Secretary determines that the program will be applicable to inpatient hospital services (other than revenues under title XVIII of the Social Security Act, unless approved by the Secretary)

(b) (i) For a year after 1979, if the sum is greater than zero, he shall announce that the increase in hospital expenses in the State for the preceding year exceeded the State voluntary limit for that year.

(ii) For a year after 1979, if the sum is equal to zero, the Secretary shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

(iii) For a year after 1979, if the sum is less than zero, he shall announce that the increase in hospital expenses in the State for the preceding year did not exceed the State voluntary limit for that year.

The Secretary shall determine whether the sum is equal to or less than zero, and if it is not, he shall apply, against such sum and to the extent of such sum, any balance in the State carryforward account for the accounting period ending in such year.
November 13, 1979

CONGRESSIONAL RECORD — HOUSE

32211

(3) The Secretary may waive requirements for reimbursement under title XVIII of the Social Security Act for hospitals that are State or local government hospitals, if the State or local government hospital cost containment programs approved under this section.

PENDING OF STATE MANDATORY PROGRAMS

SEC. 202. (a) The Secretary may make grants to States to assist them in planning, establishing, or operating State mandatory hospital cost containment programs.

(b) An application by a State for a State assistance under this section shall be in such form, substance, and manner as the Secretary determines necessary, as the Secretary may require.

(c) The Secretary shall determine the amount of any assistance provided under this section, and may make payment in advance or by way of reimbursement, and at such intervals and on such conditions as he finds necessary. Subject to appropriations, the Secretary may provide assistance in amounts up to 50 percent of the necessary expenses involved with the planning, establishment, or operation of such a program.

(4) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 301. (a) Subject to the appropriations made necessary by any provision of the Internal Revenue Code of 1954, the Secretary shall not be required, in connection with the planning, establishment, or operation of any demonstration program, experiment, or study not specifically authorized by law, to enforce all statutory or regulatory provisions with respect to the demonstration program, experiment, or study.

(b) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 202. (a) The Secretary may make grants to States to assist them in planning, establishing, or operating State mandatory hospital cost containment programs.

(b) An application by a State for a State assistance under this section shall be in such form, substance, and manner as the Secretary determines necessary, as the Secretary may require.

(c) The Secretary shall determine the amount of any assistance provided under this section, and may make payment in advance or by way of reimbursement, and at such intervals and on such conditions as he finds necessary. Subject to appropriations, the Secretary may provide assistance in amounts up to 50 percent of the necessary expenses involved with the planning, establishment, or operation of such a program.

(4) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 301. (a) Subject to the appropriations made necessary by any provision of the Internal Revenue Code of 1954, the Secretary shall not be required, in connection with the planning, establishment, or operation of any demonstration program, experiment, or study not specifically authorized by law, to enforce all statutory or regulatory provisions with respect to the demonstration program, experiment, or study.

(b) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 202. (a) The Secretary may make grants to States to assist them in planning, establishing, or operating State mandatory hospital cost containment programs.

(b) An application by a State for a State assistance under this section shall be in such form, substance, and manner as the Secretary determines necessary, as the Secretary may require.

(c) The Secretary shall determine the amount of any assistance provided under this section, and may make payment in advance or by way of reimbursement, and at such intervals and on such conditions as he finds necessary. Subject to appropriations, the Secretary may provide assistance in amounts up to 50 percent of the necessary expenses involved with the planning, establishment, or operation of such a program.

(4) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 301. (a) Subject to the appropriations made necessary by any provision of the Internal Revenue Code of 1954, the Secretary shall not be required, in connection with the planning, establishment, or operation of any demonstration program, experiment, or study not specifically authorized by law, to enforce all statutory or regulatory provisions with respect to the demonstration program, experiment, or study.

(b) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 202. (a) The Secretary may make grants to States to assist them in planning, establishing, or operating State mandatory hospital cost containment programs.

(b) An application by a State for a State assistance under this section shall be in such form, substance, and manner as the Secretary determines necessary, as the Secretary may require.

(c) The Secretary shall determine the amount of any assistance provided under this section, and may make payment in advance or by way of reimbursement, and at such intervals and on such conditions as he finds necessary. Subject to appropriations, the Secretary may provide assistance in amounts up to 50 percent of the necessary expenses involved with the planning, establishment, or operation of such a program.

(4) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 301. (a) Subject to the appropriations made necessary by any provision of the Internal Revenue Code of 1954, the Secretary shall not be required, in connection with the planning, establishment, or operation of any demonstration program, experiment, or study not specifically authorized by law, to enforce all statutory or regulatory provisions with respect to the demonstration program, experiment, or study.

(b) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 202. (a) The Secretary may make grants to States to assist them in planning, establishing, or operating State mandatory hospital cost containment programs.

(b) An application by a State for a State assistance under this section shall be in such form, substance, and manner as the Secretary determines necessary, as the Secretary may require.

(c) The Secretary shall determine the amount of any assistance provided under this section, and may make payment in advance or by way of reimbursement, and at such intervals and on such conditions as he finds necessary. Subject to appropriations, the Secretary may provide assistance in amounts up to 50 percent of the necessary expenses involved with the planning, establishment, or operation of such a program.

(4) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 301. (a) Subject to the appropriations made necessary by any provision of the Internal Revenue Code of 1954, the Secretary shall not be required, in connection with the planning, establishment, or operation of any demonstration program, experiment, or study not specifically authorized by law, to enforce all statutory or regulatory provisions with respect to the demonstration program, experiment, or study.

(b) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.

EXEMPTION OF HOSPITALS ENGAGED IN CERTAIN EXPERIMENTS OR DEMONSTRATIONS

SEC. 202. (a) The Secretary may make grants to States to assist them in planning, establishing, or operating State mandatory hospital cost containment programs.

(b) An application by a State for a State assistance under this section shall be in such form, substance, and manner as the Secretary determines necessary, as the Secretary may require.

(c) The Secretary shall determine the amount of any assistance provided under this section, and may make payment in advance or by way of reimbursement, and at such intervals and on such conditions as he finds necessary. Subject to appropriations, the Secretary may provide assistance in amounts up to 50 percent of the necessary expenses involved with the planning, establishment, or operation of such a program.

(4) The Secretary shall be authorized to be appropriated for assistance under this section $100,000,000 for the fiscal year ending September 30, 1980, and any funds appropriated in law for such assistance for the fiscal year ending September 30, 1979, shall be available and necessary for each of the three succeeding fiscal years.
and hereinafter in this section referred to as the "Board") if the amount in controversy is $10,000 or more and the request for such hearing is filed within one hundred eighty days after notice of the determination.

(b) (1) The provisions of subsections (c), (d), (e), (f), and (g) of section 1876 of the Social Security Act shall apply to hearings provided under subsection (a). In addition, the Board shall have the power to affirm or reverse any final determination (described in paragraph (2) of subsection (c) of section 1876 of the Social Security Act) (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.) in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

DETERMINATION OF RELATIVE EFFICIENCY OF HOSPITAL AND MEDICARE AND MEDICARE BONUSES FOR EFFICIENCY

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.) in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.

32212

SEC. 315. (a) The Secretary shall develop, and make available to hospitals, a system of grouping hospitals by appropriate characteristics, such as patient case mix and metropolitan area settings. He shall establish (and may from time to time revise), by regulation, a method of measuring or the group that provides for setting a group norm, defined in terms of all or certain hospital services (adjectives, nouns, etc.), in determining individual hospital efficiency under the method, the Secretary may take any action authorized to lower hospital inpatient utilization per capita in the area in which the hospital is located. The Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States.
CONGRESSIONAL RECORD—HOUSE

November 13, 1979

DEFINITIONS RELATING TO MARKETBASKET INCREASES

Sect. 323. For purposes of this Act:
(1) The term "percent increase in the national hospital wage-related marketbasket means, for a twelve-month period, sum of the products of—
(A) the average percentage increase in the United States in the price of each appropriate class (as determined by the Secretary) of goods and services (other than wage-related expenses and SHUR expenses) in the period over the price of the class in the preceding twelve-month period, and
(B) the average fraction (as computed by the Secretary from time to time) of the expenses of hospitals in the United States attributable to such class.
(2) The term "percent increase in the national hospital wage-related marketbasket" means, for a year, the product of—
(A) the average percentage increase in the wage-related expenses paid in the year over the wage-related expenses paid in the preceding year per employee per hour to employees (other than to doctors of medicine or osteopathy and to supervisors) of hospitals in the United States, and
(B) the average fraction (as computed by the Secretary from time to time) of the expenses of hospitals in the United States attributable to such wage-related expenses.
(3) The term "percent increase in the non-wage marketbasket" means, for an accounting period of a hospital, the sum of the products of—
(A) the average percentage increase in the wage-related expenses paid in the period over the wage-related expenses paid in the preceding year per employee per hour to employees (other than to doctors of medicine or osteopathy and to supervisors) of hospitals in the United States, and
(B) the fraction (as computed by the Secretary from time to time) of the hospital's expenses attributable to the class.
(4) The term "percent increase in the wage-related marketbasket" means, for a hospital for an accounting period, the product of—
(A) the average percentage increase in the wage-related expenses paid in the period over the wage-related expenses paid in the preceding period per employee per hour to employees (other than to doctors of medicine or osteopathy and to supervisors) of hospitals in the United States, and
(B) the fraction (as computed by the Secretary from time to time) of the hospital's expenses attributable to such wage-related expenses.
(5) The term "adjustment factor" means, for a hospital for an accounting period, a fraction with—
(A) the numerator equal to the sum of the fractions of the hospital's expenses (described in paragraph (3)(B)) attributable to the classes of goods and services described in such paragraph, and
(B) the denominator equal to the sum of the average fractions of expenses of hospitals in the United States (as announced under section 101(b) of the Federal Insurance Contributions Act (relating to reporting under a system for hospital uniform reporting)) for the expenses of medical care compensation, workmen's compensation, unemployment compensation, workmen's compensation (including unemployment compensation, workmen's compensation, and workers' compensation), and hospital operating expenses.

DEFINITIONS RELATING TO POPULATION CHANGES

Sect. 324. For purposes of this Act:
(1) The term "percent change in area
Follows through page 154, line 3 and insert in lieu thereof the following:

**TITLE II—STATE MANDATORY HOSPITAL COST CONTAINMENT PROGRAMS AND ENFORCEMENT**

PART A—APPROVAL OF STATE MANDATORY PROGRAMS AND EXEMPTIONS FROM RESTRICTIONS

Page 154, line 5, strike out "211" and insert in lieu thereof "212".

Page 156, lines 12 through 16 insert "322(3)".

Page 156, amend lines 11 through 16 to read as follows:

(c) (1) There shall be exempted from any restriction under section 115(d)(1) any amount equal to the limit prescribed under such program.

Page 157, line 15, strike out "212" and insert in lieu thereof "202".

Page 158, amend lines 14 through 17 to read as follows:

Sec. 303. The Secretary may exempt hospitals from the application of the restriction under section 115(d)(1) if he determines that—

Page 158, amend all that follows through page 166, line 11 and insert in lieu thereof the following:

**PART B—ENFORCEMENT**

Page 166, line 12 insert "222" and insert in lieu thereof "211".

Page 166, strike out the dash at the end of line 19 and all that follows through page 167, line 7 and insert in lieu thereof the following:

"which is exempted from a restriction under section 115(d)(1) because the hospital is located in a State with a mandatory hospital cost containment program approved under part A, to the extent that the reimbursement exceeds the limit prescribed under such program.

Page 167, strike out the dash on line 12 and all that follows through page 174, line 20.

Page 174, line 22, strike out "314" and insert in lieu thereof "313".

Page 178, line 15, strike out "315" and insert in lieu thereof "314".

Page 181, line 15, strike out "and shall not" and all that follows through "title II" on line 18.

Page 182, amend lines 20 through 23 to read as follows:

(d) restrictions under section 116(d)(1) on entering into agreements under section 116 of the Social Security Act shall not apply to agreements entered into for periods beginning after 1984 and

Page 183, line 23, strike out "315(b)" and insert in lieu thereof "314(b)".

Page 183, lines 4 and 8, strike out "314" and "314(c)(1)"; respectively, and insert in lieu thereof "313" and "313(c)(1)"; respectively.

Page 185, strike out line 7 and all that follows through page 189, line 2, and redesignate succeeding paragraphs accordingly.

Page 185, line 5, strike out "211" and insert in lieu thereof "210".

Page 188, strike out line 23 and all that follows through page 189, line 22, and redesignate succeeding paragraphs accordingly.

**TITLE III—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, strike out "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**PART B—ENFORCEMENT**

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**TITLE IV—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**TITLE V—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**TITLE VI—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**TITLE VII—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**TITLE VIII—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**TITLE IX—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:

**TITLE X—NATIONAL COMMISSION, STUDIES, ADMINISTRATIVE PROVISIONS, AND DEFINITIONS**

PART A—NATIONAL COMMISSION AND STUDIES

Page 171, insert after line 7 the following:

Page 189, line 17, insert "(d)" and insert in lieu thereof "(e)".

Page 188, strike out lines 1 through 4 and insert in lieu thereof the following:
EXTENSIONS OF REMARKS

A COCA-COLA WINDFALL?

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1979

Mr. MICHEL. Mr. Speaker, it is reported that the largest single donation ever made in the history of American philanthropy has been made by retired Coca-Cola Chairman Robert W. Woodruff. Mr. Woodruff has donated 3 million shares of Coca-Cola stock to Atlanta's Emory University. The gift is valued at $100 million. Every time Coca-Cola stock goes up $1, the endowment increases by $3 million.

I would assume that during the years Coca-Cola has been manufactured there have been many summers of more than average heat. During three summers more Coca-Cola was probably sold.

Is this not a form of windfall profits? After all, it was nothing that the Coca-Cola stockholders did that made people buy more Coca-Cola when it was hot and thirsty.

It was not an improvement in the product or reduction in the price. It could very well be argued that the company made its excess profits in those long hot summers through exploiting the thirst of millions.

I am surprised Jimmy Carter has never said that Coca-Cola has made windfall profits throughout the years. And that much of that profit should have been taxed so that a Government agency could be set up to devise new ways of dealing with the thirst problem.

Emory University can be thankful that Mr. Carter was with respect to hospitals located in Hawaii or in Alaska, shall make such adjustment in such percentage increase and shall take such action if any higher rate of increase in the prices of classes of goods and services in those States as compared with the rates in the United States.

Page 194, strike out line 17 and all that follows through page 195, line 13 and insert in line 14 the following:

"(1) Subject to subparagraph (B), the term "percent change in area population means, for an accounting period of a hospital, the higher of—"

(1) the percentage change in the size of the population of the Standard Metropolitan Statistical Area (as determined by the Office of Management and Budget, if any, in which the hospital is located in the year preceding the year in which the accounting period ends over the size of the population of such Area in the second preceding year, or

(ii) the percentage change in the size of the population of the county or county equivalent area (as recognized by the Bureau of the Census) in which the hospital is located in the year in which the accounting period ends over the size of the population of such county or area in the second preceding year, except that in no case shall such percent change be less than zero.

(3) In the case of a hospital located in a Standard Metropolitan Area, county, or county equivalent area which has a rate of increase in its population of persons sixty-five years of age or older for a year exceeding the rate of increase in the population of such persons in the United States for the year, the Secretary shall determine the amount of such difference and shall provide for an adjustment in the percent change in area population of the Area or of the county or county equivalent area (for purposes of clauses (i) and (ii), respectively, of subparagraph (A)) for the accounting period of the hospital ending in the year in which the Secretary, in carrying out the requirements of this subsection with respect to hospitals located in Hawaii or Alaska, shall make such adjustments as may be necessary to reflect the higher prices for classes of goods and services prevailing in each of those States."

Page 183, insert after line 15 the following new subparagraph:

"(B) An institution (i) organized and operated for the care of children and youth, and (ii) a majority of the inpatients of which are eighteen years of age or younger,"

Page 187, lines 18 and 19, strike out "(E)" and "(F)" respectively, and insert in lieu thereof "(E')" and "(F')", respectively.

Page 188, insert after line 17 the following new paragraph:

"(A) The term "hospital expenses", for purposes of section 1928(a), means SHUR expenses (as defined in paragraph (4))."

Page 188, line 18, strike out "(1)" and insert in lieu thereof "(B)".

Page 191, insert after line 6 the following new paragraph:

"(B) The term "SHUR expenses" means expenses incurred by a hospital only in order to comply with the requirements of sections 1931 (f) (1) and (4) of the Social Security Act (relating to reporting under a system for hospital uniform reporting)."

Page 191, line 7, strike out "(4)" and insert in lieu thereof "(5)".

Page 191, line 22, insert "or SHUR expenses" after "(4)".

Page 193, line 5, insert "or SHUR expenses" after "(4) (A)".